PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Wednesday, 7 May 2008

(Extract from book 6)

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By authority of the Victorian Government Printer

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Professor DAVID de KRETSER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Minister for Roads and Ports	The Hon. T. H. Pallas, MP
Minister for Education	The Hon. B. J. Pike, MP
Minister for Gaming, Minister for Consumer Affairs and Minister Assisting the Premier on Veterans' Affairs	The Hon. A. G. Robinson, MP
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Minister for Housing, Minister for Local Government and Minister for Aboriginal Affairs	The Hon. R. W. Wynne, MP
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Legislative Assembly committees

Privileges Committee — Mr Carli, Mr Clark, Mr Delahunty, Mr Lupton, Mrs Maddigan, Dr Napthine, Mr Nardella, Mr Stensholt and Mr Thompson.

Standing Orders Committee — The Speaker, Ms Barker, Mr Kotsiras, Mr Langdon, Mr McIntosh, Mr Nardella and Mrs Powell.

Joint committees

Dispute Resolution Committee — (*Assembly*): Mr Batchelor, Mr Cameron, Mr Clark, Mr Holding, Mr McIntosh, Mr Robinson and Mr Walsh. (*Council*): Mr P. Davis, Mr Hall, Mr Jennings, Mr Lenders and Ms Pennicuik.

Drugs and Crime Prevention Committee — (*Assembly)*: Mr Delahunty, Mr Haermeyer, Mr McIntosh, Mrs Maddigan and Mr Morris. (*Council*): Mr Leane and Ms Mikakos.

Economic Development and Infrastructure Committee — (*Assembly*): Ms Campbell, Mr Crisp and Ms Thomson. (*Council*): Mr Atkinson, Mr D. Davis, Mr Tee and Mr Thornley.

Education and Training Committee — (*Assembly*): Mr Dixon, Dr Harkness, Mr Herbert, Mr Howard and Mr Kotsiras. (*Council*): Mr Elasmar and Mr Hall.

Electoral Matters Committee — (*Assembly*): Ms Campbell, Mr O'Brien, Mr Scott and Mr Thompson. (*Council*): Ms Broad, Mr Hall and Mr Somyurek.

Environment and Natural Resources Committee — (*Assembly*): Ms Duncan, Mrs Fyffe, Mr Ingram, Ms Lobato, Mr Pandazopoulos and Mr Walsh. (*Council*): Mrs Petrovich and Mr Viney.

Family and Community Development Committee — (*Assembly*): Mr Noonan, Mr Perera, Mrs Powell and Ms Wooldridge. (*Council*): Mr Finn, Mr Scheffer and Mr Somyurek.

House Committee — (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Delahunty, Mr Howard, Mr Kotsiras, Mr Scott and Mr K. Smith. (*Council*): The President (*ex officio*), Mr Atkinson, Ms Darveniza, Mr Drum, Mr Eideh and Ms Hartland.

Law Reform Committee — (*Assembly*): Mr Brooks, Mr Clark, Mr Donnellan and Mr Foley. (*Council*): Mrs Kronberg, Mr O'Donohue and Mr Scheffer.

Outer Suburban/Interface Services and Development Committee — (*Assembly*): Ms Green, Mr Hodgett, Mr Nardella, Mr Seitz and Mr K. Smith. (*Council*): Mr Elasmar, Mr Guy and Ms Hartland.

Public Accounts and Estimates Committee — (*Assembly*): Ms Graley, Ms Munt, Mr Scott, Mr Stensholt, Dr Sykes and Mr Wells. (*Council*): Mr Barber, Mr Dalla-Riva, Mr Pakula and Mr Rich-Phillips.

Road Safety Committee — (*Assembly*): Mr Eren, Mr Langdon, Mr Mulder, Mr Trezise and Mr Weller. (*Council*): Mr Koch and Mr Leane.

Rural and Regional Committee — (*Assembly*): Ms Marshall and Mr Northe. (*Council*): Ms Darveniza, Mr Drum, Ms Lovell, Ms Tierney and Mr Vogels.

Scrutiny of Acts and Regulations Committee — (*Assembly*): Mr Brooks, Mr Carli, Mr Jasper, Mr Languiller and Mr R. Smith. (*Council*): Mr Eideh, Mr O'Donohue, Mrs Peulich and Ms Pulford.

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: Dr S. O'Kane

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JENNY LINDELL

Deputy Speaker: Ms A. P. BARKER

Acting Speakers: Ms Beattie, Ms Campbell, Mr Eren, Mrs Fyffe, Ms Green, Dr Harkness, Mr Howard, Mr Ingram, Mr Jasper, Mr Kotsiras, Mr Languiller, Mr Lupton, Ms Marshall, Ms Munt, Mr Nardella, Mrs Powell, Mr Seitz, Mr K. Smith, Mr Stensholt and Mr Thompson

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The Hon. J. M. BRUMBY (from 30 July 2007)
The Hon. S. P. BRACKS (to 30 July 2007)

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
The Hon. R. J. HULLS (from 30 July 2007)
The Hon. J. W. THWAITES (to 30 July 2007)

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Mr E. N. BAILLIEU

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:
The Hon. LOUISE ASHER

Leader of The Nationals:
Mr P. J. RYAN

Deputy Leader of The Nationals:
Mr P. L. WALSH

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Asher, Ms Louise	Brighton	LP	Lupton, Mr Anthony Gerard	Prahran	ALP
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Brumby, Mr John Mansfield	Broadmeadows	ALP	Munt, Ms Janice Ruth	Mordialloc	ALP
Burgess, Mr Neale Ronald	Hastings	LP	Napthine, Dr Denis Vincent	South-West Coast	LP
Cameron, Mr Robert Graham	Bendigo West	ALP	Nardella, Mr Donato Antonio	Melton	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Carli, Mr Carlo Domenico	Brunswick	ALP	Noonan, Wade Mathew [4]	Williamstown	ALP
Clark, Mr Robert William	Box Hill	LP	Northe, Mr Russell John	Morwell	Nats
Crisp, Mr Peter Laurence	Mildura	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
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Graley, Ms Judith Ann	Narre Warren South	ALP	Scott, Mr Robin David	Preston	ALP
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Helper, Mr Jochen	Ripon	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
Herbert, Mr Steven Ralph	Eltham	ALP	Sykes, Dr William Everett	Benalla	Nats
Hodgett, Mr David John	Kilsyth	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Holding, Mr Timothy James	Lyndhurst	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Thwaites, Mr Johnstone William [3]	Albert Park	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Tilley, Mr William John	Benambra	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Trezise, Mr Ian Douglas	Geelong	ALP
Ingram, Mr Craig	Gippsland East	Ind	Victoria, Mrs Heidi	Bayswater	LP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kosky, Ms Lynne Janice	Altona	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kotsiras, Mr Nicholas	Bulleen	LP	Weller, Mr Paul	Rodney	Nats
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Languiller, Mr Telmo Ramon	Derrimut	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Lim, Mr Muy Hong	Clayton	ALP	Wynne, Mr Richard William	Richmond	ALP

[1] Resigned 6 August 2007
[2] Elected 15 September 2007
[3] Resigned 6 August 2007
[4] Elected 15 September 2007

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WEDNESDAY, 7 MAY 2008

Wednesday, 7 May 2008

The SPEAKER (Hon. Jenny Lindell) took the chair at 9.34 a.m. and read the prayer.

NATIONAL GAS (VICTORIA) BILL

Introduction and first reading

Mr BATCHELOR (Minister for Energy and Resources) — I move:

That I have leave to bring in a bill for an act to establish a framework to enable third parties to gain access to certain natural gas pipeline services, to repeal the Gas Pipelines Access (Victoria) Act 1998, to consequentially amend the Federal Courts (State Jurisdiction) Act 1999, the Gas Industry Act 2001, the Interpretation of Legislation Act 1984 and the Pipelines Act 2005 and for other purposes.

Mr CLARK (Box Hill) — I ask the minister to provide a brief explanation of the various aspects of this bill.

Mr BATCHELOR (Minister for Energy and Resources) — The bill will implement in the energy sector the second phase of the national energy market reform program that has been initiated under the Council of Australian Governments. It is being undertaken by the Ministerial Council on Energy pursuant to the national agreement, the Australian Energy Market Agreement 2004.

Motion agreed to.

Read first time.

PUBLIC HEALTH AND WELLBEING BILL

Introduction and first reading

Mr ANDREWS (Minister for Health) — I move:

That I have leave to bring in a bill for an act to enact a new legislative scheme which promotes and protects public health and wellbeing in Victoria, to amend the Health Act 1958, the Food Act 1984 and certain other acts, to repeal the Health Act 1958 and consequentially amend certain other acts and for other purposes.

Mrs SHARDEY (Caulfield) — I ask the minister to give a brief explanation of the bill.

Mr ANDREWS (Minister for Health) — This is a comprehensive rewrite of the Health Act and will put in place a more modern and contemporary footing in relation to the protection of public health and the promotion of wellbeing and wellness right across the Victorian community. It comes after extensive consultation, the issuing of various papers a couple of years ago and much hard work. This will be a modern and far more contemporary legislative framework and architecture for the promotion of wellbeing and the protection of public health right across our state.

Motion agreed to.

Read first time.

DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) (REPEAL) BILL

Introduction and first reading

Ms NEVILLE (Minister for Mental Health) — I move:

That I have leave to bring in a bill for an act to repeal the Drugs, Poisons and Controlled Substances (Volatile Substances) Act 2003 and for other purposes.

Ms WOOLDRIDGE (Doncaster) — I ask the minister to provide a brief explanation of the bill.

Ms NEVILLE (Minister for Mental Health) — This bill will remove a sunset clause and will ensure that as part of the act there is a permanent provision to provide a health and wellbeing response to young people who are at risk because of the use of volatile inhalant substances.

Motion agreed to.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 26 to 29 and 152 to 181 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

PETITION

Following petition presented to house:

Knox Private Hospital: redevelopment

To the Legislative Assembly of Victoria:

The petition of the residents of the area of the Knox Private Hospital bounded by Mountain Highway and Boronia Road, Wantirna, in the state of Victoria draws to the attention of the house that, from its establishment as a bush hospital to a

large, profit-making private facility, Knox Private Hospital has undergone many developmental stages and has begun to encroach on the surrounding residential streets thus changing the amenities and livability of the neighbourhood.

The petitioners therefore request that the Legislative Assembly of Victoria resolve that the Minister for Planning should investigate the Knox Private Hospital's compliance with former VCAT rulings and stop any further development which encroaches upon the residential neighbourhood.

By Mrs VICTORIA (Bayswater) (151 signatures)

Tabled.

Ordered that petition be considered next day on motion of Mrs VICTORIA (Bayswater).

DOCUMENTS

Tabled by Clerk:

Auditor-General:

Annual Plan 2008–09

Victoria's Planning Framework for Land Use and Development, together with the Planning Permit Application: Assessment Checklist and Planning Scheme Amendment: Assessment Checklist — Ordered to be printed.

JOINT SITTING OF PARLIAMENT

Senate vacancy

The SPEAKER — Order! I have received the following message from the Governor:

The Governor transmits to the Legislative Assembly a copy of a dispatch which has been received from the Honourable the President of the Senate notifying that a vacancy has happened in the representation of the state of Victoria in the Senate of the commonwealth of Australia.

Mr BATCHELOR (Minister for Community Development) — I move:

That this house meets the Legislative Council for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Robert Francis Ray and proposes that the time and place of such meeting be the Legislative Assembly chamber on Thursday, 8 May 2008, at 12.45 p.m. or at the conclusion of the Legislative Council question time, whichever is the later.

Motion agreed to.

Ordered that message be sent to Council informing them of the resolution and requesting their agreement.

MEMBERS STATEMENTS

Government: advertising

Ms ASHER (Brighton) — I call on the government to cease its disgraceful taxpayer-funded political advertising campaign on water, a campaign it launched in April 2008. In part it is a press campaign rebutting so-called water myths. The problem is the source of these myths — either from the ALP or as a rebuttal of a coalition position. I quote from an article written by the former Minister for Water, Environment and Climate Change, John Thwaites, on 23 January 2007, which reads:

Fact — industry, including shopping centres, hospitals and sports facilities, uses 30 per cent of Melbourne's water while households use 60 per cent.

The previous minister ran taxpayer-funded ads reflecting this position. However, the current minister has a different view. He is now running an ad titled 'Water myth 3':

Myth — people in Melbourne use most of Victoria's water.

Fact — Melbourne's households use less than 7 per cent of Victoria's water …

We now have a circumstance where the previous minister set up a myth as a fact and used taxpayers money to promote it, and now the current minister is saying it is the reverse. I also note that myth 4 is as follows:

Melbourne is going to steal water from irrigators using the Sugarloaf pipeline.

That is not a myth; that is a political argument put forward by the Liberal-National party coalition, and the government is now using taxpayers funds to advertise against — —

The SPEAKER — Order! the member's time has expired.

Anzac Day: Bellarine electorate

Ms NEVILLE (Minister for Mental Health) — It was an honour to once again join with local ex-service men and women and many members of the Bellarine community to commemorate and celebrate Anzac Day this year. The day began with the traditional dawn service at Fort Queenscliff, and I was pleased to be invited to share it with members of the Queenscliff-Point Lonsdale RSL.

The large crowd of about 3000, which gathered before dawn broke, included those who served in the armed

forces in World War II, Korea and Vietnam. Families and friends attended, and there was a strong contingent of schoolchildren and younger people who have taken the spirit of Anzac to heart. As the member for Bellarine I was honoured to have the opportunity to lay a wreath during the service. The service itself was followed by the traditional gunfire breakfast. Congratulations to Colonel Bruce Murray, the commanding officer, and his staff; and to the Queenscliff-Point Lonsdale RSL president, Richard Williams; the chaplain and honorary secretary, David Lamont; and members of the committee, for their hard work and commitment to making this such a special occasion.

Later in the morning I was pleased to participate in the Anzac Day memorial service held in Portarlington. This was also very well attended, with the biggest crowd ever recorded. The service was a moving tribute to those who lost their lives and an opportunity to honour the service that was given by so many from our local community. Thanks to ladies president, Eileen Sharp, and her team for the wonderful lunch that followed the service, and congratulations and thanks to all those involved from the Portarlington-St Leonards RSL, in particular the president, Brian Bergin; the secretary, Bruce Walters; and the committee. The tremendous effort of RSL committees and members across Bellarine ensured — —

The SPEAKER — Order! The member's time has expired.

Weeds: control

Mr JASPER (Murray Valley) — One of the issues of major concern for people living in country Victoria and municipalities is the control and eradication of noxious weeds. In particular they are concerned about who is responsible for the implementation of control measures and the current confusion where it appears local government is being loaded with additional burdens by the state government. With a huge reduction in staff and the closure of country offices of the Department of Primary Industries, officers are greatly restricted in their activities. The state government is now abdicating its responsibility and seeking to force municipalities to shoulder the extra burden of weed and pest animal controls on local roads without appropriate funding support.

Seeking further clarification I wrote to the Shire of Indigo, the Department of Primary Industries and the Minister for Agriculture following representations I received from landowners who are concerned with the lack of support for weed eradication on local roads and Crown land areas. The department confirms that the Catchment and Land Protection Act establishes responsibility for managing land and indicates that local government and VicRoads are responsible for pest plant and animal control programs on roads.

The Indigo shire confirms actions are being taken in town areas for weed control, together with education and incentive programs; however, the response from the minister clearly pushed responsibility back to municipalities in large measure for weed control. The government must provide appropriate funding to attack this critical issue and clarify who is responsible in specific areas — —

The SPEAKER — Order! The member's time has expired.

Oakleigh Centre: facilities

Ms BARKER (Oakleigh) — I was very honoured to be asked to officially open the new community building at the Oakleigh Centre on 21 April. The Oakleigh Centre is a not-for-profit community service organisation founded in 1950 and it has provided ongoing quality services to a very large number of people with special needs, with many of them having been with the Oakleigh Centre since the organisation's early days. The chief executive officer of the centre, Mr Robert Preston, and the dedicated board members under the presidency of Alistair McDonald, have worked very hard over recent years to forge a new path by developing much-needed plans for the future, including new programs and, importantly, new buildings to ensure the implementation of their community inclusion philosophy. Part of the redevelopment is the new community building, which will house the centre's administrative wing and provide new rooms for activities. Importantly, this beautiful building has other rooms which will provide greater opportunities for the broader community to also participate in a range of activities. I congratulate Robert and the board for undertaking this $5 million redevelopment utilising their own resources together with substantial fundraising.

Last year the state government announced a contribution of $2 million for the new building. With much of the funding for the community centre gained through fundraising contributions, the Oakleigh Centre framed the government's capital funding as a contribution towards the total redevelopment rather than only being linked to the community centre. This has enabled the centre to begin the accommodation redevelopment by purchasing a property to develop for one of the offsite houses. Following the opening Robert

announced that, having been with the centre for 10 years, he would retire in July. While we are very sad that Robert is leaving us, we wish him well for the future and thank him for his dedicated commitment during his tenure, which has started the redevelopment of the Oakleigh Centre.

Bridge Road, Richmond: clearway

Mr MULDER (Polwarth) — The Premier must immediately instruct the Minister for Roads and Ports and the Minister for Small Business to meet with the Bridge Road traders before tomorrow's planned shutdown of Bridge Road by the traders occurs. This new form of negotiation with the Brumby government comes courtesy of the incompetent Minister for Public Transport, who refused to meet with angry taxidrivers protesting over lack of safety screens in their cabs, which caused a sit-in at Flinders Street last week and mass disruption to the city. The screens were promised by Labor as far back as 2006.

Melbourne cannot afford to be labelled a city of sit-down protests. Unless the Minister for Roads and Ports and the Minister for Small Business intervene, that is what will occur. Last week's ambush announcement against small business operators of the extension of clearway times outside their business premises, without even the basic decency of notification, consultation or an accompanying announcement that strategies would be put in place to help these businesses survive this brutal attack by the Minister for Roads and Ports, reeks of an uncaring and arrogant government whose members are prepared to steamroll Victorians who get in their way.

Is this what it has come to in this state? Each and every time we have a dispute those affected simply sit down in the street and wait for the minister to turn up, or, in the case of the taxidrivers dispute, have the opposition lead a delegation to the minister for transport's ivory tower whilst Melburnians' lives are turned upside down.

Equity Valet Parking: Australian workplace agreements

Mr FOLEY (Albert Park) — The Office of the Workplace Rights Advocate has released the results of his investigation into the operation of Australian workplace agreements used by a company calling itself Equity Valet Parking. These AWAs were used by this company to win a tender for Qantas's high-value valet parking services at airports. They were offered on a take-it-or-leave-it-basis to all existing employees in the dying days of the WorkChoices regime. The workplace rights advocate finds that in the space of a few short weeks the company introduced three different versions of its AWAs to all of its employees on a take-it-or-leave-it basis. The AWAs sought to remove conditions previously enjoyed by the staff under their collective agreement, particularly in the areas of overtime, removal of core award community conditions, reduction of Australian standard workplace conditions dealing with unpaid parental leave, the right to return to work on a part-time basis for new parents, the loss of penalty rates, overtime, shift loadings and other conditions — all far outweighing the alleged base rate increases attached to the agreement.

There are other arrangements, such as fines of $100 for any worker who is involved in a car accident. I call upon the federal workplace ombudsman to review these agreements to establish that they comply with the fairness test, and on Qantas to look at the activities of its new rogue contractor Equity Valet Parking and consider its own position in the public face of its high-value customers, and on Equity Valet Parking to do the decent thing and withdraw these agreements.

Racing: bookmakers

Dr NAPTHINE (South-West Coast) — I call on the Minister for Racing to stop procrastinating and immediately introduce a package of measures to save Victorian bookmakers and allow them to compete openly and fairly with corporate betting agencies and bookmakers operating from other states and particularly the Northern Territory. In Victoria bookmakers must physically be at the racetrack to accept bets by phone or on the internet, even when the bet is made on a race or events somewhere else. This means Victoria bookmakers cannot operate on a 24/7 basis as their interstate competitors can. It means Victorian bookmakers must drive hundreds of kilometres to stand at a racetrack to bet with their Melbourne clients over the phone. This must change.

We also need changes to allow Victorian bookmakers to raise external share capital; to abolish the law preventing Victoria bookmakers from hedging their bets with betting exchanges like Betfair; and to provide a competitive taxation and turnover payment rate for Victorian bookmakers, which currently pay 1 per cent in Victoria compared to only 0.3 per cent in the Northern Territory. Victoria is losing bookmakers, jobs, turnover and dollars from the racing industry and our state economy because of this minister's failure to act and because of our outdated laws. The minister is sitting on the report of the bookmakers reform working party. The minister must stop procrastinating and do

something to save Victorian bookmakers and help Victorian racing.

Budget: Sunbury day hospital

Ms DUNCAN (Macedon) — I rise in support of the state budget. While there were many great things in this year's budget, one in particular I am very pleased with is the allocation of $14 million for the Sunbury day hospital. The budget funding commitment comes just a month after the Minister for Health announced the Ardcloney site on Macedon Street as the location for the long-awaited hospital. This government made a pledge to build day hospital facilities for the fast-growing areas of Sunbury and surrounds. This funding allocation confirms this commitment. This allocation comes on top of $1 million in last year's budget to plan this hospital. This year's budget will complete the funding for the project. I am sure the community looks forward to this great facility being opened.

The Sunbury day hospital will give residents a facility for the treatment of a range of health conditions that require specialist medical care but do not require an overnight stay in hospital. The Sunbury day hospital will provide specialist medical care including diagnostics, pathology, rehabilitation and day surgical procedures. The funding to the day hospital has been committed as part of a $448 million capital boost in the state budget to rebuild Victoria's hospitals and health services.

I am proud to be part of a government that has made a long-term commitment to investing in hospitals and in rebuilding Victoria's public health system. This new facility builds on this government's commitment to health services in Sunbury. This government completed the construction of the Sunbury community health centre in 2002. The day hospital will be located across the road from this community asset.

Budget: regional and rural Victoria

Dr SYKES (Benalla) — On the information provided so far, there is very little in this budget for country Victorians. Country schools will continue to crumble because of the lack of maintenance funding. Country hospitals will continue to have to scrimp and save, and country lives will continue to be put at risk because of the lack of investment in country roads and the failure to maintain and upgrade country railway level crossings. Country rail travellers will continue to be frustrated by train delays and continue to endure uncomfortable travel conditions in antiquated carriages. It would also appear this budget assumes that the drought has broken, as the Treasurer also wrongly assumed last year. In relation to water, the $600 million commitment to the food bowl upgrade is welcome, but it should not come with the additional cost of piping water from a dry northern Victoria to meet Melbourne's burgeoning water needs.

It is interesting to note that while the government appears to be proceeding with the decommissioning of Lake Mokoan, it does not appear to have increased its budget allocation of $84 million to cover the projected cost blow-out to $127 million. Nor has the government made any commitment to the $30 million required to rehabilitate and revegetate Lake Mokoan post decommissioning.

Whilst it comes as no shock, it is extremely disappointing that the main focus of the budget is on Melbourne, with country Victorians again being left out in the cold. I call on the government to live up to its claim that it governs for all Victorians and to commit adequate funding to services and infrastructure in country Victoria.

Road safety: hoons

Mr LIM (Clayton) — It gives me great pleasure to rise today as a member of the Brumby government. As everyone in this place would agree, it is of vital importance that we as a state do our best to lower the road toll. I have risen many times in this chamber to speak about hoon drivers. Victoria has been a leader in traffic safety dating back to the introduction of compulsory seatbelts, which were a world first.

The establishment of Victoria's hoon laws, which were introduced in July 2006, have helped make Victoria a safer place to live, work and raise a family. Figures released in April show that almost 2000 P-plate drivers and 191 learner drivers have had their cars confiscated for 48 hours under Victoria's hoon laws. Since the introduction of the laws, 4393 cars have been confiscated by Victoria Police, with 1954 being probationary licence-holders. Whilst these figures show the effectiveness of the laws in getting dangerous drivers off the road, the real test is whether or not they are an effective deterrent. It is with pleasure that I inform the house that they are proving to be just that, with only 168 repeat offenders. It is, however, still disappointing that such a large number of drivers require their car to be confiscated in the first place to get the message that that sort of driving is unacceptable.

Budget: Evelyn electorate schools

Mrs FYFFE (Evelyn) — I ask the Minister for Education to provide the timetables and amounts of the share of the $20 million in extra funding announced in the budget that will be provided to schools in my electorate such as Seville, Wandin Yallock and Manchester primary schools and the Mount Evelyn middle school campus of Pembroke College, all of which are in need of major maintenance and refurbishment but were not highlighted in yesterday's budget papers.

Hereford and York roads, Mount Evelyn: pedestrian crossings

Mrs FYFFE — I draw to the house's attention the government's lack of action in providing a safe crossing at Hereford Road, Mount Evelyn. It is especially hard for elderly persons and children to cross without risking their lives. Earlier this year one child was almost hit by a car. Small children who are frightened of large vehicles tend to panic when they reach the middle of the road and so bolt to the other side, often without looking out for oncoming traffic. VicRoads has been asked repeatedly to consider pedestrian improvements to Hereford Road. Five years ago residents were told that a proposal to improve the safety of this state-managed road was in the works. We are still waiting. I urge the government to commit to making the installation of a safety refuge in the middle of Hereford Road a priority before someone gets seriously injured or killed.

York Road in Mount Evelyn has been promised a pedestrian crossing and funding has been provided by the federal government. I ask VicRoads to get moving and to get this crossing built. The people of Evelyn are tired of waiting for something that was promised quite a while ago. It is important for the people of Mount Evelyn that the crossing in York Road be built as promised.

Rotary Club of Torquay: 20th anniversary

Mr CRUTCHFIELD (South Barwon) — On Friday, 2 May, my wife and I attended the 20th birthday celebrations of the Rotary Club of Torquay held at the Crowne Plaza in Torquay. It was a wonderful night, with representatives from many Torquay community groups joining Rotarians and their friends in the celebration of 20 years of service to the community of Torquay. Early in 1988 Dick Browne of the Rotary Club of Grovedale conducted a survey within the township of Torquay with the aim of establishing a Rotary club. This survey resulted in the forming of the Rotary Club of Torquay with 25 members on 7 March 1988. The club was admitted to Rotary International on 19 April 1988. To this day members of the Rotary Club of Grovedale continue their close liaison with Torquay.

I acknowledge all the past presidents: Stan Boyle, Jeff Binder, Don Ward, David Lee, Charlie Matthews, Chris Sims, Howard Randall, Geoff Dawson twice, Mal Slater, Mary Elliott, Trevor Brown, Michael Reed, Maggie Isom, Rob Emmett, Graeme Price, Chris Fryar, Karin Papworth and Darrel Brewin. I also acknowledge the 25 charter members: John Ainsworth, Jeff Binder, Stephen Bourns, Stan Boyle, Tom Chettle, Geoff Dawson, Eric Faulkner, Alan Howard, Neil Howard, Tony Iacono, Andrew Kay, Alan Lee, David Lee, Maurice Lee, Charlie Matthews, Rob Peters, John Richards, Chris Sims, Malcolm Slater, Steven Slater, Graham Smith, John Steel, Don Ward, Ron Worland and Peter Zwagerman.

Finally, to the current president, Greg Plumridge, and his members I say, 'Well done! It was a great night, and may there be many more'.

Manchester and Lincoln roads, Mooroolbark: pedestrian crossings

Mr HODGETT (Kilsyth) — I wish to raise the matter of pedestrian safety in Mooroolbark and in particular the need for pedestrian crossings in and around the Mooroolbark area. The area of concern for pedestrian safety is along Manchester and Lincoln roads, Mooroolbark, around the area known as the five-ways intersection. Before the Mooroolbark Primary School closed, school crossings existed on Lincoln and Manchester roads in the vicinity of the school site. These crossings were used not only by school children during school hours but also by pedestrians outside school hours. Although the crossings were not supervised outside school hours and were not the standard VicRoads pedestrian crossings, drivers were aware of their existence and they provided safe points for pedestrians to cross those roads.

Following the closure of Mooroolbark Primary School some years ago, both school crossings have been removed, including the lines on the road, fencing, posts and all, with the result that there are no established safe crossings for pedestrians in this area of Mooroolbark. I invite the Minister for Roads and Ports to investigate this matter with a view to funding the installation of pedestrian crossings in or close to these locations in Mooroolbark to ensure the safety of people crossing these busy roads.

Family violence: Mooroolbark forum

Mr HODGETT — On another matter, I wish to inform people that a family violence forum will be held on 20 May 2008 at the Mooroolbark Community Centre. It is important to raise awareness that domestic violence is a major issue in the community.

Ben Joy

Mr HODGETT — Finally, I congratulate Ben Joy on winning the subject prize for financial management at the Lilydale campus of Swinburne University, sponsored by the Mooroolbark Community Bank.

Dhamma Sarana Temple, Keysborough

Mr PERERA (Cranbourne) — On 27 April I had the opportunity to participate in the foundation stone-laying ceremony for the shrine hall in Dhamma Sarana, a Buddhist temple in Keysborough. I was told that about 2000 people from across Victoria attended the ceremony.

As one of the south-eastern state government MPs, I am pleased to note that this centre is open to anybody who wishes to make use of it. The centre will provide classes entirely free of charge in meditation, anger management, and developing compassion and forgiveness. It is a community facility in the true sense, built and operated by the Dhamma Sarana Temple with no cost to the public purse. This is a place that brings peace and serenity to the mind.

I congratulate the chief incumbent of the temple, Naotunne Vijitha Thero; the president, Daya Samarakoon, Badra Samarakoon, the committee of management and the many volunteers who carry out the tireless task of building and operating a facility that is so valuable to the community. This is a great facility. I invite people from all faiths to utilise it.

Electricity: multiple sclerosis concession

Mr CRISP (Mildura) — I have recently met with representatives of the Mildura Parkinson's disease support group, who requested that the current 17.5 per cent reduction on summer electricity bills for sufferers be raised to 25 per cent. This concession is called the summer multiple sclerosis concession, and is offered in recognition that many individuals who suffer from multiple sclerosis have an inability to regulate their own body temperature and therefore require the use of air conditioning in summer. Other qualifying medical conditions are Parkinson's disease, motor neurone disease and quadriplegia, amongst others.

Because they are unable to regulate their body temperatures, many sufferers of these conditions tend to stay inside during summer, especially during the hot summers we have in the Mallee. I ask the health minister to consider action to raise the current rebate of 17.5 per cent to 25 per cent and to also increase the summer period covered by the rebate from three months to four months to ensure that the hot month of March is included in the summer period.

With the cost of energy programmed to rise above the consumer price index rise, the cost of controlling body temperature has become a considerable impost for sufferers of these diseases — those in our community who are physically weakest and deserve the most protection.

Member for Gembrook: mobile office

Ms LOBATO (Gembrook) — Over the last couple of months I have continued to conduct mobile offices throughout the Gembrook electorate to ensure accessibility for my constituents. This very simple method of ensuring that my communities have their say about issues important to them has been well received for more than five years now. Recently I have conducted many meetings in public halls, community houses, libraries and even at the Puffing Billy railway station. Countless numbers of constituents have met with me in Belgrave, Belgrave South, Emerald, Cockatoo, Gembrook, Woori Yallock, Yarra Junction, Warburton, Upper Beaconsfield, Nar Nar Goon North and Pakenham Upper.

Issues that have been raised with me over the last few weeks have included disability issues, raised particularly by those seeking special needs assistance for their children; local and state roads; and the state of our schools, particularly in the Upper Yarra region. I have received an unprecedented number of representations in relation to environmental and water issues, with many people sharing their concerns relating to the introduction of genetically modified crops. I thank the individuals and organisations that have hosted my mobile offices, and I look forward to my next mobile offices being conducted at Edrington Park and Fiddlers Green retirement villages next week.

Country Fire Authority: Wesburn-Millgrove brigade

Ms LOBATO — On Sunday I was honoured to attend and speak at the celebration of the 60th anniversary of the Wesburn-Millgrove brigade of the Country Fire Authority. Today I again congratulate all past and present members and express my gratitude

to them and their families along with all the most supportive organisations that contribute to the brigade so that they may continue to protect residents — —

The DEPUTY SPEAKER — Order! The member's time has expired.

Member for Warrandyte: committee resignation

Mr R. SMITH (Warrandyte) — I rise to inform the Parliament of my intention to resign from the Scrutiny of Acts and Regulations Committee. I am seriously concerned about the committee using its government numbers to rubberstamp a bill that the committee was recently under the parliamentary obligation to scrutinise.

These concerns have culminated in my intention to resign from the committee due to this recent incident, which because of the restrictions placed on me in discussing committee business under the Parliamentary Committees Act 2003 I am unable to divulge to the Parliament in any detail. Suffice it to say there has been in my mind a suggestion of inappropriate interference in the workings of the committee by the executive government. I have profound and significant concerns that the processes of the committee are not being adhered to in a fitting manner, and further about whether the confidentiality of the committee's deliberations is intact.

The Scrutiny of Acts and Regulations Committee is a significant mechanism that the Parliament has to hold government to account. If the operations of this committee are in question, then Victorians can have no confidence that the government is allowing itself to be scrutinised. I was pleased and privileged to be appointed to the committee and firmly believed I had a great deal to offer in holding the government to account on behalf of Victorians. It saddens me that the recent actions of the chair and other government members of the committee have led me to conclude that because of the government's majority on the committee, opposition members can have little effect on the proper scrutiny of government and that, as happened in the most recent incident, proper scrutiny is totally frustrated.

Women: respect

Ms MORAND (Minister for Women's Affairs) — I would like to put on record my frustration at the denigration of women that continues to occur in some parts of the media. I understand that prime time television shows want to be controversial and get an audience, but the producers of the *Footy Show* have allowed an audience to be pursued at the expense of the depiction of women. It is a matter of ratings above respect. Everyone female and male I have spoken to about the disgraceful episode in which a mannequin was dressed with a photo of a respected female journalist on its face thought it was just not funny and was offensive. The *Footy Show* is always on at my place as I, like many others, live in a household that loves footy. My 15-year-old daughter watches the show and loves to go to the footy. What sort of messages is she getting?

If you look into the crowd at any game on a weekend, you will see that around half of the footy fans are female. Football is a big business, so the notion that women do not serve any purpose on footy boards is an insult to all women who serve on them. The Brumby government recognises the equal value that women bring to boards and wants to give women the recognition they deserve. Our objective is to increase the number of women on boards and to raise the profile of the contribution that women make on boards and in the community. We are setting the example by achieving our goal of 40 per cent women on government-appointed boards. We have great women chairing major government boards such as the Victorian WorkCover Authority and great women have been appointed to the position of secretary of some of our biggest government departments, such as the Department of Human Services, with a budget of over $13 billion. Its time to call misogyny what it is and to drag a few Neanderthals into the 21st century, where most of us are already living.

Golden Way–Bulleen Road, Bulleen: traffic lights

Mr KOTSIRAS (Bulleen) — I call upon the government to provide funds to install traffic lights at the intersection of Golden Way and Bulleen Road, Bulleen. Despite my having raised this matter on numerous occasions, the government is ignoring the needs of people living in the city of Manningham. I raised the issue of this intersection in Parliament in 2004 and 2007. Unfortunately the Minister for Roads and Ports refuses to come to the electorate of Bulleen to see how dangerous it is when our senior citizens attempt to make a right-hand turn from Golden Way into Bulleen Road. It is very difficult, and it will not be long before someone gets seriously hurt.

I call upon the government to provide funds to install traffic lights at this intersection. I think it would cost approximately $400 000 to install lights. The intersection is dangerous — the local council has said it

is dangerous — yet this government will do absolutely nothing for the people of Manningham; it has done absolutely nothing for Manningham for the last eight years. The government has given up on the residents of Bulleen and Doncaster because it thinks it cannot win a seat in the area. That is why it is not prepared to provide a single cent for the upgrading of dangerous roads in Templestowe and Bulleen. I call on the minister to at least visit Bulleen to see how dangerous the intersection is. When government members decide to visit Bulleen they come after dark and distribute no press releases to ensure — —

The DEPUTY SPEAKER — Order! The member's time has expired!

Heidelberg: pedestrian safety

Mr LANGDON (Ivanhoe) — I congratulate the Heidelberg shopping centre for its effective campaign. In particular I congratulate Kim Gibb, the manager, and Dean Turner, the president, on their persuasive powers in getting a new pedestrian crossing installed outside Leo's supermarket. They are also getting $200 000 for the Heidelberg sustainability hub, so there will be a combination of pedestrian safety and the new hub.

In addition to that we have managed to get a school crossing supervisor in Heidelberg for the St John's Primary School in Yarra Street, which is something I am very pleased to have persuaded the government to fund. We are making the entire area a pedestrian-friendly place, with a pedestrian crossing, a school crossing and this sustainability hub. I would like to commend the Heidelberg Central Traders Association for all its work behind the scenes, and for getting the council and the state government on board. These things do not just happen by accident. A lot of careful planning goes into them. I congratulate the association, as I said, for all its work in making sure that Heidelberg is a great place to live, work and raise a family.

MATTER OF PUBLIC IMPORTANCE

Local government: government performance

The DEPUTY SPEAKER — Order! The Speaker has accepted a statement from the member for Shepparton proposing the following matter of public importance for discussion:

> That this house expresses its concern at the Victorian government's continuing and destructive attacks on local government and local government councillors, which are designed to weaken the authority of local government and reduce its capacity to advocate on behalf of local communities where such advocacy conflicts with state government agendas, including:
>
> (1) cost shifting by state governments to local councils;
>
> (2) the reduction of planning powers of councils and councillors;
>
> (3) an unsatisfactory electoral review process designed to weaken continuity in local governance; and
>
> (4) the imposition of requested and unworkable zoning changes to local planning schemes.

Mrs POWELL (Shepparton) — I am pleased to speak on this matter of public importance. The opposition expresses its concern about the continued destructive attacks on local government and local councillors; it needs to be stopped. Many members in this place have either worked for local government or have been a councillor or a mayor, and they understand the importance of local government. Local government, when it works well, is the best proponent for local communities; it is the voice of local communities, and we have to make sure we can hear that voice for local communities.

The Brumby government boasts about enshrining local government in the Victorian constitution, but it continues to weaken local government. It does that by stripping local government of its powers when it suits it, it does it by undermining its authority, it starves local government of funds, while at the same time it increases the responsibility of local government for state government programs without the appropriate funds.

It is not just the opposition which is concerned. A number of councils are concerned and in fact the Auditor-General is very concerned. In the Auditor-General's report of February 2008, which contains the results of the 2006–07 local government audits, it says:

> We conducted an analysis of all 79 local councils against five indicators of financial sustainability. Our review included looking at each council's results for the past five financial years as well as looking forward using each council's three-year strategic resource plans.
>
> The results of our analysis show that three councils are at a high risk of not being sustainable in the medium to long term. A further 18 councils are rated as moderate risk.

This is a huge concern, and it should be for this government. In the broad scheme of things we are talking about 21 councils that are not sustainable, that are reliant on grants from the government. If they do not get those grants, obviously the only other action for them is to increase rates or reduce services. Many

councils at the moment are going through some tough times and are going through drought. That capacity to increase rates is just not there, and it is not fair on the communities.

One of the areas that the Auditor-General talks about, which is also one of local government responsibility, is regional library corporations (RLCs). I remember when the payment to libraries was a fifty-fifty split between state government and local councils. Now the Auditor-General says:

> An analysis of the composition of revenue for 2006-07 for RLCs shows that 62 per cent of RLC funding comes from council contributions, and 29 per cent from government grants.

It is appalling that this state government has reduced its funds and now local government has to pick up the tab. The biggest issue for councils is this cost shifting from the state government onto local government. The MAV (Municipal Association of Victoria) has done many reports in the past criticising the state government for its lack of funding. At one stage there was a shortfall of about $40 million that the state government had not paid to enable local governments to carry on their services.

Some of the other cost-shifting issues relate to legislation the government has brought in; legislation like the Road Management Bill which has put a huge burden on councils. They have had to increase the number of inspectors and inspections, do audits and prepare plans, and not one cent more goes on roads. What we are looking at is making sure that councils have appropriate and safe roads that the public can travel on, not congested roads. Councils in areas with bridges are even further disadvantaged because you cannot close a bridge; you have to have a bridge open. The imposition of the Road Management Act, which this government brought in, is a huge burden on our councils. The government has known about this problem with roads for years; we have warned it for years that this would be an issue, and it has still not been dealt with.

The other issue is roadside weeds. For four years the councils have been saying to the state government, 'Could you fix this problem?'. Nobody knows who is responsible for roadside weeds, and while the government is talking the weeds are growing and taking over many of our communities. This is a huge issue for local councils. In the current budget the government has put in $20 million, which it says is new funding on top of the funding that is already there. But this funding is not just for councils, it is for the state government to enable it to deal with feral animals; it is to do with education; it is to do with all sorts of things, not just the eradication or management of weeds. The state government should have been sitting down and talking to the councils — and it did. But it decided to hand the management of that problem back to local government. It was virtually saying, 'Local government will carry that can. We are not going to give you the appropriate funds'. Weeds are a huge issue for local governments, particularly those that have many kilometres of roadsides, which applies to many of the rural councils.

There are also problems in the areas of health and community services and Meals on Wheels. This issue could not have been put better than by the president of the MAV, Cr Dick Gross, who was reported in an article in the *Weekly Times* today as saying that:

> Council rates have risen from a state average of $431 in 1983 to $1198 today, but the government's pensioner rebate has risen from $135 to only $172 across that period.
>
> The cost to councils of the Meals on Wheels program has risen from $3.59 a meal in 1980 to $9.95 today, but the government subsidy has risen from $1 to only $1.32.

Again, councils are having to just carry on and make sure that local government is picking up the tab, which means increased rates.

The article continues:

> Victorian government funding for children's crossing attendants has risen from $6 million … to $7 million today. The government grant should be closer to $10.8 million, factoring in population growth …
>
> The cost of running council libraries has skyrocketed from $99 million in 1997–98 to $152 million today, but … government funding has risen from $22 million to only $30 million.
>
> Mr Gross said inadequate government funding was forcing councils to downgrade services.

It was the president of the MAV who said that.

One of the other issues we need to talk about is the fact that this government has foisted Melbourne 2030 onto councils — the failed Melbourne 2030 blueprint for Melbourne's growth. The government did not even get that right. It said that the population would increase by 1 million by 2030, but by all indicators it will increase by that figure by the year 2020. Still this government is sitting on its hands and not preparing for that growth. Melbourne 2030 was introduced in 2002.

There is a review happening now but the review is still not saying, 'Let us scrap it, let us start again; let us have a look at how we really should deal with councils and planning'. It is not one size fits all, and the government needs to know that. The Melbourne 2030 blueprint has

not managed Melbourne's growth; it has not contained Melbourne's urban sprawl. It has not provided enough land for affordable housing. The opposition has indicated to the government over many years that there is not enough land available to allow enough housing. It has warned this government, and now it is coming in with changes to the urban growth boundaries all the time. We come in year on year and change them. We come in year on year and the government gives us a day's notice to have a look at these urban growth boundaries. It says that the councils are asking for changes. The reason the councils are asking for changes is because they do not have enough land. We told the government that but it did not listen, and now it is having to listen because the community is saying it.

There is not enough public transport. The government said when it introduced Melbourne 2030 that it would prepare for growth. Look at the debacle we have now: the trains are unreliable, they are overcrowded, there is congestion on the roads, we have greenhouse gas emissions, and there is a reliance on cars.

Under this government supply has not kept up with demand, including water supply. The population is growing — we know it is going to grow to 6 million by 2020 — yet the government is going to increase Melbourne's water supply by taking it from where there is already not enough water. I do not know how the government works that out.

The government is now looking at introducing a new metropolitan planning authority as part of the review of Melbourne 2030. Instead of reviewing Melbourne 2030 and finding what its mistakes have been it is going to put in another level of bureaucracy. This will take the decision making and leadership away from local councils and communities. Communities deserve a say in the type of development that takes place in their areas. They need to be able to oppose developments in their communities, but this government is taking that right away from them. It is part of Labor's plan to strip councils of their planning powers.

We have been told that that is not true and that ministers will not do that. I refer to *Hansard* of 20 December 2006. The Leader of the Opposition asked the then Premier if:

> … under a re-elected Labor government the planning powers of local councils and councillors would not be reduced and would remain as they are now?

The then Premier, Mr Bracks, said:

> Yes, we have set out all our policies in the election campaign. Those policies will be adopted by our government over the next four years. And of course one of the things we want to do, and we have committed to, is have a new agreement with local government which enshrines and upgrades its powers and reinforces local government as the third tier of government in this state.
>
> … We have reaffirmed the primacy of councils. It is up to the public to decide whether it is happy with the work of councils …

Again, on 18 July 2007, the Leader of the Opposition asked the Premier to confirm that local planning powers would stay with local councils and councillors and again the then Premier said that was going to happen and that the government did not have a proposal to change that.

In fact I asked the Minister for Local Government in question time yesterday if he stood by the former Premier's comments that the planning powers of local government councils would not be reduced. The minister said:

> In relation to local planning decisions, they are matters for local government and that is where they belong.

That is true. Now let us see whether this government is going to bring in this authority which will take away the powers of local government. We have seen unworkable zoning changes made right across local government. I start with green wedges, where private land is now landlocked, although it is not necessarily good farming land. There was a lack of consultation at the time with landowners and the Victorian Farmers Federation — and the VFF and land-holders have actually stated that. There are lots of right-to-farm problems, including the encroachment of urban land, noise, and dogs and cats coming onto land, so that people are not able to farm properly.

Regarding the urban growth boundaries, amendments have come into this Parliament and been rushed through this house. I have been told the councils have asked for changes, which proves that the government got it wrong; there is not enough land for residential development. The changes to the rural zones were an absolute fiasco. This government thought that to protect agricultural land all you had to do was change the name from 'rural zone' to 'farming zone', and it also dictated that local councils must automatically change those zones. No notification was given to adjoining land-holders and there was no chance for anyone to oppose it by going to the Victorian Civil and Administrative Tribunal. It was done by stealth.

People found out that the zoning of their land had been changed and perhaps that they could not build a house on it only when they went to the council and asked for a permit. They were then told they were no longer in a

rural zone but were in a farming zone. They asked how that had happened. Councils said they were told by the state government that they could just go ahead and do it. Now councils are revisiting that situation. They are doing land audits and saying they want to change the zones. They are doing it at their own cost. The government has put in some minor money for councils to be able to do that, but it is not enough and the councils are having to go ahead with it in any case.

There are now three residential zones. The government is looking at bringing in three new zones to apply to areas outside of activity and neighbourhood centres. They are the substantial change zone, the incremental change zone and the limited change zone. These changes will mandate high-rise development in two of the three zones. Third-party rights of appeal will be removed. A person will not have to be notified about a neighbouring development. This government is again bringing in planning changes by stealth so that the community and the people who are neighbours to land on which a development is proposed will not have any say. Labor is trying to ram through high-density, high-rise development to justify Melbourne 2030. These changes will substantially change the character of every street in every suburb right across Victoria.

Many councils have been critical of the Victorian Electoral Commission process. Regarding boundary changes, there has been an unsatisfactory electoral review process designed to weaken continuity in local government. The VEC is conducting a review, and while there are some complaints from councils and the community, we do not criticise the VEC. It must do its job, but it needs to take into account comments from the community. For example, Boroondara City Council has contacted me and advised me that 80 per cent of submissions from Boroondara residents were in favour of retaining the status quo of 10 wards with one councillor for each ward. There are 160 000 people in that council area and the number of submissions from there was greater than from anywhere else. In its draft report the VEC has ignored those submissions and made a different recommendation. It wants three large wards with three councillors each and one smaller ward with two councillors, which would increase the total number of councillors by one. The residents feel that the VEC has acted undemocratically, and I urge the minister to listen to the community when making a decision.

This government is pressuring councils to fall into line whenever there is conflict with the state government. The mayors and chief executive officers in the areas affected by the north–south pipeline were told by the Premier not to criticise the government's pipeline plan. It was indicated that further funding could be jeopardised. Such threats are this government's way of trying to dominate local councils and take away the voice of their communities. It is appalling that the government can go to councils and tell them to fall into line or that they had better be careful or they will not be funded. I have spoken to the people involved, and they have told me that the threats were real.

Mr Nardella — Rubbish!

Mrs POWELL — The member for Melton says it is rubbish. It is not rubbish. If this government wants cash-strapped councils to deliver programs, it should have the decency to fund them properly and to allow proper democracy to operate.

Mr NARDELLA (Melton) — The honourable member for Shepparton has put an appalling matter of public importance before the house. It is a disgrace and a fraud. The honourable member is part of a coalition which has a history both in office and in opposition of trampling on local democracy.

I want to go through Democracy 101 for honourable members on the other side of the house. Democracy is, according to Abraham Lincoln: 'Government by the people for the people'. I quote from the *Oxford English Dictionary* second edition 1989:

> … that form of government in which the sovereign power resides in the people as a whole, and is exercised either directly by them … or by officers elected by them.

From the *Macquarie Dictionary* 2006:

> … a form of government in which the supreme power is vested in the people and exercised by them or by their elected agents under a free electoral system.

We have the honourable member for Shepparton coming into this house and talking about democracy and rights being taken away, when she took the 30 pieces of silver when she was a local government commissioner in the Kennett government. She was a collaborator with Kennett and destroyed local democracy and the ability for local communities to have a voice and to have councillors advocate on their behalf. She, along with the honourable member for Lowan, took the $90 000 a year under Kennett. Yet they have the gall to come in here today and talk about how this government has been destroying local government and has taken away democratic rights and planning rights.

Honourable members should remember how many call-ins Mr Maclellan, as the then Minister for Planning, undertook year in, year out, taking power

away from local councils. Was it 250 or 300 a year? The honourable member for Shepparton does not remember. She collaborated under the Kennett government. She took the 30 pieces of silver and then got rewarded with a seat in the Legislative Council with me in 1996 and then finally a seat in this house. Deputy Speaker, do not be fooled when the honourable member for Shepparton comes in here and starts talking about democracy in local government being taken away by this government.

The matter of public importance refers to the 'destructive attacks on local government and local government councillors'. I remind the house of the history of the Kennett government and the Kennett commissioners: 1600 councillors were summarily dismissed. We had 210 councils automatically, unilaterally, without any consultation, destroyed by the coalition government back in the mid-1990s. We had the imposition of commissioners on every single one of those council areas. Time and time again the honourable member for Shepparton voted in the other house and later in this house to take away the democratic rights of my residents and ratepayers in Melton. We had those corrupt commissioners — and I can name them — in Melton whom the honourable member for Shepparton supported by voting for them time and time again. They sold off $30 million of my ratepayers assets. That was $30 million down the drain, without any mandate whatsoever. Yet she has come in here today to talk about how this government has been destroying local government.

Mr R. Smith — On a point of order, Deputy Speaker, could the member stay in his place when he is talking to the house?

The DEPUTY SPEAKER — Order! That is not a matter for a point of order.

Mr Delahunty — The member must refer to a member in this chamber by their electorate, not as 'she'.

The DEPUTY SPEAKER — Order! I remind the member for Melton to direct his remarks through the Chair.

Mr NARDELLA — The honourable member for Shepparton and the honourable member for Lowan, who are in the house today, were part of a process that summarily sacked 11 000 local government workers, the vast majority of them in country areas. How democratic is that, when you go out there and destroy communities and take away their voice — their ability to advocate — and collaborate with the Kennett government to make sure that the decisions on the boundaries of the new municipalities have no input from local people? Yet she has the gall to come in here and talk about planning and — —

The DEPUTY SPEAKER — Order! The member should refer to the member by her appropriate title.

Mr NARDELLA — Sorry. The honourable member for Shepparton has come in here and said that this government has taken away power and not allowed people to have their say through the independent VEC (Victorian Electoral Commission) process — that is something new to the honourable member for Shepparton, that there is an independent process. The honourable member for Shepparton was complicit in making sure that local people had absolutely no say in redrawing the boundaries when the number went from 210 down to 78.

After that time, under that undemocratic system, in the city of Mildura the legacy left by the commissioners was increased debt and an aquatic centre that is a white elephant.

Mr Delahunty interjected.

Mr NARDELLA — That was okay under Kennett; you could make those decisions under Kennett because he gave them the imprimatur. Members of the then National Party were just the lackeys, doing the bidding of the Kennett government. Members on this side did not go and have not gone, as per this matter of public importance before the house today, out of our way to appoint highly paid political and destructive commissioners to amalgamated councils. We have not imposed $100 poll taxes on municipal ratepayers. We have not sold off council assets that belong to local ratepayers — as happened in Melton, as I have explained — and destroyed their base. We have not left a mess in local government finances.

Honourable members should remember that in 1994–95 the Kennett government unilaterally reduced rates by 20 per cent.

Mr Delahunty — Hear, hear!

Mr NARDELLA — The honourable member for Lowan says, 'Hear, hear!'. Of course he does — because this is part of their modus operandi. That action destroyed local jobs. Here we have the honourable member for Shepparton crying crocodile tears about the councils that are struggling at the moment, when those opposite destroyed the viability of local governments throughout rural Victoria. Then they imposed unilaterally — without any consultation, discussion or

debate — a restriction on rate rises to the CPI (consumer price index) rise minus 1 per cent, which meant that the councils could not repair the damage left by the commissioners. All the commissioners did that after their appointed terms.

This government has not imposed compulsory competitive tendering in local councils. If members want to talk about a system that was inherently undemocratic, under which councils could not make decisions — a system based on the policies of the Kennett coalition government, which the National Party toadies implemented without any view of their own — they should talk about compulsory competitive tendering, which destroyed local communities, especially in rural areas.

This government did not sack council worker after council worker, as the honourable member for Shepparton and her toadies did whilst they were commissioners. There were 11 000 people throughout Victoria, many of them in rural Victoria, who lost their jobs under the previous Kennett government.

This government did not sell off council assets built up over generations by local ratepayers that provided valuable services to local families and local people. This government has not trampled on local democracy, as I said. Quite simply, we have not sacked 1600 elected councillors. We have not rewarded people, as those who did the unconditional bidding of the Kennett government were rewarded, either. We have not sold off country Victorians and called them the toenails of Victoria, as Premier Kennett did, with the supple commissioners like the honourable members for Shepparton and Lowan. We did not come in here like others crying crocodile tears for local government on this issue. We have never in this house or in the other house supported dictatorships within local governments, and I will fight any dictatorships in local government. That is why I supported the amendment to the state constitution to recognise local government within the constitution.

The Liberal-National party coalition talks about how we degrade local government and councillors. The coalition has a dismal history on this, and it is recent history. At every opportunity opposition members attack, degrade, belittle, cajole and put down local government and individual councillors or their advisers. Let me give a couple of examples of this. This is the caring, sharing coalition that comes in here today with this matter of public importance, saying that we are not serious about local government. The honourable member for Bass was the local government spokesperson for the Liberal Party just recently when it was not in coalition. How did he refer to councils in Parliament? He called them the cesspools of criminality. Is that caring and sharing? Is that giving respect to local government? Is that saying to local government, 'We are going to work in partnership with you'? No, it says that that is the attitude of the Liberal Party and The Nationals in this house. That comment followed other outbursts and bizarre statements by the honourable member for Bass, but we will not go there. That shows the real view of the opposition.

The opposition wants to talk about how it is supportive of local government, and yet it attacks councillors unendingly. Last year Robert Larocca was attacked by a member of this house, so how can opposition members come in here and cry crocodile tears and then continually go on the attack against local government?

I expected more from the honourable member for Shepparton. I expected a matter of public importance that would put on the table the coalition vision for local government into the future, a vision that it could take to the next state election, a vision that it could debate with local councils and ratepayers in the Victorian community, but instead we had wide generalisations from the member for Shepparton. It is unfortunate that The Nationals are just toeing the Liberal Party line and are not prepared to do the hard work. They have no understanding of Melbourne 2030, primarily because they do not live in the metropolitan area. I have been part of those consultations, and I know how much consultation has occurred. This criticism really is not up to the standard that I expected from the member for Shepparton, and I oppose the matter of public importance before the house.

Mr MORRIS (Mornington) — It is a pleasure to be involved in the debate on local government this morning, because this government's record of stewardship of local government is appalling. There are lots of fine words of support, but it is nothing more than lip-service to the ideals. It is worse than lip-service because it is combined with a calculated undermining of local government.

Since 1999 we have seen sustained attacks on the independence and the integrity of the whole structure, attacks that are always dressed up as support. We have seen sustained cost shifting; local government is constantly asked to do more and more with less and less. We have seen as recently as this morning in the *Weekly Times* comments from the Municipal Association of Victoria president, Dick Gross, about, amongst other things, the cost to councils of Meals on Wheels programs that have risen from $3.59 a meal in

1980 to $9.95 today, while the government contribution has risen by 32 cents.

On the cost of running council libraries, a matter which is dear to my heart, in 1997–98 the total cost of public libraries was $99 million. It is now $152 million, and in the same period the state government has increased its contribution by only $8 million. Howard Templeton, the chairman of the Central Highlands Regional Library Corporation, indicates that now his library receives about 20 per cent of its running costs from the state government, and he makes the point quite rightly that in rural areas there is already significant disadvantage because of the vast stretches of local roads that have to be maintained. The article talks of a possible cost-sharing agreement with the government, which the minister comments on as well, but Cr Gross says that the agreement will not be worth the paper it is written on unless the government addresses past funding shortfalls. He makes the point that there appears to be no change in culture, which is the real problem — the culture of this government's dealings with local government.

Has the government ever been prepared to consider offering local government a guaranteed and growing revenue stream the way the Howard government did with the states for the GST? Of course it has not. We have seen the constant erosion of the relevance of local government to the planning process. When a Labor member of Parliament happens to show up at a public meeting about a planning application — it does not happen too often in my patch, but it does happen occasionally — and they are asked to stand up and say what their view is on the matter, they will always say it is a matter for the council. What they do not ever go on to say is that if the council refuses the application, no matter how deficient it may consider it to be, and it conforms with state policies, when it goes to the Victorian Civil and Administrative Tribunal the application will be approved, often without all the necessary safeguards that the council would have imposed.

Whenever there is conflict between state policy and local policy, state policy will win, and it is often that wonderful policy, Melbourne 2030, which I reckon is best practice, world class, bad public policy. It is an example of absolutely what not to do, but it overrides local policies developed by councils in consultation with local communities.

Many councils continue to fight hard to stop the character of their towns and suburbs being destroyed. Stonnington, Banyule and Boroondara are a few which have been fighting hard, but despite claims to the contrary, the government is keen to silence the critics. It is considering taking planning powers away from councils, and it is going to take its critics out. Certainly it will not come out and say it. There will be some sort of Trojan horse to hide its true intentions. Possibly it will dress it up by removing the burden of considering all these planning applications: 'We will leave you the strategic planning process; we will just take away all the troublesome day-to-day stuff, but you will have overall direction'. It will leave the strategic powers — all the work and no authority. The minister says when a council can start a planning scheme amendment, the minister says what the final shape of the planning scheme amendment is, and all that happens is councils have to do the work and make the running; but it is the minister who decides what actually happens. Local government will be removed from a serious role in planning forever.

The third point on the matter of public importance is the unsatisfactory review process, referring to the electoral representation reviews inserted into the act in 2003. It is a process that compromises the continuity of councils. It disrupts and distorts the electoral process and is a complete distraction from the business of getting on and running local councils and looking after communities.

Quite frankly, I question the intent. Why do we need to have such a complicated and varied system across Victoria? It is exactly the same as saying that the people of the Western Victoria Region will decide how they elect their members of the Legislative Council. That may be totally different; they may divide the Western District into five districts, whereas Eastern Victoria Region may elect to have only one district. It is exactly the same thing. The old system was straightforward — it was almost entirely uniform, though options did exist — but now sometimes you find there is a huge variation inside the council, and not just across councils but inside the councils.

I will mention briefly some of the changes that have been made: Bayside council went from nine councillors with nine wards down to two wards with two councillors and one ward with three; Baw Baw, from nine with nine down to one ward with three and three wards of two; Brimbank, from nine with nine down to three wards of three and one ward of two councillors; and the champion, Cardinia, went from seven single-councillor wards down to one ward of three councillors, one ward of two councillors and two wards with one councillor each.

Most people want to vote for their own person, and in many cases across the state the communities and the

councils have campaigned hard against having these changes imposed. I think the member for Shepparton referred to Boroondara. In my own Mornington Peninsula Shire Council, thankfully, we still have single-councillor wards. We won that fight, despite the recommendation against, but the Victorian Electoral Commission now wants to change the boundaries so the councillors do not reflect communities of interest. Democratic systems need to be both transparent and easily understood, and this system is neither.

The final point I want to talk about is the culture of local government, because that is what makes it so special. I have been involved with local government for a long time, and I remember the old days — all the benefits and all the faults, and there were certainly both. The Cain government introduced a new Local Government Act and replaced the Town and Country Planning Act with the Planning and Environment Act. You cannot help but contrast the approach the Cain government took to legislating for local government with the current practice.

In the case of the Local Government Act 1989 we had discussion papers, exposure drafts, a decent period of adjournment when the second reading of the bill was finally done, lots of drafts and lots of input from councils and councillors across the state, and it was good legislation when it went through. Unfortunately there was the botched attempt at municipal restructure. Everyone knew that changes had to be made, because 210 municipalities were too many and they were too varied. Any serious player in local government knew it had to be done, but the process was not right. Had it been right, perhaps the changes that were made later would not have been necessary.

Post 1992 there was a very similar process — wide discussion, decent adjournment times and the opportunity for decent input. I remember being on the executive of the Metropolitan Municipal Association when the changes were being made in 1993. I remember sitting down with the then Minister for Local Government, Roger Hallam, as part of the executive. We were a broad church; we covered every party across the political spectrum. The minister made the point that our fingerprints were all over that bill, and indeed they were, because we put up many propositions to the minister and he accepted the vast majority of them, and they were not necessarily from a Liberal point of view, but from a local government point of view. In each case — the Cain reforms and the Kennett reforms — local government might not have liked what was proposed, but there was genuine consultation, lots of straight talking — —

Mr Nardella — What? Under Kennett?

Mr MORRIS — And full, frank and fearless exchanges on both sides. Both sides were fair dinkum, they were honest, and they had a good, solid debate. What distresses me most now is that local government and councillors have been silenced. We hear the squawks from the other side about constitutional recognition, and if you have a look at the words, sure, it is there. It is better than nothing, it is warm and fuzzy, but it does not actually do anything. Local government really needs a decent go from this government.

Mrs MADDIGAN (Essendon) — I must say I was rather intrigued by and found quite humorous the matter of public importance that the member for Shepparton has presented to us. I came into the chamber looking forward to what she would identify as the Victorian government's continuing and destructive attacks on local government. I must say I was a bit disappointed in the member for Shepparton, who I think is a really good member of Parliament, because in her speech she did not provide any factual information that supported the matter of public importance she has brought before the house. In some cases she was factually wrong, but I will come to that a bit later on as I make my contribution.

It is appropriate that I speak on this matter of public importance, because I was a councillor with the former City of Essendon, which was abolished by the previous Liberal-National coalition government. I worked for the former City of Footscray, which was also abolished by the previous coalition government, and I worked in the Maribyrnong Library Service. We all recall the absolutely appalling attack — perhaps the worst attack on libraries in this state's history — of the compulsory competitive tendering process that was imposed on councils against their will by the Kennett government and which was supported, I regret, by the member for Shepparton when she was a commissioner with the Shire of Campaspe.

It is interesting that even the Liberals and The Nationals gave up on compulsory competitive tendering because, in the end, it just did not work. Many theories have been put forward for why it was brought in by the government of the day, and none of them shows a great deal of credit to that government. That is an excellent indication of the way the previous government treated councils.

During her contribution the member for Shepparton attacked Melbourne 2030. She said the government has its figures wrong in relation to population growth, but those figures were not our figures — in fact a cursory

reading of the document supporting Melbourne 2030 would show quite clearly that they were the figures given to the state by the Australian Bureau of Statistics. In fact it is only since the latest census that those figures have had to be revisited, which has also been spoken about in this house, and that information is freely available.

Coalition members have attacked Melbourne 2030 several times, but I have yet to hear any planning policy that they would have brought in that would actually help with the planning of Melbourne's growth. The only thing I have heard them say is that perhaps we should return to some of the earlier processes. That would be really interesting, because some of us remember very well the planning processes under the last government. In particular I refer to item 2 of the member for Shepparton's matter of public importance. She claims that this government is reducing planning powers of councils and councillors. Can I remind her of the previous Minister for Planning in the Kennett government, one Robert Maclellan. Let us talk about the way he dealt with councils and the way he totally ignored the interests of councils.

In particular I turn to ministerial interventions, because I know that when members of the present government were in opposition — when the coalition of The Nationals and the Liberals was in power last time — this was a subject of great concern to councils. Councils frequently complained about the heavy-handed tactics of the previous planning minister and were totally and utterly ignored. If members talk to councillors now and bring up that subject, they will find that councils find the situation much better, because one of the first things we did when we were elected to government was change the guidelines relating to ministerial interventions. We did that because the planning processes of the previous government were haphazard, were based on fear and favour and were quite appalling. Let us have quick look at that so we can compare the different governments, because opposition members are making claims that I think they are unable to substantiate in relation to planning powers of councils.

The member for Shepparton is shaking her head, but she only has to go and take a look at the practice note which was introduced by the Labor government when we were first elected in 1999 to find that we did change the guidelines quite substantially so that ministerial interventions have to be of regional importance — not the sorts of interventions that occurred under the Kennett government. In fact I can tell the member for Shepparton that from April 2007 to April 2008 some 167 ministerial amendments to planning schemes were approved, one has been called in from the Victorian Civil and Administrative Tribunal and five planning applications have been called in from councils.

Let us compare that to what happened when the previous government was in office. There were 400 ministerial interventions in two years — an average of over 200 a year. What were they? Were they of regional importance? I do not think so. Let us have a look at some of the approvals that were called in by the former Minister for Planning during the time of the previous Kennett government. He overrode Stonnington City Council to help a Windsor nightclub open when it was in breach of planning conditions. That decision was supported by the Liberals and The Nationals. He overrode the City of Port Phillip to allow high-rise development on the foreshore, which was also supported by the Liberals and The Nationals. He removed a longstanding covenant on the Yeshiva Centre in North Caulfield to enable a kindergarten to be redeveloped for multi-units, which was supported by the Liberals and The Nationals against the interests and against the wishes of the community and against the wishes of the councillors.

He approved 1369 subdivision lots in the Yarra Valley and Dandenong regions, contrary to the previous government's own regional strategy plan. An example which we discussed at length in this house in 1997 was when the previous government allowed a Shell petrol station to be built against the wishes of the community at Mitcham. At the time 238 formal objections were made to the Whitehorse City Council, 1100 people signed a petition and the council knocked back the approval. The next day the minister called it in and overturned the council decision. That was his idea of consultation with councils. That is the experience of councils under a Liberal-Nationals government. It may come as a surprise to the opposition, but I can assure you that councils do not want to return to that idea of planning. Of course there was also the famous Lindsay Fox boatshed, which was called in by Robert Maclellan. That decision was also overturned by the Labor planning minister, Mr Thwaites, when we came into government.

The member for Mornington spoke about Meals on Wheels. I have good news for him. Yesterday's budget has $16 million in it for the development of a central facility to ensure that Meals on Wheels will be cheaper for a large range of councils and to allow for food to be made for people with special dietary requirements. That is called listening to the community and acting on community wishes.

In the short time I have left, I will turn to my favourite subject of libraries. The member for Shepparton said

that libraries should have fifty-fifty funding. If you think through the logic of that, it is absolute nonsense. We fund libraries on a basis of need. Under her proposal, a wealthy council would put in more money and the state government would give them the same amount of money. If you matched the funding of councils that are not as well off, the libraries administered by those councils would receive less funding. Is the idea of the Liberal-Nationals coalition that it wants to fund wealthy councils and not fund councils that are less well off?

I will just go through some of the funding provided in this year's budget to support libraries. I think members will find that people in the library profession — I probably talk to a lot more of them than the member for Shepparton does — are pretty happy with the sort of funding and technology improvements they are given by the current government. In this year's budget $1 million has been allocated to give all library members in Victoria wireless internet access via the provision of increased broadband speed and greater bandwidth to public libraries. It is a response to what public libraries have been asking for.

A further $1 million will be spent to protect children and ensure safe and fair access to library computer services. On top of this, $100 000 has been provided for the conduct of a feasibility study into a single library membership that would give users access to library resources across the state as well as to their local library. That would provide great support to regional libraries in this state. Finally, $190 000 per year will support the LibraryLink Victoria system that enables users to borrow materials from any public library in Victoria. Again, that will provide great support to regional libraries. This is on top of the funding we already give. There are of course also the continuing programs, such as the $1 million provided to public libraries through the continuation of the Premier's Reading Challenge Book Fund program.

Mr Delahunty — And there's more to be done.

Mrs MADDIGAN — It is a pity, as the member for Lowan says, that I do not have more time to talk about the excellent funding being provided for public libraries and the excellent library services that are being provided in the state. Of course there is also fairly significant funding for the State Library of Victoria, which will benefit communities as well.

I work very closely with my local council. I visit the council on a very regular basis, and I am glad to say that its officers do not think it has been given a hard time by this government. It works in a cooperative and helpful way. We have recently had a boundary review. Contrary to the remarks of the member for Mornington, not everybody in this community supports single-ward councils. The council had a public process, and there were views for that side. I know it comes as a big surprise to the member for Swan Hill, but the Victorian Electoral Commission is actually an independent body. Our process was unlike the process under the Kennett government, which split up councils and determined how many there should be and how wards were to be arranged. It was done directly by the government, not by the VEC.

Mr DELAHUNTY (Lowan) — I rise to speak on this very worthwhile and important matter of public importance put forward by the member for Shepparton. It states:

> That this house expresses its concern at the Victorian government's continuing and destructive attacks on local government and local government councillors which are designed to weaken the authority of local government and reduce its capacity to advocate on behalf of local communities where such advocacy conflicts with state government agendas …

I want to cover three of those points: firstly, cost shifting; secondly, the reduction of planning powers; and thirdly, the imposition of zoning changes which were not requested and which are unworkable. It is unfortunate the member for Melton is walking out of the chamber because I would have asked him why he did not put back all the 210 local governments. He forgets to mention that the Melton Shire Council he talks about voted in a democratic election to keep commissioners. It was one of the few councils that did so.

I was involved in local government for many years before I started in this place in 1999. I had about 12 years of involvement with local government, including nearly 10 as a councillor and a couple as a commissioner. In all instances I was very proud to represent the people I have been involved with. At the Horsham council I was elected mayor. Later I was stood down and appointed as a commissioner for Mildura. Then I was re-elected as part of the first council after the commission days and was the first mayor of the Horsham Rural City Council. I have a fair bit of information and knowledge about local government. I agree, as the member for Shepparton said, that councils are the closest level of government to the people. Most people in country areas know their local councillor. They know them because councillors are very approachable, but more importantly, because they get on and do the work of representing their communities.

I also need to say that in my electorate, unlike the member for Essendon, who has only has one council in her electorate, I have seven councils in my area. My electorate includes the total area of Hindmarsh shire, Horsham rural city, West Wimmera shire and Southern Grampians shire; a fair bit of Ararat rural city; a large slice of Glenelg shire; and a very small amount of Moyne shire. I have dealings with all seven councils, some of which have raised concerns about some of the things I will be mentioning today.

I want to refute some of the statements made by the member for Melton. He spoke about the removal of democratic local government. He forgot to mention that since this government was elected, it has also stood down councils. It stood down the Melbourne City Council. However, it did not appoint commissioners; it appointed what it calls administrators.

Mrs Powell — Consultants!

Mr DELAHUNTY — Or consultants, as the member for Shepparton says.

The member for Melton talked about restoring the councils that were removed in the Kennett days. The Labor government put back only one council, even after all its talk. I do not see the member for Melton promoting — or is it new Labor government policy? — that the government will take away the 79 councils and put back 210 councils. He knows that is not going to happen. The councils of today are much stronger and more robust, and that was one of the reasons for being able to get on top of the debt we had in Victoria when the Kennett government was elected. Not only that, local governments became more focused. They had the ability to attract quality staff to be able to deliver the services that people wanted in their area.

Again, the member for Melton is all puff and wind when it comes to reality. He spoke about the fact that the Mildura Rural City Council was left in debt. The reality is that the newly elected councillors — the democratically elected councillors that he spoke about — voted to build the aquatic centre. I was not part of that decision-making process, but I agreed with the decision. It was one of those things that should have happened, and after I left the council I was pleased to see the council voted to do it.

The member for Essendon spoke about libraries. She did not say that it was the Auditor-General who forced the government to do something about increasing library funding. She spoke about the fact that libraries spend on need. Are councils, who in a majority of cases have responsibility for these libraries, going to waste money? Because they have limited resources, they are going to make sure they meet the needs of their community. Back in the days of the Hamer government local government libraries were funded fifty-fifty. As has been highlighted in the paper today, that funding has decreased a lot since the days of the Hamer government.

I want to refer to some other matters in the short time I have left this morning. One matter is cost shifting. As the member for Shepparton highlighted, an article in today's *Weekly Times* is headed 'Councils' plea for funds'. We know the Municipal Association of Victoria (MAV) will be meeting tomorrow and will vote on a number of resolutions on this issue. The article states:

> Victoria's rural councils —

particularly —

> are demanding state and federal governments stop the rot in library, home help, maternal and aged-services funding.

The member for Shepparton spoke about the fact that council rates have risen from a state average of $431 in 1983 to $1198 today. The member for Melton spoke about the fact that in the Kennett days rates decreased for a while because they created greater efficiencies. It was the only time that we ever saw a reduction in council rates.

The article reports that the costs to councils of the Meals on Wheels program have increased enormously and that the costs for school crossing supervisors have also increased. It states:

> The cost of running the council libraries has skyrocketed from $99 million in 1997–98 to $152 million today.

The member for Mornington spoke about a very good councillor, Cr Howard Templeton, who is chair of the Central Highlands Regional Library Corporation, who said that where funding used to be fifty-fifty between state and local governments, today it is a lot more like 20 per cent from the state. Even though we know he is a Labor man, Cr Gross as the president of the Municipal Association of Victoria has said that many rural and regional councils are particularly vulnerable and that with high road and other infrastructure costs and ageing populations there is a need for more in-home council services. Again we are seeing the concerns of the MAV.

Last week the Brumby government announced that it would handball roadside weeds to local government. As I said, I have several local governments in my area. With from 2247 kilometres ranging up to

3500 kilometres of roads in their areas, the minimum amount of funding those councils require is probably $250 000 per council. We know that they are not going to get that. We are seeing a cost shifting from state government in looking after weeds, and next it will be vermin. Weeds and vermin are the responsibility of the state government.

We used to have a lot of departmental people living in towns across country Victoria. Because of this government's cost shifting to local government, we will see the loss of those staff. Local councils in country Victoria are sick of picking up the tab for this city-centric government's cost shifting, particularly when it has a massive surplus.

Back in 2003 there was a federal parliamentary inquiry into local government and cost shifting. I looked in our parliamentary library for this information, and I thank the library staff for their help. I quote from the foreword of that report:

> This major inquiry into local government and cost shifting has addressed not only the matter of cost shifting but also revealed the underlying issues relating to governance arrangements …

This unanimous report from that committee said that there needed to be more work done by the commonwealth and state governments in relation to progressively increasing the contribution to local government, particularly where the federal government contributions had been maintained and state government contributions had been lowered. The committee received many submissions, but I do not have time to go through them.

I want to cover the rural zones issue. Back in 2005 the minister rushed through, with haste and without any consultation with councils, the new rural zones. The member for Shepparton — who is still in the chamber and is prepared to listen to this debate, unlike the member for Melton — presented a petition to Parliament opposing the new rural zones in country Victoria. The petition said the zones were too restrictive on land-holders and local governments.

We believe there is a need to strike a fairer balance between the need to preserve prime agricultural land and acknowledge the rights of land-holders, but importantly to also give local government flexibility in determining subdivisions and land use. Right across country Victoria today we are hearing that these rural zones are causing enormous problems for councils. Councils believe that under section 55 of the Planning and Environment Act there are many referral authorities, whether it be the Department of Sustainability and Environment, VicRoads, the Environment Protection Authority, the catchment authorities, Parks Victoria, the water authorities. They believe local government is a planning authority by name only; it is not the real planning authority when you have so many referral authorities that are taking away its authority. The rural zones issue was an example of that.

We also see the imposition of this as an unworkable and unrequested zoning change. It is creating big and costly problems for country councils. Many of the farmers in my area have partners who want to have alternative incomes. Most of these are women, but they need a permit. With the drought, lack of rain and lack of income there is an urgent need for change in this area.

Ms MUNT (Mordialloc) — I am pleased to rise this morning to speak on the matter of public importance submitted by the member for Shepparton. I understand it is a nice little earner for MPs occasionally to come out in support of their councils. An ex-MP once told me that if you were after a front page, it was a nice little earner to actually criticise the council. However, this matter of public importance stretches credibility, particularly if you have some memory of the history of the previous government and some knowledge of how planning works in your local area.

I will go through this matter of public importance, make some comments on the four points listed and talk about my experience of how the council operates in my local area, giving some examples of where problems have arisen because of history or because of the previous federal government.

The wording of the matter of public importance is:

> That this house expresses its concern at the Victorian government's continuing and destructive attacks on local government and local government councillors which are designed to weaken the authority of local government and reduce its capacity to advocate on behalf of local communities where such advocacy conflicts with state government agendas …

The matter of public importance lists four agendas, none of which I have ever known to be an agenda of this state government.

The first agenda item is:

> cost shifting by state government to local councils …

I recall when I was first elected around 2003 and a representative from Kingston City Council came to the member for Carrum and me, distressed that the home and community care funding from the federal

government was fast diminishing, with consequences for the services that could be provided by the council to those very vulnerable members of our community who were elderly and disabled and still living in their own homes. The council was having extreme difficulty maintaining those services, so representatives came to us to talk about what we could do. After we saw the minister responsible at the time, then Minister for Aged Care Gavin Jennings, the state government made up the federal Howard government's funding shortfall. We did that because we had a genuine concern about maintaining those services to people in their homes in our area.

Kingston is a local government area with an ageing population and therefore an increased need for these sorts of services to give people the independence that they require to live in their own homes as they age, so it was a major concern. To say that cost shifting to local councils is an agenda of the state government is absolutely untrue. In many instances the state government is most concerned with maintaining funding and services for the community.

I was interested to note that yesterday's state budget allocated $45 million for stage 2 of the Kingston Centre regeneration. That is a regional aged care facility. As I mentioned, the Kingston population is ageing. The facility will include a hydrotherapy pool in order to conduct all sorts of therapy. If that is a reduction in state government funding for local areas, I will go he for hidey!

The second agenda item listed is:

> the reduction of planning powers of councils and councillors …

Once again that is simply not true. Unfortunately I am old enough to remember the Maclellan form of intervention in local decision making. There was no local decision making; it was overwritten every time. It took the Bracks government to put in place systems so that councils could make their own decisions.

The third agenda item is:

> an unsatisfactory electoral review process designed to weaken continuity in local governance …

As has been mentioned, the electoral review process is carried out by the Victorian Electoral Commission. It is an independent process, and a much better one than I recall regarding the Mordialloc and Moorabbin councils; they were simply sacked, with ongoing ramifications for my local area. The Kingston City Council was put together then. I remember the debt levels from the sacking, the competitive tendering processes that were put in place and the loss of community and council history. I remember talking to the current mayor, Bill Nixon, about a foreshore plan that was put together by the Mordialloc council before the sacking. He told me that all that knowledge and history have been lost. All that documentation was simply put in a dumpster at the back of the council building; it had gone forever.

The history of our local government and area has huge gaps in it as a result of those sackings. The matter of public importance talks about weakening continuity in local governance; that sure weakened the continuity of local governance — it was simply gone. Councillors were sacked; it was absolutely dreadful. The old Mordialloc and Moorabbin councils were very good councils; they did a good job. Why on earth all that was broken up and taken away, I have absolutely no idea.

The fourth agenda item is:

> the imposition of unrequested and unworkable zoning changes to local planning schemes …

A departmental discussion paper was released recently. The review was instigated at the request of a group of mayors. The expert group to take an independent look at the issues was led by Peter Cummings, a respected planner, with representatives from local government, the Municipal Association of Victoria and the Victorian Local Governance Association. Rather than the department just saying, 'This is what we are going to do', a discussion paper has been put out and submissions have been called for.

I wonder if those on the other side of the house have been involved in that submission process, done the hard yards, read the discussion paper and put the effort into making a submission, as a number of my colleagues and I have done. We want to represent our local areas; we want to be a part of that discussion. This government is willing to have those discussions. We are willing to take account of local communities and local councils and to hear what their thoughts are. Consultation is actually what we do best. We listened to the community, and as the former Premier, Steve Bracks, used to say, 'We listen and then we act' — and that is what is going to happen with this discussion paper.

Finally, I would just like to talk about one thing that has been important for our local area which, once again, was put in place by the former federal Howard government and which is still an issue for the local council and for me, and that is Moorabbin Airport. The airport was leased, and the airport authority put together a master plan so it does not have to have any relevance

to council planning schemes or to state government planning schemes. It is simply a matter of standing alone. That was put in place by the former Howard Liberal government, and is another example of Liberal governments not taking account of local communities and not taking account of local councils. We had a Liberal government which took no account of communities, which sacked councils and which did not get involved in discussions.

We have before us this matter of public importance that laments our record. If I were an opposition member I would hang my head at their record. I would be a bit reluctant to want to bring it out and discuss it. I cannot agree with this matter of public importance; I do not think it has any relevance. Our government has a record that it can be very proud of in these matters of working together with our local councils.

Mr KOTSIRAS (Bulleen) — I cannot believe what I am hearing from members of the government. I cannot understand why they cannot see that the aim of this government is to strip powers from local councils. That is its no. 1 aim. I have to congratulate the member for Shepparton for bringing this matter of public importance (MPI) before the house.

I cannot understand why the Minister for Local Government is not in the house. Is he hiding? If he feels so passionately about local government why is he not in the chamber debating this matter of public importance? He should at least have the decency to come in here and listen to the member for Shepparton. Unfortunately he cannot debate what is a very well thought through and carefully put together MPI. It is obvious that the member for Shepparton cares about local councils. She cares about the impact of government red tape and the financial burden that this government has placed on councils. Councils have no option but to increase rates every year.

The member for Melton spoke about council amalgamations under the former Liberal government. Why does he not talk to the minister and ask him to reinstate the councils? Why can we not go back to the 210 councils that were in place prior to the amalgamations? If this is the government's policy, then I challenge the member for Melton to urge the Minister for Local Government to go back to 210 councils. It is also strange to hear the member for Melton say that councillors and council workers today are independent. This government is only happy if councillors and councils do its bidding. If they do not, then the government will take action to ensure they do.

The member for Essendon said she has not seen any policy from the opposition. I ask her to go back prior to the last state election and to read the opposition's policy. I advise the member for Essendon that over the last two years the government has taken over 40 of our policies which it has now used as its own. During the election campaign the government was critical of the Liberal Party's policies, but in the last two years it has taken over 40 of them. It is a shame that despite all the advisers and all the public servants, the government has to rely on the Liberal Party and The Nationals because it is inept and unable to come up with its own policies.

Local government has access to three sources of revenue. The first is rates, fees, fines and charges; the second is general purpose payments; and the third is specific-purpose payments. When this government places extra financial burdens on councils, they need to increase rates. Again I congratulate the member for Shepparton for putting up this matter of public importance, because it is important to illustrate this government's disregard for local councils. The first part of the MPI refers to cost shifting, and I wish to refer to page 28 of the Hawke report, which states:

> The committee received three estimates of cost shifting …
>
> > the Municipal Association of Victoria (MAV) estimated the cost shifting in Victoria to be $40 million per annum in the recurrent funding of three major specific purpose programs — home and community care (HACC) services, libraries and maternal and child health. A further $20 million was estimated to be the cost shift on a range of other specific programs; and
> >
> > the CEO of the City of Stonnington provided a similar indicative figure of cost shifting in Victoria at $10 per head per annum or $50 million per year …

Cost shifting is a real problem in the city of Manningham. That council is playing an increasing role in the provision of human services, and as a result it is constantly being asked to subsidise programs that should be the responsibility of the state government. Why should ratepayers, who this government has taxed at record levels, also pay more rates every year? In 2000 my rates were $898 while in 2008 they have skyrocketed to $1376 — a massive 53.2 per cent increase in eight years. The consumer price index increased by only just under 30 per cent in the same period. Why the massive difference?

One of the main reasons is cost shifting by this government at a time when Victorians pay the highest level of stamp duty of any state. Receipts from stamp duty are estimated to have skyrocketed 250 per cent from $1 billion in 1999 to $3.5 billion this financial year. Land tax has increased by over 160 per cent to almost $1 billion since 1999. Payroll tax will have

increased nearly 70 per cent from $2.2 billion in 1999 to $3.7 billion this financial year. Insurance taxes have risen 106 per cent to $1.1 billion since 1999. Fines have increased to over $400 million per annum. Gambling taxes have risen over $1.5 billion this year.

Labor has imposed 15 new or expanded taxes that extract hundreds of millions of dollars a year extra from Victorians, and yet Manningham City Council is required to increase its rates every year. While I have been critical of the Manningham City Council and its need to increase rates, a lot of the blame comes back to this government because of cost shifting. A lot of the blame must be laid at the feet of this government for its disregard for local government.

I turn to some specific examples of cost shifting in Manningham. Arterial roads are the responsibility of the state government through VicRoads. There are two main arterial roads in my electorate, King Street and Templestowe Road, which are the responsibility of VicRoads. They are very dangerous roads, and accidents have occurred there. The council could not wait for this government to take action, so in 2005 it had to allocate $100 000 for road safety improvement works on King Street. The local council could not wait for this government to provide funds to make King Street safe, which is the responsibility of VicRoads.

I wish to quote from the minutes of a Manningham City Council meeting. Under the heading 'King Street and Templestowe Road update' it states that Lidia Argondizzo, who was then the Labor member for Templestowe Province in the upper house:

> … reported on her actions to submit requests for a range of funds on both roads from low cost to full cost works. Claude … advised the meeting that a minimum of $110K is needed and this has been provided in council's budget. Lidia … considers that this allocation has been extremely useful in encouraging VicRoads compliance.

Unfortunately that did not happen. It is perhaps one of the reasons why Ms Argondizzo lost her seat at the last election. Despite the fact she said it was a problem and that VicRoads should fund the road, the government refused to do so.

Another example is water savings on local sporting grounds. Again, as recorded in council minutes, at a meeting with local MPs in 2007 Cr Gough expressed his concern regarding cost shifting in relation to water, namely that public services, including sporting and recreational facilities, are being required to install water tanks and/or have restricted access. Again the council was required to provide extra funds. The costs of school crossing supervisors used to be 70 per cent, met by VicRoads. Today it is estimated that VicRoads only funds 30 per cent of this cost, a decrease of 40 per cent — it is an enormous amount. For Meals on Wheels the current subsidy is $1.32 per meal, and it has been at that level for a number of years. Again the pressure is on local council to provide this vital service to the community. Libraries used to be fifty-fifty funded — 50 per cent by local council, 50 per cent by state government. Unfortunately today most councils have to put up about 80 per cent of the funding for libraries — because this government does not care.

The second part of the MPI refers to councils' diminishing planning powers. This government has basically taken away the planning powers of Manningham City Council. In the past residents would open their windows and look into parkland and open space. Now when they open their windows they see another window on the other side, which is only 6 metres away. Council is restricted in what it can do, and residents have had enough. They live in Manningham for a specific reason — they like the open space, they enjoy the parklands. Yet this government is destroying their lifestyle — the lifestyle that they have grown up with or have chosen. It is one of the main reasons residents have chosen to live in Manningham. So it is a shame this government is taking away the planning powers of the local government. I call upon this government to properly fund councils and to allow councils to do their job. They are elected by the people. Allow them to do their job.

Mr BROOKS (Bundoora) — I rise to speak on the matter of public importance today moved by the opposition. The matter of public importance that has been put forward by the honourable member for Shepparton left me absolutely gobsmacked — of all of the different topics and portfolio issues that coalition members could have chosen for a matter of public importance! In terms of their own political nous they have obviously misjudged this one because if there are areas that stand out from the record of the previous coalition government, where they wreaked havoc on Victorian communities, local government is certainly one of those areas.

The matter of public importance reads:

> That this house expresses its concern at the Victorian government's continuing and destructive attacks on local government and local government councillors which are designed to weaken the authority of local government and reduce its capacity to advocate on behalf of local communities where such advocacy conflicts with state government agendas …

And it goes on to list four issues around cost shifting, planning powers, electoral review processes and the

imposition of unrequested and unworkable zoning changes. As a previous speaker on this side of the house mentioned, the matter of public importance sounds very biting, as if we were going to hear a whole raft of concerns and issues coming from the members opposite, but they have been absent. There has not been a substantial issue raised by the members of the opposition to support this statement. This matter of public importance represents some of the breathtaking hypocrisy we are seeing from the members of the opposition, who insist that this government should be delivering the things that they tried to tear down, that the opposition tried to destroy.

Interestingly, I remember not too long ago — in fact it was at the end of last year, on 21 November — one of the most destructive attacks on local government that I have heard came from the member for Bass in this house. Part of his contribution was:

> … councillors and council officers who commit various offences, involving stealing, making threats of violence, assaults, bribery, corruption, fraud, disclosure of confidential information and conflicts of interest —

and he went on to rail against local government.

Honourable members interjecting.

Mr BROOKS — Unsubstantiated allegations that members of the opposition make in the Parliament — —

Honourable members interjecting.

The ACTING SPEAKER (Ms Beattie) — Order! Members of the opposition! The member will be heard.

Mr BROOKS — And then they come in here with a matter of public importance complaining about destructive attacks. It is unbelievable hypocrisy from members of the opposition; unbelievable! The fact is that the Brumby Labor government, the Labor government in this state, has a very proud record of supporting local government in our community. As someone who served on a local council for over eight years, including a couple of terms as mayor, I saw both the performance of the previous Liberal government — which I will come to in a minute — and then the transition to a state Labor government and its support for local government. The fact is — and members of the opposition do not like hearing the truth — that the federal government has historically been responsible for base funding of local government through untied grants. That obviously runs through the financial assistance grants, and under the previous commonwealth government untied financial assistance to local government fell from 1.02 per cent of commonwealth taxation receipts in 1996 to 0.66 per cent in 2006.

If the opposition is concerned about a reduction in services through local government, it should have been raising these issues with former Prime Minister John Howard and former Treasurer Peter Costello, who left local government across the country substantially underfunded. But we did not hear a whimper. We did not hear a whimper from the opposition during those days, because we know that members of the opposition are Liberals and Nationals first and Victorians last. That is always the way. We have seen that in this house time and time again — they protect their own party but will not stand up for Victorians. Particularly when it was against the former federal government, they were missing in action.

Part of my role in the local council involved being on a local library board, the Yarra Plenty Regional Library board, which I recall is one of the largest regional library boards in the country. Recurrent library funding has been increased to a record $30 million in the 2007–08 budget, and I will be expecting to hear that there will be record funding amounts in the budget that was released yesterday. In addition $15 million was provided over four years from 2007–08 to extend the very successful Living Libraries program, and of course there is the $6 million provision for libraries to purchase books as part of the annual Premier's reading challenge, which is a very successful program.

One of the reasons I stood for local government back in 1997 was that I was concerned about the impact of compulsory competitive tendering and the policies of the Liberal government on very serious service delivery areas like home care and maternal and child health, which impacted on some very vulnerable people in local communities. This Labor government has struck an agreement on the cost of delivering universal maternal and child health services between local government and the Department of Human Services (DHS) so that they each share 50 per cent of the funding of the agreed schedule of activities.

You would not have seen that sort of cooperation under the previous coalition government. If we ever have the situation where unfortunately we see the coalition on the government benches again you can bet your bottom dollar we will never see that sort of cooperation again. We would see the authoritarian approach to local government that we saw during the Kennett period. The kindergarten budget, for example, was reduced by 25 per cent under the Liberals and Nationals. That was $11 million ripped from kindergartens across the state. Members of the opposition obviously do not care that a

25 per cent reduction was inflicted on kindergartens across the state.

Another important issue which is often forgotten by people is the 2004 announcement by this government that it would increase the cap for the municipal rate concession — it went from $25 to $160 — and index that cap to the municipal rate from July 2005 and subsequent years to keep pace with inflation. As I said, one of the areas I was very keen to pursue when I was first running for local council was children's services. I was very glad at the end of last year to see the Premier announcing a $38.56 million investment over four years in this state's early childhood services. That program includes $20 million in grants of up to $500 000 to build at least 40 children's centres.

Instead of locking people out of children's centres and kindergartens this government is building new kindergartens. It is providing $13.7 million in grants of up to $100 000 for community kindergartens and child-care centres for major renovations and $4.4 million in grants of up to $5000 for community-based kindergartens, child care and outside-school-hours care, as well as $500 000 to assist councils to plan the redevelopment of their early years services. That is on top of the government's $23.2 million investment in 55 children centres over the past four years. So we have just seen massive investment in those important early years programs.

The Brumby government recognises that access to high-quality, integrated early years services is vital to giving every kid the best start in life. As I said, this is unlike the opposition, which ripped out a quarter of the budget from kindergartens, causing fees to skyrocket and participation rates to fall to a record low of 87 per cent.

I know that we have not yet debated the appropriation bills, but I was very pleased to see the support of the government for the regional Meals on Wheels kitchen with the announcement of $6 million in funding. In my electorate there is a fantastic project being run by the Banyule City Council and the Liberal mayor, Wayne Phillips, a former member of this place. The Greensborough project is a massive redevelopment on which the state government is cooperating with that council to redevelop the town centre with a $7 million dollar injection of funds.

With regard to local sporting facilities, I recently went out to the Watsonia Tennis Club in Bundoora where the government, in conjunction with the council, is funding sporting complex improvements. This is a stark contrast to the dark days of the coalition, when we saw compulsory competitive tendering putting pressure on human services. Members will remember the $100 poll tax — a lot of people do — and the forced amalgamations of councils across Victoria. Then there was Robert Maclellan, who was Minister for Planning. I wish I had another 10 minutes to talk about Robert Maclellan calling in planning applications at will. Then there is his famed *Good Design Guide*. If ever there was a title for a planning policy that was completely the opposite, it was the *Good Design Guide*. It was basically an open-slather policy for development across Melbourne's suburbs. We are still waiting for the coalition policy on planning. Its members complain a lot, but will we see a real policy on how they are going to manage Melbourne's growth? Do not count on it. We have to remember that the current Leader of The Nationals voted over 1000 times with Jeff Kennett to close 178 schools and country hospitals.

Mr HODGETT (Kilsyth) — I rise to speak on this matter of public importance submitted by the member for Shepparton. It states:

> That this house expresses its concern at the Victorian government's continuing and destructive attacks on local government and local government councillors which are designed to weaken the authority of local government and reduce its capacity to advocate on behalf of local communities where such advocacy conflicts with state government agendas, including:
>
> (1) cost shifting by state government to local councils;
>
> (2) the reduction of planning powers of councils and councillors;
>
> (3) an unsatisfactory electoral review process designed to weaken continuity in local governance; and
>
> (4) the imposition of unrequested and unworkable zoning changes to local planning schemes.

Labor is failing local government. It has failed to deliver and meet its responsibilities in accordance with its supposed partnership with local government. It has ignored and stifled local government wherever its policy is required. The voice of local government has become marginalised and unheard by Labor. Labor has shifted cost burdens onto local government. Since the election of Labor the Municipal Association of Victoria (MAV), local government's peak body, estimates that cost shifting by the state government onto local government has reached $37 million per annum in recurrent funding plus $20 million across a range of other specific programs.

How many examples do we hear about from our local government municipalities where the state government comes up with a pilot project and funds it, the project is

then run by local government, is successful and achieves everything it was meant to, an evaluation and review follows and the funding is pulled, leaving local government stuck with carrying the can? In such a case the council is damned if it does and damned if it does not continue with the project. If it just dumps the project, the community blames the council because it was given the money to fund and run it. However, usually councils pick up the tab and continue to run these very worthwhile projects. Again, this is just a blatant example of cost shifting onto local government, which has to pick up the tab and continue to run those pilot projects. There are numerous examples. There are so many examples that we have not got time to go through them all today.

Labor has cut state grants to local government. It allocated $206 million in grants and transfer payments to local government in the 2002–03 state budget, but the allocation has steadily fallen since then to only $113 million in the 2005–06 budget. This has left a huge gap in local government finances only partially filled by increased grants from the federal coalition government as it was.

Labor has cut funding to public libraries. It has crippled them by cutting the public library grant to just $29 million a year, which is only 20 per cent of the overall cost of running the libraries. Many library branches are facing closure. The number of permanent libraries has fallen under Labor since 1999–2000, while the number of mobile libraries has fallen by 5 to 27 and the number of mobile library service points is down by 177 to 428. More mobile library services are at risk of closing.

Labor has and continues to reduce local government planning powers. After promising to clearly define and protect local government planning powers and allow fewer areas of unilateral ministerial intervention, Labor in practice has stripped councils of planning powers and delivered the real planning power to the Minister for Planning in the other place and the Victorian Civil and Administrative Tribunal (VCAT). It is this area — the reduction in planning powers — that I wish to focus my comments on for the remainder of my contribution to the debate.

As a local government councillor and three times mayor with the Shire of Yarra Ranges, I am fully aware that planning is a huge part of a councillor's duties. Councillors are elected to represent the needs and wishes of the residents and ratepayers rather than wider state-based values or narrower ward interests. On this side of the house we believe participation at the local level always improves decision making and the delivery of services. We support local government planning powers; local government is said to be the closest level of government to the people; it is grassroots government, and those powers rest better there. We certainly support local government having planning powers to make decisions in its local area.

One of the fundamental purposes and objectives of a council is to facilitate and encourage appropriate development of its municipal district in the best interests of the community. Planning at present is in disarray with uncertainty for all parties — councillors, developers, planners, planning consultants and the local community. I will give the house some examples of where Labor has stripped council planning powers and delivered that real power to the Minister for Planning and VCAT.

A particular example from when I was on the Shire of Yarra Ranges Council was the Croydon Golf Club application which was made to relocate the course at the intersection of Victoria Road and MacIntyre Lane in the shire of Yarra Ranges. When that application first came to council a number of concerns were expressed by objectors. The council worked through the process, but at the end of the day the shire made a decision to approve that application. An objector subsequently appealed the council's decision to VCAT, and VCAT overturned the council's decision and disallowed the application. Fair enough, that is the process.

The developer, however, then came back and made a second application on exactly the same matter to relocate the golf course to that parcel of land in the Yarra Valley. As I said, the first application had been approved by the shire but VCAT knocked it back. Based on the precedent set by VCAT in that first decision, the Shire of Yarra Ranges refused the second application. If you like, it had the VCAT decision before it which it could refer to in terms of considering the second application made by the developer, and it refused the second application. That application was again appealed to VCAT and much to our amazement VCAT approved it. Where is the sense in that? The government gives VCAT the laws it operates under. How can you have trust in VCAT and in the system? The golf club's application was approved by the shire, then knocked back by VCAT; it was subsequently refused by the shire and then approved by VCAT. It is an example of the government's blind trust in VCAT as an unelected body.

In her contribution to the debate the member for Essendon gave a number of examples of where the previous government went against the wishes of the local community; she gave examples of ministerial

intervention on planning. Within the electorate of Monbulk, which adjoins my electorate of Kilsyth, Boral Resources was asked to prepare an environment effects statement (EES) for a proposed extension to its Montrose quarry. The EES was completed and Boral subsequently requested that the Shire of Yarra Ranges prepare an amendment to the Yarra Ranges planning scheme to rezone part of the site to allow for the expansion. It was intended that the EES would be exhibited concurrently with the planning scheme amendment for public comment.

The Shire of Yarra Ranges resolved not to seek the minister's authorisation to prepare a planning scheme amendment. Boral has now requested that the Minister for Planning become the planning authority and exhibit a planning scheme amendment for Boral to expand its quarry at Montrose. As I understand it, that request is currently being considered not just by the Minister for Planning but in consultation with a number of other senior ministers. We will wait to see what the minister does with that request given the comments by the member for Essendon on how ministers should not intervene in local planning authorities.

A final example, although it was not in my time at the Shire of Yarra Ranges, concerns a logging application in Hoddles Creek. The merits of whether the logging should go ahead or not can be debated, but it is the actual circumstances of local planning authorities' controls in place being ignored and overturned by VCAT that I wish to discuss. The area had the strongest possible environmental overlays permitted under the planning scheme. There was strong community opposition and objection to it. The council vehemently opposed the application to log the forest area and subsequently refused it. The application was then appealed to VCAT and overturned. Councillors, developers, planners and local communities are confused about what can and cannot be permitted under a planning scheme, and it beggars belief when a minister and VCAT can just charge in and do what they want.

I would urge the Brumby government and the Minister for Local Government to start listening to the concerns of local communities and stop its destructive attack on local government and councillors and allow them to get on with the job they have been elected to do in their local communities.

Mr HAERMEYER (Kororoit) — I have to say that I was a bit perplexed, listening to the member for Kilsyth. I just wish I could reveal some of the conversations that I had with him when he was a councillor of the Shire of Yarra Ranges. I will not reveal confidences of private conversations, suffice it to say: how the worm turns. It is as if 1992 to 1999 never happened. There is this seven-year block in history that has just sort of disappeared through this process of selective Lib-Nats amnesia.

The member for Kilsyth went on to talk about planning powers, of all things. I recall that in this house there was a Minister for Planning by the name of Robert Maclellan. That minister was responsible for some 1700 call-ins of planning matters. It was not that some general process or guidelines were to be applied. Individual people with planning proposals for individual sites, not matters of regional significance, would go to him and say, 'We don't like what X council is doing' — presumably they were also very good donors to the Liberal Party — and they would have the council's decision overturned.

I understand that sometimes decisions have to be made on matters of regional or statewide significance that should not be overrun by a sort of very locally focused nimbyism and that sometimes there needs to be a process for making those decisions. What this government has done and is continuing to do is put in place a consistent and proper process that enables those decisions to be made in a consistent and reliable way, rather than leaving it to ministerial caprice. That was planning under the Kennett government: ministerial caprice. I remember that when representatives of one council that I represented in Yan Yean went to see Minister Maclellan about a planning matter, he condescendingly waved his finger and, looking down his nose at them, he threatened, 'You must not displease me'. That was planning and local democracy under the Kennett government.

I have to say that the Lib-Nats coming in here and lecturing us about local democracy, planning matters and cost shifting is a little bit like Troy Buswell lecturing people about the foibles of glue sniffing, or New York Governor Spitzer lecturing on marital fidelity, or maybe Robert Mugabe pontificating on democratic processes and good government, or maybe Tony Mokbel holding forth on the evils of drugs, or perhaps the member for Bass coming into this chamber and lamenting the lack of decorum in the chamber. That is the context in which I see this matter of public importance from the Lib-Nats.

The member for Shepparton went on about cost shifting and roadside weeds. She cited, as did a number of speakers from the opposition, areas where council costs have increased, as if it is then automatically the responsibility of the state government to immediately pick up those costs. Councils have responsibilities as

well. They have a capacity to raise their own revenue through their rates and they must make decisions on how far they will raise rates and to what extent they will contain their costs. I will get to the issue of cost shifting a little bit in a moment. This government has actually addressed in a big way a lot of those areas where that cost shifting occurred under the Kennett government. It has funded properly things like neighbourhood houses, local libraries and kindergartens, where the Kennett government was ripping resources out of them.

The member for Mornington went on about Meals on Wheels and library costs rising. This government has poured more money into those areas than any government before it did. The member for Mornington wants a guaranteed and growing revenue stream. As I said, local governments have the capacity to raise their own revenue through rates. State governments are in a bit of a different situation. One of the reasons the states receive revenue from the GST is that at Federation the states gave away most of their revenue-raising or taxing powers, and they are reliant on a very narrow stream of income.

I reiterate: local governments have the capacity to raise their rates. While state government support for local government in all those areas where state and local governments share responsibilities has never, ever been higher, there is not just a bottomless pit. If councils want to increase their expenditure in certain areas, this government understands that needs in certain areas continue to grow — we have a growing population and this government has done its bit — but local government also needs to find that balance between how far it increases its rates and at what stage it cuts or contains its costs. They are decisions that those at any level of government have to make at any time.

The member for Mornington also argued for greater uniformity in the process of electing councils. This goes to the issues of governance. Each council in this state is different and people in different areas want different ways of electing their local councillors — it is horses for courses. What we have put in place is an independent process — not with a politician telling people how councils will be elected — through an independent electoral commission that makes those decisions on how local government is structured and elected. It is an absolute non sequitur and a false analogy to suggest that somehow that is the same as having members of this house from different areas elected by different processes. It is the same as state governments having different structures and being elected by different processes. What is appropriate in Queensland is not appropriate for us in Victoria, and what is appropriate for the city of Melbourne is not necessarily appropriate for Mildura, Brimbank or other municipalities. We have allowed some room to move and have put in place an independent and proper process for dealing with that.

The member for Bulleen then came into the chamber and said that the no. 1 aim of this government is to strip powers from local government. This is a bit rich, coming from someone who worked in the office of Premier Kennett — the loyal adjutant to the great dictator, the man who sacked 1600 councillors. You cannot make people more silent than by sacking all the councillors and all the councils. Sorry, there was one that was not sacked. It was the Borough of Queenscliffe, because we could all see that Queenscliff was so different from every other place — it just happened to be in the marginal seat of Bellarine! The former government sacked all the councils and all the councillors.

As for the member for Shepparton coming in here with this matter of public importance, she was one of the commissars appointed to dictatorially run local government in this state — because Jeff Kennett, the Kennett government, the Lib-Nats over there, decided that the voters in each of those municipalities did not know what was in their own interests, they were not capable of electing a local council for themselves. That was the contempt in which those opposite held the Victorian people. That was their attitude: 'We'll just sack these councillors and put these unelected commissars in place across the state'. Instead of the member for Shepparton getting up and talking about elected local and participatory democracy, I have to tell her: for some of us there are some things that it is best not to go near, and local democracy according to someone who served as a commissar in the Kennett government is not something I would go near.

Mr BLACKWOOD (Narracan) — It is with pleasure that I rise to make a contribution on this matter of public importance. In my nine years as a local government councillor in my area of West Gippsland I witnessed many instances of state government interference in planning decisions, constant cost shifting from state to local government, enormous time delays in rezoning, the imposition of unworkable zoning changes and more recently an electoral review process that has frustrated and angered local communities and their representative councillors. Often it is the review process that the state government expects local government to follow that causes the greatest amount of grief. In most cases the process is so demanding that specialist consultants have to be employed at great expense to the shire.

The Shire of Baw Baw, for example, developed a growth management strategy for the shire that was to underpin a major rezoning of land to cater for population growth in Warragul and Drouin well into the future. The process was commenced back in 2002, the growth management strategy was finally adopted by council in 2005 and in the same year the planning scheme amendment process was commenced. Today the council is still waiting for the state government to sign off on the amendments prepared by council. The frustration that this has caused shire staff and developers and the cost incurred by the community have been enormous. There is now a chronic shortage of residential land in Warragul, which has pushed prices up, putting housing affordability beyond the reach of many young families and first home buyers.

We constantly hear state and federal governments paying lip-service to their concerns about housing affordability. If they were really concerned and fair dinkum, they would clean up their own backyards first and remove some of the ridiculous demands that are placed on local government in the planning scheme amendment process. Giving local government more autonomy and flexibility in this process would save an enormous amount of money and allow whole communities to have more of a say in how they think their communities should grow. The state planning scheme is often in conflict with the outcomes that are preferred by rural councils and communities. For example, the scheme encourages developers to keep lot sizes small, even as small as 350 square metres, in the interests of better utilisation of the available land. This leads to ghetto-style suburbs and houses with no eaves positioned on blocks with no flexibility to consider environmentally friendly outcomes, or more importantly, energy efficiency.

Local government understands the need to utilise land sensibly and sparingly where possible. It knows that high-quality farming land is at a premium. It knows that because most country communities rely on agriculture to sustain their local economies. Local government, through community consultation, is best placed to make decisions on lot sizes and population densities that suit its particular area. You cannot have a one-size-fits-all situation, as the state planning scheme dictates in many cases. It also exposes local government to challenge at the Victorian Civil and Administrative Tribunal when it follows the wishes of the community it represents.

In 2006 the then planning minister decided to implement a transition of all land zoned rural to farming. This was imposed on the Baw Baw shire overnight without any consideration of the objections council had raised or the huge problems it was going to cause people who were caught midstream in the planning process — for example, those applying for a section 2 use involving some bed-and-breakfast accommodation and holiday farm-type activities which are allowed in a rural zone but disallowed in the new farming zone. The minister was absolutely arrogant in his determination to push ahead despite being made aware of the impact this would have on the Baw Baw shire. All the shire needed was more time to get the rural activity zones identified and declared, which would have saved the shire and many applicants facing difficulties by being left in limbo by the actions of the minister.

The imposition of regulations by the state government on a whole range of activities has become the responsibility of local government to police — for example, food handling regulations, changes to the septic tank code of practice and the tightening of engineering standards for road construction, especially in new subdivisions. The more stringent the regulations, the more time is involved in supervision, which leads to unreasonable cost increases that have to be borne by local government and subsequently the ratepaying community.

The government's native vegetation management policy imposes a whole range of restrictions on farmers, developers and landowners. It was introduced by this state government, but guess who has to police and monitor compliance with the act?. That is right — local government. The code of practice for timber production on private land was, once again, legislated by this state government, but local government has to take responsibility for its implementation and compliance. Local government planning departments had this particular piece of legislation thrust on them to administer, yet they had no qualified staff and in many cases had to employ consultants to train and advise their planning staff. In Baw Baw shire and the city of Latrobe there has been significant plantation development on private land and some harvesting of native forest on private land. Both councils have borne significant cost in ensuring that the state-government-imposed legislation is adhered to.

Before I leave the native vegetation management policy I must mention that I recently had meetings with representatives of the Victorian Farmers Federation, and they have some real concerns with this act and the impact its enforcement is having on the ability of farmers to maintain the productive capacity of their farms. They are not talking about wholesale clearing of native vegetation but problems they have in managing pasture growth in the vicinity of small pockets of unviable and unsustainable native vegetation. The

process involved in addressing this issue is costly and time consuming. It is another example of a state government agenda that has caused the removal of local government's ability to work with its communities to achieve a cost-effective practical outcome.

The recent Victorian Electoral Commission (VEC) review of local government boundaries and representation has also caused considerable anxiety in both the Baw Baw shire and Latrobe city council areas. The inconsistencies in the final outcome for the two municipalities were quite extraordinary. In the case of Baw Baw shire the councillors were quite keen to retain the status quo — that is, one ward, one councillor. Baw Baw shire has traditionally been apolitical. It seems that the VEC ignored the council's preferred position, and the minister signed off on multicouncillor wards.

The Latrobe City Council has traditionally been recognised as a Labor council. It requested the status quo in the face of very strong community support for multicouncillor wards, in particular in Moe. In fact members of the Moe community presented me with information which would suggest that Latrobe made late representation to the VEC, indeed after submissions had closed, in a last-ditch attempt to influence the outcome. I made representations to the Minister for Local Government on this issue and supplied him with the information provided to me by the concerned constituents. As is typical of this divisive Brumby government, their concerns were completely ignored.

The state government currently sets what it believes to be the appropriate number of poker machines in a certain area. Local government is powerless to act on the wishes of its community, if an application for more machines is received in an area not fully saturated with poker machines. The Shire of Baw Baw refused an application for gaming machines in Drouin in recent years based on very strong community concern about the adverse impact experienced in the community of Baw Baw as a result of problem gambling. The applicant took the shire to Victorian Civil and Administrative Tribunal (VCAT) as was its right, and the council's decision was overturned purely based on the number of machines. Community concern was totally ignored. The cost to council and the community in defending their decision at VCAT was considerable.

There are many examples of cost shifting from the state government to local government. A lot of it has occurred because of shire and councillor concern for their communities due to constant lack of concern from this government for the needs of rural communities. In summary, local government continues to fund kindergarten infrastructure, libraries, community health, and aged and disability services, all of which are the responsibility of the state government. In Baw Baw, for example, the shire contributes over $80 000 each year to the West Gippsland Healthcare Group to assist the group to deliver its community-based health programs. The Brumby government has to stop being divisive and arrogant, get out of peoples' lives, provide the funding and put in place the processes which will allow local government to work with its communities to identify and deliver the services, planning outcomes and infrastructure that are important to them.

JOINT SITTING OF PARLIAMENT

Senate vacancy

Message received from Council acquainting Assembly that they have agreed to a joint sitting to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Robert Francis Ray.

STATEMENTS ON REPORTS

Public Accounts and Estimates Committee: strengthening government and parliamentary accountability in Victoria

Ms ASHER (Brighton) — I wish to make some comments about the Public Accounts and Estimates Committee (PAEC) report on strengthening government and parliamentary accountability in Victoria dated April 2008. At the outset I have to say that I have been very critical of this particular committee over the last year or so in relation to its handling of budget estimates, but I have to say this particular report shows interesting ideas. It is unusual for PAEC to make comments about the running of the Parliament, but I know the Attorney-General provided this reference and the committee has responded. I want to make a couple of comments about the committee's recommendations. I hope a number of them are taken up, and I hope a number of them will have further work done on them.

The first matter I wish to raise concerns question time procedures. On page 25 of the report the committee makes the observation:

> … the role of question time for ensuring government accountability has diminished over the years due to changing party tactics and parliamentary practices.

I am pleased to note that obviously there is some agreement across various parties that this at least has been mentioned as a concern, because it is certainly a concern that I hold.

On page 28 there is an interesting analysis of the time spent answering government and opposition questions. Given you are in the chair, Acting Speaker, I do not know what time you have to ask questions — I am sure you will have your own calculations done on that. Under the previous government — from 1996–99 — the average number of minutes taken to answer questions from government ministers was 5.6 minutes, and yet questions from non-government members took only 2.2 minutes.

Honourable members interjecting.

Ms ASHER — Hold it! I am actually making the same point for both governments; I am trying to be fair. I know this is a great shock to the member for Albert Park, because he is new to this chamber, but in areas like committee reports one can actually be objective. Under the previous government, ministers only spent 2.2 minutes answering questions from non-government members.

I turn to the figures for the Labor government between 2002 and 2006. The average number of minutes taken to answer a question from a government member was 5.1 minutes, and questions from non-government members received 1.6 minutes of attention. Irrespective of Labor or Liberal, the Dorothy Dixers receive a lot of attention and the answers to questions which are designed for accountability and scrutiny are very brief. It is my observation in this place that when a minister is uncomfortable with a question, that minister is incredibly brief in answering it. On page 28 of its report, the committee makes the point that roughly 70 per cent of question time is spent answering government questions and 30 per cent answering non-government questions.

The remedy proposed by the committee is the system that operates in the upper house at the moment. I recall the Independents charter which had a series of reforms, many of which were based on practices of the upper house. People like to say the upper house is behind the times, but it provides the model that in many instances PAEC has adopted.

Recommendation 5 of the report is that the Standing Orders Committee revise its standing orders to allow supplementary questions without notice. I urge the Standing Orders Committee to consider that. It may be some source of improvement, although clearly it will not be a panacea.

I also refer to recommendation 8 on page 33 of the report, where a suggestion is made for time limits on individual questions without notice. I would be keen to see more work done on this, because I think one of the fundamental problems of this Parliament is that question time at the moment is scarcely worth the effort, because ministers have so much flexibility in answering various questions, so I urge the Standing Orders Committee — because I know it is so independent and a creature of the Parliament — to consider some of these recommendations put forward, I have to say, by the PAEC in an attempt to try and get question time a better place in this Parliament.

Privileges Committee: right of reply — Robert Larocca

Mrs MADDIGAN (Essendon) — I wish to make a statement on a Privileges Committee report handed down on 15 April, and I will use the report as an illustration of what I see as a problem in the way that we deal with privileges matters in this house. This report was produced in response to some comments made by the member for Kilsyth about Robert Larocca and Mr Larocca's time as mayor of the City of Moreland. In these circumstances the Privileges Committee has fallen into a habit that it has had for some years, but I do not think that it provides justice for the person who has lodged the complaint with the Privileges Committee when that complaint is considered to have been upheld. In this case it was considered to be upheld. I use this case as an example, but this has happened to other people — and not necessarily against Liberal members, but against Labor members as well. I am using Mr Larocca's case as an example.

The habit the committee has fallen into is that its members produce a report, but they do not ask for that report to be incorporated into *Hansard*, which means that there is no remedy in that the community cannot see that the matter has been addressed. Most people do not read *Hansard* as a matter of course. However, the report of the Privileges Committee is never reported in *Hansard*, so the incorrect statement remains in *Hansard*. Other parliaments seem to have a much more sensible process — that is, that their privileges committees recommend that reports be incorporated into *Hansard.* The advice I was given was that that can be done in this house later, but I have found out that it can only be done by leave, which brings the matter of the report into the political arena. The report about Mr Larocca was a unanimous report; no-one dissented

from the view of the committee. Members of Parliament from all parties who were on that committee agreed with the recommendation. However, there is no way that any person in the community can see that that change has been made.

I have asked the Privileges Committee to look into somehow tagging the response to the original report in *Hansard*, so that when people look up information or read the speeches in future they can understand that that statement has been adjusted. Obviously to have that matter redressed would be much fairer for people who feel that they have been offended by someone in this house. In the case of Mr Larocca the Privileges Committee found that the comments made by the member for Kilsyth were incorrect, and the committee allowed a particular response from Mr Larocca. In all fairness, particularly where the committee is unanimous in its views, that response should be incorporated into *Hansard*, which would make the process more transparent and give the person who feels that they have been aggrieved a much fairer response.

Privileges Committee: right of reply — Robert Larocca

Mr McINTOSH (Kew) — The member for Essendon has made a statement on the Privileges Committee report on Mr Robert Larocca. I also want to make a statement on matters that have arisen through that report. The member for Essendon is quite correct in that the committee did find unanimously that two errors were made in the members statement made by the member for Kilsyth about Mr Larocca. I also note that the committee itself made a factual error in its findings, because it refers to the statement being made during the adjournment debate, but it was actually made during a members statement, so nobody is above reproach in relation to these matters.

The two errors made in the report are, firstly, that Mr Larocca:

> … was mayor when a controversial $18 million, 10-storey development in Brunswick by Tony Mokbel was approved …

Mr Larocca has made the point that he was not the mayor, but a councillor, when Mr Mokbel's development was approved.

Secondly, Mr Larocca has made the point about the statement:

> … despite the wishes of his own internal department —

that the development was recommended for approval by the director, city strategy — it was not his department. Those points were sustained.

The committee also stated that a number of matters raised were unchallenged and uncontested as fact. Mr Larocca was a member of the Eastern Transport Coalition, which was a body set up to lobby about public transport in the lead-up to a federal election. The Minister for Public Transport, who is sitting at the table, knows well that this is a state issue, not a federal issue. It raises the question of why that coalition of various councils was lobbying a federal government in relation to public transport when it is solely a state issue.

It was discovered that Robert Larocca — and of course he was named as such in the original statement by the member for Kilsyth — was a Labor mayor of Moreland, which is a matter he has not denied, and that he has served under two well-known Labor members of Parliament. He served under the current member for Footscray and under the federal member for Wills, Kelvin Thomson, who I understand at one stage was married to the member for Footscray. He was an adviser to both of those people, and indeed was an adviser to Kelvin Thomson at the time that Kelvin Thomson apparently wrote a reference supporting Tony Mokbel's $18 million development in Brunswick. This matter, which the member for Kilsyth has quite properly brought before this house, should be a matter of profound concern. The committee cannot deal with that significant issue; of course it cannot get involved in it.

This state desperately needs a broad-based, independent anticorruption commission to look into these sorts of issues, which occur when the Labor Party and its mates do grubby deals for developments with people such as Tony Mokbel. I am sure all members of this house wish Tony Mokbel was back in Melbourne to tell his tale. Perhaps he could be called before an anticorruption commission so we could get to the bottom of what was the basis of the reference in relation to his redevelopment that was written by Kelvin Thomson.

We could go on and talk about cases relating to other members of Parliament dealing with things like bingo or even cleaning contracts and the like. What I desperately want is an independent, broad-based anticorruption commission for this state so we could get to the bottom of such things as the inappropriate use of the LEAP (law enforcement assistance program) database.

I see the member for Albert Park is in the chamber. As former chief of staff to the Minister for Police and

Emergency Services, he would no doubt be aware of the LEAP database and the way it was misused by a former police minister. That has been unable to be dealt with by the Ombudsman, because the Ombudsman cannot look into the operation of a ministerial office. I am sure the member for Albert Park knows that the Ombudsman cannot look into the operation of a ministerial office.

What this report indicates is that we desperately need an independent, broad-based anticorruption commission to look into people like Mokbel and his relationship with Kelvin Thomson, and to investigate police ministers who misuse the LEAP database and other clear Labor Party abuses of power in this state.

Law Reform Committee: property investment advisers and marketeers

Mr FOLEY (Albert Park) — It is with pleasure that I rise to speak to the Victorian Parliament's Law Reform Committee report of its inquiry into property investment advisers marketing activities, which was tabled on 10 April. This was a reference that the government gave to the committee to seek to review the regulatory framework regarding the provision of property investment advice, with the objective of establishing how best to control the exploitation of Victorians in the context of keeping the burden on business as low as possible, whilst obviously seeking to focus on the commonwealth's role in regulating financial advice and the ongoing work of the Ministerial Council on Consumer Affairs, which can sit in regulation in this area.

Given the new era of federal-state cooperation that has opened up in this country following the election of the Rudd Labor government, it is now an opportunity to make sure we deliver in this tough area of state-commonwealth regulation and coordination. It is not surprising therefore that the basic tenor of this report argues that Victorians at risk from the activities of shonky property marketing schemes and investment advisers are best protected under a genuine national scheme.

In short, the report argues that the commonwealth government should extend its financial regulation to pick up property investment advice, but in a light-handed and productive manner. In the event, as unlikely as it is, that the commonwealth and the states should not take up this opportunity for a coherent system of national regulation, the report then foreshadows options that the state might pursue as to how to deal with the issue at hand.

The report sensibly identifies the fact that the issues surrounding property investment and advice are not solely the responsibility of governments. The role for consumer awareness and the development of investment literacy was also dealt with. Equally transparent and quality information provided to consumers and markets is seen as a vehicle to handle the problems that the report identifies.

What are these problems caused by the small number of shonky operators in the industry that target vulnerable and susceptible consumers? The committee received a number of harrowing examples of rogue traders and activities in this area. Chapter 3.3 details in some length these concerns. Examples of marketing disguised as education and advice services are an all-too-regular occurrence. The selling of advice and then the selling of the product itself seemed to be a common problem, as did the non-disclosure of conflicts accompanied by heavy-handed pressure tactics for selling. The evidence of Neil Jenman, a New South Wales-based consumer advocate, was particularly insightful, as indeed was the evidence of the Financial Planning Association. These organisations and individuals were themselves aware of examples where people had consciously sought to deceive and had set out to give the impression of self-serving advice to milk managed superannuation funds, sometimes at unrealistic price levels. Examples of conflicts of interest, of disreputable sales and marketing activities, of conscious overpricing, of exaggerated and impossible likely returns and of deliberate failures to disclose risks were all brought to the committee's attention.

In these times of high exposure to debt levels by consumers, of mounting interest rates due to the irresponsible economic management of the now thankfully former Howard Liberal government, sadly the welfare of mum-and-dad investors, of families looking to secure their own futures, of self-funded retirees and of a growing number of self-employed contractors is being targeted by this potential group of shonky marketeers and advisers.

The report identified the systematic issues of a regulatory, educative and informative regime and stated that these should be sought on a consistent national basis. Essentially this report sought to make sure that the opportunity for genuine national arrangement that is available to the ministerial council in this area is taken up and run with; failing that opportunity, that the state will go ahead and pursue some appropriate information, education and regulatory reform. I am sure, however, that the forthcoming ministerial council in this area will pick up this opportunity and ensure that the interests of both the reputable marketers and advisers — by far the

majority — are looked after, the shonks are dealt with and the consumers of Victoria are protected.

Public Accounts and Estimates Committee: budget estimates 2007–08 (part 1)

Mr CRISP (Mildura) — I wish to talk on the Public Accounts and Estimates Committee's *Report on the 2007–08 Budget Estimates — Part One*.

I refer to the Minister for Public Transport's verified transcript, in particular the evidence on pages 5, 6 and 7. I acknowledge that the Minister for Public Transport is at the table at the moment. The issue that was explored within the Public Accounts and Estimates Committee report was rail maintenance funding. The committee was attempting to determine the $25 million rail maintenance commitment that was in that budget estimate. The evidence was inconclusive on that issue. There was an extensive exchange between Mr Wells and the minister over that $25 million rail freight maintenance commitment. In that time and as a consequence of that the result for the committee was that the minister would get back to the committee, and I certainly urge the minister to get back to the committee on that issue.

Rail maintenance is an important issue in my electorate, and no issue is more important than the Murrayville railway line, which is about 100 kilometres running westward from Ouyen. Unfortunately the line is closed due to the lack of maintenance and some issues that have occurred through the summer. To give that community assurance we need to know where the $25 million for rail maintenance was spent. There is speculation that $7.7 million went to Pacific National for some rail maintenance, but the balance of $17.3 million is outstanding. For that community to be looking at a closed railway line, it needs to know where that money was spent elsewhere in the system and that it was a higher priority than maintaining that vital grain link.

At a maintenance cost of around $100 per sleeper, a lot of work could have been done with that $17.3 million. About 173 000 sleepers could have been laid, which should have restored to use several hundred kilometres of rail track. The recent announcement that we will have $42.7 million going forward and $19 million for general maintenance has raised the hopes for country freight lines again in those communities that are dependent on them. However, just as the $25 million was previously announced by the former Bracks government, the community needs assurances about how that $19 million will be spent.

I urge the Public Accounts and Estimates Committee to continue to investigate the matter of rail maintenance to ensure that the minister provides the information that was promised. Country Victorians need confidence that past moneys are accountable so that those dependent on the country rail infrastructure can be assured that future moneys will also be accountable and be well spent. Country rail maintenance ought to be a priority of the government. It is obviously featured within the Public Accounts and Estimates Committee. Those communities that are dependent are looking to some leadership here to show that this will occur.

The long exchange that occurred between the various parties in the committee indicates that some accounting issues need to be addressed. In particular, the confidence required by our community to go forward knowing that the past moneys were well spent, and if they were not well spent, confidence will be eroded that the future moneys will be well spent.

I urge the committee to go forth and continue to pursue this issue. It is one that is extremely important to country Victorians.

Public Accounts and Estimates Committee: strengthening government and parliamentary accountability in Victoria

Mr SEITZ (Keilor) — I rise to talk on the Public Accounts and Estimates Committee's report on strengthening government and parliamentary accountability in Victoria and specifically the section regarding parliamentary committees, joint committees and investigative committees that we have here in Victoria

I am pleased to see that the committee's observation and information regarding committee procedure is quite satisfactory. We have a unique system of joint parliamentary investigatory committees, which has served this Parliament and the people of Victoria very well for quite some time. It provides the opportunity for bipartisan input on questions and issues which are before the Parliament, before a minister to deal with or which are of general concern in the broader community and are dealt with by community submissions. Individual people, groups and organisations can make representations to the committees, and then the deliberations and the findings are done in the backrooms, in the offices, of the committee rooms, where the political sides get together — unlike when matters are debated here in Parliament where you have political adversaries and sometimes out of necessity the opposition has to disagree with the proposal of the government.

It is a very rare occasion that we finish up with minority reports on some issues. My observation has been that in most cases the committees come up with sensible recommendations that are worked out when all political persuasions are presented to the government, here in Parliament. Ministers — the government — then have to respond to the committee reports, particularly if there are recommendations, and determine which recommendations they will implement, which ones they will consider, or have the department further look at. The reporting process is an important function of the committees, because it is not only about the Parliament and legislation, it is also about how the departments that read them follow them and look at how they can improve their own operation. All in all the committee set-up here is excellent.

The second topic I will talk about is question time, which the committee also looked at. It is quite clearly spelt out. Sometimes we waste our own time by taking points of order and raising issues. The only suggestion the committee came up with was that perhaps the Standing Orders Committee should consider the amount of time allocated to the minister to answer the question. However, the standing orders are quite clear that ministers may choose to answer questions in whichever way they want. The committee has made no recommendation to change that.

The committee looked at the current standing orders. If members read the report, they will see that the time allocated for answering questions could be curtailed, but many times it is the interruptions by members who raise points of order that extend question time. We should be able to finish question time within half an hour, because there is a standing order, but we seem to be going over that time because of unwarranted interruptions and arguments over points of order that sometimes occur. The standing orders are quite clear. I do accept the point. I am not sure what time limits for answers to questions without notice the Standing Orders Committee is looking at now. However, it is also incumbent on the people who frame and ask questions to make them acceptable to the Speaker. In these sittings we have already had one question that had to reworded three times before it was acceptable to the Speaker.

The Parliament relies on questions without notice. The media and people in the public gallery watch question time. It is the job of the opposition to ask questions and elicit information from ministers. It is up to ministers how they answer questions. It is frustrating when ministers do not respond directly to a question that is put to them. However, the standing orders state that ministers can choose to answer questions in whatever way they wish. When you are in opposition — and I have been in opposition — you have to accept the standing orders.

The ACTING SPEAKER (Mr Ingram) — Order! The member's time has expired. The time for making statements on committee reports has also expired.

STATE TAXATION ACTS AMENDMENT BILL

Statement of compatibility

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities (the charter), I make this statement of compatibility with respect to the State Taxation Acts Amendment Bill 2008.

In my opinion, the State Taxation Acts Amendment Bill 2008, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the State Taxation Acts Amendment Bill 2008 is to amend the Duties Act 2000, the First Home Owner Grant Act 2000, the Land Tax Act 2005 and the Payroll Tax Act 2007.

In particular the bill makes a number of changes to the administration of the off-the-plan stamp duty concession, introduces new stamp duty exemptions, clarifies the application of an existing stamp duty exemption where property passes to unit holders from unit trust schemes, increases the thresholds for general stamp duty, principal place of residence and the pensioner exemption/concession. The bill provides for an additional grant to first home buyers purchasing a newly constructed home in regional Victoria.

There is an increase in the thresholds for land tax, a reduction in the top rate and the introduction of an exemption from land tax to assist in the accommodation of disabled young people. The bill also provides for a reduction in the payroll tax rate and a number of minor payroll tax amendments.

Human rights issues

1. Human rights protected by the charter that are relevant to the bill

Right to privacy

The right to privacy is protected by section 13 of the charter. In accordance with this right a person must not have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

An interference with privacy will be unlawful if it is not permitted by law, or it is not certain and appropriately

circumscribed. An interference will be arbitrary if the restrictions on privacy are unreasonable in the circumstances and not in accordance with the provisions, aims, and objectives of the charter.

Clauses 3, 4 and 6 of the bill require a person to produce documents upon written notice by the commissioner, which includes information about calculations of percentage of construction completed on a building or refurbished lot as at the date of the contract. These requirements raise the right to privacy to the extent that they compel a person to provide documents to the commissioner.

These clauses do not, however, limit the right to privacy under the charter. The documents which a person may be compelled to provide in relation to the off-the-plan amendments are necessary to enable the commissioner to verify the accuracy of the information provided to calculate the quantum of the concession. This is fundamental to the bill achieving its purpose of proper and effective functioning of the off-the-plan duty concession provisions. In a self-assessment system it is important the commissioner can verify claims for the concession through compelling a person to produce documents. In these circumstances the provision of records is not arbitrary and is clearly lawful.

Clause 18 provides benefits to landowners in the form of an exemption from land tax for certain land used as residential services for people with disabilities.

In order to receive the benefit available under the amendment being introduced, applicants would necessarily have to provide relevant evidentiary materials to satisfy the conditions of the benefit such as details of the relevant property including evidence of its use as such a residential service.

This clause does not, however, limit the right to privacy under the charter. The information required from persons to obtain a benefit is necessary to establish the eligibility of the applicants for that benefit and forms a fundamental part of the proper administration of this provision. The requirement for the information is relevant to give effect to the provision, which is to benefit eligible persons. Moreover, persons have a choice whether to apply for this benefit and produce the information or not. In these circumstances the provision of records is not arbitrary and is clearly lawful.

The Taxation Administration Act 1997, section 91, contains certain safeguards concerning the use of information obtained under or in relation to the execution of the bill. For example, section 91 prohibits past or present tax officers from disclosing this information except as expressly permitted.

To the extent that the confidential information is also personal information, the Information Privacy Act 2000 provides a further safeguard that will assist in ensuring that the right to privacy is not unlawfully or arbitrarily interfered with.

Notwithstanding that this clause raises the right to privacy it does not limit that right because it is neither unlawful nor arbitrary.

Right to property

Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with law. A statutory deprivation of property will not breach section 20 of the charter if it is lawful and is for a non-arbitrary purpose and is proportionate to that purpose.

Clauses 3, 4 and 6 of the bill may engage this right because they permit the commissioner to require a person, by written notice to produce a document and it allows for transferors to be jointly and severally liable with the transferees for any additional duty if information provided by the transferor is found to be incorrect.

Notwithstanding that the exercise of these powers may result in the deprivation of property they do not limit the right to property because in each instance the deprivation will not be unlawful or arbitrary. That is, the deprivation will be permitted by law and is appropriately circumscribed for the reasons set out above in relation to the right to privacy. The deprivation is not arbitrary because in a self-assessment regime it is essential to have sufficient powers to investigate and collect evidence to enable effective monitoring and compliance. These powers also help to ensure that the commissioner can adequately protect the property rights of the lawful beneficiaries of the off-the-plan duty concession.

Further the production of documents in these circumstances is reasonable to ensure the public benefit aim of the off-the-plan duty concession is achieved in circumstances where there may be serious non-compliance with the requirements of the bill. Accordingly, while the right to property may be engaged by these provisions it is not limited for the purposes of the charter.

These powers are not unlawful because they will be provided for by law, and will only be exercised for purposes connected with the administration and enforcement of the Duties Act 2000. In these circumstances, the operation of joint and several liability is not arbitrary and is clearly lawful.

Clause 18 may also engage the right to property to the extent that there are requirements on persons to produce documents in order to receive a nominated benefit under the Land Tax Act 2005. However, as is the case for the right to privacy, these requirements are not mandatory as persons have a choice to submit such documentation as part of an application for a benefit, or not. The information required from persons to obtain a benefit is necessary to establish the eligibility of applicants for those benefits and forms a fundamental part of the proper administration of these provisions. The requirement for the information is relevant to give effect to the provisions, which is to benefit eligible persons. Also, the relevant requirements will be permitted by law.

Notwithstanding that this clause may engage the right to property it does not limit the right because the requirement for documentation as part of an application for a benefit is neither unlawful nor arbitrary.

Freedom of expression

Section 15(2) of the charter gives a person the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside of Victoria in a variety of forms. The right to freedom of expression encompasses a freedom not to be compelled to say certain things or provide certain information.

Clauses 3, 4, 6 and 18 of the bill may engage this right because they permit the commissioner to require a person by written notice to produce a document.

To the extent these clauses compel a person to provide information or answer questions they may represent a limit on that person's freedom of expression.

Recognition and equality before the law

Section 8(3) of the charter provides that every person is equal before the law and is entitled to equal protection of the law without discrimination. Discrimination, in relation to a person, means discrimination within the meaning of the Equal Opportunity Act 1995 on the basis of an attribute set out in section 6 of the act.

Clauses 8, 10, 15 and 18 of the bill may engage this right as they respectively provide an exemption from stamp duty for situations where a trust is established and/or property is transferred into such a special disability trust for disabled persons; a concession from stamp duty is provided in certain circumstances for certain pensioners; a grant is provided in certain circumstances for first home buyers in regional Victoria; and a land tax exemption is provided in certain circumstances where land is used for residential services for disabled persons.

To the extent that clauses 8, 10, 15 and 18 provide more favourable treatment to persons disabled, of pensioner status or who buy homes in regional Victoria, they may limit the right of recognition and equality before the law.

2. Consideration of reasonable limitations — section 7(2)

Freedom of expression

The right to freedom of expression under section 15 of the charter may be limited by the operation of clauses 3, 4, 6 and 18 of the bill.

(a) What is the nature of the right being limited?

The freedom of expression is a right of fundamental importance in our society and is an essential foundation of a democratic society. It encompasses the right not to be compelled to express information of all kinds, including in documents.

(b) What is the importance of the purpose of the limitation?

To the extent that clauses 3, 4, 6 and 18 compel a person to answer questions, provide information or produce documents, they may limit the right to freedom of expression.

The purpose of this limitation for clauses 3, 4 and 6 is to ensure that the commissioner is able to verify the accuracy of the information provided which is fundamental to the bill achieving its purpose of proper and effective functioning of the off-the-plan duty concession provisions. In a self-assessment system it is important the commissioner can verify claims for the concession through compelling a person to produce documents. The relevant requirements will be permitted by law, in these circumstances the provision of records is not arbitrary and is clearly lawful.

The purpose of this limitation for clause 18 is that the information required from persons to obtain a benefit is necessary to establish the eligibility of the applicants for that benefit and forms a fundamental part of the proper administration of this provision. The requirement for the information is relevant to give effect to the provision, which is to benefit eligible persons. Moreover, persons have a choice whether to apply for this benefit and produce the information or not. The relevant requirements will be permitted by law, in these circumstances the provision of records is not arbitrary and is clearly lawful.

(c) What is the nature and extent of the limitation?

Under clauses 3, 4, 6 and 18 a person may be compelled to answer questions, provide information or produce documents. However, the circumstances in which a person can be asked to do so are limited to verifying the applicant's eligibility for the relevant concession.

(d) What is the relationship between the limitation and the purpose?

The limitation is directly related to the purpose which is to verify the accuracy of applicant's eligibility for the relevant concession.

(e) Are there any less restrictive means available to achieve its purpose?

No other means are considered reasonably available to achieve the purpose of the limitation imposed.

(f) Conclusion

The limitation is reasonable and necessary so that the commissioner can verify information necessary to effectively administer concessions available pursuant to the bill.

Recognition and equality before the law

The right to recognition and equality before the law under section 8 of the charter may be limited by the operation of clauses 8, 10, 15 and 18 of the bill.

(a) What is the nature of the right being limited?

The right to recognition and equality before the law is one of the cornerstones of human rights instruments and this is reflected in the preamble to the charter. However, the right is not absolute and can be subject to reasonable limitations in section 7 of the charter.

(b) What is the importance of the purpose of the limitation?

The purpose of the limitation is to ensure that certain disadvantaged persons are eligible for particular taxation concessions or grants. This limitation is important because it assists some of the most vulnerable members of society.

(c) What is the nature and extent of the limitation?

The nature of the limitation is the favourable treatment provided to certain disadvantaged persons because it provides them with access to stamp duty concessions, additional grants and exemptions from land tax. The nature and extent of the limitation is confined.

(d) What is the relationship between the limitation and its purpose?

There is a direct relationship between the more favourable treatment of persons with certain disadvantages and the purpose of protecting and assisting the rights of those who are more vulnerable because of those disadvantages.

(e) Are any less restrictive means available to achieve the purpose?

No other means are considered reasonably available to achieve the purpose of the limitation imposed.

(f) Conclusion

The limit on the right to recognition and equality before the law is reasonable and justified because it protects the rights of certain disadvantaged persons by allowing them to be eligible for particular taxation concessions or grants.

In all other circumstances whilst the bill raises human rights issues, it does not limit any other human right, therefore it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because, even though it does limit a human right this limitation is reasonable.

TIM HOLDING, MP
Minister for Finance, WorkCover and the Transport Accident Commission

Second reading

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) — I move:

That this bill be now read a second time.

On 6 May 2008 the government handed down its 2008–09 budget. This budget continues the legacy of prudent fiscal management coupled with fair and sensible taxation reform established in prior budgets.

Changes enacted in this bill represent the first major revision to the thresholds for stamp duty on land transfer in 10 years. These thresholds in the Duties Act 2000 will be increased by approximately 10 per cent. This measure provides a degree of relief to residential, business and investor property purchasers.

The government will provide further benefits to first home buyers by extending the concessional rate of duty for principal places of residence to those currently eligible for the first home bonus. This will replace the current requirement where first home buyers must elect between the two and is firmly targeted at helping Victorians into the housing market.

The threshold increases importantly also apply to the stamp duty brackets currently in place for the principal place of residence land transfer concession and the eligible pensioner concession ensuring these special categories similarly benefit. These duties changes are estimated to be worth $420 million in tax savings over the next four years and will take effect for contracts entered into on or after 6 May 2008.

Special disability trusts are a federal government initiative aimed at helping immediate family members and guardians provide for the current and future care and accommodation of children with severe disabilities. The scheme allows families to make financial provision for their family member without impacting on his or her eligibility for social security payments. It also offers an alternative form of accommodation to persons with severe disabilities other than aged-care facilities or hostels. In the budget the government announced that it will provide duty exemptions in respect of such trusts to support the federal government's initiative and assist persons with severe disabilities in gaining access to suitable care and accommodation.

In the absence of an exemption, the establishment of a special disability trust and vesting of property therein (the dutiable value which is up to $500 000) may incur stamp duty of more than $25 000.

The corporate reconstruction exemption from stamp duty is being expanded to remove a potential disincentive for Australian-listed property trusts to invest overseas. In keeping with recent federal tax reform, this exemption will be extended to restructures of stapled entities in specified circumstances which will assist industry to be more competitive in offshore markets and provide greater returns for Australian investors.

In 2007 the government authorised the State Revenue Office to undertake a review of the off-the-plan stamp duty concession. This concession is only available in Victoria and is an important feature of the government's housing affordability policy. The amount of concession available is determined by reference to the extent of construction completed when the land is purchased, and is also available in respect of refurbishments of existing buildings. The review was timely given evidence of rorting via inflated concession claims, and it allowed refinement to simplify aspects of the administration of the concession.

This bill enacts a package of measures in the Duties Act 2000, much of which industry is aware of and which should be welcomed. The measures apply to the transfer of dutiable property if the contract of sale of the land is entered into on or after 1 October 2008. This is to ensure there is a suitable period for all stakeholders to adjust their practices and to ensure all parties entering into new contracts are fully cognisant of these requirements. These measures, together with further administrative simplification, will shorten the calculation process, lower the occurrence of error and provide a disincentive for rorting.

Section 36B of the Duties Act 2000 provides an exemption for a transfer of dutiable property from a unit trust scheme to unit-holders who were unit-holders when property was first vested in or transferred to the trust. The underlying rationale for this exemption is that in such cases stamp duty must have been borne at that first vesting or transfer effectively by those unit-holders and there is no change in the beneficial ownership of the property by the transfer.

The bill seeks to restore the objective of providing only the same level of stamp duty relief as is available in parallel sections 36 (that deals with fixed trusts) and section 36A (that deals with discretionary trusts).

The budget contains a new additional payment of $3000 for first home buyers purchasing a newly constructed home in regional Victoria. Regional Victoria is defined in a schedule to the bill as being 48 municipalities outside of metropolitan Melbourne plus the alpine resort areas.

This additional payment will be provided to eligible recipients in addition to the first home bonus. Homebuyers entering into contracts on or after budget day will be eligible for this additional amount. The Brumby government recognises the importance of growth in our regions. This measure is targeted at improving housing affordability and toward encouraging further population and jobs growth in regional Victoria.

In the budget the government committed to further land tax reform. The Land Tax Act 2005 will be amended to increase all thresholds by approximately 10 per cent and reduce the top tax rate from 2.5 per cent to 2.25 per cent. This means there will be a tax-free threshold of $250 000 up from $225 000.

These changes will apply for the 2009 land tax year onwards.

The threshold changes also flow through to the trusts land tax rate scales though maintaining a lower tax-free threshold, the surcharge of 0.375 per cent, and the tapering off of the surcharge before hitting the new upper threshold of $3 million.

These changes to the land tax scales are worth approximately $490 million over the next four years and will benefit all land tax payers. Virtually all Victorian businesses with land-holdings valued between $0.4 million and $5.7 million will pay less land tax than they currently would in New South Wales or Queensland and will pay the second lowest rates in Australia.

In recent years the government has dramatically reduced land tax rates and abolished middle brackets. These measures to increase thresholds complement earlier reforms and emphasise that this government is committed to providing a fairer tax system for all Victorian land-holders.

The Land Tax Act 2005 is also being amended to introduce an exemption from land tax for land which is used as long-term shared supported accommodation for young people with disabilities. This is an extension of the current exemption for residential care facilities and supported residential services. The possibility of unfavourable land tax treatment may have acted as a barrier in the past to the establishment of shared supported accommodation for younger people with disabilities that require a high level of care.

The payroll tax rate was already scheduled to fall from 5.05 per cent to 5 per cent in 2008-09. The 2008–09 budget further reduces the payroll tax rate to 4.95 per cent, effective 1 July 2008. This additional reduction benefits over 28 000 businesses by a further $170 million over the next four years.

The bill further amends the Payroll Tax Act 2007 in a number of relatively minor ways. This act was rewritten last year to harmonise with New South Wales except for rates and thresholds. A number of minor issues have been identified which require legislative amendment in both Victoria and New South Wales. There is already a bill before the New South Wales Parliament addressing these issues. It is important that having established the degree of consistency that we have, that this is maintained.

The changes include:

(a) ensuring that organisations which are charitable at common law enjoy the charitable organisation exemption. This is the policy objective and how the State Revenue Office currently administers the act; however, a strict reading suggests the exemption could be interpreted in a more restrictive fashion, and practitioners have requested clarification;

(b) confirming that the exclusion provision does apply, as intended, to trustee companies;

(c) enacting a new component in the grouping provision to overcome a technical anomaly whereby the same person may hold a majority interest in several businesses via interposed entities. This anomaly was brought about by the increase in the controlling interest test from

> '50 per cent or more' to 'greater than 50 per cent'.

There are further minor amendments to the leap year calculation formulae, to update the weekly amount for registration and to modify a clause title.

The budget measures are fair and affordable. The further taxation reform amendments in the bill are justifiable. This government is committed to a balance of sensible, cooperative tax administration. The government will protect the revenue base whilst striving to provide a competitive yet equitable tax regime for Victorians.

I commend the bill to the house.

Debate adjourned on motion of Mr WELLS (Scoresby).

Debate adjourned until Wednesday, 21 May.

Sitting suspended 12.56 p.m. until 2.03 p.m.

QUESTIONS WITHOUT NOTICE

Budget: Maffra Secondary College

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to a press release issued yesterday by the Treasurer, in the course of which he stated that the Maffra Secondary College will be funded from this year's budget for its school modernisation project, and I ask: will the Premier confirm that the government will honour that promise?

Mr BRUMBY (Premier) — I thank the Leader of The Nationals for his question. This matter was brought to my attention just a little while ago. The budget papers refer to funding for Maffra Primary School, the press release referred to Maffra secondary school, and the budget provides $4.1 million for Maffra Primary School. In relation to Maffra secondary school, there was a clear commitment that that would be undertaken during our term of government, and I can assure the member that it will be undertaken during our term of government.

Budget: community response

Mr HAERMEYER (Kororoit) — My question is to the Premier. I refer the Premier to yesterday's budget and what it seeks to do for our suburbs and our regions, and I ask the Premier if he could explain to the house how the Victorian community is reacting to the budget?

Mr BRUMBY (Premier) — I thank the honourable member for his question. I think it is fair to say that across the state communities have responded well to the budget which was delivered by the Treasurer yesterday. Whether it is in the suburbs of Melbourne, whether it is among the business community or whether it is in regional Victoria, the response to this budget, which is about taking action in our suburbs and our regions — a family-friendly budget, a business-friendly budget — has been first-rate right across the state. I was particularly pleased with the front page of the *Australian Financial Review* today, which is headed 'Victorian budget win for business — stamp duty, land, payroll taxes cut — buoyant surplus but risks ahead'.

In terms of the business tax reductions that the Treasurer outlined yesterday, these are significant tax cuts, and what they do is ensure our industry can be competitive in this state so it can invest and generate jobs for the future. We are entering more challenging economic times globally, so getting the cost base, the competitive base, right for business is crucial for our state if we are to continue to generate strong job growth. If you look at the tax changes that were made yesterday, you will see the land tax reductions — the 5 per cent top rate under the former government is now 2.25 per cent under this government. The payroll tax rate is now below 5 per cent for the first time in 34 years.

This morning the Treasurer and I were out at Manor Lakes highlighting one of the house and land packages at $280 000, where a first home buyer buying that house would have saved $2000 in stamp duty under the budget announced yesterday. Of course if you are in a regional area there is an additional $3000 for a newly constructed home, which is a huge incentive for people to buy their first home in country Victoria.

There have been some strong endorsements of the budget: in an *Australian Financial Review* article headed 'Victorian budget win for business', which I have already mentioned; in the *Age;* in the *Australian* in an article headed 'Lenders delivers for the baby boom'; and some of the third-party endorsements have been very strong indeed. Enzo Raimondo of the Real Estate Institute of Victoria said:

> A first home buyer in Melbourne will save around $3200 on a median priced home. This is a significant cut and will help around 35 000 young families buy a home every year.

The head of economic and industry policy for Victorian Employers Chamber of Commerce and Industry, Steven Wojtkiw, said:

> The cut in payroll tax to 4.95 per cent and the 5 per cent cut in WorkCover premiums will help many businesses.

Tim Piper of the Australian Industry Group said:

> WorkCover premiums have reduced again — again that is something that is supportive of business in Victoria.

There are many other quotes from organisations such as the property council, the Victorian Farmers Federation and the Master Builders Association of Victoria. Last night on Channel 10 Asher Judah of the MBAV said:

> Today's budget will save Victorian families $13 every fortnight on the average home loan. It will save them $338 a year.

I can only say that Asher Judah has certainly got a way with numbers — he is very good with numbers. He is someone who will go places in the Liberal Party. We welcome his active involvement in community life, and we welcome his endorsement of the John Lenders budget.

I want to make one final point on the competitiveness of our state. The changes we made yesterday mean that as a share of the national economy, Victoria's aggregate taxes will now be less than those in Queensland. If you had said 10 years ago, back in the 1990s, that Victoria's tax levels would ever approach those of Queensland, people would have thought you were joking. We have managed to drag down business costs and now enter this new era of business competitiveness.

I will make another point. If you are a medium-sized business in this state with $2 million worth of land and a $4 million dollar payroll you are now paying the lowest rate of land tax and the lowest rate of payroll tax of any state in Australia. If your land was worth $4 million and your payroll was $8 million you would be paying the lowest land tax and the lowest payroll tax anywhere in Australia. As I have before in this house, you cannot get any lower than the lowest. It is true that for the vast bulk of businesses that are investing around Australia, in terms of their land tax costs and in terms of their payroll tax costs, the place to be is Victoria and the place to invest is Victoria. Couple that with the WorkCover cuts and this is a very strong budget which will sustain our economic future.

Budget: debt

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer the Premier to yesterday's debt-driven budget which will plunge the Victorian public sector into $23 billion of debt by 2012 and I ask: will the Premier explain to the house why, despite state government income doubling in the past eight years, debt levels have increased massively, and future generations will be paying for this government's economic incompetence?

Mr BRUMBY (Premier) — Let me make a couple of points in response to the Leader of the Opposition. Firstly, for every budget that we have been in office we have delivered a budget operating surplus. Secondly, in every budget we have brought down while we have been in office we have also delivered a cash surplus. I doubt that there are too many other eras in the history of this state where for eight budgets in a row there has been a recurrent budget surplus delivered and a cash operating surplus delivered. For the 2008–09 budget we predict again a budget operating surplus and a cash surplus.

When we won government in 1999, net debt as a share of the economy was 3.1 per cent. If you read the budget papers, as I am sure the shadow Treasurer and the former shadow Treasurer, who was out of the house yesterday, were doing — —

Mr Wells interjected.

The SPEAKER — Order! The member for Scoresby!

Mr BRUMBY — If you look at the budget papers you will find that in 1999, under the Kennett government, $1 in every $50 of revenue was going to service budget sector debt — $1 in every $50! Today it is $1 in every $300. At the end of the forward estimates period, 2011–12, the amount of interest going to service budget sector debt will be $1 in $100. It was $1 in $50, it was $1 in $300, and it will be $1 in $100.

This question is about the coalition saying that it does not support investment in schools, in the biggest school building program — —

Honourable members interjecting.

The SPEAKER — Order! I ask the Premier to confine his remarks to government business.

Mr BRUMBY — This is about the Leader of the Opposition opposing the investment we are making in schools, hospitals, public transport, roads and water right across the state. We should be clear about that.

What we are doing as a government is building for the future. What our political opponents want to do is sell stuff off just as they did in the 1990s. I was born in the 1950s. In the whole of my life — —

Dr Napthine interjected.

The SPEAKER — Order! I warn the member for South-West Coast, and he will not be warned again.

Mr BRUMBY — Net debt has never been so low as it was during the whole of that period. By the end of the next four years forward estimates, net debt will still be lower than it was when we were elected. Here is Standard and Poor's — —

Mr Wells interjected.

Mr BRUMBY — You are laughing at them as well? Like you know more than Standard and Poor's?

The SPEAKER — Order! I ask the member for Scoresby and the Premier not to have a discussion across the table in that manner. The Premier, to conclude his answer.

Mr BRUMBY — Standard and Poor's, which does know the difference between capital and recurrent, yesterday in its assessment of the budget rated it AAA and said:

> The AAA rating is the highest —

you cannot get any higher than highest —

> assigned by Standard and Poor's, and reflects Victoria's strong balance sheet, strong operating performance, solid economic outlook and a supportive system of government. The outlook is stable.

It then went on to say:

> The Victorian state government can easily afford its projected net debt increases.

The fact of the matter is we are building for the future. We are investing in hospitals, we are investing schools, we are investing our public transport system, we are investing roads and we are investing in major economic infrastructure, and we make no apologies for that. We want to build this state to make it productive, livable and sustainable. What we are doing within the confines of a very strong AAA budget balance sheet is pay it off. That is Liberal Party policy, to pay it off — say it, say it!

Honourable members interjecting.

The SPEAKER — Order! I ask the Leader of the Opposition not to interject across the table in that manner and also the Deputy Leader of the Opposition. I also ask for some cooperation from government benches.

Mr BRUMBY — This is a very strong budget with a strong balance sheet. It is a strong AAA budget which builds for the future and which I might say enjoys very strong widespread support across the Victorian community.

Budget: schools

Mr NARDELLA (Melton) — My question is to the Minister for Education. I refer the minister to the government's 2008–09 budget overview *Taking Action for Our Suburbs and Our Regions*, and I ask: can the minister inform the house how the Brumby Labor government is taking action so that all children get the best possible education no matter where they live?

Ms PIKE (Minister for Education) — I thank the member for Melton for his question. This budget is a great budget for our children and their families. It is a great budget for education, and it provides extra funding to continue a very important piece of work in rebuilding, renovating and extending every single government school in this state. It also delivers on a number of other recurrent initiatives which go to the heart of continuing to improve the quality of education for our young people.

Education is this government's no. 1 priority, because we know that we need to continue to invest in children right from birth through to adulthood if we are to continue to be a productive community.

Mr O'Brien interjected.

The SPEAKER — Order! I warn the member for Malvern not to interject in that manner. The minister should not have to yell across the top of the constant interjections.

Ms PIKE — What we see in this budget is the largest ever investment in education infrastructure in this state's history. When you compare that to a function that was about selling off 300 schools, then of course the contrast could not be starker.

The $592.3 million of additional investment sees some very specific initiatives. Twenty-five schools will be upgraded and renovated through major capital programs in places like Bacchus Marsh and at schools such as Daylesford Secondary College, Dromana Secondary College, Wangaratta West Primary School, Colac South West Primary School, Elizabeth Murdoch College and Mount Evelyn Primary School — the list just goes on.

An honourable member interjected.

Ms PIKE — Yes, and Maffra Primary School. An amount of $20 million has been allocated in this budget to build the John Monash Science School co-located

with Monash University. What a fantastic school, which is at the forefront of innovation and research. There is $19 million to begin the first stages of Victoria's two new selective-entry schools in Berwick and Wyndham Vale. There will be 11 brand-new schools under a Partnerships Victoria package in outer metropolitan Melbourne. There is $29 million to build new schools in Caroline Springs, Craigieburn North, Wallan and Wyndham Vale. I could go on and on because this budget is just full of initiatives for a huge number of schools — and they absolutely love it!

Communities want to see this kind of infrastructure built for them, and this is the government that is absolutely committed to building infrastructure to strengthen our communities, whether they be in the suburbs or regional and rural areas. Right across this great state of ours, this is a building, growing and developing government.

Of course we are going further. This budget also sees initiatives for improving the quality of education for our young people. There is $70 million for incentives to get our best teachers and school leaders to work in schools where they are needed the most, to reward principals and attract them with executive contracts, to establish partnerships between high-performing and low-performing schools, to push forward with additional professional development, and of course to employ 67 school improvement leaders, who will be working with the schools to really get them to continue their excellence but also to lift their performance.

The opposition can laugh and muck around and be stupid, but we are very serious about this task and we match our commitment and dedication with the resources to invest in our young people, because we know that is the key to a strong future here in this state.

Budget: debt

Mr WELLS (Scoresby) — My question without notice is to the Premier. I refer to the estimated $1.8 billion in interest repayments which Victorians will be forced to pay by 2012 for Labor's $23 billion of debt, and I ask: will the Premier confirm that this $1.8 billion could double the police force, treat almost half a million hospital patients or build almost 100 new schools?

Mr BRUMBY (Premier) — I thank the honourable member for his question. As I indicated earlier in relation to the Leader of the Opposition's question, the debt-servicing requirements under our government, both now and in the forward estimates period, are less than those under the former government, so I have difficulty — —

Honourable members interjecting.

The SPEAKER — Order! The member for Narre Warren North may wish to withdraw that remark.

Mr Donnellan — I withdraw the remark.

Mr BRUMBY — As I said before, if you look at the overall position of net debt and the superannuation servicing costs — so you take an even broader view — you will see that as a proportion of total revenue, superannuation expenses and finance costs will rise from 1.1 per cent in 2007–08 to 2.1 per cent in 2011–12, well below the level of 7.6 per cent under the Kennett government in 1998–99. I do not know — —

Honourable members interjecting.

The SPEAKER — Order! The member for Kew!

Mr BRUMBY — I can only assume that this is a latent and veiled criticism of Jeff Kennett and Alan Stockdale — that is what it is — because our debt now is lower, our debt-servicing costs are lower and in four years time they will be lower still, and the opposition is critical of them. Members of the opposition are very critical of their predecessors, former Premier Jeff Kennett and Treasurer Alan Stockdale, who paid more of the budget servicing debt than will be the case in four years time.

There is a bigger issue here, as I said before, which the member for Scoresby referred to in terms of building schools. It is true that we are borrowing modestly in the future. The reason we are doing that is because we want to invest more in our schools and we want to invest more in public transport. I can only assume from the train of questions which are coming today from the opposition that it opposes the investments that we are making in schools, we are making in hospitals, we are making in public transport and we are making in roads. We will certainly make sure that that message is well promulgated right throughout the state.

Budget: families

Ms LOBATO (Gembrook) — My question is to the Minister for Children and Early Childhood Development. I refer the minister to the government's 2008–09 budget overview document *Taking Action for Our Suburbs and Our Regions*, and I ask: can the minister inform the house how the Brumby Labor government is taking action to help young Victorian families get the best possible start?

Ms MORAND (Minister for Children and Early Childhood Development) — I thank the member for Gembrook for her question and for her interest in supporting young families.

The Brumby Labor government has recognised the importance of investing in the early years, and this budget is certainly a great budget for Victorian families. Victorians are demonstrating that Victoria is the best place to raise a family, and that is demonstrated by the high number of and significant increase in births that we have seen over the past few years, particularly last year — and particularly in the Deputy Premier's household!

Last year more than 73 000 babies were born in Victoria, which is the biggest number of babies born for 35 years and is a massive increase. In fact the number of babies born last year significantly exceeded the Australian Bureau of Statistics projections. It had predicted that the number of 73 000 babies born in one year would not be reached until 2020, so we are way ahead of projections.

This increase is particularly significant in the growth corridors of Melbourne and in parts of rural and regional Victoria. In Wyndham we have seen a 58 per cent increase in births compared with six years ago, and the members for Ballarat East and Ballarat West will know that in Ballarat there has been a 45 per cent increase in births compared with six years ago. Casey, which had the largest number of births by local government area last year, had more than 3700 births, a 30 per cent increase.

This is fantastic news for Victoria, and we are taking action to make sure that we have the services and programs in place to meet this increase in demand. The funding in this year's budget will make sure that we have increased services for kindergartens, maternal and child health services and supported playgroups to ensure they get the support they need in those crucial early years. Nearly $55 million will go towards maternal and child health services to expand those services and continue our successful partnership with local government in delivering those services.

Honourable members interjecting.

Ms MORAND — Opposition members say that this is boring. We have more than doubled the funding to maternal and child health services, as opposed to the reduction they made to kindergarten services when they were last in government.

There will be $29 million in extra funding to provide 1000 extra early childhood intervention service places across Victoria. These places will support children who need special education, therapy and counselling and those with very complex needs to participate in kindergarten. Fifteen million dollars will be provided for more home-learning environments for children and supported playgroups in vulnerable communities. Ten million dollars has also been allocated to develop the early learning framework. Based on that there will be transition statements for children moving from preschool into school, something that young families will very much welcome, I am sure.

What we have outlined in the budget very much goes towards the vision that we have articulated in the blueprint for early childhood development. That is about increasing participation, increasing the quality of the services that we are providing, improving the early intervention services we are providing and making sure that they are provided as early as possible. We are investing early, we are supporting families and we are taking action to make sure that they get the best possible start in life.

Budget: land tax

Mr WELLS (Scoresby) — My question without notice is to the Premier. I refer the Premier to claims of cuts in land tax of 10 per cent, and I ask: is it a fact that land tax revenue will rise by $300 million, or a massive 40 per cent, since last year's budget?

Mr BRUMBY (Premier) — I thank the member for Scoresby again for his question. The fact of the matter is that we have a strongly growing economy — as Access Economics describes, the most impressive of the state economies.

Mr Clark interjected.

Mr BRUMBY — The member for Box Hill interjects. The member for Box Hill is — —

The SPEAKER — Order! The Premier should ignore interjections, which are disorderly. I ask the member for Box Hill not to interject.

Mr BRUMBY — He is well known for his support of a flat land tax rate, which would penalise small business. The fact is we have got a strong and growing economy, and when you have got a strong and growing economy, revenues increase. What we have done in this budget is give back some of the benefits of that strong economic growth. To be honest, this question coming from the Liberal Party is a bit rich given that it was the Liberal Party that left the land tax system with a top rate of 5 per cent. It was at 5 per cent, and we reduced it to 4 per cent, then to 3.5 per cent, then to 3 per cent, then

to 2.5 per cent, and from 1 July it will be 2.25 per cent. When I went to school, 2.25 per cent was less than 5 per cent; it is less than half of it. We have slashed the top rate of land tax, something which the Liberal Party in this state could never do, and there are 10 per cent cuts across the scales.

Again, I am not sure what is the intent of the honourable member's question, because if the intent is to provide a competitive tax system in this state, which is a reasonable objective, if you are a business operating in this state with land valued at between $400 000 and $5.7 million, you are paying the lowest land tax anywhere in Australia. You cannot get any lower than lowest. This has been delivered by a Labor government. I repeat that there have been cuts of 45 per cent in WorkCover premiums over the last five budgets and there have been reductions in land tax and reductions in payroll tax for medium-size businesses — $4 million of land, $8 million of payroll; $2 million of land, $4 million of payroll; it does not matter what combination. This is the lowest set of business costs in Australia, and from 1 July this year we become more competitive than Queensland. Who would have ever said that could happen? I just wish I had the papers from 10 years ago, with the doom and gloom and the high tax rates under the former government. We have transformed this tax system, and it is not surprising that the Liberal Party does not like it.

Budget: public transport

Mr SEITZ (Keilor) — My question is to the Minister for Public Transport. I refer the minister to the government's 2008–09 *Victorian Budget Overview — Taking Action for Our Suburbs and Our Regions,* and I ask: can the minister inform the house how the Brumby Labor government is taking action to deal with the massive growth in public transport patronage?

Ms KOSKY (Minister for Public Transport) — I thank the member for Keilor for his question and his interest in public transport. Everyone knows that we have record high patronage on our public transport system. The fact is that that is a credit to the work that this government has done in really boosting support for public transport here in Victoria. Yesterday's budget continued to deliver on our long-term plan for public transport growth in this state. We have added capacity, we are freeing up bottlenecks and we are building up a solid foundation for future growth.

I was asked about the massive growth in patronage, and I think it is important to inform the house that Melbourne's public transport patronage — that is, on trains, trams and buses — has grown by 20 per cent over the past two financial years. In the calendar year 2007 we had 86.7 million trips on Melbourne's buses, 156.4 million trips on our iconic tram network and a huge 189.4 million trips on our trains. That is massive. We proudly govern for the whole state. Our long-term plan for regional rail that brought constant criticism from those opposite has been an outstanding success, and V/Line recorded its biggest patronage ever in March of this year with almost a million passenger trips. That is the highest number ever.

In relation to Melbourne's rail system, this budget has delivered on our commitments through Meeting Our Transport Challenges, the plan that we brought down in 2006, with $153 million being spent on the Dandenong line to add a third track and train stabling to create extra capacity on that line. But Meeting Our Transport Challenges did not just look at rail, and yesterday we announced $11.2 million to upgrade the Doncaster bus service, obviously using road infrastructure to provide this vital service. Yesterday we also reaffirmed our commitment to extend the metropolitan rail network to South Morang with $10.4 million for the major planning and design works that are required so that we are able to proceed with that project. This brings forward that project according to the time lines that were set in Meeting Our Transport Challenges.

In relation to other stresses that we have within the public transport system we are investing over and above the Meeting Our Transport Challenges commitments, and yesterday's budget demonstrates that. The Werribee line has very high patronage growth. It is 7 per cent higher than the city-wide average, and we have responded to that patronage growth. The Laverton rail upgrade will build new track and a new platform and will create the capacity to run additional services at the cost of $92.6 million. We are also putting in $30.2 million for works at Craigieburn, which will benefit the metropolitan services but which will also, and just as importantly, improve the very popular V/Line service to Seymour.

We have a plan. We have a very comprehensive plan. We are making major investments in public transport in this state, and as we demonstrated through our political commitment to regional fast rail, we will deliver on that plan. Despite the protestations from across the table from those who constantly criticise investment in public transport, we will continue our commitment as we did with the delivery of regional fast rail. Our government has already added almost 1500 additional services right across Victoria since we came to office, and this government continues its commitment to make sure that Victoria is a great place and the best place, to live, work, raise a family and transport a family.

Budget: payroll tax

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer the Premier to claims of a $170 million payroll tax cut in yesterday's budget, and I ask: is it a fact that payroll tax revenue has actually risen by $360 million since last year's budget and more small businesses will be burdened with payroll tax next financial year? And I ask: is that part of the plan, too?

Mr BRUMBY (Premier) — I am looking forward to the opposition's tax plan in the budget response tomorrow. I know the people at the *Australian Financial Review* are waiting. They want to put it on the front page; they are not quite sure what will be in it.

When we came to office the payroll tax rate was 5.75 per cent. We have increased the threshold to $550 000, and we have reduced the rate from 5.75 per cent to 4.95 per cent. What that means is that if you are a business in this state with a payroll of $4 million, $6 million or $8 million, you are paying less in payroll tax than you would pay in any other state in Australia.

I gather from the Leader of the Opposition's question that he would like to cut taxes and spending even more. Is that right? Is that correct?

Honourable members interjecting.

The SPEAKER — Order!

Mr BRUMBY — Here we go!

The SPEAKER — Order! The Premier should confine his remarks to government business.

Honourable members interjecting.

Mr BRUMBY — Let the record show that the Leader of the Opposition wants further cuts in recurrent spending.

Honourable members interjecting.

The SPEAKER — Order! The Premier should confine his remarks to government business and not debate the question.

Mr BRUMBY — It is true that payroll tax receipts are increasing. Do you want to know why payroll tax receipts are increasing?

Honourable members interjecting.

Mr BRUMBY — Have a guess! Because there are more people in jobs. Do you reckon that is a bad thing? It is a good thing to have more people in jobs. Because more people are in jobs and because the economy is growing strongly, we have been able to cut the rate of payroll tax to give us the most competitive payroll tax rate in Australia.

But it is also important that we use the growth of the economy to ensure that we can deliver the best possible services to the people of Victoria — giving every child the best start in life, giving every child in our state the best educational opportunities anywhere in Australia and making sure that we run the best hospital system in Australia. As the former federal government said and as the Productivity Commission says, we run the best hospital system in Australia. That is what taxes are for — to pay for the services that the people expect government to provide. If the Leader of the Opposition does not accept that proposition, I am surprised by it. I guess you could sum up these questions today as follows: if it comes to a choice as to whether you believe and support Standard and Poor's or you support the opposition's poor standards, I would back Standard and Poor's.

Budget: regional and rural Victoria

Mr HOWARD (Ballarat East) — My question is to the Minister for Regional and Rural Development. I refer the minister to the government's 2008–09 budget document *Victorian Budget Overview — Taking Action for Our Suburbs and Our Regions,* and I ask: can the minister outline to the house how the Brumby Labor government is taking action for families, communities and jobs in communities across Victoria via the 2008-09 budget?

Ms ALLAN (Minister for Regional and Rural Development) — I thank the member for Ballarat East for his question. Certainly we see from this year's state budget how the Brumby government is continuing with its absolutely unwavering commitment to regional and rural Victoria. It continues the work we have done in rebuilding and rejuvenating our regions after seven years of neglect by the former Liberal-National coalition. Since those dark days, over the past eight years we have worked hard. We have invested in infrastructure, we have invested in new services and we are driving new opportunities to bring more jobs and more people into our regional communities. This has been one of our government's highest priorities, and it has delivered. It has delivered 138 000 new jobs in regional Victoria and record low unemployment levels. It has delivered $8.9 billion in new investment in regional areas, and of course we have seen record population growth as a result.

To continue this strong performance in regional Victoria we know we have to continue to work hard. We have to continue to work hard to continue strong growth, and yesterday's budget demonstrates how this government is taking action. We are taking action to respond to the future challenges, but we are also delivering new services and infrastructure across our region. Let us just have a look at what this budget delivers for our region, or as the Warrnambool *Standard* says 'Cash splash'. The budget delivers $224 million for new roads right across regional Victoria. As we have just heard from the Minister for Public Transport, to respond to the record growth on our passenger services and on the regional fast rail project, a project that has been consistently opposed by those opposite, we are allocating a further $254 million for ongoing maintenance.

It is a great budget for education. As the *Border Mail* says 'Schools in — education the big winner in budget', with $125 million in new schools and $30 million in capital facilities at our regional TAFEs. That includes $15.5 million for Wodonga TAFE. The health budget is another great budget this year, with a record $137 million in capital funding to upgrade our health and hospital services, and of course the $185 million ambulance package that has been welcomed across the state.

But the one announcement that has really got regional Victoria talking is the introduction of the Brumby government's $3000 regional first home bonus. Look at what is being said: in the *Herald Sun* 'Hooray for home buyers'; in the Bendigo *Advertiser* 'New regional growth push'; in the *Wimmera Mail-Times* — the member for Lowan would like this — 'State cash hits home'; and in the Ballarat *Courier* 'Bonanza for new builders'. Not only will this initiative benefit new homebuyers, it is a great win also for regional builders.

Just this morning the member for Ballarat East and I were in Ballarat talking with local builders about how they and the community are going to benefit from this new initiative. We met with a local builder, Don Rogers, who was in the process of putting up a frame on a brand-new home at Macarthur Park in Ballarat. He has got a house there as part of a house-and-land package that will sell for $320 000. The lucky new owners of this home are going to get not only a 17 per cent reduction in their stamp duty costs, they are also going to get $15 000 in government initiatives to support them in buying that new home. That is $3000 more thanks to the Brumby government's budget.

But it is not only builders in Ballarat who are welcoming this initiative. The Master Builders Association of Victoria has also come out in support of this regional first home bonus because it benefits builders right across the state. As you can see, Speaker, the reason this budget has been so well received across regional Victoria is that it is investing in those areas that matter to regional communities — education, health, road, rail and assisting first home buyers. They are the same areas that were deliberately and systematically targeted by the slash-and-burn policies of the previous Liberal-National coalition. You have just to look at this budget and at how far we have come in Victoria, where we have rebuilt and reinvested in regional Victoria, to see that that now makes regional and rural Victoria the best place to live, work, raise a family and build a house.

THE UNITING CHURCH IN AUSTRALIA AMENDMENT BILL

Second reading

Order of the day read for resumption of debate.

Declared private

The SPEAKER — Order! I have examined The Uniting Church in Australia Amendment Bill 2008, and in my opinion it is a private bill.

Mr HULLS (Attorney-General) — I move:

That this bill be treated as a public bill and that fees be dispensed with.

Motion agreed to.

Debate resumed from 10 April; motion of Mr HULLS (Attorney-General).

Mr CLARK (Box Hill) — The Uniting Church in Australia Amendment Bill updates the definition of 'synod' in relation to the Uniting Church, increases the number of trustees of the Uniting Church in Australia Property Trust (Victoria) and vests various functions in designated officers of the trust.

The bill comes before the Parliament because the Uniting Church in many of its aspects is governed by The Uniting Church in Australia Act 1977, which is an act of this Parliament. The bill before the house is an act to give effect to some relatively limited amendments that have been requested by the Uniting Church. The change to the definition of 'synod', which is contained in clause 3 of the bill, is to define it in a way that means whichever synod of the Uniting Church is allocated responsibility for the region which consists of, or includes, Victoria.

The reason for this amendment, as I understand it, is that the Uniting Church currently has a single synod responsible for both Victoria and Tasmania. The amendment being made by the bill encompasses that arrangement and would encompass any future changes to geographical responsibilities for the church's synod. As I said, whichever synod has responsibility for Victoria will be defined to be the synod for the purpose of the legislation.

The other changes in the bill all relate to the Uniting Church in Australia Property Trust. This is a trust that is a statutory corporation established by The Uniting Church in Australia Act 1977. There are currently five members of the trust elected by the synod, together with ex-officio members, being the moderator, the general secretary and the property officer. The trust has responsibility for all church property in Victoria which is vested in the trust. The trust has some important responsibilities in relation to the management of church property. Its decisions can affect the full spectrum of church entities, ranging from congregations to agencies, church, schools and colleges.

As in so many different fields of life the management of property and finances brings home to the activities of any body the importance of making decisions and choices as to the allocation and use of resources at the body's disposal. The Uniting Church in Victoria, as do other churches in Victoria and Australia, face issues about the use and deployment of its property and other assets, particularly in the context of changing demographics and changing congregation numbers. Over recent times the Uniting Church and its trust have had to deal with a number of those issues, where congregations in some areas have been reducing and in others have been expanding. There have been difficult policy decisions as well as logistical and administrative decisions to make about whether to retain property in certain areas — property that may well be used for community activities — or whether to dispose of that property and to redeploy the funds realised from the process.

This is part of the role that falls to members of the property trust. They therefore have a very responsible role at both an administrative and a policy level to be the custodians and stewards of the church's resources and to ensure that those resources are deployed to best possible effect for the purposes of the church, both its spiritual purposes and its wider social activities and objectives.

I would like to express the opposition's appreciation to Peter Shepherd, the legal officer of the synod, who has been very helpful in providing information to the opposition about the trust and its activities. I would also like to acknowledge the very helpful briefing with which the opposition was provided by the officers of the Department of Justice and others associated with this legislation.

The opposition understands that during the course of 2006–07 the property trust had 62 meetings relating to the sealing of documents. That resulted in the common seal of the church being affixed to 360 documents. Over the same period 1005 other documents were required to be signed by the property officer or secretary which were not required to be executed under seal. This was a significant amount of paperwork involved with the activities of the trust. It is that paperwork that gives rise to some of the amendments that are being made by this bill.

In particular the bill will allow a designated officer alongside a member of the trust itself to be a co-signatory of various documents. Clause 5 authorises a designated officer to be the co-signatory of documents to which the common seal of the trust is affixed. Clause 6 allows a designated officer to be a co-signatory of receipts issued by the trust. Clause 6 also allows a designated officer to be a co-signatory of authorities that may be given to another person to sign receipts issued by the trust.

The activities of the trust include receiving all bequest funds made to the church on behalf of any congregation, agency or council of the church and to provide a legal receipt for those funds. Thus the issuing of receipts is particularly important to the trust. The trust is also required to obtain proper documentary evidence of the terms of the bequest from the executor or estate solicitor. Information provided to the opposition in relation to the trust indicates that there has been a range of very generous benefactors of the trust who have given some quite considerable bequests to the church, including up to recent times, and those bequests are of course an important part of the functioning of the trust.

The trust also has responsibility for reviewing endowment funds for the church in its various programs and agencies to ensure that the annual income is being allocated to the appropriate beneficiaries. As well, the church has policies in place that require congregations, presbyteries, agencies and programs of the church to deposit funds not required for their day-to-day operations with the funds management arrangements established by the church. From the church's point of view those policies ensure that those funds are invested as effectively as possible.

An important aspect of the trust's operations is that the trust functions with dedicated and committed members and staff. A further amendment contained in the bill is to increase from five to seven the number of members of the trust who are to be appointed by the synod, and that is effected by clause 4 of the bill. The opposition understands that this greater number of members of the trust will allow the church to appoint a wider diversity of members, which the church believes will better suit the way in which it intends the trust to operate. No doubt the additional members of the trust will lend their own expertise and qualifications to those of the other five members of the trust and assist in the trust's overall operations. As I said at the outset, this legislation comes before the Parliament at the request of the Uniting Church. The opposition is informed that the church is happy with the bill as drafted. Accordingly the opposition is pleased also to give its support to the bill before the house.

Mr HUDSON (Bentleigh) — I am pleased to support the Uniting Church in Australia Amendment Bill, because this bill is in sync with where the government is going in delivering services and social justice. The Uniting Church's UnitingCare agency has been one of the great agencies in Victoria with a great tradition of delivering services, promoting social justice and helping those who are most in need. The bill will improve the efficiency and effectiveness of the Uniting Church in delivering those services. The Uniting Church has a great record in these kinds of services. Indeed the Minister for Education was the director of UnitingCare for seven years during the Kennett government's time in office and was one of the most forceful advocates against the many cuts instituted by that government — the privatisation and the massive expansion of gambling that went on in the state during that period.

I have had some strong links with agencies of the Uniting Church. I fondly remember Reverend Kevin Green, who was the superintendent of Wesley Central Mission in the city. He is a top man, a great champion of social justice, a great people person and a great worker in that community. I was honoured when he married my wife and me in his church some 14 years ago.

The work of the Uniting Church is strongly aligned with what the Brumby government is trying to achieve in A Fairer Victoria, because it is basically about saying that everyone, no matter what their circumstances, can participate in the social, economic and civil life of the state. Social justice is central to what the government is about; it is central to what UnitingCare is about. It stands for saying that irrespective of people's circumstances or their class, gender, race, ethnicity, religion or age we need to work for them, and that is what the Uniting Church does. The bill is important because it promotes the values that we in the Victorian government hold strong in our hearts. The bill is vital because it aids the community work of the Uniting Church and the services it provides.

The bill will allow the Uniting Church to increase the number of trust members by 2, from 8 to 10. The trust members are there to check and sign documents in support of the work of the organisation. Those two extra members will increase the flow of work and the efficiency of the organisation as a whole. This is a great challenge for community organisations in this age. Volunteerism and charitable good works have always been good in themselves. Now these agencies, often working in partnership with government, are often contracted to deliver services to groups like people with a disability, people with a mental illness, homeless people or unemployed people. The requirements are quite exacting — agencies have to account for funds, deliver against key performance measures and achieve outcomes.

Anything that we can do to improve the efficiency and effectiveness of those organisations is something the Parliament should support. That is what this bill does. It will improve the efficiency of the organisation. It will allow for the definition of 'synod' to be changed, meaning that the Victorian and Tasmanian synods can combine their administrations and thereby lower costs. If they can lower their costs, they can put more resources into service delivery. That money can then be better spent helping the community.

The bill is really about promoting a partnership. I am pleased that the Attorney-General has said this should be a public bill rather than a private bill, because this is the kind of partnership that we want with a wide range of organisations in Victoria. Members of Parliament will have noted that the government has recently announced a package of measures that are all about supporting the community sector. It will ensure that organisations like UnitingCare are better trained, that they have better support for their boards and management teams and that there is an office for the community sector to help those organisations to relate to government and provide other measures to support their volunteers.

UnitingCare Australia employs more than 35 000 staff, has more than 24 000 volunteers and assists more than 1.8 million people a year. That is a very significant number. In Victoria and Tasmania alone UnitingCare has over 4000 staff and 7000 volunteers, and it assists

over 350 000 people a year. That is a great contribution towards maintaining the inclusiveness and strength of our community. In many ways such agencies can do this in a much more sensitive and local way than government departments; that is why we support these organisations.

UnitingCare spends approximately $110 million a year, which is about $300 000 a day, on the provision of services such as emergency relief and supported housing, which I know is very close to the heart of the Minister for Housing, who is at the table — and I commend him on his fabulous initiative with the Grollo company and his department to provide supported housing close to the city. It is those kinds of partnerships we are looking for.

What UnitingCare does in Victoria and Tasmania is just fantastic. It provides emergency relief to around 20 000 people a year. That is the essential support that is needed by people who have absolutely nothing else — people who cannot pay their electricity bills, cannot pay their gas bills, cannot pay the bond to rent a house, do not have any food. That kind of assistance is invaluable. It provides social counselling to around 4000 Victorians a year. Again, these are people in crisis — people who need more than material help, people who need to know which agencies to go to for help, like the Office of Housing or agencies in other departments. UnitingCare provides accommodation to over 3500 people, which is a monumental effort in itself. We know that that is not just about housing any more — it is about all the social supports, support for people with mental illness or who are addicted to drugs and alcohol as well as those suffering from mental illness or from some form of intellectual or physical disability. UnitingCare provides employment, rehabilitation and support facilities to 200 people with psychiatric disabilities. It also works with over 2000 people a year on drug and alcohol issues.

When you look at the vast spectrum of work this agency is doing you see why the bill is important. It is important that UnitingCare has the capacity to deliver those services efficiently and amalgamate the administration of synods in order to free up money to put into service delivery, and that it has good governance in place in relationship to its activities in Victoria.

I am pleased that we are supporting the bill as a public bill. I commend the work of all the great volunteers and staff within UnitingCare, because without them we would be a less participatory, just and civic community than we are. I commend the bill to the house.

Mr CRISP (Mildura) — I, too, rise with pleasure to talk on The Uniting Church in Australia Amendment Bill 2008. Once I have done some of the formalities I, like the member for Bentleigh, will pay tribute to much of the work that the Uniting Church has done in our community.

The purpose of the bill is principally to amend The Uniting Church in Australia Act 1977 and make small amendments to the Guardianship and Administration Act 1986. It also updates the definition of 'synod', increases the number of trustees in the Uniting Church in Australia Property Trust (Victoria) and vests various functions in the designated officers in the trust. The property trust amendments increase the number of members appointed by the synod from five to seven in time for the next meeting, which I believe is 21 September. It also changes the manner in which those property trust members are appointed by the synod.

It is worth mentioning that the bill makes some procedural amendments to other acts — the Epworth Foundation Act 1980 and the Melbourne College of Divinity Act 1910 — as well as making changes to bring the legislation into line with the Guardianship and Administration Act 1986.

The Uniting Church and its umbrella charity, which is UnitingCare, is involved in a number of development activities. The Uniting Church also has high congregational representation in my electorate with its involvement with Pacific Islanders. The Uniting Church congregation in my electorate of Mildura has congregations in Mildura, Redcliffs, Irymple, Werrimull and Merbein, and also has a relationship with a cooperative parish in the southern Mallee. It also has cross-border arrangements where it looks after some communities just over the river from Mildura in Dareton and Wentworth. It is involved in considerable benevolent activities in my electorate. In particular it has provided voluntary chaplaincy to Mildura hospitals for 13 years, and I would like to pay tribute to Mr Hocking and Mrs Sandy Young, who have been the chaplains at our hospital. They provide a wonderful service. It is something staff draw upon in times of great need.

Every Friday Andy's Cafe operates out of St Andrews Church in Mildura. It provides lunch for 30 to 40 people free of charge. It is partially funded from a Uniting Church charity called the SHARE Community Appeal. The cafe has been running for five years and is staffed by volunteers who are members of the congregation.

Multicultural activities are extremely important in Mildura, and these occur at Irymple where there is a midday Sunday Tongan service for around 50 to 60 people. St Andrews in Mildura has one extended Cook Island family which numbers up to 43 who attend the family service. There is also a charitable endeavour called We Care which operates from St Andrews Church on Thursdays and Fridays and which provides counselling, support and friendship to those who are enduring social hardship. The program is coordinated by Mrs Pat Rogan, and I commend her for her work.

The Uniting Church in Mildura has been involved in a cooperative venture with MADEC, a local education and employment provider, to preserve and utilise the heritage-listed Methodist Church which came through the uniting process some years ago. The church has now become MADEC's national headquarters. It has been a sensitive issue handled with great respect by both sides to allow a wonderful old church, which was part of the Uniting Church, to become something functional for the community going forward, to preserve the building for what it was, is and can be.

The Uniting Church also provides considerable community support in the country, and I am proud to acknowledge that in the Parliament today. Without the church's benevolent structures and volunteerism, country Victoria would be even more disadvantaged. I commend the member for Bentleigh for the work he has done in informing the community about what is happening Victoria wide. The Uniting Church is a strong community and benevolent organisation, as well as a leader in our community in the Mildura electorate. I have had much to do with the church over the years, and I am proud of the work it has done. I commend this bill to the house and wish it a speedy passage.

Mr SCOTT (Preston) — I, too, rise to support The Uniting Church in Australia Amendment Bill 2008. In doing so I think it is worthwhile putting the Uniting Church into a bit of a social context. As other speakers have already alluded to, the Uniting Church has played a great role in our society, particularly in terms of fighting for social justice. I think it belongs to a particularly strong tradition that perhaps comes out of the 19th century, or perhaps even earlier, of what often in Britain is described as Christian socialism or in other terms. I note that a number of Labor politicians have a Uniting Church background. For instance, the Reverend Brian Howe, a former Deputy Prime Minister, is a committed and active member of the Uniting Church.

It is useful to refer to a quote that was often attributed to Harold Wilson, but I think it was actually said by Morgan Phillips, a former general secretary of the British Labour Party, who said that the labour movement owes as much to Methodism as to Marx. The Uniting Church and its mutualist tradition of cooperation and aid rather than the status tradition has always been a strong part of the social justice movement, not just in Australia but around the world. The Uniting Church has played a critical role in that.

The bill before us today is a sensible piece of legislation which deals with some changes within the Uniting Church structure where there has been a uniting, so to speak, of the Victorian and Tasmanian Uniting churches, and this has created some technical and administrative difficulties which this bill addresses. I am pleased to see that members opposite are supporting the bill since it is a sensible and practical piece of legislation.

It will make a number of changes. It will increase the number of members in the property trust from a maximum of 8 members to a maximum of 10 members; modify the current requirements for the signing of any instruments and receipt of moneys on behalf of the property trust; and amend the definition of the synod to take account of the changes that have taken place with the uniting of the Victorian and Tasmanian synods.

As I said, the Uniting Church plays a critical role in our society providing welfare and other services as well as its pastoral care services. I would like to record the wonderful work the Uniting Church performs in our community and the significant role it has played in our society, which I am sure it will continue to play into the future. I commend the bill to the house.

Mr WAKELING (Ferntree Gully) — It gives me pleasure to rise to make a contribution to The Uniting Church in Australia Amendment Bill 2008. The bill seeks to make a number of technical changes to the existing act which include updating the definition of 'synod'; increasing the number of trustees of the Uniting Church in Australia Property Trust (Victoria); and vesting various functions in designated officers of the trust. It will also update the definition of 'designated officer' to be an officer appointed by the synod. It defines 'synod' to mean whichever synod is allocated the region, which includes Victoria, as specified in clause 3 of the bill. It increases from five to seven the number of members of the trust who are to be appointed by the synod as specified in clause 4. It also allows a designated officer, together with a trust member, to be a co-signatory of documents to which the common seal of the trust is affixed as specified in clause 5 and to receipts issued by the trust as specified

in clause 6, and it authorises another person to sign receipts issued by the trust as specified in clause 6.

As has been said by the member for Box Hill, and pointed out by the member for Preston, members on this side of the house will be supporting these amendments. We believe they are important. While they are minor in nature, we are firm supporters of the operation of the Uniting Church, and understand the significance of these changes, and therefore will be supporting the changes put by the minister.

My contribution to this debate gives me an opportunity to make mention of the work of the Uniting Church. As members would be aware, the Uniting Church was formed in 1977 as a union of the Congregational Union of Australia, the Methodist Church of Australasia and the Presbyterian Church of Australia. At the moment throughout Australia the church has around 300 000 members and is an active member of the National Council of Churches in Australia. My own area is well served by the Uniting Church. It does a wonderful job not only in providing an opportunity for people to worship but it has also provided a significant level of outreach for the broader Knox community.

At this point I am mindful of the work of the Rowville Uniting Church which is ably led by the Reverend Malcolm Frazer who has held that position for a number of years. Its current location on Fulham Road in Rowville has been a beacon for many Uniting Church parishioners in that community. Over many years it has provided an amazing amount of outreach for people in need, but it has also focused on young people, and I am certainly heartened by the work it has undertaken. It has undertaken a number of traditional youth roles including camps and kids clubs.

I am very pleased with the work that it has been doing as part of its FRETSHOP guitar collective. The collective is providing an opportunity for young people in Rowville and the broader community to participate in a guitar lesson program which not only teaches them how to play the guitar, including the bass guitar, and other musical instruments but also gives them the opportunity to participate in important programs that ensure they develop life skills; so much so that there are regularly between 20 and 25 children participating in the program and at times it has had up to 45 participants. That is just fantastic, bearing in mind that a number of the participants are not linked to the church. It has worked in collaboration with local schools and communities. I would like to commend the church on its efforts. It has also managed to participate in a number of local community programs, including work at the local library at Stud Park during Youth Week. More recently it participated in the Basin Music Festival youth stage. I think that is a fantastic outcome for the work that has been done by the church with its FRETSHOP program.

However, I think the cornerstone of the church has been its Bridgewater counselling centre, which has offered accessible, low-cost counselling for residents of Rowville and Lysterfield over many years. It charges community members $25 a session, or $15 for health care card holders. I think the work that is being undertaken currently is fantastic, and I would like to commend Kerryn Davies and her team on it. The service has been improved even more with the appointment of Janelle Watson, who is a qualified psychologist. The centre offers outreach and on-the-ground services for people who are in desperate need of help. As leaders of the Victorian community I believe we are obligated to recognise and applaud the work of organisations like the Bridgewater centre. The centre is funded by the church. The church and its community put a significant amount of time, effort and money into the operation of the Bridgewater centre, and I would like to take this opportunity to congratulate all of those involved.

Mr STENSHOLT (Burwood) — I thank you, Speaker, for the latitude you have allowed in this debate. The Brumby government recognises the significant contribution of not-for-profit community organisations and wishes to assist them. Many speakers before me have mentioned the wonderful work that the Uniting Church does. This bill deals with a range of issues in respect of the property trust of the Uniting Church in order to tidy them up to enable the trust to work effectively. I have great respect for the Uniting Church. I could actually go through all the Uniting Church churches in my area — in Camberwell, Surrey Hills, Ashburton, Glen Iris, Wattle Park and Box Hill; and I could mention so many more — but I am trying to concentrate on the bill, which is actually dealing with the Uniting Church's Victorian property trust.

I recall quite extensive negotiations and arrangements that we had to discuss with what is now the Glen Iris Road Uniting Church over a very difficult development that it had there in building its new centre, which was really a combination of a church, a kindergarten, a before-and-after-school-care facility, a couple of music rooms, which are hired by the Glen Iris Primary School next door, and of course the hall, which is now used as a community centre. Certainly the property trust and the committee of the Uniting Church synod, which this bill refers to, were very actively involved in that, and we conducted a lot of negotiations to ensure that this particular development, which serves the community,

came about. There were a number of occasions on which it almost fell over, but the resolution and the resolve of the local Uniting Church, assisted by the synod committee and the property trust, in ensuring we had an outcome were, I must say, very commendable.

Indeed I was very struck by the way the local Uniting Church community put its people in the community first. There was a very difficult decision to be made in relation to the building. The community had to decide whether to build a worship space or to build for the whole community, and it said, 'We can build our worship space, but we are actually part of the community and are in many ways united with the community as the Uniting Church'. It opted to build the community spaces first and to use the hall for worship. I really commend the Glen Iris Road Uniting Church community for that, but also I commend the Uniting Church synod and the property trust for the work they did in respect of that project. In respect of this bill that has come before Parliament with a request that we make sure there are appropriate arrangements within the Uniting Church and its synod, I can only commend it to the house and ask for its speedy passage.

Mr THOMPSON (Sandringham) — The purpose of the bill before the house today is to update the definition of 'synod', increase the number of trustees of the Uniting Church in Australia Property Trust (Victoria) and vest various functions in designated officers of the trust. Among the main provisions it includes the definition of 'designated officer' to be an officer appointed by the synod, it defines 'synod' to mean whichever synod is allocated to the region which is or includes Victoria, it increases from five to seven the number of members of the trust to be appointed by the synod, and it allows a designated officer, together with a trust member, to be a co-signatory of documents to which the common seal of the trust is affixed, such as receipts issued by the trust and authorities to another person to sign receipts issued by the trust.

The opposition supports this bill. The Uniting Church within the Sandringham electorate has had a strong and historic role in a number of important community building ventures. One of the precursor churches to the Uniting Church was the Methodist Church, and the establishment in the early settlement of Victoria of the Buntingdale Mission in western Victoria provided a safe haven for indigenous Victorians near Colac, and more particularly near Birregurra.

I am reminded of a recent history called *Campfires at the Cross* by Heather Le Griffon, in which she outlines the importance of the work undertaken by people who with a sense of purpose and vision and a desire to avert the tragedies that took place in Tasmania sought to provide a haven and a refuge for the indigenous Victorians in that region. It was reported in some of the earlier reports by the protectorate and others that indigenous people from the west of Victoria understood that whenever they went to Buntingdale they were in a very safe place. A number of tragedies occurred in that region, and those indigenous people were able to find great refuge with the support of people who had that sense of purpose and vision.

I am also reminded that in the early days of the settlement of Tasmania there was another early church person in that region who made it his business to spend the night in a cell with three convicted people who were to be executed the next day. That reflected the sense of purpose and spiritual regard of some of the early members of the precursor churches to the Uniting Church in Australia who sought to advance the welfare of their fellows.

In more modern times the Uniting Church has taken an interest in a wide range of issues. It has a gambling task force, headed by Dr Mark Zirnsak. Dr Zirnsak has produced some very good material expressing concern about the impact of the gaming industry in Victoria and seeking to have it more tightly regulated to ensure that the burdens associated with people who become addicted to the gaming process do not destroy their lives or cause suffering to their families. There has been a valiant voice by the Uniting Church in that particular debate.

In conversations within my electorate the Uniting Church has generally been at the vanguard of a range of social reforms. One can drive down the street and see that there may sometimes be reference to global warming, what the world can do, and in the case of the Uniting Church what its parishioners or members can do to obviate some of the concerns. In my electorate I have had a range of other people who have raised concerns recently regarding solar power and photovoltaic systems and the importance of there being improved outcomes. Rhonda Fitzgerald was one person who recently wrote to me; Iain Brown was another, as well as Dr Lindsay Quennell. They shared the views of many people within the Uniting Church and are among the 200 or so people who have sought to adopt alternative energies and seek an improved photovoltaic rebate from the Australian Greenhouse Office to make it commercially viable to put in a photovoltaic system to generate power.

I understand that a solar panel that would generate 100 watts might cost $1000. The average household might require 2½ to 4 kilowatts of energy to be

powered, and the cost of installing solar panels could be $10 000 per kilowatt. In turn, that could amount to a cost of some $30 000 to $40 000 to have the requisite number of panels. That is a significant investment and one which the government needs to take cognisance of. Recently the federal government provided a rebate scheme for solar panel installation. Only some 5000 people applied for a rebate that might have amounted to $8000. It can be seen then that the Uniting Church has wide-ranging interests and concerns covering gaming, greenhouse emissions and other matters.

I am reminded also of the good work undertaken by members of the Uniting Church in my area. I have often found that there is a very high crossover between people who have served on school councils or have undertaken good committee work. When a new minister is inducted within my electorate it becomes apparent that there is often a strong correlation and crossover between those people who are serving within local churches and those who have assumed roles in other areas of the community, be it on school councils or with local community organisations.

There are a couple of members of the Uniting Church who have done an outstanding job over the years in a voluntary and professional capacity. There is a person by the name of David Greenall who is a Uniting Church member, a lay preacher and elder. He has had governance roles within the Uniting Church for 10 years. Until last year he was chairperson of the audit committee of the Synod of Victoria and a member of the Uniting Church in Australia National Assembly Finance and Audit Committee. He has been an honorary church auditor of the Free Wesleyan Church of Tonga, so there has been a contribution overseas as well. He was chair of the audit committee of the office of the Victorian Auditor-General, his term expiring just recently on 30 June 2006. He was a member of the former Australian Auditing Standards Board, now the Auditing and Assurance Standards Board, for three years and was responsible for setting auditing standards in Australia.

In parallel terms, his wife, Lyn, a Uniting Church minister and lay preacher, also undertook a very strong role in local community matters. She was a chaplain with the Council for Christian Education in Schools at Sandringham Technical School between 1983 and 1987 and at Blackburn High School between 1988 and 1993. She has also been a council member of the CCES from 2005 to the present date. She served as the acting chaplain, then religious education teacher, at Methodist Ladies College in Kew during parts of 1995 to 2000, and she serves as the current president of the MLC Old Collegians Club for 2007–08. She published a book relating to her time in Tonga entitled *Finding Treasure in Tonga*, which details the experiences of an Australian teacher who visited Tonga over a period of some 10 years.

The Greenalls have made an outstanding contribution to Victorian community life, in addition to their professional responsibilities — in the case of David, as an auditor with senior roles with the office of the Auditor-General, and his wife as a chaplain within the Victorian secondary education system.

It is worth noting the contribution of the Uniting Church from the early days of the Port Phillip district, its work at Birregurra through the Methodist Church in the late 1830s with the original vision through to people continuing to take an active role in making Victoria a stronger and a better state with regard to the aggregate welfare of the overall community, and it is with pleasure that I support this bill.

Ms BEATTIE (Yuroke) — The Uniting Church of Australia was formed on 22 June 1977 and was an amalgamation of the Congregational, Methodist and Presbyterian churches. Some of us may remember the great debates that took place around that amalgamation as each of the churches wanted to maintain things about their own identity and yet saw the need and the benefits in an amalgamation. Those discussions and debates were conducted with a great deal of goodwill, and the church has gone forward since 1977, some 30-odd years now, with that goodwill. Its work has been a great benefit to many people.

This bill came from a letter sent to the Attorney-General on 19 March 2008 by the moderator of the synod of the Victorian and Tasmanian sections of the church. The moderator is the Reverend Jason Kioa. I understand there is general all-party support for this bill. Members of the house understand that sometimes there needs to be a streamlining of administrative tasks, and that is certainly what has happened here. Churches and those who provide care to our community do not want to be spending great money on administrative services; they want to spend their money on pastoral care in the community where it is most needed. This bill streamlines some of those functions. The bill will update the definition of ‘synod’ in the act; it will increase the maximum number of members who constitute the trust by two; and it will also relax the threshold for the signing and executing of trust documents.

I too wish to praise the Uniting Church for some of the work it does. Members of this house know some of the work it does in drug and alcohol counselling. One

aspect which I am very supportive of is the support they give to refugees, some of whom are fleeing trauma and some of whom are political refugees. They need a lot of support when they first arrive in Australia. The Uniting Church also has aged-care services, and as any church organisation does, it promotes human rights and cares for the most vulnerable and marginalised people in our society.

This bill is similar to a number of bills that have come before this house — the Roman Catholic Trusts Act and the Anglican Trusts Corporation Act, which I myself have spoken on, and in its nature it is much the same as those bills. I understand that from this bill there may be consequential amendments to the Melbourne College of Divinity Act later on. I am sure the member for Burwood will run us through his knowledge of the Melbourne College of Divinity when that bill comes to the house.

The synod of the Uniting Church is very important. The church congregation consists of 60 000 members, including some 760 clergy. The Uniting Church employs over 150 people in its administrative work in Victoria and Tasmania, so members can see that streamlining that work will be a good thing. There are also over 1000 people employed in community service across the state. This is a good bill. I am warmed by the bipartisan approach which the parties have taken to this bill. I commend it to the house and wish it a speedy passage.

Mr SEITZ (Keilor) — I rise to support The Uniting Church in Australia Amendment Bill and in particular the necessary requirements of being able to have the Victorian and Tasmanian trustees extend the number of members from 8 to 10. This and other changes have been put forward by the synod so that the church will be able to function in a better managed way.

I congratulate the Uniting Church and the work it has done. The amalgamation of the Congregational, Methodist and Presbyterian churches occurred in 1977. My wife was a very committed Presbyterian and I remember well the debates in her family in particular that went on with each church trying to keep up their own religious activities and procedures. My involvement extended as far as being part of the health insurance company which they ran at the time before we had Medicare.

Furthermore, once I got into politics I kept in contact with the late Jessie Peart who was a stalwart of the Uniting Church and worked tirelessly on its kindergarten committees in the Essendon area and in Broadmeadows at the Orana youth centre that we established there. I was the member for that region at the time. It was something very new and was a courageous step. It was taken from Toorak to the western suburbs to service the community of Broadmeadows and the region out there. The church took that risk and spent its own money to provide a fantastic service for the community.

Jessie Peart was on the board of that organisation. She was always a good friend of mine right through the years until her dying days, and she kept in constant touch with the church. Her last action was at a time when she was not feeling very well — that was to save for historic purposes a church in St Albans which had been originally a Presbyterian Church and then part of the Uniting Church. With the amalgamation, many of the churches were sold off. Some were left empty and were burnt down. There is a lot of meaning in the history of the church for many people. The younger generation needs to learn about it and schoolteachers need to explain to the community how the Uniting Church came about.

For those reasons, I commend the members of the church on the work they are doing, particularly in the welfare sector of the community and in looking after the spiritual side of our society, and on the harmonious way they go about interacting with other religions, particularly in welcoming new migrants to their church and working for them. I wish the bill a speedy passage through the house.

Mr LIM (Clayton) — I am pleased to support this bill. While this may be a minor technical bill for the house to consider, it is undoubtedly an important one for the Victorian and Tasmanian synod of the Uniting Church in Australia and the many Australians it represents. As the Attorney-General said in his second-reading speech, the Uniting Church has a congregation of approximately 300 000 members nationally. Additionally, as the church itself points out, the Uniting Church is the third-largest Christian denomination in Australia. It has around 2800 congregations, 51 presbyteries and seven synods, and 1.3 million Australians claim an association with it.

This bill provides practical administrative changes that will assist the organisation of the church in the substantial good work it does in the community. When the Uniting Church was established in 1977, as a union of the Methodist, Presbyterian and Congregational churches, it in turn established a property trust in each state. The Victorian and Tasmanian synods were merged in 2002. Importantly, it employs approximately 100 people in Melbourne. Even more important are the services it provides to Victorians, such as youth

counselling, drug and alcohol counselling, early childhood services, family support, crisis intervention and work through schools.

The merger of the synods has created some administrative difficulties in the way in which the church's Victorian property trust transactions are conducted. Most of these transactions are undertaken through the head office in Melbourne. However, as the members of the trust are located in Victoria and Tasmania, documents are couriered back and forth to obtain signatures. The practical amendment this bill provides is to increase the number of members of the trust from 8 to 10. This change has been requested by the Uniting Church and will assist it in more easily obtaining signatures on documents relating to the trust.

The reason I want to make a contribution to the debate on this bill is to acknowledge and indeed congratulate the Uniting Church on its commitment to social justice. As the church itself says, and I quote:

> It has taken a stand on environmental issues, and supports the equality and dignity of marginalised people such as ethnic minorities, disabled people and homosexual people.
>
> It is a multicultural church, striving to treat people on an equal basis and seeking to give a voice to the poor, outcast and needy.

The church extends its social justice commitment to climate change by saying, and I again quote:

> Because climate change is predicted to impact on the world's poorest people first, the Uniting Church acknowledges its moral responsibility to prevent this from occurring. Global resource use and the equity of this use are key elements in the climate negotiations.

I wish the Uniting Church continuing good work and advocacy in our community and I commend the bill to the house.

Mr HOWARD (Ballarat East) — I am pleased to speak on this Uniting Church bill before the house which, as members have heard, recognises that the Uniting Church, which was formed in 1977, has changed a little since its beginnings. In particular, the moderator has asked that we recognise the change in uniting the Victorian and Tasmanian sections of the church. I am very pleased to support the bill in doing this.

The Uniting Church is now the third-largest Christian denomination in Australia, with, as members have heard from other speakers, something like 300 000 members, of whom I happen to be one. It is important also in debating this bill that we recognise that the Uniting Church plays a very important role in our community, as so many previous speakers have outlined, both in the way it supports its congregations in providing spiritual and Christian support and in terms of the contributions the church has made to enhance public discussion on a number of contemporary issues which we continue to deal with both in this place and more broadly out in the community as the largest welfare-providing organisation in Australia.

In Ballarat UnitingCare has grown significantly in the past 15 years and now is a very substantial organisation. It not only provides food parcels and some funding for people in crisis situations and in great need but also runs emergency housing. The Uniting Church has built many housing units across Ballarat and my electorate, in conjunction with this government's social housing innovations project, or SHIP, program, and that has been very much welcomed. It provides a range of other services, including counselling in the drug and alcohol area and many more.

The Uniting Church clearly is a very valued organisation in our community. I trust it will continue to be, as it deals with the changes it needs to face. This piece of legislation recognises a small aspect of the changes, which will help the church to continue to administer its many properties across this state and in Tasmania.

Mr PERERA (Cranbourne) — I rise to support this bill. The Brumby government recognises the significant contribution made by the Uniting Church in Victoria. As a result of the valued contribution to the community since its inception, three leading representatives from the Uniting Church in Australia were chosen to participate in the federal government's Australia 2020 summit. That is why the government supports the waiver of fees that usually apply to a private member's bill such as this.

I would like to speak a bit about the Uniting Church in Cranbourne, where it commenced in 1980, with early meetings in members' homes. In October of that year, services commenced at the courthouse in the old shire offices. In 2002, when I was elected to office, Reverend Paul Creasey was the minister in charge of the Cranbourne regional Uniting Church, operating from its current location in Lesdon Avenue in Cranbourne. Reverend Paul Creasey was a champion in working with youth. He worked with kids who were falling through the cracks of the education system, showing them different pathways to upskill themselves. Most early mornings he visited the Cranbourne shopping centre, which was as a meeting place for the kids and sometimes adults who were going through rough patches in their lives.

I had the great opportunity to work with Reverend Paul Creasy organising community kitchens providing free food to the community once a month. Under the stewardship of Reverend Paul Creasey, the Uniting Church ran an annual car and bike show for the Cranbourne community.

The Cranbourne regional Uniting Church is a diverse worshipping community of believers who are committed to telling their story of faith to others. They reach out to the surrounding community to demonstrate the good news and to develop relationships with people and organisations. The Uniting Church is a community-based church which certainly deserves the support of this house. I commend the bill to the house.

Mr LANGDON (Ivanhoe) — It is with great pleasure that I add a contribution to the debate on The Uniting Church in Australia Amendment Bill 2008. The background to the bill is that clearly, following the merger in 2002 of the synods of Tasmania and Victoria, some issues needed to be dealt with. In 2005 this government acted, as any government in the state would have acted, to assist the church. I am aware that the bill is supported by all parties and members in this house. The bill basically assists the Uniting Church to get on with conducting its business. Like a lot of churches these days, it unfortunately is having trouble with the number of members available for trustees meetings and what have you and they want to expand the number — clearly that is a sensible approach — and to deal with other issues outstanding from the Charities (Amendment) Act 2005, which was the measure we first passed to assist it.

Like all members I commend the Uniting Church in Australia, in Victoria and specifically in my electorate of Ivanhoe, which has been working tirelessly with the community across the many years that I have been involved in the state in government and in opposition and as a councillor. I am well aware of the outstanding work the Uniting Church has done and will continue to do. Like most of the churches and religious groups in Australia it does a remarkably fine job of working with the community and assisting whenever it can. I am more than pleased to support the Uniting Church to ensure its work continues and to make its life a bit easier. I commend the bill to the house.

Mr PALLAS (Minister for Roads and Ports) — In summing up on the Uniting Church in Australia Amendment Bill 2008 I would like firstly to thank all speakers for their contributions: the members for Box Hill, Bentleigh, Mildura, Preston, Ferntree Gully, Burwood, Sandringham, Yuroke, Keilor, Clayton, Ballarat East, Cranbourne and Ivanhoe. It is pleasing that the debate in this place has demonstrated a broad level of consensus that the Uniting Church plays a very valuable role. The consensus around the desirability and merit of this bill really pays tribute to the esteem in which the Uniting Church is held in our community more generally. I believe this bill will assist the Uniting Church to get on with the business of assisting the community, which it does so well, and I wish it a speedy passage through this place.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

PUBLIC SECTOR EMPLOYMENT (AWARD ENTITLEMENTS) AMENDMENT BILL

Second reading

Debate resumed from 17 April; motion of Mr HULLS (Attorney-General).

Mr CLARK (Box Hill) — The Public Sector Employment (Award Entitlements) Amendment Bill repeals provisions in the Public Sector Employment (Award Entitlements) Act 2006 that require Victorian public sector entities to comply with a so-called fairness test dreamt up by the Minister for Industrial Relations for new workplace agreements. This fairness test was always a political charade directed more towards playing politics at a federal level than at achieving any substantive benefit for Victorian citizens or indeed for Victorian public sector employees. The extent of the charade and the extent of the hypocrisy of the Bracks and Brumby governments on industrial relations issues is becoming ever more manifest as time passes and is highlighted by the bill before the house.

It is worth making the point that Australia as a whole and Victoria in particular have derived enormous benefit from the increasing workplace flexibility that has been achieved in Australia over a period stretching back probably 20 years or so. In particular we have been the beneficiaries of the concerted moves for national industrial relations reform which took place in the 1990s and the present decade. We see that benefit when we look at national statistics on reduced levels of industrial disputation, rising real wages, greater workplace safety — an often unrecognised benefit of

workplace reform — increasing productivity and, particularly for Victoria what has until recent years been a very rare experience indeed, namely, significant building projects being completed on time and without being crippled by ongoing industrial disputes. We have come a long way in this nation over recent years, and we are now perhaps as a nation at a potential turning point. We must certainly hope the nation does not turn in the wrong direction and undo and lose the enormous benefits that have been achieved over recent decades.

The critical issue with industrial relations reform has been and should remain that of achieving greater flexibility and win-win outcomes. It has been that flexibility that has led to the huge surge in productivity that I mentioned which has produced the win-win outcomes of recent years. Unfortunately the nation is now hitting a brick wall of state Labor governments which are not only incompetent but which during large parts of the period of the Howard government were deliberately intransigent and obstructive as well. We have now got the Rudd federal government alongside incompetent state Labor governments, and while the deliberate political obstruction of the previous Howard government may have ceased, the state Labor governments have now been joined by a federal Labor government that has all the hallmarks of following in the footsteps of the early years of the Bracks government in terms of gimmicks, spin and drift.

In that context federal Labor's move to return collective bargaining to a dominant role in the industrial relations landscape and to weaken protections against union thuggery are particularly concerning. We are already starting to see union militants shaking the tree, throwing their weight around and seeing what they can achieve. It was particularly concerning to read a report in today's newspapers that the building industry unions are starting to build up a campaign to bring about the abolition of the Office of the Australian Building and Construction Commissioner even earlier than the Rudd Labor government proposes to abolish it. The ABCC has been particularly crucial for industrial relations in Victoria because of the enormous damage that has been done to this state over the years by the militancy and worse of many involved with the building sector unions. The ABCC has had a remarkable effect, an effect that perhaps many of us would not have expected it to be able to achieve, in restoring peace and a harmonious working environment in the building and construction industry.

We have seen the benefits of that as is indicated manifestly in state government statistics as well as in Australian Bureau of Statistics (ABS) numbers on industrial disputation, yet we see in the papers this morning that the building unions are threatening the preselection of Labor members of Parliament who do not toe the line in supporting the accelerated abolition of the Office of the Australian Building and Construction Commissioner. In that context it is worth noting the industrial relations backgrounds and union influence that extend to the highest levels within the Brumby government in Victoria. They try to downplay it, but from the most senior member of the government to the most junior, union officialdom ranks very high in the past experience of members on the Labor side of the house. The Premier discloses the fact that he was a union official between 1980 and 1983. Taking the case of the minister at the table, the Minister for Roads and Ports was the assistant secretary of the Australian Council of Trade Unions from 1994 until 1999, held various positions with the National Union of Workers, including assistant general secretary from 1985 to 1994, and was a national industrial officer with the Federal Firefighters Union from 1983 to 1985.

The Leader of the House, who is also the Minister for Energy and Resources, was for 10 years — from 1972 to 1982 — an official of the Furnishing Trades Union. You can go right through the ranks of government members to the member for Williamstown, who is perched up there on the back bench and who is perhaps the most junior addition to government ranks, whose curriculum vitae proclaims that he was a union organiser with the Shop, Distributive and Allied Employees Association from 1996 to 2002, and the federal organising and training officer and federal assistant secretary of the Transport Workers Union of Australia between 2002 and 2007. It will be interesting to hear the member for Williamston, who is apparently gearing up to contribute to this debate, declare where he stands on the issue of the Office of the Australian Building and Construction Commissioner and whether he is going to resist the pressure the building unions are threatening to bring to bear on him for his preselection to try and force him to toe the militant line.

It is concerning to look at the statistics. Even though, as I said earlier, across the nation industrial disputation has fallen dramatically under national industrial relations reform, Victoria is the standout hotbed of industrial disputation. In the December quarter last year Victoria was responsible for an unbelievable 86 per cent of all working days lost to industrial disputes across the nation. In 2007 as a whole, Victoria was responsible for more than 50 per cent of all working days lost across the nation. So despite the best efforts — and indeed successful efforts — of the Howard government to lower industrial disputation across the nation, including some success in Victoria, the core hotbed for industrial relations disputes within Australia is Victoria. That is a

combination primarily of the dormant but I fear not totally dispersed militancy of the building industry unions, but also, as the latest bureau of statistics figures show, the consequences of the poor industrial relations practices of the Brumby government itself. In particular the arrogance of our current Premier seems to be fanning a wave of industrial disputation across industries primarily linked to the public sector in Victoria, sectors such as health, education and community services.

Concerns for Victoria are compounded not only by that aspect of industrial relations mismanagement by the Brumby government but also by the maverick and destructive policies being adopted by Victoria's Minister for Industrial Relations. He is not content just to go along with the Gillard federal drive to weaken flexibility and to return collective bargaining to a dominant place in the industrial relations landscape; he wants to go further. In fact he is defying federal Labor policy and defying the Prime Minister and the Deputy Prime Minister, who both pledged during last year's federal election to achieve a uniform industrial relations policy across the nation, so that if you are a worker in Victoria, Queensland or New South Wales, you will be under a common industrial relations framework. This is something that the Kennett government strongly backed when it referred industrial relations powers to the federal government.

The current Brumby government also purports to support that, as did the Bracks government, but when you look to the practice, you see that our maverick minister is determined to do his own thing and defy the wishes of his federal counterparts. We have seen that in his pressing on with the so-called family responsibility measures, which were enacted in the Equal Opportunity Act in Victoria, to implement changes which were demanded by the Australian Council of Trade Unions in a test case brought before the Australian Industrial Relations Commission but which the commission rejected because of the potential damage to the economy. Our industrial relations minister and the Brumby government have imposed these additional burdens on Victorian employers despite the avowed policy of their federal counterparts.

When we look at how the Bracks and Brumby governments have been handling industrial relations within the public sector, we see that they have been living up to the Labor traditions of proving to be amongst the worst of employers when they get their hands on the levers of power. I am sure the comrades opposite will be well aware of the ditty that parallels the *People's Flag* melody about what the working class can do when the comrades get the boss's job at last.

That is certainly being demonstrated by state Labor here in Victoria. It ranges from the treatment of staff in ministers' offices to the treatment of tens of thousands of public sector employees. This is not just a question of driving a hard bargain and protecting the public interest; it is an issue of treating public sector employees with contempt, refusing to sit down and talk with them, sending junior lackeys to meetings who have no authority to negotiate and failing to honour undertakings that are given in the course of negotiations. It is no wonder that Kathy Jackson of the Health Services Union has said that the Liberal Party has shown more responsibility than the government when it comes to industrial relations. She is reported in the *Age* of 20 March as having said:

> 'These people cannot manage an industrial dispute. It's not just us, it's teachers, it's ambulances, it's police, it's everybody', she said. 'They're not interested in dialogue, they don't give us the courtesy of a reply, they don't show good manners and it just shows what an arrogant Government they are'.

The article proceeded to quote Ms Jackson as having said:

> The government has acted now only because they've been exposed politically by the opposition, and I congratulate Mr Baillieu for showing more responsibility than the government.

It gets down to the fundamental point that members on this side of the house are well aware of from their own experiences prior to entering this house and strongly support that if you are an employer, you have to treat your staff decently and with respect as human beings. You also need to pay fair and reasonable wages to attract and retain the calibre of staff that you require for the role in hand.

When we come to the bill before the house we see the hypocrisy of the Labor Party in full flight. Government members talk about treating public sector employees fairly, when in practice they have treated them like dirt. They talk about having a workplace rights advocate to protect employees from unfair or otherwise inappropriate industrial relations practices, but when it comes to public sector employees the workplace rights advocate is nowhere to be seen. The industrial relations minister talks about valiantly standing up for Victorian workers, but when it comes to the industrial relations shambles in the Victorian public sector our big, tough, bold industrial relations minister is leading from behind. In fact our minister has a very close resemblance to a character who features in a well-known Gilbert and Sullivan ballad:

> In enterprise of martial kind,
> When there was any fighting,

He led his regiment from behind —
He found it less exciting.

As to who this character was, the second verse of the ballad continues:

When, to evade Destruction's hand,
To hide they all proceeded,
No soldier in that gallant band
Hid half as well as he did.
He lay concealed throughout the war,
And so preserved his gore, O!
That unaffected,
Undetected,
Well-connected
Warrior,
The Duke of Plaza-Toro!

I need hardly point out to the house that Plaza Toro translates, most appropriately in the case of our Minister for Industrial Relations, as 'the place of bull'. If our minister resembles the Duke of Plaza Toro, perhaps it can be said that the workplace rights advocate resembles a Count of Plaza Novillo, because he has been the mini-me to the minister, acting tough when it comes to private sector employers but hiding as well concealed as his minister when it comes to the behaviour of the Victorian public sector.

If you look at the 2006–07 annual report of the Victorian workplace rights advocate, you see that it runs on for pages about what he was allegedly doing to protect employees against the wicked Howard government and heinous private sector employers, but that when it comes to applying the fairness test — the subject of this bill — that subject receives less than half a page of coverage in his report, and all but one sentence of that half page is simply a summarising of the legislative requirements. We ask ourselves: what was that profound single sentence that the workplace rights advocate included in his annual report about how well the so-called fairness test introduced by our minister was operating and what he was doing to discharge his important responsibilities under the legislation? I quote it in full:

5.2 During the reporting period the workplace rights advocate issued 35 fairness test determinations.

There is nothing in his report about how many proposed agreements were submitted, nothing about how he went about carrying out his assessments, nothing about how he judged whether or not particular agreements were fair, nothing about what conditions for employees were reduced by these proposed agreements compared with the preserved entitlements, nothing about what improvements the workplace rights advocate considered as making up for reduced conditions. There is absolutely nothing about any of that. There is just total silence on those subjects and an elephant stamp quietly given to everything that was put under his nose by the government.

Despite that, we know that in agreement after agreement the Bracks and Brumby governments have been demanding productivity offsets from public sector employees for any wage increases greater than 3.25 per cent. Of course when it suits, the government will back down on that. It will either capitulate entirely or it will dress up an agreement to give the pretence of having achieved productivity offsets. But its negotiating position with unions, where it thinks it will hold, is to insist on these productivity offsets and insist on changes in particular employee entitlements in order to attract a wage increase of greater than 3.25 per cent.

When a private sector employer seeks to obtain productivity offsets to support a wage rise, we see the workplace rights advocate putting them through the wringer. We saw that with Bruck Textiles, amongst others, and the workplace rights advocate acting very tough indeed in standing up to protect employees. But when it comes to the public sector, and you get almost identical conduct, what does the workplace rights advocate do but quietly, behind closed doors, tick off whatever comes before him. This just exposes the sham and the farce that the workplace rights advocate and the fairness test have been all along.

To add insult to injury, if you look elsewhere through the workplace rights advocate's report, you see that he has had the nerve to devote an entire page of that annual report to a large photograph of a young employee with a prominent caption, and I quote:

The workplace rights advocate is empowered to investigate not just illegal but also unfair or otherwise inappropriate industrial relations practices in Victoria. The advocate has initiated 80 investigations into such practices.

In his own report the workplace rights advocate is confirming that one of his functions is to investigate inappropriate industrial relations practices, and yet he stands by and does absolutely nothing when the Brumby government uses misleading and deceptive negotiating tactics against its own employees. That is the context in which the charade that was the 2006 act and the charade that is the bill before the house and accompanying speech are to be evaluated.

What the 2006 act does as it currently stands is seek to preserve pre-WorkChoices award conditions by prohibiting public sector employers, under section 10, from providing terms and conditions of employment to an employee less favourable than the employee's entitlements under a relevant award or instrument as

they stood pre-WorkChoices, subject to any increases in pay rates that may be determined by the Australian Fair Pay Commission or ordered by the Australian Industrial Relations Commission, unless that employer satisfies a fairness test which is specified in the act, or unless it is inconsistent with a workplace determination.

Part 3 of the existing act requires the workplace rights advocate to determine an applicable preserved award where there was no actually applicable award at the time WorkChoices commenced. That is required by section 12. It also requires public sector employers to submit any proposed workplace agreement to the workplace rights advocate before offering it to employees in order for the workplace rights advocate to determine whether the proposal passes the act's fairness test. It prohibits the offering of an agreement that does not pass the test. Those provisions are sections 13 and 14.

Under section 13 the fairness test requires that the agreement not disadvantage employees in relation to their terms and conditions of employment. The act provides that an agreement disadvantages employees if its operation would result, on balance, in a reduction in the overall terms and conditions of employment of those employees under relevant awards, the family provisions standard or any state or commonwealth law that the workplace rights advocate considers relevant. There is no requirement for the workplace rights advocate to publish or to give reasons for a determination, or even to disclose how many determinations have been made and whether they have been favourable or unfavourable. It is that absence that has given rise to the disgraceful lack of accountability in the workplace rights advocate's annual report that I referred to earlier.

Part 3A of the act goes on to prohibit a public sector employer offering a non-collective agreement to any employee that departs in any material respect from the collective agreement that would otherwise apply under section 15B — save for terms or conditions more favourable to the employee, as provided in section 15D.

What the bill does is repeal part 3 of the act. It thereby repeals the requirement that a public sector employer must submit a proposed workplace agreement to the Victorian workplace rights advocate for a determination. It also repeals the prohibition on offering a proposed agreement that does not pass that test. That is provided in clause 7 of the bill.

The bill also amends section 10 of the act so that in future, for an agreement to provide terms or conditions less favourable than those that applied pre-WorkChoices, the agreement must pass the federal Labor government's no-disadvantage test rather than the fairness test. However, the bill retains what is in effect a virtual prohibition of non-collective agreements by Victorian public sector employers.

As I said previously, the fairness test that is being repealed by this bill was always a political stunt. In order for the Labor government to justify the introduction of this test in the first place, it had to maintain the proposition that it could not be trusted to enter into equitable employment arrangements with public sector employees unless it restricted itself. When you have a government that does not even trust itself to deal fairly with its employees, you have real cause for concern indeed.

But the government went through that charade not for any benefit for Victorian citizens or for Victorian public sector employees, but simply so that it could give itself an excuse to fund this expensive Office of the Workplace Rights Advocate, whose real and ulterior purpose was to run a string of political attacks on the Howard government at Victorian taxpayers expense. The uselessness of the workplace rights advocate to achieve any benefit for Victorian employees, whether private sector or public sector, lies in the fact that apart from this posturing and demands for information from employers such as Bruck Textiles, when any real issues arose concerning the rights of Victorian employees, what the workplace rights advocate was doing was simply referring those matters off to the federal authorities. If state Labor were fair dinkum it could have had a postbox or a website referral that pointed people directly to the strong protections for employees that were put in place by the Howard government and referred employees directly to those federal bodies that have that power and continue to have a track record of acting vigorously to protect employees against any wrongdoing by employers.

As I have said, these provisions proved to be totally useless in practice. We have seen the workplace rights advocate not lift a finger to protect Victorian public sector employees when we have had oppressive, bullying and unconscionable behaviour by Labor in power and instead being as mute and inconspicuous as his minister. One would have to ask not only why we have a workplace rights advocate in this state but why we even bother to have a Minister for Industrial Relations when he seems to add no value whatsoever other than to pursue his destructive and maverick agenda contrary not only to the stated policy of his government but contrary to the policy of his federal counterparts.

We just had tabled a budget that is more a budget of bandaids than of effective and useful initiatives. When there are still gaping holes where services are lagging well behind what Victorians are entitled to expect, why are we continuing to pour millions of dollars each year into this Office of Workplace Rights Advocate that has proved to add no benefit whatsoever for Victorians?

As I have made clear, the so-called fairness test in the bill before the house has been a stunt all along. The fact that the government is moving to repeal it is, in effect, neither here nor there because it has been ineffectual all along. Having it removed will save one small piece of paperwork within the bureaucracy, but it should never have been there in the first place. The Liberal Party and The Nationals certainly do not oppose removing what we have identified as a charade all along.

Mr LUPTON (Prahran) — The bill is an opportunity for members of the opposition to retreat from their previous position supporting WorkChoices, and they took the opportunity to continue their support of WorkChoices here in this debate. It is an amazing thing that the now federal opposition has had to go through a cleansing process where it has had to address the fact that its WorkChoices policies and legislation were fundamentally and overwhelmingly rejected by the people of Australia at the election last year. In Victoria we see a continuation of the same tired attitudes and policies that the Howard government formerly had in the national government being continued here by this state opposition.

From its outset the WorkChoices legislation was opposed by our state Labor government, and it was a significant factor in the defeat of the Howard government last year. We have introduced a range of bills into this Parliament over the last few years to protect people in Victoria from a range of the adverse, negative effects of WorkChoices. The state opposition here in this Parliament has taken the opportunity on each and every occasion to vote against our legislation and to support WorkChoices. One would have thought that after the federal election and after a period of months has gone by where opposition members have been able to reflect on their past behaviour and past attitudes they may have come to the debate on this piece of legislation today with a new approach. They may have thought about this issue, they may have thought about whether or not they would embrace fairness and security for all in the workplace or whether they would maintain their tired old attitudes. Unfortunately for them the old attitudes have been maintained. We have heard from them nothing but essentially a defence of WorkChoices and a defence of the attitudes that underpinned it.

This legislation repeals a fairness test that was introduced into our Victorian legislation to protect public sector employees in this state from the effects of WorkChoices. We are repealing that fairness test in Victoria because it is no longer needed. It is no longer needed because the new federal Rudd Labor government has passed legislation to bring in a proper and comprehensive fairness test for all Australian workers, including Victorian public sector workers. There is no longer any need for this state-based fairness test because it has now been replaced by a comprehensive federal fairness test. To retain a duplicate fairness test in Victoria would not be sensible or efficient and is not necessary to protect the rights, entitlements and conditions of working people in the Victorian public sector. This is sensible legislation that removes inefficiency by removing regulation that is no longer necessary. That is in accord with the approach of the government to reducing the regulatory burden. We are proud of the fact that we approach that task appropriately and with vigour.

The federal Workplace Relations Amendments (Transition to Forward with Fairness) Act 2008 came into operation on 28 March. It rightly introduced a no-disadvantage test for new workplace agreements to be carried out by the Workplace Authority. It also allows parties to pre-WorkChoices agreements to extend and vary those agreements, in which case they are required, properly, to submit the variations for a no-disadvantage test to the Australian Industrial Relations Commission, the appropriate body to deal with that.

The Public Sector Employment (Award Entitlements) Act 2006 was a key plank in our government's commitment to preserve and protect the safety net of award terms and conditions of Victorian public sector workers in response to the impact of the Howard government's WorkChoices legislation. The two principal features of the legislation we passed were that it preserved award entitlements as they were immediately prior to the commencement of WorkChoices for those employees who rely on them and that it maintained a no-disadvantage test, known as the fairness test, for any new agreements, measured against relevant preserved award conditions and administered by the Office of the Workplace Rights Advocate, a government authority that we established in order to protect the conditions and standards of working people in Victoria. I reiterate that the opposition in Victoria has continually opposed it and continues to oppose it today.

The fairness test was to ensure that employees were not disadvantaged by any agreement compared with the

relevant underlying award. The Howard government subsequently introduced a new test, which it called a fairness test, in May 2007. It was introduced because there was amazing public opposition to the original WorkChoices legislation. The Howard government tried to convince the people of Australia that the introduction of what it called a fairness test would somehow improve WorkChoices and make it palatable. Of course the Howard government was found to be misleading the people of Australia; it was found not to have introduced a proper and comprehensive fairness test. Its test took into account only a handful of the previously protected award conditions. The fairness test it was forced to introduce under public pressure was shown to be a sham, a farce and a con job on the people of Australia. The verdict was given last November, when the Howard government was comprehensively ejected from office.

We in Victoria are satisfied that the new fairness test that was introduced in March by the Rudd Labor government fulfils the Brumby government's policy objective, which was contained in our Workplace rights standard — a fair go for all Victorians policy. There is now no need for Victorian public sector employers to submit their agreements to a state fairness test, because they will now be tested against a comprehensive and appropriate federal test. As I said earlier, it would be cumbersome for them to have to submit their agreements to two separate no-disadvantage tests.

The essential purpose of the legislation before the house today is to repeal the requirement for a state-based fairness test. I commend the Rudd Labor government on the approach it has taken to rapidly and appropriately dismantling the appalling WorkChoices legislation and removing that stain from the federal statute book. The way in which that process has unfolded has resulted in the right balance being struck to ensure that working people's rights, entitlements and conditions are properly protected; that productivity is improved in this country; that employers are able to get on with running their businesses and to have a productive, competitive and efficient workforce; that wages are properly protected; and that Australia can continue to forge ahead with a productive and modern economy. That is the sort of thing that we encourage in Victoria. Yesterday's state budget was another example of that. We are making sure that Victoria's economy is robust, solid and growing at its potential in a global environment. We are making sure that we continue to sustain the levels of services and facilities that the people of Victoria expect and require. Having an appropriately paid but also appropriately protected and secure workforce in this country and state is a very important part of ensuring that that happens.

I am disappointed but not surprised that the opposition has taken the opportunity to reiterate its continuing support for WorkChoices. The federal Liberal opposition has had to come to terms with the fact that WorkChoices was comprehensively rejected by the Australian people; it has had to reassess its attitude to WorkChoices. Unfortunately the state opposition is still living in such a fog that it does not understand what has happened in Australia and still supports WorkChoices in this house.

Mr NORTHE (Morwell) — It gives me great pleasure to make a contribution to the debate on the Public Sector Employment (Award Entitlements) Amendment Bill 2008. The purpose of the bill is to amend the Public Sector Employment (Award Entitlements) Act 2006, to repeal provisions relating to the fairness test enacted by part 3 of that act, and to repeal spent provisions in part 5 of the act. I commend the member for Box Hill for his concise and thorough contribution to the debate. From the outset I will say that my contribution will be relatively short because I think the member for Box Hill quite clearly demonstrated the feelings of this side of the house in relation to this particular bill.

As I said, the main provisions of the bill repeal the requirement for a public sector employer to submit a proposed workplace agreement to the Victorian Office of the Workplace Rights Advocate for a determination as to whether the agreement passes the fairness test before offering it to an employee or to a union, and introduce a prohibition on offering a proposed agreement that does not pass the test. In his contribution the member for Prahran mentioned some of the repeals under this act in part 3 and part 5 which refer to particular definitions. I guess we could take that further to say, 'Why don't we repeal the whole legislation?'. Why does it still need to be before this house? The bill also prohibits a public sector employer from providing additional employment to an employee less favourable than the employee's preserved entitlement under a relevant award except where a binding workplace agreement passes federal Labor's new no-disadvantage test.

As a former manager of a business, and through these particular pieces of legislation, I know it is important that we have some flexibility in the workplace. Being a manager in a workplace with a number of employees under you shows that it is important that as business continues to grow the workplace has flexibility in terms of awards and conditions. I can see that from experience, and I know many members on this side of the house can also relate to that.

In terms of public sector employees the government has had quite a history in recent times in the health and education sector. We have seen prolonged and ongoing debate and disagreement over awards and conditions. The hypocrisy is quite amazing. We see on the one hand the hypocrisy of the government, which stands up and says, 'We are there for the rights of the workers', yet from the public sector perspective it is doing very little to resolve the disputes that have been going on for many months, and even years, in the state of Victoria. It is great hypocrisy. We can ask the Minister for Industrial Relations where he has been through these disputes. He has been very vocal in opposing the former federal government and its Australian workplace agreements in recent months, but where has he been in the disputes with the public sector employees? He is nowhere to be seen; hidden all the time.

We have seen the government's justification for the workplace rights advocate and for the time and the cost to the taxpayers in relation to the set-up of that advocate, and now the diminishing needs of the advocate. I wonder if the government has been out there saying what the costs have been to the state and to the taxpayers. The member for Box Hill gave the example of Bruck Textiles in Wangaratta and referred to the ongoing dispute which occurred up in that part of the state, including the conjecture and accusations that occurred during that particular dispute. It was very well said.

We are concerned that when the fairness test was introduced it was basically a political stunt by this government. Again, the member for Box Hill related the story that it was only necessary because the Victorian government would otherwise try to impose agreements that would not pass the fairness test. It is just amazing. The workplace rights advocate has failed to take any action whatsoever to protect the public sector workers against the unfair or otherwise inappropriate industrial relations practices of this government. Overall this is a political stunt by this government with the workplace rights advocate, and the conditions that were imposed on public sector employees. At best it is hypocrisy.

As I have already said, I will only make a short contribution. I think I have said what needed to be said, and I will leave it at that.

Mr NOONAN (Williamstown) — It gives me great pleasure to rise to make a contribution in support of the Public Sector Employment (Award Entitlements) Amendment Bill 2008. Straightaway I want to put on the record that it is this side of the house that has the proud record of standing up for working families in this country and staying true to the notion of a fair go for all. We have always had the view that members on this side should protect workers and give them a proper safety net — a right to bargain collectively and to be treated with respect and dignity. At least that was acknowledged by the member for Box Hill.

An honourable member interjected.

Mr NOONAN — At least the member for Morwell had the decency not to go to the lowest common denominator on unions and call us all union thugs. Collectively, my family — —

Mr Clark interjected.

Mr NOONAN — You called us union thugs. Collectively, my family has 48 years experience as union officials. We know something about it. Many members on the opposite side have come up to me since I was elected to this Parliament and complimented the Transport Workers Union of Australia for what it does in standing up for working families. When you call someone a union thug, you call us all union thugs. The member should take note of that. I will go further to say that through my father's union work he was awarded an Order of Australia Medal for improving safety for workers in the transport industry.

Mr Delahunty interjected.

Mr NOONAN — I thank the member for Lowan. The purpose of the bill is to amend the Public Sector Employment (Award Entitlements) Act 2006, and to repeal provisions relating to the fairness test enacted by part 3 of the act. It also repeals the spent provisions in part 5 of the act.

The fairness test was introduced by the Bracks government as part of the Public Sector Employment (Award Entitlements) Act 2006. Clearly, it was in response to the former federal Howard government's assault on workers at a federal level. The former federal government introduced the WorkChoices legislation with absolutely no mandate, and then established a so-called Australian fair pay and conditions standard which basically ripped apart awards down to five minimum conditions. I know the member for Ferntree Gully is sitting on the other side of the house. My former union — the Transport Workers Union — has worked with the member for Ferntree Gully in the past and, I should say, very productively, with a good system that was introduced in terms of flexibility by the former Keating federal government; it introduced flexibility.

Talking about the five statutory entitlements for wages and conditions, basically awards were ripped apart to allow workers to bargain up from an ordinary hourly rate of pay, annual leave; personal or carer's leave, compassionate leave and parental leave — being maternity, paternity, and adoption leave. Basically everything beyond that was up for negotiation; for a worker to resolve with their employer. I challenge someone who works for a multibillion dollar, multinational company to be able to sit down and bargain on all of their conditions from that point. It did not work; Australian families did not accept it and working people did not accept it, and ultimately it resulted in the Howard government being thrown out last year lock, stock and barrel.

With the removal of the no-disadvantage test there was every possibility that workers would have to bow to their employers' demands. I saw that before coming to the Victorian Parliament. Basically, contracts were given to workers and there was no capacity for them to bargain at all. They were simply offered on a take-it-or-leave-it basis. I am not saying that every employer out there operates in that way. There are plenty of good employers out there who do a terrific job in sitting down and collectively bargaining. But unfortunately, the system caters for the unscrupulous employers who choose the opportunity to take legislation like that introduced by the former Howard government and basically rip apart the conditions that have been hard fought for over 100 years in this country.

Clearly the legislation shifted the pendulum too far in favour of employers. As I said, good employers did not abuse the system; bad employers took the opportunity, and there are thousands of cases. There are thousands of cases where employees were hard done by. That is not all. The legislation also basically abolished unfair dismissal laws, or limited those to workplaces with more than 100 people. The whole foundation for doing that was that it would create jobs, lots of jobs. I would like to see where those jobs were created. Ultimately they will never be found.

The no-disadvantage test was also abolished by the Howard government on the basis that it offered a problem for employers in that it was too difficult for them to administer. That is just nonsense that was used to mask what was really intended by the introduction of WorkChoices. It is not often said, but the International Labour Organisation basically came through and ruled that WorkChoices contravened every one of the significant conventions that protect working people across this globe, and again, Howard just thumbed his nose at those as well, effectively ripping apart the conciliation and arbitration system which had existed in this country for more than a hundred years and which had served us very well — and didn't members of the Australian working community come out in their droves?

Mr Clark interjected.

Mr Burgess interjected.

The ACTING SPEAKER (Ms Green) — Order! The member for Box Hill was heard in relative silence and he should give the member for Williamstown the same respect. The member for Hastings should also be quiet.

Mr Burgess interjected.

The ACTING SPEAKER (Ms Green) — Order! The member for Hastings has just made a reflection on the Chair. He should know better, and I ask him to withdraw it.

Mr Burgess — We have stood here today and listened to everybody doing this.

The ACTING SPEAKER (Ms Green) — Order! I have asked the member for Hastings to withdraw.

Mr Burgess — I withdraw.

The ACTING SPEAKER (Ms Green) — The member made a reflection on the Chair.

Mr Burgess — I said I withdraw it.

The ACTING SPEAKER (Ms Green) — Order! The member for Williamstown, to resume.

Mr NOONAN — On 15 November 2005 — —

Mr Burgess interjected.

The ACTING SPEAKER (Ms Green) — Order! The member for Hastings is pushing his luck.

Mr Burgess interjected.

The ACTING SPEAKER (Ms Green) — Order! The member for Hastings! I will be asking the Speaker to come in here if the member does not behave himself.

Mr Burgess — I answered your question.

The ACTING SPEAKER (Ms Green) — Order! The member for Hastings will be quiet. The member for Williamstown to resume.

Mr NOONAN — On 15 November 2005 approximately a quarter of a million workers in this state, organised by the Australian Council of Trade Unions (ACTU), marched in protest. I can proudly say I was one of them. I can tell generations of my family I was one of them.

Mr Kotsiras interjected.

Mr NOONAN — I tell you what — it was the start of the end for the Howard government, and I think the ACTU should be congratulated for the campaign it undertook to tear the Howard government down strip by strip and ultimately seat by seat.

Mr Kotsiras interjected.

The ACTING SPEAKER (Ms Green) — Order! The member for Bulleen is interjecting out of his place and knows better.

Mr NOONAN — In the aftermath of the election a range of now shadow ministers are talking about — —

Mr Walsh — On a point of order, Acting Speaker, this bill is a very narrow bill that deals with the Public Sector Employment (Award Entitlements) Act and the taking out of several clauses of that act. I would ask you to bring the member opposite back to speaking on the bill rather than on general issues of employment.

The ACTING SPEAKER (Ms Green) — Order! I listened to the contribution from the member for Box Hill, who was the lead speaker for the coalition, and he made a number of references beyond the frame of this bill. Subsequent speakers are able to respond to those references. I rule against the point of order.

Mr Burgess — On the point of order, Acting Speaker, — —

The ACTING SPEAKER (Ms Green) — Order! I have just ruled on the point or order.

Mr Kotsiras — On a further point of order, Acting Speaker, — —

The ACTING SPEAKER (Ms Green) — Order! I have ruled on the point of order.

Mr Burgess — Yesterday — —

The ACTING SPEAKER (Ms Green) — Order! The member for Hastings has not been called. If he would like to make any further point of order — —

Mr Burgess — On a further point of order, Acting Speaker, yesterday afternoon the Acting Speaker ruled in very similar circumstances where an argument had been put that was broader than that covered by a particular bill. The Acting Speaker then ruled that because the debate was then straying outside the bill, the member could narrow his remarks, and he did.

The ACTING SPEAKER (Ms Green) — Order! I do not find that the member has made a point of order. The member for Williamstown's time has expired.

Mr WAKELING (Ferntree Gully) — There has been a deal of interest in this legislation, and it gives me great pleasure to rise to make a contribution to the debate on the Public Sector Employment (Award Entitlements) Amendment Bill 2008. The purpose of this bill is to repeal provisions of the Public Sector Employment (Award Entitlements) Act 2006 requiring Victorian public sector entities to comply with a fairness test for new workplace agreements.

The main provisions, which have been specified by the member for Box Hill and others before me, include the repealing of the requirement that a public sector employer must submit a proposed workplace agreement to the Victorian workplace rights advocate for a determination as to whether the agreement passes the fairness test before offering it to an employee or a union, and a prohibition on offering a proposed agreement that does not pass the test that is specified in clause 7 of the said act. In addition to that it prohibits a public sector employer from providing a condition of employment to an employee less favourable than the employee's preserved entitlement under a relevant award, except where a binding workplace agreement passes federal Labor's new no-disadvantage test, as specified in clause 6.

With respect to the operations of the workplace rights advocate, it has been an absolute sham. It received no endorsement and no support from Victorian industry; it received no support from the Victorian business sector. I can remember before I was elected to this house, as someone who was involved with a number of industries, seeing that there was great concern about the actual operation of the workplace rights advocate, and it was seen by many people out in the Victorian community as nothing more than a political stunt. What we have before us today is a clear demonstration that in fact the operation of the workplace rights advocate was nothing more than a political stunt.

The purpose of the original act regarding the public sector was to ensure that the operators in the public sector did not operate in an unscrupulous manner. The managers of the public sector were none other than those sitting opposite. The purpose of this legislation

was to do one of two things. It either said, 'Do not trust us as a government because we cannot be trusted on industrial relations in the way in which we negotiate agreements with our own workforce'; or perhaps it said to the Victorian community in 2006, 'We assume we are going to lose the next election, and we do not trust the incoming government'. Assuming my second proposition was not the case, I can only infer that those opposite took it upon themselves to say that they did not trust the Minister for Industrial Relations or his colleagues around the cabinet table when it came to negotiating the wages and conditions of employees of this state. From the point it was created it was an absolute sham and a crock.

There are a number of problems with the Workplace Rights Advocate Act. I remember attending a conference where a representative from that organisation was speaker. One of the major selling points and achievements of the advocate was the fact that the office of the advocate had advised the federal department of a number of organisations it would like to be investigated. Its greatest achievement was picking up a telephone and calling the federal department to investigate issues. Funnily enough, that was exactly the appropriate course of action, because it was talking about breaches of federal law and issues that affected federal law. The Workplace Relations Act was actually enacted by the federal government. It would be like this government setting up a body to advise people on the operation of the immigration law, and if it suspected concerns, it would call up the immigration department. What an absolute sham. There is no validity in the operation of the Office of the Workplace Rights Advocate.

As has been mentioned before, the Minister for Industrial Relations has been more than happy to see his organisation trample over good, hard-working businesses and organisations like Bruck Textiles by going out and investigating their operations, but what has the workplace rights advocate done in terms of the operation of the government? What did it do in regard to the operation of the negotiation of the police enterprise agreement? What did it do in regard to nurses and teachers? People were marching in the streets calling upon the government to do more and saying the way it was negotiating the agreement was inappropriate. The Workplace Rights Advocate Act says the advocate has the power:

> to investigate illegal, unfair or otherwise inappropriate industrial relations practices in Victoria.

That is pretty broad and wide sweeping in terms of the powers of the workplace rights advocate. What did it do in regard to those issues? What investigations were undertaken by the advocate in regards to those actions? Nothing has been done or said by those within the Office of the Workplace Rights Advocate to test the way in which those opposite have managed industrial relations with their own staff. It is an absolute sham, and the Victorian community sees it as such.

Now there is a situation where the government says it is time to repeal the bill. What has it actually achieved the whole time it has been in operation? This government should hang its head in shame over the way it operates industrial relations in this state. Those opposite decried the situation under WorkChoices under which the federal government set up an industrial relations regime which apparently was going to be the death knell of Victorian workers. Victoria was the only state where unincorporated businesses fell under the control of the central regime. Why was that? That was because the previous state Liberal government referred its industrial relations powers to the federal government. What did this government do with regard to that? It supported and approved it, and it has done nothing in eight years to remove the referral.

If people working for unincorporated businesses in the state were going to be affected by the operation of the WorkChoices legislation, I would have expected that on day one the Minister for Industrial Relations would have stormed into this place and introduced legislation to remove the referral to put in place an industrial relations regime to protect those unincorporated businesses and employees of unincorporated businesses. But what did those opposite do on the issue? They sat there silent. They were all happy to sit there and complain about the system that operated federally, but in the area over which they had control — people who worked for unincorporated businesses — they did nothing. They sat on their hands and did nothing with regard to the operation of the federal system.

Much has been made of the level of industrial disputation in this state. I can recall an industrial dispute at my former place of employment. We faced a union which undertook the longest strike in its history, that being the Electrical Trades Union and the strike that occurred in 2003 when it tried to enforce a 36-hour week on my organisation. The member for Williamstown pointed out that negotiations took place between his former organisation and my former organisation. I am here to tell you that my organisation negotiated in good faith with a whole range of unions, but there were also unions which were not prepared to operate in good faith. I am sure that could be

acknowledged by those sitting opposite who worked in the union movement.

I am here to tell members that we negotiated in good faith under WorkChoices. One needs to recall that the whole issue of individual-based bargaining was not introduced by the federal Liberal Party; it was actually introduced by the former Keating government under the control of then minister, Laurie Brereton, when he introduced individual enterprise agreements under the 1994 reform act.

We have before us today a bill that is designed to remove an act from the statute book because it effectively has not provided any form of real protection for public sector employees. It was merely a political stunt aimed squarely at the federal government. I would have thought that this government had better things to worry about than putting in place legislation such as this. I can only hope that what we have before us is in fact the precursor to ensuring that the Office of the Workplace Rights Advocate, the operation of which every year wastes hundreds of thousands of dollars of taxpayers money, is finally removed.

Mr LIM (Clayton) — I rise to speak in support of the bill. This is one occasion when it is most satisfying to support a bill which removes protection for workers. This is for one very important reason — WorkChoices is dead.

The 1990s saw Jeff Kennett, and members now sitting opposite in opposition, strip Victorian workers, including our own public sector workers, of fair pay, just working conditions and job security. Members all remember the vicious attacks on Victorian workers and their families. We remember, as the previous speaker was talking about, shameful legislation such as the Employee Relations Act, the Public Sector Management Act and the Annual Leave Payments Act. Victorian public sector workers will never forget the disgraceful sacking of their fellow workers, the stripping of their working conditions and the axing of their leave loadings. By contrast, the policy of the Bracks and Brumby Labor governments has been to support a comprehensive safety net of award conditions for our employees and for agreement making with employees and their representatives.

No matter how red the Leader of the Opposition might portray himself on social issues, the tories opposite will never succeed in conning Victorian workers into believing a Liberal government would protect its workers' pay, conditions and job security. The origin of the word 'tory' was that it was used to describe an Irish bandit, and that is an appropriate description: the Liberal Party stole Victorian workers' pay and conditions. Of course, Jeff Kennett's slash-and-burn approach was just a taste of what was to come. John Howard's — —

Ms Asher — On a point of order, Acting Speaker, I am normally not moved to raise points of order, but I make the observation that the honourable member is completely reading his speech. He does not have copious notes.

Mr Merlino interjected.

Ms Asher — If he wants to be provocative, we will raise other issues. I ask that you direct the member not to read his speech.

The ACTING SPEAKER (Ms Green) — Order! Is the member for Clayton reading his speech or referring to notes?

Mr LIM — I think the Deputy Leader of the Opposition has made a very pertinent point. I am not a native English speaker. Therefore I make copious notes. I think it is very insulting that she has raised this point. I find it very discriminatory and racist and I ask her to apologise.

The ACTING SPEAKER (Ms Green) — Order! I accept the explanation of the member for Clayton that he is referring to notes. There is no point of order.

Ms Asher — On another point of order, Acting Speaker, the member for Clayton just described me as racist. I find that offensive and I request that you ask him to withdraw.

The ACTING SPEAKER (Ms Green) — Order! The Deputy Leader of the Opposition — —

Mr LIM — Acting Speaker, I did not call the Deputy Leader of the Opposition a racist. I said that the way she conducted herself was racist.

The ACTING SPEAKER (Ms Green) — Order! The Deputy Leader of the Opposition has taken offence and has asked for a withdrawal.

Mr LIM — Acting Speaker, I have been in this chamber long enough to be able to distinguish between calling somebody a racist and how the word 'racist' is used and is being bandied around in the chamber. This is an occasion when very clearly somebody has tried to exploit the situation. I do not accept that patronising and condescending attitude in the chamber.

The ACTING SPEAKER (Ms Green) — Order! The Deputy Leader of the Opposition has asked for a

withdrawal because she has taken offence at a remark. As she has taken offence, she has asked for a withdrawal.

Mr LIM — With due respect to your direction, Acting Speaker, I withdraw, but I still maintain the point that this was a very condescending and patronising attitude.

An honourable member interjected.

The ACTING SPEAKER (Ms Green) — Order! I do not need assistance from anyone else in the chamber in making my ruling. I am afraid I need to point out to the member for Clayton that the withdrawal needs to be unconditional.

Mr LIM — I do.

The ACTING SPEAKER (Ms Green) — Order! Thank you. The member for Clayton, to continue.

Mr LIM — However, the Victorian Labor government could not wait for the defeat of Howard and Costello. WorkChoices had removed the no-disadvantage test, which ensured that workplace agreements would not cause employees to be worse off when compared with those covered by the applicable award. As a socially just government committed to protecting Victorian workers and their families, we had to act.

Mr Burgess — On a point of order, Acting Speaker, I am not sure I understand the explanation for having — —

The ACTING SPEAKER (Ms Green) — Order! What is the member's point of order?

Mr Burgess — The point of order is that the member is continuing to read and I do not understand the explanation for continuing to read.

Ms Marshall interjected.

Mr Burgess — Are you the Speaker, now?

The SPEAKER — Order! The member for Hastings, on a point of order.

Mr Burgess — The member is continuing to read. I am not sure I understood and I am not sure the house understood the previous explanation.

The SPEAKER — Order! I have been listening from my office. I believe that the member was quite clear in saying that he was referring to notes. If the member — —

Mr Burgess — No, he did not.

The SPEAKER — Order! That certainly my interpretation of what I heard in my office. I do not uphold the point of order taken by the member for Hastings and I call on the member for Clayton to continue his contribution.

Mr LIM — Thank you, Speaker. The reason the bill we are now debating removes the fairness test we had previously provided is that it has been rendered redundant by the new federal Workplace Relations Amendment (Transition to Forward with Fairness) Act 2008. The new federal act provides that an agreement cannot come into operation unless the Workplace Authority director deems it to pass the federal no-disadvantage test. Therefore it is now sensible, given the federal legislation, to repeal the Victorian provisions so that our public sector agencies and employees do not have to go through two similar fairness tests.

As I said at the outset, with the election of the Rudd Labor government and the death of WorkChoices, this is one protection it is satisfying to remove. Only state and federal Labor governments are truly committed to protecting working families. I commend the bill to the house.

Mr THOMPSON (Sandringham) — The bill before the house, the Public Sector Employment (Award Entitlements) Amendment Bill 2008, has a number of key purposes. They include the repeal of provisions of the Public Sector Employment (Award Entitlements) Act 2006 requiring public sector entities to comply with the fairness test for new workplace provisions. The main provisions of the bill include the repeal of the requirement that a public sector employer must submit a proposed workplace agreement to the Victorian workplace rights advocate for a determination as to whether the agreement passes the fairness test before offering it to an employee or union and, by clause 7, the prohibition on offering a proposed agreement that does not pass the test. It also prohibits, by clause 6, a public sector employer from providing to an employee a condition of employment less favourable than the employee's preserved entitlement under a relevant award, except where a binding workplace agreement passes federal Labor's new no-disadvantage test.

When I was first elected to this place in 1992 unemployment in Victoria was running at around or over 11 per cent. The impact of that high level of unemployment was palpable, street by street, suburb by suburb in Victoria. Children of migrants were forced to

return to their parents countries to find employment, parents who were in a small business were facing the obligation of paying exorbitant interest rates to keep their businesses afloat under the recession that we had to have, and there were major difficulties across Victoria.

During my time as a member of Parliament I have seen a range of industrial action taking place, including at Leigh Mardon, a major Victorian company, and at Hycraft Homfray, a carpet manufacturer that failed in the marketplace. My encouragement to workers and management alike has been to try to resolve issues in a constructive way so that the competitiveness of Victorian industry can be maintained and sustained. A number of years ago there was a plan by the Japanese food processor Saizeriya to set up its operations in Victoria. It was a five-stage modular process, and during the first stage of that process industrial action kicked in. There was not an effective outcome, and management was forced to consider whether it would transfer Victorian jobs overseas or interstate. It was an absolute disgrace that in one of the most important areas of Melbourne that required a strong employment base, jobs were being exported out of the state due to excessive regulation and industrial action.

At the time when this legislation had already been introduced in Victoria an issue arose regarding an employment agency in Frankston as to whether the terms and conditions of employment had been fairly applied to a range of contracts. A question as to whether the workplace rights advocate would be sent in to investigate was directed, as I recall, to the Attorney-General, and the champion of Victorian workers, the person who was responsible for introducing the legislation in this state, was nowhere to be found. It may be suggested, with respect, that a fair amount of politics has gone into this legislation when in the Victorian case the only way that the fairness test would be applied in this particular instance would be if Victorian Labor had otherwise tried to impose agreements that would not pass a fairness test. It is suggested that that would be an absurdity, taking into account Labor's approach to matters of this nature.

In the present circumstance I would like to make the following points by way of summary. A worthwhile society needs to be underpinned by a prosperous economic base. We need an effective public sector that operates fairly and equitably and also a robust private sector that operates fairly and equitably. I have already given the example of a suggested breach of the fairness criteria by a Frankston employment business, where in that instance the Attorney-General of this state failed to act.

Ms MARSHALL (Forest Hill) — I am very pleased to rise and make a brief contribution in support of the Public Sector Employment (Award Entitlements) Amendment Bill. A bit of background to this bill is that it is being introduced in response to initiatives that the Rudd federal government has introduced as part of its new industrial relations agenda, which focuses on correcting the stress and insecurity felt by many working families as a result of WorkChoices putting at risk basic rights such as overtime, rest breaks, redundancy pay, shift allowances, penalty rates and public holidays, to name but a few. The Labor movement has always represented the basic values of prosperity, fairness and security for all — not some, not occasionally and not only when it suits but always, period.

The opposition supported WorkChoices, disregarding the fact that those draconian laws limited the extent to which state governments could protect their own constituents and even though WorkChoices diminished the award safety net and initially completely eliminated the no-disadvantage test that the Australian Industrial Relations Commission performed when certifying workplace agreements. This was a test to ensure that employees were not disadvantaged by an agreement compared with the relevant underlying award. Let me remind the house that following the last federal election we saw the astounding situation of the former federal Minister for Employment and Workplace Relations, Joe Hockey, trying to justify his behaviour and attempting to convince us all as a nation that members of the federal cabinet did not know that people could be made worse off. That is absolutely mind-blowing. The Liberal Party misjudged the intellectual capacity of the Australian public both prior to and post the election.

The new federal test fulfils the Brumby government's policy objective contained in its workplace rights standard of a fair go for all Victorians, and collective and individual agreements must pass the new no-disadvantage test. Quite simply, employees cannot be disadvantaged compared to the Australian fair pay and conditions standard and the relevant award. There is no need for public sector employers to submit their agreements to a state fairness test, because they will now be tested against a comprehensive federal test. Essentially the bill repeals the provisions of the act that deal with the fairness test, and it also repeals some redundant and spent provisions. The legislation will cover public sector employers and employees, who in Victoria number over 254 000 public servants. We now have a government in Canberra that since being elected has worked cooperatively with state governments in every aspect. I commend the bill to the house.

Mr WALSH (Swan Hill) — I rise to make a contribution in the debate on the Public Sector Employment (Award Entitlements) Amendment Bill. This piece of legislation repeals the provision in the Public Sector Employment (Award Entitlements) Act relating to the Victorian public sector fairness test for workplace agreements. I was not going to make a contribution on this bill, but I feel compelled to stand and stick up for employers in this state. There has been very wide-ranging debate on this very narrow piece of legislation — —

Mr Merlino — On both sides.

Mr WALSH — On both sides, but particularly from the government benches we have heard continual slagging off at employers, and I want to put on the record that it is employers in this state who create jobs. It is not governments and it is not government policy that create jobs; it is people who risk their capital, who put their money and their futures on the line to create businesses that employ people. I want to make sure it is on the public record that this side of the house supports employers in creating jobs. We hear a lot of rhetoric about jobs being created and how this state's economy is growing, but it is private individuals in business who are growing the state; it is not the government. The government is not very good at running businesses.

I had an interesting conversation recently with Arthur Shoppee, who runs Luv-a-Duck in Nhill and employs something like 200 people. He was quite irate about the fact that everyone talks about jobs but no-one talks about employers, who are the people who create jobs, so I would like to put his thoughts into *Hansard* as well. Governments can create the economic environment for people to create jobs, but they cannot create the jobs. We have heard a lot of people from the other side who, quite rightly, have worked for unions in their previous careers. I commend them for that, because there is a place for unions to make sure that people are not exploited. No-one in this place supports the exploitation of anyone, whether it be employers or employees, but we need some balance in this debate.

At various times some union leaders and organisations in this state have made sure that a lot of jobs were lost. Going right back to my start in the food industry, Tom Ryan, who was the leader of the Food Preservers Union, made sure that a lot of food-processing businesses in the state were closed and moved offshore, because his union was so inflexible and recalcitrant in fighting for its members' rights that the employers decided it was a lot easier to shut up shop and move offshore. From memory the Cain government introduced legislation in this place to make sure that Norm Gallagher and the Builders Labourers Federation were brought under control in Victoria. A lot of people talk about the export of livestock for slaughter in overseas countries. One of the reasons the livestock export industry got going was that Wally Curran of the meatworkers union made it so unattractive for meat processors to function in this state that those jobs were exported offshore as well.

Probably the classic case involved the Maritime Union of Australia. We saw the campaign in the mid-90s, which created a lot of debate — and the program that was on television about 12 months ago. The farmers, food producers and exporters of this state were being put at a significant disadvantage due to the inefficiency of the ports because of union domination and the fact that workers would not change by introducing new technology and moving forward by putting efficiencies in place at the port, which is what the producers of the products that were being exported from that port did.

I can remember going to Port Botany before the Maritime Union of Australia dispute. New technology had been brought in there and workers had been made redundant. But the union would not accept those redundancies, so there was someone to drive the bus bringing workers back for morning smoko, someone to open the door because a job had to be found for them, and someone to sweep the bus out during morning smoko. All those jobs were built into and paid for as a cost on the very efficient food producers in this nation.

I would like to remind those members on the other side of the house that in their contributions to this debate they have been continually slagging off at employers in this state. It is employers who create the wealth that we enjoy. We have heard a lot from the government about how the budget has grown over time. It has grown because people have been employed and economic activity has been created in this state. I feel compelled to put on record that employers are not the horrible people that those on the other side of the house would have us believe. They are actually people who drive economic activity and who do their best for the people who work for them. They do not want to be continually slagged off at by the union representatives on the other side of the house who are now members of Parliament.

Mr SCOTT (Preston) — It gives me pleasure to rise to speak on the Public Sector Employment (Award Entitlements) Amendment Bill. Unlike the member for Swan Hill I will not be slagging off about other members' contributions to the debate, because I think it is an important and interesting debate. It highlights a series of intellectual divides in this house. It is often said that there are no divisions between the parties, but I

think that is completely false. There are some fundamental divides, and debates about industrial relations and consumer affairs often bring up similar divides. These are instructive debates. This has been a broad-ranging debate. We should have broad-ranging debates on these issues because they highlight the divisions in this place which lead to the differences in our politics. While, as I said, some would say that there are minimal divisions, I invite those people to listen to these debates, particularly debates on consumer affairs matters.

I take issue with one thing the member for Swan Hill said. In his contribution he highlighted the role of employers in wealth creation, but an integral part of wealth creation is the role of employees. Businesses cannot make money without the people who work for them, so both parties play an important role.

I would also like to touch on the contribution made by the member for Box Hill, who was decrying the people who were supporting this bill as not supporting flexibility. But there is nothing in this bill which removes flexibility. The sort of flexibility that people on the Labor side of politics do not support is the flexibility that makes people worse off. I have to say that I enjoyed the member for Box Hill's Gilbert and Sullivan references, but sadly I feel that the member for Box Hill has a 19th-century view of industrial relations at times. However, I enjoy his cultural references; I think they provide an interesting context.

Mr Clark interjected.

Mr SCOTT — I think the *People's Flag* may be 19th-century as well, or early 20th century.

This is an important debate which again highlights what is at the heart of what has been wrong with conservative politics in recent years. Those on the opposition benches, and sadly the members of the former federal government, have not realised that within Australian society there is a fundamental agreement. Often it is unstated, but there is an agreement that those who do a decent day's work deserve a decent day's remuneration for their contribution to the society. What happened with WorkChoices — the bill that was introduced in 2006 and which the Public Sector Employment (Award Entitlements) Act was responding to — was that it fundamentally violated that often unspoken agreement. That has been acknowledged by federal conservative politicians, but sadly I think that acknowledgement has not reached the Victorian Parliament.

It is an important realisation that those in politics who violate those fundamental underpinnings of our society do so at their own peril. I understand that the member for Forest Hill highlighted what former federal minister Mr Hockey said about this issue, when he outlined that people in the cabinet did not know that people could be worse off. Obviously they were not paying attention to debates in this house — not that I would expect that they would spend their nights reading *Hansard* from the Victorian Parliament.

Ms Asher — Joe Hockey was reading Victorian *Hansard*.

Mr SCOTT — I have delusions of grandeur for all of us in this place, but I doubt that federal MPs spend their nights reading our *Hansard* — unless of course they have trouble sleeping!

I return to the bill at hand. The provisions of the act which are being repealed are no longer necessary, because the new federal government has introduced the Workplace Relations Amendment (Transition to Forward with Fairness) Act 2008, which removes the necessity for the fairness test that is being repealed by this bill. Again, I would urge members who have spoken against this bill and who are opposing it to reconsider their position in future, because they violate the fundamental premise that people deserve a decent day's pay for a decent day's work, and that flexibility does not mean flexibility to reduce entitlements and to reduce the working pay and conditions of workers in this state. I urge members to consider that.

I also urge them to consider how we relate to each other as a society. As I said, of course employers help create wealth and play a vital role, but so do the workers who work for them. It is not a simple binary piece of analysis. There needs to be balance, and flexibility is not flexibility to drive down people's entitlements in a way that is considered unfair within our society. As I said, and as the member for Forest Hill mentioned during her contribution, people like Joe Hockey have acknowledged that WorkChoices was a mistake. I urge opposition members to reconsider this bill because, frankly, they are well behind where their federal counterparts are in this sort of debate. Victorian opposition members do not understand the consequences that their federal colleagues have had to suffer for the position they staked out. In most instances commentary on the last federal election highlights WorkChoices and the violation of that fundamental trust that exists within Australian society as the main reason why the federal Liberals and Nationals lost office. I commend the bill to the house.

Mr STENSHOLT (Burwood) — I am happy to join other speakers in support of the Public Sector Employment (Award Entitlements) Amendment Bill. I am not surprised at all that the Liberal Party is opposing it. I am not sure what the view of The Nationals is on this matter.

Honourable members interjecting.

Mr STENSHOLT — I was listening to the last speaker, and I heard that The Nationals are opposing it. I heard only part of the debate, but some speakers have used the debate as a marvellous opportunity to say terrible things about the unions. One speaker — I think it was the first speaker, the member for Box Hill — started reading out a hit list of who had been a member of what union and what work they had done. Frankly, it is a legitimate occupation to stand up for ordinary working Victorians.

Honourable members interjecting.

Mr STENSHOLT — If you do not stand up for ordinary working Victorians, then you have a problem. I am very happy to stand side by side with people who stand up for working Victorian families and ordinary Victorians and who are not out there trying to rob people blind. That is exactly what the Liberal Party does. I understand that when the original test legislation went through this place The Nationals did not oppose it, and I appreciated that — that showed a bit of common sense from our rural socialists. But the Liberal Party did oppose it. Of course members of the Liberal Party just did not listen to what was going on in working Victoria in terms of working families, and they did not stand up for them. In fact members of the Liberal Party stand for nothing, and they prove it again and again.

Government members believe in the right to a fair day's pay for a fair day's work, rather than trying to do people in all the time. It is fascinating that the Liberal Party wants to take away people's rights and working conditions. Liberal Party members stand up all the time — every time a bill comes to this Parliament — and want to take things away from ordinary working Victorians. Because the federal government has introduced a new test, we do not need these provisions any more. I am very pleased that we have a federal government that stands up for decency and up for the security of workers and for working families here in Victoria and Australia.

The Liberal Party tried to change the name, fascinatingly enough, because it was so ashamed of it. Joe Hockey ran away from the name — 'What would we want with a different name?' — but it was there. What was it doing? It was taking away rights of overtime in terms of rest breaks, redundancy pay and so on. Its terrific work on redundancy pay was, 'Let's sack the workers; let's change the name of the company', and of course the people lose out in terms of redundancy pay and whatever savings may have been there. The company shifts and disappears into the night and the workers are left with nothing. We know that from the experience of the previous Prime Minister's brother. Shift allowances were lost, penalty rates and public holiday pay were all up for grabs. That is what WorkChoices was all about — unfairness and disadvantage.

We had to put in legislation to ensure that there was a test which could be looked at. It was in the public sector where people could have some protection. Now the Rudd government's new transitional legislation reintroduces the no-disadvantage test for workplace agreements. We know what happened under the old system and how that authority was so far behind in checking on agreements that came before it. We know how many of them failed to comply. I remember that hardly any of them complied in terms of providing the same conditions. Virtually all of them provided lesser basic conditions.

This government is very pleased that the Rudd government has moved quickly to right the past wrongs. It has moved quickly to stand up and be supportive of working families here in Victoria. This legislation is a joy to support in this house because we no longer need it to protect working Victorian families. From that point of view, I am happy from this side of the house to support this bill. I am very disappointed that the opposition has used this debate as an opportunity to go over its old sores and show that it continues to stand for nothing. It does not stand up for working Victorian families and to stand up for Victorians, whether they be in Melbourne or in rural and regional areas.

Mr LANGDON (Ivanhoe) — It is a great pleasure to join the debate on the Public Sector Employment (Award Entitlements) Amendment Bill 2008. The labour movement has always stood for best values of prosperity, fairness and security for all. This bill is one part of that.

An honourable member — That is the best speech you have made all week!

Mr LANGDON — It is. I am making a brilliant contribution to this debate and everyone is listening to it, which is even more enjoyable.

The Victorian government, as I said, has always stood up for Victorian working families, unlike the opposition in the past and the former federal government with its WorkChoices legislation. The Public Sector Employment (Award Entitlements) Amendment Bill is all about fixing up those errors and making sure that Victorian workers receive the entitlements provided in the bill.

WorkChoices attempted to limit the extent to which state governments could protect their own constituents, despite the mean-spiritedness of the Howard government and its fellow travellers. The Victorian government did everything it could to defend the living standards of Victorian working families.

My electorate of Ivanhoe has within it a large variety of people, from East Ivanhoe and Eaglemont, which is deemed to be very much an area of working families, to the very much working-class area of Olympic Village, West Heidelberg. Those areas are often more affected — —

An honourable member interjected.

Mr LANGDON — Indeed. There are some very good families there and some very good sons and daughters who have joined many political parties across the spectrum. This Parliament has often had representatives from West Heidelberg. I know there was a member of the National Party who was born in West Heidelberg. There is currently a member of the Liberal Party who was born in West Heidelberg. It has a rich history of political involvement. Its rich history often comes from the working-class values of the area, which this bill is there to protect as well. I am more than pleased to support this bill and add my brief contribution. I will allow other speakers to speak on the bill. I commend the bill to the house.

Ms GREEN (Yan Yean) — It is with great pleasure that I rise to speak in support of the Public Sector Employment (Award Entitlements) Amendment Bill 2008. I think this is a fantastic day for Victorian workers. I could not be more pleased that there is a need for the repeal provisions in this bill due to the actions of the very progressive Rudd Labor government that was elected in support of ending the dreadful WorkChoices regime that the previous Howard government imposed on working families in this country. I am pleased that the Rudd government has worked swiftly to end this sorry chapter in Australia's working history.

For some reason the opposition is saying it supports this bill today, but most of the comments its members have made have not indicated that support. The comments that have been made by opposition speakers in this debate have shown that, like the Howard government, they have not learnt the lessons of the federal election last year in that Australian working people and Victorian working people want a fair system of industrial relations. They do not subscribe to the tribal war that the coalition would have us believe is the condition that industrial relations exists in.

The member for Box Hill in his contribution decided to go through the list of members on this side of the house who were proud members of trade unions as if it were some sort of crime. I did not hear all of the member's contribution because I was in the lift on the way down to the chamber, and I did not hear him mention my name on that list. Let me put it on the record that I am an absolutely very proud former trade union official. I was very proud to be the vice-president of the Community and Public Sector Union, State Public Services Federation branch between 1993 and 1996. I was also proud to have worked for the Victorian Trades Hall Council in 1995 and 1996. During that period I knew very well what happened to Victorian workers under the Kennett government. Their rights to a fair hearing and to a decent system of employee relations were stripped away. The independent umpire was necked. There was no ability for disputes to be arbitrated. It was the law of the jungle.

I say to members on the other side of this chamber who made mealy-mouthed statements today weeping crocodile tears in support of public sector workers that we know what they did in the 1990s. Anyone who was a public sector employee in the 1990s, when the previous Premier Jeff Kennett said that he was able to run the public sector with two Weimaraner dogs — —

Mrs Fyffe — On a point of order, Acting Speaker, I am trying to find in the bill which section the member is referring to. I ask you to bring her back to the bill, if you cannot find the section.

The ACTING SPEAKER (Ms Munt) — Order! I do not find a point of order.

Ms GREEN — When pieces of legislation that refer to employment law, like the Public Sector Employment (Award Entitlements) Amendment Bill that is before the house today, are debated in this chamber, we see the significant difference — the chasm — that exists between the Labor Party and the conservative parties. The member for Swan Hill put words into the mouths of other speakers, saying that Labor members and trade unions are opposed to employers. I did not hear any speaker on this side of the house have a go at

employers, as the member for Swan Hill said they did. The existence of an independent and free trade union movement is what marks a country as a democracy. It is a measure of a country's freedom if it has an independent and free trade union movement. The labour movement in this country is about supporting working people, and it is about jobs. It is not about opposing employers. Trade union leaders work well with employers, because they want their members to be in jobs. I completely disagree with the remarks made earlier by the member for Swan Hill that Labor members and trade union officials are against employers. We work with them as partners.

I am very proud, again, to speak in support of legislation like the bill that is before the house. Public sector employees see clearly through the statements of those on the other side, because it is always a case of, 'Do as I say, not as I do', but you are judged on how you conduct yourself when you have the keys to office. We know how many public sector jobs, how many teachers, how many nurses and how many police were not in work in the 1990s because the previous Premier and the Liberals and Nationals had no regard for the work of public sector employees. We on this side do. That is why we have more teachers, more nurses and more police on the beat — and it is why we have a fair system of industrial relations. The federal Rudd government should be commended for bringing fairness back into this system. I support the bill before the house.

Ms BEATTIE (Yuroke) — I am pleased to rise on the Public Sector Employment (Award Entitlements) Amendment Bill. The member for Yan Yean talked about her days at Trades Hall, and she will well remember that I worked with her there. One of the great things there was that you knew you were working in a workplace that stood for the basic values of prosperity, fairness and job security for all. However, the heart was ripped out of that fairness by the Howard government's mad mantra of WorkChoices. Although it had that mad march towards WorkChoices, when even the former federal minister, Joe Hockey, said that that government did not realise the full extent of the hurt WorkChoices would inflict on people, the Howard government still went ahead and did it. As Joe Hockey said, the federal government did not even know people could be made worse off under that legislation. We always knew that on this side of the house, and that is why the Minister for Industrial Relations introduced bill after bill in this house. Each one was opposed by the opposition and The Nationals — now a coalition — to their detriment.

Then we had the election of 24 November 2007, when the people spoke about WorkChoices. The people of Australia clearly said, 'John Howard and your team, you are going out! The main issue we are throwing you out on is WorkChoices'. Poll after poll and survey after survey talked about that. It was WorkChoices that people hated. What did we see after 24 November 2007? We should have seen an apology to Australians, but we saw the spectacle of the new federal Liberal leader, Brendan Nelson, struggling to try to find a policy. He said the Liberals were dumping WorkChoices, but the mad monk came out and said, 'No we are not. We are going to stick with WorkChoices'.

The ACTING SPEAKER (Ms Munt) — Order! Mad Munt?

Ms BEATTIE — The mad monk, which is the name Tony Abbott is known by, said, 'We are sticking with WorkChoices. We love it!'.

Tonight the state opposition had the chance to say to people, 'We were wrong. We are sorry, people. We know you did not like WorkChoices; we knew you hated it. We knew you would be worse off. We knew we could take away penalty rates, public holidays, sick leave, shift allowances and redundancy pay, and we are sorry that we stuck with WorkChoices'. Instead, we have seen the spectacle of the opposition saying, 'We were not wrong; we were right'. This tells us that given half a chance, if the opposition were elected in 2010, all this draconian legislation would be back in Victoria. Then it would work to spread its evil tentacles right over Australia — to introduce it throughout Australia. The people of Victoria and Australia should be warned that this is just a masquerade. The opposition has not thrown WorkChoices out the window; it has put it in its back pocket, and it is ready to bring it out the next time around. The people of Victoria and Australia will not be fooled.

Many other speakers on this side want to get up and put various points forward, so I will conclude my contribution, but with a warning: WorkChoices is not off the agenda for the Liberal Party, it is just sitting there, tucked in the party's back pocket, ready to be whipped out and forced on the people of Victoria and Australia again — beware!

Mr SEITZ (Keilor) — I support the Public Sector Employment (Award Entitlements) Bill 2008. As the previous speaker said, the principal legislation was brought in by the government because it felt it was necessary to protect its state employees where it had jurisdiction against the WorkChoices legislation of the previous federal government. That is important to take into consideration. Although we have had a change of

government and a change of viewpoint in Canberra, this legislation should be passed because of future changes that might take place regarding politics and the voting patterns of the people.

I refer to the stories we have heard about WorkChoices, the exploitation of the community, the uncertainty people had in their jobs and the award rights and entitlements that disappeared under that legislation. There are still people whose contracts have not yet expired; they are still working under that system. That system is not conducive to the work of public servants, in particular. Public servants work to serve the community; they should not have to worry about whether they will have a job the next day or next week, have their privileges taken away for various reasons or have their contact with their union — so that it can negotiate on their behalf — prohibited. All these issues are very important to public service workers in particular. I always say that it is our public servants who keep services running. Just imagine nurses in a hospital worrying more about whether they will have a job the next day — whether they will lose their annual leave entitlement or holiday pay; whether they will only be required if there are a certain number of patients at the hospital; whether they will be sent home at a moment's notice and called in when extra staff are needed — than about their patients.

The former federal government's WorkChoices legislation was draconian. I hope the new federal government will expeditiously change all that legislation to remove any remnant of the WorkChoices legislation that was introduced by the former federal government. I hope this legislation has a speedy passage and will continue to be respected and upheld by future state and federal governments.

Ms DUNCAN (Macedon) — I am pleased to speak in support of the bill. I can hear the silence from the other side of the house. I am very pleased that we have had to introduce this bill. It is not that often that you introduce such a bill so soon after you have introduced the original bill that it repeals. I am very pleased that we are able to repeal this bill. The only reason we are able to do so is the election of the Rudd Labor government, which makes the principal act basically redundant. I am very pleased that we are in this position.

It interesting to hear the silence from the other side of the house. I agree with the member for Yuroke, who pointed out very clearly what WorkChoices sought to do. I do not think anyone on this side of the house is under any illusions about that. After the federal election the previous federal Minister for Employment and Workplace Relations, Joe Hockey, was apparently completely stunned at the prospect — at the mere thought, at the suggestion — that WorkChoices might have left some workers disadvantaged. He said it was not his intention. He was stunned and amazed, despite millions of people — and I mean millions of people — telling him that that was what would occur. That is why I sit on this side of politics: because I understand. I think there are many differences between the Labor Party and the Liberal Party across Australia, but none better illustrates that difference than our attitude to the workplace.

I remember the days of Mr Kennett, the former Premier, when I was an executive officer for the Victorian Independent Education Union. I came to understand quite well that Liberal Party governments — and the Howard government is of this ilk — actually like workers to feel vulnerable and insecure. I think it was Jeff Kennett who said that a little bit of insecurity in the workplace is a good thing — that it is like an invisible whip, keeping everybody in line by keeping them feeling vulnerable — as it will somehow be good for productivity. We on this side of the house support the notion of working cooperatively in a workplace and believe that the carrot is much better than the stick. The intention behind WorkChoices was that it would act as that workplace stick.

I must say I was quite amused in May 2007, I think it was, when the former federal Howard government very belatedly introduced a so-called no-disadvantage test, because it finally dawned on the Prime Minister and the then federal Minister for Employment and Workplace Relations, Joe Hockey, that the system was going to be a bit of a problem for workers and particularly for vulnerable workers. We know loads of people in the workplace who do not really have a problem negotiating their own pay and conditions. They are articulate, they are sought after, they are skilled and they are in a reasonable bargaining position. But the vast majority of others who are not particularly skilled and who may not be articulate when standing against a company have absolutely no hope at all of negotiating anything that is fair and reasonable — and the only thing they ever had in their favour was the no-disadvantage test. For that to have been removed, as was proposed under WorkChoices, would have been absolutely devastating.

It was with some amusement that I noted this finally dawned on the former Prime Minister in May 2007, when he introduced his so-called no-disadvantage test. We know it was a very limited test; it related to only a minimum number of matters. Fortunately the federal Rudd Labor government has reintroduced a genuine

no-disadvantage test and hence there is the ability for the Victorian government to now repeal the provisions of the act. I am very pleased to speak in support of the bill. I am very pleased the relevant provisions are able to be repealed. I commend the bill to the house and wish it a speedy passage.

Ms RICHARDSON (Northcote) — In the very short time available to me I am very pleased to speak on the Public Sector Employment (Award Entitlements) Amendment Bill 2008. The bill covers public sector employees and employers, and in fact it was those very people whose rights we sought to protect in the face of what was a very cruel industrial relations system introduced by the former Howard federal government. These specific protections are no longer required due to the federal election win by the Rudd Labor government and its introduction of new industrial relations legislation. I take this opportunity to congratulate the new Minister for Employment and Workplace Relations and Deputy Prime Minister, Julia Gillard, for introducing these important reforms for the benefit of all working families in Australia.

But clearly what are not redundant are the views of the members of the Liberal Party and The Nationals, both here in the state of Victoria and also in the national Parliament, who pay so little heed to the needs of working families. As the member for Tarneit said earlier, there has been absolutely no apology from them; in fact no recognition from former federal ministers like Joe Hockey, who appeared shocked and stunned that the Australian people quite emphatically and quite clearly said, 'No' to the industrial relations changes that were introduced by former Prime Minister John Howard.

I imagine John Howard is kicking himself these days, because when he won the Senate and looked across both houses he must have thought to himself, 'Here is an opportunity for me to pursue my ideological agenda, and in a sense my ideological vendetta against working families'. He must have thought to himself, 'Here is a great chance to introduce what I believe to be the dream of all conservatives across the country', and that is precisely what he did. He introduced industrial relations legislation changes which directly hurt working families across Australia, and at the last federal election Australians emphatically said no to these changes, rejected John Howard, rejected the agenda of the Liberals and The Nationals, and instead elected a fair government. They elected a government that was respectful of the needs of working families — and what a sensible series of reforms it has introduced. It demonstrates that John Howard was not out of touch; he just never got it. He never got the needs of working families. He never understood what their concerns and priorities were. In conclusion, I hope this bill has a speedy passage through the house.

Ms PIKE (Minister for Education) — It gives me great pleasure to sum up the debate on the Public Sector (Award Entitlements) Amendment Bill. I want to thank everyone in the house for their contributions to the debate on this very important piece of legislation, which we are dealing with here in the house because the Rudd government has removed the odium of WorkChoices from the landscape of our country. Therefore we do not need this legislation in Victoria. Once again, I thank all members for their contributions, and I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 6 May; motion of Mr BATCHELOR (Minister for Energy and Resources).

Mr BATCHELOR (Minister for Energy and Resources) — I wish to conclude this debate by thanking all of those who have contributed to it. It is a debate that deals with a number of very specific issues. I noticed that some members lost their way around the countryside in making their contributions, but that is not unusual, because not only do they not know what they stand for but they do not know where they are going. However, be that as it may, if you strip away their wayward comments, it was a constructive debate.

This bill will ensure that Victorians continue to benefit from best practice regulation by improving the energy and earth resources legislation framework. It supports the Brumby government's commitment to ensuring a secure, reliable, affordable and safe energy industry that operates in a sustainable way, and that is most important. It will standardise penalties, it will reduce the regulatory burden in the energy portfolio and it will increase regulatory certainty, which are all important aspects and attributes of the direction of this

government. The bill will also deliver greater certainty and administrative efficiencies in earth resources regulation for the benefit of the government as well as for the benefit of the industry and community stakeholders.

During the debate there was much concentration on the misguided notion that this bill applies to certain projects, in particular the north–south project. Let me make it plain for the first time that that is not the case. With or without the amendments it is not the case. We need to make that abundantly clear and reject the misadventure that was entered into in the debate by both coalition parties. They were united in this misadventure that was before the house. It is a bit of a pity that this sort of misadventure, if I can call it that, of misleading the Parliament by the coalition parties is an attempt to hoodwink people in country Victoria. But people in country Victoria will see through it. They will get sick and tired of being pawns in a political game. Coalition members used their contributions to the debate on the bill as an opportunity to play politics in the house over a bill they essentially support.

It is disappointing that they did that — disappointing to me as the minister, and I would expect, knowing how earnest and hardworking country people are, that it would be disappointing to those people in the country who want to have an energy and earth resources system operating here in Victoria that looks after the interests of the community, looks after the interests of the stakeholders, looks after the interests of industry, and looks after the interests of individual land-holders and generally looks after the economy of regional Victoria in the way that this bill does.

I thank those people who have essentially supported the bill. There were amendments moved by the member for Box Hill. I indicated to him privately before coming into the chamber that the government is prepared to accept those, and we will discuss them in more detail when the bill goes into the consideration-in-detail stage. I thank everyone for contributing to the debate, and we wish the bill, when it finally passes all stages in the house, a speedy acceptance in the upper house.

Motion agreed to.

Read second time.

Consideration in detail

Clauses 1 to 17 agreed to.

Clause 18

Mr CLARK (Box Hill) — I move:

Clause 18, line 22, omit "may" and insert "must".

In doing so I welcome the indication from the minister that the government will accept this amendment. In view of the sudden eruption of bipartisan goodwill that has occurred I will be both succinct and restrained in what I say in response to the minister's comments. There was a degree of crocodile tears being shed on the minister's part and I think a strained artificial misinterpretation of the case that the opposition was putting in favour of the amendments. The case that we were putting, and continue to put, and that we are pleased that the minister has accepted, is that it would be possible for the government to gazette the north–south pipeline, or indeed any other water pipeline, and therefore bring it under the purview of the Pipelines Act.

Furthermore the north–south pipeline is an example of the controversy and concerns that can arise with pipeline construction, which could equally extend in potential future instances to energy and other pipelines as well as to water pipelines, and the sorts of protections that the experience with the north–south pipeline has demonstrated may be needed can apply equally to other forms of pipeline in future. That is the reason we have moved the amendment that would replace the current drafting — that the minister may consider whether a proponent or licensee has satisfied the requirements set out in an approved consultation plan — with the requirement that the minister must consider that factor when considering whether a proponent or licensee has taken all reasonable steps, in the context of deciding whether to authorise a compulsory acquisition.

We believe that this amendment makes a significant contribution to reinforcing the importance of considering the position of landowners, and beyond the terms of the amendment itself, it sends the broader signal to government in its policy deliberations and in the decisions that the minister may make on any particular pipeline in future that the interests of landowners are to be taken seriously, and that is an important policy position to establish on the public record.

Dr SYKES (Benalla) — I will speak briefly in support of the amendment proposed by the member for Box Hill to clause 18, highlighting firstly, as the member for Box Hill has done, that the legislation can be applied to pipelines that convey water, as indicated under section 11 of the Pipeline Act 2005, where it says the minister may, by order published in the *Government Gazette*, declare any pipeline or proposed pipeline to be a pipeline to which this act applies. It is quite clear that

we can legitimately talk about the application of this legislation to a pipeline that conveys water.

Secondly, the point I would like to make is that in terms of the requirement of the minister, section 95 of the existing act indicates that before making a decision on an application under section 90 the minister must be satisfied, and so forth. In this amending legislation, as proposed by the government, that requirement of 'must' is reduced to being 'may', and that weakens the legislative control and responsibility of the minister on this very important issue. Just to reaffirm the importance of, particularly, the north–south pipeline — the issue that has been much debated over the last 24 hours — I refer to the presentations last night by the member for Box Hill, the member for Rodney, the member for Brighton and the member for Swan Hill, who all pointed out the issues, how important it is to the community out there from an environmental perspective, a social impact perspective and a water security perspective.

Then there was the feeble defence of the government position by the member for Seymour. Part of his feeble defence was to say that he met regularly with the alliance that is responsible for this pipeline project to ensure that it is taking into consideration land-holders' concerns and conducting the operation according to law. I have news for the member for Seymour, and that is that today his alliance highlighted another example of devious and deceitful conduct. Today there was apparently illegal blasting going on in the Toolangi State Forest. It was under the guise of roadworks, according to the signage on the main road, but a local went in to investigate the situation and found that it was a contractor engaged by Melbourne Water blasting in the area. It was his view, it was a concern of that local, that this may have been outside what has been approved as a controlled action, allowable under the commonwealth Environment Protection and Biodiversity Conservation Act, and interestingly as soon as he raised that concern the contractor ceased working. So the contractor obviously did not feel he was on very firm ground — probably because he had just blasted it!

In addition, the approved controlled actions are for exploratory drilling near the Goulburn River. This action is in the Toolangi State Forest, many kilometres away from the approved area. Further, blasting was approved for exploratory activity, whereas the contractor confirmed that where he was proposing to blast today was on the confirmed pipeline course. What we have is a current example of a continuation of deceitful conduct, and I will just briefly refresh the minds of the members here. Most recently we had the $5 million inducement to local people — —

The DEPUTY SPEAKER — Order! I have allowed a little bit of leeway for the member for Benalla, but I remind him to confine his remarks to the bill.

Dr SYKES — Then we have the Auditor-General's very damning assessment of the conduct of the government and its agencies in relation to the carrying out of due process, in particular in relation to the food bowl project. I can assure the house that the Auditor-General has further works under way, and the sorts of example we have seen today will be put before him.

It is clearly necessary to have toughened legislation and compliance with that by the government of the day. This amendment ensures that we have a 'must' compliance rather than a 'may' compliance, and for that reason I support the amendment.

Mr CRISP (Mildura) — I did not speak on the bill but I want to support the amendment moved by the member for Box Hill. The amendment makes it mandatory rather than optional for a minister to consider the proponent's compliance with an approved consultation plan before deciding whether to authorise compulsory acquisition. I know that substituting the word 'must' for 'may' in clause 18 of the bill might seem like a minor amendment, but it is an important one for country people. It will ensure that there is fairness for all in this legislation. I am pleased to support the member for Box Hill's amendment.

Mr BATCHELOR (Minister for Energy and Resources) — The member for Mildura has just summed up the government's attitude, which is to try to make sure that legislation we pass here looks after the interests of country people. That is what we are doing with this bill in its initial form and why we are prepared to accept the amendment put forward by the member for Box Hill.

This is a government for country Victoria, and we are prepared to take on board suggestions that help, that are transparent and constructive in the making of a better piece of legislation, and suggestions that are put forward in good faith. That is what the member for Box Hill has done. It is a pity that the supporting arguments put forward by his team have let down that excellent approach.

The proposed amendment deals with clause 18. It is a very simple amendment which asks that in line 22 of clause 18 the word 'may' be omitted and the word

'must' inserted. Section 90(1) of the Pipelines Act 2005 relates to requests made to the minister by a proponent or a licensee for consent to compulsorily acquire an easement over private land for the purpose of the construction and/or operation of a pipeline. Section 95 of the Pipelines Act requires the minister to consider whether the proponent or licensee has taken all reasonable steps to reach agreement with the owners of the land in relation to the purchase of the easement for the purpose of compulsory acquisition. We want to know whether discussions have occurred first before we enter into the process of compulsory acquisition.

It is considered that currently the minister, as part of the decision-making process, would consider compliance with the consultation plan. As a result new section 95(1A) of the Pipelines Act, which is introduced by the bill, clarifies that the minister can consider compliance with the consultation plan. We think that if there is a consultation plan, it ought to be looked at to see whether it has been complied with, and that ought to be taken into consideration by the minister.

The coalition's proposed amendment put forward by the member for Box Hill to change the word 'may' to 'must' in new section 95(1A) does not change the policy, nor does it change the administrative processes carried out in respect of the purchase or acquisition of easements. That is why we accept the proposal put forward by the member for Box Hill. The amendment, in effect, will confirm current practice in the legislation. We are doing that; we like to do it. The request to put it into the legislation has been made and that is essentially what this amendment seeks to do. There is no need to just reject amendments for the sake of it; we do not do that. We are prepared to accept the amendment that has come forward because it is a sensible one.

In conclusion, I stress that this legislation deals with petroleum and gas pipelines, not water pipelines, as suggested by the opposition during the debate.

Amendment agreed to; amended clause agreed to.

Clauses 19 to 22 agreed to.

Bill agreed to with amendment.

Third reading

Motion agreed to.

Read third time.

Sitting suspended 6.22 p.m. until 8.02 p.m.

CHILDREN'S LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 10 April; motion of Ms MORAND (Minister for Children and Early Childhood Development).

Government amendments circulated by Ms MORAND (Minister for Children and Early Childhood Development) pursuant to standing orders.

Ms WOOLDRIDGE (Doncaster) — It gives me great pleasure to speak on the Children's Legislation Amendment Bill. This is a very important bill to be debated in the house today. Firstly, I would like to run through the purpose of the bill which is to amend the Children's Services Act 1996 to further provide for the licensing and regulation of children's services including the enforcement of minimum standards across all children's services. It is also to amend the Child Wellbeing and Safety Act to include a kindergarten principle for all children.

A safe and well regulated child-care system is absolutely vital for the hundreds of thousands of Victorian families who use these services every day, week and year. There are 84 family day care centres which have more than 3000 family day carers and there are 900 outside-school-hour providers; 75 000 children access these services, which is a significant portion of our community. The measures contained in the bill are therefore important for a great many Victorians. As the mother of a three-year-old child, I have to say there is nothing more important than knowing your child is safe.

It is important to note, however, that these reforms have been eight and a half years coming. Labor's history of promises on the regulation of family day care and outside-school-hours care goes back a lot further than August 2005, as is quoted in the second-reading speech. Originally, way back in 1999, Labor's New Solutions platform and community services policy document promised to legislate for the regulation of outside-school-hours services and family day care, a full eight years ago. Then in 2002 the Labor listens then acts platform again promised the development and regulatory provision for outside-school-hours care and family day care. Once again in June 2006 the *A Fairer Victoria — Progress and Next Steps* document promised to develop new regulations for outside-school-hours care and family day care. In November 2006 Labor's election platform and policy

documents, however, were strangely silent due to the non-performance over so many years.

This incredible procrastination puts the lie to Labor's spin that it is providing Victorian children with the best start in life. We are now the only state without such safeguards in place around family day care, making Victoria the most unsafe place to raise a family for thousands of those who use their services. Eight and a half years of vulnerability in that time — and we have seen cases that would have been addressed by this legislation across those years. It is concerning that the second-reading speech says that parents actually have believed these services were regulated because they are eligible for commonwealth benefits. For all that time parents have believed these services were safe and regulated, but they have not been and that is a great concern for many families across the state.

The bill amends the definition of 'children's service' so that family day care and outside-school-hours care fall within the definition. It inserts new definitions to provide for the licensing and regulation of family day care. I would like to take this opportunity to talk to the amendments which have just been tabled.

I suppose it is consistent with what we see from this government that the lack of work means it has to bring amendments to its own bill. So the bill goes through the process — it goes through cabinet, caucus, the minister and the department — but still it is not until these issues are raised by the opposition in the bill briefing process that issues are identified and problems and issues are captured. The amendment tabled today is a classic example of that. Two weeks ago we had the bill briefing and Wendy Lovell, the shadow Minister for Children and Early Childhood Development and a member for Northern Victoria Region in the other place, consistently raised this issue about the definition of 'family day care service' and the implications for children who are of school age. Despite assurances, we were still not convinced.

At 5.30 p.m., $2^1/_2$ hours before debate commenced on this bill in the house, we heard that there was to be an amendment to it. I appreciate that the government has seen the error of its ways in relation to the definition and has been prepared to introduce a clearer definition than the one in the bill. I congratulate the shadow minister in the other place on her work in identifying these issues and making sure that the legislation will be appropriate when it is put into place.

The bill also provides for significant increases in penalties for breaches of the act. In fact nearly all the penalties are doubled, with only three exceptions. One of the penalties that is doubled by clause 9 of the bill is in section 26A, which was only passed by the Parliament on 26 February as part of the anaphylaxis management bill. So on 26 February the government considered 30 penalty units a fair and reasonable fine for a breach of this section of the act and now, only 10 weeks later and before it has even enacted the bill, it considers it needs to double the fine. This is once again a sign that the legislation had not been thought through before it was introduced and an example of the government making changes to a measure before it is even in place.

This legislation also substitutes a new part 3 of the act, which deals with the licensing of children's services. It amends the licensing process to separate the approval of premises for a children's service from licensing an individual who operates a children's service. It also provides that a person must be a fit and proper person to operate a children's service and allows operators to appoint a nominee who is responsible in the event of the absence of the licensee.

One of the concerning things is that licence fees have not yet been determined. Once again we were informed in the bill briefing process that there would be three months of consultation to go through the process with the sector to determine licence fee arrangements. I can only hope and request of the government that that proceeds as a genuine process, as was indicated, because it is very important to ensure that the cost is not too burdensome and that the regulatory process does not weigh down providers of family day care.

Clause 10 inserts a new section 26B that elevates programming from the regulations to the act and requires providers of all children's services including family day care to provide an educational or recreational program to enhance each child's development. This is a very important provision because it transfers what is often thought to be a childminding process to a child stimulation and learning process, which is something we need to applaud. The adoption by the government of the coalition's promise to bring kindergartens under the education department is completely consistent with what we now see in this bill, which acknowledges that kindergarten is an important part of the education process and sets children up for the best start in life.

The bill also inserts new sections 29A to 29C and substitutes section 30, which contains provisions that deal with child-to-staff ratios, authorisation to administer medication, requirements for notification of a serious incident and, from the regulations, the requirement that the licensee or nominee be present at

all times. Administrative arrangements are dealt with in new sections 32A and 32B. Part 5 of the Children's Services Act is also amended to allow authorised officers to enter a family day carer's residence during the hours that care is being provided, and it extends the powers of officers and the secretary to obtain information, documents and evidence. It also provides for the secretary to take emergency action if children are deemed to be at risk.

New sections 53A to 53C provide that the secretary must keep a register of family day carers and that the secretary may publish on the department's internet site details of a service, including information regarding compliance with the act and actions taken against the service by the department for breaches of the act. New section 54A provides for an internal review before the secretary publishes information under new section 53B. The bill inserts a new schedule of transitional and saving provisions to allow time for newly regulated services to comply with the act.

Finally, an amendment to the Child Wellbeing and Safety Act 2005 inserts into the proposed legislation a new principle that:

> … every child should be able to enrol in a kindergarten program at an early childhood education and care centre.

Once again, that is consistently bringing children into the realm of education right from child care and kindergarten.

While the coalition will not be opposing this legislation, we have concerns. As I have mentioned previously, the licence fees have not yet been determined, and it is very unclear what impact they will have on individual service providers in terms of the costs and the pressures that they are under currently in delivering their services.

The second big concern is that there are a lot of questions about how this will act in practice. The response was that that will be in the regulations. Unfortunately the nature of many bills is that the detail is in the regulations. As many of those regulations have not yet been determined, it is very hard to genuinely understand the impact of the new legislation on the services — that is, the cost that the services will bear and therefore the cost to families, because by their very nature the costs will be passed through to the users of the service over time. As I said, the coalition undertook a very thorough and rigorous consultation process that was led by Ms Lovell in the other house to understand what people in the sector thought about these proposals.

Several groups have concerns with the legislation, and I would like to share some of those concerns with the house to make sure that they are managed in the process of implementing the bill and also the development of the regulations and fees. The Australian Education Union is a bit concerned about the increased responsibilities for nominated staff. The Child Care Centres Association of Victoria also has concerns, specifically about the information regarding breaches being published on the department's website.

I must quote Frank Cusmano, the association's chief executive officer, who made the point with a beautiful rhetorical flourish. He said that this proposed legislation will hang the accused before being tried; she may be released after being found not guilty, but by then she is already dead. There is concern that this process of publishing the information is managed appropriately and not seen as being punitive in terms of the delivery of the service.

People from the Community Child Care Association stated to the coalition that they are deeply concerned about the provision in the bill that regulates venues other than carers' homes for the delivery of family day care. They said that they do not want family day care to be enshrined as a fully regulated service type.

Despite apprehension being expressed by some groups during our consultation — which, as I have said, was conducted very thoroughly — in the main, groups support the legislation. That is why we will not be opposing its passage through the house.

It is important in the process to point out how incredibly important protecting the safety and wellbeing of Victorian children is and the concern that the government has moved at such a glacial pace in the process. For eight and half years there have been promises from this government that it will regulate family day care and out-of-school-hours care and it has failed to act. It has known that the children's services regulations will sunset on 31 May. It has failed to do the work on the new regulations and has had to extend the current regulations until 31 May 2009 to incorporate this legislation and to have further consultation on the regulations.

Interestingly, one of the concerns is about the commitments that the federal government has made to increase the child care tax rebate from 30 per cent to 50 per cent. At the same time the state is introducing legislation without having done the necessary work to tell Victorian families what the impact of these regulations will be on them in terms of costs.

An article on page 8 of the *Sunday Age* states that Barbara Romeril, executive director of Community Child Care Victoria, said:

> … the new state government regulations, now being developed, would increase the standards of care, including higher ratios of staff to children, which would increase out-of-pocket expenses for parents.

She is very concerned that the increased rebate is going to work in the opposite direction in relation to the out-of-pocket expenses of families.

Interestingly the government in the budget yesterday announced $16.5 million to support the introduction of this new children's services bill to regulate family day care and out-of-school-hours care. The announcement included capital grants of up to $1000 to service providers to ensure their compliance with the new act. What we have seen with these $1000 grants is an admission that there is going to be a significant cost to service providers in relation to the regulatory burden of this new legislation. While that $1000 grant will seek to cover some of those costs, frankly we still have no clue as to what those costs will be, because they have not been determined and the consultation has not been undertaken. Secondly, it is very interesting that of the $49.9 million announced, $16.5 million, nearly a third of it, is to cover costs. While the regulations will provide for a safer environment for children in relation to care, really what this money is covering is the increased costs of regulation and the employment of public servants to manage it.

As I have said, we have some concerns, and we hope the government is genuine in its process of consultation in terms of licensing fees and also in the process of implementing the regulations that really give the life to the detail of this law. But because the coalition genuinely believes we must do everything we can to make our children safe, although we are very concerned that it has been eight and a half years in the making, we are happy that this bill will pass through the house and we will not be opposing its passage. The amendments that have been introduced will not be opposed, as we are very glad that the government has listened to the coalition's concerns in relation to the definitions and improved the bill to make sure that the definitions are clear when it is implemented.

Mr HERBERT (Eltham) — This is a joyous bill, I guess we could say. I am delighted to speak on the Children's Legislation Amendment Bill after the comments of the member for Doncaster. I know she certainly has a great interest in young children, but talk about nitpicking about the amendment, which is really just a regular thing. It gives a bit more definition, and we would think it is not a huge issue. We just heard a whole heap of absolute furphies about definitions and costs. Of course the costs are going to be worked out later on. They would never be in a bill at this stage, and I think most members of this house would know that.

Going to the important aspects, the bill is a reflection of what is happening in society and what has happened over the last 10 years in terms of supporting families with early children's education. The bill will deliver enormous benefits to Victorian children and their families. In particular it sets the stage for a much stronger and better regulatory framework. We just heard that there seems to be a problem with regulations because of the costs involved, but the opposition is supporting the bill. I cannot quite work out exactly what the opposition's stance is, except that it seems to be supporting everything but still complaining about it.

As to a better regulatory framework for children's services, the bill paves the way for the future regulation of family day care and outside-school-hours care as well as a range of other changes that will help to ensure that children's services are far more accountable and accessible for Victorian families. This is a very timely piece of legislation. It is timely because it comes in the same week that the state government has delivered its budget, and what a fantastic budget it was for early childhood services. In the early childhood portfolio there is something like $134 million in extra benefits for families with young children. What is great practice is that within that budget there is $16.5 million to administer the changes to the Children's Services Act that we are talking about now. The money is in the budget, and we are talking about the bill now. That is good planning, it is good economic sense and it is not something to quibble about. It is $16.5 million to support the introduction of the new regulations into a broader scope of areas for the benefit of Victorian families.

It is undoubtedly true that Labor understands the importance of getting things right in the way we care for and educate our children, particularly in the early years. We know that children start to learn and develop from the day they are born. No matter where they are or who they are with, children are learning, growing and developing, and we need to make sure that happens in a positive way for the benefit of the children for their entire lives. With that knowledge comes an awesome responsibility on all of us — families, communities and governments — to do our best to make sure that every child has the best possible start in life. It is one area that we really do not get a second chance at, and it is one we should get right in the beginning.

It is fair to say that the Victorian government has already done a substantial amount to meet that responsibility. The Brumby government, through the development of a wide range of programs, is building stronger, more child-focused services and communities all throughout Victoria. We have one of the best maternal and child health services in the world; that is indisputable. They are services — new services at a range of hospitals right around Melbourne — that are going to grow rapidly as a result of the extra money being put into them in this budget. We have programs such as Best Start, which brings whole communities together in supporting families and children. We have innovative children's hubs, a program introduced here and one which the Australian government is now looking at right now as a future model for the delivery of children's services across the nation. How fantastic would that be? It shows that Victoria is a leader in this area and hopefully will continue to be a leader, with the commonwealth government catching up pretty quickly.

Importantly the bill will help to ensure that children are cared for and educated in the best way possible, no matter what sort of setting they are in. That is something that is crucial to understand if you want to understand this bill. The truth is that the profile of families and the services they rely on for the care of their children has changed and grown over recent years, and that is primarily as a result of women working. In my electorate of Eltham something like 80 per cent of all mothers are working, and they need diversity and adequacy in child care. The days of John Howard back in the 1950s when the thinking was that women should be at home and children should be at home until they are old enough to go to school are well gone, and thank goodness they are gone. But a ramification of that is that we need to have a far greater range of children's services and education for young children, and that is what this bill sets in place.

The change in demand, for instance, has resulted in something like 41 per cent of known child-care places not being covered by existing regulations. We have seen a major increase, but in that increase and diversity there has been a whole heap of increases in areas that are not currently regulated. This is the issue which is being addressed by this bill. Family day care and outside-school-hours care are being scoped into a new definition of children's services, which is provided in clause 3 of the bill and which requires these services to be licensed and regulated for the first time. That is very important. It will mean that families will be able to choose these services with a greater assurance of quality and accountability.

Of course accountability is tremendously important for families, and it is an important issue addressed in the bill. Clause 33 of the bill inserts new provisions into the Children's Services Act which will empower the Secretary of the Department of Human Services to publish information about children's services and their performance in complying with the act. Is that not great news for parents? For the first time parents will receive the information they are entitled to about the quality of services that their children are getting. Most of our children's services do a great job. Typically they are staffed by people who are enthusiastic and committed to what they do, who are productive and who produce great results. But when these services are not up to scratch, parents have a right to know that they are not up to scratch and have a right to withdraw their children and change such places. Unless there is transparency and accountability in that process, it will not happen, so I think that is an incredibly important part of this bill.

I am pleased to see that clause 10 of the bill inserts a new section 26B into the act, which requires all children's services to provide each child with a program which is based on their developmental needs, interests and experiences, which takes into account their individual differences and which enhances each child's development.

We have already seen the development of that process in schools. In the old days the whole class or year level would learn the same thing, regardless of their ability, aptitude or needs. That process is changing in our school system, and the bill extends the process to the earlier years — into kindergartens, family day care and after-school programs — to ensure that the needs of individual students are met. They will not be treated as one huge mass of people, but as individuals with individual needs and individual programs.

There is a point, of course, that nobody wants government to become heavy handed in its regulatory function, and I think that is something this government has taken up with some vigour in terms of getting rid of unnecessary regulations. Having said that, we also want to know that our children are looked after and educated properly and have real opportunities to learn, play and develop, and the bill gets that right. The bill sets out new licensing provisions for children's services that are simpler than those currently in place, and it gets rid of unnecessary regulatory red tape and will put in place new regulations that deal with issues and ensure that quality is maintained.

In conclusion, I believe the bill sets the stage for an exciting future in children's services. The bill is well

worth the support of the Parliament; it is one that I support and I commend it to the house.

Mr NORTHE (Morwell) — It gives me pleasure to make a contribution to the debate on the Children's Legislation Amendment Bill. The purpose of the bill is to amend the Children's Services Act 1996 to further provide for the licensing and regulation of children's services and to amend the Child Wellbeing and Safety Act 2005 to provide for a kindergarten principle for children. Essentially the bill enforces minimum standards across early childhood services in Victoria.

The member for Eltham mentioned that in this day and age a greater onus is placed on and there is a greater demand for children's services in Victoria and for family day care and outside-school-hours care. It is common for both parents to be working, and that is reflected not only across Victoria but the whole of Australia. As the father of three children, I know that we have frequently used day care services in the Morwell electorate. I always experience apprehensive moments when I drop off the children at day care. I worry about how well they will be cared for in those types of environments. I must say that in the Morwell electorate I have always had faith and confidence in the services in our area.

This example illustrates the trust that we place in those who look after our children in those environments. In the Latrobe Valley demand is great for children's and early childhood services, inasmuch as we have a number of shiftworkers in our area. As parents we expect standards to apply and to be enforced for the betterment of our children, and as such the responsibility and onus on employees of these services is great. As mentioned in the second-reading speech, early childhood development is of the utmost importance, particularly for young children. Their social environment and the interaction they experience with other children is very important for their social welfare.

Family day care and outside-school-hours care are the two sectors that are not regulated. That is not the case in most of the other states, so it is good to see that we are finally getting some action on ensuring that these sectors will fall within the act. Whilst we currently have national standards in the commonwealth quality improvement and accreditation system, these standards are not in force, hence the need to regulate children's services in Victoria to ensure that minimum standards will apply to children's services and that they are monitored and enforced.

As the member for Doncaster quite rightly mentioned, a review of the children's services regulations is currently under way, and they will sunset in May 2009. This review has been ongoing since August 2005, so there has been quite a delay in ensuring that these regulations actually fall within the act. As the member for Doncaster also quite rightly pointed out, in 1999 Labor's New Solutions platform and community services policy document promised to legislate for regulation of outside-school-hours services and family day care, so these particular regulations have been on the table for a long time.

In addition, back in 2002 Labor's Listens then Acts platform again promised the development of regulatory provisions for outside-school-hours care and family day care. In June 2006 the document *A Fairer Victoria — Progress and Next Steps* appeared, which promised to develop new regulations for outside-school-hours care and family day care, so we have had a number of different reviews and documents since 1999. Unfortunately we still have not seen a resolution, so we look forward to May 2009.

Clause 8 substitutes a new part 3 into the act, which comprises new section 9 to section 25U. This new part replaces the current assumption in the act that the person who builds a children's centre will be the person who actually operates the service, and that there will be one licence for one children's service. As we know, that is not reflected in practical terms in this day and age.

As the second-reading speech indicates, there is also the intention that the bill will streamline the licensing process for children's services. Hopefully that will address repetition within that process, and I am sure that will be welcomed by the providers in those instances and reduce the other regulatory burden that comes with the repetition of those licensing processes.

Section 26 in part 4 of the act will be amended to extend the scope of protection that children must receive from a proprietor to include 'harm' and not merely hazards that might cause injury. It is important that the regulations extend the care for our children within those services.

New section 26B will elevate programming from the regulations to the act. The intent is that the programs that are provided need to enhance a child's development, and the member for Doncaster mentioned those elements during her contribution. It is not merely to provide a program as stipulated in the current regulations, but also ensures that children advance at different rates and have different levels of need within children's services.

New sections 29A to 29C and replacement section 30 relate to child safety aspects and deal with provisions such as requirements for notification following a serious incident, the authorisation to administer medication and child-staff ratios. There has been some media coverage over recent times over what those child-staff ratios should be, but it is of the utmost importance that they are prescribed within the act, so there is a tightening up in this legislation, and consequently penalties will apply for breaches in that regard.

Section 36 of the principal act will be amended to allow authorised officers to enter and inspect a premises where family day care is being provided to children, and I am sure that these additional powers will put pressure on providers to provide the high-quality care for our children that we all expect.

New section 42A, which is inserted by clause 27, goes further and requires a person who is involved in the operations of a children's service to answer questions and provide documents in the event that there is a serious offence against that particular provider.

New section 53B (6), which is inserted by clause 33, refers to information surrounding compliance assessments. The releasing of this information is also an important element to these amendments. That not only gives the parents the chance to make a decision based upon whether children might have attended a child service but also puts out in the public domain information on which providers are maybe not providing the care that they should.

Page 6 of the second-reading speech refers to the insertion in section 5 of the Child Wellbeing and Safety Act 2005 the principle that every Victorian child should be able to enrol in a kindergarten program at an early childhood education and care centre. It goes on to say that kindergartens should be a universal experience for all four-year-olds. I agree with that particular element of the second-reading speech. I know that in the Morwell electorate we have some issues with demand at the moment and not having the appropriate facilities. In Traralgon we have the Traralgon Early Learning Centre, which has been earmarked for relocation simply because the current facility is not able to cater for the demand on the services within Traralgon. There is much conjecture amongst the local community about where that facility should be located, given that it is currently located within the CBD of Traralgon. I know that there are some very anxious parents out there awaiting the decision on that.

The member for Doncaster mentioned the potential costs and fees that may apply. At the moment there does not appear to be anything definitive on what those fees would be. There are some concerns, particularly on what they may be in the future, and as the flow-on effect of that, what the cost to parents associated with that may be. There is also some element of concern from those in the community that there will be extra pressures and demand upon those employed within the child-care services sector. That is of some concern to many.

Finally, I say in summary that overall the intent of the bill is a good and noble one. I think it is a step in the right direction. However, at the same time we have concerns about the procrastination over many years by this government. We hope to see a resolution on child-care services in the future.

Mr TREZISE (Geelong) — I am also pleased to be speaking in support of the Children's Legislation Amendment Bill 2008. I am pleased to be speaking in support of the bill, because I think it again reflects the Brumby government's commitment to ensuring that this state provides a quality, effective and, importantly, safe early childhood services sector not only for children but for their families. In supporting this bill I also take the opportunity to congratulate the Minister for Children and Early Childhood Development, who I see is at the table, for bringing this important bill before the Parliament tonight. The provisions in this bill are very important to ensuring that we provide a properly regulated industry, if 'industry' is the right word.

The minister has proved that she is prepared to get out there and do the hard yards, not only in the city but in regional Victoria. She is prepared to get out there and meet with parents. She is prepared to get out there and meet with students, children, teachers and the like in her role as the minister. I congratulate her on the work that she has been as minister doing over the last seven or eight months. Only last Friday she visited the electorate of Geelong. First of all she met with 120 stakeholders in Geelong to discuss the early childhood sector and the broader education sector and to hear firsthand people's concerns, ideas and initiatives in this area. Her visit was also to discuss the blueprint that the minister recently released in partnership with the Minister for Education.

Afterwards the minister met with me at the Breakwater kindergarten, where we met with the local committee, teachers, parents and the kindergarten kids, together with representatives from the Geelong Kindergarten Association. The point I am making here is that her visit was very much appreciated. She is a minister who not only brings good legislation into this house but also,

as I said, is prepared to get out there and listen and learn from stakeholders within her portfolio.

In speaking in support of the bill I also note that the minister has recently released a *Blueprint for Early Childhood Development and School Reform*, which is another very important document that sets out a proposed five-year reform agenda. I know that that will prove a great success when stakeholders contribute over the coming months.

Specifically in relation to this bill before us, I would like to make a few comments on parts of the legislation that are obviously important to ensuring that we as a government continue to make sure that operators of children's services are providing a quality and safe service for our children. While I was putting together a few notes tonight in relation to this bill, it surprised me to learn that currently in Victoria the act does not regulate family day care services or outside-school-hours care. This is obviously of some concern not only for me but for parents in Victoria. It is also important to ensure therefore that this sector is covered by the legislation that we are debating tonight. It is important, given the growth that we are seeing in family day care centres throughout Victoria. I know within my electorate of Geelong and in the wider Geelong region we have seen a number of childhood centres spring up over the last two or three years. It is important that this legislation be addressed by this house and that we ensure we in this state are properly regulated. Outside-school-hours-care operations are also growing busier by the year.

At many of the schools in Geelong there is a great demand for these services given that these days lots of parents are working longer hours. Perhaps when we were kids our parents would let us just wander home, but parents these days are not prepared to let their kids wander off from school and get into whatever strife they might get into. We see the growth in numbers of outside-school-hours care facilities because parents, and rightly so, want to ensure that their children are not only adequately looked after but are given quality services that will develop their children. As a parent whose children utilised out-of-school-hours care, I, like many members, appreciate the importance of quality child care. Parents must be assured that their children are adequately cared for and receive quality time in education and development.

This is important legislation. I again congratulate the minister on bringing it before the house. I am surprised that we do not provide more regulation in relation to the sector. I wish this important legislation a speedy passage through the house.

Mr THOMPSON (Sandringham) — The object of the bill before the house this evening is to amend the Children's Services Act 1996 to provide for further licensing and regulation of children's services, including the enforcement of minimum standards across all children's services and to amend the Child Wellbeing and Safety Act to include a kindergarten principle for children.

In making my contribution to the debate I make the observation and remark that recently this chamber dealt with an important issue that confronted the arena of children's services — that is, the development of an anaphylaxis management plan. I quote from a department brief:

> A survey of 2700 licensed children's services in 2006 found that at that time there were 1675 children attending who had been diagnosed at risk of anaphylaxis. It is estimated that 35 per cent of schools have a child enrolled who has been diagnosed at risk of anaphylaxis.

Tragically, the Baptist family of Mentone lost a child at a local kindergarten through anaphylaxis, and the legislation that this house debated was in large response to the activism that the family had taken in relation to this issue. Now many child-care agencies in Victoria must have the appropriate level of training. In looking at training issues it is important to ensure that skills are maintained in this area as well. It is not just a matter of it being in legislation, but there is this practical expertise on the ground so that people maintain their skill sets to enable them to provide intervention in appropriate circumstances.

Another comment I wish to make in relation to child care relates to the trend in the Western world, in Australia as well, of the incidence of obesity in children. According to the Better Health Channel website, a changing society has contributed to obesity. The factors delineated in a fact sheet include:

> the overall cost of food has gone down;
>
> more food is prepared away from home;
>
> energy-dense foods and drinks are more readily available;
>
> portion sizes of energy-dense foods have increased;
>
> marketing of energy-dense foods and drinks has increased;
>
> use of private transport has increased;
>
> the number of two-income families has increased;
>
> the time spent in paid employment has increased;
>
> the role of physical education in the school curriculum has reduced.

When one contemplates the issue of child care — born partly of life experience, with which I am more directly familiar, with two parents heading off to work — it assumes a very important role. Parents are on the move as children are dropped off to areas of child care and there is a different life tempo, which I am not sure is necessarily for the better today. It is important that we as a community take responsibility for the health of the next generation — in the case of a young Geelong family, the future John McClures of the world — so that in days to come as they move out into the wider world they will have had an upbringing that has attended to their range of physical, emotional and other needs that are appropriate.

The bill before the house has a number of specific provisions that relate to the suitability of a person to operate a children's service and allows for operators to appoint a nominee who is responsible in the absence of the licensee. The appropriate personnel to take charge of the welfare of children is of the utmost importance. In my electorate in Beaumaris family day care was undertaken in a specific house. The lady in charge of that group of children, Marlene Green, had had a lifetime of experience in looking after children with a range of needs. Some were buoyant and healthy young children who were ready to make their way unassisted to primary school; other children in her care required high levels of need and care. For the past 25 years and more Marlene Green has provided an outstanding level of care.

Parents have a different range of needs. I trust that the legislation does not greatly add to the cost of child care with its regulatory regime and compliance needs. A range of concerns were raised in the consultation undertaken by the shadow minister. One was that with the increase in penalties there may be an increase in costs for family day care and outside-school-hours care. The parliamentary library has produced some excellent census data which illustrates where the pressures are greatest in some of the outlying areas of Melbourne. Many families in the mortgage belts of Melbourne, as they endeavour to meet their living expenses and increasing mortgage expenses, also have to meet the cost of day care.

Sometimes it is a delicate balance between the benefits of being in the workforce with two breadwinners for the family and meeting child-care expenses as opposed to there being a full-time carer at home and those expenses not having to be outlaid. I am aware of families out in the Caroline Springs area who are wrestling with that as a key issue. Some Victorian families have members who can assume the role of carer — for example, grandparents who have been very well poised to take a lot of pressure off working families by caring for children. Cost sensitivity, the impact or burden upon families of increasing costs, is becoming a serious issue.

The final comment I want to make in relation to the debate is that Victoria is the last state to regulate family day care. The Labor Party has a history of promising to intervene in this area; it is noteworthy that the 2006 Labor election platform policy documents were silent on the issue.

I conclude my contribution by acknowledging the 12 or 13 kindergartens in the Sandringham electorate that have provided an excellent level of care to successive generations of families in the area. I also acknowledge those people who have committed their professional lives to the welfare of young children. On one occasion I visited all the kindergartens in my electorate, and 11 of the 13 kindergarten teachers had remarkable qualities in terms of their regard for young children and their ability to live in the world of young people. I greatly admire their work and pay tribute to it.

Ms RICHARDSON (Northcote) — I am pleased to rise to speak in support of the Children's Legislation Amendment Bill. It is a significant and important initiative brought to the house by the Minister for Children and Early Childhood Development. In so many ways Labor has led the way in this area. We have the first minister for early childhood development of any jurisdiction in Australia. Labor is fundamentally committed to the early childhood years and ensuring that every child gets the best opportunities possible.

The bill provides for minimum standards across all early childhood settings, including family day care and outside-school-hours care. It is timely for parents who are making arrangements for the care of their children — for example, the northern suburbs, and particularly my electorate, is experiencing a mini baby boom — and I am included in that phenomenon — —

Ms Morand — Doing your bit.

Ms RICHARDSON — Yes, I am doing my bit.

The consequence of this mini baby boom is that the city of Darebin, which is contained within my electorate, has the longest waiting list — 1103 children — of any municipality in the state. This is a timely bill for parents in my electorate and beyond who are thinking about what they are going to do about caring for their children.

The bill streamlines licensing processes to reduce the regulatory burden, clarifies and improves the

enforcement powers of the principal act and extends children's programs to enhance children's development. The bill also amends the Child Wellbeing and Safety Act 2005 to include a principle for guidance on universal access to kindergarten programs at child-care centres.

It is clear to me what the bill is about, but the member for Doncaster has misunderstood it. It is about providing powers to regulate this important area. The detailed regulations will be provided at a later date, and the compliance costs will be detailed in the regulations impact statement. There will be widespread consultation with those working in the sector prior to fees being set. I urge the member for Doncaster to do a bit more homework in the future before entering into debate.

I will talk more about Labor's initiatives to introduce kindergarten programs in long day care centres. I am very pleased that the Minister for Children and Early Childhood Development is in the house, because I can personally congratulate her on this important initiative. My family directly benefited from this Labor initiative when my long day care centre took up the opportunity to take some funding from the state government and introduce a four-year-old kindergarten program. As a consequence of this my younger child is in a long day care program at the same centre where my four year old is enrolled in a kindergarten program. This has the added benefit of my family and so many other families in my electorate being able to avoid the double drop-off — dropping one child off at day care and one child off at kindergarten — because it is all in the one centre. The bill provides the regulations and opportunity for all child-care centres to implement a kindergarten program as one of their long day care programs. Families in my electorate and across Victoria will welcome this important initiative.

In conclusion I re-emphasise the commitment that Labor clearly has with regard to the early childhood years. I congratulate the minister again on this significant initiative and the set of reforms outlined in the bill. I wish the bill a speedy passage through the house.

Mr DELAHUNTY (Lowan) — I rise on behalf of the Lowan electorate to speak on this important bill, the Children's Legislation Amendment Bill. As we know, and as has always been reflected in the policy of The Nationals, children play an important role in our lives and we want to give them the very best chance in life. It is pleasing to see that this bill is taking another step forward in this regard. We know the purpose of the bill is to amend the Children's Services Act 1996 to further provide for the licensing and regulation of children's services — including the enforcement of minimum standards across all children services — and to amend the Child Wellbeing and Safety Act to include a kindergarten principle for children.

That brings up the matter of preschools and kindergartens. It is great to see that after eight years this government has finally moved kindergartens under the banner of the education department in what is now the new Department of Education and Early Childhood Development. A former member for Rodney, Mr Noel Maughan — —

An honourable member — He is a good bloke!

Mr DELAHUNTY — As members on the other side said, he was a good member. He was one of the members who brought to the attention of the government, and to all of our parties, the fact that we needed to do more for kindergartens.

An honourable member — Bring him back!

Mr DELAHUNTY — He was a very good member, and he has been replaced by another good member. But at the end of the day the former member for Rodney was very keen to move kindergartens under the umbrella of the education department — and he was strongly supported by The Nationals in the last two elections. Unfortunately, it has taken this long for the city-centric Labor government to move preschools into the education department.

There are many good reasons for doing that. First of all, it gives support to teachers. In my electorate many kindergarten teachers have to go to work when they are unwell because they cannot get a replacement. Now kindergartens are under the one department there should be more support for teachers, so if one teacher is unable to turn up, a replacement is available. There will also be good support for families. The Acting Speaker knows, because he represents a large electorate, that many kindergartens — —

Mr Nardella — Murray Valley?

Mr DELAHUNTY — I am waiting for the Acting Speaker to listen to me. I know that in the Murray Valley electorate there are many kindergartens where families need more support. We used to raise funds for playground equipment for our kindergartens, but today many families are raising money not only to support infrastructure — such as small playground equipment — but also to pay wages, and that is wrong. We believed kindergartens should come under the

Department of Education and Childhood Development, and it has taken too long to do that.

The most important part of this debate is looking at what is best for children. The former member for Rodney said that $1 spent on children today saves $10 in the future — —

Ms Morand — He was right.

Mr DELAHUNTY — As the minister says, he was right — and he is right. It has taken a long time for the government to appreciate that. Preschools now come under the Department of Education and Early Childhood Development.

We are pleased to see that teachers are getting an increase in their wages. We need to make sure that preschool teachers are also given an increase so that their wages are brought up to a more comparable level and we can get more teachers into kindergartens.

The bill amends the definition of a children's service so that family day care and outside-school-hours care falls within the definition. The previous federal government ran an excellent after-school-hours program which got young children involved in physical activity. With the obesity issues we have today this was a very important program. I trust the new federal Labor government will make sure the program continues. My question to the Minister for Children and Early Childhood Development, who is at the table, is: does the federal government after-school-hours program fall under the definition? I ask her if she has any comment to make about that.

The other concern I have is that one of the main provisions of the bill is to provide for a significant increase in penalties for breaches of the act, and other members have spoken about that. This government is swimming in cash, and I hope this is not one way of improving the government's bottom line. Of course there is a need for penalties; I know that, but we saw the penalties increase at the start of this year, and now this legislation will double them.

The legislation provides for family day care schemes to be licensed, and I think that is a step forward. It also extends the term of a licence from three to five years, and that is worthwhile. It will help businesses get over some of the red-tape issues. I am sure there is some monitoring going on to make sure they comply with their licence.

Clause 10 of the bill inserts new section 26B into the act, which provides for an educational and recreational program to enhance each child's development. In my role as shadow Minister for Sport, Recreation and Youth Affairs one of my concerns is that we are not seeing our children get enough physical activity, whether it is in preschools and kindergartens or whether it is when they go to primary and secondary school. A former education minister tried to take away a lot of the physical education programs from the education system, but with obesity rates rising we need to make sure our young generation has an opportunity to participate in recreational programs, and that is mentioned in the bill. I strongly support that.

I am pleased to see the minister is in the chamber to hear about some of my concerns. Clause 14 inserts new sections 29A to 29C, which among other things authorise the administration of medication. In my previous role I was a national spokesman for health when EpiPens were brought in for preschools. I was impressed with the work that had been done by the department, and particularly by the ambulance service, to inform schools about how to use the EpiPens. I was also impressed with the way they were implementing the scheme. My question to the minister is: do staff at preschools and child-care centres get the same amount of training as was given to schools? I compliment the department for the work that was done, but is that type of training done for the other centres? Will it be available through the ambulance service? We need to make sure that child-care centres and preschools come under that jurisdiction.

The bill amends part 5 of the act to deal with enforcement. It provides for the secretary to take emergency action if children are deemed to be at risk. I want to compliment departmental staff who work in the area of child protection. It is a very tough area to work in. I have spoken to many of the people who work in the area. I have even spoken to a person who unfortunately was assaulted by a parent. That person, who works in child protection, has not yet gone back to work; I fear she will never go back to work. I want to say a big thank you to the staff who work in the child protection area, and say that I hope we do not have to take too much action under this legislation. Unfortunately, laws have to be put in place to make sure we protect the child, which is what this legislation is all about.

New sections 53A and 53C give the secretary an opportunity to publish on the department's internet site details of actions taken by the department against a service for breaches of the legislation. My question to the minister is: what is the time frame for details of such breaches to be put on the department's website? Is it going to be a week later, a month later or a year later? We need to make sure the information is put on in a

timely manner so that not only families but also other providers are aware of what the department is doing. It is important we have a time frame that the department has to comply with to make sure the information is put on the website.

The member for Morwell spoke on the bill, and I compliment him on his presentation. I am sure he would have asked how this bill addresses children with disabilities or special needs, and what the requirements are for providers in those instances. I am not sure if that is covered in the legislation. Maybe the minister can address some of those concerns in her summing up.

There are many people on the waiting lists and emergency lists for child care across Victoria. I hope this legislation gives protection to our children and, importantly, provides an opportunity for quality child-care facilities. More importantly, our preschools and kindergartens need to be given every opportunity to integrate our children into the system as they go through and develop their lives, and hopefully stay in the communities in which they are brought up. Like other members I am not opposed to the legislation. There are some concerns about the large increase in fees, and I have asked the minister some questions about the bill. Overall I think it is a positive step forward, and I will not be opposing it.

Ms BEATTIE (Yuroke) — It gives me pleasure to rise to speak on the Children's Legislation Amendment Bill 2008. Of course, some members opposite would know that it was the Bracks government that first introduced a Minister for Children. Then we went on to expand that to the Minister for Children and Early Childhood Development. The Bracks government started it, and of course the Brumby government has led the way in enshrining the rights of children in legislation.

As people in this house know, there is no greater trust given by people than when they leave their children with other people. I actually think it is the greatest trust you can give another person — to leave your children with them and entrust the children's wellbeing to them. Because of that, and because children are so special, we have to have the legislative framework in place to protect not only children but their carers too. Of course members will know that many more people are leaving their children in child care, both family day care and out-of-hours children's programs, and indeed in holiday programs too, as the need is there for parents to work longer hours. That is one of the changes we have seen in society. Not too many years ago most people worked in 9-to-5 jobs five days a week. Over the past 20 years or so we have seen a dramatic shift in working arrangements. Now many people do not finish work until late in the evening, although they may start later in the day, and they work on weekends too, so the need for flexibility within the child-care sector has become obvious.

This bill is a response to that. I suppose, if you like, the social circumstances have changed a bit ahead of the legislation, but we all want our children educated and looked after well, and this bill helps to do that. As I said, a growing number of families are using both family day care and outside-school-hours care, and there is a concern that a lack of regulation could compromise children's health and wellbeing. Regulation will give parents the assurances they need. A business impact assessment established that 41 per cent of known child-care places fall outside of regulation, and that is, in my view, far too many. One would hope that would improve. I am also pleased to know that the department intends to work with providers to support them to meet the legislative standards, and funding grants will be made available to assist providers in that endeavour. Of course transitional arrangements, including provisional licences, will be available for these services when the regulations come into force.

I just want to touch on something, Acting Speaker, that I know is dear to your heart — that is, the provision for rural families. There is a provision in the bill to assist rural families and regulate a situation which has developed in Victoria, where care is being provided out of safe premises in a local town. That happens due to the carer's home being inappropriate. It might be, for instance, a place such as an open farm, where it is difficult to contain children. In these circumstances families in rural areas are still able to access care, which is safe and available in a more central location. The provisions in the bill will enable the inspection and approval of premises used for family day care venues to ensure that minimum standards are met. Of course it is the intention that family day care will be provided in a family day carer's home. This has to be consistent with the commonwealth child-care benefit funding guidelines. In instances where it is not possible, other venues will be inspected to determine whether they are suitable for the provision of care.

Whether children are in the city, in a regional town or indeed in the rural outback, they are all very special little people, and they should all have the same quality of care. This legislation will provide sufficient flexibility in choice of premises when family day carers' homes are not suitable, such as in the case of open farms, but will ensure that the chosen premises are deemed to be suitable. How will family day care venues

be deemed satisfactory? The matters to be considered will be included in the regulations and will be consistent with the commonwealth guidelines.

I know other members wish to make a contribution. I would just like to say to the minister: well done on bringing this bill into the house. It continues the emphasis on children started by the Bracks government, which has been the first to have a minister for children. Without anticipating it, we have seen this week a great emphasis placed on the education sector in Victoria. We have the legislation here to look after children in family day care, out-of-school-hours care and going right through the education system. We know that children are the future of Victoria and that they will take this great state forward. The Brumby government and the minister are to be commended for bringing this bill to the house, and I wish it a speedy passage.

Mr CRISP (Mildura) — The Nationals in coalition are not opposing the Children's Legislation Amendment Bill 2008 and are not opposing the amendments that are before the house. The purpose of the bill is to amend the Children's Services Act 1996 to provide further licensing and regulation of children's services, including the enforcement of minimum standards across all children's services, and to amend the Child Wellbeing and Safety Act to include a kindergarten principle for children.

The Children's Services Act 1996 is the principal act that is being amended. The definition of 'children's service' is changed so that family day care and outside-school-hours care fall within the definition. The bill inserts new definitions to provide for the licensing and regulation of family day care. It also provides for significant increases in penalties for breaches of the act. It substitutes a new part 3, which deals with the licensing of children's services, to amend the licensing process to separate the approval of premises for a children's service from the licensing of a person to operate the service.

The bill amends part 5, the enforcement provisions, to allow an authorised officer to enter a family day carer's residence during the hours that care is being provided. New sections 53A to 53C provide that the secretary must keep a register of family day care providers and that the secretary may publish on the department's internet site details of services including information regarding compliance with the act and actions taken against the service by the department for breaches. There is also a new principle, which is that every child should be able to enrol in a kindergarten program at an early childhood education and care centre.

We can move on to discuss some issues. It is a little embarrassing that Victoria is the last state in Australia to act to regulate family day care. The other states have all moved in this area. There has been a long history of promises and now eight and a half years later we are finally there. I am very pleased we are there; it is just a shame that it has taken this long. While I am on promises that take a while to implement, there is still considerable confusion in my electorate over the fate of kindergartens and their administrative transformation from the Department of Human Services to some parts of the education department. Currently they are with family services. That is something that is causing some angst. I urge the Brumby government to move on and provide direction and give our kindergarten parents, committees and workers some assurance that the transition will all be over this year.

Parents are under pressure; it is hard work to raise a family these days with many parents both working — thus the importance of child care. Our families are looking for safe, quality and affordable services. That will indeed be a challenge. Some of the costs that will come from this greater care will affect families. There needs to be a balance; no parent wants to feel compromised between the cost of feeling secure and the care. This is going to be a delicate balance that through regulation the government is going to have to get right. With those impacts not known, it is going to take some time for that to come about. With that we wish the bill a speedy passage; we are certainly not opposing it but we say that safe, quality and affordable care for our children is of paramount importance and will be a challenge which the Brumby government needs to meet.

Mr HOWARD (Ballarat East) — I, likewise, am pleased to speak on the Children's Legislation Amendment Bill which is, as we have heard from previous speakers, about recognising the importance of children's services, including services provided in preschools and in child-care centres. It recognises that children's services now have been brought under the new Department of Education and Early Childhood Development, which is a good move and is something I have supported. The key aspect of the bill clarifies standards of service provision and associated enforcement practices. It is very important that parents who entrust their children to the care of kindergartens or child-care centres know that they will be looked after in circumstances of very high standards, and they can leave their children knowing very confidently that they will be well looked after.

For many years I have made regular visits to and had regular contact with kindergartens across the region in

my electorate. Firstly, in my role as a Ballarat city councillor, I had many reasons to visit kindergartens and child-care centres that were under the management of Ballarat City Council. More recently, as a candidate ahead of the state election of 1999, I had opportunities to meet more broadly with kindergarten teachers quite regularly. I understand the issues that they were dealing with and I developed a great relationship with and respect for the kindergarten teachers across my region. This continued after I was elected. I regularly accept invitations to visit kindergartens, sometimes to cut up the fruit ahead of morning tea, and to talk with the kindergarten teachers and parents. Also on several occasions I have been pleased to visit kindergartens in the electorate of Ballarat East to announce funding to help those kindergartens to be upgraded, whether it be the grounds or facilities within the kindergartens.

More recently I have had reason to visit kindergartens in the role of a parent of kindergarten-aged children. I have been pleased to visit kindergartens at Warborough, and as recently as last Thursday I took my three-year-old kindergarten child, as I do when I am in my electorate, to Bakery Hill kindergarten for her kinder sessions there. Not surprisingly, from all this contact with the kinders that I have been dealing with I have developed a great respect for the work of those teachers and assistants. I recognise that they not only do a great job to develop our young children but they do a great job in working with the parents who become committee members. I recognise that there are lots of challenges in the role of kinder teacher since they are often working on their own or with just one assistant, and they play a great many roles as kindergarten teachers.

I certainly recognise the value of kinders in helping to socialise young children and helping them to go into educational circumstances so that when they start school they are very well set up. The bill recognises the principle that all four-year-olds should be able to be enrolled in kindergartens. Already since it was elected this government has put in place many things to try to ensure that all four-year-old children can go to kinder. They include that the financial circumstances of parents should not be an impediment, that assistance can be given to ensure that children of poorer families can go to kinder as others do, and that adequate places are provided to meet the needs.

Members know that there are more and more demands for child-care facilities to be provided for parents going off to work and that a great demand has been placed on those services. There has been a need to ensure that the quality of those services, which can vary quite significantly, is maintained and that there are provisions in place for monitoring it. The government has put further mechanisms in this bill to ensure that appropriate enforcement practices are in place if child-care centres are found not to be managed as well as they should be. It is has been great to see the recognition that it is good if kindergartens and child-care centres and even other facilities can be co-located at times. It was interesting and good to note the comments the Prime Minister made ahead of the Australia 2020 summit when he proposed the view that kindergartens, child-care centres and other children's facilities should be co-located. While it attracted a lot of attention, it is not a new idea, especially for Victoria, which seems to be leading the way.

I have been pleased to work with Golden Plains Shire Council, particularly on its plans for the Bannockburn Children's Centre. The kindergarten was established some distance from Bannockburn in a former primary school building across the Midland Highway. It was recognised that it would be much better to have it in the population centre of Bannockburn but also co-located with other children's facilities. The shire put a proposal to the government that attracted support, and now that centre is established. It is being used as a model for other children's hubs or centres across the state, and several others have been established

I am pleased also that the Girrabanya Children's Centre, which was established many years ago in my early days on Ballarat City Council, has a kindergarten co-located with a child-care centre. Programs are run under which kids can go to kinder and once kinder is finished the children go straight across to child care, where they will be when their parents come to collect them at the end of their working day. That has been working very well. The people there have plans to co-locate the child health centre on the same site, which I consider is very much worthy of support. I will be following that proposal with interest.

I look forward to seeing the concept of children's hubs develop further across the state in years to come, so recognising the needs of families. The needs and challenges of parents in their working lives along with raising children must be recognised and facilities must be provided in the most useful way to ensure that children are well supported as they grow up and that their health and care needs are met. If that can be done on one site, that is terrific. I am certainly pleased to support the bill before the house, which sort of sets the scene and standards for some of these developments. I look forward to this government, under the Minister for Children and Early Childhood Development, further supporting activities that demonstrate that this government is clearly focused on the needs of young

children and their development into the educational world. I look forward also to seeing further terrific initiatives developed under this government in years to come.

Mr WALSH (Swan Hill) — The Children's Legislation Amendment Bill 2008 amends two acts, the Children's Services Act 1996 and the Child Wellbeing and Safety Act 2005. It puts in place licensing and regulation for children's services, and the amendment to the Child Wellbeing and Safety Act provides for a kindergarten principle for children. I would like to spend my contribution talking about kindergartens and child care, as they are linked together in a lot of places in my electorate.

There is a real challenge in a lot of the small communities I represent in making sure that there are kindergartens and child-care facilities in those places. I commend the parents on what they have done to make sure those services are available in a lot of those communities. There is a real challenge in funding those services. One of the things I have said quite often in this place is that making sure that a child-care centre or kindergarten functions well in the community is often young parents' and young people's first taste of public life, and it is not necessarily always a pleasant taste of public life because they spend a lot of time fundraising to make sure their small kindergartens keep functioning.

One of the things that has been well received in the communities that I represent has been the additional drought funding for kindergartens. That is going to end, which will put some onus back on the parents to start fundraising. The additional funding that has been available through the drought has meant that more children have qualified for support at kindergarten, and that has helped a lot of families in those particular communities to pay the fees.

I think one of the previous contributors mentioned the fact that before the 2002 election the then member for Rodney, Noel Maughan, put in place a policy for the then National Party under which kindergartens would become part of the education system. When the current government finally did that recently, it was a step in the right direction. What is disappointing is that it has not gone as far and as fast as opposition members envisage it should go. We are very firmly of the view that as kindergartens are an official part of the education system they should come under the school management structure so that kindergarten teachers are employed by the education department rather then being employed by a whole range of different people.

As you go across my electorate you find that the employers range from kindergarten group employers to local government to committees of management. As I said before, that is a real challenge for parents of young children. Not only do they have a young family to look after but it is quite a challenge if they are also involved in trying to administer the kindergarten, employ the teacher, manage the teacher, do the pay-as-you-earn certificates and all those sorts of things.

I say to the Minister for Children and Early Childhood Development, who is at the table, that I would like to see us speed up the whole process. We should make the kindergartens officially part of the education system so that the teachers are direct employees of the education department and have some line responsibility to the school principals in their particular town. They do not have to co-locate, and it should not be at the expense of the kindergarten programs. They should not be turned into just an educational facility. As I understand it, the learning experiences at a kindergarten are different from those under the straight curriculum of a school. Let us make it a lot easier for parents of young children, so that kindergartens do not become a burden on them as we go forward.

I have some great examples in my electorate of the parents and the community — and in some cases local government — working together extremely well to make sure that we have new children's precincts, with co-location of child care and kindergartens. The first of those in my electorate is at St Arnaud. There are rules about what is federally funded and what is state funded, with a wall down the middle. They were creative enough to put in a sliding door, so to speak, so that people could make sure that the two can work very well together. The people who got that funding — and the Northern Grampians Shire Council was part of that — were very generous in their support of other communities as they went forward.

Probably the stand-out group of parents in my electorate are the young ladies from Sea Lake. We called a public meeting there. I got the bureaucrats from both the state and federal departments along to talk to them, and we went through the process that they would need to follow. The Minister for Children and Early Childhood Development was there for the opening of that children's precinct last year when members of the government were in my electorate for a community cabinet meeting. They were told it would take at least two years to go through all the work to get the funding. They put in a lot of work and got that up in 18 months, which was a fantastic result for that community.

The parents from Sea Lake have been very generous with their time and have assisted people from Kerang to do a similar thing, and that facility was recently opened by Kaye Darveniza, a member for Northern Victoria Region in the other place. Again, the community worked very well together. There is another excellent one at Warracknabeal which again is co-located, and it all works well. Because in a smaller country town you do not have the luxury of having separate locations for these sorts of resources, we need to make sure that the best utilisation is made of the buildings.

I urge the minister to speed up the process of getting kindergartens integrated into education sooner rather than later and getting the kindergarten teachers to become direct employees of the Department of Education and Early Childhood Development. I notice one of the members on the other side is shaking his head, and there is probably an issue around money. But if we do not pay our kindergarten teachers well, do not give them peer support and do not give them career structures, we are not going to have kindergarten teachers. They will choose to do other things unless they are getting pay rates with a decent relationship to those of primary school teachers. They can simply move away from kindergartens into the primary school system. It is a real issue.

One of the things we all know as we get involved in public life is that giving children a really good grounding in kindergarten and in the early part of primary school sets them up well for later life and their time in the education system. It is something that is very dear to our hearts on behalf of the communities we represent. With those few words and suggestions to the minister, I hope everything goes well into the future.

Ms MARSHALL (Forest Hill) — I am proud to rise in support of the Children's Legislation Amendment Bill. A bit of background to this bill is that in August 2005 the Victorian government endorsed the development of regulations for family day care and outside-school-hours care to be included in the current review of the Children's Services Regulations. The Children's Legislation Amendment Bill will improve protection for parents and children by bringing all early childhood services, including the family day care and outside-school-hours care sectors, under one umbrella. This bill will also license family day care services rather than the premises of individual carers. The act will be amended to allow an authority to enter and inspect premises where family day care is being provided.

The bill enables the release of individual service-related information, which will relate to compliance assessments and allow parents to make better choices relating to their children's care. Victorian parents will subsequently be the first in Australia to be able to check the compliance records of all children's services online. Our children are spending more and more time in early childhood services, and this bill also includes the provision that programming of these centres needs to enhance a child's development, where currently the requirement is that the centre meets their individual development needs.

It has been identified that the early years are the most important in a child's development. Studies show that the first five years of life have a huge impact on future educational outcomes, emotional balance and health. Both the federal government and the Brumby government recognise the vital importance of early childhood, which has been a major focus of the Council of Australian Governments reform proposals and reform within the state government. The Brumby government introduced a Minister for Children and Early Childhood Development, and importantly brought responsibility for early childhood issues into the old Department of Education, creating the Department of Education and Early Childhood, giving the issue and the challenge the status they deserve.

As a government we are committed to ensuring all Victorian children are given every opportunity to achieve their full potential. A key priority of the Victorian government is to make kindergarten a universal experience for all four-year-olds. As our workforce becomes more flexible and demanding, so too our child care needs to reflect these changes. Family day care and outside-school-hours services are not regulated by the current children's act. National standards in the commonwealth quality improvement and accreditation system provide quality operating standards in these areas, but parents are not able to judge the quality of care their child is receiving in the absence of the enforcement of these standards.

In most other states these two sectors are regulated because they are eligible for the commonwealth government's child-care benefit scheme. Victorian parents tend to believe these two sectors are regulated by the Victorian government and have expectations around that belief. This decision to regulate these sectors has been well supported by parents, peak child-care groups and the general community. Excellent investment and management in early childhood will have significant social and economic benefits for our community, not just now but well into the future. It is important that we make these human capital investments now so that the children of today are well placed to be the best, brightest and happiest that we can

produce for decades to come. For this reason I commend the bill to the house.

Dr NAPTHINE (South-West Coast) — I rise to make a few comments on the Children's Legislation Amendment Bill. This bill makes some modest amendments to the Children's Services Act 1996, and these are amendments that the coalition does not oppose. A number of speakers have talked about the background to this legislation, and I wish to convey to the house some of the issues which relate to the background of the Children's Services Act 1996. This was groundbreaking legislation introduced into this Parliament to protect children in Victoria. It provided a legislative framework on which a raft of regulations was built to protect children and provide regulations and legislation for child-care centres and kindergartens in this state.

It was significant and positive legislation for the protection of children. It set very modern health, welfare and safety standards for children and children's services in this state. It set standards with regard to the quality of buildings and particularly with regard to staffing ratios and the training of those staff. They were significant steps forward in 1996. I well recall at that time there was quite a lot of opposition to the proposals being put forward and pushed very strongly with regard to this legislation. It was felt that it would be too costly, it would be unworkable, that we would not get sufficient trained staff and that the system of child care and kindergartens as we knew it could not cope with this sort of lifting of health, welfare and safety standards.

But the industry responded positively, and the legislation was built on a real understanding by the government and the minister of the day of a process where children were given the opportunity to develop and learn through play, developmental programs and socialisation at child-care centres and kindergartens.

It is interesting to note that while speakers talked earlier today about how the current government is the first with a Minister for Children and Early Childhood Education, and I recognise that, it was a Liberal minister in a coalition government who led this groundbreaking legislation, the Children's Services Act, against a community which was sceptical and to some degree in opposition. But I must say that at the time there was great support from the ministerial Children's Advisory Committee. I want to place on the record the thanks of a grateful community for the work it did and the work of many professional staff in the Department of Human Services who pushed forward with the legislation and regulations when many people were saying they were a step too far.

Hansard shows that when the Children's Services Bill was debated in this house in 1996 there were a number of speakers, but it is interesting that there were only two from the Labor side of politics: John Thwaites, the former member for Albert Park — —

An honourable member — A fine fellow.

Dr NAPTHINE — On that occasion he supported the legislation. The other was the member for Pascoe Vale, who still sits in the house today. From the Liberal side were Alister Paterson, the then member for South Barwon; Gordon Ashley, the then member for Bayswater; Denise McGill, the then member for Oakleigh; Lorraine Elliott, the then member for Mooroolbark; and the late Peter McLellan, the then member for Frankston East. It is worth looking at *Hansard* to see the positive contributions those people made to that debate.

It is interesting to note that in their contributions the Labor members raised concerns about why the regulations had not been promulgated before the legislation was passed, and about the potential costs of the legislation and the impact this might have on families and children. The then member for Albert Park was very concerned about the wide ministerial discretion within the legislation and whether the minister could be trusted to carry out that wide ministerial discretion. It is interesting to listen to the debate today and hear some of those issues being echoed.

I want to speak very briefly on this bill to put it in context. I was Minister for Youth and Community Services at the time and I pay tribute to those people who were advising me and those people in the department who provided the impetus and the direction for very significant legislation — the Children's Services Act 1996. It is interesting that over a decade later it is still the basis for the child services protection system that we have today in terms of children's health and welfare. This amendment bill will add to what was very good groundbreaking legislation introduced to this Parliament in the state of Victoria by a Liberal minister under a coalition government.

Mr LANGDON (Ivanhoe) — It is a great pleasure, and to some degree a privilege, to follow the member for South-West Coast in the debate on the Children's Legislation Amendment Bill. It shows the house that we should all take a step back at times and realise that

wisdom does not necessarily prevail on one side of the house more than the other.

Mr Walsh — Mostly over here!

Mr LANGDON — Again, depending on which side you are looking from, wisdom can be rather selective.

Mr Walsh — Too many socialists over there.

Mr LANGDON — Yes, I concede that fact. Having listened to the former minister speak about the process that the original legislation went through, I certainly admire his convictions, and I know he has knowledge of the portfolio. I also listened to the member for Forest Hill, which showed her knowledge of the portfolio. I also acknowledge the Minister for Children and Early Childhood Development and the fact that this bill is the second bill that she has introduced to the house, her first bill being the Children's Services and Education Legislation Amendment (Anaphylaxis Management) Bill. I also acknowledge that neither party in the opposition, the Liberals or The Nationals, is opposing the bill.

We have all accepted that the overall objective of the bill is a fine thing. One of the things I want to pick up across the board is that the sorts of services we are speaking about are becoming more and more prevalent in today's society. As the father of four children, one of whom is still at after-school care, and having experienced all the facilities that children have to go through these days with both parents working and all the resources you call on, I can say that this sort of bill, the support behind it and the consumer protection it offers are certainly steps in the right direction. As I said earlier, there is wisdom on all sides of the house when it comes to such measures.

The overall objective of the Children's Legislation Amendment Bill is to provide an important form of consumer protection for children and families, allowing for the enforcement of minimum standards across all early childhood settings. One could never dispute that fact; it is an exceptional movement in the right direction. This legislation follows other pieces of legislation. The member for South-West Coast, who spoke before me, highlighted at great length the enactment of the Children's Services Act 1996. He also acknowledged that at that time concerns were raised by the then Labor opposition. However, when the then opposition came to government it saw the wisdom of that 1996 act and followed through with it.

I commend the minister for following this duty through with all the care she has exercised. Childhood services and kindergarten are very important. Apart from being a parent, I have also served for many years on the Audrey Brooks Memorial Preschool, which is a council-run facility of the City of Banyule located in Bellfield. It needs all the support it can get, and I was more than pleased to offer my support as a parent. When my children were on hold waiting to go in there, I remained on the committee for some time. I helped out in the period between my children attending the preschool and for many years afterwards, until the council took over the entire running of the facility.

The consumer protections in this act are important. They have been endorsed by many sectors within the area of early childhood services, and that has been acknowledged as well, so I am very pleased to support the bill. It benefits the individuals involved and the broader community and is an investment in early childhood education and care. Many speakers have also raised the issue of kindergartens, preschools and education, and clearly they have other agendas which are addressed in the bill, but the overall concern is to make sure that children in Victoria are supported across the board. Who could deny that that is a worthy objective for all of us? I commend the bill to the house. I am aware that a few other people wish to speak on the bill, and I am also aware of the time, so I do not want to limit anyone's opportunity to make a contribution to the debate. This bill has universal support, so I commend it to the house.

Mr BURGESS (Hastings) — It is a great pleasure to rise and speak on the Children's Legislation Amendment Bill. I spend quite a lot of time getting around and visiting the kindergartens within my electorate. What always amazes me is the participation work level of the people who run the kindergartens, particularly the parents who spend an enormous amount of time and effort in running these institutions. I think that goes unnoticed to a large extent, although it has become a relatively important topic in debate over recent years.

For instance, in Somerville, one of my townships, the kindergarten is an excellent kindergarten which is very well run and is well supported. A recent example of how kindergartens and these types of facilities tend to be put on the backburner and probably not given the acknowledgement that they need is the area of planning. Permission has been given for an Aldi store to be built in Somerville and its car park will abut the kindergarten. Interestingly enough, neither the kindergarten, its managerial staff or the parents were consulted at all about this process, and that has caused a lot of concern for the parents and the people who are involved with it. It is worthwhile mentioning that these

types of bills and application of the many good minds in this place to these issues are certainly worth being put in place to support both the children and the people who support the children. I commend that.

The purpose of the bill is to amend the Children's Services Act 1996 to further provide for the licensing and regulation of children's services, including the enforcement of minimum standards across all children's services, and to amend the Child Wellbeing and Safety Act to include a kindergarten principle for children. The Children's Services Bill amends the definition of 'children's service' so that family day care and outside-school-hours care fall within the definition, and inserts new definitions to provide for the licensing and regulation of family day care. The bill also provides for significant increases in penalties for breaches of the act. The bill substitutes a new part 3 in the principal act, which deals with the licensing of children's services, amends the licensing process and separates the approval for premises of children's service from the licensing of a person to operate a children's service. The bill also provides that a person must pass a fit-and-proper-person test and allows operators to appoint a nominee. It also provides for family day care schemes to be licensed rather than individual carers, and extends the licence term from three years to five years.

The insertion of new section 26B elevates programming from the regulations to the act and requires all children's services, including family day care, to provide an educational and recreational program to enhance each child's development. It also inserts new sections 29A to 29C and a substitutes a new section 30. These provisions deal with child-staff ratios, authorisation to administer medication, requirements for notification of a serious incident and a requirement for the licensee or nominee to be present at all times.

It also inserts new sections 32A and 32B that deal with administrative arrangements. In regard to enforcement, it amends part 5 to allow authorised officers to enter a family day carer's residence during the hours that care is being provided, and extends the power of officers and the secretary to obtain information, documents and evidence. It also provides for the secretary to take emergency action if children are deemed to be at risk.

New sections 53A to 53C provide that the secretary must keep a register of family day carers; that the secretary may publish on the department's internet site details of a service, including information regarding compliance with the act and actions taken against the service by the department for breaches. They also provide for the disclosure of information to other authorities for a purpose relating to the health, safety and wellbeing of children or the operation of children's services, and that information provided under these sections must not include information that could identify anyone other than the licensee.

New section 54A provides for an internal review to be conducted before the secretary publishes information under section 53B. It inserts a new schedule to provide for transitional and saving provisions. It also amends the Child Wellbeing and Safety Act 2005 and inserts a new principle that every child should be able to enrol in a kindergarten program at an early childhood education and care centre. It is interesting to note that the Victorian government was one of the last to update the system whereby education for kindergarten children is conducted or at least controlled by moving the administration of kindergartens to the education department.

Reflecting back on what I said earlier, it is important to note that Victoria was one of the last to start to take this burden away from parents in the circumstances that had previously existed. Unfortunately the government had to be dragged, kicking and screaming, to that decision. I recall that a petition of 36 000 signatures was tabled in this place, asking for the government to move the kindergartens within the education department. When the government finally did it, it did it very slowly and it did not go far enough. I encourage the government to keep working on that and to make sure that the education department is able to impose itself in a way that assists the people who run the kindergartens, the parents and of course consequently the children who attend.

Mr SEITZ (Keilor) — I stand in support of the Children's Legislation Amendment Bill 2008. How far child-care and children's services have come! The first funding for child care came from the Gough Whitlam Labor government. Before that it was all done by religious groups. Children's services and the amendments we are seeing here are further developments. I am glad to see people embracing and welcoming it today.

In the early days I was a young activist trying to develop those things to satisfy the needs of my own family. As we had no child care, my wife had to go to work to support us and to cater for all those things. I have watched over the years as an industry has developed. I commend the minister for these amendments and further developments. At one stage it had become too difficult to have a home-care system because there was too much red tape. My wife ended up working at a child-care centre, and a lot of the time

was involved in keeping records and retesting. Some of these home-care places are very good. We can have the flexibility and still have the privacy and the responsibility.

We hear a lot about licences of the premises. Construction and building premises regulations did not exist in the early days. People set the path at the beginning. Even now it is the commercial operators who go and purchase the buildings for a financial investment and it is somebody else who is the manager and the operator of the centre. Having those two licences separate and quite clearly defined in the legislation is again very commendable.

If we had said in the early days that these services would be commercial enterprises and public companies would need to be registered to run these services, people would not have believed us. But over the 30-odd years the industry has come far in its development. There is a constant need to review and reassess the position of child care and services for children and families. I commend the bill and wish it a speedy passage.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The ACTING SPEAKER (Mr Nardella) — Order! The question is:

> That the house do now adjourn.

Moorooduc Highway–Craigie Road, Mount Martha: safety

Mr DIXON (Nepean) — I wish to raise a matter with the Minister for Roads and Ports regarding Moorooduc Road. I am asking the minister to fund urgent works to improve the safety of the road. The Moorooduc Highway is a four-lane, divided road that runs from the Mornington Peninsula Freeway at Mount Martha and carries through to Mornington and Mount Eliza to south Frankston. The road is very heavily lined with trees on both sides and also down the centre strip. It has four high-speed roundabouts and a number of other roads also feed into the road. It also has a 100-kilometre-an-hour speed limit right along the entire length.

The traffic on this road has been increasing over the last number of years. The population of the area has grown, especially in the Mornington area. It is also a popular road for people to commute from the Mornington Peninsula to Frankston, Dandenong and the city for work purposes. It is a major tourism route, as people access the golf courses, the wineries and the beaches of the Mornington Peninsula.

Recently there have been a number of serious accidents on this road. I particularly wish to raise the intersection of Craigie and Moorooduc roads. Craigie Road is not a roundabout, but I think works like that need to be done. I received an email from a Luke Goss, who is a constituent of mine. He wrote:

> On 13 April 2008 my girlfriend was involved in a serious car accident where the gentleman that hit her died at the scene. It was at the intersection of Moorooduc Highway and Craigie Road, Mount Martha. Moorooduc Highway has a speed limit of 100 kilometres and he failed to give way. As there is only one give way sign at this intersection it is extremely dangerous and it cost him his life. It has also had a huge impact on my girlfriend's life physically and emotionally.

This is an intersection that certainly needs very urgent work. As I said there have been many other accidents and fatalities along this road just this year, and there has been a stream of serious injuries. Recently I have also spoken with local police, who say that a lot of work needs to be done to improve some of these intersections along the Moorooduc Highway. An overall safety audit needs to be done of the road. There needs to be a lot more enforcement of safety measures along the road, and there also needs to be funding to support all these sorts of measures — for example, even if a roundabout cannot be constructed straightaway, better signage and better lines of sight at that intersection are badly needed.

A number of options for a Frankston bypass in the long term might remedy the situation, but in the short term there will be more lives lost and there will be greater injuries unless something is done to improve the safety aspects of Moorooduc Highway.

Kororoit Creek Road, Williamstown North: safety

Mr NOONAN (Williamstown) — I wish to raise a matter for the attention of the Minister for Roads and Ports. The action I seek from the minister is that he investigates the possibility of creating an opening in the median strip on Kororoit Creek Road in Williamstown North, near Walter Street.

The intent of this opening is to allow residents of the Walter Street area on the north side of Kororoit Creek Road to make a right-hand turn when travelling west to enter Walter Street. Under the present situation residents must continue another 400 to 600 metres to the Maddox Street intersection before completing a U-turn and backtracking to Walter Street. The median

strip opening could potentially also allow traffic exiting from the Quest serviced apartments on the south side of Kororoit Creek Road to turn right into Kororoit Creek Road without making the same Maddox Street U-turn. This present situation is not ideal as the Maddox Street intersection already handles a high volume of traffic which turns both left and right into the busy Kororoit Creek Road passing through the median strip to turn right. The potential for accidents at this intersection is also heightened due to the 70-kilometres-an-hour speed limit which exists on that same section of Kororoit Creek Road.

Hobsons Bay City Council, which is responsible for the management of Walter Street, has agreed to provide funding for the break in the median strip, making provision for this in its 2007–08 budget. The project is now the subject of meetings and discussions between Hobsons Bay City Council and VicRoads, which is responsible for the management of Kororoit Creek Road. The median strip opening was tabled by Hobsons Bay City Council a number of years ago as part of a comprehensive development zone and then submitted to VicRoads for consideration. It is clear that any break in the median strip still remains subject to further discussions between the parties.

In my view, the creation of a break in the median strip at Walter Street is more about safety than convenience, which is consistent with the minister' s own focus on safer roads across Victoria. Safer roads, and by association a falling road toll, are the result of this government's ongoing commitment to invest in our roads — in fact, $5.8 billion since 1999 and still growing.

In that context, let me be amongst the first to congratulate the Treasurer in the other house and the Minister for Roads and Ports for committing $48.5 million in the 2008–09 state budget for the duplication of Kororoit Creek Road between Millers Road and the West Gate Freeway. This is simply an outstanding investment. I commend the minister on this decision and once again urge him to investigate the possibility of creating a new break in the median strip near the Walter Street intersection.

Aquaculture: strategy review

Mr NORTHE (Morwell) — I seek action from the Minister for Agriculture to ensure that the Victorian Aquaculture Strategy (VAS) is reviewed on an annual basis rather than every five years as suggested within the strategy. The VAS released earlier this year follows many previous reviews and strategies, which have not achieved any significant purpose within Victoria.

Unfortunately aquaculture in Victoria is not a high-priority industry in the eyes of the Brumby government, and the government's own statistics verify this. In March 2007 I wrote to the Minister for Agriculture seeking answers to a number of questions relating to aquaculture in Victoria. Part of the minister's response noted that aquaculture licences in Victoria had reduced from 223 in 2003 to 173 in 2006 and down to 144 in April 2007 as per the *Report on Regulatory and Administrative Reforms to Support Aquaculture Development in Victoria* — or the RARSADV.

The minister also stated that aquaculture production had reduced from 3211 tonnes in 2002–03 to 3034 tonnes in 2005–06. These figures demonstrate an industry in decline and are indicative of a government that has long ignored aquaculture, whilst our interstate rivals continue to develop and thrive. There are many factors as to why there has been a reduction in aquaculture production and aquaculture licences in Victoria. These include the excessive costs for licence-holders, the inclusion within PrimeSafe regulations of certain aquaculture species such as yabbies, and the cost-recovery regulations that are imposed upon the aquaculture industry. There is a lack of incentive for prospective investors in Victorian aquaculture, and the lack of a one-stop shop continues to be a major impediment. The RARSADV in recommendation 2.1 refers to the establishment of a one-stop shop; however, where does this exist and how does it operate? The presence of field officers in the industry who should provide important support to prospective businesses is also non-existent.

If Victoria is to produce $60 million of output in 2015 as outlined in the VAS, then how is this to be achieved, and how will it be monitored, particularly given a review will not occur until five years time? Comments attributed to David Harris, a former head of the Victorian Aquaculture Council, and reported in the *Age* of 5 May 2008, demonstrate the frustration felt in the industry. In relation to aquaculture in Victoria, Mr Harris stated that this government had broken promises, had too much regulation and provided little support for the industry. I have had many discussions with organisations such as the Gippsland Aquaculture Industry Network on these and other matters and like many of their counterparts their sense of frustration is obvious. It is high time the Brumby government started to seriously support an important industry such as aquaculture.

In closing, the action I am seeking is for the minister to ensure the Victorian Aquaculture Strategy is reviewed on an annual basis rather than every five years.

Grovedale Secondary College: synthetic playing surface

Mr CRUTCHFIELD (South Barwon) — The issue I would like to raise is for the attention of the Minister for Sport, Recreation and Youth Affairs. I would like the minister to support the Grovedale Secondary College application for some $250 000 of funding towards artificial turf for its school oval.

I have been a regular visitor to Grovedale Secondary College and to the sporting club at Grovedale. It is a wonderful precinct for which we funded a number of worthwhile projects that have benefited both the sporting and general communities. The Minister for Planning in another place was previously there to support a significant funding round which tied the secondary college to the sporting community and enabled the netball facilities to be expanded quite considerably. It paid for the lighting and expansion of the netball court facilities and generally brought the community — not just the sporting community — into Grovedale College. I would argue that the college is a wonderful example of bringing communities into schools, utilising facilities that may have been under-utilised. This request by the school in respect of upgrading of the school oval by laying down artificial turf is another example of this. It will enable that facility to be utilised by a number of sporting groups.

The school itself has an elite sporting program that encompasses cricket, soccer, football and netball. The school principal, Jeff Cooper, has been very proactive in targeting that aspect as an attractor for the school. The school oval was renovated a year or so ago with some of the best lighting facilities in the region, and it has drainage and turf, but unfortunately the drought has devastated it. Some six to eight weeks ago the Minister for Sport, Recreation and Youth Affairs, with the principal, inspected the oval and saw firsthand its rather dilapidated state. Artificial turf would enhance not only the potential of the school's elite program but also of the sporting community that currently uses the oval. I urge the minister to support it.

Nepean Highway–Bay Road, Cheltenham: traffic infringements

Mr THOMPSON (Sandringham) — I raise a matter for the Minister for Police and Emergency Services. It concerns the operation of traffic lights at the intersection of Bay Road and Nepean Highway, Cheltenham and, in particular, the operation of the traffic camera that monitors vehicles making a right turn down Bay Road. As members would be aware, this has been an issue of contention since August last year. Over the last eight months or thereabouts over 500 people have individually contacted my office expressing their concern regarding the operation of the cameras. In one case a particular household has incurred up to four fines. This will become a multimillion-dollar intersection. That might be very well for the government's revenue aspirations, which have seen fines collected in Victoria increased from some $100 million a year in 2000 to approaching $500 million today.

This camera has a major impact upon bayside families, one of which was obliged to find $880 to meet fines. One family accrued 12 points, one driver 9 points and another driver 3 points. When people face a loss of livelihood and thus the inability to support their families, there is an enormous amount of stress and duress.

This case will be heard on 27 May at the Moorabbin Magistrates Court, or, as it is ineptly called by the government, the Moorabbin Justice Centre. In preparing the case for the drivers concerned, we are keen to make sure that relevant information is available. Since considerable publicity was given to this case in April, the minister has stepped up to the plate to provide further information regarding the length of operation of the amber arrow. Nevertheless, the 500 people who have raised concerns regarding this matter would like further information. They want to know what the fine frequency per month has been since the traffic light was installed in February 2007 and the number of cases where the quantum of the fine — —

The ACTING SPEAKER (Mr Nardella) — Order! I ask the honourable member to detail the action requested.

Mr THOMPSON — What I seek from the minister is access to information. If he has any difficulty providing it, I can assure him that it is quite straightforward to work out how many fines have been imposed regarding this particular intersection on a weekly and monthly basis since the camera was installed.

The ACTING SPEAKER (Mr Nardella) — Order! I will have a discussion with the Clerk about that action.

Country Fire Authority: Geelong West brigade

Mr TREZISE (Geelong) — I raise an issue for action with the Minister for Police and Emergency Services. The action I seek relates to the relocation of the Geelong West Country Fire Authority (CFA)

brigade from its current site in Autumn Street to its new site in McCurdy Road, Herne Hill. I know that the member for South Barwon, who is sitting to my left, very much appreciates the work of the CFA in Geelong, especially that of brigades such as Geelong West. The action I seek from the minister is that he ensure adequate support is provided to the Geelong West brigade so that the transfer occurs in a timely and effective manner.

On Sunday I was pleased to attend, together with the member for Lara, a CFA commemorative service for firefighters who lost their lives in the line of duty. The minister was there representing the state government. The very moving service was held in the beautiful setting of St Mary of the Angels Basilica in Geelong. As I said, it was a very moving ceremony. For each name of a deceased firefighter read out, a bell was tolled. As you, Acting Speaker, would realise — and I know the member for South Barwon would well and truly know this — 2008 marks the 10th anniversary of the Linton tragedy, when five of Geelong West's volunteers lost their lives.

At the service I spoke briefly with CFA volunteer and Geelong West fire brigade stalwart, Bruce Pickett. In our conversation we discussed the importance of the brigade's shift from its current site in Autumn Street to McCurdy Road. The historic site in Autumn Street has served the Geelong West brigade well for more than 100 years, but it is now far too small and hemmed in by development, basically rendering the station obsolete. The new McCurdy Road site is about 3 kilometres up the road from the current site and is a far more appropriate site.

The proposed facilities under construction will obviously service the brigade well for many decades to come. It is proposed that the shift will take place in October, and as I said, it is important it is done in an effective and efficient manner, and I am confident it will be. This is an important issue for the Geelong West fire brigade, and it is therefore an important issue for the Geelong West community and for the wider community. It is important we ensure the transfer takes place in a timely manner, and I look forward to the minister's action.

Rail: Stony Point line

Mr BURGESS (Hastings) — I wish to raise a matter for the attention of the Minister for Public Transport. The action I seek is for the minister to take action to have ticket purchase facilities installed on all trains on the Stony Point line. My community has waited a long time for the Sprinter trains, and the expectation was that the upgrade would be a huge improvement to an old service. While the upgrade is welcome, it is unfortunate that there is always a sting in the tail with anything the Brumby government does.

Numerous constituents have contacted me regarding the complete absence of onboard ticketing facilities on the Sprinters and the lack of outlets stocking Metlink tickets. Apparently the government decided not to install the machines in anticipation of the now infamous myki ticketing system, which it forlornly hopes will one day replace the current ticketing system. With the problem-plagued myki system budget blowing out from $300 million to $1 billion and the implementation being three years late, it is looking less and less likely that it will ever see the light of day. The Premier has recently cast further doubt on the future of the myki ticketing system.

The absence of the ticketing facilities has caused confusion and much stress for passengers who do not have access to outlets to purchase Metlink tickets prior to travelling. Metlink tickets are not currently sold at any outlets from Stony Point to Hastings. The Hastings newsagency has advised that although it is a Metlink stockist it does not currently have tickets to sell due to it not receiving an allotment from Metlink. When contacted Metlink advised that passengers on the Stony Point line are required to purchase tickets upon arrival at their destination at Frankston. This means commuters, including elderly patrons who use the service to catch connecting trains, will be inconvenienced by having to purchase and validate tickets after travel at busy Frankston station. Is the minister prepared to reimburse commuters who miss connecting trains due to this unworkable approach?

When I sought an explanation on behalf of my constituents, I was assured that station officials and ticket inspectors were all aware of the situation and would not be issuing fines to passengers who travelled without a valid ticket. However, this is clearly not the case, as demonstrated by the incident involving the Jackson family of Bittern.

Larissa Jackson alighted at Frankston station after boarding a train at Bittern with a school group and a teacher to commence a school outing. They had hoped to catch a connecting city-bound train. The students were dressed in school uniform and left the train as a group. Larissa Jackson was singled out by a ticket inspector and advised that she would need to produce a valid ticket. When Larissa explained that her teacher was in the process of purchasing tickets at the counter she was advised it was her individual responsibility to

travel with a valid ticket. She was told to stay where she was whilst the inspector wrote an infringement notice.

Larissa watched as her group moved towards the city-bound train before calling out for a teacher to assist her with the inspector. The matter was cleared up at the station, but the school group missed its connecting train. I ask the minister to intervene urgently to remedy this ridiculous situation.

Police: Carrum Downs and Langwarrin station

Mr PERERA (Cranbourne) — I would like to raise a matter with the Minister for Police and Emergency Services. I call on the minister to honour the government's 2006 election commitment to build a police station to service Carrum Downs and Langwarrin in this term of the Labor government. The Brumby government has committed to the construction of eight police stations and the refurbishment of one police station over this term of government.

Since coming to office, the Bracks and Brumby Labor governments have funded the construction or refurbishment of over 150 police stations across Victoria at a cost of $400 million in the state's largest-ever police station building program. In our first four years in government we spent more on police stations than the previous government did during its entire term in office. Many of the new police stations have been built in outer suburban growth areas such as Caroline Springs, Endeavour Hills and Hurstbridge. In my electorate the new state-of-the-art redeveloped Cranbourne police station at a cost of $6.7 million is the living, breathing example of our achievements as a government.

I understand that police command is looking for a location to build a police station which effectively services the two adjoining suburbs of Carrum Downs and Langwarrin. Carrum Downs and Langwarrin are situated at a reasonable distance from the two closest police stations at Frankston and Cranbourne. The best way to increase the police service in these areas is to have a police station in the middle of the two suburbs.

I have had an opportunity to work gainfully with local senior police in the electorate of Cranbourne. The Frankston police service area has seen a 91 per cent increase in front-line police since 1999. This investment in police has shown great results, with a 14 per cent fall in the crime rate in the Frankston police service area since 2000–01. The local police have done a terrific job in bringing down crime, with residential burglary also falling by 49.2 per cent during this period. The rate of motor car theft dropped by 62.2 per cent and drug offences dropped by 46.3 per cent. I applaud local police for their efforts.

Carrum Downs and Langwarrin have been the two fastest-growing suburbs in the city of Frankston area in the past decade and half. The majority of families who have moved into Carrum Downs and Langwarrin within the last 15 years are young and first home buyers. Now most of their kids have grown up and are in their late teen years. However, the council has not kept up the growth with matching amenities. I am sure the Frankston 2025 structure plan will address these issues.

I would like to point out that the suburbs of Carrum Downs and Langwarrin also have a large chunk of retirees moving into one to two-bedroom units — —

The ACTING SPEAKER (Mr Nardella) — Order! The member's time has expired.

Multicultural affairs: interpreter card

Mr KOTSIRAS (Bulleen) — I wish to raise a matter for the attention of the Premier in his role as Minister for Multicultural Affairs. The action I seek is for the Premier to work with the other states and with the commonwealth to introduce a nationally recognised interpreter card. To achieve this I ask that the Premier direct his department and the minister assisting him on multicultural affairs to raise this matter at ministerial council level for support and implementation.

As members will be aware, many senior members of our community revert to their original language as they get older. Therefore, ensuring they have access to language services is important if they are to be familiar with government services and can access government programs and services. In fact this government relaunched the interpreter card in 2006 after the Liberal Party launched the card in 1995 — 11 years later! But despite the fact that this Labor government copied a Liberal policy yet again, the Victorian Multicultural Commission neglected to acknowledge that this was a Liberal government initiative launched by the Kennett government in 1995. Then again, I expect that from the VMC, which is simply an addition to this government's huge public relations machine.

The interpreter card empowered Victorians from culturally and linguistically diverse backgrounds to access free, professional, qualified and accredited interpreters when dealing with state government departments and agencies. However, after 11 years the Brumby government has still not managed to introduce a nationally recognised interpreter card which allows

Victorians to access an interpreter across all tiers of government.

If accepted the national interpreter card would be of enormous benefit to Victorians from culturally and linguistically diverse backgrounds. It would enable them to access government services not only in Victoria but across Australia. Imagine a single card that enables Victorians to access interpreters when dealing with local government, state governments and the commonwealth government. Imagine providing all Victorians with an opportunity to fully participate in our society. Such a card will go a long way towards ensuring that all Victorians have equal access to services by closing the communication gap that separates many of them.

I therefore ask the Premier to work with the minister who assists him on multicultural affairs, and with the parliamentary secretary who assists the minister assisting the Premier on multicultural affairs, to do something and not just to copy Liberal Party policy yet again. They should work with other states and with the commonwealth to come up with a national interpreter card that is recognised and accepted by all states and territories and by the commonwealth government. It is about time this government was proactive rather than reactive. It should look after the interests of all Victorians, including all those who need interpreters, to ensure they can access government department programs. I urge the Premier to do something about this matter.

Consumer affairs: asbestos toy warning

Dr HARKNESS (Frankston) — I wish to raise a matter for the attention of the minister at the table, the Minister for Consumer Affairs. The action I seek is for the minister to engage in a community awareness campaign on potentially dangerous children's toys, particularly those for sale on the internet. I ask that the minister work with Consumer Affairs Victoria to do everything possible to ensure Victorian children are not put at risk by potentially harmful toys.

Earlier this year Consumer Affairs Victoria highlighted the importance of this issue. On 17 January the director of Consumer Affairs Victoria issued a public warning statement about 100 toys sold on the popular internet site eBay. The toys were remote-controlled cars which allegedly contained 'super thick asbestos brake blocks'. The company selling these products did act responsibly by removing the products from eBay immediately but a public warning was issued because concerns remained about the 100 or so toys that had already been sold. Unfortunately Australians know all too well about the dangers of asbestos. The tenacious public campaigning of asbestos victims such as Bernie Banton, who sadly passed away last November, means that people are aware of the tragedy that asbestos can inflict. However, governments must continue to be vigilant to ensure that such tragedies are never repeated. As the parent of a young child myself, it is alarming to contemplate the possibility of apparently harmless toys exposing children to asbestos.

What is potentially worrying about this case is that the products were available for sale over the internet on a well-respected website. Nobody denies that sites such as eBay are a useful and convenient way to buy and sell goods, but their popularity does present new challenges for consumer protection. What we are witnessing is the emergence of a new domain, which undoubtedly brings benefits but which requires careful monitoring and regulation at the same time. More now than ever before, governments must work together with the private sector on consumer safety to ensure that the law keeps up with new technology. On this point, I am very encouraged to know that Consumer Affairs Victoria, under the minister's guidance, works with eBay on a range of matters.

The Brumby government already has a very strong record on consumer protection, with major public campaigns taking place and numerous crucial improvements made to the Fair Trading Act. But this toy car asbestos warning is a reminder that there are always new dangers, new challenges and new solutions to be implemented. I encourage the Minister for Consumer Affairs to continue his good work in making Victoria a world leader in consumer safety and protection, particularly regarding products that are available online.

Responses

Mr ROBINSON (Minister for Consumer Affairs) — I appreciate the member for Frankston raising what is an important issue. On 14 January the *Age* ran a story about toy cars being advertised for sale on eBay and the problem with those toy cars was that they contained asbestos parts. As the member quite accurately pointed out, asbestos is a very dangerous product, not just for children but for all people who come into contact with it in certain forms. The member would be aware that asbestos is a prohibited import in Australia, and as such is on the list of products that is policed very actively by the Australian Customs Service. This case demonstrates the need for consumer agencies such as Consumer Affairs Victoria to work closely with the customs service.

As all members would be aware, we live in an age when trade is on the increase. We have record volumes of trade in Australia and around the world, and it stands to reason that with the greater volume of products coming into Australia from all around the world and from places where different standards apply, we will see products arriving in Australia which are composed in part of substandard or even illegal components or materials that are not allowed into this country. The eBay auction or sale system is an added complexity. Again, it is another example of the way in which the world is changing, because you can actually put products up on eBay but not in a commercial sense; eBay hosts the sales environment, but it is actually private people offering to buy and sell products and negotiating through that hosting vehicle. It challenges some of the preconceptions we have about the way in which markets work and the way in which consumer laws work.

I can assure the member that this is something we are looking at very closely within Consumer Affairs Victoria as we commence what will be a fairly lengthy legislative modernisation program. We want consumer laws in Victoria that reflect the contemporary world, not the world of trade and business as it has applied up until now. The world is changing very quickly and it is important that the laws change with it. More specifically I can assure the member that all of the remote-controlled cars were actually removed from sale by eBay. In this case eBay has shown itself to be a very good corporate citizen. It does understand the obligations on it and what the right thing to do in these circumstances is. I had the opportunity late last year of meeting eBay representatives, and we discussed in part these sorts of issues. They outlined to me the very well-developed protocols they have in place. Those protocols were of great assistance in this instance, where they were able to have those advertisements withdrawn and were also able to contact a small number of people in Australia who had purchased those products.

The customs service has been targeting asbestos imports since June 2007, and it will continue to do so. That is just one of the many products that the customs service keeps a close eye on. Consumer Affairs Victoria has also advised me that a public warning was published on the Consumer Affairs Victoria website as a continuing message to consumers about the dangers of products containing asbestos. I think that will be of some assistance to the member. But of course Consumer Affairs Victoria would always appreciate members — the member for Frankston and other members — doing their bit to promote these messages further.

I should also say to the member that recently the government established a new toy line for parents in Victoria. It is a service that is available on 1300 364 894 — and it is in addition to the consumer affairs general inquiry line. We have done that because it is important that parents have access to information. It is a new initiative. We are doing it in conjunction with the Tasmanian government so that advice is available for people in Tasmania and Victoria, and we will explore the possibility of that being extended further. As the member pointed out, it is a great source of assurance for parents to get information in a timely manner. All parents take very seriously their responsibilities for their children and for making sure their children do not come into contact with dangerous toys.

In conclusion, I can assure the member that Consumer Affairs Victoria will continue to work with him, with other members and with industry bodies to ensure we have a robust product safety regime in Victoria, particularly in relation to imported products.

The member for Nepean raised an issue for the attention of the Minister for Roads and Ports in relation to a safety audit on the Moorooduc Highway that he is requesting, and I will refer that to the minister. The member for Williamstown also raised an issue for the Minister for Roads and Ports in relation to Kororoit Creek Road, especially the investigation of the need for an opening in the median strip near Walter Street.

An honourable member interjected.

Mr ROBINSON — It is just as well I keep very good notes.

An honourable member — He has gone to Walter Street.

Mr ROBINSON — Near Walter Street. What an excellent new member he has turned out to be. He has only been here a few months and already he has secured $48 million for the duplication of an important road in his area. That is an outstanding achievement by the member for Williamstown. I will pass that on to the minister.

The member for Morwell raised an issue for the Minister for Agriculture in relation to aquaculture. He is seeking an annual review rather than a five-yearly review of the aquaculture strategy, and I will pass that matter on.

The member for South Barwon not surprisingly raised an issue for the attention of the Minister for Sport, Recreation and Youth Affairs relating to Grovedale

Secondary College. He is seeking support for an application for $250 000 to pay for artificial turf on the oval at the college, and I will pass that matter on.

The member for Sandringham raised an issue for the attention of the Minister for Police and Emergency Services in relation to traffic camera lights at the intersection of Bay Road and the Nepean Highway, as it impacts on traffic turning right into Bay Road — I think I have got that correct — and I will pass that matter on.

The member for Geelong also raised an issue for the Minister for Police and Emergency Services in relation to the support that is required for the transfer of the Geelong West fire brigade to new premises. He referred to a commemorative service held at the Geelong basilica for firefighters killed in the line of duty. I understand Father Kevin Dillon is still running the basilica with a very firm hand.

Mr Trezise — He is.

Mr ROBINSON — Mitcham's loss of Father Kevin Dillon was Geelong's gain. I will pass that matter on.

The member for Hastings raised an issue for the attention of the Minister for Public Transport in relation to access to ticketing on the Stony Point line and the consequential difficulties that is creating. I will pass that matter on to the minister.

The member for Cranbourne raised an issue for the Minister for Police and Emergency Services in relation to a police station to service Carrum Downs and Langwarrin, and I will pass that on.

Finally, the member for Bulleen raised a matter for the attention of the Premier in his capacity as the Minister for Multicultural Affairs in relation to the desirability of a nationally recognised interpreter card, something he would like raised at the ministerial council. I will pass that on to the Premier.

The ACTING SPEAKER (Mr Nardella) — Order! The house is now adjourned.

House adjourned 10.39 p.m.