PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 2 June 2009

(Extract from book 6)

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By authority of the Victorian Government Printer

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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The Hon. J. M. BRUMBY

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
The Hon. R. J. HULLS

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Mr E. N. BAILLIEU

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:
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Mr P. J. RYAN

Deputy Leader of The Nationals:
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Kosky, Ms Lynne Janice	Altona	ALP	Weller, Mr Paul	Rodney	Nats
Kotsiras, Mr Nicholas	Bulleen	LP	Wells, Mr Kimberley Arthur	Scoresby	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Languiller, Mr Telmo Ramon	Derrimut	ALP	Wynne, Mr Richard William	Richmond	ALP
Lim, Mr Muy Hong	Clayton	ALP			

[1] Resigned 6 August 2007
[2] Elected 15 September 2007
[3] Resigned 2 June 2008
[4] Elected 28 June 2008
[5] Elected 15 September 2007
[6] Resigned 6 August 2007

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TUESDAY, 2 JUNE 2009

Tuesday, 2 June 2009

The SPEAKER (Hon. Jenny Lindell) took the chair at 2.05 p.m. and read the prayer.

DISTINGUISHED VISITORS

The SPEAKER — Order! I announce to the chamber the presence in the gallery of the Consul-General of India, Ms Anita Nayar, and I welcome her.

I also welcome a delegation from the USA as part of the Australian Political Exchange Council.

QUESTIONS WITHOUT NOTICE

Violence: international students

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to continuing violent attacks on Indian and other international students and to the fact that the opposition warned the Premier of this issue in this chamber in November 2007, without response, and that in July 2008 the Premier was again warned by his federal counterparts of the gravity of this problem, and I ask: is it not a fact that despite these warnings and pleas from student groups his government has for years failed to take any meaningful action to stop this growing and totally unacceptable tide of violence?

Mr BRUMBY (Premier) — I regret the question from the Leader of the Opposition, and I reject absolutely — —

Mr Kotsiras interjected.

The SPEAKER — Order! The member for Bulleen!

Mr Kotsiras interjected.

The SPEAKER — Order! The member for Bulleen is warned, and there will be only one warning.

Mr R. Smith interjected.

The SPEAKER — Order! I ask the member for Warrandyte not to interject in that manner.

Mr BRUMBY — I reject absolutely the proposition put by the Leader of the Opposition today. It is unfortunate that he is attempting to make cheap political capital out of this issue.

Multicultural affairs: government initiatives

Ms THOMSON (Footscray) — My question is to the Premier. Can the Premier inform the house of any new measures the government will take to reinforce that Victoria is a tolerant society that values the contribution made to our state by people from other countries who have chosen to come and live here, both today and throughout our history?

Mr BRUMBY (Premier) — I thank the honourable member for her question. I also thank her for the great work she has done as a local member and formerly as a minister in building such positive relationships with the Indian community in our state.

Last year at the Diwali festival of enlightenment, which is of such importance to the Indian community and was held in August, if my memory is correct, at Federation Square, and attended in a bipartisan way by the Leader of the Opposition, I said how much our government and Victorians valued the contribution of the Indian community in our state. The Indian community has long been a part of Victoria's history. We have seen extraordinary growth in the Indian community here in the last decade, and I am proud of that growth. The Indian community is a great part of the broader Victorian society and of the broader Victorian community. It is an industrious and hardworking community and a community which we have valued in the past, value now and will value into the future.

I will make some broader points if I can in answering the honourable member's question. I am proud of the fact that Victoria is the multicultural capital of Australia. Of our population, 42 to 44 per cent of people were either born overseas or had one of their parents born overseas. Many people have come to our state and said that we stand as a beacon of inspiration to the rest of the world in terms of multiculturalism.

I am proud of my role, too. In the 1990s the first political leader in this state to take on Pauline Hanson was me.

Honourable members interjecting.

The SPEAKER — Order! Members will come to order! The member for Scoresby!

Mr Burgess interjected.

The SPEAKER — Order! The member for Hastings is warned, and will be warned only once.

Mr BRUMBY — We have always had a strong view about protecting rights, a strong view about

removing discrimination, a strong view about tackling discrimination and a strong view about tackling racism. I have said in relation to the recent concerns of the Indian community and our government — and I think Victorians generally — that there is no doubt that some, but not all, of the assaults which have been committed against members of the Indian community have been racially based. I saw the television coverage, the video coverage, of the incident which occurred on the train. There is no doubt that that was a completely repugnant, completely unacceptable, appalling act of cowardice and assault, and there is no doubt that it was racially based. I know I speak for all Victorians when I say we absolutely and categorically deplore any act of violence which is racially based.

I make it very clear to the Parliament that it is crucial that we stand up in what I would hope would be a united and bipartisan way — —

Honourable members interjecting.

The SPEAKER — Order! The member for South-West Coast is warned and will not be warned again.

Mr BRUMBY — I can assure the honourable member who asked the question, this house and all the victims of these crimes and their families that we will do everything in our power and Victoria Police will do everything in its power to track down the perpetrators of these acts and bring them to justice. These were precisely the messages which I provided last week to the Indian high commissioner and the Indian consul-general, who is with us today in the gallery, when the Deputy Premier and Attorney-General and I met with them. I might say that the Chief Commissioner of Police has also met with the high commissioner and the consul-general, as have a number of other ministers, including the Minister for Skills and Workforce Participation. I relayed to the consul-general what I have said today — that is, we are a nation and a state that are built upon people coming from all around the world, and we value the hardworking and industrious Indian students who now call Victoria home.

It is also why I can confirm today that the Attorney-General will be introducing legislation in relation to what we call hate crimes.

Honourable members interjecting.

Mr BRUMBY — Goodness me! We will note, presumably, the opposition of the political parties, will we, the Liberal Party and The Nationals? The Attorney-General has announced today the detail of that legislation. We will be amending the Sentencing Act to require judges to take into account in sentencing hatred for or prejudice against a particular group of people. The Attorney-General — —

Honourable members interjecting.

The SPEAKER — Order! I suggest that if the member for Derrimut and the member for Narre Warren North wish to have a conversation at that level of volume, they might like to do so outside the chamber.

Mr BRUMBY — The Attorney-General has also asked the Sentencing Advisory Council to advise him on whether there is a need for specific hate crime offences to be written into the law. I just say on this matter — —

Honourable members interjecting.

Mr BRUMBY — The opposition will have a chance to vote for or against it when the legislation is introduced. I will just say this — —

The SPEAKER — Order! I ask the Premier to restrict his comments to government business.

Mr BRUMBY — This is something which has been raised with the government. I might say that a number of groups have been working with the government in relation to this matter, and discussions have been held with the Zionist Council of Victoria and the Jewish Community Council of Victoria. These changes will build on the great reforms we have already introduced, such as the Racial and Religious Tolerance Act, as well as practical actions that have been taken by the Chief Commissioner of Police, including the establishment of a community liaison group within the Indian community and the setting up of a help line with operators who speak both Hindi and English.

I believe these things will make a difference, but we need to do more. I am also pleased to announce today that Victoria will host in Melbourne, auspiced by the government, a Walk for Harmony on the afternoon — I hear the groans from the opposition — of Sunday, 12 July, to celebrate and reaffirm our state's tolerance of diversity, multiculturalism and abhorrence of racism. People in this state come from more than 230 nations, speak 180 languages and follow more than 116 religions. I offer this invitation to all Victorians — whatever their background, whatever their walk of life, whatever their origins — to join us on Sunday, 12 July, as we reinforce that Victoria is a great place, it is a great place to live, it has a multicultural society and it is also safe.

I wanted to make this announcement at the earliest opportunity so that we can send this message not just to the Indian community but to all Victorians, about the values that are so important to me, to our government and to the people of this state. The harmony walk will be on 12 July. I believe it will build on the range of other initiatives we have in place. We are determined to make sure that our state is a genuine state of opportunity, that it is a great multicultural state and that it also remains the safest state anywhere in Australia.

Students: youth allowance

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Skills and Workforce Participation. I refer the minister to the fact that whereas 73 per cent of metropolitan students after completing year 12 go on to university or vocational education and training courses, only 48 per cent of country students do so, a disparity that is directly linked to financial hardship, and I ask: given that country students in particular are heavily reliant upon the youth allowance, what representations has the minister made to the federal government to protect those country students who have committed to a gap year on the basis of the existing rules but who will now be unable to qualify for the allowance under the proposed rules?

Ms ALLAN (Minister for Skills and Workforce Participation) — I thank the Leader of The Nationals for his question. Those of us who live in regional and rural communities will be familiar with some of the concerns that have been raised by communities as a result of changes that are at this stage being proposed by the commonwealth government to the youth allowance.

The question of the Leader of The Nationals, though, went to rates of completion and opportunities for education in regional and rural Victoria. We are very proud of the fact that under the Labor government we have seen an increase in our year 12 completion rates to quite significant levels — 88.6 per cent of young Victorians now complete year 12 education. The Brumby government is giving young people the best possible opportunity to go on and participate in higher education by enabling them to complete year 12. Furthermore, we are also providing increased training opportunities for young people across Victoria. Whether it is through the opening of our technical education centres in Wangaratta and Ballarat or whether it is about — —

Mr Wakeling interjected.

The SPEAKER — Order! I ask the minister to pause for a moment. I ask the member for Ferntree Gully not to interject in that manner.

Ms ALLAN — We are making sure that under our reforms to the training sector we are giving a guarantee to all Victorians — and this is going to be particularly important for regional Victorians — that they will be able to access a post-school qualification level.

The question went also to looking at the protection of education opportunities in regional areas. The Leader of The Nationals was not too fussed about protecting the regional schools that he closed when he was in government.

Honourable members interjecting.

The SPEAKER — Order! The minister will restrict her comments to government business.

Mr Ryan — On a point of order, Speaker, while I accept that the preamble opened up the commentary the minister is now providing, she is taking refuge in it instead of answering the question she was asked. I ask you to direct her to answer the question that she was asked, which was about protecting the country students who have taken a gap year.

The SPEAKER — Order! I do not uphold the point of order.

Ms ALLAN — Let the house have no doubt that the Brumby government is absolutely committed to ensuring that all Victorians — and we know it is particularly supporting regional and rural young people — have the opportunity to participate in post-compulsory education. That is why we are reforming our training system, that is why we welcome the commonwealth changes as part of the Bradley review around providing an entitlement to a university education and that is why I will be exploring these issues further with the commonwealth government when the state and territory ministers meet with the commonwealth minister at our next ministerial council on Friday week, where we want to make sure that the opportunities in education are provided for all Victorians.

We have been working very hard in the areas we are responsible for to lift year 12 completion rates, provide improved access to vocational education training and see increased numbers of young people participating in training. That is why we will be raising these issues when we have the opportunity to have this dialogue with the commonwealth government when we meet as ministers. Let us be clear: the only people who

abandoned regional Victorian students were those opposite when they closed 191 schools when they were in government.

Swine flu: control

Mr PERERA (Cranbourne) — My question is for the Minister for Health. Could the minister update the house on the current status of the swine flu outbreak and what action the government is taking to tackle the spread?

Mr ANDREWS (Minister for Health) — I thank the honourable member for Cranbourne for his question in relation to the H1N1 swine flu. I am pleased to be able to provide honourable members with an update. It is clear that the swine flu poses a significant public health challenge to all of us, and that is why as a government we have redoubled our efforts. We have ensured that we have taken all necessary steps to contain the spread of the virus and put in place arrangements to support those Victorians who in different ways have been touched by the swine flu virus to this point.

Firstly, I can provide an update. From testing last evening and early this morning a further 89 Victorians have been confirmed as positive for the H1N1 human swine flu virus, taking to 395 the total number of Victorians who are positive for this swine flu. There are 766 tests that are pending currently in the Victorian Infectious Diseases Reference Laboratory, and there have been 360 Victorians tested and confirmed as negative for the H1N1 swine flu.

There are two important points to again emphasise. First, the overwhelming majority of positive cases are children of school age. The second important point to make to reassure the community is that whilst we are seeing numbers of infections grow across the community, the general acuity of this virus — the general symptoms, the degree of illness that positive cases are presenting with or experiencing — is consistent with an ordinary winter-type flu. There are risks of mutation and there are risks, obviously, in variability in terms of outcomes for high-risk groups within the Victorian community, but in broad terms the overwhelming majority of those presenting as positive are experiencing symptoms that are consistent with an ordinary seasonal flu.

In order to rise to this challenge and ensure that we provide the appropriate supports to all those affected, the government with its partners has instituted a number of steps in relation to closing schools and taking appropriate public health measures in consultation and in partnership with school leadership groups, parents and others. I want to thank particularly the schools that have been affected by this. There are 13 schools that remain closed as we speak, and a number have reopened today following an earlier period of closure. On behalf of all Victorians I thank each parent, each teacher, each school leadership group and each school community affected by this for the great contribution they have made to the protection of public health across our state.

We also thank our general practitioners out there on the front line providing care and support to a very substantial number of Victorians for the dedicated and caring way in which they are protecting public health, together with our hospital doctors, nurses and other staff in public health service settings, who are also working very hard to ensure that we provide support and care to the relevant group.

There are now nearly 5000 Victorians who have in one way or another had their social contacts limited, whether it be in terms of quarantine or being isolated in their family home or indeed being asked to limit their social contact. Providing appropriate support and care to that group of people is a very large logistical task, and I want to single out the team at the Department of Human Services, whose members are working extremely hard. Every Victorian can be proud and confident that our public servants are doing everything they possibly can to in turn protect public health. I am proud of their efforts, and I thank them for the great work they have been doing in partnership with the groups I mentioned earlier.

There are a range of others who are involved in this, including staff at the Victorian Infectious Diseases Reference Laboratory and other staff doing tests in other settings. We thank them as well. In general terms we thank members of the community for the reasoned and particularly cooperative way in which they have worked with us and all our agencies and partners to, as I said, appropriately protect public health.

There are other things the government has done that are critically important. Firstly, under the Drugs, Poisons and Controlled Substances Act, we empowered division 1 nurses to administer antivirals. That is important — making the best use of the best skills and growing our total workforce that could respond to the public health challenge of H1N1. We have also worked with our emergency department doctors and nurses to boost services and provide greater support in terms of having dedicated flu services at a number of community health settings. We have also seen substantial expansion in see-and-treat clinics or

fast-track clinics at the Royal Children's Hospital and the Austin Hospital.

These are all important measures, taken together with our partners nationally in terms of the positive pratique process that operates at Melbourne Airport. Again, a whole range of different appropriate measures and steps are being put in place, and there is simply no doubt that whilst these numbers are growing, if it were not for the efforts of the government, its agencies, all its partners and the broader Victorian community then we would be experiencing a far more rapid spread of the virus and there would be far more Victorians with H1N1.

I will conclude simply by saying that as a government, together with the experts at a national level, we are considering modifying the arrangements we have in place so they can remain proportionate to and appropriate for the risks and circumstances we face. Those decisions will be informed by the best and brightest public health minds at a national level. The experts in these matters will provide us with their advice — they are currently considering these issues in great detail. We will take seriously the recommendations and advice they provide to us. It is on that basis and by following that advice that we will continue to do all we can to protect public health and support every single Victorian.

City of Brimbank: Ombudsman's report

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer the Premier to a letter to him dated 13 July 2006 from the Sunshine Residents and Ratepayers Association which alerted him to unethical decisions and practices by the Brimbank City Council, breaches of the code of governance, financial mismanagement and inappropriate treatment of staff and community groups by members of the council and further asked him to investigate a culture of revenge displayed by a group of councillors associated with Natalie Suleyman that was targeting members of the Brimbank community. I ask: is it not a fact that the Premier has known all along about this political corruption and has not only failed to act but has instead continued to promote corrupt members of the ALP as his preferred candidates?

Mr Mulder interjected.

The SPEAKER — Order! I ask the member for Polwarth to cease interjecting in that manner.

Mr BRUMBY (Premier) — As I have made very clear to the house, a full and proper investigation in relation to all of these matters was recently undertaken by the Ombudsman. The Ombudsman is the appropriate authority to undertake such an investigation, and the Ombudsman undertook that investigation. Every single recommendation made by the Ombudsman has been accepted by me and will be implemented by the government.

Honourable members interjecting.

The SPEAKER — Order! The Premier will not be shouted down by the opposition. The Premier has finished his answer.

Transport: Victorian plan

Mr TREZISE (Geelong) — My question is for the Minister for Public Transport. I ask the minister to update the house on how the Brumby government is working with the federal government to deliver on the $38 billion Victorian transport plan.

Mr Mulder interjected.

The SPEAKER — Order! I warn the member for Polwarth.

Ms KOSKY (Minister for Public Transport) — I thank the member for Geelong for his question and for his interest in regional rail in this state. We on this side of the house are very committed to continuing to improve regional rail links around the state as well as improving our metropolitan public transport system. We were delighted with the announcement by the federal government in its budget that it will really commit to our Victorian transport plan. It has committed more than $3.2 billion to this project. That is 38 per cent of the Building Australia Fund that will come to Victoria — 38 per cent of the Building Australia Fund that will come to rail in Victoria. That is a massive vote of confidence in our transport plan.

The $4 billion regional rail link is the centrepiece of the Victorian transport plan. It is the largest and most important public transport project since the city loop, which was built in the 1970s. It is a massive project, and it demonstrates the government's foresight to commit to such a project. We are delighted the federal government has come on board with us.

This project is in fact only the third major upgrade of the train network since the network was built in the late 19th century. We had electrification in the 1910s and the loop in the 1970s. This is a massive project which will transform the network by separating regional and metropolitan rail systems. Separating the metro and suburban trains will reduce congestion and of course will build capacity. It will provide dedicated express

tracks for regional services from Geelong, Bendigo and Ballarat, allowing for a substantial increase in services. Around 20 additional services carrying 9000 train passengers every hour will benefit from this commitment by the federal and state governments — which are both Labor governments.

Mr K. Smith interjected.

The SPEAKER — Order! The member for Bass knows full well that if he wishes to ask a question, he stands in his place at the appropriate time and the Speaker will give him the call. I seek his cooperation to allow the minister to conclude her answer.

Ms KOSKY — This project will transform the west of Melbourne. We are getting on with the job, with works on the project to commence in August of this year.

I have been particularly disappointed to read that some would like to see the regional rail link project scrapped in favour of Queensland road and rail projects. The comments are not from the Queensland Premier or the Queensland government — they are from the federal Nationals. This visionary project will support up to 2800 jobs in construction. It is time for those opposite to come clean and decide whether they support public transport in Victoria or public transport in Queensland.

Minister for Planning: conduct

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer the Premier to claims by the Minister for Planning that the minister was unaware of the corrupt and bullying activities of the minister's own staff member, Mr Hakki Suleyman, until the findings within the Ombudsman's report were released — a report which the Premier has again confirmed has been accepted by the government. I ask: given that there were dozens of media reports about Mr Suleyman's conduct between 2005 and 2008 and multiple questions in Parliament on the same issue during that time, how can the Premier possibly continue to support a minister who for years simply must have known that his office and his staff were at the heart of political corruption?

Mr BRUMBY (Premier) — Again I think it has been made clear publicly that the Minister for Planning, in his capacity as a member of the upper house, has recently indicated he has lost confidence in his electorate officer — —

Honourable members interjecting.

The SPEAKER — Order! The member for Kew and the member for South-West Coast know full well that that is not appropriate behaviour inside the chamber.

Mr BRUMBY — He has taken that action. He has expressed his disappointment in his electorate officer, as from time to time have other members of Parliament who have lost confidence in their electorate officers or been disappointed by them. The minister has made that decision. The matter is now in the hands of the President of the Legislative Council, who is responsible for the overall employment of electorate officers.

Schools: Education Week

Mr LIM (Clayton) — My question is to the Minister for Education. I refer to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: could the minister inform the house of how the Brumby government has marked Education Week?

Ms PIKE (Minister for Education) — I thank the member for Clayton for his question. Education Week is a fantastic time when schools, kindergartens and other early childhood services can showcase their achievements to their local communities and when we as a broader Victorian community can turn our attention to the significance and importance of education, because it is the most important task that we perform as a community — to make sure that every child right across our state has every opportunity to thrive and learn and grow and shine. This year's Education Week provided many opportunities not only for us to make some fantastic announcements about new initiatives but also for schools themselves to showcase their activities to their broader communities.

I was very pleased to kick off Education Week this year with the announcement that Victoria's two new, coeducational, select-entry schools for high-achieving students will honour the work of two of the state's leading scientists by allowing them to lend their names to those schools. Those two leading scientists are Sir Gustav Nossal and Professor Suzanne Cory. Both of these very eminent scientists have not only held leadership positions within the Walter and Eliza Hall Institute of Medical Research and other medical research institutes but are fantastic role models for young people in our community. It is fitting that they have lent their names to these new schools.

The 2009–10 state budget provided $24 million for stage 2 of these two schools, and this is in addition to the $19 million for stage 1 that was provided in the

2008–09 budget. Having these two select-entry schools in key growth corridors — one in the Wyndham Vale area and one in the Berwick area — will ensure that we can continue to offer the best schooling options for high-achieving academic students from a much broader range of suburbs and will complement the wonderful work that is done in our two existing select-entry schools, Melbourne High School and MacRobertson Girls High School. Nossal High School will open in Berwick in term 1 of next year, and Cory High School will open in Werribee in 2011, and both of these schools will have the capacity to take an initial enrolment of 200 students in year 9 and will also have special places for highly able students from disadvantaged backgrounds.

I am also pleased to inform the house that former Mount Erin Secondary College principal, Roger Page, has been named as the first principal for Nossal High School, and he has been instrumental in developing the school. The first round of applications is in, and I must say that there is huge interest in these schools. I think they provide marvellous opportunities for young people in those communities.

As part of Education Week I also visited the Royal Children's Hospital. I was very pleased to announce the delivery of 41 new high-tech mini netbook computers to young people at the Royal Children's Hospital who are receiving treatment there. It is important when young people are sick that they still have the opportunity to continue their education, to stay connected with their peers and to stay connected with their teachers. The work of the education institute at the Royal Children's Hospital has been marvellous over many years, and I was pleased the government was able to make a contribution to that work and to provide the netbook computers, which adds to the huge rollout that we are providing as part of our netbook trial in 340 schools right around the state.

Whether it is for high-achieving students who want that extra opportunity to shine through our select-entry school program, or whether it is for very needy students who are sick and in the Royal Children's Hospital, we are absolutely committed to providing a first-class education system for all our young people here in Victoria. Education Week was a great chance and opportunity to really showcase that commitment.

Minister for Planning: conduct

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer the Premier to a June 2005 letter and enclosures from the Sunshine Residents and Ratepayers Association to the now Minister for Planning, which state:

> We have lodged formal complaints regarding Mr Hakki Suleyman's aggressive behaviour ... Mr Hakki Suleyman continues to attend Brimbank council meetings where he has on a previous occasion intimidated a local female resident for no apparent reason.

Further:

> Even more disappointing is the news that Mr Hakki Suleyman is a state government representative and employee who regularly attends council meetings in that capacity with other similarly employed colleagues.

I ask: given that the Minister for Planning has known all along that his staff were intimidating and bullying rather than assisting local residents, is not the Premier's failure to sack the minister nothing less than an endorsement of this appalling conduct?

Mr BRUMBY (Premier) — As I indicated to the previous question from the Leader of the Opposition, the minister has lost confidence in his staff person and stood him down.

Melbourne Convention Centre: benefits

Mr DONNELLAN (Narre Warren North) — My question is for the Minister for Tourism and Major Events.

Honourable members interjecting.

The SPEAKER — Order! The member for Narre Warren North has been given the call and will be shown the respect due to any member.

Mr DONNELLAN — I refer to the government's commitment to making Victoria the best place to live, work, invest and raise a family, and I ask: can the minister outline to the house what action the Brumby government is taking to ensure that Victoria continues to receive maximum economic benefits from the business events sector?

Mr K. Smith interjected.

The SPEAKER — Order! Before calling the minister I suggest to the member for Bass that if he has a question he should stand in his place at the appropriate time; otherwise, he may choose to leave question time.

Mr HOLDING (Minister for Tourism and Major Events) — I thank the member for Narre Warren North for his question because, like all members on this side of the chamber, he understands the importance of the business events tourism sector to our economy and he

understands the importance of the government's investment in securing further business events tourism revenue for the Victorian economy. That is why I was pleased to join the Premier and thousands of other Victorians on Sunday at the first public open day for the Melbourne Convention Centre. This is a fantastic investment — a $370 million investment — in securing Melbourne's reputation not only as the tourism and events capital of Australia but particularly as the business events capital of Australia.

This investment in the new Melbourne Convention Centre — it will commence when its first convention is held in July — is a great boost for Victoria's tourism industry. It is a great boost because it will provide us with the largest and most comprehensive business convention and exhibition space anywhere in Australia. It is a great boost because it will provide a 5000-seat plenary hall — the largest and most impressive plenary hall anywhere in Australia. It will also provide a 1500-seat grand banquet hall, which will be a fantastic boost not only for our business events sector but also for our economy more generally.

The centre is also an investment in environmental sustainability, because it is rated environmentally as 6-green-star facility. It is the first such environmentally rated facility anywhere in Australia and the first convention centre anywhere in the world to receive a 6-star or equivalent environmental rating. Not only will the centre provide a great boost to the Victorian economy, not only will it provide a great boost to our tourism sector but it will also greatly boost our reputation for environmental sustainability, which is why the centre will quickly pass into Victorian parlance as Brumby's Barn. It is a great investment in the future of our tourism industry.

Some people have suggested that the government should have built the convention centre first and then gone out and secured the international events — the conventions, the seminars and the meetings — that will fill it. None other than the shadow Minister for Tourism and Major Events made that ludicrous suggestion. I am very pleased that the government rejected that advice and has been securing conventions, meetings, business seminars and exhibitions for this important space. In fact in July the very first convention will take place in the new centre. The international geomorphology convention will attract thousands of visitors to Victoria.

In 2013 Victoria will play host to the 22nd World Diabetes Congress, which will bring 12 000 visitors to our state and to our city. It will give a fantastic boost to our local economy, and along with the many other conventions and major events that will also take place there, such as the Parliament of the World's Religions, the centre will continue to boost Victoria's tourism sector.

We know this is an important sector for our economy because international business events visitors to our state spend five times more than other international visitors. When they come they generate jobs. Their spending flows to the economy through their activities here and through their patronage of our hotels and restaurants. Their presence here drives spending in our retail sector. Not only have more than 1500 jobs been generated in the construction phase of this convention centre, but over the next two decades it will generate 2500 additional jobs in the Victorian economy. That is great news for the Victorian tourism industry, great news for Melbourne and great news for Australia's reputation globally as a great centre for hosting major international conventions.

FAIR WORK (COMMONWEALTH POWERS) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill for an act to refer certain matters to the commonwealth regarding workplace relations, to repeal the Commonwealth Powers (Industrial Relations) Act 1996 and the Victorian Workers' Wages Protection Act 2007, to amend the Long Service Leave Act 1992, the Public Sector Employment (Award Entitlements) Act 2006, the Outworkers (Improved Protection) Act 2003, the Public Holidays Act 1993, the Occupational Health and Safety Act 2004, the Public Administration Act 2004 and the Parliamentary Administration Act 2005 and for other purposes.

Read first time.

Statement of compatibility

Mr HULLS (Attorney-General) 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 (charter), I make this statement of compatibility with respect to the Fair Work (Commonwealth Powers) Bill.
>
> In my opinion, the Fair Work (Commonwealth Powers) Bill (the bill), as introduced to the Legislative Assembly, is compatible with human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

1. Overview of the bill

The central purpose of the bill is to refer certain matters relating to industrial relations to the commonwealth Parliament for the purposes of s 51(xxxvii) of the Australian constitution and to repeal the Commonwealth Powers (Industrial Relations) Act 1996.

The bill refers to the commonwealth Parliament matters relating to workplace relations to the extent set out in division 2A of the Fair Work (State Referral of Powers and Consequential Amendments of Other Legislation) Bill 2009 (cth) (the tabled text) which forms schedule 1 to the bill. The tabled text will give effect to Victoria's referral of workplace relations matters relating to the creation of a national workplace relations system based on the Fair Work Act 2009 (cth) (commonwealth Fair Work Act).

Because the bill refers legislative power to the commonwealth Parliament in relation to the text of the commonwealth Fair Work Act this statement of compatibility assesses both the provisions of the bill and the provisions of the referral.

The commonwealth Fair Work Act was passed on 20 March 2009 and is expected to take effect on 1 July 2009, replacing almost all of the Workplace Relations Act 1996 (cth) (WR act) in line with the commonwealth government's *Forward with Fairness* election commitment. The commonwealth Fair Work Act will regulate 'national system employers', which includes all trading and financial corporations who employ persons, employers in the territories, trade and commerce employers, and employers in those states that have referred power to the commonwealth.

The bill will permit the commonwealth Parliament to extend the application of the commonwealth Fair Work Act to apply to Victorian employers and employees it would not otherwise cover — principally unincorporated businesses but potentially also state public sector agencies (Victorian excluded employers and employees) — subject to the exclusions and limitations set out in clause 5 of the bill which relate to the public sector and law enforcement officers.

The Fair Work (Transitional Provisions and Consequential Amendments) Bill 2009 (cth) (commonwealth Fair Work Transitional Bill), introduced on 19 March 2009, will deal with the transition from the current federal system to the new one; provide for the repeal of the WR act; and outline what happens to awards and agreements made under the WR act.

An interim bilateral intergovernmental agreement for a national workplace relations system (IGA) between Victoria and the commonwealth accompanies this bill. The IGA outlines arrangements for Victoria's participation in the national workplace relations system and specifies consultation arrangements, including that the commonwealth will consult Victoria on proposals to amend and draft amendments to the Fair Work laws and the commonwealth will give genuine consideration to Victoria's proposals to amend the legislation. The IGA will commence on 1 July 2009. It allows Victoria to properly scrutinise future proposals and amendments to the Fair Work laws which relevantly enables Victoria to assess the continued compatibility of the Fair Work laws with the charter.

Overview of the commonwealth Fair Work Act

The commonwealth Fair Work Act establishes a new framework for workplace relations, providing for terms and conditions of employment; setting out the rights and responsibilities in relation to employment; and providing for compliance with and the administration of the commonwealth Fair Work Act.

Chapter 2 provides for terms and conditions of employment. This includes a new safety net consisting of the national employment standards (NES) providing for minimum employment conditions which must be reflected in employment contracts, agreements and policies (part 2-2); a system of simplified modern awards (part 2-3); provision for the making of enterprise agreements (single-enterprise and multi-enterprise) subject to new obligations to bargain in good faith and a test that requires each employee to be better off overall than they would be under an applicable award (part 2-4); and new transfer of business rules on the extent to which employees retain entitlements when transferring from one employer to another (part 2-8).

Chapter 3 sets out the rights and responsibilities of employees, employers and organisations in relation to that employment. It includes a new set of general workplace protections protecting workplace rights; freedom of association and involvement in lawful industrial activities; and protection from discrimination (part 3-1). It also includes broader access to unfair dismissal complaints, with employees excluded only if dismissed during a qualifying period of service, if they earn over an income threshold and are not covered by an award or agreement (part 3-2); and a broader right for unions to enter workplaces even when not a party to an enterprise agreement (part 3-4).

Chapter 4 provides for compliance with and enforcement of the act, providing for civil remedies in relation to civil remedy provisions in the act (part 4-1) and the jurisdiction and powers of the courts in relation to matters under the act (part 4-2).

Chapter 5 provides for the administration of the commonwealth Fair Work Act by establishing: a body called Fair Work Australia (FWA) to replace existing tribunals and agencies and to have the power to vary awards, make minimum wage orders, approve enterprise agreements, determine unfair dismissal claims and make orders in relation to good faith bargaining (part 5-1); and the Office of the Fair Work Ombudsman.

The object of the commonwealth Fair Work Act, set out in clause 3, is 'to provide a balanced framework for cooperative and productive workplace relations that promotes national economic prosperity and social inclusion for all Australians' by:

'(a) providing workplace relations laws that are fair to working Australians, are flexible for businesses, promote productivity and economic growth for Australia's future economic prosperity and take into account Australia's international labour obligations; and

(b) ensuring a guaranteed safety net of fair, relevant and enforceable minimum terms and conditions

through the national employment standards, modern awards and national minimum wage orders; and

(c) ensuring that the guaranteed safety net of fair, relevant and enforceable minimum wages and conditions can no longer be undermined by the making of statutory individual employment agreements of any kind given that such agreements can never be part of a fair workplace relations system; and

(d) assisting employees to balance their work and family responsibilities by providing for flexible working arrangements; and

(e) enabling fairness and representation at work and the prevention of discrimination by recognising the right to freedom of association and the right to be represented, protecting against unfair treatment and discrimination, providing accessible and effective procedures to resolve grievances and disputes and providing effective compliance mechanisms; and

(f) achieving productivity and fairness through an emphasis on enterprise-level collective bargaining underpinned by simple good faith bargaining obligations and clear rules governing industrial action.'

2. Human rights issues

The entirety of the bill, including the text of the commonwealth Fair Work Act that is referred by the bill, is assessed against the charter below. Relevant human rights are those contained in ss 8, 13, 15, 16, 24 and 25 of the charter.

2.1 Exclusions from the referral

Clause 5 of the bill excludes certain matters from the reference. In relation to law enforcement officers clause 5(2) excludes matters relating to the number, identity, appointment, terms and conditions of appointment such as probation, transfer from place to place or position to position, physical or mental fitness, uniform, equipment, discipline or termination of employment of law enforcement officers, other than matters pertaining to the payment of allowances, reimbursement of expenses, notice of termination of employment and payment in lieu of notice of termination of employment, and other than to the extent that the additional provisions relating to termination of employment in part 6-4 of the commonwealth Fair Work Act deal with the matters. Law enforcement officers include police, police reservists, police recruits and protective service officers (clause 3). Among the reasons for the exclusions are that they safeguard the integrity of the jurisdiction of the Police Appeals Board under the Police Regulation Act 1958 in respect of discipline, performance, promotion and transfer matters.

Section 16(2) — freedom of association

One relevant concern expressed in the course of consultation is that this exclusion limits, for law enforcement officers, the application of the commonwealth Fair Work Act freedom of association protections. Chapter 3 of the commonwealth Fair Work Act provides general workplace protections. Specifically, division 4 of part 3-1 protects freedom of association and involvement in lawful industrial activities, by prohibiting a person taking adverse action against another person because a person has engaged in industrial activity. The meaning of 'engages in industrial activity' is defined very broadly to include such matters as: being a member of a union; representing the views of a union; seeking to be represented by a union; and taking part in industrial action. It extends to involvement in any industrial association. 'Adverse action' is broadly defined to include not just dismissal but any action which discriminates between the employee and other employees of the employer. It also extends to include any threat to take any action, meaning that threatened dismissal could amount to adverse action. Accordingly, the provisions promote the right to freedom of association as it is protected in s 16(2) of the charter.

Because most claims by law enforcement officers of adverse action taken because of industrial activity would likely relate to promotion, transfer, discipline or termination of employment, all which are excluded matters, they do not receive the same benefit of the provisions as those to whom the commonwealth Fair Work Act does apply. The exclusion from the application of division 4 of part 3-1 of the commonwealth Fair Work Act potentially engages the right to freedom of association in s 16(2) of the charter.

Section 16(2) of the charter provides that 'every person has the right to freedom of association with others, including the right to form and join trade unions'. It is my view that clause 5 of the bill is compatible with s 16(2) because law enforcement officers, like other Victorian workers, have the protection of the Equal Opportunity Act 1995 (Vic) (EO act), which prohibits discrimination on the basis of industrial activity (s 6(c)). The definition of industrial activity in the EO act is broad and includes such things as being or not being a member of an industrial organisation or association; participating or not participating in a lawful activity organised by an industrial organisation; and representing or advancing the views, claims or interests of members of an industrial organisation (s 4).

Section 8 of the charter also protects against discrimination on the basis of an attribute in the EO act, protecting the rights of persons in Victoria to enjoy their human rights without discrimination on the basis of industrial activity (s 8(2)) and to be entitled to equal protection of the law without discrimination on the basis of industrial activity (s 8(3)).

Accordingly, the exclusions from the referral specified in the bill are consistent with the human rights in the charter, because the freedom of association rights of law enforcement officers are protected in Victorian legislation.

2.2 Referred text — commonwealth Fair Work Act

2.2.1 Requests for flexible working arrangements

Clause 65 provides that employees, who have responsibility for the care of a child under school age; or care of a disabled child younger than 18 years, have the right to request flexible working arrangements. I have considered this clause in light of the equality right in s 8(3) of the charter.

Right to recognition and equality before the law (s 8)

Section 8 of the charter establishes a series of equality rights. The right of every person to equality before the law and to equal protection of the law without discrimination in s 8(3) means that the content of legislation should not be discriminatory. Discrimination is defined in the charter to

mean discrimination within the meaning of the EO act on the basis of an attribute set out in s 6 of that act.

It is arguable that, because the entitlement to request flexible working arrangements is not available to an employee who does not have children, the provision gives rise to a distinction on the grounds of parental status (defined in s 4 of the EO act as being or not being a parent). It is also arguable that the provision distinguishes between different kinds of carers, given the broad definition of carer in the EO act, in that the entitlement is not available to employees with other dependants, such as a dependent spouse or parent. The clause also uses the age of an employee's young and dependent children as a criterion for determining whether the employee is entitled to request part-time and flexible hours, which is a distinction on the attribute of age (s 6(a)) and means that persons caring for their adult disabled offspring are not included.

Nonetheless, in my view these distinctions do not amount to less favourable treatment of those groups within the meaning of discrimination in the EO act and the charter. Clause 65 is a remedial measure designed to assist parents of young and dependent children by offering them expanded flexible working opportunities. The charter specifically contemplates such remedial measures in s 8(4), by providing that measures taken for the purposes of assisting persons disadvantaged because of discrimination do not constitute discrimination. I note that employees who are not eligible for the entitlement under clause 65 of the commonwealth Fair Work Act are not prevented from requesting flexible working arrangements. Furthermore, clause 66 ensures that the commonwealth Fair Work Act does not apply to the exclusion of a state or territory law that provides 'more beneficial' entitlements in relation to flexible working arrangements. The explanatory memorandum to this clause used the Victorian EO act as an example.

The EO act provides that an employer must not, in relation to the work arrangements of a person offered employment or an employee, unreasonably refuse to accommodate that person's responsibilities as a parent or carer (s 13A and 14A). This applies to the work arrangements of contract workers (s 15A) and partners in firms (s 31A). Accordingly, this clause is compatible with s 8 of the charter.

2.2.2 General protection from adverse action

Clause 351 (part 3-1, division 5) sets out protections for employees or prospective employees from adverse action on discriminatory grounds. Adverse action includes, for example, dismissing or injuring an employee. The discriminatory grounds are listed as a 'person's race, colour, sex, sexual preference, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction or social origin'.

One issue to address is the exceptions to discrimination in clause 351(2). In particular, clause 351(2)(a) provides that the protection for employees or prospective employees against workplace discrimination does not apply to action that is lawful under existing antidiscrimination law, including the EO act. The clause also includes other exceptions, which are similar to exceptions found in the EO act relating to the inherent requirements of the job and to religious institutions.

In my view, to be compatible with the equality right in the charter, these exceptions need to be reasonable and demonstrably justified. Historically, the exceptions in the EO act were considered by Parliament to provide a reasonable balance between competing rights and to serve an important purpose of providing employers and others with certainty about their obligations in the area of discrimination law. However, it is over 30 years since the EO act was first adopted in 1977 and social standards and practices have changed during that time. The government is currently working on updating and modernising the EO act, in response to the report by Julian Gardner, *An Equality Act for a Fairer Victoria*. Further public consultation is being undertaken by the parliamentary Scrutiny of Acts and Regulations Committee (SARC), to determine whether there should be any amendments to the exceptions and exemptions. Bearing in mind those reviews and that some deference should ultimately be given to Parliament to choose when to update equal opportunities laws in accordance with community expectations, I do not consider that clause 351 is incompatible with the charter.

2.2.3 Enterprise agreements and collective bargaining

The commonwealth Fair Work Act regulates collective bargaining at the enterprise level through its framework for voluntary collective bargaining in good faith, and allows employers to conclude collective agreements with employees and employee organisations.

Chapter 2 of the commonwealth Fair Work Act ensures that certain minimum entitlements are guaranteed by the national employment standards (NES) and modern awards, and that anything in addition is obtained through the bargaining process in relation to enterprise agreements. The NES provide a safety net of terms and conditions for national system employees and also provide a benchmark for bargaining and underpin enterprise agreements. Modern awards also provide a safety net of terms and conditions and a benchmark for collective bargaining for award-covered employees.

The NES, modern awards and enterprise agreements give rise to rights and obligations of employers and employees, and in some cases organisations and outworker entities, which can be enforced under part 4-1 of the act (civil remedies).

Pursuant to part 2-4 employers and employees can make a collective enterprise agreement about 'permitted matters' pertaining to the relationship between an employer and its employees, the employer and employee organisation, deductions from wages and how the agreement operates (clause 172). The content of agreements is subject to approval by FWA (part 2-4, division 4, subdivision B). FWA has a role to facilitate good faith bargaining and agreement making by making bargaining orders, dealing with disputes where bargaining representatives require assistance, and ensuring approval applications are dealt with without delay (part 2-4, division 8).

Two types of agreement can be made: single-enterprise agreements and multi-enterprise agreements. However, while the act does provide for the making of multi-enterprise agreements, they are subject to special certification arrangements (clause 186) and industrial action in furtherance of their negotiations is prohibited (part 3-3). With its emphasis on bargaining for single businesses at the single enterprise level — being the level of the relevant business, activity, project or undertaking — there is an argument that the ability of persons to collectively bargain at other levels is limited — such as at the multi-enterprise level or industry

level — which potentially engages the right to freedom of association in s 16(2) of the charter.

Section 16(2) — right to freedom of association — scope of the right

Section 16(2) of the charter provides that 'every person has the right to freedom of association with others, including the right to form and join trade unions'. In the context of workplace relations, the right protects the freedom of persons to join, or not join, associations or organisations for the purpose of acting collectively in the common pursuit of member interests. There have been no Victorian cases on the scope of the right to freedom of association in s 16(2) of the charter. In understanding how the bill engages this right, it is therefore helpful to examine how the right has been interpreted by the United Nations Human Rights Committee and by comparable jurisdictions, in Europe and Canada.

Section 16(2) is modelled on the right to freedom of association in article 22 of the International Covenant on Civil and Political Rights (ICCPR). The right to freedom of association is also protected in other international conventions, along with other economic and social rights connected to the principle of freedom of association, specifically in article 8 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the conventions of the International Labour Organisation (ILO) convention no. 87: 'Freedom of Association and Protection of the Right to Organise' and convention no. 98: 'Right to Organise and Collective Bargaining'.

The United Nations human rights committee in *JB v. Canada* 118/1982 (18 July 1986) considered a communication which alleged that a prohibition on the right to strike for public service employees in the province of Alberta constituted a breach by Canada of article 22 of the ICCPR. Canada was of the view that because no mention of the right to strike is made in article 22, that 'this silence is of import, especially in light of article 8(1)(d) of the ICESCR which does recognise the right to strike' and that the basic requirements of article 22 are to permit trade union action aimed at protecting the occupational interests of trade union members. The author of the communication objected, arguing that the interpretation of article 22 should take into consideration other international instruments including ILO convention no. 87, which he contended was an elaboration of principles of freedom of association in international law.

Relevantly, the majority of the human rights committee agreed with the state party and considered at [6.2] that 'each international treaty, including the ICCPR has a life of its own and must be interpreted in a fair and just manner, if so provided, by the body entrusted with the monitoring of its provisions'. Having regard to the drafting history of article 22 and a comparative analysis of the ICESCR which expressly recognises the right to strike, the committee decided that article 22 of the ICCPR was not intended to guarantee the right to strike.

The question of the scope of 'the right to form and join trade unions' (found in s 16(2)) has also come before the courts in respect of comparable rights protections in Canada and Europe, particularly whether it protects a right to collective bargaining — a right of employers and their organisations on the one hand and employee organisations on the other to conclude collective agreements. The European Court of Human Rights had previously interpreted the right (article 11 of the European Convention on Human Rights) as protecting rights that are indispensable for the effective enjoyment of trade union freedom, such as a right for a trade union to be heard by an employer. This approach left each state a free choice of the means to be used towards this end; collective agreements were one means, but there were others (*Swedish Engine Drivers' Union v. Sweden* (1976) 1 EHRR 617). In 2008, the court reconsidered this authority and decided that in light of the protections in European and international labour law, the right to bargain collectively with an employer had become one of the essential elements of the 'right to join trade unions for the protection of [one's] interests' (*Demir and Baykara v. Turkey* Grand Chamber judgement of 12 November 2008). Accordingly, article 11 of the European convention requires that parties are free to enter into collective agreements. However, although the right to strike is an important element for ensuring unions are heard, it is not specifically protected by article 11 (see *Schmidt and Dahlstrom v. Sweden* (1976) 1 EHRR 632 at [36]).

The Canadian Supreme Court also recently held that in the context of trade unions, the right to freedom of association in s 2(d) of the Canadian charter includes a procedural right to collective bargaining. In doing so, the Canadian Supreme Court overturned previous decisions on the scope of freedom of association. Firstly, the Supreme Court explained that the right to collective bargaining is a right to a process and does not guarantee a certain outcome. Secondly, 'the right is to a general process of collective bargaining, not to a particular model of labour relations, nor to a specific bargaining method'. Finally, government action will only limit the right where it amounts to a 'substantial interference' in a matter that is important to the process of collective bargaining and is in violation of the duty of good faith negotiation (*Health Services and Support Facilities Subsector Bargaining Association v. British Columbia* [2007] 2 SCR 391). This decision did not concern the right to strike, and thereby did not overturn previous decisions in Canada that strike activity is not protected by the right to freedom of association in s 2(d) of the Canadian charter.

The right to freedom of association has received little judicial attention in New Zealand. However, in *Eketone v. Alliance Textiles (NZ) Ltd* [1993] 2 ERNZ 783, 796 (CA), Gault J observed that 'the rights to elect and pursue collective bargaining arise out of, but generally are not regarded as elements of, the freedom of association'.

In relation to the charter, the right to freedom of association in s 16(2) includes the right to form and join a trade union. This right requires the government to permit or make possible trade union action aimed at protecting the interests of trade union members.

Taking into account the jurisprudence of the human rights committee and comparative jurisdictions, the right does not extend to a right to strike, although I have noted the evolution of case law in jurisdictions such as Canada and Europe, where the right has been found to protect a process of collective bargaining. It is my view that the Fair Work Act clearly enables trade unions to strive for the protection of their members' interests in accordance with s 16(2) of the charter.

The emphasis on a flexible framework of single-enterprise collective bargaining and the ability to take protected industrial action during the bargaining period protects the involvement of trade unions in collective bargaining and preserves a process of voluntary good faith negotiation in a

way that promotes the right to freedom of association. In my view, the emphasis on single-enterprise level agreements over other types of agreements such as multi-enterprise or industry level does not interfere with the right in s 16(2). I address further aspects of the commonwealth Fair Work Act in light of this reasoning below.

2.2.4 Industrial action

Pursuant to part 3-3, employees in the single-interest bargaining stream have the right to take protected industrial action during the bargaining period where they are genuinely trying to make agreements at the enterprise level and certain requirements are met.

Pattern bargaining

Pattern bargaining — an industry-wide negotiating strategy defined in clause 412 of the act — is prohibited and a court injunction can restrain any industrial action in support of pattern bargaining (clauses 409(4) and 422). This restriction is directly related to its important purpose of preventing industrial unrest and the object of the act to achieve productivity and fairness through the support of enterprise-level collective bargaining.

Even in those jurisdictions that specifically protect a right to collective bargaining, there is no requirement for a particular model of labour relations, or to a specific bargaining method. Given the objects of the act, the restrictions on pattern bargaining and industrial action related to it do not, in my view, interfere with the right in s 16(2).

Protected action ballot

Part 3-3 contains multiple requirements to be satisfied if industrial action is to be 'protected' under the act. To qualify as 'protected', industrial action must occur during bargaining and be authorised in advance by a protected action ballot (part 3-3, division 8).

The purpose of the ballot is to ensure that parties focus on agreement making before engaging in industrial action, by requiring FWA to issue a protected action ballot order before protected action can take place. The object of this employee authorisation is to ensure there is a fair, simple and democratic process in which a bargaining representative determines whether employees wish to engage in a particular industrial action for a proposed enterprise agreement. This process does not limit the right to freedom of association or the right to form and join trade unions in s 16(2).

Strike action

In relation to strike action, where the protected industrial action involves a complete withdrawal of labour, employers will withhold pay for the actual period of industrial action taken (clause 470). Where the action involves partial work bans, employers can either accept partial performance and continue to pay in full; lock out the employees; refuse to accept partial performance and stand down the employees until they fully perform their duties; or issue a partial work notice and pay according to the work performed (clause 471-3). As outlined in the scope of s 16(2) above, the right does not protect a right to strike and accordingly none of these provisions require assessment as they do not engage or limit s 16.

Protection from discrimination on the basis of industrial activities

Division 4 of part 3-1 (industrial activities) of the commonwealth Fair Work Act provides that a person (for example, the employer) must not take 'adverse action' (such as dismissal, prejudice, discrimination or refusal to employ) against another person (for example, the employee) on the basis of a person's membership or non-membership of an industrial association or the participation of that person in industrial activity (broadly defined in clause 347). This division promotes the right to freedom of association and to form and join trade unions in s 16(2) as well as the right to effective protections against discrimination in s 8(3) of the charter.

Right to freedom of expression (s 15)

Insofar as the right to freedom of expression is relevant to industrial action because of its protection of the right to communicate opinions, the industrial action provisions do not limit s 15 of the charter because s 15(3) of the charter provides that the right may be subject to lawful restrictions reasonably necessary for, among other things, the protection of public order. Any restrictions on freedom of expression through the clear regulation of industrial action in part 3-3 are reasonably necessary and rationally connected to the goal of the commonwealth Fair Work Act to provide a balanced framework for cooperative and productive workplace relations.

2.2.5 Right of entry

Right to privacy (s 13) and freedom of association (s 16(2))

Part 3-4 of the commonwealth Fair Work Act confers rights on officials of organisations to enter premises and exercise certain powers on those premises, for the purpose of investigating suspected contraventions of the act or to hold discussions with members and potential members of the organisation while on the premises.

Clause 482 relevantly provides the rights that a permit-holder can exercise while on the premises to investigate a suspected contravention. These include the rights to inspect work, processes or objects relevant to the suspected breach or interview any person and require copies of any relevant record or document on the premises or accessible from the premises. Clause 483 allows the permit-holder to issue a notice requiring the production of records or documents at a later date.

Section 13 of the charter provides that a person has the right not to have his or her privacy, home or correspondence unlawfully or arbitrarily interfered with. To the extent these investigative powers are an interference with the privacy of the employer or persons in the workplace, s 13 is not limited as the interferences are neither 'unlawful' nor 'arbitrary' because:

> they are reasonable as they fulfil a legislative purpose of fundamental importance of ensuring compliance under the act;
>
> the permit-holder holds the burden of proving the suspicion of a contravention is reasonable (clause 481(3));

the exercise of entry rights is proportionate to the purpose, in that they must be relevant to the investigation of a suspected contravention (the explanatory memorandum gives the following example: if the breach being investigated concerned an allegation that an employee had their overtime cut for having made a complaint to the Fair Work ombudsman, the permit-holder could only inspect and copy overtime records of relevant employees, but could not inspect or copy, for example, records of employees' superannuation or managerial employees' salaries);

persons may only be interviewed if they agree or are represented by the permit-holder (clause 481(1)(b));

The permit-holder may only gain entry to member records or documents and is required to apply to FWA if it is to have access to non-member records (clauses 481(1)(c) and 483AA);

the use, disclosure and storage of the information is regulated by the Privacy Act 1988 (clause 482(1));

the unauthorised use or disclosure of personal information is prohibited (clause 504); and

the entry rights promote the right to freedom of association in s 16(2) by allowing a union to investigate the industrial interests of its members.

Part 3-4 protects and promotes the right to freedom of association in s 16(2) of the charter insofar as it sets out the circumstances in which a permit-holder may enter premises to hold discussions with persons at a workplace who are either represented by the permit-holder or wish to take part in those discussions (clause 484). It also promotes the right to peaceful assembly in s 16(1) in allowing for the protection of assembly as a means of communicating information to members.

Clause 490 limits discussions to working hours (clause 490(1)) during unpaid work time, such as mealtimes or other break periods, such as before or after an employee's shift (clause 490(2)). This appropriately balances the legitimate interest of occupiers of premises and employers to go about their business without undue inconvenience with the right to join a union in s 16(2) and the extension of this right which is for the union to act in the best interests of its members and hold discussions with its members for that purpose.

2.2.6 Compliance powers of inspectors of the Office of the Fair Work Ombudsman

Right to privacy (s 13), right to a fair hearing (s 24(1)), right against self-incrimination (s 25(2)(k))

The Office of the Fair Work Ombudsman has the object of promoting harmonious and cooperative workplace relations and compliance with the commonwealth Fair Work Act and regulations and Fair Work instruments (including modern awards, enterprise agreements and orders of FWA such as minimum wage orders). Relevantly, the provisions grant inspectors the power to enter premises, interview persons, take samples of any goods or substances and inspect and make copies of documents in order to determine whether the act is being complied with (clauses 708 and 709). Inspectors are also granted the power to issue a notice to require the production of records or documents (clause 712) and the power to retain records or documents where necessary (clause 714).

These compliance powers do not limit the right to privacy in s 13 of the charter (as described above). Any interference is neither unlawful nor arbitrary, because the compliance powers are reasonably circumscribed only to be exercised for a declared compliance purpose, and only if the inspector reasonably believes that a person has contravened the terms of the act or instruments made under the act (clause 706). Although information acquired by inspectors, assistants, staff and consultants of the Fair Work ombudsman can be disclosed in certain circumstances for law enforcement purposes or in line with necessary or appropriate functions of the ombudsman (clause 718), the explanatory memorandum explains that this operates in conjunction with the protections of the Privacy Act 1988 (cth).

Relevantly, clause 713 provides that a person is not excused from producing a record or document on the ground that it might tend to incriminate the person or expose them to a penalty. However the information which is obtained by the inspector is inadmissible against the person in criminal proceedings (clause 713(2)). This use immunity ensures that there is no limit on the person's right to a fair hearing in s 24(1) of the charter, pursuant to which a person charged with a criminal offence has the right to have the charge decided after a fair hearing. This provision arguably does not engage the specific protection against self-incrimination in section 25(2)(k) of the charter, as this right relates to incriminating statements rather than real evidence, such as the compulsory production of records and documents.

2.2.7 Fair Work Australia — dispute settlement

Division 9 of part 5-1 sets out offences relating to FWA which draw on forms of the common law contempt of court. Clause 674(1) provides that it is an offence for a person to engage in conduct that insults or disturbs an FWA member, in the performance of their functions, or exercise of their powers, as an FWA member. An FWA member means the president, a deputy president, a commissioner or a minimum wage panel member.

Freedom of expression (s 15)

These provisions potentially engage the right to freedom of expression in s 15 of the charter, which has been interpreted in some jurisdictions to include a right to offend, shock or disturb, so long as it does not provoke violence. The definition of expression also includes false, misleading and dishonest communications. However, the right also provides that special duties and responsibilities are attached to the right of freedom of expression and that it can be subject to lawful restrictions reasonably necessary to respect the rights and reputation of other persons, or for the protection of public order. These provisions are reasonably necessary for the protection of public order under s 15(3) of the charter. They are lawful and, with the objective of ensuring the proper administration of procedure, justice and order in proceedings before Fair Work members, are reasonably necessary to achieve the purpose of maintaining public order in that setting, ensuring that disputes are resolved peacefully and efficiently.

3. Conclusion

I consider that the bill is compatible with the charter because to the extent that some provisions may limit human rights, those limitations are reasonable and demonstrably justified in a free and democratic society.

Rob Hulls, MP
Minister for Industrial Relations

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

When this government was first elected in 1999, we gave a commitment to do what was necessary to ensure that all Victorians have the benefit and protection of federal workplace relations laws that are fair and balanced. The Fair Work (Commonwealth Powers) Bill 2009 fulfils that promise.

The bill before the house today will make a new referral of industrial relations powers to the commonwealth, replacing the referral made in 1996. This will mean that all Victorian workplaces, as well as all Victorian workers, with some exceptions, will have the benefit of the federal Fair Work Act 2009.

Why is a new referral necessary?

The present referral of industrial relations powers made by the former Kennett government in 1996 took place under very different circumstances. The federal legislation at that time was based primarily on the constitutional conciliation and arbitration power. The Fair Work Act, like the WorkChoices legislation it replaces, is based on the corporations power.

Were this Parliament not to make this referral, then only workplaces where the employer is a constitutional corporation could be assured of proper coverage by the new federal laws. Employers that are not constitutional corporations are primarily small businesses, partnerships, non-trading community and public sector organisations and the Victorian public service. Their employees represent around 30 per cent of the workforce. The bill will ensure that all businesses and their employees are treated equally.

If a new referral is not made, then from 1 July this year employers that are not constitutional corporations and their employees could not make enterprise agreements, including provisions about the relationship between the employer and employees' unions, and many of the new protections from discriminatory treatment would not apply.

From 1 January 2010 the new federal award system and some of the national employment standards would not apply.

Eventually, employees of employers that are not constitutional corporations would have no award safety net and no minimum wage protections.

Given that the commonwealth will have to finalise arrangements with other states in regard to their referrals, there may be a requirement for some refinement of Victoria's referral.

Who is not covered by the referral?

Whilst the new referral will result in almost all Victorian workers having the protection of the federal laws, it is important to note that some exemptions are made. These exemptions are similar to those that have operated since the Kennett government made the first referral of industrial relations powers in 1996. Members of Parliament, the judiciary, members of administrative tribunals, ministerial officers and senior executives in the public sector are all excluded. Persons holding office as parliamentary officers and certain other office-holders are also excluded.

Victoria will not refer certain matters in relation to public sector employees. In particular, the state will not refer matters relating to the number, identity and appointment (but not the terms and conditions of appointment) and redundancy of public sector employees. These matters were excluded from Victoria's previous referral. They relate to matters that the High Court in the *Re AEU* decision held to be essential to the functioning of the states. For this reason, the High Court decided that such matters could not be subject to commonwealth legislation.

Victoria also will not refer matters in relation to transfer of public sector employees and directions given to public sector employees under state laws dealing with essential services and situations of emergency services. These matters were excluded from Victoria's previous referral. This will maintain the integrity of state laws dealing with these matters.

Victoria will not refer certain additional matters in relation to law enforcement officers. Again these matters were excluded from Victoria's previous referral. They are appropriate to maintaining the integrity of state laws governing law enforcement officers.

Consequential amendments

The bill will make a number of amendments to other acts so that they continue to operate according to their original schemes. These are the Outworkers (Improved Protection) Act 2003, the Public Holidays Act 1993, the Occupational Health and Safety Act 2004 and the Long Service Leave Act 1992.

The bill will also repeal the Victorian Workers' Wages Protection Act. We are pleased that the federal government has adopted similar protections in the Fair Work Act. The wage protection provisions in the federal act make the Victorian legislation redundant. Victorian workers will continue to be protected from unauthorised deductions from their pay.

The bill will repeal the unfair dismissal jurisdiction for public sector employees under the Public Administration Act 2004 and parliamentary officers under the Parliamentary Administration Act 2005. This state jurisdiction gave officers and employees of small public sector organisations a place to bring unfair dismissal claims after they lost unfair dismissal rights under the WorkChoices '100 employees or less' exclusion.

Because the Fair Work laws drop this exclusion, the state jurisdiction is no longer needed.

The Public Sector Employment (Award Entitlements) Act 2006 is also to be amended. This act protected public sector employees from losing award entitlements under WorkChoices**.**

This act must be updated so that it can operate properly with the new federal laws. It will be redundant once the new award system applies and individual agreements can no longer be made under the Fair Work laws.

Conclusion

Since WorkChoices, Victorian workers and employers have had to put up with a federal workplace relations regime that is unfair, unbalanced, confusing and does little to contribute to productive workplaces. From 1 July this year all that will change. Australian workplaces will benefit from a simplified award system, balanced unfair dismissal laws, and bargaining laws that focus not on conflict but on facilitating fair agreements that contribute to workplace productivity.

It is in Victoria's interests that the state is a full participant in such a system.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until later this day.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 76, 77, 158, 159 and 206 to 213 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.

LAW REFORM COMMITTEE

Membership

The SPEAKER — Order! I inform the house that today I received advice from Mr Edward O'Donohue, MLC, a member for Eastern Victoria Region, tendering his resignation as a member of the joint investigatory Law Reform Committee.

PETITIONS

Following petitions presented to house:

Mortimer park: facilities

To the Legislative Assembly of Victoria:

The petition of we, as residents of Victoria, draws to the attention of the house the changes to the horse-unloading facilities at Mortimer park which were carried out without consultation and have created unsafe conditions.

The petitioners therefore request that the Legislative Assembly of Victoria ask Parks Victoria to reinstate the safe horse-unloading facility that was in prior operation at Mortimer park.

By Ms LOBATO (Gembrook) (64 signatures).

Gas: Mirboo North supply

To the Legislative Assembly of Victoria:

The petition of the residents of Mirboo North draws to the attention of the house that many small rural towns in Victoria still do not have access to reticulated natural gas. We therefore request that the Legislative Assembly of Victoria take such action as may be necessary to expand the program of state government assistance to the gas industry so that Victorian rural towns of the size of Mirboo North (approximately 1500 people) can be connected to, and receive the benefits of, natural gas.

By Mr RYAN (Gippsland South) (149 signatures).

Police: Red Cliffs

To the Legislative Assembly of Victoria:

This petition of residents of Red Cliffs and surrounding communities in Victoria draws to the attention of the house the need to increase police presence in our district.

The petitioners register their dismay after a weekend of vandalism with damage estimated to be in excess of $60 000 to the local bowling club and private and public property.

The petitioners therefore request that the Legislative Assembly of Victoria take action to increase staff levels at the Red Cliffs police station as a proactive step in ensuring that this criminal activity is not repeated.

By Mr CRISP (Mildura) (16 signatures).

Rail: Mildura line

To the Honourable the Speaker and members of the Legislative Assembly of Victoria:

This petition of the citizens of the region known as Sunraysia, primarily in the state of Victoria but including cross-border citizens of New South Wales centred on the city of Mildura, brings to the attention of the house the many promises to return the Melbourne–Mildura passenger train, without delivery.

The undersigned petitioners therefore ask the Legislative Assembly to bring forward the reinstatement of the said Melbourne–Mildura passenger train, especially in view of:

1. the many undelivered promises;

2. the urgent need to promote public transport in a global warming context;

3. the pressing need to connect remote Mildura to both Melbourne and the national rail network; and

4. the geographic distance now requiring a rapid service (very fast train) to be competitive.

By Mr CRISP (Mildura) (97 signatures).

Planning: Victoria Street, Sandringham

To the Legislative Assembly of Victoria:

The petition of the residents of 47–49 Victoria Street, Sandringham, draws to the attention of the house and also to the Bayside City Council their objection to the proposal to implement amendment C75 to the Bayside planning scheme interwar and postwar heritage controls in relation to 49 Victoria Street, Sandringham.

We object to the proposed amendment for the following reasons:

i. It is inequitable to adopt arbitrary and discriminatory measures that would deprive a property owner of freedom of action with respect to their property other than to comply with relevant building standards and valid regulations.

ii. It is inequitable to adopt arbitrary measures that would have the effect of prejudicing a designated property's market value. This amounts to expropriation of property value without compensation.

iii. A heritage scheme should concern itself only with the preservation of distinct structures of high public interest, not individual private dwellings of little interest to the general public.

iv. The proposed overlay will deprive the owner of the property of a full range of options for moving on as the owner and the property ages. For affected property owners their home is their castle and should not be subject to gratuitous intrusions that devalue a major asset acquired in good faith, without knowledge or forewarnings of these interventions.

In short, the proposed amendment is arbitrary, ill-conceived and deprives the property owner of her rights.

Prayer

The petitioners therefore request that the Brumby government deletes all references to 47–49 Victoria Street, Sandringham, and rejects plans to implement interwar and postwar heritage controls in the Sandringham electorate other than for voluntary listings and council-owned assets.

By Mr THOMPSON (Sandringham) (2 signatures).

Tabled.

Ordered that petition presented by honourable member for Sandringham be considered next day on motion of Mr THOMPSON (Sandringham).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 6

Mr CARLI (Brunswick) presented *Alert Digest* No. 6 of 2009 on:

Appropriation (2009/2010) Bill
Appropriation (Parliament 2009/2010) Bill
Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill
Crimes Amendment (Identity Crime) Bill
Crown Land Acts Amendment (Lease and Licence Terms) Bill
Energy Legislation Amendment (Australian Energy Market Operator) Bill
Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill
Justice Legislation Amendment Bill

Macedonian Orthodox Church (Victoria) Property Trust Bill
State Taxation Acts Amendment Bill
Superannuation Legislation Amendment Bill

together with appendices.

Tabled.

Ordered to be printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Budget estimates 2009–10 (part 1)

Mr STENSHOLT (Burwood) presented report, together with appendices and extracts from proceedings.

Tabled.

Ordered to be printed.

Findings and recommendations of Auditor-General's reports 2007

Mr STENSHOLT (Burwood) presented report, together with appendices and transcripts of evidence.

Tabled.

Ordered that report and appendices be printed.

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

Melbourne's future water supply

Mr PANDAZOPOULOS (Dandenong) presented report, together with appendices, extracts of proceedings, minority reports and transcripts of evidence.

Tabled.

Ordered that report, appendices, extracts of proceedings and minority reports be printed.

DOCUMENTS

Tabled by Clerk:

Anti-Cancer Council Victoria — Report 2008 (two documents)

Major Events (Aerial Advertising) Act 2007 — Event Order under s 7

Parliamentary Committees Act 2003:

Government response to the Law Reform Committee's Inquiry into Property Investment Advisers and Marketeers

Government response to the Law Reform Committee's Inquiry into Vexatious Litigants

Government response to the Scrutiny of Acts and Regulations Committee's Inquiry into the Repeal of Certain Redundant Corporations Laws

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Bass Coast — C89

Baw Baw — C67, C70

Campaspe — C44, C71

Cardinia — C98, C111

Casey — C93, C105

Corangamite — C24

Darebin — C95

Gannawarra — C25

Glenelg — C40

Greater Bendigo — C123

Greater Dandenong — C110

Greater Geelong — C154 Part 2, C182

Greater Shepparton — C124, C135

Horsham — C25 Part 2

Hume — C93

Knox — C66

Loddon — C25

Mansfield — C18

Maribyrnong — C67

Maroondah — C71, C81

Melton — C69

Mildura — C58

Moira — C60

Monash — C79

Moorabool — C43

Moreland — C98, C111

Mornington Peninsula — C125

Murrindindi — C21

South Gippsland — C48

Surf Coast — C27

Swan Hill — C22, C35

Towong — C18

Victoria Planning Provisions — VC56, VC57

Wellington — C26 Part 2

Whitehorse — C85

Wyndham — C122

Yarra Ranges — C81, C85

Private Security Act 2004 — Review of the Act under s 178 and Government response

Professional Standards Act 2003 — Engineers Australia (Victoria) Scheme under s 14 *(Gazette S119, 1 May 2009)*

Statutory Rules under the following Acts:

Aboriginal Heritage Act 2006 — SR 50

Alpine Resorts (Management) Act 1997 — SR 47

Children's Services Act 1996 — SR 53

County Court Act 1958 — SR 56

Corporations (Ancillary Provisions) Act 2001 — SR 43

Magistrates' Court Act 1989 — SR 49

Police Integrity Act 2008 — SR 45

Retirement Villages Act 1986 — SR 52

Road Safety Act 1986 — SRs 46, 48

Subordinate Legislation Act 1994 — SRs 54, 55

Supreme Court Act 1986 — SRs 42, 43, 44, 51

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rules 39, 42, 43, 44, 49, 55, 56

Ministers' exemption certificates in relation to Statutory Rules 45, 46, 47, 55

Minister's infringements offence consultation certificate in relation to Statutory Rule 47

Wimmera Catchment Management Authority — Report 2007–08 *(in lieu of report previously tabled on Thursday 30 October 2008)*.

WORKPLACE RIGHTS ADVOCATE (REPEAL) BILL

Council's amendments

Returned from Council with message relating to amendments.

Ordered to be considered next day.

ROYAL ASSENT

Message read advising royal assent on 12 May to:

Human Services (Complex Needs) Bill
Transport Legislation Miscellaneous Amendments Bill.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Crown Land Acts Amendment (Lease and Licence Terms) Bill
State Taxation Acts Amendment Bill
Superannuation Legislation Amendment Bill.

ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE

Membership

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

That Mr Lim be appointed a member of the Economic Development and Infrastructure Committee.

Motion agreed to.

BUSINESS OF THE HOUSE

Program

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

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 pm on Thursday, 4 June 2009:

Appropriation (Parliament 2009/2010) Bill

Energy Legislation Amendment (Australian Energy Market Operator) Bill

Occupational Health and Safety Amendment (Employee Protection) Bill

State Taxation Acts Amendment Bill.

The motion, as is the standard procedure, sets out the legislative program to be considered under the government business program. But, as members will be aware, there is more to the government business agenda this week than the legislation set out in this motion. We have just seen the introduction and second reading of the Fair Work (Commonwealth Powers) Bill which, for the information of members, we propose to deal with tomorrow after the government matter of public importance. There is also a motion on the notice paper which was moved in an earlier parliamentary sitting week which we intend to proceed with today about referring a matter to the Dispute Resolution Committee. That will also be considered during the course of today; in fact it will be the first item of government business.

It is my intention also, during the course of this parliamentary week, to provide as much time as possible for members to continue their debate on the Appropriation (2009/1010) Bill and the Appropriation (Parliament 2009/2010) Bill. I offer that by way of explanation of matters that will be debated in this chamber in addition to the four items that are contained in the government business program.

For the information of members I advise that we also hope to continue the debate on the appropriation bill in the next parliamentary sitting week and conclude the debate during that week. The four pieces of legislation set out in the government business program deal with matters such as the appropriation bill for the Parliament and the State Taxation Acts Amendment Bill, both of which are ancillary legislation to do with the annual process of the budget and appropriation. The other two pieces of legislation — the Energy Legislation Amendment (Australian Energy Market Operator) Bill and the Occupational Health and Safety Amendment (Employee Protection) Bill — are being discussed this week because of the starting dates of the legislation.

The energy legislation will establish the Australian Energy Market Operator and is due to start on 1 July as part of the continuing national reform program that celebrates its 10th year this year. We are nearing the end of the legislative process on this matter that has taken place over those 10 years. The bill needs to be passed by the Parliament before the end of the financial year. I commend the motion to the house.

Mr McINTOSH (Kew) — The opposition will not oppose the government business program. I want to raise a couple of matters to get precise clarification. It is the understanding of the opposition that the Fair Work (Commonwealth Powers) Bill will come on for debate tomorrow after the matter of public importance debate and statements on committee reports. It will be the first item on the government business program to be dealt with tomorrow. The indication from the Leader of the House is that the appropriation bill will not be passed this week. The majority of debating time on bills this week will be allocated so that members can make a contribution on the appropriation bill either this week or next week. My understanding is that all members of the opposition will be given an opportunity of making a contribution to the debate on the appropriation bill.

In relation to the Occupational Health and Safety Amendment (Employee Protection) Bill, the opposition has extant a request to the Leader of the House to provide time for a consideration-in-detail stage on that bill so that a number of matters can be adumbrated. The Leader of the House has yet to respond on that matter. Apart from that, the opposition takes the view there will be ample time to complete the government business program in the allocated time and accordingly does not oppose the motion.

Mr STENSHOLT (Burwood) — I also rise to support the motion of the Leader of the House on the government business program for this week. As has already been mentioned by previous speakers, there are four bills on the program: the Appropriation (Parliament 2009/2010) Bill, the Energy Legislation Amendment (Australian Energy Market Operator) Bill, the Occupation Health and Safety Amendment (Employee Protection) Bill, which is a very important sort of bill, and the State Taxation Acts Amendment Bill. Some of these bills have time factors built into them. We also have the Fair Work (Commonwealth Powers) Bill, which was introduced today.

I thank the member for Kew for his support for this week's program in relation to the time available for debate. The Leader of the House mentioned that we will also need to deal with the notice of motion which has been sitting on the notice paper for a couple of weeks. The program will enable us to spend a fair bit of time on the appropriation bill. I know members of the house appreciate the opportunity to speak on the appropriation bill, because the budget has wide implications not only for the state and its economy but for many activities throughout the state as well as for local electorates. Members appreciate the time that will be made available this week and next week for them to speak on the appropriation bill. I commend the program and the motion to the house.

Mr DELAHUNTY (Lowan) — On behalf of The Nationals I advise that we are not opposed to the government business program on the basis that there are six items to be dealt with and there have been ample negotiations between the Leader of the House and the opposition parties. The member for Burwood just spoke about the fact that one of the items — that is, notice of motion 1 — has been sitting on the notice paper for a fair while. I ask him to turn the page and look at government business order of the day 15, which has been sitting there for three years. It still has not been debated, and it probably will not be debated before this Parliament is dissolved. Obviously we will not get the chance to debate it.

There are some very important bills on the program, and hopefully there will be adequate time given to those. The first is the Appropriation (Parliament 2009/2010) Bill, which provides for the running of this place. It is important that we have the resources to do that properly. In the debate on the Appropriation (2009/2010) Bill, which is commonly known as the budget bill, members are given 15 minutes to talk about matters of importance to their electorates. Seven Nationals members will speak in the debate. They want to raise many issues and refer to the many opportunities available to country Victoria.

The best thing that has happened in my area of country Victoria in the last couple of weeks has been the rain. I give no thanks to the government on that one. I can assure members that from the point of view of the mental health and wellbeing of country communities it has been better than any stimulus package. Country Victorians are very concerned about the budget. Apart from Victoria getting a big debt, they got very little in the budget. It is going to be interesting to hear the appropriation bill debated later this week. The State Taxation Acts Amendment Bill is another important bill.

The member for Kew spoke about the bill which is of key concern — that is, the Occupational Health and Safety Amendment (Employment Protection) Bill. We still have not been given time for a consideration-in-detail stage on that bill. A consideration-in-detail stage is needed for us to raise and get clarification on concerns. There are six items to deal with, including the Fair Work (Commonwealth Powers) Bill, which was second-read today by the Attorney-General. We believe there is adequate time to deal with the bills and the notice of motion. Our main concern is that we get adequate time for the budget response and particularly for the seven Nationals, who will want to use their full 15 minutes.

Ms MUNT (Mordialloc) — I rise to support the comments of the Leader of the House, the chair of the Public Accounts and Estimates Committee and opposition members in support of the government business program. In particular I support the program because I believe, as other members have said, that all members of this house should be given ample opportunity to speak on the appropriation bill. As part of that process, of particular importance is the State Taxation Acts Amendment Bill. The chair of the Public Accounts and Estimates Committee and I have just been through an exhaustive program in PAEC of public hearings as part of the budget process. Integral to that process is the openness and fairness of Parliament and the provision of information regarding the budget to members of Parliament so that very important debate can take place, not only in the interests of our own electorates but also in the interests of Victoria as a whole.

I am pleased to see that there are four items of government business with ample time put aside for the debate of the appropriation bills. I look forward to hearing those debates. I support the government business program.

Motion agreed to.

MEMBERS STATEMENTS

Inverleigh and District No Fuel No Fire Group

Mr MULDER (Polwarth) — The Golden Plains Shire community has for some time been very concerned that the 1000-hectare Inverleigh common and other areas of public land continue to be a serious fire hazard. The Inverleigh and District No Fuel No Fire Group has been instrumental in raising awareness of this issue. As a result of a public meeting on 20 April two resolutions passed on the night have been forwarded to the Premier for action. The group has asked that the Premier direct Parks Victoria to undertake all necessary works on the common without delay to minimise the risk of wildfire to the community. It has asked that direct financial support be provided to the Country Fire Authority by the government to enable sufficient roadside fuel reduction burning to provide firebreaks and safe fire escape routes.

This action has come about due to the Inverleigh and district community's desire to bring about better fire prevention outcomes. This same sentiment is echoing right across Victoria in the wake of Black Saturday — not least, I might say, in many other communities in my

electorate further west of Bannockburn which are in the shadow of the Otways.

We all now have a heightened awareness of the devastation that can occur when bushfires rage out of control, and one of the issues to come under heavy scrutiny has been the build-up of fuel on public land such as the Inverleigh common. In this regard the concerns of communities such as Inverleigh should be treated with a sense of urgency.

Volunteers: Northern Hospital

Mr BATCHELOR (Minister for Community Development) — On 12 May this year during National Volunteer Week I joined members of the Reservoir auxiliary volunteering at the Northern Hospital. On behalf of the Brumby Labor government I congratulate volunteers such as those in the Reservoir auxiliary for the important work they do in Victoria for all communities. At the hospital I worked alongside two extraordinary volunteers, Gwen and Rex Elliott. We provided a trolley kiosk service to patients in waiting areas and to bedsides in their hospital rooms. Gwen joined the Reservoir auxiliary in 1995, and she eventually recruited her husband, Rex, who joined in 2002. It is a big commitment for volunteers to take on a leadership role, and it is a great credit to Gwen that she has been prepared to take on the role of president for almost 12 years.

The auxiliary was formed in September 1959 and will be celebrating 50 years of operation this September. The auxiliary currently has 45 members who live in the northern suburbs of Melbourne, some as far from the hospital as Kilmore and Pyalong. In addition to running the hospital kiosk, auxiliary members conduct other fundraising events for the hospital. These activities include raffles, outings, street stalls and fashion parades. Over the years the auxiliary has raised an amazing $858 631, which is an extraordinary achievement.

The Brumby government recognises the value of volunteers and is encouraging more Victorians to volunteer through its new $9.3 million volunteer strategy, which the Premier launched during National Volunteer Week.

Buses: Traralgon NightRider service

Mr NORTHE (Morwell) — The future of the Latrobe Valley's NightRider bus service remains in jeopardy due to a lack of commitment from the Brumby government, despite the success of its introduction for a trial period. This important initiative disperses patrons from the Traralgon entertainment precinct to the neighbouring townships of Morwell, Moe and Churchill on Saturday evenings. It was implemented to not only reduce the incidence of assaults and antisocial behaviour but also provide an important transport link to those residents of the townships mentioned above.

I recently attended a meeting of the Traralgon CBD Safety Committee where feedback was provided on the success of the NightRider service. The consensus was that the trial has been extremely successful from the perspective of a number of groups, including nightclub patrons, venue operators, taxi operators, Latrobe City Council and the local police, amongst others. Thus far 389 patrons have utilised the service over a 12-week period, with 84 customers being the highest recorded figure for one particular evening. This clearly demonstrates the ongoing need for a NightRider service in the Latrobe Valley.

It is a major disappointment that the Brumby government does not deem regional Victoria worthy enough to allocate funding for such an important initiative, yet $2.8 million is allocated in the budget to the metropolitan areas of Victoria for a NightRider service. Given that interim funding has been sought to continue the Latrobe Valley NightRider service, I implore the Brumby government to urgently commit ongoing support for this vital service for the Latrobe Valley community.

Balibo Five

Mr HUDSON (Bentleigh) — On l6 November 2007 the New South Wales deputy state coroner, Dorelle Pinch, found that five Australian-based journalists had been deliberately killed on 16 October 1975 by members of the Indonesian special forces to prevent them from reporting on the imminent invasion of East Timor. The coroner also found that members of the Indonesian military, including Captain Yunus Yosfiah and Christoforus Da Silva, may have committed war crimes, and referred the matter to the Attorney-General for further investigation and action. In addition the coroner recommended that the families of the Balibo Five be consulted on the repatriation of their remains, which are buried in Jakarta.

In the *Age* of 31 May 2009 it is reported that federal police are yet to launch an investigation into the murder of the five in East Timor. It is further reported that 'Officials blame the delay on the failure of the journalists' families to agree on repatriating their remains' and 'are now suggesting the failure of families to agree on returning the remains is obstructing the investigation'.

In the 18 months since Coroner Pinch's findings there has been no systematic effort by officials to ascertain the individual or collective views of family members. Any sensitivities around the repatriation of remains should not be used as an excuse by officials to delay the preparation of a brief to the Attorney-General on the question of whether international war crimes have been committed which would merit the pursuit of those responsible under international conventions. I urge the Prime Minister to seek a report from the Attorney-General so that those responsible can be held to account.

Planning: Narrawong

Dr NAPTHINE (South-West Coast) — It is with much sadness, frustration and anger that I inform the house that a hardworking Victorian family has been forced into bankruptcy and is now being thrown out of its family home and off the family property at Narrawong in south-west Victoria due to long-running planning problems created and then exacerbated by this city-centric state Labor government. It is a sad fact that many other families in the area are also facing massive losses, possible bankruptcy and the ruination of their lives and dreams due to these planning problems. These families bought and/or sought to develop their land, often spending large amounts on these proposed developments, but then the government changed the planning rules and put this land in planning limbo from July 2006. Most of these properties are still subject to that freeze.

In September 2008 the Minister for Planning allowed some owners — a small portion — to develop some 24 lots, but the minister put such costly and onerous conditions on those permits that any building permit for development was simply unobtainable. These families are now being forced into bankruptcy, forced off their land and forced to accept huge financial losses, as they are left with land that is simply unable to be developed and is virtually worthless. I call on the minister to come to Narrawong, meet these land-holders and develop a fair and reasonable way forward.

Greyhound racing: Wangaratta

Dr NAPTHINE — Last Friday, with the member for Murray Valley, I spent a great day at the Wangaratta greyhound track. I urge the Minister for Racing to pick up the phone and instruct his personally appointed members of Greyhound Racing Victoria to put an immediate stop to their plans to close down greyhound racing in Wangaratta.

Panagiotis 'Peter' Fokianos

Ms BEATTIE (Yuroke) — I rise today to pay tribute to Panagiotis Fokianos, also known as Peter, who died on 10 May this year. Sadly I was not able to attend his service at the Greek Orthodox Church in Fawkner. Peter was born in 1935 in Greece and moved to Germany, where he lived for 42 years, before moving to Australia in 2004, where he met and married his wife, Maria, and proudly became a permanent resident in 2007. Living in Meadow Heights, Peter and his wife enjoyed spending time in their vegetable garden, which flourished through their attention and their efforts to recycle water from their home.

Peter touched the lives of many people, particularly through his volunteer work with the Broadmeadows Health Service day activity program and the Australian Greek Welfare Society, which he had undertaken since his arrival in Australia. His volunteer work involved providing companionship, conversation and support to many multicultural seniors in my local area, both through the day activity program and through visits to nursing homes. Although he did not speak very much English, Peter's contribution to many lives transcended boundaries. Those with whom he worked appreciated the time he spent with them and will miss his friendly visits.

My condolences go to Peter's wife, Maria, and to his extended family. He was dearly loved and will be very sadly missed.

Water: charges

Ms ASHER (Brighton) — I wish to draw to the house's attention that the ALP has now collected $3.2 billion from water authorities in dividends, tax-equivalent payments and environmental levies. The city water authorities — that is, Melbourne Water, City West Water, South East Water and Yarra Valley Water — are the greatest cash cows of all for the Brumby government. Those companies have given the government $3 billion since 1999, yet at the same time the ALP has failed to invest in water infrastructure. In fact the amount of money collected from the water authorities in dividends, tax-equivalent payments and environmental levies is greater than the amount of money the Brumby government and the Bracks government claim to have invested in water.

On top of that, consumers will pay more. The Essential Services Commission has said there will be a 60 per cent increase in water prices over four years to fund water projects. The government is slugging both water authorities and consumers, and we still have water

restrictions. I note the report just tabled from the parliamentary Environment and Natural Resources Committee on its inquiry into Melbourne's future water supply states that 90 per cent of the government's costs will be paid for by consumers. We have a double whammy here from the Labor Party: $3.2 billion is to come from the water authorities, and yet on top of that consumers will pay up to 60 per cent more to cover the Brumby government's incompetence in water management.

Western Region Indigenous Art Show

Mrs MADDIGAN (Essendon) — Last Saturday I had the pleasure of attending the 2009 Western Region Indigenous Art Show, which was held at the Incinerator Arts Complex in Holmes Road, Moonee Ponds. This is the seventh year of this art show, which helps to showcase art from indigenous artists in the western suburbs, including prisoners from the Dame Phyllis Frost Centre in Deer Park and the Port Phillip Prison in Laverton North. This is the sixth year of the Premier's prize, and I was pleased to award that to Karen Lovett for a lovely black and white work she presented as part of the art show.

The committee that runs this art show has now been working for seven years under its chair, Trevor Sinclair. I congratulate the committee members, who work very hard each year to produce a terrific art show that provides a capacity for people to show their art where they may not otherwise have been able to do so. There are some great works on sale at the Incinerator Arts Complex in Moonee Ponds, so I encourage any members who might be travelling past this week to call in and perhaps make a purchase. I look forward to this show continuing in the future, and I congratulate all the hardworking members of the Western Region Indigenous Art Show committee.

Rushworth community house: transport service

Mr WELLER (Rodney) — I rise today to highlight a funding shortfall which has resulted in the indefinite suspension of a critical health service in the rural township of Rushworth in my electorate.

For the past 10 years the Rushworth community house has coordinated a successful health-care transport service, which delivers for residents of Rushworth and the surrounding district cost-effective personalised transport services to and from health-care providers in Shepparton, Murchison, Kyabram, Tatura, Echuca and Bendigo. The service is currently delivered to almost 100 clients. It relies on volunteer drivers who use their personal motor vehicles to drive clients from their homes to their health-care appointments.

In the past the program was supported by funds from the Bendigo Carers' Support Group. However, due to cutbacks to their funding pool, they have been forced to withdraw support for Rushworth's transport program. The suspension of this important health service will have a significant impact on the frail, aged and disabled people in Rushworth, many of whom rely on government pensions as their sole income source and for whom no other public transport services are available.

Rushworth community house is seeking funding of just $66 000 over the next three years to maintain this critical program. It is a highly cost-effective service which has enormous potential for other communities across the state to mirror. I urge the Minister for Health to work closely with the Department of Human Services to investigate measures for funding this vital health-care transport service.

Eltham East Primary School: science program

Mr HERBERT (Eltham) — I rise to congratulate Eltham East Primary School on organising the best science exhibition I have seen by a school. On Thursday, 21 May I had the pleasure of attending Eltham East primary's science night, a night designed to highlight the enjoyment and wonder of science. Eltham East's science night involves students in designing, producing and engaging in scientific wonder and experimentation.

Each room of the school was filled with scientific and creative tasks, which covered the entire spectrum of scientific endeavour. There were 22 experiments, each one a delight to participate in. The hundreds of parents and students who flocked to the school were given a science night passport and received a stamp for each activity they participated in. I particularly liked the flubber experiment and the frog pond habitat program on one of their new electronic whiteboards.

At a time when there is a great national concern about students' declining interest in pursuing science as a career, it is heartening to see that our local primary schools are incredibly active in inculcating the wonders of science in young scholars. Eltham East Primary School is well known for the quality of its educational programs and outcomes, particularly its acclaimed school choir. It can now add its science program to the many programs for which it receives accolades throughout the community. I encourage people from any other school interested in improving its science to

contact Eltham East and to ensure that science is kept alive and flourishing in our schools.

Government: debt

Mr WELLS (Scoresby) — This statement condemns the Brumby Labor government for its increasing addiction to state debt, as detailed in the 2009–10 state budget — a fiscally irresponsible and unsustainable policy which will massively burden future generations of Victorians.

The state budget disclosed that Victorians will be burdened with a massive $31.3 billion of government debt in 2012–13 — that is, $6000 of state debt for every Victorian — to cover up for the Brumby government's appalling financial mismanagement and economic incompetence. For many Victorians, that brings back haunting memories of the dark days of the Cain-Kirner governments' unsustainable spending and debt binges.

Something must be seriously wrong with the Brumby government if future generations of Victorians will have to carry a debt burden of more than $31.3 billion, despite the state Labor government collecting record revenues of more than $300 billion over the past decade of plenty. Total public sector net debt is set to reach 10 per cent of gross state product by 2012. If the forecasts in this house-of-cards budget crumble in any way, Victoria's AAA credit rating will be under serious threat. The annual interest bill for state debt will reach $2.2 billion by 2013, which is an increase of $800 million in just four years.

This enormous debt servicing requirement will further erode the Brumby government's ability to deliver basic services.

Essendon Football Club: multicultural program

Mr LIM (Clayton) — From 15 to 21 March many communities and organisations around Victoria came together to celebrate Cultural Diversity Week, commemorating our state's rich cultural, religious and linguistic diversity.

I would like to take this opportunity to acknowledge and congratulate the Essendon Football Club on its work with multicultural communities in the north-west region of Melbourne. Essendon's multicultural program operates in partnership with the Australian Football League and the Victorian government and aims to develop opportunities to engage people from migrant and refugee backgrounds in Australian football. In addition the program focuses on promoting cultural diversity and social inclusion to the broader community. New arrivals and other people in new and emerging communities may often feel disengaged from the broader community. Sport has the ability to break through cultural and linguistic barriers, which makes it a powerful tool to support the development of a stronger and unified society. In my mind there is no better way to welcome new communities to Australia and Victoria than by using Australian football.

Essendon Football Club's community involvement has now been extended with the launch of the Globall program on 1 March. This new program aims to provide international students with a more positive experience while they are studying in Victoria. The club's work and vision are also highlighted by its diverse staff and its player list. Essendon's significant work in the community demonstrates the success of the role sporting organisations play in society. This is just one of the many significant and positive examples.

Water: desalination plant

Mr K. SMITH (Bass) — Last Thursday the master of spin with no substance, the Premier, put out a statement. He announced that the state government's preferred power source for the Victorian desalination project is underground electricity from the grid which will be fully offset through the purchase of renewable energy. That is a lie — there is not enough excess renewable energy available for people who are already committed.

The Premier then went on to say that while this underground route was the government's preferred power option, a final decision would be made after the consideration of bids for the two private sector consortiums — BassWater and AquaSure. He was setting up a loophole to get out of it, which is mentioned further down in the press release. The Premier is reported as saying:

> Should the bidders' submissions on the underground option be too costly or there is a major constraint on the project we will be left with no choice but to power the plant through overhead powerlines …

He is reported as going on to say that he consulted with landowners, local councils and the community. That is a lie. He never consulted; he told them what they were going to do. The Premier is reported as going on to say:

> We considered a range of power supply options — including underground and overhead electricity, gas fired and hybrid sources …

That is not true. The government gave no consideration at all to underground power. In fact there are many pieces of paper that say it was lying about that as well. The Premier is reported as going on to say that the overhead route was not the government's preferred option; in fact, the overhead route was the government's preferred option. It just goes to prove that the Premier is all spin and no substance.

Timeball Tower, Point Gellibrand

Mr NOONAN (Williamstown) — I rise to congratulate the Rotary Club of Point Gellibrand on the recent completion of its project for reincarnating the Timeball Tower. The club undertook the project following a challenge from a local resident to restore the timeball mechanism on the historic tower. The Timeball Tower holds a special place in Williamstown's history. Standing at the tip of Point Gellibrand, the tower looks out across Hobsons Bay to the city of Melbourne. The tower was originally constructed in 1840 of wood but was replaced with a bluestone tower on the same site in 1849. Initially used as a lighthouse, from 1858 until 1926 the structure operated as a timeball tower. Each afternoon at 1 o'clock the large ball on the top was dropped to enable masters of ships moored offshore to correct their chronometers. In 1932 the tower was converted back into a lighthouse, operating thus until 1986, when volunteers from local Rotary and Lions clubs restored the timeball mechanism. This failed several years later and the timeball was inoperable for over a decade until this most recent restoration.

Particular mention should go to Point Gellibrand Rotary club members Richard McKay and the late Graham Beyer, who initiated and masterminded the project along with SEW-Eurodrive, which donated the drive motor, winch and sophisticated computer-controlled mechanism, and Williamstown Crane Hire, which lent its services during the refitting work. The semaphore flagpole, which stands alongside the Timeball Tower, was also restored recently by the Friends of Point Gellibrand Park**.** Congratulations again to all those involved.

Housing: Sandringham electorate

Mr THOMPSON (Sandringham) — Today without warning a Sandringham constituent was advised that she is required to relocate from her family home of 36 years. She was informed in the following terms: 'Because your house is getting older and needs maintenance work, it has been decided it will be sold as part of the government plan for better public housing'. The house was fitted with a new kitchen and was repainted in 2003. She and her late husband raised six children in the neat, three-bedroom house she calls home. The property is well cared for and well presented.

Although the note my constituent received mentions relocation to another house in the area, she was advised by the housing officer that the best that would be offered to her is a one-bedroom flat. My constituent does not understand why the department cannot wait until she dies or is unable to live independently to reclaim its property. She has a heart condition and is naturally distraught. Apparently compassion is not an attribute of this government. She is 72 years old and she thought she would be able to spend the remainder of her life at this house, which holds all of her memories and is in a community in which she has family and friends.

Oak Tree Lifestyle Village, Skye

Mr PERERA (Cranbourne) — Last Wednesday I had the pleasure of taking part in the official opening of the Oak Tree Lifestyle Village in the suburb of Skye. Skye has over 1000 residents aged 55 and over and there are a further 3000 aged 55 and over in the neighbouring suburb of Carrum Downs. I congratulate Mark Bindon and Marco De Pasquale, the directors of Oak Tree, for building this fine over-55s facility in Skye. I also congratulate the Greek Orthodox community of Frankston and the peninsula, which is the landlord of this development. This facility is built on land owned by the community.

Carrum Downs: Connections project

Mr PERERA — Also last week I had the opportunity of representing the Minister for Community Development and taking part in the launch of the Carrum Downs Community Group's Carrum Downs Connections project. A $30 000 Brumby government planning grant was provided to develop a community action plan in conjunction with cash and in-kind support from the City of Frankston. I congratulate the Carrum Downs Community Group, which is headed by Venessa Ward; Mike Spruhan, manager of the Bendigo Bank in Carrum Downs, who assisted; and the many others who have put so much effort, time and commitment into making Carrum Downs an even better place to live, work and raise a family.

Students: youth allowance

Mr CRISP (Mildura) — Youth allowance is for young people aged between 16 and 24 years who are

studying full time in an approved education or training course. The federal government has made changes in the recent budget that will affect many country families. Many country families struggle with the cost of higher education, particularly when students have to live away from home. For many the only solution is to take a gap year and defer their course place to meet the independence criteria. The recent changes are causing great stress as a two-year gap does not fit the current higher education deferment arrangements. More country students will be denied higher education. Such is the concern about this trend that the Parliament issued a reference to the Education and Training Committee to inquire into the effect of geographical differences on the rate at which Victorian students participate in higher education. Yet another impediment has been created for country families before the committee has even reported to this house.

I call on the Brumby government to use its much talked about cooperative federalism to achieve a review of the anti-higher education measure. If employee share programs can be reviewed then so too can this program. I call on the Brumby government to act before Victoria becomes a place where country students no longer get a higher education.

Shire of Yarriambiack: public holidays

Mr CRISP — On another matter, the Yarriambiack Shire Council is concerned that changes to public holiday acts will have adverse affects on its communities. In Hopetoun the traditional show is on a Sunday and the town has taken a holiday on Melbourne Cup day. Other centres use the holidays for their shows. Local communities need to be allowed to maintain their local show holidays to maintain their communities.

Upper Yarra: walking trails

Ms LOBATO (Gembrook) — Last Sunday I was pleased to welcome the Minister for Environment and Climate Change, the Honourable Gavin Jennings, to the Upper Yarra area to celebrate two very significant projects that will enhance our local environment and tourism and local recreational opportunities. The minister and I proudly inspected the O'Shannassy aqueduct trail along with Parks Victoria, the agency responsible for this superb construction. The O'Shannassy aqueduct has a fascinating history that dates back 100 years to when workers manually dug the aqueduct and lined the 30 kilometres initially with timber and later with cement. Water flowed from the O'Shannassy Reservoir.

Since its decommissioning the aqueduct has been used as an unofficial walking trail. Fortunately this Labor government recognised the historical and recreational significance of the aqueduct and invested $800 000 to create a formal walking trail and to construct car parks and interpretation boards. This project will assist in improving our local tourism following the recent bushfires and has been greatly welcomed by the Upper Yarra community.

The second project celebrated by the community was the Ada Tree walking trail upgrade. Visitors and locals in and around Warburton and Powelltown can now enjoy improved access to one of the region's most impressive tourist icons. Standing a massive 75 metres high and being 15 metres in diameter, the Ada Tree is between 300 and 400 years old. It is one of the most significant trees remaining in this area. The $400 000 upgrade, funded by the government's Go for Your Life initiative to encourage physical activity and an appreciation of the outdoors, includes a new car park, visitor areas, toilets, picnic areas and interpretation facilities.

Rail: Warragul car park

Mr BLACKWOOD (Narracan) — The Warragul railway station has a major problem with car parking which is only going to get worse as the population increases and commuter numbers continue to rise. The railway land has been earmarked for and a number of studies have been completed which support the construction of a car park on the south side of the rail line. The Baw Baw Shire Council has allocated $60 000 towards the preparation of a detailed master plan for the Warragul station precinct in the hope that it will facilitate progress on the development of the car park. I call on the Minister for Public Transport to fund the construction of this car park as a critical piece of infrastructure in supporting regional growth, improving access to the regional rail network and maximising the benefits of the investment in the fast rail program.

Bushfires: appeal fund

Mr BLACKWOOD — Another issue I raise is the time being taken to transfer funds from the Victorian Bushfire Appeal Fund to the surviving victims of Black Saturday. The 100-day report released by the bushfire appeal fund last week indicated that of the $351 million donated, only $62 million had been transferred into the hands of those eligible for help. Some $235 million has been set aside to fund all the grants announced by the Premier, but sadly only around 25 per cent of it has actually reached those desperately waiting for assistance. I urge the Premier to take immediate action

to speed up the process by removing some of the time-consuming red tape, which will assist those working very hard to process the applications and provide welcome relief for those people who are already stressed and traumatised by their experience.

Emergency services: Lara

Mr EREN (Lara) — I would like to take this opportunity to put on record some of the very important improvements that are occurring in my electorate. Firstly, there is the brand-new, state-of-the-art $2.5 million police station for Lara. This announcement comes on top of previous announcements of a brand-new fire station and a brand-new ambulance station for Lara. This is proof of how committed this government is to the Geelong region and the township of Lara in particular. Lara is one of the fastest growing rural areas in the state, and the current police facility is not adequate to cater for this growth. I am pleased to say that the emergency services needs of Lara and the wider community will now be catered for well into the future. It will make Lara an even better place to live, work and raise a family. This funding will deliver a modern, state-of-the-art police facility in Lara to support the officers who serve an area which continues to see a significant growth in population and infrastructure such as Avalon Airport. Since coming to power in 1999 the Brumby government has invested nearly $450 million rebuilding or refurbishing over 160 police stations and residences across Victoria in the state's largest ever police station building program.

I would also like to mention that I was very pleased to be with Minister for Health last Friday when he opened the new ambulance station in Lara. This new station is a welcome boost to ambulance services in Geelong and the region, and we will now be even better equipped to respond to critical medical emergencies in and around Lara. The Lara branch, which has eight paramedics and two ambulance vehicles, has responded to more than 3650 cases since commencing operation. This is another important investment. It is further proof of the Brumby government's commitment to providing the very best ambulance services close to where people live.

The ACTING SPEAKER (**Mr Seitz**) — Order! The member's time has expired.

Schools: Kew electorate

Mr McINTOSH (Kew) — I am very pleased to see the Minister for Education at the table. There are a number of significant issues facing my schools in relation to the commonwealth moneys provided for schools for building and indeed the templates that do not necessarily fit all schools as they have been strung along by the Department of Education in Victoria because it just does not care about allowing our schools to get access to those moneys.

The ACTING SPEAKER (**Mr Seitz**) — Order! The time for members statements has expired.

PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL

Referral to committee

The ACTING SPEAKER (**Mr Seitz**) — Before calling the Leader of the House to move his motion, I remind members that the scope of the motion is narrow. It relates purely to whether the bill should, under the procedure laid out in the Constitution Act, be referred to the Dispute Resolution Committee for consideration. Whilst passing reference may be made to the bill's purpose, it is not appropriate for there to be a detailed discussion about its contents.

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

> That the Primary Industries Legislation Amendment Bill 2008 be referred to the Dispute Resolution Committee for consideration under section 65C of the Constitution Act 1975 and that a message be sent to the Legislative Council informing them accordingly.

Mr McIntosh — On a point of order, Speaker, in my view and in the view of the opposition parties this motion is premature, if not lacking an important condition precedent that would enable this motion to be brought before the house. Accordingly, on that basis I say it is out of order. Perhaps I can take you, Acting Speaker, to the provisions of the Constitution Act the motion seeks to invoke, which is section 65C on page 76. I have provided you, Acting Speaker, with a copy of the Constitution Act.

This recent amendment is entrenched in the provisions of this constitution. A change to it requires a yes vote in a referendum, which is a very hard thing to achieve. The principal clause in section 65C (1) states:

> (1) The Dispute Resolution Committee must seek to reach a Dispute Resolution on a Disputed Bill within 30 days after the Disputed Bill is referred to the Dispute Resolution Committee by a resolution of the Assembly.

This is such a resolution, but the opposition is concerned that there is no disputed bill before this house. I ask members to look at the definition of

'disputed bill' which appears on page 74 under section 65A, which is headed 'Definitions'. As I have said, this is a constitutional requirement, and as far as I am aware this is the first time we have sought to invoke these provisions in this chamber. Accordingly, it is very important that we get the letter of the law correct.

The crucial part of the definition of 'disputed bill' is at the bottom of that subsection, which I will read:

> Disputed Bill means a Bill which has passed the Assembly and having been transmitted to and received by the Council not less than 2 months before the end of the session has not been passed by the Council within 2 months after the Bill is so transmitted, either without amendment or with such amendments only as may be agreed to by both the Assembly and the Council.

As I understand the matter, this bill did pass this chamber and it was then transmitted to the Council, which considered the matter. Amendments to the bill were moved by both the coalition parties and the Greens. They were accepted by the Council and the bill has now come back to this chamber.

The condition precedent is very simple: it requires the house to consider that bill and those amendments. The Assembly may vote to accept the amendments to the bill, but there is only one way that we can test that in the tried and proved fashion in this chamber — that is, by a vote of this house. Government members just saying, 'No, we don't like it' is not good enough. That is not what the constitution requires. It requires this Assembly to satisfy the condition precedent for this referral. The condition precedent is that this house must essentially reject those amendments.

It must do so because that is what the constitution requires, and these are the crucial words at the end of the definition of 'disputed bill':

> … or with such amendments only as may be agreed to by both the Assembly and the Council.

Even if you ignore the Council for the moment, the most important thing is that the bill is now back here and the Assembly is the only body that can agree or not agree to those amendments. The important thing here is that a constitutional requirement is not something for which we can give leave to forgive or otherwise. The constitutional requirement that binds this house requires there to be a disputed bill. A disputed bill can exist only after the Assembly decides it will not accept the amendments. If it accepts those amendments then the bill just passes in the normal way.

The critical issue here is that that issue has not yet been tested on the floor of the chamber. Until that is tested on the floor of the chamber, mere anecdotal evidence about what the government as a whole or individual ministers or government members may want to do does not meet any solid test to determine whether that condition precedent has actually been satisfied. Without that condition precedent having been satisfied, this bill cannot be a disputed bill within the meaning of the constitution, and accordingly, there is nothing for us to refer to the Dispute Resolution Committee. Accordingly, Acting Speaker, I ask you to rule this motion by the Leader of the House out of order, because that condition precedent has not been satisfied or considered by this house.

If we do not proceed down this path, there is a real risk that we are jeopardising that process because of the fact that that condition precedent has not been met; and secondly, and most importantly from the point of view of democracy, unless this chamber determines those matters which it is given to determine, then we might as well throw democracy out the window. We have divisions all the time on a variety of questions. They may be won by the majority party, but they still have to be tested in the normal way. Until that test has been undertaken on the floor of this chamber, that condition precedent has not been met and, accordingly, the notice of motion is out of order.

Mr BATCHELOR — On the point of order, Acting Speaker, the issues raised by the member for Kew are important. The most important thing for the house to do at this time is to get the procedures right. This is a seminal moment for this chamber, because this is the first time action under this provision in the constitution has been sought to be taken to this stage. We have given notice of that, and this is the first time this matter has been raised with me. The government, the opposition, I assume, and you, Acting Speaker, would not want to start a journey here that was not procedurally aligned with what is in the constitution. It is an issue that the Speaker should be asked to rule on. We think that that is an important part of the process here.

This is the first occasion. We will be establishing precedent. The issue, importantly, has been raised by the opposition in what I regard as a constructive fashion. It is not a point of order that seeks to prevent or stop this unfolding but rather a point of order that seeks clarity and certainty. We would have no objection to having the right procedures entered into, and we have no objection to getting these things sorted out.

At the end of this point of order, to assist I would suggest that you refer this matter to the Speaker and that we adjourn this matter. I would move accordingly, on the condition that I reserve my speaking rights on

this motion once we hear from the Speaker as to the correct procedures. As you would expect, the government would give an assurance to the house that it would seek to make sure that we embarked on and established the correct procedures here.

Acting Speaker, it is up to you to determine how we should proceed from here. But I put this forward as a constructive way of dealing with an important issue that has been raised by the member for Kew. We think this is a matter that the Speaker should deal with in time with — —

Mr Ryan interjected.

Mr Cameron — No, it is a point of order.

Mr BATCHELOR — This is a point of order. I am talking on the point of order. If I get agreement from you, Acting Speaker, on resolving this point of order, I would subsequently move that adjournment motion.

Mr Ryan — On the point of order, Acting Speaker, just for the sake of clarity we are, as the Leader of the House confirms, discussing a point of order as opposed to the motion per se. To get down to the pragmatics of this, if the government's proposal is to adjourn the motion for further consideration on another day, that is a proposition which the opposition would support. Therefore if we are to withdraw, as it were, from the current point of order on a basis that the rights that otherwise go with the capacity to speak to that point of order are preserved, then we can all step away from this for the moment and review the position tomorrow.

Mr Cameron — No, because the Speaker will examine the point of order between now and tomorrow.

Mr Ryan — On the point of order, Acting Speaker, this also is an important point of clarity. If it is that the government wants us then to put on the record those different aspects that we say comprise the point of order so that the Speaker may accordingly rule upon it, then we should have continuance of this point of order for the moment so that you, Acting Speaker, can make a determination in relation to it. The alternative is, if the government is assigning the task to the Speaker, it seems to me this whole conversation should stop until such time as the Speaker is able to hear the totality of it, because otherwise the Speaker is going to be placed in the invidious position of only having heard part of the point of order and the debate that goes around it. It would be better for the totality of proceedings to be adjourned until such time as we have the Speaker available and we can renew the whole process at that point, allowing for the fact that that will be tomorrow.

The ACTING SPEAKER (**Mr Seitz**) — Order! I will interrupt. I suggest this matter be adjourned so that both sides can take it up with the Speaker in chambers. The Speaker can then deal with the matter, bring it forward in the house and then make a ruling. As I said, this is a suggestion from the Chair for a way forward. If members want to continue and have the matter ruled on here, they will have to keep debating their points of order right through. As this matter involves a highly technical piece of legislation and such an issue has not been tested before, I strongly urge that the Speaker be given the opportunity to make a decision and interpret it, giving advice to both sides of the house.

Mr Cameron — Further on the point of order, Acting Speaker, there is probably a consensus on both sides that the opposition will withdraw the point of order today. But clearly it is a matter that has been canvassed, and the Speaker will consider that. The matter will be put over until 2.00 p.m. tomorrow and can then be debated with the Speaker. Of course the Speaker will be forewarned as a result of what has occurred this afternoon.

Mr Ryan — Yes, as long as we start again.

Mr Cameron — We will start again on the matter tomorrow. But the Speaker will have some pre-warning and will be able to consider the matter in advance. The rights of everyone will be preserved. Given that consensus, maybe the opposition could withdraw the point of order and then the Leader of the House could seek that the matter be adjourned until tomorrow.

Mr McIntosh — Further on the point of order, Acting Speaker, based on what has been put by the Leader of the House and the Minister for Police and Emergency Services, I withdraw the point of order.

The ACTING SPEAKER (**Mr Seitz**) — Order! The point of order has been withdrawn by the honourable member for Kew.

Mr BATCHELOR — I move:

That the debate be adjourned until later this day.

Mr RYAN (Leader of The Nationals) — On the motion, the opposition consents to that course. We do so on the clear understanding that we are in a position of 'as you were' when the matter does come back on for debate and we will start afresh, so that the position in relation to the opposition's capacity to take the point of order can still stand. We can then move to wherever it may take us once the Speaker has made a determination in relation to that point of order.

Motion agreed to and debate adjourned until later this day.

Leave granted for Minister for Community Development to continue his speech on resumption of debate.

ENERGY LEGISLATION AMENDMENT (AUSTRALIAN ENERGY MARKET OPERATOR) BILL

Second reading

Debate resumed from 7 May; motion of Mr CAMERON (Minister for Police and Emergency Services).

Mr CLARK (Box Hill) — The Energy Legislation Amendment (Australian Energy Market Operator) Bill supports the establishment of the new Australian Energy Market Operator, often referred to as AEMO, and transfers the roles, assets and liabilities of VENCorp (Victorian Energy Networks Corporation) to AEMO. On its face the bill appears to be relatively straightforward, but in fact it raises a wide range of issues of considerable importance for Victoria.

I should say at the outset that the principal part of the legislative measures to establish AEMO are to be undertaken by the Parliament of South Australia which, in accordance with longstanding arrangements, has the lead role in the legislation which gives rise to the national electricity law. The amendments made in South Australia flow through to Victoria independently of this legislation before us today. This bill in fact has a number of specific measures that support and assist the establishment of the new energy market operator rather than undertaking its actual establishment.

The bill amends the National Electricity (Victoria) Act 2005, the National Gas (Victoria) Act 2008, the Electricity Industry Act 2000 and the Gas Industry Act 2001 to enable AEMO to take over the functions performed to date by VENCorp, including functions under the gas market retailer of last resort scheme.

The bill allows AEMO to operate the Victorian gas industry, using Victoria's current market-based pricing and centralised transmission planning arrangements, which do not apply in other states. However, the bill and the national legislative scheme allow other states to operate under that system in future if they want to.

The bill abolishes VENCorp and transfers its assets and liabilities to AEMO. It allows the minister to delegate to AEMO the appointment of a responsible officer to liaise with AEMO regarding the use of electricity emergency management powers. It deems existing customer load-shedding arrangements to be arrangements under the national electricity law and it repeals the power for the Essential Services Commission to make guidelines about access to land for the purposes of augmentations to the Victorian electricity transmission system because the need for those guidelines has become redundant.

The measures in the bill relating to VENCorp arise from the fact that the market structure for gas in Victoria is different to that of other jurisdictions. Under the reforms of the previous Liberal-Nationals government, Victoria adopted a far more market-based, competitive, flexible system with greater choice for consumers than did other jurisdictions, and that included the establishment of mechanisms which provided for a wholesale gas spot market. Primarily because of more limited sources of supply, that has not necessarily applied in other jurisdictions, although with the growing network of gas transmission lines around the nation there is perhaps potential for other jurisdictions to adopt over time a more market-based pricing model than they have at present. Hence there are measures relating to gas functions and VENCorp in the Victorian bill that are not needed under corresponding legislation in other states.

This is a bill that continues the pattern that we have seen with many of the energy bills coming before this house, under which the current government is continuing with the reforms that were introduced by the previous Liberal-Nationals government and is embracing the virtues and benefits of a competitive, open, flexible private enterprise system for the energy market. This is despite the fact that the Labor side of politics opposed those reforms tooth and nail when they were being implemented by the previous government. It is a continuing source of some bemusement, although welcome bemusement, to see the current Minister for Energy and Resources and a number of his predecessors espousing the virtues of the free market, competitive and flexible system that the previous Liberal-Nationals government established.

The moves to a national integrated energy market are ones that were envisaged as potentially over time flowing from reforms undertaken by the previous Liberal-Nationals government. There have been a number of setbacks along the way, principally because of the failure of New South Wales to move to a fully competitive, private sector-owned model of the form that was expected of them. We have seen a number of New South Wales government attempts to implement such a system only to find it frustrated by the

union-dominated, labyrinthine politics of New South Wales. However, despite that, there has been progress towards an integrated national electricity market, and that progress is welcome.

This bill has, generally speaking, strong support from industry because it continues the move towards that integrated national energy market, and it also has the support of this side of the house because it continues that process. However, I should say that, notwithstanding the fact that the opposition is supporting it, the bill raises a number of concerns that I will discuss, and these are concerns about both what is in the bill and what is not in the bill.

Our broadest overall concern relates to the risk of an increasing level of bureaucracy and a loss of direction with the move to a federal regulatory scheme. There is a risk, and it is a risk that needs to be recognised and protected against, that we could end up with a system with diffuse responsibilities, an unaccountable bureaucracy and a series of governments in the different jurisdictions that are able to disclaim responsibility because the decisions that are being made are being made by some amorphous national regulatory system. If that were to occur, it would weaken many of the advantages to be obtained from a national energy market.

We have generally enjoyed in Victoria a dynamic and competitive, open, market-based system. That is not to say that our system has been perfect. There have been a range of challenges and problems, but we would not want to see things going backwards under a national regime. The big risk is that there will be bureaucratic decision making that perhaps does not have regard to the practicalities of the real world and attempts to impose conceptual models that have not been well thought through and could end up inhibiting investment.

It is always a balancing act as to the extent to which one wants to facilitate investment versus facilitating open access and ensuring competitive pricing, but the mechanisms that do that need to be well considered and carefully structured and crafted to operate efficiently and to have decisions made in a timely manner — so we flag that caveat. I have to say that the caveat becomes even stronger because at the moment we have wall-to-wall Labor governments at state and federal level down the east coast and around into South Australia, and the lack of real world practicality of Labor governments creates a particular risk of an uncontrolled bureaucracy. The track record of the Labor government in Victoria in terms of timely decision making and the efficient and effective management of projects and management of taxpayers money does not set a good precedent for how we hope the national regulation of the energy market will operate.

Another concern that we express relates to the matters raised in the report of the Scrutiny of Acts and Regulations Committee (SARC) on this bill. The concern as much reflects on the whole structure of the Charter of Human Rights and Responsibilities Act as it reflects on this particular bill. In doing its duty thoroughly, as it always strives to do, SARC raises a number of issues where it has concerns about how this legislation interacts with the Charter of Human Rights and Responsibilities Act.

SARC refers in particular to the fact that the statement of compatibility for the bill does not identify how, if at all, the Victorian bill's passage or non-passage would alter the human rights impact of the proposed changes in South Australia, by which SARC refers to the South Australian legislation establishing the national market. It also expresses concern that VENCorp, which is a body that would be covered by the Charter of Human Rights and Responsibilities Act as being established by Victorian statute, is to be moved to AEMO, which is not under the operation of the charter.

The committee reported to the house in its *Alert Digest* — which on the cover says 'No. 6 of 2009' but on the head of page 7 is shown as 'No.5 of 2009' — its concern that the bill may have the effect of transferring public functions exercisable in Victoria, including powers that engage human rights, from a body subject to the charter to one that is not. The committee reports that it will write to the minister about that. We are seeing with this bill another example of the Attorney-General's charter tying his ministerial colleagues and their departmental officers up in knots. With no immediate resolution to these basic questions it is going to be a time-consuming exercise for the officers concerned, and therefore expensive for the taxpayer, to resolve this point, a point which seems to be heading nowhere and a point which yet again illustrates how little regard to real-world practicality was had by the Attorney-General when he introduced the charter in the first place.

Another point raised by SARC is that the bill has an open-ended commencement date, and SARC appropriately questions that. The opposition understands from the very helpful briefing provided by departmental officers that that open-endedness is to give flexibility to integrate with the timing of the move to a national scheme. However, at the time of the briefing the government and other governments were

aiming for a 1 July 2009 commencement. Let us hope that is still on track.

Another matter I want to discuss and place on record about the national electricity market is one on which members from this side of the house and members from the government side are of one mind. Some suggestions have been made in various media reports that under the current electricity market structure and legislation in Victoria there is a limit of $100 million on any liability that distribution companies may have for bushfire or similar losses they may cause, and that any residual liability above that point passes to the state. Those media reports have further suggested that that arose out of an arrangement entered into by the previous Liberal-Nationals government. As far as I am aware, and as I understand from the departmental officers, that is not the case as far as they are aware.

The South Australian legislation embodies a limitation on liability for NEMMCO (National Electricity Market Management Company) and for various market participants, which would include distribution companies, covering system operation matters. Those are matters that relate to the operation of the market mechanism itself. These issues were canvassed in the debate in the South Australian Parliament in 1998 when these measures were introduced, and it was made clear by the then government that this protection was desired primarily by NEMMCO at the time of its establishment, but it was also desired by other market participants because at that stage they were not sure how the wholesale electricity market would operate in terms of matching supply and demand. They were looking at protection against a potentially unlimited commercial exposure to claims for damages should something go wrong with how the market operated, but the South Australian minister at the time made clear that it was not intended to deal with liability for bushfires, and the legislation itself also makes clear that it does not apply to any liability for injury or death.

I should say that the South Australian legislation was enacted after the previous Liberal-Nationals government had established the electricity market here in Victoria and it flowed through to us automatically. Its derivation, as I said, came from the establishment of NEMMCO rather than anything done specifically in Victoria. I also make the point that the operation of that legislation was reinforced under the current government by the now Premier, then Treasurer, in legislation he introduced to reinforce the exclusion of the jurisdiction of the Supreme Court of Victoria over that measure.

Finally, I make the point that in respect of those matters where there is a limitation on the liability of NEMMCO or system operators for how the market mechanism works, there is no suggestion that there is any residual liability that flows through to the state or has been agreed to be assumed by the state. It is important to put that on the record to reinforce confidence in the market structure and in relation to the protection of the legal positions of citizens.

Another issue I raise relates to the transfer of VENCorp assets to AEMO. According to page 154 of budget paper 4, the assets being transferred to AEMO are worth some $22 million. However, no payments will come to Victoria in relation to the transfer of those assets. The opposition parties were told at the departmental briefing that the reason for this is that Victoria will be the prime beneficiary of the former VENCorp functions being run by AEMO because Victoria's gas market structure is unique, as I said earlier, and the assets and staffing transferred to AEMO will be used primarily to assist Victoria. That seems to be a reasonable argument. However, it is up to the government to demonstrate that it is in fact getting $22 million worth of value out that arrangement.

I now turn to two aspects of the bill that cause particular concern in the context of recent events in Victoria. The first of those relates to the provision in proposed section 50, at page 15 of the bill, that deems that existing customer load-shedding arrangements are to be arrangements under the National Electricity Law. This measure is particularly important, because the way load-shedding arrangements have been exercised under the Bracks and Brumby Labor governments over recent years has been the cause of enormous grief to Victorians.

We all know that when the Labor Party came to office in 1999 one of its six fundamental promises — which it called 'pledges' — was to guarantee reliable supplies of gas, water and electricity. We have seen that pledge comprehensively broken over recent years. Victorians have suffered five years in a row of major power blackouts. They commenced in February 2005, when storms took 410 000 Victorians off supply. In January 2006 high temperatures and storms caused 618 000 supply interruptions. In 2007 a bushfire cut the interconnect from New South Wales, forcing rolling power shutdowns across the state. In April 2008 windstorms took 420 000 Victorians off supply, many of them for days on end. In January 2009 there were breakdowns in distribution and transmission, and problems with the Basslink interconnect, causing power supply loss for more than 500 000 Victorians. The management of load-shedding arrangements and supply interruptions is a matter of vital concern to Victorians. There were dramatic improvements to power supply

reliability under the reforms of the previous government in the 1990s, but reliability has been getting progressively worse since 2004. There has been chronic neglect and inaction by the Bracks and Brumby governments over that period.

After the first two rounds of widespread blackouts in 2005 and 2006, reports and inquiries were commissioned by and from the Essential Services Commission. Those reports came up with very similar sets of recommendations, about which nothing was done by the then Bracks government. These recommendations were for things such as improved customer call centre management; increased use of non-operational staff; better information provision between agencies; standardisation of emergency response levels; better media communications; alternative communications mechanisms, such as the use of SMS; more effective use of local radio and television stations; and better coordination with other emergency services.

How much better off Victorians would have been if the government had acted on those recommendations. However, what we saw after the 2008 windstorms was that Labor did not even bother to hold another inquiry into what went wrong with the electricity system. All it ended up doing was getting the emergency services commissioner, Bruce Esplin, to investigate how Victoria's emergency services responded to the windstorm and its consequences. As we know, the resulting report was damning in its findings about how Victoria's emergency services could cope with an emergency. The government failed to act on that report until after February's tragic bushfires, and I am sure that matter will be subject to a lot more inquiry and investigation in a forum other than this.

In the Public Accounts and Estimates Committee hearing the other day the minister said the delay was due to the attempt to organise a whole-of-government response. Heaven help us if it takes six months under current arrangements for the minister to organise a whole-of-government response on such a vital emergency management issue. What hope have Victorians got? The government did not even get around to supplying copies of the report to the Bureau of Meteorology so the bureau could ensure that weather warnings were distributed to all relevant Victorian agencies.

The issues of reliability of supply and load shedding are of vital concern. This bill simply carries forward the existing load-shedding arrangements and deems them to be arrangements under the National Electricity Law. It was pointed out to us in the briefing that the current arrangements are that the Minister for Energy and Resources sets the rules about what the load-shedding priorities will be when load shedding is needed.

What I hope that the minister or others on his behalf will provide to this house during the course of the debate is an explanation of exactly what those current rules and priorities are, because what we saw in many of the blackouts, most recently in January this year, was a switch being flicked on wide regions of the state with no warning whatsoever and a whole range of community facilities being plunged into darkness. This house and the community are entitled to know what those rules are that have been set by the Minister for Energy and Resources. How has he allowed those rules to continue to operate, given the experience of the last five years and the fact that on the government's version of events we are likely to continue to experience serious blackouts due to extreme weather events? You would have thought that after the first one or two years of blackouts at the latest, the government would have realised that the current rules were operating inadequately and that we needed to get a much better system for those occasions when blackouts occur.

Of course the Labor Party has form on that, even at the time when it came to office in the 1999–2000 summer. We saw the widespread blackouts then, when Victorians were plunged into darkness without notice, whereas the government's counterpart in South Australia was able to organise mandated power restrictions that avoided the need for those random and unannounced blackouts. So the government has a lot to answer for about how it handles blackouts. It seems to us unacceptable that the government should simply shove across to AEMO these arrangements in their current form, without any attempt to improve them and without any accountability or explanation to the Victorian public about what the current rules are and what, if anything, it is intending to do to improve them.

Last and certainly not least, I want to refer to the provisions of the bill that allow the minister to delegate to AEMO the appointment of a responsible officer to liaise regarding the use of the electricity emergency management powers. When you look at the memorandum of understanding between the states and the protocol that is made under it, this person who is designated as a responsible officer is intended to be a representative of the state of Victoria who can liaise with NEMMCO as it presently stands and with other jurisdictions about use of the electricity emergency management powers. It is strange to see how it is going to work, if AEMO is appointing a responsible officer who is to liaise with AEMO. I assume that there may be some other changes being made to the protocols at the

same time, but we need to hear more about that. Certainly the whole subject of how adequately or otherwise the Brumby government handles emergency management in relation to electricity supply generally could be the subject of an entire additional debate.

Also arising out of the move to these national arrangements is the fact that, while the minister has power within this state to determine guidelines for customer load shedding, there appear to be no policy-based guidelines to determine the interstate sharing of load shedding. So far the authorities say they determine that on technical grounds but ultimately this is a policy issue as we move to a national market. That policy issue for interstate sharing where there is a power shortage that affects more than one jurisdiction needs to be resolved.

As I said at the outset, there are many far-reaching and important issues raised by this bill. We certainly support the move to a national electricity market, but a lot more work needs to be done to make sure that that move works well and the problems that I have referred to in this debate are addressed.

Mr HARDMAN (Seymour) — I rise to speak on the Energy Legislation Amendment (Australian Energy Market Operator) Bill 2009. This bill provides for the next phase in the national energy market reform program under the Ministerial Council on Energy and the Council of Australian Governments.

The bill establishes a single industry-funded national energy market operator for both electricity and gas. The legislation that we have been debating over the last year or so has continued to develop this national system and has been enabled by the number of amendments made during that time. The Australian Energy Market Operator (AEMO) will assume the powers of the existing market operators in the various jurisdictions. In Victoria that simply means the current operators, the Victorian Energy Networks Corporation (VENCorp) and the National Electricity Market Management Company (NEMMCO).

The member for Box Hill advised the house that the opposition supports this bill. We thank the opposition for that. He also outlined a number of criticisms of the bill. He was concerned about increasing the level of bureaucracy. Obviously one of the factors that drives this legislation is that it can lead to a reduction in bureaucracy and red tape. The political rhetoric and point-scoring continued from there, with little factual backup; indeed, he neglected the facts. In the half an hour he was allocated, the member for Box Hill really did not spend much time on the facts at all, but continually claimed that the good parts of the electricity market were introduced by the opposition during its time in government. We agree that the Liberal Party privatised the electricity industry in Victoria, but when it comes to the establishment of good competition and consumer protection, the hard yards have actually been done by our government over the last few years.

The main benefits of the establishment of the Australian Energy Market Operator include a greater understanding of market operations and interactions between the gas and electricity sectors that will result from the information sharing which can occur through the establishment of a national body. This body will also provide improved emergency management coordination. The member for Box Hill touched on extreme weather conditions. The benefits that a national market and a joint organisation and expertise will be able to provide are that they will ensure that, when emergencies occur, we will have the best chance of getting our essential services such as our electricity and our gas going as quickly as possible, to keep our economy and communities going.

AEMO will also provide economies of scale. That will mean fewer costs and therefore less impost on either the taxpayer or the energy consumer, and that will come from having common information technology systems for gas and electricity. The provision of a single interface for energy market participants will also reduce red tape and the duplication of interactions. It will therefore also lower costs, and that has to be good for everybody. There are administrative cost savings in the corporate support structures — again there is only one instead of several. I think a final driving factor for this bill and the creation of the AEMO is that it is important for these organisations to retain and even attract expertise. A substantive organisation will enable us to do that. It will therefore enable us to have the best possible market operator in Australia.

The bill has been designed to realise these foreshadowed gains with minimal changes to the existing regulatory framework. Victoria is very proud of the VENCorp, the protection advice it provides to consumers and what it does with regard to the market. It recognises that a national body will provide greater consistency across the board. Principally this bill will apply the functions of the Australian Energy Market Operator in Victoria and abolish VENCorp, transferring all its rights, responsibilities, assets and liabilities to the AEMO. In conclusion, I support this bill. The bill supports the government's commitment to ensuring an efficient and secure energy system, reliable and safe delivery of energy services and access to energy at affordable prices.

Mr CRISP (Mildura) — I rise to make a contribution to the debate on the Energy Legislation Amendment (Australian Energy Market Operator) Bill 2009. The purpose of the bill is to establish, hopefully by July 2009, a single national energy market operator for both electricity and gas with the powers and functions of the existing market operators in the various states. Victoria will disband its Victorian Energy Network Corporation (VENCorp), and the National Electricity Market Management Company (NEMMCO) will become the Australian Energy Market Operator.

Some of the things I am going to raise are very much based on what the second-reading speech says about the new body being set up to deal with the electricity transmission planning and procurement of electricity or of energy. The supply of energy for Victoria's future is of great concern to the coalition. Victoria's population is growing — in Melbourne in particular — and thus demand is growing. We have a long history of the growth of demand in Victoria. According to a 2007 International Energy Association report, at page 102 of part 3, we have had sustained growth from 1990 to 2006 of 2.1 per cent a year. An Energy Networks Association publication states:

> … forecast of existing and committed generation capacity across Australia is growing at an average of 4 per cent increase per year …

It is forecast to continue to do that for the next couple of years.

Our energy needs are growing because of both the number of people coming to Victoria and the amount of energy used per person. This is despite some of the good work that has been done regarding people being more energy efficient. It is a fact of life that people are using more energy. After a summer during which we were short of energy, what is everybody in Melbourne saving for? They are saving for a reverse cycle air-conditioner that uses even more energy. We have a problem. At some point we are going to reach the end of what are called our spinning reserves. Our generation capacity in Victoria is based on a large number of sources, particularly thermal energy generated in the Latrobe Valley. However, we are proposing to add generation to the grid through the use of solar power — one of those facilities is in my electorate — and there is generation from gas turbines and wind energy.

At some point in the future Victoria will run out of spinning reserves, because it will take a very long time to build another large-scale power station. We are messing around now trying to work out when this will occur. The minister needs to let us know when that will be.

This legislation offers the potential for the minister to hide by saying, 'Look, it is now a national responsibility for the energy future and the grid'. I need assurances he will not do that. At some point Victoria — I think in the next five or six years — will have an energy crisis. Where is the extra energy going to come from? New South Wales has more spinning reserves than Victoria, so with a national body we will pull that energy out of New South Wales. However, at some point that will be exhausted as well. Queensland has some spinning reserves that will go beyond the exhaustion of New South Wales reserves; however, as I understand it, the transmission links are a huge issue in bringing that energy out of Queensland. Hopefully the new body, which will be responsible for distribution, will put some of its time, effort and money into building a true grid and upgrading that link from Queensland.

I hope this legislation is not being set up to dilute Victoria's responsibility. The responsibility of the Minister for Energy and Resources is to make sure that Victorians have the energy they need going forward. If the drought breaks, we cannot come out of a water crisis and drop straight into an energy crisis. Victorians will simply not stand for that. We have some alternatives out there. As I have mentioned before, large-scale solar generation is of use. Similarly, we need to promote green power.

Another interesting statistic which came from the Australian Bureau of Statistics on 25 March 2009 relates to households and renewable energy. Energy use by households is increasing, and we have talked about that. Around one-third of Australia's households are aware of green power and are willing to pay extra for electricity generated from renewable resources, but not all of them are using it, so around 10 per cent of households are paying for green power. If we are going to promote the green power option, then it is the government's responsibility to deal with the gap between the one-third who are aware of green power and the 10 per cent who are taking it up. If that is going to be our solution to avoid an energy crisis, then we have to get out there and promote that green power component of our economy.

My experience in this area is a little old, but I will share what I do know. If some time in the future we are going to have to build a new thermal station in eastern Australia to meet our future energy needs, I believe it will take at least 10 years to get that project designed and built, and then beyond that we have to have the

carbon capture technology right. If we are going to augment our energy network — and that is what this body to which we are now passing our powers will inherit — then we have to be well aware that a thermal station will not be available until such time as we have already exhausted the existing thermal capacity and pushed our green power to the limit. I believe we are facing a significant issue in the future, and this body is going to inherit one heck of a headache. I hope that it has the resources to address this issue and that it gets the support it needs from the Victorian government.

This bill also deals with gas, and I would like to move on to the issue of natural gas because it is a significant issue for country Victoria. This bill does move towards a national gas network or grid. Our electricity grid is better than our national gas grid. Our gas lines are not linked together well, and as we go forward we face the exhaustion of some wells and other sources, and we will need a strong energy and gas grid built for Victoria.

In Mildura we have a problem with our gas line, which is a problem that the rest of Victoria may well face. People have converted to gas because there is an incentive to do so, but we are at the very end of the Cooper Basin line that comes through from South Australia and the line is at capacity. That is getting in the way of people who want to get solar hot water for their residences. The gas is in the street, but they are having difficulty getting gas connected, so they are not getting the rebate. A number of industries that have been using butane want to move across to natural gas because of the high cost of butane, and they, too, are struggling with this, as are new industries going forward.

Mildura's problem is unique in that we have an opportunity to use a gas turbine in conjunction with a solar thermal power station, which would give us around 60 per cent efficiency versus a percentage in the mid-40s for either solar voltaic or solar thermal energy, but the gas line will not allow it. If we are going to exploit the solar option within our time frame of energy exhaustion, we need a better gas grid across Victoria so that we can have this next generation of integrated solar power stations to meet those generation needs. There is an awful lot of work to be done in a very short time, or we will all be sitting around with candles in the future waiting for the power to come back on.

I want to return to something the member for Box Hill raised, which is this load shedding arrangement. At present load shedding occurs when there is a major fault or disruption to the network; however, in the future if we start to get short of energy, then load shedding will become more of a routine event than an extraordinary event. If that occurs, we need to be transparent about the rules associated with load shedding. I am sure they exist. Nobody is going to make up their mind to flick a switch on impulse. The rules will be written down. They will be there for us all to see. People deserve to know. There should be transparency in how load shedding will work in an emergency so that when it is necessary, and when we have a blackout in the future because we are short of energy, people will know when it will be their turn and why.

This bill provides a good opportunity to discuss the future. We are transferring our powers to a single body, which is why we are supporting it — and because it is probably best placed to take on this task — but that does not and should not divorce this government from or relieve this government of the responsibilities it should face to secure our energy future.

Mr PERERA (Cranbourne) — I rise to speak briefly in favour of the Energy Legislation Amendment (Australian Energy Market Operator) Bill 2009. The trade within Australia's energy markets is currently facilitated by various market operators in the gas and electricity sectors. This has not been found to be the most efficient way to achieve the national optimisation of the investment between the electricity and gas transmission networks and the electricity generation sector.

At a meeting held on 13 April 2007 the Council of Australian Governments agreed to establish a single, industry-funded national energy market operator — to be called the Australian Energy Market Operator — for both electricity and gas to strengthen the national character of energy market governance. The bill will support the application of the new national energy market operator's functions in Victoria and transfer to it all rights, responsibilities, assets and liabilities of the Victorian Energy Networks Corporation. The bill will principally apply the Australian Energy Market Operator's functions in Victoria.

The bill will support the government's commitment to ensuring an efficient and secure energy system, the reliable and safe delivery of energy services and access to energy at affordable prices. An implementation plan, statement of approach and exposure draft of the proposed national laws, rules and procedures were released for public consultation. Stakeholder forums and detailed consultation sessions have also been held. The benefits of establishing the Australian Energy Market Operator include the sharing of information, which will lead to an improved understanding of market operations and interactions between the gas and

electricity sectors. This will lead to more efficient outcomes for the energy market. There will also be improved emergency management coordination during disasters such as bushfires.

Another benefit will be the economies of scale achieved by having common information technology systems and other administrative systems. The provision of a single interface for energy market participants will reduce red tape and prevent the duplication of interactions, thereby lowering costs. Having a single substantive organisation will assist with the ability to attract and retain a core mass of appropriate expertise, and the national organisation will be better placed to promote green power in the future.

The Australian governments will hold 60 per cent of the voting rights of the new Australian Energy Market Operator, which is a not-for-profit company, with energy supply side entities holding 40 per cent of voting rights. This is testimony to the fact that all Australian jurisdictions are committed to working together in the provision of adequate, reliable and affordable energy to meet future energy consumption needs and to underpin strong economic growth consistent with the principles of environmental responsibility and sustainable development.

The energy industry will always have an effect on greenhouse gas emissions, and a reduction in environmental impacts would be of national significance — for example, new national energy standards for digital set-top boxes and external power supplies used to power products were approved by the Ministerial Council on Energy, which is made up of all energy ministers from across Australia. This is an excellent move for the future, and I commend the bill to the house.

Mr MORRIS (Mornington) — I am pleased to make some comment on the Energy Legislation Amendment (Australian Energy Market Operator) Bill 2009, which of course is part of the process of establishing the framework for a single national energy market for gas and electricity. It is an important initiative, and it is certainly supported on this side of the house. There has been strong support on this side for a national energy market for a very long time. I understand it has significant industry support as well, and it has to be said that there is broad support amongst all parties in this house for genuine competition.

There are considerable potential benefits to be derived in terms of efficiency, both for the producers of the gas or electricity and for the suppliers, but ultimately those benefits should flow through to the consumers as well. I think that is an important point. We do not have markets simply for the sake of having markets, and we do not have competition simply because competition is seen as a good thing. These things are ultimately about working for the benefit of the consumer. That is the ultimate reason for having a market base to any commodity exchange and for having contestable service provision — to get a benefit for the consumer.

The supply of both gas and electricity is essential. They are almost as important for life in the 21st century as water has been historically; they almost come into a different category. We have seen an enormous change over the last 15 years or so in the nature of the supply of energy and in the way we approach the supply of energy and the way the services are delivered. If we cast our minds back to the days of the former State Electricity Commission of Victoria or the former Gas and Fuel Corporation of Victoria — enormous organisations with significant levels of bureaucracy — it must be said that they did many things very well, but they simply could not deliver the services in an efficient manner. The previous reform has been of considerable benefit to the people of Victoria, and this amendment is the next logical step.

I think the point about ensuring efficiency for the benefit of the people of Victoria is an important one. We need to ensure that whatever structure we put in place, we have a genuine market working. We need to ensure that no aspect of the framework gives an advantage to one component of the market over another. We need to ensure that no aspect of the design distorts the ability of participants to deliver what they need to deliver in the most effective way. Regulation and bureaucratic oversight need to be kept to a minimum. However, while keeping those to a minimum, we need to ensure that we have a sufficiently robust structure so that the interests of the consumers, suppliers and producers — the interests of all stakeholders — are protected.

The bill before us seeks to amend eight acts of the Victorian Parliament. I am certainly not going to run through them all, but the centre point is the creation of the Australian Energy Market Operator. The bulletins provided by the Ministerial Council on Energy tell us that AEMO will merge the current national electricity market operator, NEMMCO (National Electricity Market Management Company), with the gas operators in New South Wales, the Australian Capital Territory, Queensland, Victoria and South Australia to create a single market entity. AEMO will take over the functions of the New South Wales Gas Market Company; NEMMCO; VENCorp (Victorian Energy Networks Corporation), as other speakers have said; the

Gas Retail Market Operator in Queensland; and the Retail Energy Market Company in South Australia

VENCorp is being phased out and AEMO is taking over. Not only are VENCorp's functions being taken over by AEMO but its assets and liabilities are also being transferred to AEMO. According to budget paper 4, there are assets worth some $22 million, yet apparently that transfer will occur without any payment to the citizens of Victoria. You would have to say that the transfer of assets to a national operator without recompense to the citizens of Victoria is a matter for concern. I know the government has the view that there are benefits to be obtained by Victorians, and I guess we will have to see what comes out in the wash on that.

I said at the outset that the bill and the concept of a national market are supported by the coalition. There is strong support. However, one of the dilemmas we have as a state — I am talking about the whole state; the people of Victoria and not just the Parliament or the government of Victoria — is that when we enter into these national arrangements we take the very real risk that we may lose the ability to influence our future path in particular areas. That does not have to be the case, but there is always a risk that we will lose control and lose the ability to chart the course we want to follow as a state.

The member for Mildura gave a very cogent exposition of the capacity issues which have the potential to impact on the future we have planned for Victoria. I have some misgivings about that, but I note that it is not as if this is a voluntary or even an involuntary seeking of the transfer of functions to the commonwealth. It is the creation of a company limited by liability. The board will be appointed by the Ministerial Council on Energy on the basis of recommendations made by two representatives from the ministerial council and two from the industry side. The ministerial council has the ability to veto not the individuals but the group. I think this is certainly an issue we need to watch.

Another issue I have some concerns about is the issue of load shedding. Other members have commented on the difficulties we have had, particularly in summer, but the bill is essentially silent on this issue. We have had a process where many Victorians have been left in the dark, left sweltering through long summer days or, in the case of a number of my constituents, left needing access to power for life-supporting equipment and have not been able to access it. I have spoken of those instances before. Luckily no tragedy occurred but it is a real issue and is something that the bill is silent on.

As the member for Box Hill said, we also need to be very careful about the sort of bureaucracy that may be built up. This company will be unchecked by market influence. There is no positive disincentive for the creation of a large bureaucracy. That is something that, once again, the ministerial council needs to be vigilant about.

In its report to the Parliament today the Scrutiny of Acts and Regulations Committee raised the point that the nature of the entity is a not-for-profit company limited by guarantee. There is a 60-40 split between ministerial council and industry sources. There is a very real risk that this will cease to be a public authority established by a statute of Victoria in the way that VENCorp is and will simply finish up being out of reach. I would certainly be concerned if this legislation and the national process took a body that is currently able to be controlled out of the hands of the citizens of Australia.

The bill is an important initiative. There are certainly some difficulties with the structure, which may need to be finetuned. Hopefully that can be worked on. It is an issue that as a Parliament we need to confront, because it is not the last time we will be looking at a national framework. Hopefully we can get the framework right without disadvantaging the people of Victoria, New South Wales, Queensland or any of the other participants in a national scheme.

Mr INGRAM (Gippsland East) — I rise to speak on the Energy Legislation Amendment (Australian Energy Market Operator) Bill 2009. We have had a number of pieces of legislation through this place which have progressively handed over to the commonwealth the regulation and operation of our power. Many of those bills that have passed through here have just been enabling legislation and the body text of that legislation has been passed by the South Australian Parliament. On a number of occasions I have spoken about my concern about that process, particularly when we hear a number of speakers in this place raise concerns about the legislation before us, including whether it actually delivers the expected outcomes to our constituents. Members, including the previous speaker, have also spoken about our inability to set the future direction of where we need to go and the investment requirements to provide the necessary power supplies for our constituents, when we actually hand the regulatory operation control over to a national body.

As the explanatory memorandum says:

> A new national framework for a single national energy market operator for both electricity and gas has been developed by the Ministerial Council on Energy under the

> Council of Australian Governments. The new framework is to be enacted through the Parliament of South Australia —

which is what I indicated before. South Australia has done that with previous bills. The explanatory memorandum goes on:

> … and will apply in Victoria pursuant to the National Electricity (Victoria) Act 2005 and the National Gas (Victoria) Act 2008.
>
> The bill contains ongoing and transitional provisions that will facilitate introduction of the new framework in Victoria.

Basically:

> The bill provides for the transfer of the powers, functions, rights, responsibilities, assets and liabilities of the Victorian Energy Networks Corporation (VENCorp) to the Australian Energy Market Operator (AEMO).

That is what the bill before the house does.

In the past I have made comments in which I have been fairly critical of the process of the privatisation of power because of the impact it has had on rural consumers in particular and because of the way it was done. My real concern about handing over the powers of a state-based regulator or operator to a national-based system is that we are proposing to do that without actually protecting consumers, including removing the inequities that exist within the current system.

When the electricity industry was privatised many members spoke about the transmission and distribution lines and the fact that metropolitan electricity consumers were fenced out of the requirement to pay the higher cost of transmission that is borne by rural consumers. In other words, rural consumers are lumbered with much higher electricity charges now and forever. This bill enshrines that inequity for the future. We will never be able to address that. That is the concern that I have and have always had with handing over our powers to the commonwealth without fixing inbuilt inequities in our system.

As we sit here, vote for and pass this bill — I know it establishes a national system — we will be enshrining the inbuilt inequities under the federal regulator. We are guaranteeing that this Parliament will forever not be able to change the fact that my constituents, including those with businesses in my area, pay higher costs for power than people who live in leafy suburbs like Hawthorn or somewhere else in Melbourne.

Worse than that, you could have a business with no distribution and no losses sitting beside the power stations in the Latrobe Valley and using a fairly large amount of power that would be paying more for that power than a competitive business in an urban area. That is one of the outrageous situations we have had with the privatisation of power that will not be improved by this bill.

The bill also transfers the powers for gas transmission and other functions to the commonwealth regulator. Previous speakers have indicated — and I think everybody is saying — that it is a great thing that we pass over the powers to the national regulator. With regard to privatisation, I read a lot of the speeches made when the original privatisation of the gas industry was undertaken. It was supposed to deliver the incentive to roll out natural gas to all those communities that did not have it.

This bill really flies in the face of the needs of my constituents. The people at Lakes Entrance can sit on their porches and look at the gas rigs out in Bass Strait and yet they still do not have access to natural gas. A large number of towns in my area would like to see further extensions to the rollout of natural gas sometime in the future. I know the state government, through the Regional Infrastructure Development Fund, provided gas to towns, and Bairnsdale and Paynesville in my electorate were part of that. It was good for those people who were connected, because it is a great system and a great program. But towns like Stratford, Lakes Entrance and Orbost still have not and do not look like having natural gas rolled out in their areas. That is a real concern for those communities.

We do not see the federal government investing in infrastructure improvements. We see some assistance being provided for the further generation of power and renewables, and that is good. We need to ensure that there is capacity to improve the generation of power to shift from our heavy reliance at the moment on brown coal to renewable energy generators, but I cannot see the federal government buying into this. We are now handing over further control to the commonwealth. We have not received any feedback from the federal government that it is going to provide further incentives for the rollout of natural gas. Most federal MPs, including mine, say this is a state government responsibility. Here we are shedding our responsibilities and passing everything off to the commonwealth, and in my view no-one seems to be making any comments about the ability to do that.

I have real concerns about the legislation. Consistent with previous actions I have taken on this issue, I cannot support further removal of our state powers to the commonwealth unless those inequities which are built into the current system are addressed. I note the silence from opposition members who have previously

expressed outrage over the state government's removal of the subsidy that was built in, but we still have not seen any addressing of that. That is why I will be opposing the bill.

Mr SCOTT (Preston) — It gives me great pleasure to rise to speak on the Energy Legislation Amendment (Australian Energy Market Operator) Bill 2009. I wholeheartedly support this legislation as I consider it part of a shift in the tradition of our approach to such matters over time. Once upon a time both representatives of labour and capital essentially sought to avoid competition and sought to impose regulated solutions which did not adequately address the needs of consumers. That was obviously encapsulated in what was described in *The End of Certainty*, the seminal work about 1980s politics. As Australian settlement took place at the end of the 19th century and the start of the 20th century there was a broad consensus about how society should function and that markets should be regulated in such a way that the competition within them would be limited in order to protect people from the negative impact markets can have through the forces of creative destruction that are inherent in markets. Unfortunately the consequence was in large part to remove the benefits of markets for consumers.

That has been an important shift, and I welcome the fact that members from both sides of this house support the expansion of competitive markets in the delivery of important services like energy in the form of electricity and gas for consumers. That is a significant shift that has taken place over time.

As other members have stated, this bill implements the Council of Australian Governments decision of April 2007 to establish a single energy market operator for electricity and gas by July 2009. That operator will be called the Australian Energy Market Operator. AEMO is a not-for-profit company which will assume the powers and functions of existing market operators in the various jurisdictions. As part of these arrangements, as has been stated by previous speakers, the bill will be passed through the South Australian Parliament, providing for AEMO to assume the powers and functions of existing market operators.

In the Victorian context AEMO will take over the functions performed up until now by VENCorp through amendments to the National Electricity (Victoria) 2005 Act and the National Gas (Victoria) Act 2008. AEMO will have responsibility for the 'retailer of last resort' scheme under the Financial Management Act 1994 and the Gas Safety Act 1997. As a consequence of this VENCorp will be abolished through amendments to the Gas Industry Act 2001 with all assets, rights, responsibilities and liabilities being transferred to AEMO.

This is a significant part of a change that has been taking place in Australian society, where the needs and rights of consumers have slowly been rising. In essence previously it was the role of both labour and capital as producers which defined how regulation took place within Australia. Slowly there has been a shift to take into account the needs of consumers and not just those of producers. There has been a further shift which has focused not just on the ownership of assets like electricity supply companies or gas supply companies, whether that be by the state or by private industry, but also on the need for competition, because consumer benefits are not derived solely from who owns such assets; they are also derived from a competitive market on which there are pressures on the providers to maximise benefits for consumers.

This has been an interesting shift. A number of other privatisations in other jurisdictions were fairly disastrous because there was no competitive element to the privatisation. Ownership simply shifted from the public to the private sector and a rent was created for those who owned the assets with no benefit derived for the consumers. The need for competitive markets has emerged in recent decades as an adjunct to the shift towards the need for the private provision of services, because without that competition consumers do not derive any benefits.

In effect rents are collected by state-regulated private owners without there being any possibility for consumers to benefit. There have been a number of disastrous privatisations, particularly in Eastern Europe after the collapse of communism, where it would be best described — and I would not in any way draw an analogy with the Australian situation — as bandit capitalism, where people took over large state assets with there being no benefit for the public whatsoever. This is not the case in the Victorian and Australian jurisdictions. This is an excellent piece of legislation which furthers that process of developing national markets for essential services which in the long term will lead to a better service for consumers.

I commend the bill to the house. It is a good piece of legislation and I am pleased the opposition parties support it. It is important that in effect representatives of both labour and capital in their various forms have shifted that focus towards putting a greater emphasis on consumers. I note that even the critic of the bill in this house is also focused on consumers. It is an important shift that has taken place in the political discourse

within Victoria and Australia. I commend the bill to the house.

Mr WELLER (Rodney) — It gives me great pleasure to rise and speak on the Energy Legislation Amendment (Australian Energy Market Operator) Bill. The purpose of the bill is to support the establishment of the new Australian Energy Market Operator and transfer the roles, assets and liabilities of VENCorp to AEMO.

The main provisions of the bill are to amend the National Electricity (Victoria) Act 2005, the National Gas (Victoria) Act 2008, the Electricity Industry Act 2000 and the Gas Industry Act 2001 to enable AEMO to take over the functions performed to date by VENCorp, including under the gas market retailer-of-last-resort scheme. It allows AEMO to operate the Victorian gas industry using Victoria's current market-based pricing and centralised transmission planning, which do not apply in other states. It allows other states to opt into that system in future if they want to. It abolishes VENCorp and transfers its assets and liabilities to AEMO. I will talk about that later. It allows the minister to delegate to AEMO the appointment of a responsible officer to liaise with AEMO regarding the use of electricity emergency management powers, and it deems existing customer load-shedding arrangements to be arrangements under the National Electricity (Victoria) Law. I will speak about that later as well. The bill repeals the power of the Essential Services Commission to make guidelines about access to land for the purposes of augmentation of the Victorian electricity transmission system.

There will obviously be some risk in how this will come about. As we know, energy is very important to the electorate of Rodney. We have industries that are very reliant on energy and we need to have reliable supplies of it. Last summer we saw load-shedding practices used by the Victorian government, but they were applied in inappropriate areas at the wrong time. As we have seen, there has been load shedding in the dairy industry areas at milking time, which is inappropriate. If we are going to have load shedding we need people who understand the industries and markets they are working with so that it is done at a time when it has minimal impact on everyone. This is one of our concerns — —

Mr Ingram interjected.

Mr WELLER — This is one of our concerns, and the member for East Gippsland is interjecting inappropriately, but I will continue. Last summer the load shedding was due to the Brumby government's inaction in increasing supply. As we all know, demand has been growing but supply has not been growing at a rate that keeps up with demand. This action will bring on some extra supply from interstate. However, if we continue to ignore the growing demand for energy, somewhere in the future we will be in the same position we were in last summer. The Victorian government still has the responsibility to make sure there are levels of supply appropriate for the demand. If we cannot manage that, industries will not be attracted here to Victoria.

I also referred to the transfer of assets from VENCorp to AEMO. That is a concern. In doing this the government has to make sure that we are not short-changed and that we get value for money. There is a saying that Labor cannot manage money, so this time we need it to step up to the line and make sure that we get the deal for Victoria that gives us greater value for money, as it proposes in the bill.

The government talks about it being a more efficient system and says that there will be less bureaucracy. It needs to get out the detail and prove to us how that will be. If it is going to be a more efficient system, how many jobs will it cut when it merges all these things? Those are things that we should be told if we are going to have a transparent and open government and an accountable system.

The gas pipelines to my electorate that were promised in 2002 have not been delivered — the gas pipelines to Nathalia, to Cohuna, to Leitchville, to Heathcote, and to Elmore. People in my electorate have been waiting since 2002 for gas to be connected to their towns. Obviously this bill does not affect them, because they do not have gas. It affects them with electricity, and they need the government to step up to the line and provide more capacity for electricity.

The handing over and amalgamation into a national market will initially be a positive for short-term extra energy coming into Victoria. But if we do not address the problems of supply in the long term, as the member for Mildura so eloquently said, there will be a time when there will be no excess spinning capacity left in Australia. This would be a disaster. Already industries are looking at places in the world to where they should locate. If we continue to ignore that fact, we will lose jobs to places overseas.

With those few words I can say we will not be opposing the bill, but we say to the government that it needs to be very diligent in making sure that it delivers the promises in this bill.

Mr HERBERT (Eltham) — It is a pleasure to speak on the Energy Legislation Amendment (Australian Energy Market Operator) Bill. Before I begin I acknowledge your key interest, Acting Speaker, in market reform, and I know you have a keen interest in energy market reform in particular. This bill is part of a national approach to energy marketing and the growing trend towards much greater state and federal cooperation when it is in the national interest. It is across the whole board that we are seeing this sort of cooperation, and it is good that it is starting to happen at long last.

It is not, as the member for East Gippsland said, about shedding responsibility — far from it. There can be conspiracy theories and there can be old red herrings. The simple fact is that this is about the expansion of a competitive market. Once every local council in Melbourne had its own electricity supply, and it was hopeless. It was inconsistent, the rates were all different, and the situation was quite hopeless. So we moved to a more statewide basis and more consistency. Now we have a national energy grid and market and, quite frankly, it should be managed accordingly. It should be managed in a national sense. I would like to commend the energy minister and his state and federal counterparts for having the foresight to take this large step in what is basic common sense in terms of how energy is governed in this country.

In essence this bill transfers all rights, responsibilities, assets and liabilities of VENCorp (Victorian Energy Networks Corporation) to the Australian Energy Market Operator. AEMO will assume the powers of the National Electricity Market Management Company and various state retail gas market operators. It is about energy — electricity and gas. In essence this national body will assume what was previously state responsibility for electricity transmission, planning and procurement as well as the operation of a wholesale gas market. As a government we are quite proud of the rollout of natural gas across Victoria. It is an incredible achievement and a great commitment to country Victoria.

The changes in this legislation will undoubtedly improve energy sector governance arrangements right across Australia. They will implement a key Council of Australian Governments decision to establish a single national energy marketing operator. They will enable much better energy planning and procurement nationwide, they will enable more consistent emergency management and access to land for the purposes of the transmission system and they represent a really good deal for the consumer. It is a national approach, and I think that is quite important. It is not a commonwealth takeover, it is not about us shedding responsibility; it is about us being part of a team to provide the absolute best effort for the consumer and for this company. The various state governments, as well as key energy supply-side entities, will all have a seat around the table and will all have a say in the decisions about the electricity energy market.

The cost of and access to energy are absolutely essential factors in people's lifestyles and for economic security. Whether you live in Melbourne, whether you live in East Gippsland or whether you live up in the far north, the price of energy, access to it and the regime that regulates it are key components of the quality of lifestyle you end up having. Whether that quality comes through work, through industry or through the basic electricity we get in our houses, it makes sense to have a national approach, because increasingly we are competing nationally against other trading nations and the price of electricity is a key component of that international competition. In summary, I think this is a good deal. It is a good piece of legislation for Australia, a good piece of legislation for Victoria and a good piece of legislation for the consumers who rely on power in this country. I commend the bill to the house.

Dr SYKES (Benalla) — I rise to contribute to the debate on the Energy Legislation Amendment (Australian Energy Market Operator) Bill. I see a lot of merit in the intention of the bill to work towards a better national approach to the supply and distribution of energy. Rather than just working through the provisions in the bill, I would like to tackle the issue from a slightly different angle. Let me say that we need a sound legislative base to enable this process to get up and running and to have a national system of energy distribution, and the legislation before us is part of providing that sound legislative base and therefore makes sense. However, we also need to have physical assets — physical structures — in place. We have to have the grids available for the distribution of electricity and gas.

In the case of electricity the grid has been established for a long time, and associated with that are some pluses and some minuses. If we look just at some of the issues that have arisen in recent times, we have seen the risks to the overhead electricity distribution system from bushfires. Regrettably in my area we have had megafires on three occasions — 2003, 2006–07 and 2009. On each of those occasions there were concerns about the risks to the overhead powerlines from fires. One of the major considerations at those times was the management of vegetation near the powerlines, particularly native vegetation. That issue will no doubt be picked up by the royal commission that is under way

at the moment, but it has been an ongoing issue. In the case of the 2006–07 bushfires there were major concerns when the major electricity grids passing through the area north of Mansfield were under threat.

The other concern about the overhead powerlines and fires is the issue that was evident in the most recent fires, with strong evidence to suggest that failure of the overhead grid distribution system resulted in a number of fires. Again, that will be picked up by the royal commission and a number of legal class actions that have been initiated. However, I am aware of significant commentary about the failure to provide adequate maintenance, and we are no doubt going to have a debate at the commission as to whose responsibility that was — whether it was, as some claim, the government's failure to authorise adequate maintenance funding or whether there were other factors.

I can tell members, though, that from a grassroots perspective the impact of those fires continues out there in a very dramatic way. Only last week I was up near Beechworth at Mudgegonga at a gathering of ladies who were having a catch-up and doing some quilting and general craftwork. It did not take long, listening to the ladies, to realise that they were hurting very badly, as are their menfolk back home. The consequences of a lack of maintenance of our electrical grids can be fires such as those that have caused devastation and grief which is going to persist for a long, long time. Therefore the physical structures of the grids need to be of a standard that will ensure on a national basis a reliable supply of power that is distributed safely.

Another issue in relation to electricity, which was raised by the member for Gippsland East, is the high cost of electricity in country Victoria. Whilst I am a relative newcomer to the Parliament, it is my understanding that the current government has phased out a cost-equalisation arrangement that was an attempt to reduce the discrepancy and the disadvantage of country Victorians. The situation we have now is that the cost of electricity in country Victoria can often be 30 per cent to 40 per cent higher than it is in the city. As the member for Gippsland East indicated, that is a severe disincentive and competitive disadvantage for businesses in country Victoria trying to compete against their competitors elsewhere, particularly in the metropolitan area.

The other issue that we in country Victoria have had in relation to electricity supply and difficulties is that of short-term blackouts and brownouts. I know that a couple of years ago there was a major problem with a kiln at Euroa. A fellow was making high-quality glazed products. Each time there was even a short blackout, he could easily do $20 000 worth of product in his kiln. Again, those sorts of things need to be addressed. We must have a sound physical basis along with a sound legislative basis if we are to have a truly efficient, functional and appropriate energy grid.

I refer to natural gas. As other speakers have mentioned, there is not such a good grid for the distribution of natural gas in Victoria, particularly country Victoria. That is to a very large extent a funding issue. Many of us will recall that the Brumby government — or the Bracks government at the time — made a pre-election commitment to deliver natural gas to many areas of the state, including in my area to Mansfield and Bonnie Doon, Alexandra and Yea and the Ovens Valley. Regrettably the money that we thought was earmarked for country councils was able to be redirected to meeting the needs of the urban interface councils — at the expense of providing the opportunity for those country communities to have natural gas.

In doing that, we have had an exacerbation of the high level of social disadvantage in a number of country areas. I take the Ovens Valley as an example. That is an area of a high level of social disadvantage brought about by a number of factors, including the drought. People would be aware that that has been going for 10 years now, and anyone who doubts that it is still going should come north and have a look. With the drought we have also had associated frosts which caused a lot of damage to the grapevines in the area. As I have said, we have had three bushfires in the area — in 2003, 2006–07 and 2009 — and we had the closing of the tobacco industry, which took $30 million of income out of the area in one fell swoop.

It has been very difficult to attract opportunities for employment and replacement of industries. There was an opportunity at one stage. The Alpine Shire was wooing Ito En to put its green tea manufacturing facilities in Myrtleford or at Mount Beauty. One of the major reasons why that did not proceed and therefore did not provide an opportunity for employment in that socially disadvantaged area was the high cost of energy.

In speaking to this bill, the two components that seem important to me are, first, the legislative framework, which has been discussed by other speakers. There seems to be general agreement that it is achieving the objective that is intended. Equally important is having the physical structure there. We need a political commitment to ensure that there is statewide access to a reliable source of energy at a reasonable cost.

I guess that leads me to perhaps finish on the note that I would like the government to live up to its claim and recognise that there is more to be done. It is something I have heard come from the government benches a number of times. There is more to be done. I put it to the government that there is a lot more to be done in country Victoria so that country Victorians have the opportunity to access reliable and economical energy.

Mr SEITZ (Keilor) — I rise to support the Energy Legislation Amendment (Australian Energy Market Operator) Bill. The purpose of the bill is to amend the National Electricity (Victoria) Act 2005 to provide for the operation of certain provisions of the National Electricity (Victoria) Act relating to the electricity transmission system, and to amend the National Gas (Victoria) Act 2008. That is important because some of the amendments to those acts are transferring employees in their current situation to the new bodies that will be created under this legislation. When change takes place it is always important for people who are working in the industry, and there is reorganisation in both those fields.

Electricity and gas are energy sources that we need, and this government has extended natural gas pipelines pipelines making gas more accessible to a lot of businesses and communities, which is very important. I would also like to make the observation that at times packing sheds in particular in some farm industries could do with three-phase electricity and not just single-phase 240 volt power, and that could be looked at in the future. They can obtain it, but the costs of putting in transformers and other on-farm expenses are still prohibitive for a small operator or the small user of electricity.

As the previous speaker said about country and rural Victoria, it is an important factor to have reliable, accessible and affordable energy, whether it be gas or electricity. These days we also talk about water, but that is not part of the bill here today.

The bill, as is outlined and with the progress that has been taking place, is an excellent step forward. It is reassuring that by closing down an organisation and changing its name, another organisation can be established and take over the administration. Basically, the employees will be taken up and they will not be in a quandary. With the uncertainty in the economic crisis, people would be concerned about that.

When we are talking about moving the Victorian Energy Networks Corporation into the national market it is important that we know and understand what it means. It will mean a more efficient way of operating the system. It is a long way from the point where we segregated all the functions associated with electricity, from the energy producers to the transmission lines to the people who provide electricity to households, industry and retailers.

Having separated all those functions, naturally over the years improvements and changes can be made by looking and seeing what needs to be done to make the process more efficient. I noticed only today, I believe it was, that the minister issues a press release telling people they should shop around for their electricity supplier and find the retailer which is best for them, that suits their needs and where they can get the best deal. Some of the processes are excellent. They include the technical side of access to the land, maintenance that needs to be carried out on property under agistment and easements which need to be readily available.

I heard the previous speaker talking about the fire danger sometimes if there is a lack of maintenance. When some of the fires have been started by a faulty electricity line or installation, it has never really been proved 100 per cent whose fault it was that the maintenance had not been done. Is it the responsibility of those in the retail section? Are they the ones who have the high voltage lines or those who have the reticulated lines within the suburbs? A number of schemes are involved.

Mr Ingram interjected.

Mr SEITZ — I believe it is all in private hands. Therefore the government is only, in the sense of providing legislation, clarifying these situations between the various corporations that are operating in that field.

With those few words, I wish the bill a speedy passage through the house and hope that there is agreement around it.

Mr BATCHELOR (Minister for Energy and Resources) — I thank members who have spoken on this bill — the members for Box Hill, Seymour, Mildura, Cranbourne, Mornington, Gippsland East, Preston, Rodney, Eltham, Benalla and Keilor. With the exception of the member for Gippsland East there was broad support for this legislation. This bill is part of a suite of initiatives that have been moving through not only this Parliament over the last 10 years but all the Australian parliaments that are members of the national electricity market. That excludes the Northern Territory and Western Australia. This sort of legislation is passing through all other state jurisdictions. It will follow and complement the lead legislation passed by

the South Australian Parliament. We are in that process and have been successfully moving through it for 10 years.

I thank members of the opposition once again for their support. It has been useful for them, for the government and for the whole of Parliament to understand that this is an important national process. This bill brings almost to conclusion a series of amendments which include the setting up of a national energy market operator, AEMO (Australian Energy Market Operator), and it is an important piece of legislation. The bill implements the April 2007 COAG (Council of Australian Governments) decision to establish a single, industry-funded national energy market operator for both electricity and gas, which will be known as the Australian Energy Market Operator, or AEMO.

The Brumby government has led the way in establishing AEMO in discussions with other states and at the national level. We are pleased to see the bill supported in Parliament today. We wish it a speedy passage in the other part of the Victorian Parliament so that it can be passed in line with the requirements to establish AEMO on 1 July this year.

AEMO will assume the powers of the National Electricity Market Management Company (NEMMCO), the Victorian Energy Networks Corporation (VENCorp) and retail gas market operators from a number of states, including Victoria. By implementing this next phase of national energy market reform, Victoria is going to see a more efficient energy market with better information sharing and better interaction between the gas and electricity sectors. It is truly the establishment of an energy market. Victoria will also see improved emergency management coordination, reductions in red tape by providing a single point of contact for energy market participants, and a national organisation that is better able to attract and retain skilled workers. The bill is part of the government's commitment to provide an efficient, secure, affordable and reliable energy supply for all Victorians.

A number of points were made during the debate. In particular the member for Box Hill raised the issue of how AEMO will relate to the Charter of Human Rights and Responsibilities Act. It is our view that AEMO will be bound by the charter, because we believe it is considered as falling within the definition of a public authority. That is on the one hand, but in practice and in reality it is unlikely that AEMO will have many dealings with individuals, because the bulk of its dealings will be largely with corporations. To the extent it is required to have dealings with individuals, AEMO will be required to take into account the charter.

The bill is an important part of a reform process. Once again I thank those members of Parliament who have spoken and others who are going to support this bill. We wish it a speedy passage through the upper house.

The ACTING SPEAKER (**Ms Munt**) — Order! The question is:

> That bill be now read a second time.

All of those of that opinion say aye.

Honourable members — Aye.

The ACTING SPEAKER (**Ms Munt**) — Order! To the contrary, no.

Mr Ingram — No.

The ACTING SPEAKER (**Ms Munt**) — Order! I think the ayes have it. Does the member for Gippsland East wish to have his dissent recorded?

Mr Ingram — As I appear to be the only dissenting voice and a division will not be recorded, I would like my dissent recorded

The ACTING SPEAKER (**Ms Munt**) — Order! The dissent of the member for Gippsland East will be recorded.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

APPROPRIATION (PARLIAMENT 2009/2010) BILL

Second reading

Debate resumed from 5 May; motion of Mr BRUMBY (Premier).

Mr WELLS (Scoresby) — I rise to speak on the Appropriation (Parliament 2009/2010) Bill. At the outset, I advise that the coalition will not be opposing this bill.

The purpose of the Appropriation (Parliament 2009/2010) Bill is to provide the necessary funds from the Consolidated Fund to operate Parliament for the financial year 2009–10. The bill provides budgeted funding totalling $96.048 million — an overall increase of 2.8 per cent compared to 2008–09 — from the Consolidated Fund for the ongoing operations of Parliament for the 2009–10 financial year. It includes employee entitlements, building maintenance, asset purchases, parliamentary committees and funding of $13.7 million for the Auditor-General's office. The 2.8 per cent increase is in comparison to a budget forecast of a 2 per cent increase in the consumer price index and a population increase of 1.6 per cent.

With regard to the operations of Parliament, firstly, on behalf of the coalition I thank the entire parliamentary staff for the excellent services and support provided to us as MPs and the Parliament generally. To the excellent catering team, the library staff, the electorate properties group, human resources, IT services, the accounts staff and the attendants, I say a big thankyou. As members of Parliament we are very fortunate to have such a dedicated and professional team behind us. As deputy chair of the Public Accounts and Estimates Committee I thank not only the staff of that committee for its continuing excellent work, particularly during the recent hearings, but all parliamentary committee staff for their efforts in ensuring the Parliament of Victoria remains relevant, focused and responsive to the community.

I note that other funding is made available to Parliament by way of special appropriations covered by other legislation, including for members' salaries and allowances, which are governed by the Parliamentary Salaries and Superannuation Act. In this regard a special appropriation — it is not part of the Appropriation (Parliament 2009/2010) Bill) — is made for members' salaries and allowances, including electorate office funding. According to budget paper 4, at table 6.4 on page 239, that appropriation is budgeted to be $19.7 million in 2009–10. That is a 2.7 per cent increase over the 2008–09 figure and is virtually in line with the government's stated public service wages cap increase of 2.5 per cent.

The bill also provides for the carrying forward of unapplied appropriations from 2008–09, which are estimated to amount to $5.8 million, according to page 192 of budget paper 4. With the inclusion of receipts credited to appropriations of $19.5 million and total special appropriations of $39 million, the total parliamentary authority for 2009–10 is $161 million — an increase of 17.2 per cent over the 2008–09 figure, according to budget paper 4 at page 192. It should be noted that on page 266 of budget paper 3 the total output summary for Parliament in 2009–10 is listed as $160.5 million, or 22.1 per cent up on the 2008–09 budget. The total output cost for the Department of Parliamentary Services will increase by 5.9 per cent in 2009–10 compared to the 2008–09 figure, and it accounts for 59 per cent of the total output cost for Parliament, excluding the allocation for the Auditor-General's office.

The funding of the Auditor-General's is also by way of special appropriation governed by the Constitution Act rather than through the Appropriation (Parliament 2009/2010) Bill. It is budgeted to be $451 000 in 2009–10. That is on page 238 of budget paper 4. I have discussed this matter with the chair of the Public Accounts and Estimates Committee, the member for Burwood. If you look at page 238 of budget paper 4, you will see it lists the Auditor-General's salary as $276 000 in 2008–09 but $451 000 in 2009–10. I have been assured that the $451 000 figure is correct, but I suspect that the $276 000 figure is incorrect, because that would mean the Auditor-General has had a pay increase of 63.4 per cent this financial year.

Mr Helper interjected.

Mr WELLS — Members are interjecting, 'Well deserved'. We are just seeking clarification. The chair of the Public Accounts and Estimates Committee will follow that up and report back to the committee with a straightforward explanation.

The coalition believes that the appropriate ongoing funding of Parliament facilitates effective democracy in this state. Victorians, through their elected representatives, have a direct say in the operations and accountability of the state government and in the making of laws to regulate our complex and diverse society. Parliament must be properly resourced and managed to allow democracy to work for all Victorians. As MPs, we have a public duty to ensure that Parliament remains a worthy, effective and respected institution. However, one question needs to be asked. It is: have Victorians received value for money from their elected state government? Despite the Labor government's decade of opportunity, Victorians are asking, 'Where has all our money has gone?'. What do we have to show for it? Labor has had 10 years of record taxes and revenue totalling more than $300 billion to build desperately needed infrastructure and provide basic services. Our services are neglected and our infrastructure is crumbling. Labor's solution to make up for its incompetence and neglect is to burden future generations with a massive debt of $31 billion. The government has failed Victorians. The opposition

will continue to hold the government to account. We will not be opposing the bill.

Mr LANGDON (Ivanhoe) — I am pleased to be the lead speaker on the Appropriation (Parliament 2009/2010) Bill. I have done a lot of homework! The parliamentary appropriation obviously pays for the services that Parliament provides, including the Legislative Council, the Legislative Assembly, the parliamentary investigatory committees, the Department of Parliamentary Services and the Victorian Auditor-General's Office.

I cannot speak about the Legislative Council, but I know that members of the Legislative Assembly do a lot of hard work for their electorates. I am pleased to see that the remuneration provided for the Legislative Assembly has gone up.

I turn to talk about the parliamentary investigatory committees. I have been a member of the Road Safety Committee for the last 13 years, and I can assure the house the committee investigates matters decreed by both houses or the minister in question. I am more than pleased to support the increase in funding for the parliamentary investigative committees, including the allowances.

The Department of Parliamentary Services covers the whole gamut of running Parliament and the electorate offices. Sometimes I wish it could do more, but I am more than pleased that it has received an increase as well.

The Speaker's office does an outstanding job and I commend the Speaker for her commitment to her role. I take this opportunity to commend all the staff of Parliamentary Services, the two houses and everybody else.

The Auditor-General will also receive a substantial increase according to schedule 1; I think that is well deserved. The Auditor-General works exceptionally hard to investigate all matters within the state.

I am well aware there are other members who wish to speak on this bill. As the lead speaker for the government on the parliamentary appropriation bill, I am more than pleased to commend the bill to the house.

Ms ASHER (Brighton) — I also wish to briefly make a contribution to the Appropriation (Parliament 2009/2010) Bill. It has been a longstanding practice of this house to have a separate appropriation for the Parliament. Many members of the public would be interested if the sort of media attention given to the budget proper were given to elements of this appropriation.

In particular I want to refer to the table on page 266 of budget paper 3 where, notwithstanding media views about the costs of Parliament, the two largest components in terms of costs for the output summary on the parliamentary key performance indicator (KPI) is $74.9 million for Parliamentary Services in 2009–10 and $33.7 million for the Victorian Auditor-General's Office. Whilst members of the public may have a view about the cost of members of Parliament and the like, those two elements are the largest components of the output group as a whole.

I want to make a brief reference to a KPI on page 270 in relation to Hansard, because most members of Parliament are always praising Hansard and the parliamentary library for the work they do. I note that in the KPI in relation to Hansard — which is:

> Indexes, records, speeches and transcripts provided within agreed time frames and in required formats —

the satisfaction level required is 99 per cent. Whilst the government has satisfaction levels as KPIs peppered throughout the budget papers, it never gives itself a 99 per cent satisfaction rate. At page 270 of budget paper 3 there is clearly a requirement on Hansard to have, I believe, the highest satisfaction rating of any area of government, and I urge the government to put up its own KPIs along those lines.

I also want to refer to the very heavy workload of the library — for example, items processed for retrieval are going to be 42 000 in 2009–10, visitor sessions on the library intranet site 48 000, and so on. There are very high expectations of its servicing of MPs, and I have to say that in my 17 years here I have not been disappointed with the performance of those particular areas.

Mention is also made on page 270 of the fully resourced electorate offices outside the parliamentary precinct. From time to time I have made reference to the fact that the Department of Parliamentary Services has now changed its policy, and instead of members of Parliament being located in so-called high profile locations, they are now being required to be located in what are called 'fringe' or 'secondary' locations. I flag my concern. I do not want members of Parliament to be seen by the public to be in some sort of retreat from members of the public. I assume this policy will apply equally across all parties and the Independent member as electorate offices become vacant, leases expire or electorate offices are sold. If it is going to be a requirement, it needs to be across the board.

Again I express my real concern that under this policy and under this KPI relating to electorate offices, even though they are fully resourced, the offices of members of Parliament are not to be in high-profile locations. This could give the appearance that members of Parliament are wishing to have a back-of-office location, and I know that is not the case.

I also refer to the good work that parliamentary committees do; $6.4 million in 2009–10. I commend the report of the Environment and Natural Resources Committee which was tabled today, and I am sure I will have many opportunities to refer specifically to it. That report is of an investigation into the need for the government to do more in relation to Melbourne's water supply.

Finally, I want to make a brief reference to the resourcing of the Auditor-General. We are indebted to the Auditor-General, for example, for drawing the Parliament's attention to:

> The level of rigour applying to the components of the plan —

meaning the government's food bowl modernisation plan —

> varies considerably. For example, the food bowl upgrade costs represent the lowest level of rigour and were, at the time, based on a preliminary study by a stakeholder group …

We rely on the Auditor-General for reports such as *Planning for Water Infrastructure in Victoria*, which is dated April 2008, for pointing members of Parliament in the direction of the government's failings, in particular this very substantial failing in the government's water program.

I am delighted to be brief in my contribution on the parliamentary appropriation bill, and I am grateful for the opportunity to support in particular the work of Hansard and the parliamentary library.

Mr STENSHOLT (Burwood) — I also wish to speak briefly on the Appropriation (Parliament 2009/2010) Bill and commend this bill to the house. The Parliament is obviously very important to us all, and making sure that it is adequately resourced is also important.

I note that the Public Accounts and Estimates Committee's report on the 2009–10 budget estimates, part 1, was tabled today. It includes the issues raised during the budget estimates hearings. The transcript can be found in volume 2 of the report, which was tabled today, in section 2.1. I note, for example, a reconciliation of the output budget of the parliamentary departments with the parliamentary appropriation bill, which is quite important, was tabled.

I also commend the funding for the parliamentary committees. Included in that funding is an ongoing commitment provided by the previous Premier, Steve Bracks, for $359 000 extra yearly for the Public Accounts and Estimates Committee. On behalf of that committee I commend the funding for the Auditor-General. The committee has found this amount of funding is suitable to facilitate the work of the Auditor-General — and it includes extra funding this year. The committee examined that requirement and found it appropriate. The committee approached the Premier and asked him to ensure that the office of the Auditor-General is properly resourced.

The member for Scoresby raised an issue regarding the salary of the Auditor-General. I am chasing that up with the office of the Auditor-General, but his salary has not increased; the figure is the result of the way appropriations and warrants are issued in respect of the cost of the salary of the Auditor-General. We will be providing an appropriate explanation of that matter in due course. I commend the bill to the house.

Ms RICHARDSON (Northcote) — I would like to make a very brief contribution on the Appropriation (Parliament 2009/2010) Bill. In the very short time I have available I commend the Parliament on its ongoing commitment to improving the environmental sustainability of this building. It is a very old building, and I know the relevant members of the parliamentary staff work very hard to ensure that we can work in a place that is in keeping with the best environmental practices possible. I commend the bill to the house.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

Sitting suspended 6.29 p.m. until 8.02 p.m.

STATE TAXATION ACTS AMENDMENT BILL

Second reading

Debate resumed from 7 May; motion of Mr CAMERON (Minister for Police and Emergency Services).

Government amendments circulated by Mr PALLAS (Minister for Roads and Ports) pursuant to standing orders.

Mr Wells — On a point of order, Acting Speaker, the opposition has not been briefed and has not received any amendments. We were told there was going to be some advice given to us about these amendments, but to date that has not happened. For these amendments to be circulated now is a poor show of management in the way this bill has been handled.

Mr Pallas — On the point of order, Acting Speaker, I would say that that does not constitute a point of order; it simply constitutes a point of objection. From the government's point of view it is putting forward the amendments, the amendments will be subject to the processes of debate before this chamber, and they are therefore tabled for the consideration of this house.

Mr Wells — Further on the point of order, Acting Speaker, we have not seen these amendments at all, so we have not had any chance or any time to consult with others about them. We want to know if this is going to be the normal practice for the way the government handles its taxation bills. This is a disgraceful situation.

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

Mr WELLS (Scoresby) — I rise as the lead speaker on the State Taxation Acts Amendment Bill 2009. I state at the outset that opposition members will not be opposing the bill, but we will express our absolute disgust at the way the amendments have been dealt with. The opposition has only just received these amendments without any briefing, and opposition members will have to read through the amendments as the debate is unfolding, which is a dreadful situation. I suppose when you are talking about a government that is out of touch and arrogant, what more can you expect?

The purpose of the bill is, firstly, to give effect to the state budget measure relating to the extension of and increase in the first home owners grant scheme bonus payments. Secondly, the bill amends the Duties Act 2000 regarding clarification of provisions relating to off-the-plan duty concessions; duty exemptions for deceased estates, family farms and first home saver accounts; clarification of duty reassessments when an instrument or contract fails; and duty exemption for a joint government enterprise acquiring a property for water conservation purposes. Thirdly, the bill amends the Land Tax Act 2005 retrospectively to clarify the fact that land tax disputes will continue to be heard by the Victorian Civil and Administrative Tribunal. The minister's chief of staff was able to arrange a briefing for us, and I am grateful for the briefing we were given. It is a pity we were not told about the amendments.

I turn to the first of the main provisions of the bill, which is the first home owners grant bonus boost. The state budget extended the first home bonus, excluding the federal government boost, for a further 12 months to 30 June 2010 at a cost of $125 million to the budget. From 1 July 2009 the first home bonus, on top of the existing $7000 first home owners grant and excluding the federal government boost, will be $11 000 for a new home in Melbourne, $15 500 for a new regional home and $2000 for an established home. The total first home owners grant and bonuses, including the federal government boost, for the period 1 July 2009 to 30 September 2009 — the federal government boost will halve from 1 October 2009 to 31 December 2009 — will be $32 000 for a new metropolitan home, $36 500 for a regional new home and $16 000 for an existing metropolitan and regional home. The bonus eligibility property value cap is raised from $500 000 to $600 000, and the $600 000 cap has also been extended to the first home owner grant from 1 January 2010. The government forecasts that 38 000 first home owners will benefit from the bonus boost.

I turn to the changes to the Duties Act 2000. The bill clarifies provisions relating to off-the-plan duty concessions in the first instance. Amendments were made in 2008 to the Duties Act regarding off-the-plan property duty concessions; however, the legislated wording included the term 'any prescribed matters'. It has now been determined by Treasury and, I guess, the State Revenue Office that there are no prescribed matters. So the bill, when it is referring to the Duties Act 2000, removes the now redundant reference to 'any prescribed matters' relating to off-the-plan property duty concessions. When an application is made for an off-the-plan concession a statutory declaration will contain all the information required, since there are no other prescribed matters.

I turn to the duty exemptions for deceased estates. When property is transferred without consideration to a beneficiary entitled to that property under a will of a deceased person or arising under intestacy, that transfer is exempt from duty. This provision extends the scope

of the existing exemption for deceased estates. Provision was required to clarify the position in relation to the existing exemption for deceased estates as a result of the current wording not being able to accommodate further after-the-fact beneficiary agreements relating to the distribution of a deceased's estate.

An example is when beneficiaries agree to vary the terms of an estate's distribution in which two parties were to share equally in a property but by further agreement one party elects to allow the other to obtain a greater than 50 per cent share in consideration of another part of the deceased's estate. However, the duty exemption will only apply to the beneficiary percentage allocated in the will and no greater. If one party were originally intended to receive a 50 per cent share in a property but by agreement will gain 100 per cent, then the beneficiary will be liable to pay duty on the extra 50 per cent. Under the existing provision, the further agreement is not recognised and duty would be assessed on 100 per cent.

The State Revenue Office (SRO) has advised that it already applies this in practice by using the discretionary powers of the commissioner, so the amendment codifies existing practice. Another example is if a farmer dies and leaves 100 hectares to two children but, by agreement, one of the sons or daughters says, 'I will take 60 hectares' and the other takes 40 hectares. It may then be that the person receiving the 60 hectares would have to pay duty on the extra 10 hectares because it is greater than a 50-50 split.

On duty exemptions for family farms, clarification of existing exemption for the transfer of primary production land between relatives was required due to a 2004 Supreme Court case, the *Commissioner of State Revenue v. Hayes*. It was found that the use of a company and discretionary trust could allow wider application than was originally intended for the corporate or trust structures in which there was no family link. I will come back to that particular case soon.

The provisions ensure that farmland held in company or trust structures is only transferred to persons who are relatives. This is a duty anti-avoidance measure so that corporate or trust structures cannot be used to transfer farmland where the shareholder beneficiaries have no family link.

I move on to duty exemptions for first home saver accounts. The government has decided that when first home saver accounts, created by the commonwealth government, are established by life insurance companies, they will be exempt from insurance duty to assist first home buyers. This ensures that insurance companies are not at a competitive disadvantage in the marketplace compared to other approved deposit-taking financial institutions. The State Revenue Office advised that this provision results from lobbying by the insurance industry to all state revenue offices across the country.

I move on to clarification of duty reassessments when an instrument, or contract, fails. The failed instruments provision of the existing Duties Act 2000 was meant to provide for unexpected events in which a genuine error leads to an instrument — that is, a contract or documents related to a transfer — being deemed invalid or rescinded, therefore requiring a duty reassessment. Further, new provisions ensure that parties cannot rely on the failed instruments provision to back out of a transaction or to withdraw from a transfer of dutiable property and seek a reassessment to not pay the duty after a dutiable transaction has occurred in which there are no errors in an instrument.

I now move on to deal with duty exemptions for a joint government enterprise acquiring property for water conservation purposes. This bill introduces an exemption for joint government enterprises to purchase land for water efficiency purposes. However, one party must be the Victorian government or a government-owned enterprise. New South Wales has this exemption and has had it for a number of years. It is envisaged that such a joint government enterprise may purchase Victorian properties in the future for water conservation purposes. The SRO advised that it has no knowledge of any current intentions to purchase particular properties in Victoria, but we suspect that will happen sometime in the future.

The third part of the bill amends the Land Tax Act 2005. The Land Tax Act was rewritten in 2005; however, matters relating to the old act were inadvertently left off the list of matters to be heard by the Victorian Civil and Administrative Tribunal. Consequential amendments are required to the Land Tax Act 2005 to ensure that all matters or disputes arising from the old or new act continue to be heard before VCAT.

We have a number of concerns, mainly in relation to the application of the proposed cap of $600 000 for the first home owner grant and the first home bonus, particularly in relation to buying or purchasing farm properties with existing houses. The concern relates to the fairness of including the value of farmland in the cap. Some would argue that this skews benefits to metropolitan first home buyers. If the farm's value or

the purchase price of the farmland were greater than $600 000, then there would be no grant or bonus to be paid.

A further concern relates to the application of the cap when building on existing residential land. It is our understanding that for newly constructed homes with land, the cap only applies to the total property value. However, if somebody already owns existing vacant land and wishes to build a new home, then the cap would apply to the construction value irrespective of the value of the land. Maybe we can seek clarification on that point when the minister sums up.

It is a little confusing for new homebuyers to examine the graph the government has put out and determine when they are entitled to the bonus, boost and first home owner grant. I hope the State Revenue Office and the government make it very clear at what point a person is eligible for the bonus or the first home owner grant when they are starting the construction of a new home or when they are purchasing an existing home. One lot of bonuses and grants is available from 14 October to 30 June 2009 and another set from 1 July 2009 to 30 September 2009. A third section goes from 1 October 2009 to 31 December 2009, and yet another — a fourth — from 1 January 2010 to 30 June 2010.

I mentioned the case of the *State Revenue Office v. Donald and Lily Poh-Sim Hayes*. This case originally went to VCAT (the Victorian Civil and Administrative Tribunal), which ruled in favour of the family. The SRO then challenged the decision and took it to the Supreme Court, but the Supreme Court upheld the decision handed down by VCAT. The Supreme Court held:

> This case concerns the stamp duty payable in relation to the transfer from Seyah Pty Ltd … to the respondents ('the Hayes') of a farm property at 72 Genoa Road, Mallacoota … The sole issue is whether the transfer falls within what is commonly referred to as the 'family farm exemption' in section 56 of the Duties Act 2000 …
>
> The Hayes argue that the transfer is exempt from duty, because Seyah is a 'company' within the meaning of section 56(2)(c). The commissioner argues that it is not a 'company' in the relevant sense, because Seyah did not own the property beneficially, but only as the trustee of a discretionary trust.
>
> This is an appeal —

an actual case —

> on a question of law against an order made by —

a senior member of VCAT —

> on 7 April 2004 in proceeding T29 of 2003. The tribunal member found for the Hayes. The effect of the VCAT order was to reduce the duty payable from $31 660.00 to nil.

The commissioner then:

> … required leave to appeal to this court, pursuant to section 148 of the Victorian Civil and Administrative Tribunal Act … On 26 May 2004, Nettle J granted leave to appeal, upon the commissioner undertaking to pay the Hayes' costs of the application for leave to appeal and the appeal.

And further:

> The facts of this case are not in dispute …

It was accepted that the property was land which falls within section 56(1)(a) of the act — there was no dispute about that.

However, paragraph 38 of the ruling handed down by the Supreme Court talks about parliamentary intention. The ruling states:

> The concept of a 'family farm exemption' was introduced for the first time in 1993. It became exemption (28) in heading VI of the third schedule to the Stamps Act 1958 … Exemption (28) was not in the same terms as section 56(2)(c) of the current act, since it only afforded exemption to a transfer from a natural person or a trustee for a natural person to a relative of the natural person or a trustee for a relative of the natural person.

It goes on to say in paragraph 42:

> On 22 April 1999, the then state Treasurer, Mr Stockdale, gave the second-reading speech for various amendments to the Stamps Act, including the introduction of the transferor company provision.

It goes on to explain the parliamentary intention of that amendment.

The conclusion of the judge's ruling is:

> For the reasons given, I find that the tribunal member did not err in her construction of section 56 of the act and correctly applied it to the facts of this case. The Hayes fall within the ordinary meaning of section 56(2)(c). In the face of such ordinary and plain language, and in the absence of any contrary parliamentary intention, I agree with the tribunal member that there is no reason to search for some other more elusive interpretation.

So the appeal by the SRO was dismissed and costs were awarded to the appellant.

I turn to the extension to the first home owner grant scheme, and note that the Housing Industry Association is very pleased with it. A press release from the association dated 12 May states:

> The housing industry has been ravaged by the global financial crisis and the budget decision to continue the boosted first home owners grant means thousands of jobs will be secure

> and frenetic buying will be avoided. The proposal provides a transition to the cutting in of the investment in housing under the Nation Building plan.

The press release also states that increases in the number of loans for existing and new dwellings had occurred in every state and territory.

The REIV (Real Estate Institute of Victoria) commented, and said on 13 May that it believed that:

> 'Without the decision in both budgets —

federal and state —

> first home buyers would have been left with only the $7000 grant.

A press release put out on 6 May by the Treasurer states:

> … the Victorian government would invest $125 million to boost the scheme for an additional year.

I was taken by the first part of the second-reading speech, in which the minister states:

> On 5 May 2009 the government handed down its 2009–10 budget. This budget continues the legacy of prudent fiscal management coupled with fair and sensible taxation reform established in prior budgets.

I wonder which budget he was referring to. Someone has mucked up the second-reading speech, because it refers to:

> … the legacy of prudent fiscal management coupled with fair and sensible taxation reform established in prior budgets.

What sort of taxation reforms have been made?

Mr Stensholt interjected.

Mr WELLS — I am not sure what is meant by that. Maybe the member for Burwood can set out what taxation reform has been made over the previous years. I will tell you what, the only taxation reform government members have been involved in is jacking up existing taxation. There has been no reform and there have been no greater efficiencies in taxation whatsoever.

Mr Stensholt interjected.

Mr WELLS — What you have done — —

The ACTING SPEAKER (**Ms Campbell**) — Order! Through the Chair!

Mr WELLS — What this mob here has done is jack up all ranges of taxes. To say just once that there has been taxation reform is misleading. Government members spend all their time talking about the rate of taxation, but do not talk about the aggregate amounts that they are fleecing from ordinary Victorians.

Let me tell you how we — and I am sure many Victorians — saw the budget. We saw the budget as a house-of-cards budget full of assumptions which will crumble at any time. We have said that because the growth rates forecast by the government are unrealistic. This is a high-taxing, high-spending, high-debt — —

Mr Stensholt interjected.

The ACTING SPEAKER (**Ms Campbell**) — Order! The member, without interjection!

Mr WELLS — Let me say that again because government members need to hear it: this budget is a high-taxing, high-spending, high-debt Labor budget of old. The government had a surplus of $165 million, which was only due to a $2.8 billion federal funds bailout.

Honourable members interjecting.

Mr WELLS — They admit it. The only reason this budget is in surplus is because the capital component was stuck in the recurrent budget which gave a $165 million phoney surplus. Had it not been for that capital cheque — which was mostly capital components — the deficit would have been about $2 billion. Some $31.3 billion of total public sector net debt in 2013 will work out to be about $6000 for every single Victorian. The interest bill will increase by $800 million to $2.2 billion in 2013, taking money away from the delivery of vital services.

Mr Pallas interjected.

Mr WELLS — The minister has just asked, 'What percentage of GSP is that?'. What is it? It is 10 per cent; it is not 5 per cent. The debt of $31 billion is going to be 10 per cent of GSP (gross state product). Am I right? You are only talking about government general sector debt; I am talking about — —

The ACTING SPEAKER (**Ms Campbell**) — Order! The member will address his remarks through the Chair and will not encourage interjections. The government benches will refrain from interjecting.

Mr WELLS — Let me just repeat that point. The $31.3 billion of total public sector net debt in 2013 will represent 10 per cent of GSP. For ministers and others to say that it is 5.2 per cent is — —

Mr Nardella interjected.

Mr WELLS — The member for Melton is trying to kid himself by saying it is 5.2 per cent. He is including only half of the debt — he is including only the general government debt. The member is not including all the debt of the water authorities, public transport authorities and so on. The percentage of GSP is 10 per cent. We say it is a house-of-cards budget because of the assumptions, and we understand that it is going to cause significant problems.

This budget also contains $714 million in additional taxes and charges in the areas of gas, power, water, transport, taxis, local government rates, vehicle registration and public housing rents levied on Victorians this year. That is $714 for each Victorian, clawing back much of federal Labor's financial assistance payments.

Labor has had 10 years of record taxes and revenue totalling more than $300 billion to build desperately needed infrastructure and provide basic services. The 2009–10 budget should have been about assisting businesses to invest and maintain and create jobs; announcing infrastructure projects with funding explicitly designed to assist Victorian businesses to be competitive, which is absolutely foreign to you on the other side; and eliminating government waste, mismanagement and self-promotion programs.

Can you imagine the government running the state without self-promotion programs? You would not know what to do, because you have to rely on that internal polling to tell you what is going on. Let me tell you something else that needs to happen: you need to ensure that if you are going to choose debt funding of infrastructure, that it is transparent — another word that would be foreign to you.

The ACTING SPEAKER (**Ms Campbell**) — Order! I remind the member to speak through the Chair.

Mr WELLS — There needs to be a rate of return or benefit over the life of the project which is realistic, and there needs to be a transparent repayment plan of associated debt. There is not one example anywhere in this budget the government can point to where it has identified an infrastructure project or identified associated debt and has demonstrated a repayment plan on that infrastructure. It is interesting that the government does not know how debt works. The reason it does not know is because it just keeps jacking it up. When the Kennett government came to power in 1992, we had $31 billion or $32 billion of debt. It took us a decade to get it down to about $3 billion, and now we are back up to $31 billion — and the government has absolutely no idea how it is going to repay it. Not one person in this chamber can tell us when the debt will be repaid. In what year will the debt be repaid? If the government is increasing the debt, say, from $21 billion to $31 billion, an extra $10 billion, I ask just one government member in their contribution to tell us in which year it will be repaid? I bet there is not one member who will be able to tell us when it will be repaid.

Honourable members interjecting.

Mr WELLS — There we go; I was waiting for it. Members should look at the graph. It is the same graph that the minister tried to tell me showed public sector debt was only 5 per cent of GSP. That is the graph the minister has referred to. Debt is 10 per cent of GSP and the government does not know when it is going to repay the debt. It is typical of Labor. Labor governments can never manage money. They can rack up debt, but they can never manage money. This budget is typical of Labor of old.

Ms RICHARDSON (Northcote) — It is always a great pleasure to listen to the member for Scoresby not refer to a bill when he speaks. We can only conclude from his rant tonight that he is opposing the bill in some way, shape or form because he has consistently provided no basis of support for the bill before the house.

Despite what we have heard from the member for Scoresby, I am very pleased to support the State Taxation Acts Amendment Bill. It amends the Duties Act 2000, the Land Tax Act 2005 and the First Home Owner Grant Act 2000. The amendments are part of the 2009–10 state budget, which will deliver benefits directly to first home buyers in these tough economic times, create thousands of jobs and is directly aimed at helping Victorian families get into their own homes sooner. I do not recall the member for Scoresby talking about the first home owner grant in his budget reply speech either, in his sort of encouraging fashion, and nor did he talk about the benefits for home buyers in this budget or in past budgets. As with all of his economic analyses, he is on his own on this one as well, because the first home owner grant and bonus measures announced on 5 May have again been widely welcomed by the community. Unlike members opposite, first home buyers are happy to cheer about these measures.

An article in the *Herald Sun* of 6 May under the heading 'First home hope' refers to first home buyers Nicole and Gavin Decunha. It reports that Ms Decunha had expected the grants to be axed or curtailed and had said:

> You don't expect these things to come around again, and it is an added help …

In the same article the Real Estate Institute of Victoria president, Adrian Jones, is reported as saying that extending the first home buyer bonuses would help keep the economy ticking. This is because Labor has not only extended the first home bonus until 30 June 2010 but has also retargeted the bonus towards newly constructed homes. The member for Scoresby does not like hearing this, but it has all been done in order to stimulate the economy. The bonus has been retargeted more towards the construction of new homes to help boost construction jobs and all the flow-on jobs that arise from increased construction activity. The Housing Industry Association has estimated that the assistance to first home buyers will secure an extra 3600 jobs over the next three years, generating around $1.3 billion of additional housing activity.

What will the bill provide specifically for first home buyers? The package of measures provides $11 000 to purchasers of new homes, with an additional $4500 for new homes in regional areas and a $2000 bonus for established homes up to the value of $600 000. Labor has also increased the bonus eligibility threshold from $500 000 to $600 000 to enable more first home buyers to access the scheme. This means that an additional 1500 first home buyers will now be eligible for the bonus. These one-off bonuses are in addition to the current $7000 first home owner grant. This means that first home buyers will receive $9000 for established home purchases and will be eligible for an $18 000 grant for new homes purchased in Melbourne and $22 500 for new homes purchased in regional Victoria. It is little wonder that first home buyers in regional Victoria in particular welcome these measures. The bonuses in effect will result in as many as 16 000 first home buyers being exempted from stamp duty.

These measures are playing a very important part in ensuring Victoria remains the most affordable state in which to purchase a first home. An important indicator of this is the fact that since introducing the first home bonus in 2004, Victoria has consistently had the highest proportion of first home buyers of any state. As housing affordability has worsened in other states, Melbourne has remained the most affordable capital city on the eastern seaboard. In regional Victoria the news is equally good for first home buyers, with those buying newly constructed median-priced homes receiving the largest amount of assistance compared to those in any other state in Australia. You would expect The Nationals members to be jumping out of their skin in support of Labor on that point at least.

Another important measure announced in this year's state budget is the ability of first home buyers to access to the principal place of residence stamp duty concession on land transfers. This concession delivers stamp duty savings to first home buyers of up to 17 per cent. First home buyers purchasing a median-priced home in Melbourne at a cost of $410 000 will receive a 17 per cent cut in their stamp duty, saving them $3390 on top of the first home owner bonus. It is expected that up to 38 000 first home buyers will benefit from this measure every year.

I am pleased to say that non-first home buyers also benefit from this year's budget. This arises from Labor's revision of the general stamp duty on the land transfer threshold. This is the first revision of the threshold rates in 10 years, and it will deliver a maximum saving of $3690 for non-first home purchases valued at between $440 000 and $550 000. Buyers of homes valued at over $550 000 and up to $870 000 will receive $590 worth of savings.

The budget also delivers to those most in need who are looking to buy their first home. Only one other state in Australia offers the kind of generous concession rates offered in Victoria to pensioner and concession card holders where there is a waiving of stamp duty fees for homes valued at up to $330 000, with scaled reductions in duty payable for homes of greater value. The Premier and Treasurer are also to be congratulated for their successful lobbying of the federal government, which resulted in the Rudd government's decision to introduce a first home owner boost based on the Victorian scheme. The Rudd government has decided to extend its scheme until 1 January 2010.

Labor's commitment to supporting first home buyers is already showing benefits for our state. In April, Victoria recorded the highest value of total building approvals of $1.4 billion, ahead of Queensland at $1.2 billion and New South Wales at $1.1 billion. Over the past year to April 2009 Victoria recorded the highest value of building approvals, with a total of $18.2 billion, ahead of Queensland at $17.5 billion and New South Wales at $15.2 billion. Over the year to April the value of Victorian residential approvals increased 5.8 per cent, well above the national average decline of 19.5 per cent. The rest of Australia is sliding behind and Victoria is still moving ahead. Despite the fall in Victorian dwelling approvals in April, the Victorian housing sector is clearly outperforming the other states.

In terms of the amendments to be moved by the minister, and in respect of the member for Scoresby's concerns in particular, I would like to reassure the

member that the amendments have merely been required by and have arisen from the much-publicised arrangement between the federal and state governments. The amendments were required as the budget originally proposed to cap the first home owner grant so that it would apply only to properties valued at less than $600 000. The cap is being removed. I believe this will give some comfort to the member for Scoresby and his concerns about large properties in regional Victoria valued at more than $600 000. Furthermore, an amendment is being moved to incorporate the federal government's decision to extend the first home owner boost. That is why this amendment is here, and I hope the member for Scoresby will support it.

In conclusion, I commend the bill to the house. It provides a generous grants package that will not only be good for first home buyers but will be great for our economy as well, boosting jobs and lessening the effects of the global financial crisis, which is presenting enormous challenges for each and every one of us here in the state of Victoria. I commend the bill to the house.

Dr SYKES (Benalla) — I rise to speak in the debate on the State Taxation Acts Amendment Bill 2009. I wish to indicate that along with my Liberal coalition colleagues I will not be opposing the bill. It was a pleasure to listen to the member for Scoresby highlight the shortcomings of the Labor government's money management skills.

I would like to address a couple of the purposes of this bill, particularly those relating to the exemption of duty on deceased estates under certain circumstances — that is, the duty exemptions for passing on a family farm. I will also make some comment on the first home savers accounts and the duty exemption where a government enterprise is purchasing a property for water conservation purposes.

If you look at clause 7, which clarifies the exemption for the transfer of primary production property between relatives, you can see that these provisions ensure that farmland held in company or trust structures will be transferred only to natural persons who are relatives. It is a duty anti-avoidance measure. It is my understanding that the Victorian Farmers Federation and those others out there who are impacted by this change in fact welcome it. So that is a tick for the government on this occasion.

Clause 6, which relates to the transfer of property purchased by the government, inserts new section 52A, which provides that:

> No duty is chargeable … in respect of a transfer of dutiable property being an estate in fee simple to a joint government enterprise that has the function of allocating funds for water saving projects if the joint government enterprise acquires the property for the purposes of encouraging water efficiency …

As the member for Scoresby has indicated, this provides for government agencies to purchase property for the purposes of water saving, and there is an argument in the bigger scheme of things that that is a reasonable idea. I will just put an example that I have had a close association with — the decommissioning of Lake Mokoan. I should say that is a very sorry saga. It has as many chapters as *Blue Hills* and they are packed full of examples of unbelievable deceit and treachery by the Minister for Water and the Premier.

In relation to this bill, though, the government's decision to decommission Lake Mokoan involved setting up an implementation committee. That committee and the government agreed that all possible water savings options would be explored to ensure security of supply to remaining irrigators and that the buying back of water would be the option of last resort which would be done only after consultation with the committee.

What happened was that as its first option the government, without consultation, purchased a property to access 1000 megalitres of water and then stripped the water off the property and subsequently resold the property to other buyers, who I should say were not fully aware of the limitations of not being able to put irrigation on that property again. That engendered an absolute hatred and distrust of the government, and that was done in a situation where this provision did not prevail.

When we have this provision in place and the government or a government agency does not have to pay stamp duty, that will unarguably create a further advantage — the neighbours would say an unfair commercial advantage — for the government, in being able to outbid the neighbours in the case described to purchase the land for that purpose. Irrigators were absolutely infuriated. I guess if they sat back and reflected, they would realise that the Labor government cannot manage money, as the member for Scoresby has indicated. Would it really have mattered if it had cost a few more dollars and the government had had to pay the stamp duty? After all it is not the government's money, it is taxpayers money, and we have seen it thrown around with gay abandon by this government on projects that have been extremely poorly managed.

Mr Nardella — What, on building schools?

Dr SYKES — For the benefit of the member for Melton, through the Chair, we will see many more

chapters written in that saga. I can assure you the final chapter is not written and it will not be a good outcome for the government when people look back on the history of it in a number of years time.

If we look at clause 13, which is about the first home buyer allowance, it is unclear to me what the amendments that have been put before the house tonight do. The issue that was raised with me was that in the original piece of legislation you had a situation that is particularly relevant to people in country Victoria. If you purchased a parcel of land worth more than $600 000 and it had a house on it, then you were not eligible for the first home buyer grant.

By comparison, if you purchased a bare block of land worth more than $600 000 and then put a house on it to the value of up to $600 000, then you would be eligible for the first home owner grant. That seemed to be inequitable and it was raised by the member for Scoresby with the Treasurer and government staff. It may well be that these amendments put before us address that issue. If they do not, then there is a glaring inequity in the legislation that is before the house. If we can have it clarified by the minister as to whether that concern has been addressed or remains out there waiting to be addressed, that would be much appreciated.

In relation to the increase, or the greater first home buyer grant for rural or regional Victoria compared with the metropolitan area, it is interesting that that issue has been raised and there has been some commentary that that will not actually advantage the first home buyer — —

Mr Nardella — Oh, rubbish!

Dr SYKES — With respect, if the member for Melton will just let me finish, it has been raised that that would not actually advantage the first home buyer. What you will see is an increase in the prices. The government has dismissed that proposition, as the member for Melton is clearly very keen to say. It is interesting, if I could say without interruption from the member for Melton, that the government dismisses that proposition in this circumstance, but when the same proposition was put in relation to fodder subsidies to help drought-stricken farmers get through the drought, and transport subsidies, the government dismissed that proposition because it said the benefit would not go to the farmer but to the vendor of the fodder or the freight. So we have two different streams of argument by the government depending on which particular line of argument it wants to run at the time.

From our side of the house we see benefits in what is being proposed but we are nervous about some aspects. I would say to the government that I seek clarification in relation to the point I have raised on the first home buyer grant as it relates particularly to primary production properties, and I would say to the Minister for Water, who is at the table, that there are a few issues out there that he has to address in relation to credibility. In relation to what is being done with Lake Mokoan and in relation to this bill, the purchase of land for water saving purposes, it would do the government and the Parliament a lot of good if the minister were to get up to the Benalla area right now and talk to the people who are trying to sort out an arrangement with him to get a reasonable outcome of what has been a very sad and sorry saga of the people of the Broken Valley being absolutely raped and pillaged by this government under the guise of creating water savings. With those few kind remarks, I will finish.

Mr STENSHOLT (Burwood) — I am delighted to speak in favour of the State Taxation Acts Amendment Bill, as has already been pointed out by the member for Scoresby. He did not agree with us, but it is a fair and sensible taxation reform. Indeed I would like to inform you, Acting Speaker, that there have been nine previous budgets which included fair and sensible taxation reform, including the first one brought down by the then Premier and Treasurer, Steve Bracks.

Just to inform the member for Scoresby, this follows the great tradition whereby at least $3 billion has been provided through those budgets, through a range of measures in terms of either eliminating taxes or reducing taxation rates for savings for Victorians. That does not include tax expenditures. If you add tax expenditures, it probably doubles it in terms of the savings available to Victorians.

The Bracks government and now the Brumby government have been leaders in taxation reform here in Victoria and in Australia in terms of the number of taxes they abolished. If you remember the Kennett era — those seven dark years that we like to remind people of — they did abolish one tax. And how much was it worth? One million dollars, so we are at least 3000 times ahead of them in terms of taxation reform.

This particular bill provides assistance particularly to home buyers. There is a range of measures relating to the Duties Act, but the main purpose of the bill is to provide assistance to home buyers. The budget initiatives that we have in this Brumby government budget are valued at in excess of $113 million over four years. It is not $1 million; it is $113 million. It extends the first home buyer bonus to 30 June 2010, retargets

the bonus towards newly constructed houses, increases the bonus eligibility threshold from $500 000 to $600 000 and, very importantly, continues to offer other home buyer assistance. There is the pensioner concession, or the principal-place-of-residence concession, on land transfers. This is very appropriate. There are very generous arrangements here in this regard.

In terms of a house, we have the first home owner grant, the boost, the bonus and then the regional bonus. You need to sort your way through these things. Just to remind the house, the first home owner grant comes out of state money. It is not a federal initiative. Members of the opposition seem to think it was something John Howard dreamt up. It comes out of state money and out of the GST funding. The federal government offers the boost and it is extending the boost at the full price until the end of September, and then it is cutting it in half until the end of the year.

I would like to remind previous opposition speakers that the proposed amendments are meant to cover the arrangements in the federal budget. I am sure the member for Scoresby would be fully aware of the federal budget. I am sure that as the shadow Treasurer he would have studied it and he would have realised that there would have been arrangements by the federal government with regard to the first home owner bonus. As a responsible government, we brought these forward as part of this particular bill. In terms of the intergovernmental agreement on federal financial relations, the states are unable to cap the FHOG, or first home owner grant, whilst the federal government's boost payments are available. These particular amendments deal with those arrangements which are in the federal budget.

I hope that is also a suitable explanation for the member for Benalla. On his particular point, he will need to take that up with the minister, but in regard to the first home owner grant and the federal arrangement, that is what the amendments are dealing with, in particular regarding the $600 000, the cap which is available.

These are very generous arrangements for first home buyers, particularly those in regional Victoria. If you look at what is available on newly constructed homes in regional Victoria from 1 July 2009 to 30 September 2009, you realise that the member for Benalla ought to get out and wave a flag in his street and go around promoting this — and so should the member for Rodney.

This is an excellent program because there is $36 500 available in terms of the FHOG, the boost, the bonus and the regional bonus for new home owners in regional Victoria. This is what the bill provides for. It is wonderful support for new home owners, particularly those building newly constructed homes.

The ACTING SPEAKER (**Ms Campbell**) — Order! I remind members who want to have conversations that they can they go outside so that we have the opportunity to hear the member speaking.

Mr STENSHOLT — I am sure they can hear me even above their own din. There is also a marvellous arrangement for newly constructed homes, as I have already mentioned, in not only metropolitan Victoria but also regional Victoria, and for established homes as well. Particularly with the cap not applying until the end of the year, it would help people in my electorate, for example.

This is good legislation which provides great support and stimulus to our economy and helps first home owners, and I commend the bill to the house.

Debate adjourned on motion of Ms ASHER (Brighton).

Debate adjourned until next day.

OCCUPATIONAL HEALTH AND SAFETY AMENDMENT (EMPLOYEE PROTECTION) BILL

Second reading

Debate resumed from 4 December 2008; motion of Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission).

Opposition amendments circulated by Mr WELLS (Scoresby) pursuant to standing orders.

Mr WELLS (Scoresby) — I rise to join the debate on the Occupational Health and Safety Amendment (Employee Protection) Bill 2008. I advise that the coalition proposes to move a number of amendments to put some fairness into this bill. If our amendments are unsuccessful, we will have no choice but to oppose the bill.

Let me say from the outset that work site safety should be of the highest priority from everyone's point of view. Most of us have sons or daughters working — whether it be in part-time or casual work, in apprenticeships or in professional employment — and we all expect that they have the absolute right to a safe workplace. This side of the house strongly supports

those elements of the bill that make workplaces safer. However, we object to union thugs who abuse occupational health and safety rules and laws, using them to apply undue pressure on employers for other desired outcomes. This legislation has been called the Craig Johnston Bill by those in the industry. I will come back to that shortly. As I said, we strongly support the parts of the bill that genuinely relate to making the workplace safer. What we will not support is the union thuggery that is attached to this, which will allow unions to use occupational health and safety rules, laws or guidelines to apply undue pressure on employers for other reasons.

Let me go to the main provisions of the bill. It amends the Occupational Health And Safety Act 2004 in the following manner. It extends antidiscrimination protection to employees or potential employees who provide any information to union representatives or raise any issues with union representatives. It removes the current six-month imprisonment penalty for a discrimination offence, although fines of 500 penalty units for a natural person and 2500 penalty units for a body corporate remain, which is consistent with other jurisdictions.

The bill makes it a civil offence for an employer or prospective employer to engage in discriminatory conduct for a prohibited reason. It makes it a further civil offence for a third party to authorise, encourage or assist an employer or prospective employer to engage in discriminatory conduct. It provides that the test of discriminatory conduct is met if the prohibited reason is a substantial reason for the conduct. It allows an employee or prospective employee to bring a civil action for discriminatory conduct against an employer, potential employer or third party. It allows the industrial division of the Magistrates Court to make orders for damages, reinstatement, employment — in the case of a prospective employee — or other orders considered appropriate. Damages can also be awarded against a third party. The bill also provides that actions must commence within one year of the alleged discriminatory conduct. It creates a reverse onus on the employer to prove that a prohibited reason was not a substantial reason for any discriminatory conduct. It provides the statutory defences of reasonable conduct in the circumstances or complying with the requirements of the Accident Compensation Act 1985. It also provides that only one order can be made for damages, either under the new provisions or under the existing provisions that allow an award of damages following a successful criminal prosecution.

Let me go to the concerns of the opposition. I know the member for Burwood will be interested in the concerns we will put forward. The bill allows an employee to give any information about an employer to a registered employee organisation — in other words, a trade union — and protects the employee under the antidiscrimination provisions. The bill imposes a substantial reason test when assessing whether discriminatory conduct has occurred. This is a substantially lower threshold than the dominant reason test in the existing criminal and civil provisions. As with the existing criminal provisions, a reverse onus applies for employers to disprove the alleged discriminatory conduct. The third-party provisions have particular impact on the use of labour hire firms in the building industry. The bill is inconsistent with the Workplace Relations Act in relation to the lack of compensation caps, which is 26 weeks in the act, and the time frame for initiating an action, which is 21 days under the act.

As I said, safety in the workplace is the highest priority to those on this side of the house. We have sons and daughters in the workplace, and we want them to be safe. I note that the report of the WorkSafe Victoria chief executive states:

> During 2007–08, there were 16 fatalities compared with 32 in 2006–07.

I also note that the member for Burwood, as the chair of the Public Accounts and Estimates Committee, produced a report entitled *A Report on the Occupational Health and Safety Act 2004 — Administrative Review*. The report recommends:

> That the Victorian government fulfils its policy commitment to legislate to provide greater protection for workers who raise safety issues by considering this explicitly in the forthcoming policy review of accident compensation with a view to harmonisation between acts.

It is interesting that Labor is very keen to protect those people who want to raise safety issues — and we are of the same view — but that when a member wants to raise issues about corruption, it has a completely different view of the world and will not have anything to do with them with regard to that.

In my own experience of working in the transport industry, I witnessed an incident at South Wharf. I noticed a wharfie come out of a building and kick a fire extinguisher off a white post. He then went inside and called a snap strike on the grounds that it was an unsafe workplace. That was a disgraceful incident. I fear we will have these sorts of situations again. The Brumby government should be standing up to its union mates and the union thugs and not allowing such things to take place. We understand that there is a payback to the

union movement, but it will be at the expense of every company and business in the state.

I note the Construction, Forestry, Mining and Energy Union (CFMEU) and one of its officials, Robert Mates, were recently fined $100 000 and $15 000 respectively in the Federal Magistrates Court for attempting to coerce a builder to employ a health and safety representative (HSR). That is the sort of behaviour that would be encouraged with the introduction of this bill.

Craig Johnston has been labelled a union thug. In August 2004 he pleaded guilty to two counts of affray, one of assault and one of intentionally and wilfully damaging property and was sentenced to two years and nine months imprisonment, two years of which was suspended. But just recently the same man was fined $7000 for unlawful disruption of work at Deakin University. While acting as an HSR, he removed the keys from a vehicle and would not let it be unloaded.

What the government wants to put into this bill will lead to more abuse by union thugs. The two cases to which I have referred involved firstly, Robert Mates, who tried to coerce a builder to employ an HSR, and secondly, Craig Johnston, who is back again after being sent to jail because of totally inappropriate behaviour.

We note with great interest some of the cases that have been referred to and some of the concerns that have been expressed to us. Under the current act it is a criminal offence of to discriminate against an employee because they raise or report an occupational health and safety matter. The offence attracts a penalty of up to six months imprisonment or a fine of 500 penalty units for a natural person. If the conviction is proved, as well as issuing a penalty the court can make an order for damages in favour of the employees who have been discriminated against.

Primarily the bill introduces a new separate mechanism to allow employees or prospective employees to launch a civil damages claim for discrimination without the need for WorkSafe to launch a criminal prosecution. In both the existing provision and the new provision the onus is on the employer to prove that they did not discriminate. The threshold test applied to prove that the discrimination was prohibited is much lower in the new provision of ‘substantial reason’ compared with the criminal provisions of ‘dominant reason’.

There are a number of concerns with this bill which we will seek to amend. I am putting forward the amendments because the bill protects employees who give any information to their union, making it illegal for an employer to discriminate against them. Arguably — and maybe the member for Burwood can clarify this — if the employee hands over part of the company’s intellectual property, then it is my understanding from a reading of this bill that the company cannot sack them depending on who they give that information to. The bill extends the new civil action powers to a third party to encourage an employer to discriminate. This will have an impact on building sites where builders want to get rid of labour hire staff who are union thugs disrupting sites. The bill allows for a year for an aggrieved employee to bring an action; under federal law it is 21 days. It would seem fair that if an employee had a grievance against a company, then they would want to have it heard straightaway. But it appears under this bill that is just not going to be the case.

I turn now to the appointment of HSRs. Can a union appoint an HSR? I refer to some information received from the Master Builders Association. Union representatives sometimes inform builders that they are required to have representatives on site and suggest to the builder that they ought to appoint an HSR nominated by the union. Alternatively, they can source a health and safety representative from a labour hire firm. Union representatives also occasionally attempt to place their own HSR on work sites in place of existing HSRs. Placement of HSRs by unions is a form of placement of labour and constitutes an offence under section 43 of the Building and Construction Industry Improvement Act 2005. The appointment of an HSR without following the correct process of ensuring that the person taking on the role is properly and duly elected also breaches the rules of freedom of association which may also constitute an offence under the Workplace Relations Act.

Obtaining an HSR from a labour hire company is a practice that is also totally inappropriate and strongly discouraged. HSRs must be properly and duly elected by the persons they represent or relevant employees must be given the opportunity to vote. It would seem to be reasonably fair that employees vote for an HSR on a site. This bill will allow the union thugs to take this particular role over, and they can appoint people like Craig Johnston as the HSR on a building site. We have already seen it. As I said earlier, Craig Johnston has recently been fined $7000 because he was an enforced HSR on the Deakin University building site. This is happening right now; this bill will put it into law and make it more difficult for employers, especially in the building industry.

The Victorian Employers Chamber of Commerce and Industry has urged the state government not to proceed with the amendments to the Occupational Health and Safety Act. VECCI has said we should not do it. It says

WorkSafe investigates about five complaints per year of discrimination against workers who have raised OHS issues. With 300 000 employers, this hardly seems to be an issue that warrants legislation that affects all employers.

Despite a reverse onus of proof, WorkSafe has not prosecuted an employer for discrimination for some years. The mechanism is already in place. It can work under the current legislation. We do not understand why the government is taking it to this next level and pushing through these amendments. This will be bad news for Victorian employers, and it will be bad news for Victorian building sites.

Mr STENSHOLT (Burwood) — I rise to support the Occupational Health and Safety Amendment (Employee Protection) Bill 2008. The bill is part of a range of actions which need to be undertaken by the government to give effect to its election commitment to protect workers who raise health and safety concerns from being discriminated against. The member for Scoresby has already mentioned that in 2007, at the behest of the minister, I undertook an administrative review of the Occupational Health and Safety Act 2004, commonly known as the OHS act. What we looked at was how the act was going, how it was being implemented and whether any issues were being raised.

The original act came into being when I was Parliamentary Secretary for Treasury and Finance. At the time I went right around Victoria and talked to employees and union representatives. Following the Maxwell report, I had 40 or 50 meetings with a whole range of people about the review of the act. We followed this up in 2007. I took my task of talking to employer organisations, unions and experts in the field quite seriously. One of the things we said was that we should seek to harmonise this legislation with the Accident Compensation Act, and this bill provides arrangements in that regard.

I noticed that the member for Scoresby waxed lyrical about union thugs. I am not sure he has actually read the Occupational Health and Safety Act 2004. There were many provisions in there which were carefully worked out. There was an in-depth discussion between employers, unions and employees, and in the end it worked out quite well and we came up with an Occupational Health and Safety Act. I might add that it is legislation which leads the nation in this regard. When there is a discussion now about harmonisation between the states and the commonwealth, the Victorian legislation — as I am sure the minister will attest to — is the legislation on which others are seeking to model the national legislation.

With regard to the role of authorised representatives of registered employee organisations (ARREOs), I am not sure whether the member for Scoresby has read the bill, because there are many provisions in regard to the role of those authorised representatives. A range of provisions outline the way they are appointed and the way they have to undertake training. This is something which has worked quite well over the last few years.

The member for Scoresby is using hyperbole and saying ignorant things that are absolutely untrue in respect of this act and in respect of union representatives seeking to promote safety in workplaces. In spite of his words, I seriously doubt whether he is serious about occupational health and safety if he implies that ARREOs are union thugs. Nothing could be further from the truth. They are in fact people who are very concerned about occupational health and safety. They are the people who are there to help the employees and to make sure workplaces are safe.

This particular arrangement goes back to the Occupational Health and Safety Act, which states that along with inspectors, health and safety representatives or members of health and safety committees, there are people there to assist employees who may be discriminated against. They are not going into workplaces as union thugs; they are trained advisers selected by the union who have undergone an appropriate appointment and training process. I do not think the member for Scoresby understands the act. He descended into hyperbole without really understanding how occupational health and safety works on the ground and how these very good people working in unions and with employers are making sure that workplaces are safe.

This bill will be consistent with national occupational health and safety model laws that are currently being developed under the authority of the Workplace Relations Ministers Council and the Council of Australian Governments. There are other issues in regard to this bill in terms of the proposed new civil arrangements, and I am sure there will be further discussions on those in the consideration-in-detail stage. It is covered by arrangements in this particular bill in clause 6, which inserts in the principal act a new subdivision 2 headed ‘Civil actions for discriminatory conduct’, which contains new sections 78A through to 78E**.** Clause 7 is a transitional provision with regard to that. With those few comments I commend this bill to the house.

Mr NORTHE (Morwell) — It is a privilege for me to speak on the Occupational Health and Safety

Amendment (Employee Protection) Bill 2008. The main purpose of this bill is to amend the Occupational Health and Safety Act 2004 to enable an employee or prospective employee whose employer or prospective employer engages in discriminatory conduct to bring a civil action. I want to say that from the outset I support the member for Scoresby and the amendments he proposes to move. I am sure all members of the house desire to improve workplace safety outcomes for all Victorians. In 2008 there were 21 work-related deaths in Victoria, along with some 29 000 recorded workplace injuries. These statistics are quite alarming when you consider the consequences for individuals and families.

Whilst there may be some intent from the government to enhance protection for employees in regard to workplace health and safety, unfortunately this legislation falls well short of doing that in practice. In a previous life I was a manager of a transport business in Morwell, so I understand the importance of workplace safety and OHS. At the same time this legislation unfortunately does little to encourage the promotion of business and small business in Victoria.

The member for Scoresby made some reference in his contribution to correspondence from the Victorian Employers Chamber of Commerce and Industry. In the substantial response to this legislation from VECCI there were some quite strong comments made in opposition to it. I will conclude my commentary by quoting from the last paragraph of that VECCI document, which states:

> The amendment is not demonstrated as needed and creates a system where the reverse onus and the cost of a defence encourages the payment of 'go away' money to workers whose allegations have little merit.

In summary, there you have it, Acting Speaker.

Mr SCOTT (Preston) — It gives me great pleasure to rise to speak on the Occupational Health and Safety Amendment (Employee Protection) Bill 2008. As has been stated by other speakers, the main purpose of the bill is to amend the Occupational Health and Safety Act 2004 to enable an employee or prospective employee whose employer or prospective employer engages in discriminatory conduct to bring a civil action. This is an excellent bill, and unlike opposition members I will not be ranting about union thugs or other such matters. Instead I will look to the constructive contributions that members of the union have made. In fact I would like to touch on a personal note in the short period of time available to me. My grandmother was an occupational health and safety nurse and a proud trade unionist who worked to bring safe workplaces to Victoria over many years. She worked very closely with members of the trade union movement to ensure that workplaces were safe and that people were able to return home from their workplaces without being injured during the time they spent at work. This bill builds upon the excellent work the government has already done in this area and the hard work that the trade union movement has been doing for over a century in bringing safer workplaces to Australia and ensuring that people return home safely.

I do not intend to go through the bill in great detail as we intend to move on with the debate, so I will just commend the bill to the house and wish it a speedy passage.

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) — The policy rationale for this bill has been well canvassed. This legislation fulfils a Labor Party election commitment from 2006. The bill will harmonise our arrangements with the impending harmonisation of occupational health and safety laws across Australia. I look forward to seeing the bill pass through the Parliament.

House divided on motion:

Ayes, 49

Allan, Ms	Kosky, Ms
Barker, Ms	Langdon, Mr
Batchelor, Mr	Languiller, Mr
Beattie, Ms	Lim, Mr
Brooks, Mr	Lobato, Ms
Brumby, Mr	Maddigan, Mrs
Cameron, Mr	Marshall, Ms
Campbell, Ms	Merlino, Mr
Carli, Mr	Morand, Ms
D'Ambrosio, Ms	Munt, Ms
Donnellan, Mr	Nardella, Mr
Duncan, Ms	Neville, Ms
Eren, Mr	Noonan, Mr
Foley, Mr	Pallas, Mr
Graley, Ms	Pandazopoulos, Mr
Green, Ms	Perera, Mr
Hardman, Mr	Richardson, Ms
Harkness, Dr	Robinson, Mr
Helper, Mr	Scott, Mr
Herbert, Mr	Seitz, Mr
Holding, Mr	Stensholt, Mr
Howard, Mr	Thomson, Ms
Hudson, Mr	Trezise, Mr
Hulls, Mr	Wynne, Mr
Kairouz, Ms	

Noes, 32

Asher, Ms	Northe, Mr
Baillieu, Mr	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Burgess, Mr	Ryan, Mr
Clark, Mr	Shardey, Mrs
Crisp, Mr	Smith, Mr K.
Delahunty, Mr	Smith, Mr R.
Dixon, Mr	Sykes, Dr

Hodgett, Mr	Thompson, Mr
Ingram, Mr	Tilley, Mr
Jasper, Mr	Victoria, Mrs
Kotsiras, Mr	Wakeling, Mr
McIntosh, Mr	Walsh, Mr
Morris, Mr	Weller, Mr
Mulder, Mr	Wells, Mr
Napthine, Dr	Wooldridge, Ms

Motion agreed to.

Read second time.

Consideration in detail

Clause 1

Dr NAPTHINE (South-West Coast) — Clause 1 is a purpose clause which creates a civil cause of action for employees or prospective employees who are discriminated against by an employer. When you are dealing with these sorts of issues it is imperative that truth and honesty be the guide of what goes on. That is why I will allude to comments made in this house on 4 October 2006 by the member for Eltham when he referred to a particular case at Midfield Meat International in western Victoria. He said:

> The first concern about training at Midfield involved the tragic death of a young apprentice called Aaron Leslie Willis. Mr Willis was an apprentice at Midfield International when, according to newspaper reports, on 31 May 2005 he fell 3 metres into a mincing machine. While the machine was switched off, young Aaron was knocked unconscious and taken to hospital in an ambulance. He remained unconscious for 18 hours, and about a year later he died.

Similar comments were made in the Senate by Senator Carr, who said:

> … young Aaron fell 3 metres into a mincing machine … he hit his head and suffered a serious injury … he remained unconscious for at least 18 hours.

He also said:

> … what is apparent to me is that the accident that preceded his illness occurred at Midfield Meat.

But what is the truth of the matter? The truth of the matter was determined by the Coroners Court, when the coroner conducted an inquest into the death of Aaron Leslie Willis. The coroner concluded:

> In my opinion the evidence tendered at this inquest does not support a conclusion that the incident on 31 May 2005 caused or contributed to Aaron's death on 26 May 2006.

The coroner said in his report:

> On 31 May 2005, during the course of his employment, Aaron was performing the task of removing hocks from the sheep carcasses as they passed by him. To perform this task Aaron was required to stand on a work platform approximately 700 millimetres from the ground. Andrew Mason, who was Aaron's supervisor, noticed Aaron slump to his knees, put his hands out and roll into the tray where the hocks fall.

This is when Senator Carr and the member for Eltham say Aaron fell into a mincing machine and was unconscious for 18 hours. They claim he died as a result. But the coroner's report says:

> Upon admission to Warrnambool Hospital, Aaron was examined by Dr McKellar who did not find any evidence of a head injury. The nursing notes revealed under 'Current Medication' Tegretol and Risperdal not taken for four weeks.

This is epilepsy medicine. It says in the coroner's report:

> I am of the opinion that the only reasonable conclusion I could draw was that on 31 May 2005 Aaron suffered from a seizure which was similar to seizures he had suffered in the past. This occurred at a time when he was not taking any medication that had previously been prescribed for him.

I repeat: the coroner concluded that according to the evidence the death was a result of natural causes. It had nothing to do with the accident that happened over 12 months earlier at Midfield Meats. I call on the member for Eltham and Senator Carr to apologise to Midfield Meats, to apologise to the family of this young man and to apologise to the Warrnambool community for suggesting in this house and in the Senate respectively that there was some occupational health and safety deficiency at Midfield Meats which caused the tragic death of this young man.

The coroner has said loud and clear that Senator Carr was wrong and that the member for Eltham was wrong; if they had any decency, they would enter their respective houses and apologise to Midfield Meats for the insult and the allegations made against it, and they would apologise to the Willis family for raising this matter to score cheap political points on occupational health and safety issues.

That is the nub of this issue. This is about the Labor Party playing politics with occupational health and safety and playing politics with safety in the workplace when what we need is to have employers and employees working together in a spirit of cooperation and harmony to improve occupational health and safety. We do not need to have the Labor Party and union thugs playing politics with occupational health and safety; we should be well above that. I ask that the member for Eltham and Senator Carr apologise for the inappropriate and incorrect remarks they made in their respective houses.

Clause agreed to; clauses 2 and 3 agreed to.

Clause 4

Mr WELLS (Scoresby) — I move:

1. Clause 4, lines 11 to 18, omit all words and expressions on these lines.

Amendment 1 removes the proposed extension of the existing antidiscrimination protection in relation to the provision of information to trade unions.

Amendment defeated; clause agreed to; clause 5 agreed to.

Clause 6

Mr WELLS (Scoresby) — I move:

2. Clause 6, page 4, lines 16 and 17, omit "an authorised representative of a registered employee organisation,".

Amendment 2 removes the proposed new civil antidiscrimination protection in relation to the provision of information to trade unions.

Amendment defeated.

Mr WELLS (Scoresby) — I move:

3. Clause 6, page 4, lines 23 to 25, omit "an authorised representative of a registered employee organisation,".

Amendment 3 removes the proposed new civil antidiscrimination protection in relation to raising occupational health and safety matters with trade unions rather than using established internal procedures.

Amendment defeated.

Mr WELLS (Scoresby) — I move:

4. Clause 6, page 4, line 33, omit "substantial" and insert "dominant".

Amendment 4 raises the threshold test for the civil offence of discriminatory conduct for a prohibited reason from the reason being 'substantial' to the reason being 'dominant'. This is consistent with the existing criminal offence and a much higher threshold.

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) — Obviously we support proposals in the bill before the Parliament. We think the test as proposed is appropriate. We want to use the 'substantial' reason test because we think it is consistent with tests found in other antidiscrimination legislation in Victoria, for example the Equal Opportunity Act, and with the antidiscrimination legislation that exists in other states, such as in Queensland and South Australia.

While antidiscrimination provisions in occupational health and safety legislation vary across jurisdictions, we think the test proposed in this legislation is appropriate in proportion to the penalty that will apply.

House divided on omission (members in favour vote no):

Ayes, 48

Allan, Ms	Kosky, Ms
Batchelor, Mr	Langdon, Mr
Beattie, Ms	Languiller, Mr
Brooks, Mr	Lim, Mr
Brumby, Mr	Lobato, Ms
Cameron, Mr	Maddigan, Mrs
Campbell, Ms	Marshall, Ms
Carli, Mr	Merlino, Mr
D'Ambrosio, Ms	Morand, Ms
Donnellan, Mr	Munt, Ms
Duncan, Ms	Nardella, Mr
Eren, Mr	Neville, Ms
Foley, Mr	Noonan, Mr
Graley, Ms	Pallas, Mr
Green, Ms	Pandazopoulos, Mr
Hardman, Mr	Perera, Mr
Harkness, Dr	Richardson, Ms
Helper, Mr	Robinson, Mr
Herbert, Mr	Scott, Mr
Holding, Mr	Seitz, Mr
Howard, Mr	Stensholt, Mr
Hudson, Mr	Thomson, Ms
Hulls, Mr	Trezise, Mr
Kairouz, Ms	Wynne, Mr

Noes, 32

Asher, Ms	Northe, Mr
Baillieu, Mr	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Burgess, Mr	Ryan, Mr
Clark, Mr	Shardey, Mrs
Crisp, Mr	Smith, Mr K.
Delahunty, Mr	Smith, Mr R.
Dixon, Mr	Sykes, Dr
Hodgett, Mr	Thompson, Mr
Ingram, Mr	Tilley, Mr
Jasper, Mr	Victoria, Mrs
Kotsiras, Mr	Wakeling, Mr
McIntosh, Mr	Walsh, Mr
Morris, Mr	Weller, Mr
Mulder, Mr	Wells, Mr
Napthine, Dr	Wooldridge, Ms

Amendment defeated.

Mr WELLS (Scoresby) — I move:

5. Clause 6, page 5, lines 1 to 7, omit all words and expressions on these lines.

House divided on omission (members in favour vote no):

Ayes, 48

Allan, Ms	Kosky, Ms
Batchelor, Mr	Langdon, Mr
Beattie, Ms	Languiller, Mr

Brooks, Mr	Lim, Mr
Brumby, Mr	Lobato, Ms
Cameron, Mr	Maddigan, Mrs
Campbell, Ms	Marshall, Ms
Carli, Mr	Merlino, Mr
D'Ambrosio, Ms	Morand, Ms
Donnellan, Mr	Munt, Ms
Duncan, Ms	Nardella, Mr
Eren, Mr	Neville, Ms
Foley, Mr	Noonan, Mr
Graley, Ms	Pallas, Mr
Green, Ms	Pandazopoulos, Mr
Hardman, Mr	Perera, Mr
Harkness, Dr	Richardson, Ms
Helper, Mr	Robinson, Mr
Herbert, Mr	Scott, Mr
Holding, Mr	Seitz, Mr
Howard, Mr	Stensholt, Mr
Hudson, Mr	Thomson, Ms
Hulls, Mr	Trezise, Mr
Kairouz, Ms	Wynne, Mr

Noes, 32

Asher, Ms	Northe, Mr
Baillieu, Mr	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Burgess, Mr	Ryan, Mr
Clark, Mr	Shardey, Mrs
Crisp, Mr	Smith, Mr K.
Delahunty, Mr	Smith, Mr R.
Dixon, Mr	Sykes, Dr
Hodgett, Mr	Thompson, Mr
Ingram, Mr	Tilley, Mr
Jasper, Mr	Victoria, Mrs
Kotsiras, Mr	Wakeling, Mr
McIntosh, Mr	Walsh, Mr
Morris, Mr	Weller, Mr
Mulder, Mr	Wells, Mr
Napthine, Dr	Wooldridge, Ms

Amendment defeated.

The DEPUTY SPEAKER — Order! As the house has not agreed to the amendment, the member for Scoresby will not be able to move amendments 6, 7, 10, 13, 14 or 16 to 21 as they are consequential. I call the member for Scoresby to move amendment 8 in his name.

Mr WELLS (Scoresby) — I move:

8. Clause 6, page 6, line 14, insert —

"(4) In fixing an amount of damages under this section, the Court must not fix an amount that exceeds —

(a) in the case of an employee, the total of the following amounts —

(i) the total amount of remuneration received by the employee or to which the employee was entitled (whichever is greater) for any period of employment with the employer during the period of 6 months immediately before the discriminatory conduct (other than any period of leave without full pay); and

(ii) if the employee was on leave without pay or without full pay while so employed during any part of that period, the amount of remuneration taken to have been received by the employee for the relevant period of leave;

(b) in the case of a prospective employee, the total amount of 6 months' remuneration that the prospective employee would have received or to which the prospective employee would have reasonably been entitled (whichever is greater) but for the discriminatory conduct.".

This amendment caps the amount of damages the Magistrates Court can award for a civil discrimination offence at six months remuneration. This is consistent with section 665 of the commonwealth Workplace Relations Act 1996.

House divided on amendment:

Ayes, 32

Asher, Ms	Northe, Mr
Baillieu, Mr	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Burgess, Mr	Ryan, Mr
Clark, Mr	Shardey, Mrs
Crisp, Mr	Smith, Mr K.
Delahunty, Mr	Smith, Mr R.
Dixon, Mr	Sykes, Dr
Hodgett, Mr	Thompson, Mr
Ingram, Mr	Tilley, Mr
Jasper, Mr	Victoria, Mrs
Kotsiras, Mr	Wakeling, Mr
McIntosh, Mr	Walsh, Mr
Morris, Mr	Weller, Mr
Mulder, Mr	Wells, Mr
Napthine, Dr	Wooldridge, Ms

Noes, 48

Allan, Ms	Kosky, Ms
Batchelor, Mr	Langdon, Mr
Beattie, Ms	Languiller, Mr
Brooks, Mr	Lim, Mr
Brumby, Mr	Lobato, Ms
Cameron, Mr	Maddigan, Mrs
Campbell, Ms	Marshall, Ms
Carli, Mr	Merlino, Mr
D'Ambrosio, Ms	Morand, Ms
Donnellan, Mr	Munt, Ms
Duncan, Ms	Nardella, Mr
Eren, Mr	Neville, Ms
Foley, Mr	Noonan, Mr
Graley, Ms	Pallas, Mr
Green, Ms	Pandazopoulos, Mr
Hardman, Mr	Perera, Mr
Harkness, Dr	Richardson, Ms
Helper, Mr	Robinson, Mr
Herbert, Mr	Scott, Mr
Holding, Mr	Seitz, Mr

Howard, Mr
Hudson, Mr
Hulls, Mr
Kairouz, Ms
Stensholt, Mr
Thomson, Ms
Trezise, Mr
Wynne, Mr

Amendment defeated.

The DEPUTY SPEAKER — Order! As the house has not agreed to the amendment, the member for Scoresby will not be able to move amendments 9, 11 and 12 as they are consequential. I call the member for Scoresby to move amendment 15 standing in his name.

Mr WELLS (Scoresby) — I move:

15. Clause 6, page 7, line 5, omit "1 year" and insert "21 days".

Amendment 15 reduces the time frame in which a civil action for discriminatory conduct can be commenced from one year after the alleged discriminatory conduct to 21 days after the discriminatory conduct. This is consistent with the provisions of the Workplace Relations Act 1996.

House divided on omission (members in favour vote no):

Ayes, 48

Allan, Ms
Batchelor, Mr
Beattie, Ms
Brooks, Mr
Brumby, Mr
Cameron, Mr
Campbell, Ms
Carli, Mr
D'Ambrosio, Ms
Donnellan, Mr
Duncan, Ms
Eren, Mr
Foley, Mr
Graley, Ms
Green, Ms
Hardman, Mr
Harkness, Dr
Helper, Mr
Herbert, Mr
Holding, Mr
Howard, Mr
Hudson, Mr
Hulls, Mr
Kairouz, Ms
Kosky, Ms
Langdon, Mr
Languiller, Mr
Lim, Mr
Lobato, Ms
Maddigan, Mrs
Marshall, Ms
Merlino, Mr
Morand, Ms
Munt, Ms
Nardella, Mr
Neville, Ms
Noonan, Mr
Pallas, Mr
Pandazopoulos, Mr
Perera, Mr
Richardson, Ms
Robinson, Mr
Scott, Mr
Seitz, Mr
Stensholt, Mr
Thomson, Ms
Trezise, Mr
Wynne, Mr

Noes, 32

Asher, Ms
Baillieu, Mr
Blackwood, Mr
Burgess, Mr
Clark, Mr
Crisp, Mr
Delahunty, Mr
Dixon, Mr
Northe, Mr
O'Brien, Mr
Powell, Mrs
Ryan, Mr
Shardey, Mrs
Smith, Mr K.
Smith, Mr R.
Sykes, Dr
Hodgett, Mr
Ingram, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Morris, Mr
Mulder, Mr
Napthine, Dr
Thompson, Mr
Tilley, Mr
Victoria, Mrs
Wakeling, Mr
Walsh, Mr
Weller, Mr
Wells, Mr
Wooldridge, Ms

Amendment defeated.

Business interrupted pursuant to standing orders.

Sitting continued on motion of Mr BATCHELOR (Minister for Community Development).

Clause agreed to; clauses 7 and 8 agreed to.

The DEPUTY SPEAKER — Order! The question is:

That the house agrees to the bill without amendment.

House divided on question:

Ayes, 48

Allan, Ms
Batchelor, Mr
Beattie, Ms
Brooks, Mr
Brumby, Mr
Cameron, Mr
Campbell, Ms
Carli, Mr
D'Ambrosio, Ms
Donnellan, Mr
Duncan, Ms
Eren, Mr
Foley, Mr
Graley, Ms
Green, Ms
Hardman, Mr
Harkness, Dr
Helper, Mr
Herbert, Mr
Holding, Mr
Howard, Mr
Hudson, Mr
Hulls, Mr
Kairouz, Ms
Kosky, Ms
Langdon, Mr
Languiller, Mr
Lim, Mr
Lobato, Ms
Maddigan, Mrs
Marshall, Ms
Merlino, Mr
Morand, Ms
Munt, Ms
Nardella, Mr
Neville, Ms
Noonan, Mr
Pallas, Mr
Pandazopoulos, Mr
Perera, Mr
Richardson, Ms
Robinson, Mr
Scott, Mr
Seitz, Mr
Stensholt, Mr
Thomson, Ms
Trezise, Mr
Wynne, Mr

Noes, 32

Asher, Ms
Baillieu, Mr
Blackwood, Mr
Burgess, Mr
Clark, Mr
Crisp, Mr
Delahunty, Mr
Dixon, Mr
Hodgett, Mr
Ingram, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Morris, Mr
Northe, Mr
O'Brien, Mr
Powell, Mrs
Ryan, Mr
Shardey, Mrs
Smith, Mr K.
Smith, Mr R.
Sykes, Dr
Thompson, Mr
Tilley, Mr
Victoria, Mrs
Wakeling, Mr
Walsh, Mr
Weller, Mr

Mulder, Mr	Wells, Mr
Napthine, Dr	Wooldridge, Ms

Question agreed to.

Bill agreed to without amendment.

Third reading

Motion agreed to.

Read third time.

Clerk's amendment

The DEPUTY SPEAKER — Order! Under standing order 81, I have received a report from the Clerk that he has made a correction in the Occupational Health and Safety Amendment (Employee Protection) Bill 2008. The report is as follows:

> In clause 6, page 7, line 16, I have inserted the word 'a' before the word 'proceeding' so the line now reads '(3) It is a defence to a proceeding for a'.

The report is signed by Ray Purdey, Clerk of the Legislative Assembly.

Remaining business postponed on motion of Mr BATCHELOR (Minister for Community Development).

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

> That the house do now adjourn.

Emergency services: south-western Victoria helicopter

Mrs SHARDEY (Caulfield) — The issue I raise is for the Minister for Health and the action I seek is that the minister take much-needed steps to ensure that the south-west air ambulance which was announced with much fanfare last April and which is to be based at Warrnambool is fully staffed when the service is supposed to come into operation on 1 July. It has been reported that only two of the six paramedics needed to run the service have so far been employed.

This failure by the Brumby government to take the appropriate steps to staff the much-waited-for service comes at a time when the government has also failed to negotiate an enterprise agreement with Victoria's paramedics. There is a threat that for the first time in 30 years paramedics, sick of the Brumby government's failure to come to an agreement, will go out on strike with the possibility of putting lives at risk — probably the last thing our dedicated paramedics want to see. But then this government has a record of failure to negotiate with public sector workers who provide essential services to Victorians.

The concern about the helicopter service is felt by a community which, with the support of its local member, the member for South-West Coast, and local emergency department doctors from Warrnambool, Portland and Hamilton, campaigned for 10 years to secure the region's helicopter service because of the 5 hours it takes to transport critically injured patients to metropolitan hospitals — something which is unacceptable.

This was made all too clear through a number of tragic cases where the care of seriously ill patients was compromised by the time they had to wait for treatment, and the case was highlighted by the 7000 people who signed a petition calling for a helicopter service for the south-west. As the Warrnambool *Standard* commented:

> Lives are being jeopardised while the south-west continues to wait for a rescue helicopter.

The Minister for Health should make sure the promised service is actually delivered.

Energy: national consumer framework

Mr PERERA (Cranbourne) — I wish to raise a matter for the Minister for Energy and Resources. I call on the minister to ensure that Victorian energy consumers continue to be protected by strong and fair regulation of the electricity and gas industries. I note that the Ministerial Council on Energy recently released the first exposure draft of the national energy consumer framework. The framework forms part of ongoing national energy market reforms set out in the Australian Energy Market Agreement.

I have always admired the strong regulations that Victoria has in place to protect energy consumers. I understand that they are regarded by consumer groups as best practice in Australia. These regulations are particularly important for working families, who are doing it tough at the moment. It appears from the first exposure draft of the national framework that it will not afford Victorian consumers the same level of protection as the current Victorian regulations. Because this national framework is set to replace the Victorian scheme at some stage I call on the minister to strengthen the national framework and ensure that Victorian consumers are not worse off when this

transition is made. Working families in Cranbourne and across the state deserve the high level of protection that the Brumby Labor government has worked hard to provide for them.

Planning: Mildura

Mr CRISP (Mildura) — I raise a matter for the attention of the Minister for Planning. The action I seek is the withdrawal of the planning scheme changes called C58. On 29 May the Minister for Planning approved amendment C58 to the Mildura planning scheme. Amendment C58 affects all farming zoned land within Mildura Rural City. The land most affected is within the gazetted irrigation district, where the minimum subdivision area for a dwelling rises from 10 hectares to 40 hectares. The key reasons for these actions are stated to be to protect land for horticulture and to facilitate the growth and expansion of horticultural business. It is claimed the amendment will enhance farm viability and bring added and continued wealth to the local economy.

What the planning minister should have done was talk to the Minister for Water. The greatest threat to Mildura's horticulture is the lack of water. This year's allocation of 35 per cent and projections for an allocation next year as low as 19 per cent represent a huge downsizing risk for Mildura. For horticulture to grow and expand, as the planning minister states is intended, the water minister needs to address water allocation security.

Now we have another dimension to this issue. The Rudd government, via the federal minister for water, Penny Wong, is purchasing water around Mildura on the condition that irrigation infrastructure is removed and the land is not used for horticulture for five years. Obviously the Rudd government has a different definition of enhanced farm viability and growth facilitation from that of the Victorian government. To the people of Mildura the whole affair smacks of hypocrisy. There is just no other word to describe it.

Amendment C58 contains a municipal strategic statement with many dot points. The last of them is:

> What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The amendment states that it will not have an adverse effect due to the reduction in permit applications. Mildura Rural City Council informs me that there will be a reduction in rate revenue due to the devaluation of land that contained a subdivision component in the farming zone. The relevant document is the *Mildura Older Irrigation Area — Study into Land Values* of October 2008 by SGS Economics and Planning, from page 45 onwards in chapter 6, and at page 61 in particular.

The planning minister has ignored evidence of the impacts that his decision will have on Mildura and the horticulture around Mildura. The planning minister needs to clarify his position and that of the government on this key future issue for Mildura. This measure needs to be reversed and the original 10-hectare limit reinstated to preserve the values and integrity of Mildura's horticulture.

Bushfires: commemorative tree

Ms GREEN (Yan Yean) — I wish to raise a matter for the attention of the Minister for the Arts. The action I seek is for her to source funding for the tree project, which is being coordinated by the Australian Blacksmiths Association. The Australian Blacksmiths Association is asking blacksmiths worldwide to help us create a forged gum tree as a beautiful commemorative project for those who tragically lost their lives in the fires of 7 February. This tree will be a memorial to people who lost their lives, will honour the tireless people who defended others and will stand as a symbol of regeneration for the community. The Australian Blacksmiths Association proposes this tree be located in Strathewen, an area I know very well.

The tree project people are looking for sponsorship to provide stainless steel for the trunks and the main branches of the trees and for welding consumables — 316 stainless MIG and TIG wire and rods and pickling paste to treat the steel — as well as installation. Currently they are providing welding training for people, particularly women, in fire-affected areas so that they can help attach leaves to the trees.

Along with many other members of the community, I have been trained by the Australian Blacksmiths Association and was assisted in forging my own leaf as a commemorative gesture to be part of this tree. I was shown by skilled blacksmiths how to heat a leaf, mark it in beautiful copper and then brush the copper and stamp my name on it. Many others have taken this step, in copper and in stainless steel.

I know the minister has a great deal of skill in her own right in silversmithing, so I am sure that she would be very interested in forging her own leaf to be part of this beautiful commemorative project. I urge the minister to source funding to make this beautiful project possible. It has attracted worldwide interest, and it is a wonderful and fantastic cathartic project that has harnessed the creative potential of many people in the community.

Involvement in the project has also been a very healing experience for those who suffered tragic losses in the fires, and also for those who fought the fires. To heat a piece of metal, to apply great pressure to it with a hammer and to use other tools to put markings on it has been a great experience for many people. I know that the minister would love to be involved in this, and I urge her to provide some funds for this great and worthwhile project.

Sport: working-with-children regulations

Mr TILLEY (Benambra) — I wish to raise a matter for the Attorney-General. The action I seek is for the Attorney-General to meet with a delegation of officials involved with junior sport in border communities to discuss and consider the ramifications of the working-with-children requirements. Sports clubs and associations rely heavily on volunteers, and volunteerism is something our border communities value highly. However, the ability for that volunteerism to continue is under threat because of the hurdles of bureaucracy and red tape. Sporting associations in Albury-Wodonga tend to be composed of teams from both Albury and Wodonga as well as towns including Corowa, Beechworth, Myrtleford and Wangaratta.

The Albury Wodonga Football Association has been informed that as a consequence of the latest changes to the working-with-children requirements introduced by the Victorian government, the new regulations require all adults — in this case coaches, managers and referees — in charge of children's welfare to have the appropriate identification card when carrying out their team responsibilities in Victoria. This will include New South Wales-based teams and referees who travel to Victoria. In the case of the Albury Wodonga Football Association, all adults who currently fulfil these tasks are required to complete the appropriate forms for their governing body, which is Football New South Wales.

Victoria now requires anyone who is responsible for children to carry an accreditation card. Until 30 June this year they will be exempt from the $90 fee for volunteers and $180 for paid employees such as referees. What will happen next year and in subsequent years with new coaches and managers? Sporting associations experience regular changeovers in any given year, with children coming and going from involvement in their sports and with changes in volunteers and referees. Many new volunteers will have to pay the appropriate fee in order to take their players across the border.

As a community we encourage healthy participation in sport for our children. As parents we are supportive of these endeavours, but without volunteers the teams cannot operate. Parents are quite busy and often the demands on time are great. With yet another hurdle put in their way, especially at a time of financial uncertainty, we are going to lose volunteers and the playing of matches will be threatened because teams will be unable to provide coaches and managers.

This weekend Wodonga is hosting the New South Wales Country Cup with teams of 11, 12 and 13-year-olds from all over New South Wales playing in Victoria. In future will teams from Dubbo be required to comply with this regulation in order to participate in this competition? New South Wales state titles are often held in Victoria, but these regulations threaten this arrangement and threaten the economic benefits to the Victorian towns which host the competitions. Two thousand juniors, ranging in age from 9 to 18, are part of the Albury Wodonga Football Association. There are 11 clubs and 120 junior teams.

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

Consumer affairs: door-to-door marketing

Dr HARKNESS (Frankston) — Tonight I wish to raise a matter for the attention of the Minister for Consumer Affairs. The action I seek is that the minister request that Consumer Affairs Victoria enhance information campaigns on the hours that unsolicited salespeople are allowed to operate door to door. A number of Frankston residents have approached me regarding the operating hours in which door-to-door salespeople operate. Currently in Victoria unsolicited salespeople are permitted to interrupt Victorians from 9.00 a.m. to 8.00 p.m. Monday to Friday and from 9.00 a.m. to 5.00 p.m. on Saturday. Obviously door-to-door salespeople concentrate their canvassing when most people are likely to be at home. This includes after work and on Saturday mornings, but in some instances it also occurs outside the prescribed hours, such as on Sundays.

Nobody enjoys being disturbed after a day's work or whilst having dinner, and nor do people enjoy being interrupted first thing on a Saturday morning or at any time on weekends. The presence of salespeople during undesirable hours has often led to conflicts between consumers and salespeople. Not all door-to-door salespeople act inappropriately; in fact only a small number do. However, on the issue of consumer vulnerability, particularly amongst the elderly, some salespeople are known for their smooth talking and less than reputable sales techniques, which often cover up more aggressive marketing and canvassing tactics.

The charming smile and polite words that some door-to-door salespeople utilise can lead consumers to drop their guard and allow the salesperson to build trust, eventuating in the consumer purchasing a product that they do not need or want. The elderly are generally more susceptible to being taken advantage compared with members of other demographic groups due to their reduced social awareness and in some cases desire for companionship.

The point is that action needs to be taken to increase consumers' awareness of their rights when it comes to unsolicited door-to-door salespeople. There are regulations in place which salespeople must adhere to, as well as regulations that protect consumers, even after a purchase has occurred. However, none of this is useful if consumers are not aware that the regulations exist.

There have been some great initiatives from the Consumer Action Law Centre, including production of its 'Do not knock' stickers, and I applaud its efforts in educating the community and providing consumers with a clearer indication of their rights. Victorian residents are becoming increasingly frustrated with the constant presence of door-to-door salespeople. It is for this reason that I draw the matter to the minister's attention and reiterate the need for Consumer Affairs Victoria, in conjunction with the Consumer Action Law Centre, to alert Victorians to their rights and also of the obligations of door-to-door salespeople.

Wellington–Lysterfield roads, Lysterfield: traffic lights

Mr WAKELING (Ferntree Gully) — I wish to raise a matter for the Minister for Roads and Ports. The action that I seek is for the government to commence construction of traffic lights at the intersection of Wellington and Lysterfield roads in Lysterfield. This is a significant intersection as it acts as a feeder for the thousands of vehicles travelling from north to south from Berwick, Narre Warren and Pakenham through Lysterfield Road, Glenfern Road and eventually Dorset Road. Furthermore, this intersection is dangerously located on the crest of a hill, making it difficult for drivers travelling on both directions on Wellington Road to identify traffic both entering and exiting Lysterfield Road. Similarly, visibility in both directions is severely reduced for drivers exiting Lysterfield Road onto Wellington Road.

During the last state election campaign the ALP promised in its election material that it would commit $1.3 million towards the construction of traffic lights at this important intersection. During 2007 no indication was provided by this government to the Knox community regarding the construction of this important project. Consequently I raised this issue with the Minister for Roads and Ports. In his response on 30 October 2007, the minister stated:

> The state government has committed funding to install traffic signals at (this) intersection. Design works have commenced.
>
> Construction will commence after design works have been finalised.

Despite this response, no further public comments were made by the minister until 10 months later, when on 1 August 2008 he issued a press release announcing that funding of $2.6 million would be allocated for the installation of traffic lights. Not only was this figure double the previously quoted amount in November 2006, but the minister did not provide any time frame for the completion of the project. Ten months have elapsed since the issuing of this press release and not one traffic signal has been installed at this intersection. In the two and a half years that have elapsed since the original announcement, the only thing the government has delivered at this intersection is a sign indicating that traffic lights will be installed in the future.

This situation is completely unacceptable. In two and a half years no action appears to have been taken at this intersection. On three separate occasions my community has been told that this government will take action at this busy intersection, but to date all the government has done is install an advertising sign. It is time this government started listening to the concerns of residents in my electorate and delivered on its promises. My community does not appreciate spin and rhetoric; it expects action. I call upon the Minister for Roads and Ports to take action and to immediately advise when works will commence on the construction of traffic lights at this intersection and the expected date for these traffic lights to become operational.

Royal District Nursing Service: funding

Ms DUNCAN (Macedon) — The action that I seek is from the Minister for Senior Victorians. I ask the minister to increase funding for and access to support services to assist seniors and people with disabilities living in the electorate of Macedon. The Royal District Nursing Service is one such service provider that provides in-home care as part of the home and community care program. Members will probably be aware that the Royal District Nursing Service provides a fabulous service to many vulnerable Victorians who need nursing support in their homes. It has been providing this service for over 120 years, which is an amazing history of service. Over 30 000 people per

year are provided with support by the service, and it provides around 500 000 hours of support each year. The service provides this level of care 24 hours a day, 7 days a week, 365 days of the year.

For most of us, the care of our skin is a fairly simple and routine task for much of our lives. Healthy skin is important to our overall health. We know that as we age, our skin becomes more sensitive and takes more time to heal. Any wounds we have as an older person need more care and attention and take longer to heal. Risks of ulceration are much greater at that age, and this is particularly the case if you have diabetes or limited mobility.

Anyone who watched the *Four Corners* program on Monday night will have seen the extreme medical problems that can arise without adequate care. Even with great care, wounds in older people can be dreadful. While watching that program, I was pleased to see that Victoria's state-run aged-care facilities have nurse-patient ratios comparable to those in public hospitals, ensuring better health care.

Many older people can continue to live in their homes, provided they have access to adequate support such as wound care. Early and quick assessment and treatment are vital to ensure that wounds are successfully treated and that patients recover. The nurses of the Royal District Nursing Service provide great care to people in their homes, treating and dressing wounds. Their experience and knowledge would be useful to other district nursing services across Victoria. I saw the brilliant work they did in caring for both my parents — my dad is a diabetic — who at various times have had problems with ulcers on their legs. I saw how difficult those ulcers are to treat; in many cases they need daily treatment.

I call on the minister and the Department of Human Services to examine what further funding the government could provide to address wound management care delivered by the Royal District Nursing Service and other district nursing services in my electorate of Macedon and more broadly across Victoria.

Bulleen: Metcard outlets

Mr KOTSIRAS (Bulleen) — I raise an issue for the attention of the Minister for Public Transport. I ask the minister to stop ignoring the residents of Bulleen and instruct the Department of Transport to investigate and review the lack of Metcard outlets in the Bulleen area. A number of residents have come to see me complaining that they are unable to purchase Metcards in the area. The Bulleen Plaza Newsagency has requested that it be allowed to sell Metcards, but unfortunately the department has said it cannot, because the department will not issue any more permits.

The owner of the newsagency wrote to me. I quote from his correspondence:

> At present there is no agent or outlet for Metcards in the very large area bounded by the course of the Yarra River starting down at North Balwyn then east along the Yarra River through Bulleen all the way up to High Street, Templestowe, then along High Street to the intersection with Manningham Road, along Manningham Road down to Bulleen Road and along Bulleen Road to the Yarra River again.
>
> …
>
> This is a deplorable situation. Every day we get many people of all ages from young people to the very elderly and the infirm asking to buy Metcards at our newsagency.
>
> At no shop, either at Bulleen Plaza … or at Macedon Square Shopping Centre, is it possible to buy a Metcard. Many people are hugely inconvenienced by this situation.
>
> …
>
> Despite my personal efforts and requests, the Met will not even accept an application from our Bulleen Plaza Newsagency for us to become an outlet for Metcards. The only answer I can get is that the Met is not accepting any new applications at this time.
>
> I beg you to make representations on behalf of your constituents so that the Bulleen Plaza Newsagency may be able to meet the needs of the people of this large area and sell Metcards to them.

It is not too much to ask of this government that it ensure that people in the Bulleen area are able to access Metcards so they can travel by public transport.

I have heard members on the other side say the government encourages people to travel by public transport, but it is very difficult to do so if you do not have a Metcard. It only makes sense for the minister to get involved for once and help this newsagency get a permit to sell Metcards. That would ensure that the elderly in the area can purchase Metcards and travel by public transport.

Forest Hill electorate: skills training

Ms MARSHALL (Forest Hill) — I rise in the house tonight to bring an issue to the attention of the Minister for Skills and Workforce Participation. The issue regards funding and services for people who live in my electorate and who have been retrenched or are at risk of retrenchment. The action that I seek is an undertaking from the minister that the services and necessary funding be made available to give people the

best possible chance of securing jobs, not only now but also in the future.

The global financial crisis is adversely affecting the Australian economy and impacting on Victorian jobs. Data from Centrelink confirms that unemployment in the Forest Hill area has recently risen. The Ringwood Centrelink office, which services my electorate, recorded a 6.4 per cent increase in people receiving Newstart allowance and youth allowance in just one month — from January to February 2009. To put it in perspective, this equates to more than 100 new people receiving Centrelink payments within a single month.

The Box Hill Centrelink office recorded similar figures for the same period, with 91 new people receiving payments. With over 3500 people currently unemployed in the city of Whitehorse, of which Forest Hill is a part, it is imperative that the Victorian government deliver assistance and training to ensure that those who find themselves out of work can gain the skills they need to access jobs.

Box Hill and Swinburne TAFE campuses provide training and education to the people of Forest Hill. In order to ensure a skilled workforce in the area, these facilities also require support so that every person who wishes to can engage in further training and attain higher qualifications, thereby making certain that their participation in the workforce is not at risk. In these difficult economic times families bear a much larger burden, and that burden is exacerbated when a parent is retrenched.

The government has committed to creating an additional 172 000 training places over the next four years and has launched the $316 million skills strategy, Securing Jobs for your Future. As recently as last month's budget announcement, the government delivered a $120.9 million skills and employment package containing measures to boost the skills of all Victorians. It includes the $13.8 million Skills to Transition program, the aim of which is to provide additional training support to more than 6400 retrenched or at-risk workers.

Further to this, more than $10 million has been allocated for New Workforce Partnerships, which will assist an additional 1150 disadvantaged job seekers to enter the workforce over the next two years. However, in recent weeks constituents have been seeking information from me regarding access to these programs.

Therefore the action I seek is for the minister to ensure that all Victorians, particularly those who have been retrenched or are at risk of being retrenched, are able to receive support and gain ready access to high-quality training, and that they are made aware of the government's actions in this area so that my constituents in Forest Hill will have the best chance to secure the jobs they want and need.

Responses

Mr ROBINSON (Minister for Consumer Affairs) — The member for Caulfield raised for the attention of the Minister for Health an issue regarding the south-west air ambulance staffing. I will pass that matter on.

The member for Cranbourne raised an issue for the Minister for Energy and Resources and he will deal with that separately.

The member for Mildura raised an issue for the attention of the Minister for Planning regarding either amendment C58 or C38 of the Mildura Rural City Council in relation to minimum subdivision restrictions. I will pass that matter on.

The member for Yan Yean raised for the attention of the Minister for the Arts a request for funding for the Tree Project, which has been proposed by the Australian Blacksmiths Association as a memorial to the loss suffered on 7 February, particularly around Strathewen. I will pass that matter on.

The member for Benambra raised for the attention of the Attorney-General a request for a meeting with junior sports club representatives in relation to the working-with-children procedures. I will pass that matter on.

The member for Ferntree Gully raised for the attention of the Minister for Roads and Ports concerns about the need for a traffic light installation on the corner of Wellington Road and Lysterfield Road in his electorate. I will pass that matter on.

The member for Macedon raised for the attention of the Minister for Senior Victorians a request for funding for and improved access to the Royal District Nursing Service for seniors and those with disabilities in her electorate. I will pass that matter on.

The member for Bulleen raised for the attention of the Minister for Public Transport an issue pertaining to the availability of Metcards at local retail outlets. I will pass that matter on.

The member for Forest Hill raised for the attention of the Minister for Skills and Workforce Participation a

request for additional funding and support for workers in her electorate who have been retrenched or are at risk of retrenchment in respect of further job training. I will pass that matter on.

Mr BATCHELOR (Minister for Energy and Resources) — I thank the member for Cranbourne for his call for action to continue to protect energy consumers. The member for Cranbourne never stops fighting for working families in his electorate, and tonight's contribution is another example of that.

The Brumby Labor government is well aware of the need for strong protections across all areas of consumer activity, and no doubt we will hear from the minister himself later on tonight on other matters. But the member for Cranbourne raised with me issues in relation to the protection of energy consumers. These protections are particularly important when families are struggling and money and time are in short supply. That is certainly the situation at the moment.

Consumers of any product must be protected. But we know there are some consumers who are more vulnerable and disadvantaged than others, and we are all susceptible to be disadvantaged by unfair, unreasonable and unfathomable contract terms. There is an inherent power imbalance between a business and a single consumer, and consumer protections are particularly important when the product being purchased is an essential service, such as the purchase of electricity and the purchase of gas. Here in Victoria these protections are particularly important, given our highly competitive retail energy market.

As the member for Cranbourne said, these protections are currently in place for energy consumers in Victoria and they are regarded by many consumer groups and individuals as gold standard — the best that apply in the country. In Victoria, consumers are protected by a number of important regulations, including mandatory hardship provisions, mandatory price disclosures for market offers and wrongful disconnection payments, to mention just a few. These regulations are important and have worked well since they were introduced by the Labor government. The energy retailers themselves say that the Victorian hardship policies are best practice and provide real assistance to Victorian families who are struggling to pay their gas and electricity bills.

The Brumby government does not support a weakening of the protection of gas and electricity consumers in Victoria. It is important to note that this is the first exposure draft of the national guidelines. The member for Cranbourne raised the issue of the first exposure draft in his contribution.

I will be taking up those concerns expressed by the member for Cranbourne and will be advocating on behalf of Victorian consumers during the national framework development process. I will seek to ensure that a strong level of protection remains in place for Victorian families.

I have actively encouraged consumer groups and other interested parties in both Victoria and other states to engage in the consultation process, to put in submissions and to work with us to develop a national framework that will deliver real protections for energy consumers right across the country, as we have in Victoria.

In conclusion, I point out that the first exposure draft was released by a bureaucratic body and has not as yet been endorsed by the ministerial council. The first exposure draft was released by the standing committee of officials which reports to the Ministerial Council on Energy and as a result this first exposure draft does not have ministerial endorsement. This is why it is important for consumer groups to respond to this call for submissions and comment. Their input is needed; their input is helpful.

I thank the member for Cranbourne for raising this matter in the house tonight, and I hope consumer groups and interested parties take the lead from the member for Cranbourne and continue to look after disadvantaged members of all communities.

Mr ROBINSON (Minister for Consumer Affairs) — The member for Frankston very conscientiously has raised an issue about consumer protection with me on behalf of his electorate regarding door-to-door sales. The member has quite properly pointed out that door-to-door sale activity is regulated under the Fair Trading Act and that sections 62A and subsequent sections provide a framework under which door-to-door sales can legitimately operate in Victoria.

I understand from time to time people raise concerns about door-to-door sales. On occasions those concerns are about the ability of salespeople to knock on doors at any time of the day and in other cases it is about the belief or claim that they are operating in hours that are not prescribed.

In terms of hours, the act lists those hours in Victoria where door-to-door sales are not permitted and therefore provides the opportunity in the remaining hours. I have previously asked my department, on the basis of some complaints that were made, whether we could revisit those hours, although I understand the member is not asking that the legislation be specifically

amended. He cannot, and that is why he is not asking for it.

However, my understanding from Consumer Affairs Victoria is that the arrangements that have been reached in Victoria are part of a national agreement, and it is important that we try to provide some consistency in respect of both door-to-door sales and the people involved in that industry and other sectors. What member has directly talked about is raising the awareness among consumers about their rights within the framework that operates in Victoria. I am supportive of that request and will instruct Consumer Affairs Victoria to respond to the member directly.

The member has talked about the work of the Consumer Action Law Centre (CALC). That is a great and dedicated agency that is funded in part by Consumer Affairs Victoria and does some very good work. The member did point out that CALC has for some time produced 'Do not knock' stickers. The effect of putting 'Do not knock' stickers on your door would clearly indicate there is no consent, and consent is an element in the legislation. You can visit when there is consent, but if there is no consent, you should not visit.

I will talk to Consumer Affairs Victoria about how we might work more closely in Victoria with members like the member for Frankston in ensuring that consumers are made more aware of what their rights are.

Ultimately in this field and in other areas of consumer protection, consumers are the best eyes and ears of the department and the government. A more informed electorate or constituency ensures that any practices at odds with what the framework provides for will be reported to Consumers Affairs Victoria more quickly than they otherwise would be.

I thank the member for his suggestion. I can assure him that we will ask Consumer Affairs Victoria to work with him and to work where appropriate through the Consumer Action Law Centre to ensure that consumers in his electorate are better informed of their rights under Victorian law.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 10.47 p.m.