

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-SIXTH PARLIAMENT**

**FIRST SESSION**

**Wednesday, 3 June 2009**

**(Extract from book 6)**

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Professor DAVID de KRETZER, AC

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC

## **The ministry**

|   |                              |
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| Minister for Planning . . . . .   | The Hon. J. M. Madden, MLC   |
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| Minister for Gaming, Minister for Consumer Affairs and Minister Assisting the Premier on Veterans' Affairs . . . . .                          | The Hon. A. G. Robinson, MP  |
| Minister for Housing, Minister for Local Government and Minister for Aboriginal Affairs . . . . .   | The Hon. R. W. Wynne, MP     |
| Cabinet Secretary . . . . .   | Mr A. G. Lupton, MP          |

## Legislative Assembly committees

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

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

## Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Heads of parliamentary departments

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

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

*Parliamentary Services* — Secretary: Dr S. O'Kane

**MEMBERS OF THE LEGISLATIVE ASSEMBLY**

**FIFTY-SIXTH PARLIAMENT — FIRST SESSION**

**Speaker:** The Hon. JENNY LINDELL

**Deputy Speaker:** Ms A. P. BARKER

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

**Leader of the Parliamentary Labor Party and Premier:**

The Hon. J. M. BRUMBY

**Deputy Leader of the Parliamentary Labor Party and Deputy Premier:**

The Hon. R. J. HULLS

**Leader of the Parliamentary Liberal Party and Leader of the Opposition:**

Mr E. N. BAILLIEU

**Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:**

The Hon. LOUISE ASHER

**Leader of The Nationals:**

Mr P. J. RYAN

**Deputy Leader of The Nationals:**

Mr P. L. WALSH

| Member                                  | District           | Party | Member                                      | District         | Party |
|---|--------------------|-------|---|------------------|-------|
| Allan, Ms Jacinta Marie                 | Bendigo East       | ALP   | Lindell, Ms Jennifer Margaret               | Carrum           | ALP   |
| Andrews, Mr Daniel Michael              | Mulgrave           | ALP   | Lobato, Ms Tamara Louise                    | Gembrook         | ALP   |
| Asher, Ms Louise                        | Brighton           | LP    | Lupton, Mr Anthony Gerard                   | Prahran          | ALP   |
| Baillieu, Mr Edward Norman              | Hawthorn           | LP    | McIntosh, Mr Andrew John                    | Kew              | LP    |
| Barker, Ms Ann Patricia                 | Oakleigh           | ALP   | Maddigan, Mrs Judith Marilyn                | Essendon         | ALP   |
| Batchelor, Mr Peter John                | Thomastown         | ALP   | Marshall, Ms Kirstie                        | Forest Hill      | ALP   |
| Beattie, Ms Elizabeth Jean              | Yuroke             | ALP   | Merlino, Mr James Anthony                   | Monbulk          | ALP   |
| Blackwood, Mr Gary John                 | Narracan           | LP    | Morand, Ms Maxine Veronica                  | Mount Waverley   | ALP   |
| Bracks, Mr Stephen Phillip <sup>1</sup> | Williamstown       | ALP   | Morris, Mr David Charles                    | Mornington       | LP    |
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| Brumby, Mr John Mansfield               | Broadmeadows       | ALP   | Munt, Ms Janice Ruth                        | Mordialloc       | ALP   |
| Burgess, Mr Neale Ronald                | Hastings           | LP    | Napthine, Dr Denis Vincent                  | South-West Coast | LP    |
| Cameron, Mr Robert Graham               | Bendigo West       | ALP   | Nardella, Mr Donato Antonio                 | Melton           | ALP   |
| Campbell, Ms Christine Mary             | Pascoe Vale        | ALP   | Neville, Ms Lisa Mary                       | Bellarine        | ALP   |
| Carli, Mr Carlo Domenico                | Brunswick          | ALP   | Noonan, Wade Mathew <sup>5</sup>            | Williamstown     | ALP   |
| Clark, Mr Robert William                | Box Hill           | LP    | Northe, Mr Russell John                     | Morwell          | Nats  |
| Crisp, Mr Peter Laurence                | Mildura            | Nats  | O'Brien, Mr Michael Anthony                 | Malvern          | LP    |
| Crutchfield, Mr Michael Paul            | South Barwon       | ALP   | Overington, Ms Karen Marie                  | Ballarat West    | ALP   |
| D'Ambrosio, Ms Liliana                  | Mill Park          | ALP   | Pallas, Mr Timothy Hugh                     | Tarneit          | ALP   |
| Delahunty, Mr Hugh Francis              | Lowan              | Nats  | Pandazopoulos, Mr John                      | Dandenong        | ALP   |
| Dixon, Mr Martin Francis                | Nepean             | LP    | Perera, Mr Jude                             | Cranbourne       | ALP   |
| Donnellan, Mr Luke Anthony              | Narre Warren North | ALP   | Pike, Ms Bronwyn Jane                       | Melbourne        | ALP   |
| Duncan, Ms Joanne Therese               | Macedon            | ALP   | Powell, Mrs Elizabeth Jeanette              | Shepparton       | Nats  |
| Eren, Mr John Hamdi                     | Lara               | ALP   | Richardson, Ms Fiona Catherine Alison       | Northcote        | ALP   |
| Foley, Martin Peter <sup>2</sup>        | Albert Park        | ALP   | Robinson, Mr Anthony Gerard                 | Mitcham          | ALP   |
| Fyffe, Mrs Christine Ann                | Evelyn             | LP    | Ryan, Mr Peter Julian                       | Gippsland South  | Nats  |
| Graley, Ms Judith Ann                   | Narre Warren South | ALP   | Scott, Mr Robin David                       | Preston          | ALP   |
| Green, Ms Danielle Louise               | Yan Yean           | ALP   | Seitz, Mr George                            | Keilor           | ALP   |
| Haermeyer, Mr André <sup>3</sup>        | Kororoit           | ALP   | Shardey, Mrs Helen Jean                     | Caulfield        | LP    |
| Hardman, Mr Benedict Paul               | Seymour            | ALP   | Smith, Mr Kenneth Maurice                   | Bass             | LP    |
| Harkness, Dr Alistair Ross              | Frankston          | ALP   | Smith, Mr Ryan                              | Warrandyte       | LP    |
| Helper, Mr Jochen                       | Ripon              | ALP   | Stensholt, Mr Robert Einar                  | Burwood          | ALP   |
| Herbert, Mr Steven Ralph                | Eltham             | ALP   | Sykes, Dr William Everett                   | Benalla          | Nats  |
| Hodgett, Mr David John                  | Kilsyth            | LP    | Thompson, Mr Murray Hamilton Ross           | Sandringham      | LP    |
| Holding, Mr Timothy James               | Lyndhurst          | ALP   | Thomson, Ms Marsha Rose                     | Footscray        | ALP   |
| Howard, Mr Geoffrey Kemp                | Ballarat East      | ALP   | Thwaites, Mr Johnstone William <sup>6</sup> | Albert Park      | ALP   |
| Hudson, Mr Robert John                  | Bentleigh          | ALP   | Tilley, Mr William John                     | Benambra         | LP    |
| Hulls, Mr Rob Justin                    | Niddrie            | ALP   | Trezise, Mr Ian Douglas                     | Geelong          | ALP   |
| Ingram, Mr Craig                        | Gippsland East     | Ind   | Victoria, Mrs Heidi                         | Bayswater        | LP    |
| Jasper, Mr Kenneth Stephen              | Murray Valley      | Nats  | Wakeling, Mr Nicholas                       | Ferntree Gully   | LP    |
| Kairouz, Ms Marlene <sup>4</sup>        | Kororoit           | ALP   | Walsh, Mr Peter Lindsay                     | Swan Hill        | Nats  |
| Kosky, Ms Lynne Janice                  | Altona             | ALP   | Weller, Mr Paul                             | Rodney           | Nats  |
| Kotsiras, Mr Nicholas                   | Bulleen            | LP    | Wells, Mr Kimberley Arthur                  | Scoresby         | LP    |
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| Languiller, Mr Telmo Ramon              | Derrimut           | ALP   | Wynne, Mr Richard William                   | Richmond         | ALP   |
| Lim, Mr Muy Hong                        | Clayton            | ALP   |   |                  |       |

<sup>1</sup> Resigned 6 August 2007

<sup>2</sup> Elected 15 September 2007

<sup>3</sup> Resigned 2 June 2008

<sup>4</sup> Elected 28 June 2008

<sup>5</sup> Elected 15 September 2007

<sup>6</sup> Resigned 6 August 2007



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**Wednesday, 3 June 2009**

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

**The SPEAKER** — Order! Yesterday a point of order was raised by the member for Kew with regard to the referral of the Primary Industries Legislation Amendment Bill to the Dispute Resolution Committee. I advise the house that this matter is still under review.

## BUSINESS OF THE HOUSE

### Notices of motion: removal

**The SPEAKER** — Order! I wish to advise the house that under standing order 144 notices of motion 78, 79, 160 to 164 and 206 to 208 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.

## PETITIONS

### Following petitions presented to house:

#### Peninsula Link: Moorooduc

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:

The humble petition of the undersigned citizens of the state of Victoria sheweth:

That the proposed Moorooduc section of the Frankston bypass is unnecessary, encroaches on the green wedge and will result in pollution, destruction of flora and fauna and the decimation of farming land and businesses in the area.

Your petitioners therefore pray that the Minister for Roads and Ports presents our objections to Parliament as a matter of utmost urgency.

And your petitioners, as in duty bound, will ever pray.

**By Mr BURGESS (Hastings) (659 signatures).**

#### Police: Hastings

To the Legislative Assembly of Victoria:

We the undersigned citizens of Victoria draw the attention of the house to moves to downgrade the 24-hour Hastings police station to a 16-hour station; closing at night between 11.00 p.m. and 7.00 a.m. daily.

We, the undersigned concerned citizens of Victoria, therefore request the Legislative Assembly of Victoria to request the state government to immediately return the Hastings police station to 24-hour status, in the interest of community safety.

**By Mr BURGESS (Hastings) (528 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 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) (95 signatures).**

#### Ambulance services: Mornington Peninsula

To the Legislative Assembly of Victoria:

The petition of residents of the Mornington Peninsula draws to the attention of the house the risk posed to the lives of mobile intensive care ambulance patients by the planned change to a single officer crew. The petitioners therefore request that the Legislative Assembly of Victoria ensure that two-officer crews are maintained for all mobile intensive care ambulances.

**By Mr MORRIS (Mornington) (136 signatures).**

**Tabled.**

**Ordered that petitions presented by honourable member for Mildura be considered next day on motion of Mr CRISP (Mildura).**

**Ordered that petitions presented by honourable member for Hastings be considered next day on motion of Mr BURGESS (Hastings).**

**Ordered that petition presented by honourable member for Mornington be considered next day on motion of Mr MORRIS (Mornington).**

## DOCUMENTS

### Tabled by Clerk:

Auditor-General:

Claims Management by the Victorian WorkCover Authority — Ordered to be printed

Governance and Fraud Control within Selected Adult Education Agencies — Ordered to be printed

Withdrawal of Infringement Notices — Ordered to be printed.

## APPROPRIATION MESSAGE

**Message read recommending further appropriation for State Taxation Acts Amendment Bill**

## ROAD SAFETY COMMITTEE

### Membership

**The SPEAKER** — Order! I announce to the house that I have received the resignation of Mr Mulder from the Road Safety Committee effective 2 June.

## MEMBERS STATEMENTS

### Australian Medical Association: nurse practitioners

**Ms MORAND** (Minister for Children and Early Childhood Development) — I was amazed to read in the *Weekend Australian* excerpts from a speech made by the outgoing president of the Australian Medical Association, Rosa Capolingua, at the AMA national conference. The *Australian* reported:

Dr Capolingua said the government's campaign to give diagnostic and treatment tasks traditionally performed by doctors to other health workers was akin to breaking up a pilot's monopoly by handing aircraft controls to flight attendants.

She has managed to insult all flight attendants and all allied health professionals with that comment. Highly skilled and trained allied health professionals play an outstanding role in our community and as part of teams of health professionals in our health services. She has insulted health professionals, such as podiatrists, nurse practitioners and optometrists.

A great example of the role of nurse practitioners can be seen in over 20 nurse practitioners who are now working in our state's emergency departments, providing comprehensive care to those with conditions such as musculoskeletal injuries, lacerations, skin infections and respiratory and urinary infections. A recent report has identified that in one Melbourne emergency department the nurse practitioner model effectively managed 10 per cent of the total annual emergency department patient presentations and is significantly reducing waiting times and total treatment times. This was reported in the peer-reviewed journal, *Emergency Medicine Australasia*.

Expanding the scope of practice with the necessary training and endorsement required means better models of care for patients and can mean greater access and convenience for patients and greater efficiency for our health services. Nicola Roxon has got it right.

### Multicultural affairs: government performance

**Mr KOTSIRAS** (Bulleen) — Victoria's multicultural policies are failing under a Brumby-led Labor government. International students are falling victim to the growing crime and violence on our streets and have not received fair treatment in their daily lives when accessing the criminal and civil justice systems as promised in the policy. Nor has the government protected them from vilifying behaviour or abuse, as is promised under the Racial and Religious Tolerance Act 2001.

There is something very wrong with the Brumby government when its policy is to protect the international education industry, but it ignores warnings that international students are falling victim to the rising tide of violence on our streets and public transport. There is something wrong when the Premier himself approves Hakki Suleyman's application to receive an award for excellence in multicultural affairs. It is a disgrace to the hardworking members of the community who have received this award.

There is something wrong when the Premier and his government appoint Natalie Suleyman as a member of the Standing Committee on Local Government and Cultural Diversity. The Premier, who is also the

Minister for Multicultural Affairs, has known about the behaviour of Hakki Suleyman and the opposition's concern for international students for two years, and he has done nothing about it. He has failed to ensure that Victoria remains an attractive destination for international students and the multicultural capital of Australia. It seems that he is the Minister for Multicultural Affairs in name only.

### **Sport: major events**

**Mr MERLINO** (Minister for Sport, Recreation and Youth Affairs) — Good luck to Melbourne Storm stars Billy Slater, Cameron Smith, Dallas Johnson and Greg Inglis, who will line up for Queensland tonight in game 1 of Rugby League's showcase State of Origin series. While stadiums in Queensland and New South Wales sit empty tonight, a full house will pack Etihad Stadium watching the pinnacle sporting event of our northern states take place right here in Melbourne. Origin 1 begins an incredible sporting month for Melbourne. Tickets go on sale tomorrow for Tiger Woods's appearance at the Australian Masters, in a fortnight Australia takes on Japan in our final World Cup qualifier, and four nights later Australia takes on Italy in Rugby Union. The Brumby government continues to deliver the best major sporting events calendar in the world.

### **Basketball: Melbourne Tigers**

**Mr MERLINO** — Congratulations to the Melbourne Tigers and Basketball Australia for ensuring that the Tigers are part of the National Basketball League's 2009 season. Victoria is the basketball capital of Australia, and it was simply not tenable for our state to have no representation in the national competition. The government was pleased to be able to play an active role in facilitating this fantastic result, and I would like to thank Tigers owner, Seamus McPeake, and Basketball Australia chief executive officer, Larry Sengstock, for all their hard work in reaching an agreement. Well done.

### **Monbulk Recreation Reserve: drought-proofing project**

**Mr MERLINO** — The Monbulk Recreation Reserve will undergo a major drought-proofing project thanks to a \$100 000 boost from the Brumby government. The project will see the establishment of a bore, the installation of a new automatic irrigation system and the conversion of the playing fields at the reserve to drought-tolerant, warm season grasses. Congratulations to the Monbulk Hawks football and cricket clubs, as well as the Monbulk Primary School

and the Shire of Yarra Ranges for developing the plans for this vital project.

### **Schools: building program**

**Mr DELAHUNTY** (Lowan) — The Brumby government stands condemned for again turning its back on small country Victorian builders wanting to tender for the federally funded school building program, because the education department has clustered numerous projects into one contract up to the value of \$5 million or more. So much for stimulating local economies and supporting jobs in country towns, because this process will exclude small builders who have attended departmental briefings, are registered with the department as suppliers and have successfully completed recent government projects.

This Labor government has shown it cannot manage money, and there are many examples showing that it cannot manage school building projects. There is something wrong across Victoria when new school buildings have been used to force amalgamations; there is something wrong when this process is used to divide communities; there is something wrong when there is a lack of transparency of funding allocations and school councils are forced to accept unsuitable building templates; there is something wrong when country Victorian builders have been excluded if they have not completed at least three school projects; and there is something wrong when jobs are being offered hundreds of kilometres away. These builders are now being denied the opportunity to keep local employment by being excluded from these large, clustered contracts.

There is something wrong, and the Brumby government must change these contracts to enable small, local builders the opportunity to tender for school building projects, thereby stimulating local economies and supporting local jobs. Victoria is bigger than Melbourne, and the Brumby government must look at ways of supporting the local builders and keeping their jobs in small country towns. There is something wrong if the government does not do something about it.

### **Bushfires: Nature Heals exhibition**

**Ms GREEN** (Yan Yean) — Recently I had the privilege of opening a wonderful photographic exhibition by Duncan Peat and Alanah Chapman. What is significant about this photographic exhibition is that Duncan is 12 years old and Alanah is 10 years old. Duncan is a student at Eltham High School and Alanah Chapman is a student at Strathewen Primary School. Her school was destroyed in the fires, as was her home.

But these young people are leading the way in showing our community how we can recover from this terrible tragedy.

I would like to read from the program these wonderful young people had for this fantastic exhibition. These are their own words:

Nature heals

We did not want to take sad pictures of burnt houses and lonely chimneys because we have seen too much of that in the news and in real life.

Instead we wanted to take pictures of things that can bring hope to us all.

From the Naked Lady flowers in the valley of Strathewen to the black boys of the nearby hills, there is new life and new hope everywhere.

And right now we just want to tell people who have survived the fires that we care about them and that there is hope for the future.

The new life sprouting from the burnt trees shows that everything is not lost and that there are still beautiful things that nature gives us to make us smile.

We want to share some rays of hope with all the people who come along to our exhibition.

We are just kids and obviously we are not professional photographers, but we love to take photographs and we take a great deal of pride in presenting this exhibition. All the proceeds of our exhibition will assist Strathewen Primary School.

### **Point Nepean: management**

**Mr DIXON** (Nepean) — If you thought it was hard work getting a Labor state government to work with a federal coalition government, just watch a Labor state government try to work with a federal Labor government. There is no better illustration of this than the on-again, off-again handover of the remaining federal land at Point Nepean to the Brumby government.

Since late 2006 federal environment minister Peter Garrett has been hell-bent on palming off the land to Parks Victoria, which does not want it, and a state government that will take it only if a ransom payment comes with it. The risk next week, when the handover will take place, is that the Brumby government will go back to square one and insist on a new management plan, when there is a perfectly good one in place that has full community support. The Brumby government's problem is that it is trying to figure out a way of making Point Nepean economically sustainable while keeping its promise of no commercial operations on the site.

The biggest casualty of this farce is the planned \$10 million respite centre for critically and terminally ill children. A generous benefactor, Peter Gunn, has offered to fund this much-needed facility to be located on the site. But because of the Brumby government's incompetence, intransigence and lack of compassion for these children and their families, this benefactor will now probably throw his hands in the air, give up and walk away. This government should be ashamed of the way it has treated these desperately ill children.

I challenge Minister Jennings, the Minister for Environment and Climate Change, to front these children and their families and explain why he is not doing everything in his power to have a respite centre at Point Nepean for them. While he is at it, he also needs to explain to the Victorian community why he does not want a Melbourne University centre for coastal and climate studies on the site too.

### **Bushfires: schools**

**Mr HARDMAN** (Seymour) — I rise to congratulate the principals and staff of the many schools in the Seymour electorate that have students and families who have been impacted upon by the Black Saturday bushfires.

Recovery needs many people from different industries to assist the local communities to get back on their feet. The schools across my electorate have been absolutely fantastic, and I have visited many of them over the last few weeks. All the staff at Strathewen Primary School were affected in different ways in their own communities — they lost houses and fought fires — but they got back on their feet straightaway after the fires. That is just one example.

Schools like Marysville Primary School, Chum Creek Primary School, Buxton Primary School and all the surrounding high schools that take students from the affected areas, such as Yea High School, Alexandra Secondary College and Broadford Secondary College, have got back on their feet very, very quickly and provided a lot of care, understanding and stability for families after the fires.

I really wish to congratulate them all for the leadership and caring positions they have taken in the individual communities in assisting in the recovery process. They are doing a fantastic job, and I encourage them to continue with their work into the future.

### **Mountain Highway–High Street, Bayswater: traffic lights**

**Mrs VICTORIA** (Bayswater) — In October last year I tabled a petition regarding the pedestrian crossing at the intersection of High Street and Mountain Highway in Bayswater. This petition asked the minister to take simple action to prevent accidents in Bayswater by changing the light sequencing as a starting measure.

Several times people have been narrowly missed by a truck or car, with drivers not waiting for or seeing pedestrians trying to cross. There have been at least eight casualty crashes at this intersection over the last five years, with four of them involving pedestrians. Many more go unreported. This is not a difficult or expensive issue for the minister to resolve, so if he is serious about road safety, I trust he will take action.

### **Rail: Belgrave and Lilydale lines**

**Mrs VICTORIA** — Since 2006 the government has added only a pitiful two new train services along the Belgrave and Lilydale lines, with those services being for late-night revellers on Saturday and Sunday mornings. There have not been any additional services in peak hours, and even though it is shown that a woeful 10 per cent of trains run late across all lines, at least the other lines are getting new services. This is another example of the Brumby Labor government ignoring the hardworking people of the outer eastern suburbs. There is something wrong here, and it is simply not good enough.

### **Mountain High shopping centre**

**Mrs VICTORIA** — Recently the new Mountain High shopping centre opened, with several major tenants taking up residence. I was thrilled to officially open the new Coles supermarket. The benefits to the local economy from this centre are already evident. Congratulations to Leo, Rose and all involved for their vision for our beautiful suburb. We wish it many, many happy trading hours.

### **Dr Martand Joshi**

**Ms THOMSON** (Footscray) — I rise to celebrate the life of Dr Martand S. Joshi. Dr Joshi was the honorary consul for India in Melbourne. He passed away on 25 May. Those who knew Dr Joshi knew him as a humorous, entertaining person to have at the dinner table, but he was more than that. He was an academic and a very caring human being. He cared about our multicultural society and the importance of having a society that welcomes everyone within its ranks and

creates an Australia that is better for all the cultures that come together and share their experiences.

He was an extraordinary man who believed in tolerance and in looking after those who are least able to look after themselves. He had an incredible commitment to social justice. He was an academic who had been awarded for his academic achievements both here and back in India. He remained committed to India and seeing improvements occur in India. He remained committed to Australia and life here and to a growing relationship between Australia and India.

The expressions of sympathy that have been published and those expressed on the day of his memorial service, which occurred on Monday and was attended by the member for Clayton and the member for Essendon, who was Dr Joshi's local member, show that he will be remembered.

### **Police: Hastings**

**Mr BURGESS** (Hastings) — Residents of the Western Port area gathered with traders and business owners at the Hastings foreshore on 14 May to rally against the Brumby government's shameful decision to reduce the Hastings police station to a 16-hour operation. This decision will mean the station will sit empty and in darkness at the very time most crimes are committed — between 11.00 p.m. and 7.00 a.m. In a further blow we now know the state government is moving the entire Hastings criminal investigation unit to Mornington, which will mean the loss of another four officers and a vehicle, further decimating the Hastings station.

Two weeks ago the government said closing the station at night was a new and better way of policing, that instead of officers sitting inside the station they will be out on the roads around Hastings. That lie did not even last a month. Now it is known that the police who previously manned the station will be used to man the new Carrum Downs station. The truth is that as soon as Hastings officers need to interview or arrest a suspect they will have to take them to Mornington or Frankston so as to provide a supervisor, meaning there will not be any police at all on the entire Western Port side of the Peninsula. When we think about the people and assets that will be left exposed, we note that communities such as Baxter, Somerville, Tyabb, Hastings, Bittern, Crib Point, Cerberus and Balnarring and critical businesses and assets such as BlueScope Steel, the Esso fractionalisation plant, the Western Port–Altona–Geelong pipeline and Crib Point liquid berth will all be left virtually unprotected.

Since 2002 police patrol hours in the Peninsula area have been reduced by 9500, or 18 per cent. Over the same time violent crime has increased by 48 per cent. The Minister for Police and Emergency Services has done nothing to support police or the community. At Hastings alone he has overseen a dramatic reduction in uniformed police and detectives, the removal of the nightshift, the loss of vehicles and a massive increase in crime. The police minister must resign today. If he refuses, the Premier must immediately sack him and give the job to someone the community can trust and police can respect.

### **Glenroy West Primary School: badge ceremony**

**Ms CAMPBELL** (Pascoe Vale) — I thank Glenroy West Primary School students for giving me the opportunity to present their badges at the recent badge ceremony.

The leadership team is Sophie D., Brody Mc., Curtis M., Brooke S. The student representative council members are Jessica N., Mitchell L., Chloe T., Adrian S., Peter P., Oom P., Bonnie W., Chloe C., Stephanie C., Andrew S. House and vice-captains of Chapman are Sandra T. and Grace E.; of Clovelly, Helen L., Ashley C. and Rebecca T.; of William, Aida Z. and Bridget L.; and of York, Estelle L. and Taylah L.

The activity leaders are Phoebe C., Renass B., Aida Z., Brittney P. M., Rebecca T., Chloe T., Grace E., Taylah L., Loredana L., Madison L., Graeme W. and Tegan E. The art monitors are: Jenifer P., Brittnee D., Lillian C., Jake L., Berivan B., Nathan R., Tegan E., Madison L. and Brooke S. The bell monitors are Estelle L. and Brody Mc.

Badges for house points and pupil of the week went to Weiland H., Tekura T., James G., Sophie D., Isabella R., Harry H., Tyson V. F., Jake L., Cassie N., Chloe B., Abdullah E. and Jenifer P. Flag monitors are Jessica N., Sara C., Aida Z., Mitchell L., Sandra T. and Kaylah W.

### **City of Brimbank: Ombudsman's report**

**Mr MORRIS** (Mornington) — On Thursday, 7 May, the Ombudsman's report into the dysfunctional and totally ineffective Brimbank City Council was tabled in this house. Of course it was tabled on a Thursday, conveniently just before a three-week break, so there was absolutely no possibility of parliamentary scrutiny. The report discloses excesses, patronage and influence — peddling by unelected persons that would

have made even Boss Tweed of Tammany Hall infamy blush in embarrassment.

The report exposes clearly local government, Labor style — local government where bullying, harassment and intimidation are rife; where the retiring mayor can, spending up to \$1000, buy themselves a present courtesy of the ratepayers; where members of the ruling faction fail to deal with clear conflicts of interest between their public duties and their private interests; where decisions are made for personal gain, to damage the council or to extract retribution; and where in at least two instances an individual's responsibility to the office of councillor conflicted with their duty to their employer, a local Labor member of Parliament.

On Tuesday, 26 May, we saw the arrogance of Labor again when, in an attempt to avoid public scrutiny, TV crews were barred from the meeting in the council chamber. Having seen the performance of some councillors that night, I can understand why they do not want the public witnessing such ineffectual 'representatives' at work.

What has the government done? Given them a slap on the wrist and a guidance counsellor! The Premier must respond with the only language these people understand — deprive them of their power and remove them from positions of influence —

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

### **Gordon Trinca**

**Mr TREZISE** (Geelong) — I take the opportunity to note the death of road safety pioneer Gordon Walgrave Trinca, AO, OBE, who passed away on 19 May at the age of 88.

As a member of the parliamentary Road Safety Committee, I have come to appreciate the vital work Trinca played in road safety, especially through the 1960s and 1970s. It was the work of Gordon Trinca and like-minded road safety leaders that saw the introduction in Victoria of world-first legislation for the compulsory wearing of seatbelts, a move that met community and political resistance at the time but, through the determination of Gordon Trinca and others who stuck to their guns, thousands of lives have been saved. That happened again with random breath testing, and the list goes on.

As a surgeon Gordon Trinca became very much aware of the horrors of road trauma and, fed up with the ineffective government action at the time, he took the lead to reduce the carnage. For example, as a surgeon

Trinca recognised the importance of early medical intervention and thus rostered himself and other surgeons on at recognised peak accident times instead of maintaining the then practice of being on call at home.

For his work Gordon Trinca received many honours and awards, including the Order of the British Empire and the Order of Australia. The Royal College of Surgeons honours Gordon Trinca through the Gordon Trinca Medal and lectures.

I pay tribute to Gordon Trinca and extend my condolences to his family.

### **Rutherglen: Winery Walkabout**

**Mr JASPER** (Murray Valley) — The Queen's Birthday holiday long weekend later this week will be an excellent opportunity for members and Melburnians to visit north-eastern Victoria for a great range of entertainment. Sportspeople and tourists can join the official opening of the snow season at one of the alpine resorts and at other attractions along the Murray River. However, the most important event over next weekend is Rutherglen's Winery Walkabout. The event evolved from an original wine festival in 1974. It has since become an iconic event, winning numerous state and federal awards including Best Festival in Australia, and drawing crowds to the wineries from Victoria, New South Wales, Canberra and beyond.

One of the highlights of the weekend is the Rutherglen Country Fair conducted on the Sunday as part of the Winery Walkabout. Over 300 stalls are set up in the closed main street of Rutherglen, with food, entertainment, a muscat run, barrel-rolling, grape-treading and of course the celebrity grape tread. For over 20 years I have challenged two other members of Parliament to take part. Over those years I have had local parliamentarian colleagues, including state and federal ministers, join the challenge to crush grapes with a partner for 3 minutes. In recent years we have seen the attendance of ministers Lynne Kosky and Jacinta Allan. I have been beaten, but last year I resumed the crown. This year I will welcome the Minister for Gaming to Rutherglen, together with Albury MP, Greg Aplin, to take part in this challenge.

For a great experience of fun, entertainment and wine sampling I urge members to visit north-eastern Victoria on the long weekend, and to visit Rutherglen wineries and the Sunday country fair in particular.

### **Graeme Brooks, David Dunwoodie and Roger Langdon**

**Ms MARSHALL** (Forest Hill) — I wish to congratulate Graeme Brooks from Vermont Secondary College, David Dunwoodie from Forest Hill College and Roger Langdon from Highvale Secondary College on achieving the wonderful milestone of 40 years of teaching service. During Education Week Graeme, David and Roger were acknowledged for their incredible service to education in Forest Hill schools. They have seen amazing developments in teaching approaches and educational expectations in schools. The job of a teacher is forever evolving and is always presenting new challenges, so it is fitting that they were commended for their continued service.

I have fond memories of my high school teachers, and I am sure many of their former students feel the same way. I congratulate Graeme, David and Roger. They are part of the reason Victorian students are among the nation's best in national testing. Their experience and knowledge is something to be treasured.

### **University of the Third Age: Nunawading exhibition**

**Ms MARSHALL** — On another matter, it is with great pleasure that I bring to the attention of the house the opening of the Nunawading University of the Third Age (U3A) arts, crafts and quilts exhibition on Friday, 8 May, at Box Hill town hall. It has been described as a cornucopia of creativity, colour and artistic ingenuity. The exhibition ran over three days and guests were met with what can only be described as a visual feast. One of the main features of the exhibition was a wall-hanging quilt created in celebration of U3A's 10th anniversary. Other works on show were created by members taking patchwork, art and needlework classes. This is the sixth year of the exhibition, which was first held in the Whitehorse centre in 2004. U3A is a terrific organisation that provides the people of Forest Hill with the ability to continue learning no matter what point they are at in life.

### **Gaming: Ferntree Gully Bowling Club**

**Mr WAKELING** (Ferntree Gully) — I wish to highlight to the house the consequences of proposed changes to gaming legislation and the unfair effects these changes will have on small community clubs that rely on gaming revenue to support their activities. The Ferntree Gully Bowling Club, which is in my electorate, is an example of a club that will have to battle with larger commercial operators in a bidding process for gaming machines if the new legislation is

passed without amendment. The bill has caused great angst in the community, as the viability of the club without gaming machines is questionable and many residents are fearful for the club's future. This concern was highlighted by a recent petition signed by upwards of 400 residents from Melbourne's outer east.

Senior representatives of the club have stated that these changes could see the bowls club turn from being a benefit to the Ferntree Gully community to becoming a burden on government and residents. Clubs like Ferntree Gully Bowling Club will become dependent on other sources of income and will have to reduce their current sponsorship of community groups and organisations. In addition, the outlay for licences under the proposed bidding system may be out of reach for small community clubs. I urge the government to think about the future of community clubs and not just the amount of tax it can gouge from these venues.

### **Specialist schools: review**

**Mr WAKELING** — I was very pleased to hear that the Brumby government has finally decided to take some action on specialist education in my region. It has been many months since the Saratoga report was released, and I have raised the issue in this house many times. I welcome the announcement of funding for a feasibility study. However, there are concerns that the government has not gone far enough in respect of broader issues raised in the report.

### **Housing: Port Melbourne**

**Mr FOLEY** (Albert Park) — On Monday I had the pleasure of representing the Minister for Housing at the opening of a new 12-person rooming house for single women in Port Melbourne, which is to be administered by the South Port Community Housing Group. This \$800 000-plus project was delivered by the Office of Housing and its professional team of managers and builders. They have rebuilt the interior of a heritage-listed former hotel, which will now deliver affordable, secure and modern accommodation to some of our most vulnerable citizens who would otherwise be forced to leave their own communities and be left without the services upon which they rely. This project is social inclusion in practice. This important project was funded by the Brumby Labor government before the more recent record investment in social and community housing kicked in. When you add to that the even more recent national economic stimulus investment of a further \$1.5 billion in affordable housing, it is clear Victoria is in the midst of a new era of upgrades, maintenance, capital delivery and the practical construction of affordable housing.

For a community to invest in delivering homes to vulnerable citizens that give them a base in communities to which they can contribute is the mark of a government that is committed to the goals of justice, inclusion and equity. I am sure this latest project will be part of a long line of affordable housing and inclusive social construction. I wish the South Port Community Housing Group good luck with this important project.

### **Croydon Memorial Pool: improvements**

**Mr HODGETT** (Kilsyth) — The Croydon Memorial Pool has had a number of improvements over the past few years, including new liners in all three pools, shade structures and the installation of a water filtration system. Maroondah City Council would like to install a pool blanket at the outdoor 50-metre pool and erect a more secure fence around the site. I am told the installation of a pool blanket would result in a saving of \$12 000 in energy costs per season, a saving of some 900 000 litres of water per season, a reduction in greenhouse gas emissions and a reduction in pre-season maintenance. The combined cost of the pool blanket and fence is \$200 000. I call on the government to provide funding for these improvements, which will deliver enormous benefits to the community.

### **Graffiti: rail infrastructure**

**Mr HODGETT** — On another matter, Connex infrastructure such as signal boxes and bridges are targeted by graffiti artists, and it is a constant challenge to remove the graffiti from these sites and keep them clean. Corrections Victoria provides offender work groups as clean-up gangs supervised by the Department of Justice and directed by Connex to clean up graffiti. I have been advised that Department of Justice funding for this offender program is insufficient and in danger of being reduced or scrapped. It goes without saying that without sufficient funding, graffiti removal will not be performed.

I implore the Brumby government to provide the necessary funding to the Department of Justice so that the community-based order offenders program for graffiti removal gangs can continue. Furthermore, the government must direct agencies to cooperate with one another to cut through the bureaucratic processes to assist with the timely removal of graffiti. As an example, the removal of a relatively small amount of graffiti from a bridge over a road in the City of Maroondah required approval from several agencies and it took more than four months for the various consents to be obtained. The graffiti was then removed within hours. Why is it necessary to have such a

lengthy process to undertake a simple graffiti removal job?

### **Violence: Sri Lankan communities**

**Mr SCOTT** (Preston) — I rise to express my despair at violence that has occurred in Sydney between members of the Tamil and Sinhalese communities and which is related to the conflict within Sri Lanka. I know many strong opinions are held about these issues, but political violence has no place in Australian society. However strongly people feel about issues in their country of origin, there is no reason for conflict to spill over into violence here. I am unaware of any similar incidents in Victoria and urge all who feel strongly about these matters to restrain from violence and to express their political opinions peacefully.

I have been contacted by persons from Sri Lanka who have family members missing in the areas of conflict and are unable to locate them. I urge the Australian government to provide consular assistance and to seek to locate relatives of Australian citizens who may be missing due to the conflict. I urge the Australian government to play a positive role in providing assistance to help to rebuild Sri Lanka and hope that there is a permanent settlement of the conflict there.

I intend to make no comment about the rights and wrongs of the conflict as I do not think that helps resolve these matters or provides any positive assistance to resolving matters in Sri Lanka.

### **Frankston electorate: government initiatives**

**Dr HARKNESS** (Frankston) — There is nothing more satisfying than seeing the actions and initiatives of the Brumby government come to life and take shape around Frankston. Anybody driving along Hastings Road can see that stage 2 of the \$45 million Frankston Hospital redevelopment is already well under way. The upgrade will see a major expansion and reconfiguration of the hospital, including two new theatres being built, extensive works to both the two day procedure rooms and a central sterilising services department. Furthermore, the project includes redevelopment and expansion of the intensive care unit and high dependency unit along with the pharmacy department. The redeveloped Frankston Hospital will soon be providing world-class health care to Frankston residents.

In addition, repair works to the busy Mile Bridge over the Kananook Creek are nearing completion. The repairs will drastically increase the lifespan of the bridge and make it safer for longer for the many

vehicles that use the road on a daily basis. I was pleased to inspect those works last Friday with the Minister for Roads and Ports.

And, finally, the Brumby government's \$2 million reconstruction of the Frankston pier is now under way. This major reconstruction will involve replacing timber piles, crossheads, beams and all decking and capping on the pier. Since its construction in 1857, the Frankston pier has been an integral part of Frankston and has played a critical role in promoting waterfront activities in Frankston. The end result of this reconstruction will be a revitalised Frankston pier set on Frankston's vibrant foreshore.

I encourage all members to take a drive around Frankston and witness firsthand the Brumby government's dedication to health care, roads and infrastructure as well as providing jobs and stimulating the economy.

### **Casey Recreation and Aquatic Centre**

**Mr PERERA** (Cranbourne) — I am pleased to announce the official opening of the Casey Recreation and Aquatic Centre on 13 June. This is a \$37.9 million initiative. The Brumby government contributed — —

**The DEPUTY SPEAKER** — Order! The time for members to make statements has expired.

## **MATTER OF PUBLIC IMPORTANCE**

### **Budget: government initiatives**

**The DEPUTY SPEAKER** — Order! The Speaker has accepted a statement from the member for Northcote proposing the following matter of public importance (MPI) for discussion:

That this house congratulates the Brumby government for making the tough choices needed in the recent budget to support Victorian jobs and protect the vital services which make Victoria the best place to live, work and raise a family.

Before calling the member for Northcote, I just wish to provide the house with more information. The subject matter of the MPI today relates to measures taken in the recent state budget. In accepting the topic proposed, the Speaker took into account rulings in recent years which have permitted budget-related issues to be raised in question time, during the adjournment debate and in members statements.

As the issues dealt with by the budget are so wide ranging, at a practical level it is often difficult to make a determination as to what might constitute anticipation

of debate on the appropriation bill. The Speaker has therefore exercised wide discretion in allowing debate on an MPI which concerns budget matters. However, the general rule remains that, except for discussion on budget-related matters, it is not acceptable during debate on an MPI for members to anticipate debate on bills listed on the notice paper.

**Ms RICHARDSON** (Northcote) — Only Labor in Victoria has the right plan to meet the economic challenges ahead. Unlike our Liberal and Nationals opponents, Labor has worked hard on behalf of all Victorians to insulate our economy from the worst effects of the global financial crisis.

Members need not take my word for it. They can look at what the Australian Industry Group has said. It has described the Victorian government budget announced on 5 May as: ‘prudent and a budget for the times’. The Victorian director of the group, Tim Piper, is reported as saying:

... the new infrastructure spending was welcome and would help stimulate the economy, industry and create job opportunities.

The Master Builders Association said:

For every dollar spent in building and construction, 2.9 are spent elsewhere in the Victorian economy — the government is making the right decision by choosing to invest in essential infrastructure now.

A publication of ANZ Economics and Market Research states:

In today’s 2009–10 budget the Victorian government has delivered a better-than-expected result and indeed may well be forecasting the strongest balance sheet of all the major states.

This is in fact what it did. The Victorian Automobile Chamber of Commerce, my past employer, also said:

Most importantly, the Brumby government has done the right thing by stating its intention not to cut jobs. Treasurer John Lenders has acted responsibly in what are difficult circumstances.

My personal favourite comes from the conservative side of politics:

The Victorian budget is the benchmark that other Australian governments should follow. It’s not perfect, but they have been able to deliver infrastructure, cut lead times and control expenses growth in trying circumstances.

That is a quote from the New South Wales opposition Treasury spokesperson.

We all know that the biggest challenge facing Victoria over the next 12 months will be jobs, or to be more

precise, the lack of jobs. Even though we are caught up in a situation for which we are not responsible, we face the very real possibility that the price of our being part of a global village is that up to 1 million Australians may be unemployed before we see any light at the end of the tunnel.

The Labor Party prides itself on its care of people; it is the cornerstone in fact of our party. Consequently Labor is always concerned about unemployment. This is especially so when the number of people affected by unemployment could be as high as has been suggested. To support jobs in the face of the biggest economic crisis since World War II, Labor has taken decisive action. Unlike its Liberal-Nationals opponents, Labor will not stand by and do nothing about protecting Victorian jobs. For Labor, minimising the numbers who will feel the pain of unemployment as a result of the global economic crisis is a very high priority indeed. That is why, unlike members opposite, we have a plan to create 35 000 additional jobs. This is a conservative estimate, and does not include the consequential jobs that will arise from this jobs boost.

Another priority of Labor is to ensure that when the crisis has passed Australia is in a strong position to compete in this global village and to look after the people who need support. That is why, unlike members opposite, Labor has a plan that delivers services to all Victorians. The plan to deliver a record infrastructure-building program will result in new schools, hospitals, police stations and a relief package for bushfire-affected areas. Labor is also delivering on its plan to build new roads and rail infrastructure as part of its \$38 billion transport plan. This plan is as much an investment in Victoria’s future as it is in Victoria’s present.

Importantly, too, our plan builds on our strong past financial management and delivers a prudent response to meet the challenges ahead. Why else would Standard and Poor’s have reaffirmed Victoria’s AAA credit rating? It stated:

... the budget announced today for the state of Victoria is consistent with a AAA credit rating and stable outlook already assigned to the state. The strength of Victoria’s balance sheet prior to the economic downturn has meant that the state has some capacity to undertake additional capital expenditure without threatening its AAA rating.

In contrast, the Liberals have a very disturbing plan that will give Kennett’s Frankenstein economics a new spark of life. All Victorians will remember the consequences of those economics for education, health, transport and taxes and charges. The Liberal plan

includes blowing a massive hole in Victoria's finances by freezing or reducing taxes and charges.

A freeze on taxes and charges will create a massive black hole in the state's revenues and cost Victorians their jobs. You would think that the greatest economic crisis facing our generation would force the Liberals to rise up from their slumber and attempt to meet the challenges before us. But no. Instead the Leader of the Opposition has simply rolled over in his bed, fluffed up his fluffy pillow and uttered the words, 'Freeze taxes and charges. That should do it'. It simply will not. This economic policy from the Liberals would have dire consequences for the people of Victoria. Sadly, we have seen it all before.

Let us look at what freezing taxes and charges would really mean for Victoria's bottom line. If we were to freeze Victorian taxes alone, it would cost \$5.7 billion over the forward estimates period, including a loss of \$1.4 billion in payroll tax revenue and over \$2.5 billion in conveyancing duty revenue. A 50 per cent cap on land tax increases would cost up to \$100 million. A freeze on existing fees and charges would cost \$389.5 million over the forward estimates period. The policy would rip a grand total of \$6.1 billion from state revenue. Of course \$6.1 billion is an incredible amount of money. It could provide Victorians with six new hospitals the size of the new Royal Children's Hospital. It is more than 3 times the total recurrent Victorian police budget and more than 10 times the combined emergency services budget. Think of all the schools that could be modernised if we had \$6.1 billion! Obviously that will not be available to the Liberals if they are ever in power again.

Exactly how would the Liberals make up for this incredible shortfall? For the Liberals the answer is always easy: rip the heart out of education; stop Labor's school modernisation program; slash teacher numbers, just like they did when they were last in power; rip the heart out of our health services; close hospitals across country Victoria; and cut services, just like they did the last time they were in power.

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! The member for Warrandyte will cease interjecting.

**Mr Wells** interjected.

**The DEPUTY SPEAKER** — Order! And the member for Scoresby!

**Ms RICHARDSON** — The Liberals will rip the heart out of our local communities as well by slashing

police numbers and closing police stations, just like they did the last time they were in power. Let us put this into some sort of perspective. If the Liberals were to follow Labor's lead in keeping the budget surplus intact, a future Liberal Treasurer would need to propose massive cuts to services to make up the \$6.1 billion shortfall.

In health, for example, the Liberals would need to slash 2000 nurses from our health system and they would need to sack 500 doctors from our health services. Some 200 police officers would be ripped off the streets and 50 transit officers would need to go from our public transport system. Some 2000 teachers would be sacked — sounds familiar, does it not? — and 750 kindergarten teachers would need to go. Some 300 workers would also need to go from VicRoads. But these cuts would still provide only \$2.1 billion of savings, so the slash-and-burn policies of the Liberals would have to go much, much further.

Let us have a look at the options. If the Liberals made cuts to significant projects in health, would they support a cut in the Geelong redevelopment, in the Sunbury redevelopment, in the Bendigo stage 1 development, in the Parkville comprehensive cancer centre or in the Warrnambool centre?

**Mr R. Smith** — On a point of order, Deputy Speaker, I ask you to bring the member for Northcote back to the matter of public importance, which is about congratulating the government and not about telling us what the Liberals might do.

**The DEPUTY SPEAKER** — Order! In contributing to the debate on the matter of public importance (MPI) the member for Northcote is looking at the issues. She has already made some comments on the Brumby government's budget, and she is now providing some comparison. I remind her, however, to come back to her MPI.

**Mr Wells** — On a further point of order, Deputy Speaker, the matter of public importance is clearly about congratulating the Brumby government on making tough choices. We are still to hear about one tough choice.

**The DEPUTY SPEAKER** — Order! The point of order is very similar to the one raised by the member for Warrandyte. I have already ruled on that point of order.

**Ms RICHARDSON** — I am very pleased to talk about the services that Labor will be proceeding with, and I invite members opposite to talk about which services they would like to cut in health, in police, in

education and in transport. These are all vitally required services that the Labor government is delivering in this state.

**Mr R. Smith** — On a further point of order, Deputy Speaker, the member for Northcote is flouting your previous ruling, in which you asked her to come back to the matter of public importance. Again she has mentioned vital services but talked about the ones the Liberal Party might cut and not the ones that are being delivered.

**The DEPUTY SPEAKER** — Order! I have heard enough on the point of order. The member for Northcote had only just started to make her further contribution. There is no point of order.

**Ms RICHARDSON** — I appreciate that members opposite do not want to hear this, but these are all projects that the Labor government is proposing to implement in its forward plan, and I am inviting them to list those projects that they do not support.

I would like to take a moment to look at Victoria's tax competitiveness as well, because this is the subject of a fair deal of debate in this house. Taxation as a share of nominal gross state product in this state is, as a consequence of Labor's prudent financial management, around the national average. If we include royalties in that, Victoria's taxation is even lower than that of the resource-rich states of Queensland and Western Australia, and Victoria comes in as the most competitive state in which to live and to do business. Why is this so? It is so because since coming to office the government has announced over \$5.5 billion in net tax cuts. This includes the abolition of eight state taxes.

Let us look at payroll tax competitiveness, because the member for Scoresby often talks about the need for payroll tax cuts. Victoria now has the second lowest payroll tax rate in Australia at 4.95 per cent per annum. This is the lowest rate that Victoria has had for nearly 35 years. During the terms of the Bracks and Brumby governments payroll tax has been reduced from 5.75 per cent, a reduction of around 14 per cent. Over the same period the tax-free threshold has been increased from \$515 000 to \$550 000 to assist small businesses.

During the life of the previous Kennett government there was not a single increase to the payroll tax-free threshold. Instead and in stark contrast, under Labor Victorian businesses with payrolls of between \$4.9 million and \$13.6 million pay the lowest payroll tax in Australia. Why is this so? We have abolished the financial institutions duty, and we have abolished the

duty on quoted marketable securities, residential leases, unquoted marketable securities and mortgages. We have abolished debits tax on cheque accounts, and we have abolished rental business duty, hire purchase duty et cetera.

We have been no slouches on land tax either. We have cut the top land tax rate in five state budgets from 5 per cent — the 5 per cent rate that was there under the previous Liberal government — to the current rate of 2.25 per cent. As a Labor government we have delivered \$5.5 billion in tax cuts to benefit all of Victoria, including Victorians doing business. This will inevitably place Victoria at the forefront of the recovery as we move, hopefully, out of recession and into growth across Australia. Victoria is well placed because of the Labor government. I look forward to future budgets delivering for Victoria and for Victorian businesses.

**Mr WELLS** (Scoresby) — That was absolutely embarrassing! Let me tell you why it was embarrassing, Deputy Speaker: not once did the member for Northcote mention a tough choice that the Brumby government made. The whole basis of the matter of public importance is around tough choices. It states:

That this house congratulates the Brumby government for making the tough choices needed in the recent budget ...

Not once did the member for Northcote mention a tough choice that the Brumby government had to make in the budget. Maybe the member for Melton could assist the member for Northcote with just one tough choice, and it would be made!

The second part of the matter of public importance is about supporting Victorian jobs. Not one sentence from the member for Northcote was about how Labor has supported jobs in this state. For 13 of the 15 minutes she was allocated, the member for Northcote spoke about what the Liberal Party would do. The matter of public importance is clearly about — and in the member for Northcote's words, it was supposed to be about — congratulating the Brumby government for making tough choices and for supporting Victorian jobs. Why would you come in here to talk about a matter of public importance raised by your government and then completely ignore it? Is it because she is embarrassed about what the Brumby government has done with the budget? It is obviously so embarrassing that she could not find one positive thing to say about the budget. For 13 minutes she spoke about what the Liberal Party might do or what it did 10 years ago.

Let me refer to the other point she made. I want every Labor member to put their hand on their heart and say after the member for Northcote, 'We are opposed to

cutting taxes or freezing taxes'. That is what the member for Northcote said. I ask the member for Hastings whether I am right.

**Mr Burgess** — Yes. That is what she said.

**Mr WELLS** — I ask the member for Warrandyte whether I am right.

**Mr R. Smith** — Yes.

**Mr WELLS** — I am right. Today the Labor Party has come out and said, 'We are opposed to cutting taxes or freezing taxes'. We are going to check *Hansard* to make sure there is no alteration of what the member for Northcote said, because I suspect a number of press releases will be going out saying that if you vote for Labor members, you should know they are opposed to cutting taxes and freezing taxes.

**Mr Nardella** — You wish!

**Mr WELLS** — That is what was said. Labor's lead speaker on the matter of public importance made it very clear to this house that Labor Party members are opposed to freezing taxes or cutting taxes. I wrote it down as the member for Northcote said it, and she is nodding to agree that that is what she believes in. She is the lead speaker on the matter of public importance, so that is Labor Party policy. We want the Premier to come into the house and endorse the member for Northcote and her comments. It was actually a fascinating statement.

I am also interested to note that she spoke in glowing terms about the AAA credit rating. The Kennett government had to regain the AAA credit rating; Cain and Kirner lost it. It was one of those rare occasions; Jeff Kennett and Alan Stockdale, two brilliant men, were able to regain the AAA credit rating. We have great fears — enormous fears — for the AAA credit rating. We will be following it very closely.

The member for Northcote mentioned spending. This government spends millions and millions of dollars on self-promotion, spin and rhetoric. It is just out of control.

**Mr Nardella** — How much is it?

**Mr WELLS** — At the last count, based on what was declared, it was about \$165 million, but that does not include everyone involved and all the wages and all the spin. The government declared a figure of only \$165 million, but it is way more than that.

The member for Northcote spoke about payroll tax, which is one of the things the government will refuse to cut in the future. More small businesses pay payroll tax in Victoria than in any other state, because at \$550 000 we have the lowest threshold in Australia. In Queensland and Tasmania the threshold is \$1 million, in Western Australia it is \$750 000 and even in New South Wales it is \$623 000. Let me make this point: payroll tax has increased by 82 per cent, from \$2.2 billion in 1998–99 to \$4 billion this financial year. That is an example of a tax Labor will refuse to cut in the future.

Let us talk about land tax. Land tax has increased by 227 per cent. It has increased threefold, from \$378 million in 1998–99 to a forecast — can you believe it! — of \$1.237 billion for this financial year. Land tax revenues collected since 1999 are approaching \$8 billion, and Labor still wants more. Property owners and businesses are being slugged up to 500 per cent with increases this year because Labor removed the 50 per cent cap. Let me put it on the record: land tax will be another tax that Labor will refuse to cut or freeze in the future.

Let us move to stamp duty. Stamp duty on land transfers has increased by 270 per cent since 1998–99 — that is, from \$1 billion to \$3.7 billion in 2007–08. Victoria has the highest stamp duty of any state on a median-priced house — \$410 000. In this state you would pay an enormous amount of money in stamp duty, \$16 870, but you would pay only \$5600 in Queensland. Let me put it on the record: stamp duty is another tax Labor will refuse to cut or freeze in the future. If you look at it, you see that we have the highest stamp duty of any capital city. As I said, in Victoria you pay \$16 870; you pay \$13 940 in New South Wales, \$5600 in Queensland and \$13 490 in Western Australia, so the dependence on property tax has doubled under the Brumby government.

I turn to state debt, which is becoming an embarrassment to the government. The interest bill will blow out by \$800 million to an expected \$2.2 billion in 2012–13. The cost of running our police force is \$1.8 billion, but Labor will spend \$2.2 billion on interest repayments. The concept that this government takes no responsibility for increasing debt is beyond all of us on the conservative side of politics.

There is a view taken by those on the government side that it is easy to go back to the bankcard and to increase debt, but the interest repayment alone will be \$2.2 billion. Imagine what that money could be used for! It would be better used to provide services, but state debt, which was \$3.5 billion in 2002, will increase to \$31.3 billion in 2012–13. That is \$6000 for every

person in this state — \$6000 of debt! The frustrating part about this debt increase is that Labor cannot and will not tell us when the debt will be repaid. Will it be 2014, 2016 or 2020? We have no idea when it will be repaid.

Only last night I asked a question about the \$10 billion increase to state debt in the current budget. I asked when that part of the debt would be repaid? No-one had a clue. It was even more embarrassing last night during the debate on the State Taxation Acts Amendment Bill when I asked a question about the proportion of debt to GSP (gross state product). Everyone on the Labor side got it wrong. They said it would be 5.2 per cent of GSP, but the fact is that the budget papers show the debt of \$31.3 billion is 10 per cent of GSP. Government members do not seem to understand.

Why are we struggling, and why do we not have security of water and power? Let us look at water, for example. In Victoria we spend the second lowest amount on water infrastructure per capita of any state in Australia; only South Australia spends a lower amount. Even with the spend of \$750 million on the north-south pipeline, through which Melbourne will steal water from the northern part of the state, the government's figures are dodgy and do not stack up. Those figures did not stand up when members of the Public Accounts and Estimates Committee asked questions at the recent budget estimates hearings, and the questions were straightforward.

Let us have a look at spending on infrastructure, including the money spent on road, rail and bridges. We spend less in this state per capita than anywhere else in the country, and that is why we have congested roads and overcrowded public transport. It just does not make any sense whatsoever.

Let us have a look at health. Labor wants to spend as much as it can on self-promotion and spin, but the facts are very clear: Victoria has the lowest number of public hospital beds per capita in Australia — 2.4 beds per thousand of population. We have the lowest number of hospital beds per capita of anywhere in the country. No wonder there are massive waiting lists.

It is also disappointing to look at what is happening with education. We only have to look at the statistics provided by the Organisation for Economic Cooperation and Development — we do not trust the statistics provided by the government, so we turn to those provided by the OECD — to see that Victoria has some of the lowest education standards in the nation. We are slightly ahead of Tasmania. Why is it that parents are taking their children out of public schools

and putting them into private schools? It is very disappointing.

**Mr Nardella** interjected.

**Mr WELLS** — The member for Melton interjects. It is interesting to look at the figures for 1999, when the number of students in private schools was almost neck and neck with the number in public schools. The move from public schools into private schools had not started, unlike now, when there has been a significant increase.

I turn to a subject that really bothers people — that is, crime. What really bothers people is the increase in crime, and yet this government does not have a clue about how to fix the problem. Violent crime has increased from 35 000 offences to 43 000 offences, a significant amount, and over the last five years police patrols have declined by more than 20 per cent, from 1.9 million hours to 1.5 million hours.

In the area of public transport, customer satisfaction with our passenger rail services continues to slide and has become an embarrassment.

I was interested to hear the member for Northcote talking about the number of taxes this government has removed. They have been removed because of the GST agreement, but what about the levy on gaming machines; payroll tax on fringe benefits; the \$50 motorcycle tax; payroll tax on apprentices and trainees; stamp duty on mortgage-backed debentures; the indexation of fines, fees and charges; the tax on the transit city program; stamp duty extension on land-holding bodies; payroll tax on employment agencies; the 5 per cent water levy — and the list goes on.

We on this side of the house welcome the matter of public importance that has been brought forward, but we think the government will be embarrassed by it. This government has not made one tough choice nor supported one Victorian job.

**Mr NARDELLA** (Melton) — I rise to support the matter of public importance and to support the tough decisions the Brumby government has made in this state, not only in the last budget but over the last nine-and-a-half years. I contrast that — —

**Mr Wells** — On a point of order, Deputy Speaker, the matter of public importance relates to the recent budget.

**The DEPUTY SPEAKER** — Order! The member for Melton has uttered about two sentences. I do not uphold any point of order at this stage.

**Mr NARDELLA** — This government has cut billions of dollars in taxes and charges in this state. We do make the tough choices; we make them every budget, and this budget is no different.

We are about jobs, and we have created 35 000 jobs. Is that a tough decision? Of course it is. Does that mean that we have to implement policies to make sure that 35 000 jobs are put in place? Of course we have to do that. Does that mean that debt level goes up? Yes, it does, because that is a tough choice. The tough choice is not when you make a decision, as members of the Liberal Party did when they announced on 28 April this year that if they were elected to office, they would freeze all state taxes and charges.

**Mr R. Smith** — On a point of order, Deputy Speaker, the member for Melton is falling foul of the previous ruling you made earlier in the debate when the member for Northcote referred to what the Liberal Party may or may not do.

**The DEPUTY SPEAKER** — Order! Do members of the opposition wish to conduct the debate on this matter of public importance by taking a point of order every couple of sentences? It is any member's right to take a point of order, but I ask for some assistance from the opposition in allowing the member for Melton to at least make some contribution before raising points of order.

**Mr NARDELLA** — The tough decision we made has created 35 000 jobs — real jobs for real families and real economic activity within this state. The projects are clear: Peninsula Link, regional rail express, schools, hospitals, more police officers, the desalination plant that is under construction, equipment for the Country Fire Authority — and the list goes on.

Liberal Party policy is one of slash and burn. It is one where we welcome back Jeff Kennett. On 28 April the Liberal and Nationals parties released a critical document detailing their new policy — —

**Mr R. Smith** — On a point of order, Deputy Speaker, I resurrect my previous point of order.

**The DEPUTY SPEAKER** — Order! Perhaps the member for Warrandyte could consider what debate actually is. Debate can often include putting two sides of an argument or putting forward other points in relation to a point that has been made. I do not uphold the point of order.

**Mr NARDELLA** — This critical document states on page 3:

To protect and save jobs the coalition believes the Brumby government should deliver:

...

a freeze of existing state taxes, fees and charges;

a cap on land tax increases;

...

a cut to the red tape and freeing up access to the Industry Transition Fund ...

What does this mean? Over the next four years it would mean a \$6 billion black hole in the state budget. A cut for freezing state government taxes would mean \$5.7 billion in the forward estimates, and \$389.5 million for freezing existing fees and charges. It would take us back to the seven long, dark years of the Kennett government when its members slashed and burnt jobs, cut services and did not care about the community and the effects on people and their families, with the subsequent rises in unemployment and in crime, due to a reduction in police.

Members opposite have form on this. The Liberals and Nationals cut 800 police in their last term, even after promising 1000. They closed six country rail lines due to their budget cuts. We have made the tough decision to reopen some of those country rail lines. They closed 12 country hospitals due to their cuts, and they sold off 326 schools. In 1993 they sacked all school cleaners. That was a great Christmas present for those school cleaners! And they sacked 9000 teachers due to their budget cuts, they sacked 9000 nurses due to their budget cuts, and they closed the schools. They are at it again because they are not prepared to make the tough decisions like we have been prepared to take the tough decisions in this budget.

**The DEPUTY SPEAKER** — Order! It is proving difficult for the Chair in this instance. I would ask government members to consider the matter for public importance that has been submitted.

**Mr NARDELLA** — We are making the tough decisions here in Victoria. In health, we have put on nurses, doctors and dentists. Those are the tough decisions that we have made in this budget, instead of looking at sacking 2000 nurses or 500 doctors in about \$1 billion worth of budget cuts. We are redeveloping Geelong Hospital, and work is being done at the Sunbury day procedure centre, stage 1 of the Bendigo Hospital, the Parkdale Comprehensive Cancer Centre, the Warrnambool upgrade, the Alexandra hospital redevelopment and the Dandenong Hospital. We have made the tough decisions and we are spending

\$616 million that members of the Liberal Party and The Nationals would cut.

In education we have put on 7000 teachers, but they would be looking at sacking 2000 teachers and 750 kindergarten teachers, at a cost of \$901 million. On school infrastructure upgrades we have made tough decisions. We go into the schools and rebuild them. We do not flog them off like the Kennett government did; we are rebuilding our schools.

With police, we have added 1400 police in our term, and this budget is about adding part of the 350 that we announced during the last state election. All of that is at risk because members of the Liberal Party would cut the 200 police and 50 transit officers. They would cut the police upgrades that we are undertaking. Those are the tough decisions we are putting in place. That is where the debt is going: into rebuilding and upgrading police stations and prison beds. They would cut those things.

With roads, it means that we are building the roads and the transport after making the tough decisions. The 20 new trains would be gone under the Liberals; we are building them. The Epping rail extension, the Sunbury electrification, the Springvale Road level crossing, the three new train stations, the bus service upgrades, the Peninsula Link and the road upgrades — that \$2.8 billion is under threat by the Liberal Party and The Nationals in their policy because they want to freeze all the taxes and charges. If you look at all those matters I have brought up, you see that they come to about \$6 billion. That is not a tough decision. It easy to sack teachers and nurses. In this budget we are making the tough decisions to make sure that those nurses, doctors and teachers are respected within our community. The honourable member for Wantirna talked about —

*Honourable members interjecting.*

**Mr NARDELLA** — Scoresby, sorry. I apologise.

**An honourable member** — You are in the past again!

**Mr NARDELLA** — I am in the past, like the Liberal Party members who are in the past, supporting Jeff Kennett.

The honourable member for Scoresby said there had been no tax cuts. Where has he been? There have been \$5.5 billion of tax cuts over the last nine and a half years and yet he wants to come into this house and claim nothing has occurred.

We do make the tough choices. We are making sure that we are rebuilding the schools and rebuilding the communities. In these difficult economic times, when the rest of the world is in recession, when we need a budget that is fully funded and in surplus so that we maintain our AAA credit rating, we are making the tough decisions. The toughest decision for the honourable member for Scoresby, who spoke before me, would be if the AAA credit rating fell over. That is what he wants: he wants the AAA credit rating to fall over and the budget to fall over because he thinks that is great for his conservative side of government. That is wrong thinking. The talking down of the state of Victoria, that is wrong, because they are talking down jobs, they are talking down infrastructure, they are talking down schools, they are talking down teachers, they are talking down all the great programs we have rebuilt over nine and a half years. They are just a lazy disgrace!

**Mr WALSH** (Swan Hill) — It is interesting to follow the member for Melton, who seems to think that tough is volume. He seems to think that a great contribution in this house is volume, not content.

**Mr Helper** interjected.

**Mr WALSH** — He does deliver on volume — volume and volume and volume. The member for Melton seems to be stuck in the time warp of last century, when all he can do is go back to the Kennett years and criticise the great things that former Premier Jeff Kennett and former Deputy Premier Pat McNamara did in getting this state back on track.

I would have thought that the toughest decision the Labor Party could make would be to get rid of Hakki Suleyman and the henchmen who go around victimising people in the western suburbs. Government members who talk about tough decisions should look in the mirror at themselves and look at how their party performs, and they will see how they are going to be ridiculed by all Victorians for what they actually are.

It would appear that the words expressed in this matter of public importance (MPI) mean nothing and that the member for Northcote is ashamed of her own MPI, because she did not talk about the particular issues of the matter, particularly about jobs. As I understand it the member for Northcote is the Parliamentary Secretary for Education. Let us have a look at what is going on with education.

**Mr Nardella** — You don't know; that is wrong!

**Mr WALSH** — That is wrong, is it?

**Mr Nardella** — You are in the background.

**The DEPUTY SPEAKER** — Order! The member for Swan Hill does not need to respond to interjections. For the member's information, the member for Northcote is the Parliamentary Secretary for Treasury and Finance.

**Mr WALSH** — I apologise to the member for Northcote, who I thought was the Parliamentary Secretary for Education.

**Ms Richardson** — Was.

**Mr WALSH** — Was. But I would still like to talk about some education issues and about what is happening here in Victoria at the moment. If we are talking about jobs, we see the Rudd government's investment program in schools here is being used as the Brumby government's sledgehammer to close schools, particularly country schools. We have heard a lot of rhetoric from a lot of people on the other side of the house, like the honourable member for Melton, about school closures and whatever. What is happening in this state at the moment as we speak is that the Brumby government is using the Rudd government's school investment package to close schools in country Victoria. The government is closing schools. It is saying, 'You have a choice: you can merge with the school down the road. But if you don't do it, we will not give you any maintenance money and we will make sure your best teachers have shifted away. We will make sure it is totally unsustainable for you to survive if you do not merge'.

This government is using the Rudd government's investment program to close schools right across country Victoria. It says it is reluctantly doing it because they are not going to get any money. But it is forcing them. There is no doubt in the minds of those in country communities that the Brumby government is using this as an opportunity to close schools. Any teacher or principal who has shown any semblance of standing up for their school is being told, 'If you say something public, your career is effectively over. You will be persecuted; you will be hounded within the education department if you stand up for your community against what the Brumby government is doing here'. They are being told, 'You will get no maintenance money if you don't do this, you will have teachers shifted away from your school and the careers of your principals and senior teachers will be at risk'.

The member for Northcote talked about ripping the heart out of communities. Some of the proposals for smaller schools will rip the heart out of a lot of rural

communities. The critical issues in country communities are: making sure that you keep a school in your community, making sure that you keep a store and hotel in your community and making sure that you keep a football club in your community. They are the key requirements of a viable community. If you take a community's school away, you start a domino effect that will be the end of that community. This government's decisions are costing jobs in those communities and taking the heart out of them.

We have heard a lot from the other side about what the government is supposedly doing to create jobs. The member for Melton mentioned real jobs and real families. We have tracked the jobs that have been lost in Victoria in recent times. I have a list of them, and it is in no way a complete list. If you go through some of the towns, you will see that 15 jobs have been lost at McCain Foods in Ballarat. I remind the member for Melton that they are real jobs and that real families have been affected by those lost jobs. At Grampians Wool Industries in Hamilton 40 jobs have been lost — that is another 40 families that are impacted on by the jobs lost. If you go to Nhill, you see that with the closure of Lowan Whole Foods 27 jobs have been lost. That is 27 real jobs with 27 real families being impacted by that closure.

If you go to Pyramid Hill, which is in my own electorate, you see that Bush's Pet Foods has closed down, with 57 jobs lost — that is 57 jobs out of a community of about 600 people. It was one of the major employers in that town. They are real families, I say to the member for Melton, and they are real jobs that have been lost. At Timboon Farmhouse and Cheeses — and Timboon is a small community — 20 jobs have been lost. At Bendigo, which is one of our bigger towns, 133 jobs at Telstra have been lost — again, real jobs. At Pacific Brands 553 jobs have been lost. What is the government doing to try to save those jobs? At ANZ in Melbourne 500 jobs have been lost; at the Ballarat goldmine 200 jobs have been lost; and at National Foods in Shepparton 25 jobs have been lost.

There are jobs being lost right across Victoria, so the rhetoric from the member for Northcote that this government's budget is supporting jobs in Victoria is absolute rubbish, and it is particularly rubbish when it comes to country Victoria, because this government does not really care about what is going on out in country Victoria.

If you go back to the previous budget — and I note the Minister for Agriculture is at the table — you will see that 70 jobs were taken out of the Department of Primary Industries, and after another review no doubt

there will be more jobs taken out of the DPI. If we look at the DPI facilities in or adjacent to my electorate, we will see the government closed the depot at Sea Lake; it closed the depot at Charlton — again, a job was lost down there; it closed the depot at Rainbow; and it closed the depot at Stawell.

As to the rhetoric from the member for Northcote and from other members on the other side of the house about what they are doing for jobs in Victoria, particularly country Victoria, I cannot see the evidence that there are jobs being created in country Victoria. Everywhere I travel — and I travel around a fair bit talking to people — the only message I hear is that someone is putting people off. I am yet to talk to a business in country Victoria that at the moment is employing extra people. It is very sad. Part of that is about the drought; part of that is about the global financial crisis. If you ask anyone in country Victoria, ‘What is worse than the drought?’, they will say to you, ‘The thing that is worse than the drought is the Brumby government and what it is doing to Victoria’. It is clear that people have been demoralised by the drought, but that is being added to by what the Brumby government is doing in country Victoria.

If you go to the little town of Koondrook in my electorate —

**Mr R. Smith** — I’ve been there.

**Mr WALSH** — And Ryan Smith was up there recently —

**The ACTING SPEAKER (Ms Beattie)** — Order! The member shall refer to other members by their correct titles.

**Mr WALSH** — The member for Warrandyte was up there recently on a visit and had the pleasure of visiting two of the red gum facilities in Koondrook. What has happened there? Gary Hull’s sawmills employed nine people. However, following the Victorian Environmental Assessment Council’s report on its investigation into river red gum forests and the government’s response to VEAC’s report — this is before anything has come before this Parliament and been discussed about that issue — the government has taken away the red gum harvesting licences. They cease on 30 June. Gary Hull’s business is now effectively closed. The nine people in Koondrook who have worked for him will be unemployed. We sat around the table in his little office in his facility there. He is a devastated man because of what this government has done to his business, but more importantly, by what it is doing to the community of Koondrook. His business

provided nine jobs in the town of Koondrook, which has about 400 people, so he was a major employer. The people on the other side of the house might not think that is relevant, but as a percentage that is a significant number of jobs in Koondrook.

I am amazed that the member for Northcote would have the gall to introduce a matter of public importance like this but not stand up and speak to it and try to put on the record what the government has done to create jobs. I invite the member for Northcote to get in her car and come to country Victoria.

**Mr R. Smith** interjected.

**The ACTING SPEAKER (Ms Beattie)** — Order! The member for Warrandyte shall have his turn later.

**Mr WALSH** — I would invite the member for Northcote to come and spend a day with me in the Swan Hill electorate. She should get out from Melbourne a bit further. She should not just be a suburban MP; she should come up to Swan Hill. I will show her around and take her to the businesses where jobs are being lost because of what the Brumby government is doing to country Victoria, particularly what it is doing on water issues. It is just ripping the heart out of country Victoria.

**Mr FOLEY (Albert Park)** — It gives me great pleasure to rise to support the member for Northcote’s proposition that this house congratulate the Brumby government for making the tough choices needed in the recent budget to support Victorian jobs and protect the vital services that make Victoria the best place to live, work and raise a family. I do so because what the member for Northcote has essentially asked us to do today is to consider what the role of government is — the purpose of government — in the face of the world’s worst economic and financial crisis for many years, the consequences of which we now know Victoria and Australia are not immune from. The global financial crisis will place a strain on governments and communities in sustaining investment, in building communities and in protecting jobs and services that the community increasingly looks to government for.

As the member for Northcote has pointed out, all of that then comes back to what kind of community and what kind of investment in jobs and the future we seek as a Parliament and as a government in Victoria. Is it essentially the role of government now to fill the gap created by the evaporation of private sector investment and to sustain jobs and communities in the face of the mounting credit squeeze, the drop in investment and the growing ranks of unemployed? Or is it the role of

government to take the razor to that government investment and to slash services — to reduce the positive role government can play in the community and to set free the same forces of unfettered greed and unregulated investment that crush the public good whilst seeing unemployment rise even further and faster than it might otherwise need to?

It is this side of the house which supports the former, and it is those opposite, who are bereft of ideas and reduced to adopting the politics of the magic pudding solution to public policy, who promise the miracle of increased investment in services, reduced taxation and bringing everything to everyone. It is this government that through its policies, through its disciplined approach to public finances and through its solid investment in services is making the tough choices that will ensure that the former arrangement will be the outcome of public policy in this state. It is this side of the house that has the proud record of investment in services that count, in responsible economic management and in maintaining creditworthiness and financial respectability whilst delivering record investment in education, health, community safety, housing, the environment and the services that the people of Victoria look to the government to deliver. These are the stark divisions which this house really has to deal with and which this resolution brings to light.

There are those on this side who will rise to the challenge of developing the social democratic compact with the community into the 21st century in order to develop a practical policy and program response to the global financial crisis that will rebuild economic growth whilst advocating for a new regulatory regime in markets and government roles that puts the security of communities before the unprincipled returns of those opposite, who just seek to guide footloose investment and the greedy chief executive officers of corporate banks. There are those who barely hide their discredited but firmly held beliefs in the failed model of neoliberalism despite its central role in the underlying causes of the current financial crisis. In short, there are those who see a positive role for government in the midst of this crisis, and they are on this side of the house — the side that is capable of building not only jobs and services but a further refinement of the model of what a democratic and inclusive society can be.

There are also those opposite who, if they were let near the role of government and became its leaders, would seek to make sure that citizens and communities were provided with reduced services. There are those who, despite their magic pudding approach, really are the bunyips of Australian public policy and political culture. They lurk there with their evil schemes and

prejudices and their hatred of community and collective action, itching to hop into government investment and to reduce the role of the state to little more than the gatekeeper of private narrow interests. They loathe the positive role of government. Their shabbily constructed devices of being all things to all people as they seek to deceive and bluster their way to the next election are rapidly coming unstuck.

Let us consider an analysis of the Liberal alternatives to the jobs budget — the AAA credit-rated budget, the responsible budget of this government — and the services it is delivering. The details of the bunyip budget response from the Liberal-Nationals coalition would dig a \$6 billion hole in the state budget and result in the estimated loss of some 16 500 Victorian jobs. That would be the result of the Liberal-Nationals bunyip policy of freezing revenue and of its promises to stop the indexation of fines, to cap land taxes and to introduce a range of other reckless policies which they know the state cannot afford and which reveal the extent to which their bunyip politics will seek to hide the true face of their policies from the community. Victorians rightly remember that this Liberal-Nationals bunyip, if it were let loose, would mean fewer services, fewer nurses, closed hospitals, fewer police, closed police stations, sacked teachers and closed schools. That bunyip of those opposite would devour and spit out with callous disregard the services and jobs Victorian families rely on to survive. Those opposite need every diversion they can find to hide the truth from Victorians, but the bunyip lurks beneath their truly untrustworthy exterior and is ready to leap out and attack Victorian communities.

How do the Victorian Liberals seek to translate their discredited plans into policies that would slash the role of government in our communities? To achieve their stated policy outcomes they would need to cut into all areas of major service delivery of this state. In health, for instance, in order to deliver their policy promises we would have a range of outcomes they need to own up to. Are Liberal-Nationals members in effect promising to cut the 874 nursing positions created in Ballarat? Perhaps it is the 517 nurses in the Goulburn area or the 1808 nurses at the Austin Hospital, which we all remember they were in the process of privatising. Is it funding for schools they are promising to cut — the record investment in this current budget of some \$400 million-plus in state education? Is it their position to oppose capital investment in schools? Is it to take the same position as their mates in Canberra and to oppose the record investment this government stands shoulder to shoulder with the Rudd Labor government in Canberra in delivering through the Building the Education Revolution program? Is it to cut, in the area

of social and community housing, the record investment of this state, again in partnership with the federal government, in maintenance and in new investment in partnership with social and community housing groups?

These are the real consequences of the budget responses of members opposite, and they contrast sharply with the opportunities marked in the tough choices being made by the Brumby government as it seeks to manage its way through the incredibly difficult combination of reduced credit, mounting unemployment and reduced private sector confidence. It is because this government seeks to ensure that there is a positive role for the state in filling that void and it understands the link between a positive, just, inclusive society and responsible economic management that we are seeing the tough choices being delivered not only through this most recent budget but also through ongoing public policy across a range of areas. It is this arrangement that is being recognised by an increasing number of Victorians.

An increasing number of organisations know the difference between the tough choices and the important investments that are being made by this government and the hollow, shabby promises of the magic pudding solutions being offered by those opposite. For instance, let us consider Catholic Social Services Victoria and its response in recent times. I quote from its press release:

There are some very positive steps towards a more just and compassionate society, which we applaud.

It says:

The total package of initiatives and increased support is good news for those who are disadvantaged or marginalised in Victoria.

Perhaps I might conclude with a quote from the peak group, the Victorian Council of Social Service, which said that the budget will provide some relief to community services at a very difficult time. Its media comment continues:

Bolstered by additional revenue from the federal government, including joint federal state programs, the Victorian government has directed well-targeted investments to transport, education, early childhood development, out-of-home care and housing.

It is the Brumby Labor government that is making the tough choices to deliver responsible and economic management and socially just outcomes, and Lord help Victorians if the bunyip opposite is ever let loose!

**The ACTING SPEAKER (Ms Beattie)** — Order! Before I call the member for Doncaster, I remind all

members of the house to refer to other members by their correct titles.

**Ms WOOLDRIDGE (Doncaster)** — I must say it is incredibly disappointing that we are here today debating this matter of public importance (MPI) in which the government seeks to be self-congratulatory and to promote its own budget, which we will continue to debate when we deal with the budget legislation.

Let us have a look at some of the things we could have talked about. We could have talked about the millstone of debt this government is placing around our children's necks. We could have talked about the 200 000 unemployed created on this government's watch that we will see in coming years. We could have talked about long waiting lists and the inability of people to access the care they need in hospitals. We could have talked about carers who have the lowest collective health, wellbeing and financial security of any group, and we could have talked about the corruption that is rife in the ALP, which the Ombudsman clearly identified and which we are now seeing being identified internally as well.

Instead we have this self-congratulatory MPI, and the reason members of the government have to congratulate themselves is that no-one else is doing it. They are missing. Where are the accolades? Where is the adoration? All we hear from the community is disappointment and incredulity that this government can believe its own spin instead of understanding the reality of what the community is facing.

So far today we have heard from three speakers, and it is clear that the members for Northcote and Albert Park believe that if they assert something, it must be true. If they say the government is making tough choices and protecting vital services, then that is enough. They do not have to prove it, they do not have to go into the detail and they do not have to explain what choices have not been made as a result of what the government has done. I am sorry, but it is not enough. Families and communities understand that they are going backwards under this government and that this government is not making the choices they need to protect them and support them for the future.

I particularly want to focus on protecting vital services in the disability area in my shadow portfolio because the response from the disability sector to this budget has been despair and desperation, and I quote National Disability Services (NDS), which said:

Disability service providers are at breaking point and boards and committees are becoming increasingly aware that they

risk breaching their duty of care as directors by allowing an unsustainable price for their organisation's activities.

Lack of government funding can only lead to dire consequences for the people using disability services and the workers employed to deliver them.

We do not congratulate the government for this budget, the disability sector does not congratulate the government for this budget and families and carers across the state do not congratulate the government for this budget. The choices this government is making are not for the benefit of people with disabilities or their families or carers.

Victoria's disability organisations are worried about their fundamental survival following the 2009–10 budget, and in fact they see 10 years of neglect. What they say is that the current situation has arisen for a number of reasons: years of underfunding of disability services; no increase in the disability unit prices following the recent price reviews; dramatically reduced income from fundraising; high cost levels of unfunded compliance and regulation with the government's new act; new costs associated with individual supports and establishing new business systems — once again requirements of this government — and new costs associated with the proposed portable long service leave scheme. The requirements of this government are putting incredible pressures on the disability sector, but it has not been funded to be able to maintain and deliver these services.

I would like to look at a couple of different areas. Indexation is a prime example. Disability organisations got a 3.14 per cent indexation increase — 25 per cent less than the analysis done by the Allen Consulting Group identified as what was needed for these groups to continue to provide appropriate services. Labor's failure to commit to these increases will make it even more difficult for organisations to meet current demand, let alone improve their services. This government indexation rate, imposed after a week of incredible bullying tactics by this government, will mean that these service organisations cannot continue to deliver vital supported accommodation, respite and day services.

At the Public Accounts and Estimates Committee (PAEC) hearing it was incredible. The minister had the gall to say:

In fact, overwhelmingly all members of the working group were very pleased about the outcome.

She went on to say:

It is well and truly able to meet the expected CPI costs and wages costs going forward.

I am sorry, but the minister is deluding herself if she thinks this is the case, and the peak group, NDS, has said — and at this time it believed the indexation was going to be 3.34 per cent, not 3.14, per cent:

The disability sector is unable to continue to survive on price indexation of 3.34 per cent in the context of a history of underfunding, inadequate price indexation and productivity cuts.

Disability organisations were forced to accept the lower rate following the Labor government's intimidation, when it threatened to drop funding to an even lower rate if groups refused to accept this rate of indexation. The choices this government made in this budget, rather than protecting vital services, are putting disability services at risk. Perhaps the government does not believe disability services are vital for this state and that is why they have been left out of the decision making.

The second matter I would like to deal with is the base price, because this budget also fails to address the base price for disability services. The government undertook a disability pricing review and commissioned PricewaterhouseCoopers to carry out the review. While that report has not been publicly released, we understand it states that the sector is currently underfunded by more than \$50 million. The minister was repeatedly asked in PAEC about this, and she would not confirm the \$50 million shortfall. She deferred to the fact that there was another report done on the sector and said the two needed to be considered together. The fact is that this report says the underfunding is \$52 million. The minister is in denial about the extent of the problem and refuses to address it.

National Disability Services also said:

Many disability service providers face a difficult year, with significant decisions to be made in relation to the continuation of a range of services and supports, and in some cases the financial viability of their organisation.

The peak group is flagging that the failure to appropriately support disability services is undermining organisations at their very core. Thousands of families and individuals depend on this vital work, but Labor's continued underinvestment is threatening the sector and those it cares for.

Despite the Premier's claims that the budget is all good news, it will not reduce the strain on disability organisations and their staff, and it will reduce the quality and availability of services for people with a disability and their families. That is why we do not congratulate the Brumby government. It has failed to support people with disabilities.

I turn to the third issue, supported accommodation. Carers Victoria, a very important group, says in relation to the 2009–10 budget:

... the state budget has ignored one of the state's most vulnerable groups — carers — in the government's newly announced social welfare package.

The Victorian Premier promised that there would be no bad news in this state budget. But carers, particularly ageing parents of adults with a disability, will not be celebrating tonight.

Labor's failure to invest in supported accommodation forces Victorians with a mental illness or disability onto long waiting lists, and it has created a crisis-driven system. There are 1247 people with a disability who need supported accommodation now, but they have to bide their time on the waiting list. These numbers are going to double over the next eight years.

This is the seventh consecutive year the Brumby government has failed to provide any supported accommodation places for Victorians with disabilities. Members will not just hear it from me; they can hear it from those working in the sector and from family members of people with disabilities.

In a submission to the supported accommodation review, the Office of the Public Advocate said:

The current system does not support and enable carers and families to undertake their caring role in a sustainable way. Instead, families are often stretched to breaking point with their health and wellbeing negatively affected.

The manager of Sunraysia Residential Service, which is in Mildura, said:

... we have seen an increasing number of families who ... heartbreakingly opt not to pick up their loved ones from respite.

Stephanie Mortimer, who is directly affected by the issue, said:

Many die not knowing what will happen to their loved ones when they die. This is completely unacceptable in our society ... We are already in a humanitarian crisis.

The Premier and this government have made their choices in this budget. They have decided who they will support and who they will not support. What is clear is that the Victorian disability sector is not being supported by this government. Services are under threat, funding is not delivered, and the viability of individual organisations is a question for the future.

Labor has had 10 years in power and received \$250 billion in revenue, but it is not protecting vital services for people with disabilities, their families and

carers. The choices it is making are undermining the disability sector, undermining carers and families and undermining people with disabilities. It is not acceptable, and we do not congratulate the government.

**Mr BROOKS (Bundoora)** — I am pleased to rise in support of this matter of public importance, which highlights the Brumby government's actions to support Victorian jobs and protect the vital services that help to make Victoria the best place to live, work and raise a family. We on this side of the house understand the importance of protecting and creating jobs in these difficult economic circumstances. We understand the importance of jobs to Victorian families. Time and again, the Bracks and Brumby governments have supported measures to improve conditions for some of our most vulnerable workers, but all these measures have been opposed by those sitting opposite.

The recent budget handed down by the Brumby government will create 35 000 additional jobs in Victoria through an investment of \$11.5 billion in infrastructure. One of the reasons for this approach to the budget is that we will always make the decisions necessary to protect jobs. We invest in economic competitiveness. We have seen successive cuts to WorkCover premiums, land tax and payroll tax. We invest in education, skills and training, skilling up Victoria for future challenges and for the challenges we are facing right now as the global economic crisis sweeps across the world.

One of the things we have invested in in terms of education and skills in my region of Melbourne is the Heidelberg Schools Regeneration Project, which is a fantastic project driven by local school communities that want to come together to reinvigorate education in the area. While most of the schools involved in this project are in the electorate of my colleague the member for Ivanhoe, it takes in parts of my electorate, including Macleod. Most members representing the northern areas of Melbourne will have an interest in this regeneration project, because it will house the new science and maths centre of excellence, which will be fantastic for students in the northern suburbs of Melbourne. That project is not a huge vote winner; it is not a political exercise. It is an investment in our kids' future. It is one of the tough decisions the government is making to invest in those areas of training and in making sure that our children are skilled up for future challenges.

The government is also investing in infrastructure. This will obviously provide jobs in the construction phase, but there will also be economic and social benefits after completion. If we look again at the northern suburbs of

Melbourne, we see the bioscience research centre has commenced construction at La Trobe University's Bundoora campus. This government has invested \$180 million in the project, and the total project spend will be \$230 million. The project will bring some of the leading scientists from around the state, the nation and the world to work out of the Bundoora site. There is also the investment in infrastructure at places like the Royal Children's Hospital. Anyone who has had anything to do with the Royal Children's Hospital will know that it is a fantastic facility staffed by fantastic people. It is the Brumby Labor government that is rebuilding the Royal Children's Hospital.

The government is investing in housing, with support being provided not only to people in social housing but also to people looking to buy their first home through the first home owner grant. That is why Victoria consistently punches above its weight in terms of building starts and why its population is growing more strongly than most other states.

The member for Doncaster said the matter of public importance is about members of the government congratulating themselves and that groups in the community have not said good things about the budget. However, the Australian Industry Group said the new infrastructure spending was welcome and would help the economy and industry and would create job opportunities.

The Housing Industry Association said:

The boost to the first home owners grants for new homes has lifted business confidence in the industry and assisted thousands of aspiring first home buyers looking at purchasing a new dwelling.

...

The Victorian government has set an example for the federal government and other state governments to follow.

The member for Scoresby might well take heed of what the Victorian division of the Property Council of Australia said:

The government has rejected the aversion to debt that other states have adopted in recent years. By leveraging capital for job-creating infrastructure, Victoria will be ahead of the pack when the economy begins growing more strongly ...

The Real Estate Institute of Victoria has welcomed the decision to extend the first home bonus and the state government's prudent budget, saying it will minimise the impact of the global recession in Victoria.

Finally, Standard and Poor's reaffirmed Victoria's AAA rating after the recent budget, probably before the Treasurer got back to the Legislative Council:

Standard and Poor's rating services today said that the budget announced today for the state of Victoria is consistent with the 'AAA' credit rating and stable outlook already assigned to the state.

It is obvious from the commentary by third-party stakeholders that they see the Victorian government as leading the way in terms of taking tough economic decisions to see Victoria through tough economic times.

However, while the Brumby government makes these tough decisions and invests in skills and infrastructure, we see members of the Liberal Party and The Nationals trying to be all things to all people. I think they are doing that while concealing their real agenda. If you want to consider their real agenda, you have only to look back at what they did when they were last in government and how they performed when they were in government more recently at the federal level.

An example is the Heidelberg school regeneration project, which I mentioned in the house recently. Any school regeneration project where schools are coming together will be a difficult process for the communities involved even if it is driven by the local school communities. Macleod College was offered a part of that project. The probable Liberal candidate for Ivanhoe attended public meetings trying to scaremonger and cause concern in the community that schools were going to be closed forcibly. We also had the member for Doncaster come in here and try to beat it up. The local school community of Macleod College chose to stand on its own. The government has accepted that decision and the school continues to operate, unlike Macleod Primary School, which was closed by the previous government.

We remember the embarrassing efforts of the opposition when it came to channel deepening in trying to oppose that project on the one hand but on the other hand also saying it supported it. We are seeing at the moment with the desalination project that the Liberal Party is trying to play to one crowd in the local community by saying it does not oppose the project. Of course there is the north-south pipeline. The member for Scoresby said in here earlier that it was akin to stealing water from the north of the state. The point is that if it were in government, the Liberal-Nationals coalition would take water from that pipeline. The opposition cannot have it both ways. It has to either rule out 'stealing water from Melbourne's north' or not describe it as stealing. This is a perfect example of the opposition being in policy purgatory and not being able to commit to one position or another.

But I do not think it is these signs of weakness and policy aversion that should worry the Victorian people. The big concern is that Kim Wells and Ted Baillieu have told the Victorian people — —

**The ACTING SPEAKER (Ms Beattie)** — Order! I remind the member for Bundoora that he should refer to other members by their correct titles.

**Mr BROOKS** — The Leader of the Opposition and the shadow Treasurer told the Victorian people there should be a freeze on existing government state taxes, fees and charges, which would punch a \$6 billion hole in the Victorian budget forward estimates — the opposition's \$6 billion blow-out. There is only one way the opposition could come up with that money if it was in government. It has said it supports the infrastructure spend; it will not nominate any infrastructure projects that the opposition does not agree with. The only thing that the opposition has in mind is what it did the last time it was in government — that is, cut into schools, police and hospitals.

We know the opposition has done that before. We saw it in the federal sphere recently, and we know that it would do it again if it were in power. People out in the northern suburbs of Melbourne remember only too well what the opposition tried to do to the Austin Hospital. It tried to flog it off, starting with car parks and working its way to the main building of the hospital — and we know the opposition would do it again. The Austin Hospital stands on the side of Heidelberg Hill as an important reminder to people in the north-east of Melbourne of what a Liberal government tried to do to the people of Victoria and what a Labor government will do. We build hospitals; the Liberals and The Nationals flog them off.

I am very concerned that the Leader of the Opposition has signalled \$6 billion in cuts to hospitals, police and schools. I think there is something very wrong in the Victorian Liberal Party and The Nationals when they fail to learn the lessons of their previous stint in office and again threaten \$6 billion worth of cuts to schools, hospital and police.

**Mr WELLER (Rodney)** — I rise today to speak on the matter of public importance. Although it says 'this house congratulates the Brumby government' I believe it should say 'this house condemns the Brumby government'.

It has not made a tough decision. Earlier speakers talked about jobs, jobs, jobs and how Labor is creating jobs. Let us have a look at what is happening in my electorate and across country Victoria. The government

has cut 30 jobs at its Department of Primary Industries site at Kyabram. It has also cut 55 jobs in the timber industry across northern Victoria. It has stood by and let a potential disaster happen in northern Victoria.

As everyone would be well aware, the dairy industry is in crisis. Given the shortfall in rain so far this year, the low allocations of water that are likely and the downturn in the dairy price, it is feasible that we could lose a third of the dairy farms in northern Victoria. Each farm contributes about 8 jobs to the community, so that would be 5600 jobs lost in northern Victoria. What is the government's response? I wrote to the Minister for Regional and Rural Development to make her aware of the potential problem we face in northern Victoria. Her response was, 'We will run a few forums'. The response of this government when industries are in real trouble is, 'We will just have a few forums'.

The government has said it has made tough choices. That is wrong. When it comes to water, the government has taken the easy option in building the north-south pipeline and stealing water from northern Victoria. The all-party Environment and Natural Resources Committee released a report yesterday, chapters 4 and 5 of which talk about stormwater and rainwater harvesting, storage and use, and how it is feasible to do this in Melbourne. The report talks about how there is a 400 000 to 500 000 megalitre run-off of water in Melbourne each year that has the potential to be harvested. If the government were to take tough decisions, that is one of the things it would pursue rather than pinching water from northern Victoria. The report also talks about the reuse of treated waste water — about 110 000 to 130 000 gegalitres from the eastern treatment plant and about further opportunities at the Werribee treatment plant. Those are the things the government would do if it were making tough decisions rather than just taking easy options to achieve a budget position.

I turn now to the drought. It would seem from the budget that the government thinks the drought is over. We have had the government say that drought counselling will not be funded past 30 June. The drought has not finished. Drought counsellors will need to be there for 18 months to 2 years after it starts to rain while the people get over the stress this drought has placed on them. In some cases it has caused them irreparable damage. We need the counsellors to make sure that the people manage through these problems. There is also an allocation in the budget of \$6 million to help farmers with a project through a grant of up to \$3000 per farmer. The only problem is that when you read the fine print you find that it states that this system has been available for the last two years and anyone

who made a claim in the last two years is ineligible. The drought is ongoing, but anyone who has made a claim will be ineligible, even though they are still dealing with the difficulties of the drought.

The government has also said it is continuing its farmer support. When it comes to the drought and paying for water which is not delivered, the government keeps raising the bar. In 2006 the government said it would pay half the bill for farmers if allocated water was not delivered. On 1 December 2006 it had to be below 50 per cent. It was a good system. But what happened in 2007? Then the government said it had to be below 40 per cent on 1 December. In 2008 the government said it had to be below 30 per cent on 1 December. We do not have a commitment in this budget as to what it will be, but based on that trend the government believes farmers are able to handle drier times. I can tell the government that there is a breaking point. If you are willing to make hard decisions so that industry can have confidence in going forward, you would make a commitment and say, 'As in 2006, if the quantity is below 50 per cent, we will pay half of the water bill'.

The government talks about its school-building program. Across regional Victoria some schools are being told, 'If you are not willing to merge, there will be no money. We will take your best teachers to other schools and your school will be starved out'. I have about half a dozen examples of that across my electorate, and it is being repeated many times across the whole of Victoria.

One of the things the government talks about is the budget allocating \$38.5 million over four years to create four new national parks. The government does not realise that creating national parks and not properly funding the current ones means we are headed for a disaster. In 2003, 2006 and 2009 we saw the high country of Victoria burn. There is no doubt that this will be repeated in the red gum national parks if the government goes down that track. The communities there are most concerned about whether the government is willing to make a tough decision. That decision would be to manage the forests sustainably and continue to maintain ecological values, which the timber industry would argue is indeed what it has been doing. Making that decision would also mean that we would have cattle grazing in the red gum forests to minimise fuel loads and ensure that there is no chance of lightning striking fires in the forests and having horrific outcomes in the Gunbower and Barmah forests.

The government has also failed Victorians by saying the answer will be in tourism. It has made no commitment to provide funds for the Murray River

region to promote the area so that there will be extra visitors. The Minister for Environment and Climate Change says he envisages an extra 48 000 visitors to the Murray region each year. That will not happen without the government committing substantial amounts for promotion and infrastructure to host those people.

The Victorian Environmental Assessment Council 2007 draft report stated that the communities of Picola, Barmah, Koondrook and Gunbower would be forced into intergenerational dependency on welfare. This budget is not jobs, jobs, jobs, as the government puts it; this budget will drive people in small communities in Victoria into intergenerational dependency on welfare.

This government is spending money on self-promotion. It has reported a figure of \$165 million or more. Surely it would have been better to spend that money on air conditioning for public transport and on public transport that actually works. The people of Victoria would have said that that was a far tougher position and a better decision to make.

In the health area we have the lowest number of beds per capita of any state in Australia. That is an absolute disgrace. A tough decision would have been to invest so that we can reduce waiting lists in our hospitals.

In summary, over the last 10 years this government has had rivers of gold through the GST and stamp duty. And what have we to show for it? We have nothing but broken down infrastructure in need of massive spends. The budget shows that this government has wasted its opportunities through the good times and we now have to suffer through the bad times because Labor cannot manage money.

**Ms MARSHALL** (Forest Hill) — I rise to support the matter of public importance proposed by the member for Northcote. Like so many Victorians, I agree that accolades are due to this government for making the tough choices needed in the recent budget to support Victorian jobs and protect vital services, ensuring that Victoria is the best place to live, work and raise a family. Let us get real. These are tough and uncertain times. No-one in this chamber has seen anything quite like the global economic climate we are experiencing today. The only certainty is that, courtesy of 10 years of disciplined fiscal management, policies and programs that deliver results, the Victorian economy is showing some resilience to the global downturn, and now thanks to the recently announced budget it will be well-placed to capitalise on the worldwide economic recovery.

The member for Doncaster asked: where are the accolades and where are the external endorsements? Let me provide a brief selection — from a very long list, might I say. For instance, the Australian Industry Group has described the Victorian government's budget announcement as 'prudent' and 'a budget for the times'. The Victorian director of the Australian Industry Group, Tim Piper, said the new infrastructure spending was welcome and would help stimulate the economy and industry and create job opportunities. The Housing Industry Association stated that the Victorian government had set an example for the federal government and other state governments to follow. The Property Council of Australia stated:

The government has rejected the aversion to debt that other states have adopted in recent years. By leveraging capital for job-creating infrastructure, Victoria will be ahead of the pack when the economy begins growing more strongly again.

And even Standard and Poor's rating service stated that the budget announcement for the state of Victoria is consistent with the AAA credit rating and stable outlook already assigned to the state. What wonderful endorsements from external groups!

Jobs are this government's top priority. The government is focused on protecting current jobs and creating new ones. The granting of planning permits and the fast-tracking of a number of significant developments since January this year will result in the eventual creation of more than 14 000 jobs.

Regional Victoria is an integral aspect of this government's focus, and jobs are being generated in regional Victoria from government and private investment — for instance, Geelong benefited from more than \$20 million in funds aimed at creating projects to establish and expand local manufacturing capabilities resulting in an additional 300 jobs. Government initiatives for the business sector, such as the Reducing the Regulatory Burden program, have committed the government to the cutting of red tape by 15 per cent over three years and by 25 per cent over five years, which will slash the cost of doing business in Victoria by \$162 million per annum. These initiatives have made Victoria conducive to new business investment.

In addition to this, during the terms of the Bracks and Brumby governments payroll tax has been reduced from 5.75 per cent to 4.9 per cent — a reduction of almost 14 per cent. Over the same period the tax-free threshold has increased from \$515 000 to \$550 000 to assist small businesses. The top rate of land tax has also been cut in five state budgets from the 5 per cent rate left by the previous government to the current rate of

2.25 per cent. The tax-free threshold has been increased to the current level of \$250 000 compared to \$85 000 in 1999, again easing the burden for businesses in Victoria.

Perth-based company Hofmann Engineering announced in February that it would set up a Victorian base in Bendigo, equating to investment of more than \$10 million and the creation of 150 jobs over five years. Hofmann Engineering is just one of the many businesses investing in Victoria, which is why total private business investment continues to grow at an average annual rate of 9.3 per cent.

The Brumby government has a plan — a budget aimed at delivering jobs, protecting existing jobs and increasing investment. A fair question is: what does the opposition have? It does have a plan — to freeze taxes and limit government debt, blowing the budget out by \$5.7 billion over the forward estimates period. This equates to 16 500 jobs. What sort of a plan is that, with 5000 nurses gone, 1000 doctors gone, 5000 police gone, 5000 transit police gone, 4500 teachers gone and 1000 kindergarten teachers gone? How would a Liberal government pay for the increased spending on infrastructure projects that it has called for? It would do it in the only way that the Liberal Party knows, of course, by slashing jobs and cutting services.

School closures, fewer teachers, fewer nurses in our hospitals, fewer police on our streets, fewer buses, fewer trams and fewer trains; is this what the opposition believes will make Victoria the best place to live, work and raise a family? Given that proposal, Queensland is looking better and better.

Making the tough choices is a role best suited to a Labor government. This government has chosen to protect jobs and not cut them, to bring forward infrastructure projects to stimulate the economy and to continuously invest in vital services, regardless of the economic circumstances. The International Monetary Fund has recommended to governments all around the world that investment in infrastructure is essential to stem the tide of the global financial crisis.

The Victorian government has accelerated its commitment to rebuilding and refurbishing every government school in the state to ensure that our schools are able to provide our children with the highest quality educational opportunities in 21st century facilities. The schools in the electorate of Forest Hill have welcomed the utilisation of the federal government's \$42 billion economic stimulus funding in conjunction with the \$1.7 billion Victorian schools plan to continue rebuilding, renovating and extending

schools in Forest Hill, ensuring that our students achieve excellent learning outcomes in first-class facilities.

It is interesting to note that the \$5.7 billion black hole the opposition's tax policy would create could potentially see three schools in the Forest Hill electorate not rebuilt or refurbished. That money has to come from somewhere, and if what happened in the three decades prior to 2002 in Forest Hill is any indication, Liberal governments have no burning desire to allocate any funding to the electorate of Forest Hill in any way, shape or form.

Would the opposition choose instead to cut police numbers? It has done that before. Increased community safety is clearly an objective of the Labor government, which is committed to delivering a safer Victoria. More than 1400 additional police have been employed to ensure the safety of all Victorians. I know the elderly population in my electorate of Forest Hill welcome additional police on the beat and do not want to see a return to the underfunded and underresourced police service that was a characteristic of the last Liberal government. The contrast between the government and the opposition in their policy and direction to ensure that Victoria is the best place to live, work and raise a family is simply staggering.

Another area the opposition has failed to address is disadvantage and social inclusion in society. The Brumby government has always focused on delivering universal services supplemented by targeted resources for specific disadvantaged places and people. The government's approach to social policy investment is based on the belief that services and universal support systems need to be strong and healthy so that the maximum number of people can benefit, and to that end it has invested more than \$4 billion over the past four years through its A Fairer Victoria strategy.

I would like to bring to the house's attention a couple of comments that were made at the time of the budget announcement. The Victorian Council of Social Service stated that the announcement would provide some relief to community services at a very difficult time. It also stated:

Bolstered by additional revenue from the federal government, including joint federal-state programs, the Victorian government has directed well-targeted investments to transport, education, early childhood development, out-of-home care and housing.

The Australian Services Union stated:

Community services workers welcome the government's recognition of the need to provide increased support and

services for those most disadvantaged in our community during this time of economic crisis, with increasing unemployment and community stress.

This is a fabulous opportunity to showcase the government's ability to choose, to prioritise and to make the hard choices. For this reason and the many other reasons outlined, I commend the matter of public importance to the house.

**Mr R. SMITH** (Warrandyte) — The government's choice of matters of public importance never ceases to amaze me. At a time of allegations of corruption against government members of Parliament, at a time when Victorians are being struck down with swine flu, at a time when the incidence of violence on our streets is reaching alarming levels and in a week where the debate relating to the appropriation bill is on the government business program anyway, the matter of public importance the government brings to this house is one that, in the absence of others congratulating it on its budget, gives it an opportunity to congratulate itself.

This government has had 10 years and more than \$300 billion to take Victoria forward and to make it the premier state in Australia. Instead we have seen a deterioration of services, an obsession with spin and manipulation and a debt that will remain with us for years to come. Labor never learns its lesson. Because of its gross mismanagement of funds over the past 10 years, budgets will now have \$2.2 billion taken from them each year for interest payments before any allocation is given to any service whatsoever. The money the government is borrowing is going to be further frittered away by budget blow-outs, self-aggrandising advertisements and further government spin. Here is the Premier's defence, which he made in this house in response to a question without notice on 6 May:

I just make this observation about debt ... During that period, running from the Bolte era ... government debt as a share of the state's economy ... was almost 60 per cent.

He was further quoted in the business section of the *Spectator* earlier that day as saying:

Victoria's debt levels are the lowest in living memory.

I would like to read another quote, which is remarkably similar to the Premier's. It goes like this:

State debt is the lowest it has been since comparable records have been kept. Certainly lower than at any time during Sir Henry Bolte's premiership and reducing further.

The Premier would probably happily stand by that quote in relation to this year's debt, but I inform the house that the latter quote was actually drawn from a

media release dated 24 October 1989 issued by none other than former Labor Treasurer Robert Jolly. In it Mr Jolly assured Victorians that the government of the day had debt under control and there was nothing to worry about. Twenty years down the track the Premier is using the same old lines, getting us in the same black hole of debt and inevitably leaving us with the same mess of enormous debt and possible bankruptcy.

This matter of public importance congratulates the government for making tough decisions. There is no doubt that, due to the inability of our current Premier and former Treasurer to adequately plan for these tougher economic times, tough decisions need to be made. However, I have difficulty seeing how the government can claim to have made any tough decisions in this budget. I ask how tough it is to put your hand out and take the \$2.8 billion given to Victoria by the federal government on a platter courtesy of the Australian taxpayer. It is a fact that without this handout from the federal government we would have an enormous deficit. How tough is it to include a 10 per cent increase in revenue from the gaming tables at Crown Casino — courtesy of a secret, under-the-table deal done by our Premier — and to include that revenue in the budget before the appropriate legislation has even come into this Parliament? How tough is it to gouge hundreds of thousands of dollars from landowners courtesy of the growth area infrastructure contribution and include the revenue in the budget before this Parliament has even seen the relevant legislation? How tough is it to rack up a \$31 billion debt with no plan or thought about how this debt is going to be repaid?

The fact is that this budget is not in surplus due to tough decisions. This budget is in surplus because of new taxes, dodgy deals and a massive handout from the federal government, which our grandchildren and our children will struggle to repay for years to come. Of course it is feasible that Victorians would not have a problem with this if the government had actually improved public transport services over the past 10 years, given us some certainty on water supply by investing in appropriate infrastructure, made our streets safe from crime or done something about hospital waiting lists — and I am referring to the real hospital waiting lists, not the ones the Minister for Health has been hiding behind for the past two years. The fact is that the Brumby government has consistently failed to deliver on any of its responsibilities. It has wasted 10 years of prosperity, and now it has called us into this house to ask us to congratulate it.

This matter of public importance also says the budget supports jobs. The Premier has made similar comments in that vein. The ABC reports that he said:

... 35 000 jobs will be created.

In this place on 6 May he said:

... in this budget we will generate something like 35 000 direct new jobs.

What is the truth? The truth is, as the *Age* reported on 10 May, that the figure of 35 000 new jobs is an exaggeration. The *Age* article states:

The government has admitted the figure includes existing jobs from projects already under way.

The article goes on to say that the Treasurer's spokesperson admitted that the 35 000 jobs were not new at all. He could not even say how many of these new jobs the budget had actually created. Even if there were 35 000 new jobs, these new jobs come on the back of almost 27 000 that were lost in 2008. It is difficult to believe this government can create many new jobs in these tough times when the lack of commitment in this area last year led to a net loss of jobs.

Let us talk about the vital services mentioned in the matter of public importance — for example, schools. The Treasurer said this budget delivers a record \$4.1 billion to continue to build a high performing, first-class education system in Victoria. The truth is somewhat different. This budget actually delivers only \$900 million. The rest of the money the Treasurer referred to is federal government money — but that certainly does not stop the government from trying to pass it off as its own.

Another vital service is health. Page 21 of budget paper 3 says:

Since 1999, the government has invested in delivering better health outcomes.

Honestly, how would we know what outcomes are being delivered? The Auditor-General found that hospitals were consistently manipulating their data and had been doing so for some time. Of course the government accepts no responsibility for this. The Minister for Health continually tells us he knew nothing about it, despite the national secretary of the Health Services Union, Kathy Jackson, being on the record as saying she discussed this issue with the minister more than a year ago. How can this government say it is doing a great job in health care and that it is delivering on this vital service, when it has been found that thousands of people are waiting for treatment and the government does not even know about them?

The budget discusses the government's transport infrastructure, which is another vital service. I would

like to read from the government's transport plan. In particular I will read from the opening remarks on a page entitled 'Message from the Premier'. The then Premier, Steve Bracks, said on this page that the plan:

... sets out an action blueprint for shaping Victoria's transport system into the future.

Further, the Premier said that the government was:

... planning for an ongoing program of transport projects over the next 25 years.

The Premier said that:

... a wave of new projects will build better transport connections, deliver major improvements to public transport ...

The Premier invited us to:

... share in our vision of a world-class transport network ...

What a shame that this 'action blueprint', this 'wave' of transport projects and indeed this 'vision' entitled *Meeting Our Transport Challenges*, which was released only three years ago, ended up in the dustbin. Eighty pages of plans were thrown out the window by a government that makes policy on the run and changes its plans on a whim. How much money was spent on developing this transport strategy in 2006? How much was wasted on glossy brochures and advertising to promote this 25-year plan that was superseded within three years?

We will probably never know the answer, but we can be sure of one thing — that is, that the cost of the latest transport plan will eclipse the cost of the previous one. This new transport plan, the government's fifth transport plan in 10 years, says exactly the same things:

Our government is taking action on transport ...

And:

... we will transform our transport network ...

Blah, blah, blah! I do not think Victorians believe a word this government says because they have heard it all before.

Let us talk about another vital service, one that is a fundamental obligation for governments — that is, protecting its citizens. I will refer to some of the news headlines from one week. On 26 May, 'Man stabbed during armed robbery in Carnegie'; 27 May, 'Teen stabbed in Malvern East brawl'; 28 May, 'Stab victim ... pleaded with attackers ...'; 29 May, 'Man in hospital after stabbing in Dandenong'; 30 May, 'Teen stab victim fights for his life after gang attack'; and

1 June, 'Man taken to Alfred hospital after stabbing near Flinders Street'.

Surely this growing culture of violence is the matter of public importance we should be discussing. It should have the Parliament's attention and not this ridiculous self-congratulatory matter the member for Northcote has brought before the house. It is a clear demonstration that this government is totally out of touch with what is happening today. The people opposite are an embarrassment. They should be ashamed of themselves for wasting the Parliament's time with rhetoric and platitudes instead of dealing with the real issues that face Victorians today.

**Ms KAIROUZ** (Kororoit) — As a member of Parliament representing one of Victoria's most disadvantaged areas it gives me great pleasure to speak on this matter of public importance. At the outset I congratulate the Brumby government for making tough choices in the recent budget. This government has made tough choices to support Victorian jobs, to protect vital services and to continue rolling out the commitment to rebuild and renovate every Victorian government school, ensuring that all students will have access to 21st-century resources and that we are supporting local jobs.

This budget also supports continued record investment in health and an unprecedented \$38 billion investment in public transport. In fact many people congratulate the Brumby government, including those in the community sector, the health sector, the education sector and the finance sector. They all congratulate the Brumby government on maintaining jobs and services without threatening the state's AAA rating, particularly during the global financial crisis. These tough choices were not made easily, but they were made for every Victorian. Every Victorian deserves to know that their government will not abandon them to face the challenges alone, particularly during these tough economic times.

None of these projects would have happened under the previous government or through the ideology of the present opposition. Those opposite have a bleak track record when it comes to supporting Victorian communities, particularly those in areas of socioeconomic disadvantage, and in supporting jobs. It is alarming to see that those opposite continue with the same mantra, dismissing the loud message sent to them by the people of Victoria back in 1999.

On 28 April I was dismayed to hear the Leader of the Opposition and the shadow Treasurer calling for a freeze in existing state taxes, fees and charges. That

would mean there would be a \$6 billion black hole in the budget. Does this sound familiar? It does to me. It takes me back to the time when I was first elected to a local government council back in the 1990s. My council filled in the gap by picking up services that were meant to have been provided by the Kennett government. If we had not delivered those services to our vulnerable and disadvantaged community, many people in our community would have gone without the basic levels of service that they were entitled to. Some of the most disadvantaged people in our community would have lived in conditions similar to those that exist in Third World countries. In order to deliver those basic services, my council, together with other councils, had to increase rates to pay for those services. It was not an easy time — it was a tough time — but we had to make the tough choices, and our communities thanked us for it. Through funding in this budget those tough decisions will not have to be made again.

The Liberal Party's unprecedented call for a freeze on existing states taxes and existing fees and charges also takes me back to the time when I witnessed local schools and hospitals being shut down and sold off to developers. It takes me back to the time when basic levels of service were not provided for those in need and a time when people lost jobs because of the Liberal Party's privatisation spree. This government's tough decision will keep schools and hospitals open. The Liberal Party's call to freeze all taxes would create a \$6 billion black hole. Those opposite should be ashamed of themselves. The belief that such a freeze would benefit Victorians and the economy is wrong. It would be catastrophic for the community and for the economy.

I have witnessed a resurgence in my electorate and surrounding areas. People are moving to the west, and over the last few years we have seen rapid population growth. This government is making tough decisions on the UGB (urban growth boundary). The fact is that Victoria's population growth is above the national average, and last year Victoria had the highest birth rate of any state. How would the Liberal Party manage such growth? There is no such thing as a genie in a bottle or a money tree, so we all know that this growth has not happened by accident. We all know such growth has occurred because Labor has acted in the critical areas of job creation, service provision and building infrastructure that were neglected by the Liberal government.

We only have to look at the investment the government has made in infrastructure. The 2009–10 budget shows that this government's investment will benefit my electorate. I refer to the \$152.6 million of funding to

build four new railway stations in Melbourne's growth areas, some \$55 million of funding for the metropolitan bus improvement program and funding for 20 new metropolitan trains, which will cost \$650.6 million. Why did we have to invest so much money? Why do we have an unparalleled \$38 billion investment in public transport? It is because the public transport system was sold off by those opposite. Let us not kid ourselves; we have seen privatisation before, and I can see that it will happen again.

The Liberals do not appreciate the effects they have on our communities when they are in government. Cutting essential services and leaving infrastructure and assets to deteriorate was the practice of the previous government, and it is now the narrow-minded vision of those opposite. As much as we would like to get rid of the memory of the grim and depressing days of the Kennett era, we should constantly remind ourselves of that time. That era should act as a cue for the way in which the opposition would govern. Members should recall the days of the previous government, when population growth went backwards. That did not happen by accident; it happened because people were not happy to live in Victoria.

I turn to health, another area of critical importance. Access to a range of health services is critical to support all people and all communities, so this government is investing in health services. But what did the Liberals do when they were in government? They sold off hospitals or privatised them, forcing the Labor Bracks and Brumby governments to return the privatised hospitals into public hands and to build new hospitals. The Liberal Party's \$6 billion black hole would put our health system under threat. It would mean no new nurses, no new doctors and no new hospital upgrades or developments, no state-of-the-art technology and no medical equipment and research. For those who are affected by cancer — —

**Mr Burgess** — On a point of order, Acting Speaker, I ask you to ask the member to return to the matter of public importance.

**The ACTING SPEAKER (Mr K. Smith)** — Order! I have been listening closely to what the member has been saying. It has been a wide-ranging debate and I overrule that point of order.

**Ms KAIROUZ** — Six billion dollars is a lot of money. It would pay for six new hospitals the size of the Royal Children's Hospital and it would fund the recurrent health expenditure for all Victorian hospitals or almost the entire acute health budget.

I turn to the subject of police. Yesterday the Premier and the Leader of the Opposition both expressed their sentiments about the unacceptable behaviour relating to assaults on Indian students, and rightly so; however, I cannot begin to understand why the opposition is planning a \$6 billion black hole in its budget. If the opposition does not want to put its communities at risk, that black hole should not be there. Its proposed shortfall would mean that people in our community would be at risk because 200 promised police, 10 regional police stations, 50 extra transit officers and extra prison beds would have to go.

Six billion dollars is a lot of money and so much can be done with it. It is three times the total recurrent budget of Victoria Police and 10 times the combined budget of the Victorian emergency services.

What is really worrying is that when members of the Liberal Party were last in office they slashed police numbers by 800, and the crime rate rose by 10 per cent between 1994–95 and 1999–2000. Members of the Liberal Party are attempting to take us back to the dismal days of the Kennett era, when services were slashed or privatised, assets were sold and our infrastructure was neglected. History repeats itself, and I can see that Liberal Party members are attempting to repeat history.

Members opposite are asking for the truth. I will tell them the truth: this \$6 billion black hole will mean that 5000 nurses will be sacked, 1000 doctors will be sacked, 5000 police officers will be sacked, 50 transit police will be sacked, 4500 teachers will be sacked, and 1000 kindergarten teachers will be sacked. This will be opposition members stripping away basic services that every member of our community is entitled to. This \$6 billion black hole is killing our economy and our jobs.

**Mr O'Brien** interjected.

**The ACTING SPEAKER (Mr K. Smith)** — Order! The member for Malvern is out of his seat.

**Ms KAIROUZ** — It is killing our community. That is the truth.

**Mr KOTSIRAS (Bulleen)** — We have had 10 years of a government that has failed to provide any services to any Victorian. This government is politically corrupt, politically inept and politically has no vision for the future.

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

## STATEMENTS ON REPORTS

### Public Accounts and Estimates Committee: budget estimates 2009–10 (part 1)

**Ms MUNT (Mordialloc)** — I am very pleased to rise today to speak about the Public Accounts and Estimates Committee report on the 2009–10 budget estimates, part 1, volumes 1 and 2, which as the house can see are a little light bedtime reading. This folder is the documentation from those particular public hearings of PAEC on the 2009–10 budget. There is a lot of information contained in these reports from the Public Accounts and Estimates Committee.

The Public Accounts and Estimates Committee, in doing the homework for these reports conducted 21 public hearings over some 52 or 53 hours from 8 May right through to 21 May. Those public hearings were held in parliamentary precinct and the presiding officers, ministers and the Premier were all asked to attend. They all attended, and that is where this information was drawn from.

This is the third time as a member of the Public Accounts and Estimates Committee I have been involved in the conducting of these public hearings. This was probably the most exhausting and draining series of public hearings I have had to attend as a member of the committee. I have been interested in remarks that have been made in the Legislative Council by other members of the committee and by a non-member regarding the committee hearings that have just concluded.

The Public Accounts and Estimates Committee has a brief, which is to conduct these public hearings and basically grill the ministers, the Premier and the presiding officers on the estimates. The estimates are those matters that are contained in the budget and that go forward for that budget year but sometimes for further years.

There has been some impugning of the reputation of the chair of the Public Accounts and Estimates Committee that I absolutely cannot condone. In fact, it was not the behaviour of the chair of this committee that I found distressing during these hearings but the behaviour of the opposition members of the Public Accounts and Estimates Committee. I was actually embarrassed on occasion to sit in that room and witness the behaviour of the opposition members of the committee, with the disrespect shown to the ministers, the Premier and the presiding officers and the bullying behaviour that was displayed, particularly by the opposition members of this committee, toward those ministers who came.

Part of what I was reading in yesterday's *Hansard* actually impugns the reputation of the committee by saying that the chair closed down the hearings and did not act with integrity. That is entirely wrong. The bullying tactics and the questions that were asked of the ministers had no relation to the estimates or the Public Accounts and Estimates Committee. In fact I think the blatant politicising of the committee's role, rather than its being used to look for the information we are meant to look for to present to the Parliament on behalf of the people of Victoria, is a terrible shame.

I absolutely reject any allegation that has been made in another place about the reputation of the chair or his integrity.

As a member of the Public Accounts and Estimates Committee, as I said, sometimes I was very embarrassed to sit there and observe the looks on the faces of witnesses, public servants, ministers and people in the gallery at the tactics that were employed during this committee hearing. I really hope that it does not set a precedent for next year's hearing, because it serves no useful purpose to the Public Accounts and Estimates Committee or in reporting to Parliament.

### **Public Accounts and Estimates Committee: financial and performance outcomes 2007–08**

**Mr WELLS** (Scoresby) — Just to pick up on some of the comments by the member for Mordialloc, I also was embarrassed sitting on that committee because we found out from the ministers just how many are actually duds.

I was embarrassed also because we found that they have no idea of what their portfolios are about. They are not across their portfolios. Some of the answers they gave to the committee were absolutely pathetic, and they should be ashamed. If you were a Labor member sitting on that committee you would also be ashamed at the performance of some of the ministers who have absolutely no idea about their portfolios.

Chapter 15 of the report is headed 'Quality health and education' and the key findings of the committee are set out. The report talks about quality health, but then gives a number of sets of data in relation to quality health. It talks about patients being treated in specialist outpatient clinics; it talks about elective surgery; it talks about category 1 elective patients; and it talks about postponements of surgery for category 1 elective patients.

When opposition members read through this part of the report we could not agree with what we were being told

and what were set out as key findings of the committee. The reason we could not agree to or believe what was before us was the reputation of the Minister for Health. He has built up a reputation for incorrect information. Our view was very clear: had we accepted this part of the report, then we would be agreeing to what the Minister for Health and his department were putting forward to the Public Accounts and Estimates Committee, and at that point there was no reference to the Ombudsman's report on dodgy health figures.

**Ms Munt** interjected.

**Mr WELLS** — Dodgy health figures. As a result we put in a minority report — —

**The ACTING SPEAKER (Mr K. Smith)** — Order! The member for Mordialloc was heard in silence, and I ask her to extend the same courtesy to the member for Scoresby.

**Mr WELLS** — As a result we put in a minority report, because we do not trust Labor — we do not trust Labor's figures, we do not trust the Minister for Health and we certainly do not trust the figures he provided to the Public Accounts and Estimates Committee. In the minority report we said:

We cannot support chapter 15 'Quality health and education', and consequently have voted against this report.

We voted not only against the chapter; we voted against the report. We said:

Based on statements by the Auditor-General it is clear to us that hospital-provided data is unreliable.

The Auditor-General in his report *Access to Public Hospitals: Measuring Performance* stated the following:

...

'Unfortunately, it is one of the findings of this audit that the reliability of access performance data by public hospitals cannot be assured'.

Further,

... Page 3 — 1.2.1

... 'It was not possible to assure that reported performance against the majority of the access indicators fairly represented actual performance'.

And,

... Page 5 — 1.3 Audit conclusions

'Access indicators assist in assessing achievement against DHS's stated objective of timely and accessible human (health) services. Systemic problems with the access indicators, however, limit their usefulness. It is not possible to assure the accuracy of actual results

reported by hospitals, and while most of the indicators are relevant, the appropriateness of some of the benchmarks and targets used need further justification'.

Based on what the Auditor-General has said members on the opposition side could not support the key findings of the committee regarding health data. We do not believe the figures that were put to the Public Accounts and Estimates Committee were accurate, and we do not believe what the Minister for Health told us.

It is unfortunate that when we go to key finding 15.8 in the report we find:

The committee noted that the Auditor-General recently reported on the topic *Access to Public Hospitals: Measuring Performance*.

There is an afterthought in regard to the data.

As I said, we could not accept this report, because if you read the report you would think that the Public Accounts and Estimates Committee had accepted it at face value, and that is clearly not the case. We do not trust Labor and its figures.

### **Electoral Matters Committee: political donations and disclosure**

**Mr SCOTT** (Preston) — I rise to discuss the report by the Electoral Matters Committee on its inquiry into political donations and disclosure. I am pleased that the member for Gippsland East is here, because one of the key recommendations of the inquiry is to deal with a loophole which he discussed in evidence given before the committee, whereby Independents and those who are not part of registered political parties are not currently covered by the funding disclosure regime in Victoria, which is in effect piggybacking on the disclosure regimes that exist at a federal level.

This is important in dealing with these issues because Victoria does not have a separate regulation system for the disclosure of donations to political candidates or parties, and as such there is no effective regulation or knowledge. This really relates to what is described as the sunlight principle, which is that when donations are given the power is exercised within the society and therefore people should be aware of who has given those donations, particularly when they involve a large amount. For federally registered political parties those donations are declarable to the Australian Electoral Commission, but that same process does not apply to political parties which are registered only in Victoria or to Independents who are standing. They are therefore not covered by the federal disclosure regime.

Further, on my understanding and the understanding of the committee, a federal process is currently under way to deal with and address both donation and regulation and to investigate the issue of restricting donations and expenditure. A debate will take place around that.

It is important to understand that that money is fungible and that regulation in Victoria has limitations on it and ideally should be harmonised with federal regulation. If individual regulation regimes are established within states and are not harmonised across the nation, then money can simply be donated to parts of an organisation which exist outside the regulatory framework, and therefore loopholes that avoid disclosure and expenditure and donation limits are created. Further to that — —

**Mr Ingram** — It is already going on.

**Mr SCOTT** — Further to that there are other issues which relate to how you would deal with third parties — —

**Mr Ingram** interjected.

**The ACTING SPEAKER (Mr K. Smith)** — Order! The member for Gippsland East!

**Mr Ingram** interjected.

**The ACTING SPEAKER (Mr K. Smith)** — Order! The member will be heard in silence.

**Mr SCOTT** — I will ignore interjections, as they are disorderly. There is a further issue about how you regulate third parties. This has come up in other jurisdictions, particularly in New Zealand of late, where particularly strict regulations were put on third parties. This led to a lack of confidence in the system in itself, because it did not have bipartisan support and did not have support within the broader polity of New Zealand. That has led recently to changes in the law.

In dealing with these issues it is important to understand that without broad support for regulation, regulatory frameworks can collapse. That has certainly been the case in New Zealand, where support for the disclosure and expenditure limits for third parties was not there. That has led to changes in how third parties have been dealt with. If third parties are not effectively regulated, you get what has developed in the USA around what is called soft money.

**Mr Ingram** interjected.

**The ACTING SPEAKER (Mr K. Smith)** — Order! The member for Gippsland East!

**Mr SCOTT** — Soft money had exploded in regimes such as the one in the United States. If you go there during a presidential election campaign, you will find that there is a plethora of ads, even though there is very heavy regulation of expenditure to prevent presidential candidates from buying into the political system — although that system collapsed during the last presidential election. You will then find extraordinarily large numbers of ads being run by third parties about issues which, on the face of it, are unrelated to the presidential campaign, but anyone who understands what is going on beyond a prima facie reading knows that that is not true at all and that that expenditure is intended to affect electoral contests that are going on. Any regulatory system has to take into account third party expenditure if it is to have any viability whatsoever.

A current federal process is dealing very seriously with these matters, and I completely reject the notion that there will be some sort of cover-up of or lack of context to those discussions.

### **Environment and Natural Resources Committee: Melbourne's future water supply**

**Mr WALSH** (Swan Hill) — I want to make a contribution on the Environment and Natural Resources Committee's inquiry into Melbourne's future water supply. I particularly want to make some comments on chapter 4, which talks about the use of stormwater and rainwater harvesting in supplementing Melbourne's water supply. I will focus on a couple of the key findings. The first of those is finding 4.1, which says that annually somewhere between 400 000 and 550 000 megalitres of stormwater actually runs off the Melbourne urban catchment into the bay. I think that is a wasted resource. Finding 4.4 is that a statewide urban stormwater strategy was to be developed by 2007 to promote the use of stormwater. As the committee found, that strategy has not been completed yet, so I think despite the government's rhetoric about making water one of its no. 1 issues, it has failed dismally when it comes to the use of stormwater.

If you go further into chapter 4 and look at some of the evidence the committee was given about the harvesting of stormwater, you will see a quote from the Prime Minister's Science, Engineering and Innovation Council:

As more water ... often falls on a city than it consumes, it is possible to use the city itself as a water catchment.

I think the Brumby government has failed dismally when it comes to utilising Melbourne's own catchment to harvest stormwater.

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr K. Smith)** — Order! If the member for Gippsland East and the member for Preston want to have a conversation, they should do it outside the chamber. We would like to hear what is being said by the member on his feet.

**Mr Ingram** — Some wouldn't.

**Mr WALSH** — I note the rude comment from the member for Gippsland East, which I will choose to ignore.

One of the sources the government based some of its assumptions on was a report from Sinclair Knight Merz. I believe the criteria in that report were set so that the proposition was doomed to fail. Recommendation 4.2 is actually that the Victorian government and Melbourne Water reassess the options for harvesting stormwater that were considered in the Sinclair Knight Merz report with the changed criteria that stormwater be harvested for non-potable use and that the yield criteria in the assessment of sites for water harvesting be changed. I think that is a very good recommendation.

The last thing I would like to touch briefly on is the presentation and evidence the committee received from Dr Peter Coombes. I would like to highlight the evidence he gave in his presentation which was based on his research. The report states:

... Dr Peter Coombes estimated that a 40 per cent reduction in demand for mains water could be achieved for houses that have a small rainwater tank, approximately 3000 litres, if they were used to supply laundry and for toilet use and possibly outdoor use along with basic water efficient appliances.

I think what Dr Coombs was very clearly saying to the committee, and what a lot of other people in the community of Melbourne have been saying, is that if every household had a tank and if those tanks were plumbed so that the water in them could be used in the toilet and the hot water system, we could substantially reduce the potable water demand of Melbourne and there would not be a need for the north-south pipeline, there would not be a need to rob northern Victoria of water and there would probably not be a need for a desalination plant at Wonthaggi on the scale that is being planned at the moment.

This report, and particularly chapter 4, reinforces my view and the view of those on this side of the house that this government is wasting a major opportunity in not harvesting a potentially substantial amount of somewhere between 400 000 and 550 000 megalitres of water that falls on Melbourne as a catchment, because CSIRO calculations are based on the fact that 42 per

cent of an urban area is impervious to water and an urban area is effectively a major source for catching water.

The other issue in the utilisation of stormwater, and one of the issues the committee disagreed on, is that the government members of the committee believed there should be no further dams or storage options explored for Melbourne. I am very firmly of the view that if we are going to take advantage of the stormwater that runs off Melbourne, we may in the future need to build some storages to capture that stormwater or to enlarge existing storages to make sure we utilise that water.

I commend the report to all members. It deals with some good issues, particularly around the need to make better use of the stormwater that runs off the Melbourne catchment.

### **Electoral Matters Committee: political donations and disclosure**

**Ms CAMPBELL** (Pascoe Vale) — I rise to speak on the Electoral Matters Committee report of its inquiry into political donations and disclosure. It was a very interesting reference. The terms of reference for that investigation were to inquire into, firstly, whether the Electoral Act should be amended to create a system of political donations disclosure and/or restrictions of political donations, and secondly, the outcome resulting from similar legislative reforms introduced in Canada, the United Kingdom and other relevant jurisdictions.

The committee found in the course of its inquiry that there were a number of key issues that focused its attention. They were the definition of a political donation, the sources and types of political donations, bans or caps on political donations, the consistency of disclosure provisions, the political donation disclosure thresholds and the timeliness of reporting obligations.

I will touch briefly on the last item, the timeliness of reporting obligations. When we had the opportunity to gather evidence in the USA, it was very interesting to learn that a number of jurisdictions over there insisted on the reporting of donations almost immediately. The reason they did so was to ensure that should there be a flurry of donations around the time of an election campaign and perhaps after the issuing of the writs, when political parties are announcing their policies, and there happened to be either a perceived or an actual link between a donation and a particular policy announcement or response, the information would be clearly available and the internet would provide ready access to the nature of any donation.

We learnt that the costs of election campaigns are skyrocketing. There is a term that would be familiar to those who have studied this, and that is the 'arms race'. It has been suggested that because of the skyrocketing costs of election campaigns, the major political parties are engaged in an arms race. That ever-escalating cost of elections is posing somewhat of a risk in the public's mind about the probity of certain decisions and policy announcements. It is quite sobering for us all to reflect upon that. When we are looking at political donations, do we want to look just at the donation aspect of a campaign, or as a Parliament, as political parties or as individuals, do we want to put a cap on election expenditure?

For those who are interested in reading the experience of the committee and the analysis of its overseas evidence, this report provides a strong argument about the dangers of the escalation of the arms race in political expenditure during election campaigns.

The Electoral Matters Committee took the view that an investigation of restrictions on disclosure of political donations must run parallel to an examination of election expenditure. There is no dispute that members of the public have some concerns in this regard. Whether it is well-founded or not, there is a perception that donations accompany excessive expenditure and that there is no upper limit. As MPs, as political parties and as a Parliament, we could be held hostage, and none of us wants either the reality of that or the perception of it to exist in the public mind.

### **Electoral Matters Committee: political donations and disclosure**

**Mr MORRIS** (Mornington) — I am also pleased to make some comments on the recent Electoral Matters Committee inquiry into political donations and disclosure tabled during the last sitting week. My honourable friend the member for Malvern is deputy chair of that committee and this side is ably represented by the member for Sandringham, and by Mr Philip Davis, a member for Eastern Victoria Region in the Legislative Council.

I will not repeat the terms of reference because they have been addressed already in this segment, except perhaps to note that the relevance of the experience of the reform in the UK has less impact now than it might have done a few weeks ago before some of the recent revelations there.

The committee made three recommendations on the need to harmonise political finance and regulation across the country, to update the cap on gaming

companies after changes to the licensing arrangements to electronic gaming machines and to amend our Electoral Act to ensure that the reporting provisions that apply to federally registered political parties will also apply to Victorian registered political parties and Independents.

The chair noted in his foreword that this is a politically sensitive issue, and I am certainly not going to disagree with that. It is sensitive not only because if the wrong framework is adopted, it can have a big impact on the fortunes of a particular party or parties, but also because through them it has the potential to impact or to limit people's opportunities to participate in the political democratic process, or even to be effectively heard. Such an outcome would influence voting intentions and perhaps even determine the rise or fall of governments.

The chair also noted that the report, and I suggest by inference the knowledge gathered by the committee, lays the foundation for future investigations. The committee did not have the opportunity to address the legislative amendments proposed by the federal government, but they were introduced into the House of Representatives earlier this year in the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2009. It passed the House of Representatives on 16 March and I understand it is now before the Senate. Should the bill pass in its present form, it will have major implications for the political process and the operation of political parties in Victoria.

The committee considered a number of other matters, including the arguments for and against restricting political donations, the issues that surround the disclosure of donations, caps on campaign expenditure and the subject of public funding.

The report contains a number of tables comparing the arrangements across Australia and internationally, and I found the section on expenditure caps very interesting, particularly the history. I had no idea that in 1980 expenditure on a House of Representatives seat or an election for a House of Representatives seat was capped at \$500, up from 100 pounds in 1902, which would have been \$200, so I suspect inflation caught up with that, and that this house had a limit in 2002 of \$5000.

There are other problems with caps, particularly for third parties. Dr Anne Twomey in a report to the New South Wales Department of Premier and Cabinet in 2008 indicated that:

The most contentious area is the imposition of expenditure limits on third parties. If no such limits are imposed on third parties, the effectiveness of limits imposed on political parties

or candidates will be undermined by third-party electoral campaigning.

The amendments to the commonwealth act currently before the Senate do not address the influence of third parties at all. They do not address the influence of groups like GetUp. They do not address the influence of organisations like the Australian Council of Trade Unions or the WorkChoices campaign run by the unions during the last federal election.

The commonwealth changes are simply a device to gain partisan political advantage for the Labor Party, and if the law is passed in the Senate, then the Electoral Matters Committee of this Parliament will find it has more to do.

## FAIR WORK (COMMONWEALTH POWERS) BILL

### *Second reading*

### **Debate resumed from 2 June; motion of Mr HULLS (Attorney-General).**

**Mr CLARK** (Box Hill) — The Fair Work (Commonwealth Powers) Bill is a bill to provide a new referral of various powers to the commonwealth to assist the full implementation of the commonwealth's Fair Work Act 2009 in Victoria and to make amendments to Victorian legislation as a result of the commonwealth's Fair Work Act.

The referral which this Parliament is being asked to endorse is an all-or-nothing proposition. It is all or nothing because this Parliament can either choose to support the bill and the referral in the wording that is before it, or if it does not — that is, if it seeks to make a referral in any other terms — it will find that it will not satisfy the requirements of legislation before the commonwealth Parliament, which insists that before a state can become a referring state it give a referral in precisely the form of words that the commonwealth legislation specifies.

The referral may or may not also have been on an all-or-nothing basis as far as the government is concerned. We have not been privy to the discussions between the state and commonwealth governments. We do not know what scope the state government has had to negotiate the terms of the referral, and we are in no position to judge what we on this side of the house may or may not have done in terms of that had we been in a position to conduct those negotiations. There is just a single choice before the Parliament.

The coalition parties have long supported a national industrial relations system. We gave the initial referral of the vast bulk of Victoria's industrial relations powers to the commonwealth in 1996. Our view is that whether we like or dislike some or all aspects of what is being done as a matter of commonwealth industrial relations policy from time to time, that is a matter for debate at a national level and in the national Parliament. The question that this Parliament has to decide upon is the terms of a referral that this Parliament may give, any limitations on that referral and what the consequences for Victoria of any referral may be.

I thank the staff of the minister's office and the officers of the department for the comprehensive briefings and the responses to a range of questions that they have provided to us. Members of the opposition parties have been prepared to facilitate the speedy introduction and smooth debate of this bill within the Parliament because we now are on very tight time lines. With the commonwealth scheme due to come into operation from 1 July, for a referral in the terms envisaged by the commonwealth to be given effect to, both its legislation and the bill before the Parliament must be passed and become law before 1 July. There have been very tight time lines. The government has given us an advance briefing, and we appreciate the extent and the candour of that briefing and the responses we have received to a range of follow-up queries that we have had.

I turn to the provisions of the bill itself. The bill makes three main referrals of power to the commonwealth. The first is a very specific referral of matters to which division 2A, as it is proposed to be, of the commonwealth's Fair Work Act, relates. The second aspect is in relation to what are described as referred subject matters. There is a referral of referred subject matters to the extent of any express amendments in the Fair Work Act. The third head of reference is matters relating to the transitions from the commonwealth Workplace Relations Act 1996 or a Victorian workplace relations law to the regime that is provided by the Fair Work Act. The reference proposed in the bill will last until the reference is terminated by the Governor in Council by proclamation.

The next aspect of the bill that we need to look at is what is defined as a 'referred subject matter'. Broadly speaking, that is defined in the bill to cover terms and conditions of employment; outworker terms and conditions; and the rights and responsibilities of employees, employers, independent contractors, outworkers, outworker entities and associations of employers and employees, relating to freedom of association, employment discrimination, termination, industrial action, protection from bargaining fees, sham

independent contractor arrangements, standing down employees without pay, and rights of entry and rights of access to records. Referred subject matter also includes compliance with, enforcement of and application of matters ancillary to the Fair Work Act.

All of that is subject to an exclusion of what is defined as an 'excluded subject matter'. So in turn we look to what is an excluded subject matter. An excluded subject matter is a state subject matter, or rights and remedies incidental to a state subject matter, except to the extent that the Fair Work Act, as originally enacted, deals with the matter. That last phrase is important because, as the departmental officers explained to us, it is not a redundant or clarificatory phrase. What it intends to do is refer in effect to the scope of the Fair Work Act as originally enacted. In other words, something is not an excluded matter or a state subject matter if it is within the scope of what the Fair Work Act intends to cover as originally enacted. I must say that is a somewhat vague concept, and it will be interesting to see how that operates as time progresses.

The next key aspect of the bill is the definition of 'state subject matters', which, subject to the caveat I have mentioned, are excluded from the reference. Those state subject matters are a range of matters that were also excluded from the reference that we gave in 1996, but with some additional matters as well. To mention some of the main items that are state subject matters, they are Equal Opportunity Act matters; superannuation; workers compensation; occupational health and safety; outworkers; child labour; training, save for employment terms provided by the national employment standards or a so-called modern award; long service leave, save under a long service leave scheme negotiated with the commonwealth; leave for victims of crime, jury and emergency service duties; public holidays, save for employee and employer rights and obligations; emergency work directions; regulation of employee and employer associations and their members; workplace surveillance; business trading hours; and enforcement of contracts of employment, but not the variation of unfair provisions.

With a number of those aspects, the natural question might be: will these matters not basically be regulated by the commonwealth? I understand the intention is that with a number of those matters the state and commonwealth will have what has been described as 'concurrent coverage' of those matters or, perhaps more accurately, the commonwealth will have the capacity to legislate under some heads of power and the state will have the capacity to make other legislation under its powers.

There is a further set of exclusions from the reference. Those are basically matters relating to the public sector and they fairly closely parallel the 1996 exclusions. They cover the number, identity and appointment of public sector employees other than law enforcement officers; the number, identity, appointment, probation, promotion, transfer, fitness, uniform, equipment, discipline and determination of law enforcement officers; the number or identity of public sector employees to be dismissed for redundancy; and matters pertaining to ministers, MPs, judicial officers, tribunal members, the Governor in Council and ministerial appointees, senior public service managers, ministerial officers, parliamentary officers — although not parliamentary staff — and departmental heads.

The exclusions also include matters pertaining to transfer or redundancy of public sector employees as a result of a restructure by or under an act and directions of public sector employees in emergencies or in relation to essential services. Then there is a convoluted exclusion of anything that would require or allow a public sector employer to breach section 10 of the Public Sector Employment (Award Entitlements) Act 2006, or to offer or accept a statutory industrial instrument materially different from an applicable collective agreement or award.

The government has said that it is now intending to depart from the 1996 exclusions in that certain matters relating to discipline of public sector employees will now be within the commonwealth's jurisdiction. However, there is still a bill before the other house of this Parliament which extends the state's statutory disciplinary powers over public sector employees. I gather there is an argument that in some way that regime will apply and yet there will be appeal rights under the commonwealth law. That is something that has become apparent just recently and I think is something that perhaps may need to be clarified.

Other provisions of the bill repeal the 1996 legislation, allow certain commonwealth employment agreements and awards to override long service leave entitlements, amend the Public Sector Employment (Award Entitlements) Act so that certain matters related to WorkChoices no longer apply and allow public sector employers to offer an individual flexibility arrangement under the Fair Work Act. There is also the repeal of the Victorian Workers' Wages Protection Act 2007, which was an absurd, unnecessary and complex act in the first place which placed restrictions on deductions from employee wages and which we are pleased to see the back of. There is also the removal from the Public Administration Act and the Parliamentary Administration Act of provisions relating to granting

relief to public sector employees of employers with less than 100 employees and also certain parliamentary officers for alleged harsh, unjust or unreasonable dismissal. There are also some consequential amendments to various other items of state legislation.

That is the structure of the bill in outline. I now move to look at the consequences of the regime that this bill is going to further — namely, the commonwealth government's reforms — and matters that are likely to flow from that and their implications for Victoria. There are certainly many concerns about the Rudd government's industrial relations changes that cause grief to those on this side of politics because of their potential ramifications for employment, investment and productivity in Australia and Victoria. These have been canvassed pretty extensively in the national debate, but it is worth briefly placing them on the record here.

The ramifications include concerns about the removal of unfair dismissal protections from small businesses, the complexities and unaffordability of wages and conditions increases that are being imposed on many employers under the so-called award modernisation program, the requirement that employers must enter into mandatory good faith negotiations with unions even if those unions have only minimal coverage of that employer's employees, and the coverage of independent contractors by the industrial relations regime, which is something that caused us particular pause in relation to this legislation.

The view of those on this side of politics is that independent contractors should be recognised as independent contractors. We strongly resist and oppose any attempt to bring genuine independent contractors within the industrial relations regime and to treat them as employees. I gather the position of the Rudd government is that it is not intending to do that, and officers of the state government have provided us with a range of assurances as to how the independent contractor referral provisions will operate. However, that does remain an item of concern that will need to be watched in the future.

**Sitting suspended 1.00 p.m. until 2.03 p.m.**

**Business interrupted pursuant to standing orders.**

## QUESTIONS WITHOUT NOTICE

### Minister for Planning: conduct

**Mr BAILLIEU** (Leader of the Opposition) — My question is to the Premier. I refer to the motion of no confidence in the Minister for Planning currently before

the Legislative Council, which notes that the minister (a) knew about corruption in his office and failed to act, (b) allowed his staff to intimidate rather than assist local residents and (c) knew that local community assets had been diverted from the community for the use of the Australian Labor Party, and I ask: given the minister's appalling conduct, will the Premier back him and show Victorians just how corrupt this government has become or take a stand and sack him? Back him or sack him Premier, which one? Back him or sack him?

**The SPEAKER** — Order! I draw the attention of the Leader of the Opposition to standing order 107, which clearly states that there is to be no reference to debate in the Council. The question is out of order.

### Swine flu: control

**Ms KAIROUZ** (Kororoit) — My question is to the Premier. I refer to the government's commitment to making Victoria the best place to live, work and raise a family — —

*Honourable members interjecting.*

**Mr McIntosh** — On a point of — —

**The SPEAKER** — Order! I ask the member for Kororoit to take her seat and I ask the member for Kew to take his seat. I understand that the member for Kew may wish to take a point of order, but the call was clearly given to the member for Kororoit.

**Ms KAIROUZ** — My question is to the Premier. I refer to — —

*Honourable members interjecting.*

**Mr Clark** — On a point — —

**The SPEAKER** — Order! I give the member for Box Hill the same advice. I have called the member for Kororoit to ask the question, and I will allow the member for Box Hill to take the point of order at the end of this question.

**Mr Clark** — My point of order relates — —

**The SPEAKER** — Order! I have asked the member for Box Hill to take a seat.

**Ms KAIROUZ** — My question is to the Premier. I refer to the government's commitment to making Victoria the best place to live, work and raise a family and I ask: what action is the government taking to tackle the spread of human swine influenza?

**Dr Napthine** — On a point of order, Speaker, the matter I raise is with respect to your rulings with regard to the accepting a point of order. In my history in this house — —

**The SPEAKER** — Order! I have heard enough on the point of order. I had clearly called the member for Kororoit to ask her question before the member for Kew rose to take his point of order. I will hear the points of order after this question has been asked and answered.

**Mr McIntosh** — On a point of order, Speaker — —

**The SPEAKER** — Order! This would be a further point of order?

**Mr McIntosh** — On a further point of order, Speaker, it is quite clear that it is every member's entitlement to raise a point of order at any stage in a debate or indeed in the middle of a question. It is a matter for you, Speaker, to hear that point of order and then to rule accordingly on that point of order. I would like to renew my previous point of order, because I did stand, I did call a point of order and you sat me down. I would like to now make that point of order.

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

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the member for Kew to resume his seat. I will call him for as many points of order as he would like to take after the answer has been given to the question.

**Mr McIntosh** — On a further point of order, Speaker, the normal convention in this house, if you are about to rule a speaker out of order on a question, is that you at least give him the courtesy of allowing him to rephrase that question to something that would be more acceptable. That courtesy was not extended to the Leader of the Opposition, and I can only assume it was done because the Chair is protecting the government.

*Honourable members interjecting.*

**The SPEAKER** — Order! I can assure the member for Kew that if he reads his standing orders he will know that that is not provided for under the standing orders.

**Mr BRUMBY** (Premier) — I thank the honourable member for Kororoit for her question regarding human swine influenza. On 19 May this year Victoria recorded its first case of H1N1. The government, through its

pandemic plan, had already been planning for that contingency for some weeks, and as a result it was able to act immediately and decisively. Since that time we have put in a range of measures to contain and minimise the spread of H1N1, including, of course, schools being managed with selective classroom or school closures, depending on the risk; confirmed cases and their contacts being managed through quarantine and the distribution of antivirals; the opening of dedicated flu clinics across Melbourne; and, of course, enacting powers that have enabled nurses to administer antivirals as a preventive measure. At all times the measures which have been taken by the government have been proportionate to the risk. The fundamental principle running through pandemic planning is that the measures taken should be proportionate to the risk.

Three weeks later we know a lot more about swine flu in the Australian community. We know that while it has been very catching and while it can spread quite rapidly through the community, its effects are generally mild and certainly no more severe than seasonal flu. In fact it is because of the mild nature of the illness that the chief medical officer believes that there are many people in the community who have actually had this form of influenza and not even realised it. We know also that the majority of people affected are generally between the ages of 15 and 19, and we know, too, that as with the annual common influenza there are going to be groups in our community who are more vulnerable and more susceptible to its effects than the vast majority of the population. Finally, we are advised by our health experts that as the number of cases increases, extensive contact tracing, the closure of schools and mass quarantining are no longer useful ways of minimising the spread.

What we must do now is concentrate our efforts on those who are most vulnerable in the community. Again it is absolutely front and centre of all of the pandemic planning which has been undertaken to make sure that those who are most vulnerable — the elderly, the very young, pregnant women and people with weakened immune systems — are given maximum support and protection. On that basis we have now moved with the commonwealth government and the other Australian states.

In our case we have moved from the containment phase of action to what is called the modified sustain phase. What that means is that we will continue to provide treatment to people who have been confirmed with H1N1; we will continue to quarantine people with confirmed illness for three days after they commence antiviral treatment; we will refocus our resources on cases in high-risk settings such as aged-care facilities,

hospitals and special schools to protect the vulnerable; we will put in place a special surveillance system to monitor the spread of the illness and any change in its mild nature; and finally, we will continue to provide the resources which are necessary to manage this public health issue where those resources are most required. We will not be asking schools to close if there are confirmed cases, we will not be asking contacts or family members to quarantine themselves and we will not be closing down or preventing sporting or cultural events.

I want to repeat that on the basis of the best medical advice we have from the chief medical officer and other prominent health professionals in this state we will be taking actions that are proportionate to the situation that faces us and we will continue to provide all the resources which are required to manage this issue in the best possible way. We will not be doing anything less than what we are doing now — in fact we will be doing more — but we will be placing our resources exactly where they are needed in the community.

Finally, I understand that there has been some concern in the community about the impact of H1N1. The Minister for Health and the chief medical officer have been out on a daily basis providing information about that. On the basis of the best possible medical advice provided to the state, I also reassure this house and all Victorians that as a result of the mild nature of this disease and the excellent planning at all levels of government, together with what has been the fantastic work of our medical and paramedical workers and the cooperation of the community, I believe we are meeting this public health challenge and we are well positioned to continue to manage the impact of this on the community into the future.

**Mr K. Smith** interjected.

**The SPEAKER** — Order! Does the member for Bass have a question?

**Mr K. Smith** — No, Speaker.

**The SPEAKER** — Order! I warn the member for Bass that I will not allow interjections of that nature. If the member for Bass wishes to ask a question, he should stand in his place at the appropriate time and I will call him.

**Mr Clark** — On a point of order, Speaker, I want to raise the point of order which you previously directed me to defer until after the previous question. The principal point of order relates to your ruling in relation to the question asked by the Leader of the Opposition and your comments on the reference to debate in

another house. The point that I would put to you on that is that, even if standing order 107 has been infringed by the Leader of the Opposition in referring to a debate on a matter before the other house, that does not go to the heart of his question, it does not invalidate his question, which related to the conduct of the Minister for Planning and the other matters that he referred to in his question, and accordingly you should allow the question to stand.

The second point that I put before you, Speaker, is in relation to standing order 114, which relates to the right of a member to interrupt debate while another member is speaking to call attention to a point of order or privilege suddenly arising. Speaker, it is understandable that in the heat of the debate you may rule in a particular way, but I do urge upon you that the longstanding practice of this house, as supported by standing order 114, is that a member on their feet may be interrupted by the taking of a point of order. I would submit that the only basis on which you could rule such a point of order out of order if it complied with the standing orders would be if it were raised in bad faith. That not being the case, I submit that you should, upon consideration, rule that it was in order for the member for Kew to raise the point of order that he sought to raise at the time that he raised it.

**Mr Wells** interjected.

**The SPEAKER** — Order! I ask the member for Scoresby to not reflect on the Chair.

**Mr Batchelor** — On the point of order raised by the member for Box Hill, Speaker, he referred to your ruling in relation to standing order 107, which is quite explicit. It says:

A member must not refer to any debate or matter pending in the Council.

Notwithstanding this longstanding standing order, the Leader of the Opposition sought to raise a matter pending in the Council. You ruled that out of order, which I believe was the appropriate course to take. If you go on further in standing order 107, you find that it provides an avenue so that if a member thinks they have been:

... seriously misrepresented by statements made in the Council ... that member may, by leave, make a personal statement to refute or explain what was said in the Council. The personal statement may not be debated.

This provides a pathway for the Leader of the Opposition to raise this matter as set out in the rules of this chamber — that is, by way of a personal explanation and not by raising it in question time.

Given that he has raised it in question time and that you have correctly ruled, I refer members to standing order 55(2)(i), which says:

... where a question is ruled out of order it is, for the purposes of this standing order, deemed to have been answered ...

That is what you ruled, Speaker, and I cannot see that there is any leeway or any other interpretation that may be placed upon it. I refute the imputations contained in the point of order raised by the member for Box Hill.

**Dr Naphthine** — On the point of order, Speaker, there are two points of order before you at the moment which the member for Box Hill has quite rightly raised, one with respect to standing order 107 and the other with respect to standing order 114. I will speak first to the point of order concerning standing order 114. That point of order makes it clear that a member may interrupt another member while that member is speaking to call attention to a point of order. That is very clear and succinct. I therefore ask — —

*Honourable members interjecting.*

**The SPEAKER** — Order! Government members will come to order.

**Dr Naphthine** — It is very clear and very distinct, and it has been the longstanding practice of this house that when a member stands on their feet and calls attention to a point of order the Speaker hears that member on the point of order and either wishes to no longer hear the member on the point of order or allows debate on the point of order and then makes a ruling. With respect to standing order 114, I strongly support the member for Box Hill and suggest that in the future when members call attention to a point of order, following the longstanding practices of this house prescribed by the standing orders, you allow them to present their point of order.

With respect to standing order 107 and the other point of order raised by the member for Box Hill, I put it to you, Speaker, that there is a significant difference between referring to the names involved in a debate in the upper house and making detailed reference to that debate, which standing order 107 refers to. The Leader of the Opposition stated a factual situation — that there is a debate in the upper house on a no-confidence motion in respect of the Minister for Planning — and went on to ask a clear and separate question about whether this government and this Premier have confidence in the Minister for Planning, whether the Premier will back him or sack him whether the Premier supports corruption or — —

**The SPEAKER** — Order! The member for South-West Coast has been in this chamber long enough to know that taking a point of order is not an opportunity to repeat a question. Unless the member for South-West Coast has another statement to make which is of relevance to the points of order regarding standing orders, I will not hear him any longer.

**Dr Napthine** — I was making the point with respect to standing order 107 that the substance of the question did not relate to the matter before the Council. It was a distinct and stand-alone question.

Finally, I make the point that the precedent in this house is that if the Speaker has some concerns about the question, the Speaker gives the person who asked the question the chance to rephrase it. Otherwise the community could interpret the Speaker as simply trying to protect the Premier from answering a question about whether he backs the Minister for Planning or whether he is prepared to do the right thing and sack the Minister for Planning for his involvement — —

**The SPEAKER** — Order! I will rule on the points of order. I refer all members to standing order 107 headed ‘No referring to debate in Council’:

A member must not refer to any debate or matter pending in the Council.

I believe that is quite clear, and I believe my decision to rule the question out of order is correct.

If we move to standing order 55(2)(i), it quite clearly states:

... where a question is ruled out of order it is, for the purposes of this standing order, deemed to have been answered ...

Standing order 114 is headed ‘Interrupting debate’ and states:

A member may only interrupt another member while speaking to:

- (1) call attention to a point of order or privilege suddenly arising ...

*Honourable members interjecting.*

**The SPEAKER** — Order! Does the member for Warrandyte have a further point of order to take?

In ruling the Leader of the Opposition’s question out of order there was sufficient time for me to call the member for Kororoit and for her to stand and start speaking. To me ‘suddenly arising’ puts some urgency on the attention of the house. I was quite firm in the very beginning that I was happy to take all these points

of order once the due courtesy of the house had been shown to the member for Kororoit.

**Mr Thompson** — On a further point of order, Speaker, the member for Kew referred to the opportunity for a question to be rephrased. I wonder if you could provide a ruling to the house on the opportunity for a question to be rephrased if initially it is not acceptable to the house?

**The SPEAKER** — Order! Certainly opportunities have been given in this house for people to rephrase questions, questions on clarity, questions — —

**Mr Ryan** interjected.

**The SPEAKER** — Order! I believe I gave the Leader of The Nationals quite considerable opportunity to rephrase a question twice, so that practice absolutely has been there. The question asked by the Leader of the Opposition needs no clarifying. It clearly referred to and quoted the motion in the Council and thus was ruled out of order. I will always provide members with an opportunity to rephrase a question if there is some doubt around the exact intent of that question. I do not uphold the point of order from the member for Sandringham.

**Mr Clark** — On a point of order, Speaker, I draw your attention to standing order 56, which provides:

The Speaker may require the language of a question to be changed if it seems to him or her that it is unbecoming or is in breach of the standing orders or conventions of the house.

I therefore put it to you that it is fully within your discretion and your authority to allow the Leader of the Opposition to rephrase the question. In other words, the fact that the question was, on your ruling, out of order does not conclude the matter. You now need to turn your attention to whether you are prepared to exercise the discretion which is given to you under standing order 56. I would certainly urge that you do exercise that discretion in order to allow fairness to the house and to allow the very important issue raised by the Leader of the Opposition to be canvassed and indeed to be addressed by the Premier.

**The SPEAKER** — Order! I do not uphold the point of order. Standing order 56 states:

The Speaker may require the language of a question to be changed if it seems to him or her that it is unbecoming or is in breach of the standing orders or conventions of the house.

The standing order says ‘may require the language’. The language was not unbecoming to the house. It was the content — that is, that the question concerned solely

the matter before the Council. I do not uphold the point of order.

**Government: performance**

**Mr BAILLIEU** (Leader of the Opposition) — My next question is to the Premier. I refer the Premier to his publication *Restoring Democracy*, which he authored as opposition leader and which pledged a ministerial code of conduct in government, stating that MPs will operate their electorate office in a professional manner, serve the interests of their constituents, only exercise their influence gained from public office to advance the public interest and not use their influence to selectively and improperly advantage others, and I ask: is it not a fact that the Premier deceived Victorians, never introduced his code of conduct and is now overseeing a government where corruption and misconduct involving ministers has become entrenched?

**Mr BRUMBY** (Premier) — As a government we have put in place a huge raft of measures to make government more accountable, more open and more transparent — reforms to the Ombudsman Act, reforms to the Audit Act, reforms to the Constitution — —

*Honourable members interjecting.*

**The SPEAKER** — Order! We could continue question time with this degree of interjection and shouting across the chamber or we can allow question time to proceed in a smooth and orderly manner that respects the community we serve. The question has been asked and the Premier is responding to that question. I ask members for some cooperation so that the Premier can be heard.

**Mr BRUMBY** — As I was saying, the government has put in place a huge raft of reform measures to make the — —

**Dr Napthine** interjected.

**The SPEAKER** — Order! I warn the member for South-West Coast.

**Mr BRUMBY** — The government has put in place a huge raft of reform measures to make the Parliament and the government more open, more transparent and more accountable. The record in terms of all of those initiatives — whether it has been improving and strengthening the powers of the Ombudsman, improving and strengthening the powers and the independence of the Auditor-General or reforming the way in which the upper house is elected or reforming parliamentary committees — we have introduced a raft of changes across the Parliament, including, by the

way, little things like the broadcasting of the proceedings so that the public of this state can hear the debate which occurs. I believe we have an excellent record in terms of all of these measures. As the honourable member is aware — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn the member for Scoresby, and I ask the member for Malvern for some cooperation. The member for Narre Warren North needs to acknowledge that his voice is very loud.

**Mr BRUMBY** — As I said, there are all those cases. The honourable member referred to a publication. At the time that publication was released the government of the day had sacked judges, sacked the Auditor-General — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Premier will not go down that path. I ask him to confine his answer to government business.

**Mr BRUMBY** — From our perspective as the government we are not prepared to sack judges in the way that government did, we are not prepared to nobble the Auditor-General in the way that government did, we are not prepared to sack the equal opportunity commissioner in the way that government did, and by the way, we are not prepared to close down and sell off schools like the Liberal Party did.

All members of this place, whether they are backbenchers or whether they are ministers in this house and in the Legislative Council, are required to comply with the parliamentary requirements set out in the register of interests act. Those requirements set out accountability procedures. They set out responsibilities in terms of behaviour and code of conduct, and all members of Parliament are required to comply with them.

**Mr K. Smith** interjected.

**The SPEAKER** — Order! The member for Bass needs to decide whether he is staying or leaving.

**Mr K. Smith** interjected.

**The SPEAKER** — Order! If the member for Bass is staying, then he is on warning.

**Bass Highway: upgrade**

**Mr PERERA** (Cranbourne) — My question is for the Minister for Roads and Ports. I refer to the

government's jobs-building budget, which will secure 35 000 jobs for Victorians, and I ask: can the minister update the house on what action the government is taking to invest in our road network, tackle congestion and make our roads safer?

**Mr PALLAS** (Minister for Roads and Ports) — I thank the member for Cranbourne for his question. I also thank the Speaker for her indulgence in allowing the member for Bass to remain with us during the course of this response, because this matter deals with the action that the Brumby Labor government is taking in investing in our road network to tackle congestion and to also make our roads safer. It will generate thousands of jobs right across Victoria, and importantly it will plan for the future and build for the future of Victorian families.

We have invested more than \$2.7 billion in regional roads since coming to government in 1999. We have completed 56 significant regional road projects at a cost of about \$1.9 billion. We are currently in the process of delivering a further 18 regional road projects worth \$1.1 billion. Our investment in regional roads is part of our plan to make Victorian roads safer, to better connect communities and of course to drive economic activity right throughout this state.

On Friday I had the pleasure of visiting the Bass Coast shire to witness ongoing works that have taken place in respect of the Bass Highway. Also I was able to investigate and view the upgrade of the site for the final stage of this project. Stage 5 of the project is due to be completed in the next few weeks. Stage 6 of the project, from King Road to Woolmer Road, is on schedule for completion in early 2010. The Brumby government has recently announced that it is taking further action by investing \$38.9 million in stage 7, which brings the total investment on the Bass Highway to \$132 million.

These works will improve driver safety. This section of the Bass Highway between Woolmer Road and Phillip Island Road has experienced 22 casualty crashes, with 9 serious injuries and 1 fatality over the last five-year period. Our investment in roads is having a substantial effect on driving down our road toll, particularly in country Victoria — for example, Victoria has recorded its lowest regional road toll since the disaggregation of those figures and the collation of regional figures, which started only in 1987. We now have our lowest regional road toll on record.

The upgrade of the Bass Highway will also reduce travel times, particularly for those wanting to enjoy some of the great attractions the Bass Coast has to offer, including the MotoGP. The Bass Highway is a vital

regional connection carrying many people to popular tourist attractions like Phillip Island, which, as I said, is home to the Australian MotoGP and also to Bunurong marine park. About 11 000 vehicles use Bass Highway on a regular, day-to-day basis; however, on weekends and when major events are scheduled that traffic use can be as high as 16 000 vehicles a day. Construction of stage 7 will commence in 2010, and it is aimed to be completed in 2013. Once it is completed almost all the trip between Melbourne and Phillip Island will be on duplicated, four-lane highways.

The Brumby government is taking this action not only because of the economic activity and connectedness it will provide the communities but also because it will generate something like 475 jobs in the construction stage. Stage 7 of the Bass Highway upgrade forms part of this government's commitment to a plan of action, which is taking place as we speak. Some \$1.2 billion is committed to regional road upgrades as part of the government's \$38 billion Victorian transport plan. We will continue to take action to improve Victoria's road network to ensure that Victoria is the best place to live, work and raise a family.

### **City of Brimbank: Ombudsman's report**

**Mr McINTOSH** (Kew) — My question is to the Premier. I refer to the Ombudsman's Brimbank report and a report published today signed by Mr Eric Darricott which reveals that a person commonly featured in the Ombudsman's Brimbank report was observed on 29 May at Labor Party headquarters with thousands of dollars in brown paper bags buying membership control of the Premier's party. I ask: is not this person Hakki Suleyman, the Minister for Planning's electorate officer, and is it a fact that the Premier's commitment to clean up corruption is hollow, that the Premier has known this has been rampant for years but has done nothing and has lost control of the very people who are at the heart of corruption in his government?

**Mr Batchelor** — On a point of order, Speaker, the member for Kew based his question on some report, which he apparently has a copy of, which is a matter of administration within the Labor Party. It is not a matter of government business and should be ruled out of order. These types of matters have been previously ruled on in this chamber by a series of presiding officers, and whenever a matter of party administration has been sought to be raised during question time it has always been ruled out of order as not being a matter of government business.

**Mr Baillieu** — On the point of order, Speaker, the question clearly refers to the Ombudsman's report into the Brimbank City Council. Mr Dearth's report also refers to the Ombudsman's report into the Brimbank council. The question is entirely relevant and is very relevant to the people of Victoria, who want to get to the bottom of corruption in this state.

**The SPEAKER** — Order! I do not uphold the point of order raised by the Minister for Energy and Resources. The question clearly refers to the Ombudsman's report into Brimbank council, and the question can be answered by the Premier.

**Mr BRUMBY** (Premier) — I thank the honourable member for his question, which was in relation to the Ombudsman's report into Brimbank council. As I have made very clear to the Parliament on a number of occasions, the report has been received by me and by the government. The Ombudsman made a number of recommendations, and each and every one of those recommendations has been accepted by the government and is being implemented.

### Children: early childhood services

**Ms BARKER** (Oakleigh) — My question is to the Minister for Children and Early Childhood Development. I refer to this government's commitment to making Victoria the best place to live, work and raise a family. I ask the minister to outline the action this government is taking to continue to improve care and education for Victorian children.

**Ms MORAND** (Minister for Children and Early Childhood Development) — I thank the member for Oakleigh for her question. The Brumby government has a very ambitious reform agenda in early childhood development and in improving quality and care in all Victorian children's services.

New children's services regulations announced by the Premier and me at the Yarraberg Children's Centre in Richmond came into effect on 25 May. These new regulations recognise that learning and development is a continuous process from birth and that that development occurs no matter where the child is — whether the child is at home or in some form of care. Whether the care is provided in family day care, in out-of-school-hours care or in long day care — no matter where the child is being cared for — quality is important. Quality is important to parents and children, and quality is important to this government.

Quality is generally measured in the regulations by the number of staff involved in looking after the children

and also by the qualifications of those staff. We believe the regulations strike the right balance between quality and affordability.

First of all, the new regulations will cover family day care and out-of-school-hours care for the first time, where nearly 90 000 Victorian children are being cared for. This means that those children get the same protection of regulations to ensure standards of quality. For the first time in Victoria family day care and out-of-school-hours care will be covered by children's services regulations.

The other key changes include a minimum standard of qualification for all staff working in a children's service. That minimum standard will be a certificate III. In addition, every long day care centre in Victoria, of which there are over 1000, will be required by 2014 to have a four-year-degree-qualified teacher.

Given that many more children in Victoria are spending longer periods in long day care, it is important to ensure that they have access to a structured kindergarten program in the year before they start school. In recognition of the research that shows us that the most rapid period of brain development is from birth to three years of age, we will also increase the ratio of staff looking after that age group from 1 to 5 to 1 to 4 and improve the number of diploma-qualified staff looking after that age group.

The making of these new regulations followed a very comprehensive consultation with the sector. We had 40 sessions with it and there were 800 submissions to the draft regulations that were released earlier this year. I want to take the opportunity to thank all the individuals and stakeholders who provided us with feedback and who are working with us to improve the quality of children's services in Victoria.

I will refer to some of the comments we got. Kindergarten Parents Victoria said:

The requirement for each long day care centre to employ a degree-qualified early childhood teacher is a great step forward.

The Liquor, Hospitality and Miscellaneous Workers Union, which represents staff working in children's services, said:

It's wonderful to see that this government recognises the early years are such a critical time in a child's development.

We support all of the submissions and the individuals who provided feedback to us. This is unfortunately in sharp contrast to the shadow minister, who did not bother to put in a submission or provide any comment

or feedback. I want to acknowledge the member for Benalla, who is the only coalition member that I am aware of who bothered to make any comment on the regulations and encouraged his constituents to provide feedback on the regulations. Well done to the member for Benalla.

In summary, all of these changes will ensure that all Victorian children have the best possible start in life.

**Students: youth allowance**

**Mr RYAN** (Leader of The Nationals) — My question is to the Minister for Skills and Workforce participation. Is it not a fact that the proposed 30-hour-per-week work requirement for at least 18 months will make it far harder for regional students in particular to qualify for the youth allowance? And if so, why, after almost one month, has the minister made no representation on behalf of Victorian country students — none whatsoever — to the federal government to have this corrected?

**Ms ALLAN** (Minister for Skills and Workforce Participation) — We all know what made it very hard for young Victorians to be eligible for the youth allowance, when The Nationals closed schools in the 1990s. However, I digress.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the minister to address the question.

**Ms ALLAN** — Certainly, Speaker. On the issue of youth allowance, which the Leader of The Nationals also referred to in this house yesterday when I indicated to the house that I was well and truly aware of the concerns that have been raised on this matter, if members of The Nationals had been listening to the answer yesterday, I would not have to repeat the answer today — that is, that I will have the opportunity next Friday, when the ministers meet with the federal minister who has responsibility for this area, to raise the matter with the federal minister.

However, I would also like to congratulate the federal government for ensuring changes to the youth allowance that are going to make 103 000 more young people eligible for youth allowance in this country. This is a very important point. Some of us may have been at university in the 1990s and some of us may remember very well the draconian changes that were made by the former federal Liberal-Nationals government in slashing funding to universities and changing the threshold arrangements for the youth allowance that saw many young people disenfranchised, that saw

many young people miss out on being able to undertake a university education and that saw many young people having to struggle, with their families, to attend university.

The federal government is progressively reducing the age of independence for the youth allowance progressively from 25 to 22 years. It is increasing the income threshold for the maximum entitlement from \$32 000 to \$42 000. The net result of all this is that an additional 103 000 young people will be able to come into university — young people from low-income families, young people from exactly those families that we in the Victorian government are working hard to make sure can complete year 12, to make sure that they have pathways through to universities or our vocational, education and training system should they choose to. There will be more opportunities for young people to undertake an education.

There are also some great initiatives for rural students in this package. We are going to see a new relocation scholarship for young people from regional Victoria, where students from rural and regional Victoria who have to move away from home — we understand that some students do have to move away from home — are going to be eligible for the first time for \$4000 of support in the first year and \$1000 in subsequent years — —

*Honourable members interjecting.*

**Ms ALLAN** — Some members of The Nationals might think that is a joke, but I think it is a good thing to support a young person to go on and undertake an education.

There are some changes in this package that clearly have concerned some families and clearly have concerned young students, and I share some of those concerns about the retrospective nature of some of these changes. But what I will be doing is working with the federal government. I will not be repeating the mistakes of the former government when it chose to be Liberal and Nationals first and to put Victoria second. We are going to make sure that we have a constructive dialogue with the commonwealth government because there are many things in these changes that should be welcomed and supported, and we will be making sure that we work constructively to advance the interests of all students from rural and regional Victoria, no matter where they come from.

### **Volunteers: government support**

**Ms RICHARDSON** (Northcote) — My question is to the Minister for Community Development. Can he inform the house of how the Brumby Labor government is supporting volunteering in Victoria?

**Mr BATCHELOR** (Minister for Community Development) — This government understands how important volunteering is to Victoria. It is pretty amazing, but about a million Victorians volunteer each year, and in economic terms this volunteer army represents about \$10 billion worth to our economy. We also know, however, that volunteering should not only be measured in economic terms. Volunteering is a major way that people get involved and get connected with their communities. We know that those who are connected to their communities are healthier and happier people, and our communities are stronger and more resilient as a result.

To demonstrate this government's commitment to volunteering the Premier recently launched our volunteering strategy. This will ensure that as the nature of volunteering changes here in Victoria we will be able to assist those individuals and organisations to remain in a sustainable but adaptable and vibrant way to help communities right across the state. We know volunteering is changing. The way people undertake volunteering is changing, and that is especially true for young people. We know young people are looking to volunteer in ways that enhance their skills and help them find employment, which is a particularly important characteristic during these tough economic times.

This strategy will deliver for Victoria and it will deliver for volunteers. It will include a major awareness and recruitment campaign to promote community participation, particularly amongst our young people. Resources and support will be made available to help community organisations and local governments adapt in a way that will mean they can attract and retain volunteers, particularly young people. What we will be doing is establishing an online portal for volunteering in Victoria to speak the language of the young people. This will include matching services, information and resources for community organisations as well as for individuals who wish to volunteer. The Labor government has spent some \$19 million since 2003–04, and that support is being continued this year with a further \$9.3 million.

In recent times the work of our volunteers has been highlighted through the emergencies around the Black Saturday bushfires and also through the ongoing

drought and the global financial crisis. I was pleased during the recent National Volunteer Week to have the opportunity to recognise the contribution our volunteers have made, and I am keen to ensure that young people in particular are encouraged to take up the role of volunteering in their communities.

Victoria would simply not be the same without our volunteers. They are the glue that holds our society together. This tireless army of volunteers should be supported, and we particularly do not want to discourage the volunteers who played such an important role during the recent bushfires. We want to thank them for the wonderful job they are doing, encourage them to continue the excellent work they demonstrated during that difficult time and ask them to continue that well into the future. We appreciate the work that the Country Fire Authority volunteers in particular have done, and we want to encourage them to keep doing that work.

### **Bushfires: royal commission**

**Mr RYAN** (Leader of The Nationals) — My question is to the Minister for Police and Emergency Services, and I ask: will the government now fund the Country Fire Authority to have its own legal representation before the Victorian bushfire royal commission?

**Mr CAMERON** (Minister for Police and Emergency Services) — The CFA is represented by the government team. The CFA was happy to be part of that arrangement.

*Honourable members interjecting.*

**Mr CAMERON** — It agreed to be part of that arrangement.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Polwarth!

**Mr CAMERON** — And that remains the case. Certainly what we do not want to see is a lawyers' picnic. We appreciate that the opposition might want a lawyers' picnic and an enormous amount of fees being paid here and there. It is sensible that agencies are represented, where possible, and certainly the CFA has agreed to that.

**Regional and rural Victoria: government initiatives**

**Mr HOWARD** (Ballarat East) — My question is to the Minister for Regional and Rural Development. 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 recent action taken by the government to secure jobs in regional Victoria?

**Ms ALLAN** (Minister for Regional and Rural Development) — I thank the member for Ballarat East. It is a pleasure to answer a question from the member on how the Brumby government is continuing to take action to boost the economy and to boost jobs right across regional and rural Victoria. One way we are doing this is through our Regional Infrastructure Development Fund. Members on this side of the house know so very well how this successful fund is delivering jobs and infrastructure to every single part of the state.

Just this morning I was with the member for Ballarat East to announce another great RIDF project. This time we announced that the Brumby government is providing \$990 000 towards a \$1.85 million upgrade of Ballarat's magnificent art gallery. It is indeed a magnificent gallery. I am sure many members of the house have been to the Ballarat gallery; if they have not, I encourage them to go there. The gallery has an outstanding collection of early Australian and Heidelberg School works. It attracts many visitors to Ballarat, and it is a great addition to the city of Ballarat.

This project, along with supporting the cultural life of Ballarat, is going to create a further 50 construction jobs for the city. As I said, I was joined at the announcement by the member for Ballarat East, who is also the former chair of the art gallery board, and the mayor of the City of Ballarat, Judy Verlin, who was delighted, can I say, with this announcement of further support from the Brumby Labor government for one of Ballarat's most historic buildings.

This announcement came hot on the heels of a further announcement that was made by the Premier just two weeks ago of another important project for Ballarat which has also secured RIDF funding, which is to support Ballarat's water supply. As we know, the drought has taken a toll and this is a difficult time for many parts of the state. However, thanks to the goldfields super-pipe, Ballarat has enhanced water security. Who opposed that? It is happening no thanks to those opposite. If those opposite had had their way,

Ballarat would not have had that water through the goldfields super-pipe.

We also know that Lake Wendouree needed an increased water supply. It has been dry for some time, but the RIDF funding announced by the Premier will allow for a \$5.2 million Lake Wendouree water supply project that will see water from the Lihir goldmine reclaimed and piped across to Lake Wendouree. Having water in Lake Wendouree will provide a great boost to Ballarat. The lake is an icon in Ballarat, and this project will also create over 80 jobs during construction.

These projects would not have gone ahead if those opposite had had their way with their initial opposition to the Regional Infrastructure Development Fund. But there are more projects going on around — —

**Mr Ryan** interjected.

**Ms ALLAN** — No, I am not making it up. You opposed the legislation from day one. There are more projects going on around the state.

**The SPEAKER** — Order! The minister will not refer to members as 'you' across the chamber.

**Ms ALLAN** — Thank you, Speaker. I wanted to make sure the record correctly showed there was initial opposition by The Nationals.

**The SPEAKER** — Order! The minister should conclude her answer.

**Ms ALLAN** — There is so much happening, but I will conclude. Last week I was pleased to officiate at the opening of the \$75 million Great Ocean Ingredients plant at Allansford, near Warrnambool. This is a partnership between Warrnambool Cheese and Butter — Australia's oldest dairy company — and Royal Friesland Campina, the largest dairy cooperative in the world. This will also employ an additional 25 staff and is a huge vote of confidence in the dairy industry in this state, which is being boosted even further by the channel-deepening project, which will assist our dairy industry get its product to export. We also remember who opposed the channel-deepening project.

This is a great array of government initiatives that are supporting infrastructure in regional Victoria — just as the regional rail link will support further jobs and further investment in regional Victoria, which is also a project that is being opposed by those opposite.

**The SPEAKER** — Order! I have asked the minister to conclude.

**Ms ALLAN** — The Brumby government is investing in infrastructure. It is investing in jobs-creation projects. It is getting on with the job despite the opposition from the members of the Liberal Party and The Nationals.

## CONDOLENCES

### Jack Ross

**Mr BRUMBY** (Premier) — (*By leave*) At around 4 o'clock this morning, Australia lost its last living link with the Anzac generation. It was at that time that Jack Ross, Australia's last remaining World War I serviceman and oldest male citizen, died peacefully in his sleep at the Golden Oaks Nursing Home in Bendigo. He was 110 years old. Jack Ross lived a very long life filled with work and family. He worked for the Victorian Railways for more than 45 years, retiring in 1964 when Sir Robert Menzies was still Prime Minister. He is survived by a daughter, Peggy, a son, Robert, four grandchildren and nine great-grandchildren.

On the face of it there might appear to be nothing out of the ordinary about Jack Ross's life other than his extraordinary longevity, but Jack Ross in many ways was extraordinary because Jack Ross was a digger. In fact, he was the last of the diggers. He enlisted in the Australian Imperial Force in January 1918 at the age of 18. He was trained at the wireless training school and was posted to the first battalion at Broadmeadows camp in Victoria. The armistice was called before he could be posted overseas, and he was then discharged on Christmas Eve 1918. However, he enlisted again during World War II and served in the Volunteer Defence Corps.

The point I am making is this: Jack Ross was one of that generation of volunteers who made Australia more than just a federation of former colonies. At that time in our history the official historian, C. E. W. Bean, wrote of World War I:

For the first time Australians of all the states and the commonwealth, and of all sections in those states, were a united and unanimous people ... it is possible for those who lived among the events to say that in those days Australia became fully conscious of itself as a nation.

Jack Ross was one of those. He was one of those united and unanimous people, as C. E. W. Bean would put it, who put up his hand to volunteer and to make our federation a nation. That is why we mourn his loss and

that is why we honour Jack Ross. In honouring Jack Ross, I believe we are honouring the 421 809 Australians who volunteered to serve in World War I. Included amongst them were so many relatives of people in this house, including relatives of my family, of the Leader of the Opposition's family and of the Deputy Premier's family, the 331 781 Australians who served overseas, the 137 013 Australians who were wounded and the 61 511 Australians who lost their lives. The last of those volunteers is now gone, but they will never be forgotten.

Today in question time we heard the Minister for Community Development speak passionately of the importance of volunteering in our community. Jack Ross was a volunteer. He was a great family man. He made a great contribution in his working life and to his nation. On behalf of all Victorians, and on behalf of the Parliament, I express our deepest condolences to the family and friends of Jack Ross.

**Mr BAILLIEU** (Leader of the Opposition) (*By leave*) — It is an honour to join the Premier in acknowledging the passing of Jack Ross. Jack Ross was a Federation man. He lived through the entire federation of Australia — its foundation, its trials and its tribulations — as part of our community.

Anyone who reaches the age of 110 has seen it all, and Jack Ross certainly saw it all. As the Premier said, he died this morning in the Bendigo nursing home where he had spent some time. Again as the Premier said, Jack Ross enlisted as a volunteer for the AIF — Australian Imperial Force — in January 1918. It is hard for us in these circumstances to even contemplate such an action so long ago. Those of us who have children of that age marvel at the prospect of their own 18 or 19-year-old children taking such a step. Jack Ross volunteered to join the AIF and the forces that Australia and the commonwealth were sending overseas. He trained at the Wireless Training School before being posted to the 1st Battalion at Broadmeadows camp, which is now the Broadmeadows army base. However, as the Premier indicated, armistice intervened; Jack Ross never travelled overseas and was demobilised on Christmas Eve of that year — no doubt a blessing to his family.

Nevertheless, Jack Ross served in World War II as a member of the Volunteer Defence Corps. For his services to the community, in 1998 he was awarded an 80th Anniversary Armistice Remembrance Medal commemorating World War I. The Great War has had a staggering impact on this nation — there is no doubt about that. It has defined for us the meaning of the word 'tragedy'; it has defined for us the phrase 'broken families'. It has been a source of so much pain. Indeed

the pain of war ricochets through the generations. Many in this house would be able to identify the pain that Jack Ross's family felt as a consequence of that war and the impact it had upon individuals. In many ways it also defines the best of this nation's character — that is, our commitment to a fair go, service, loyalty, sacrifice, mateship, honour and volunteering. Jack Ross embodied all those qualities.

To his regiment of family — his daughter, Peggy; son, Robert; four grandchildren; and nine great-grandchildren — we say that their remarkable father, grandfather and great-grandfather has served this country and deserves this tribute.

Jack Ross had many other qualities. It is noted that he had a penchant for chocolate but did not drink or smoke. In that sense, he was my man. But he was not without fault — he was an Essendon supporter and a lifelong member of the Labor Party! He was, we understand, an eclectic and passionate contributor to the Australian community. I join the Premier in his tribute to a fine Australian and thank the Premier for the opportunity.

**Mr DELAHUNTY** (Lowan) (*By leave*) — On behalf of The Nationals and as shadow Minister for Veterans' Affairs I join in expressing our condolences for the loss of a great person by the name of Jack Ross. I support the Premier and the Leader of the Opposition and will say a few words of thanks in support of the other speakers.

I was interested to hear the Leader of the Opposition say that Jack Ross was an Essendon supporter. He has already kicked a goal with me — that is a great attribute. However, I think his greatest attribute was that he was a volunteer. We in country Australia and Victoria would not survive without volunteers. It was at the start of the last century that Jack put up his hand as one of a generation of volunteers to support what was a cause for Australia. He did not travel overseas like many people did, but importantly he was one of those special people who was in the armed services. He showed his willingness, despite not travelling overseas. More importantly, he worked for the cause.

I was fortunate enough to go to Gallipoli this year — as a private citizen on a private holiday — and see the enormous effort that was put in by soldiers from Australia and New Zealand in support of their English comrades. I also have to mention the Turkish soldiers. Australia now has a strong bond with that country. It was typical of people like Jack Ross to put up their hands for the cause, to serve Australia at places like Gallipoli.

Jack was one of over 420 000 Australians who volunteered to serve in World War I. Unfortunately a lot of those soldiers died for the cause. In fact, 61 511 Australians died and 137 000 were wounded in World War I — many of them at Gallipoli. I saw the trenches; I gained some understanding of the fear they must have felt climbing up those hills. It was people like Jack Ross who did that. As we know, 331 781 Australians served overseas. Unfortunately Jack did not get that opportunity, but he was still a great Australian for the work he did.

Jack Ross worked for the Victorian Railways for 45 years, mostly in country Victoria, where railways play an important role. In 1999 Jack was presented with the 80th Anniversary Armistice Remembrance Medal. It was Australia's first commemorative honour, and it marked the 80th anniversary of the end of World War I. Mr Ross was also awarded the Centenary Medal in recognition of his contribution to Australian society. Saying thank you for the work done by such great Australians is something we do not do well enough.

I am also amazed that he was 110 years of age. That is a fantastic record and a great achievement. Therefore on behalf of The Nationals and along with my parliamentary colleagues, I pass on my condolences to his daughter, Peggy, son, Robert, his four grandchildren and his nine great-grandchildren. Lest we forget.

**The SPEAKER** — Order! I take this opportunity to pass on my condolences to the family of Jack Ross. All expressions of condolence made this afternoon will be passed on to his family.

## FAIR WORK (COMMONWEALTH POWERS) BILL

*Second reading*

**Debate resumed.**

**Mr CLARK** (Box Hill) — Before the lunchtime break I was outlining some of the concerns about the Rudd government's changes to industrial relations law that those of us on this side of the house hold. Further grave concerns that we hold relate to union rights of entry to premises, union rights of access to records and the future of the Australian building and construction commissioner.

Despite the claims that are made by the Rudd government, the powers of entry and access to records in the commonwealth's new Fair Work legislation have the potential, depending upon how they are implemented in practice, to be very far reaching and,

most worrying of all, to give certain union officials powers to obtain access to personal records, even records of people who are not members of their unions and certainly to records of persons who are members of their union, apparently without the consent of those persons. I have to say, given the conduct of some of the unions in the recent West Gate Bridge dispute, that for those unions to be able to get access to records that may include details of individuals' places of residence is a very frightening thought.

That links into the issue of the future of the Australian building and construction commissioner. We have had the federal government say that it intends to keep what it describes as a 'tough cop on the beat', despite its intention shortly to abolish the Australian building and construction commissioner. A critical test, particularly for Victoria, is going to be whether this so-called tough cop on the beat is maintained in existence not only in form but in reality on the ground. That is one of the potentially far-reaching aspects of the new commonwealth regime for Victoria, which we are being asked to facilitate by means of the bill before the house. We need to assess those potential consequences.

What is happening, to put it bluntly, is that now with both federal and state Labor governments a number of unions, particularly in the building and construction industry, are starting to think that they can throw their weight around. They believe the ABCC has been forced to pull its head in and they can start to return to some of the practices of the bad old days. We have seen this in a number of sites around Victoria in recent times — the Royal Children's Hospital and other construction sites in Carlton, and perhaps most notoriously of all the West Gate Bridge site, where we have seen thuggery and violence, with a VicRoads supervisor being followed home and a brick wrapped in a threatening note apparently being thrown through a window of his home. We have also seen the notorious Craig Johnston outing himself as being present on that site and the Chief Commissioner of Police publicly expressing concern that bikie gang members appear to have been present at that protest.

This is very serious indeed, and it is made even more serious by the fact that it seems that the settlement arrangements ultimately reached with John Holland resulted in John Holland being forced to concede that union access to the site. If that is the case, that violence and that lawlessness have paid dividends. We need to ask what is the role of the state government going to be in the new regime if this bill comes into law and the commonwealth regime takes effect.

The Minister for Industrial Relations was asked about that dispute at the estimates committee hearing. He told the hearing, in effect, that there was a role for the state government to try to act behind the scenes and to urge, encourage and facilitate discussions to resolve the dispute, but it was nothing to do with him; it was a matter for the Minister for Roads and Ports. But there needs to be much more than some minister of the Crown trying to do something behind the scenes, given the violence that took place during that dispute. There needs to be a clear and unequivocal statement from the highest levels of the state government condemning the use of lawlessness and violence in industrial disputes. We need a very clear signal to be sent that this sort of violence and intimidation will not be tolerated.

That extends to the Premier, as the parliamentary leader of the Labor Party in Victoria, taking action within the Labor Party to expel unions that persistently and flagrantly use violence and intimidation, such as the Construction, Forestry, Mining and Energy Union (CFMEU) and the Australian Manufacturing Workers Union (AMWU). If that does not happen, how can people attach any credibility to a government whose party organisation continues to receive funding and votes from unions that engage in that sort of lawless conduct? We saw Mr Rudd before the federal election saying that he was going to take tough action to throw Dean Mighell out of the Labor Party. The question that needs answering is: was that simply a pre-election charade? Is the Labor Party fair dinkum in dissociating itself from union lawlessness and violence? I am sure there are truly honourable members on the other side of the house who would agree with me on that matter.

But the issue goes further than unions throwing their weight around in terms of lawlessness and violence on the picket line. Under the regime to which this bill relates, it also applies to unions which now think they may have scope for further leverage — to flex not only their industrial muscle but also their political muscle. There was an extraordinary article in last weekend's *Sunday Age* relating to links between potential ALP factional dealings and the struggle for union coverage at the desalination plant project. Furthermore, there were extraordinary threats from the government of legal action against the *Sunday Age*. We understand that a threatening letter from the Victorian government solicitor reached the *Sunday Age* within 2 hours of the *Sunday Age* approaching the government with questions on this issue. It showed an incredible level of sensitivity by the government and one which the public and the Parliament are entitled to expect answers about.

Is this what continuing to refer Victorian industrial relations powers to the commonwealth is going to mean

for Victoria? We cannot get any answers from the Minister for Industrial Relations. He will not even admit that there is a dispute and a struggle going on between the Construction Forestry Mining Energy Union and the Australian Manufacturing Workers Union on one side and the Australian Workers Union on the other that is all about coverage of the desalination plant site, something the minister denied at the Public Accounts and Estimates Committee hearing. He persisted in denying it in the Legislative Council yesterday, even after the *Sunday Age* had reported on these matters. The question has to be asked: who does he think he is kidding in denying even the existence of this dispute which is being spoken about not only in the media but all around town? If he purports to be the Minister for Industrial Relations, why is it that he will not even admit that he knows of this struggle that is going on?

The minister has also denied a range of other matters relating to this issue. He says as little as possible. He has certainly volunteered no explanation as to what exactly his role has been, which simply adds to the concerns about what is going on. The rumour mill is rife that the minister's office has been directing traffic from the tenderers down to Trades Hall, which is code for directing them to the CFMEU. There are rumours about deals between the minister's former union, the National Union of Workers, and the CFMEU. There are rumours that militant unions are putting enormous pressure on various ministers regarding the selection of tenderer because John Holland was willing to stand up to the CFMEU at the West Gate Bridge and there is a view that Thiess, the other tenderer, will not stand up to the unions.

The fact that these rumours are around are a source of enormous concern. Victoria's industrial relations record is not good. One need only hark back to the appalling example of the Saizeriya food processing plant and the debacle there which led to incredible damage to Victoria's industrial relations reputation. Since the Howard government's introduction of the Australian building and construction commissioner there has been a dramatic improvement in that situation. When the Australian Workers Union did a deal with ConnectEast for the construction of EastLink and the project proceeded without industrial relations disruption that also did something to improve Victoria's industrial relations record. But we are now rapidly heading back to the bad old days. The experience on the West Gate Bridge site, where havoc, chaos and disputes became the watchwords in the construction industry, is sending a very bad message indeed.

On top of that we are starting to get rumours and concern circulating about what is going on within various other ministerial offices and whether some of the Premier's staff have been involved. That simply adds to the problems. In other words, when developers start to hear suggestions about traffic being directed down to Trades Hall, they start to ask themselves whether or not there has been a change in government policy and what the government's attitude is to future investment in Victoria. The fact that unions may believe they can now get involved in executing internal party deals is a problem in itself. If that expectation is true, of course, it is an even greater problem. Either way that perception must be addressed. We need to get to the bottom of what is going on. While it persists it is no wonder that unions think that violence brings rewards and that threats within the ALP bring rewards. It is no wonder that investors start to be shy about future investment in Victoria when those perceptions are around. We have to have the air cleared about exactly what is going on.

That is the context in which this Parliament is being asked to support and pass the legislation before the house. This Parliament and the community are entitled to some answers about where Victoria is going to go under the new commonwealth regime which this bill is supposed to be facilitating. We have not got any answers yet from the Minister for Industrial Relations, and we need to get those answers for the sake of Victorian jobs and the Victorian economy, and for the integrity of public life in this state. As I said at the outset, this side of the house supports a national industrial relations regime. We believe the issues that may arise about the pros and cons of various measures within that industrial relations regime are largely matters for a national level debate. However, we are entitled to ask questions, seek answers and receive an explanation about how industrial relations in this state are likely to operate under this new world that we are about to enter. The wording of this bill is something which regrettably this Parliament has little say over. It has been put to us on an all-or-nothing basis. We are certainly not in a position to second-guess the drafting of the bill and the terms on which the referral is being given to the commonwealth by this government. We are not opposing the bill, but neither are we in a position to endorse its contents.

I return to the critical theme that if we are to go forward with the referral which this bill proposes and with the new regime that is to be supported by this bill, it is important that we have a very clear understanding from the government as to how it intends to maintain the integrity of public life here in Victoria and prevent Victoria from heading back to the bad days of industrial

chaos that we saw until recent years. We are certainly looking for an explanation of that from members of the government and from the minister during the course of this debate.

**The ACTING SPEAKER (Mr Ingram)** — Order! Before calling the member for Brunswick, I remind the house that lead speakers are given some latitude if they stray from the bill, but other speakers are not given the same latitude.

**Mr CARLI (Brunswick)** — I actually intend to speak on the bill. I must say I was a bit perplexed by the contribution of the member for Box Hill, which very clearly indicated his hatred of trade unions and ultimately his hatred of working people. This is a bill which really fulfils what has been the policy of this Labor government since its election in 1999, which is to ensure that Victorians have the protections and benefits of fair federal workplace and industrial laws. We remember the circumstances behind this being necessary. We remember that in the period of the Kennett government there were significant attacks on working people in Victoria and there was a need to provide protection based on the federal legislation. We also have to remember that we saw further evidence of the hatred of members of the Liberal Party for both trade unions and also working people with WorkChoices and the impact it had on working families in this country.

It is good to see that through this referral we are able to ensure that Victorian workers have the protection of federal awards. This referral will result in most Victorian workers having that level of protection, and that is important. We on this side of the house believe in supporting working people and working families, and we believe they should be protected by fair and equitable legislation, so it is important that we support this bill.

I noted the hesitation of the member for Box Hill in giving any support for what is fundamentally good and proper protection for working people. As I said, the bill largely covers all Victorian workers. Obviously there are some it does not cover, including members of Parliament, the judiciary, members of administrative tribunals, ministerial officers, senior executives in the public service and others who are excluded. The bill goes even further than just recognising workers in industrial or office situations by also recognising outworkers, particularly those in the textile, clothing and footwear (TCF) industries. It is important to note that this bill extends award protection for TCF outworkers, who are amongst the most vulnerable workers in Victoria and the ones who really face the

consequences of extreme competition and often exploitation. The bill provides for TCF outworkers to be covered by federal awards.

The bill is significant legislation. It repeals the Victorian Workers' Wages Protection Act 2007 and, as I said, provides for a new referral to ensure that Victorian workers are covered by commonwealth industrial awards. It is important that we correct, if you like, the situation in Victoria that resulted from what was done under the Kennett government in 1996. It is important that we fill the gaps and cover the workers to ensure that Victorian employees are protected by fair and equitable industrial legislation. If we do not make this referral, then the commonwealth attempt to extend the Fair Work laws on the basis of current referrals may meet some difficulties. It is important that in Victoria we move concurrently with changes at the commonwealth level to ensure that we provide a safety net for workers, that those who were potentially left out by the previous referral are dealt with and that we provide general protection under the commonwealth Fair Work Act for Victorian working families. I strongly support this bill. It is an important piece of legislation, and it ultimately protects working families and working people in the state of Victoria.

**Mr CRISP (Mildura)** — I rise to make a contribution to debate on the Fair Work (Commonwealth Powers) Bill 2009. The Nationals in coalition are not opposing this bill. As has been said by the member for Box Hill, this is an all-or-nothing bill, and it is in the only form that is acceptable to the commonwealth government. The purpose of the bill is to provide for a new referral of various powers to the commonwealth, to assist the full implementation of the commonwealth Fair Work Act 2009 in Victoria and to make amendments to Victoria's legislation as a result of the Fair Work Act.

The provisions of the bill have been gone through extensively by the member for Box Hill, but this is a unique piece of legislation for Victoria. Victoria referred its industrial relations powers to the commonwealth some time ago, and therefore this bill is an enabling or referring bill. There are complex arrangements and exclusions contained within this bill, and the main provisions are extensive and complex. The definition of 'referred subject matters' includes the rights and responsibilities of employees, employers, independent contractors, outworkers, outworker entities and associations of employers and employees relating to freedom of association, employment discrimination, termination, industrial action, protection from bargaining fees, sham independent contractor arrangements, standing down employees without pay,

rights of entry and rights of access to records. This is the subject of concern in my electorate, as the principal award in that area is the horticultural industry award. Some of these provisions are satisfactory to my electorate and others are of concern. I will talk more about those later.

The bill lists what subject matters are in and what are out of the reference to the commonwealth, and there is a whole list of exclusions relating to various state entities and identities. This makes it difficult to scope the whole impact of the Fair Work Act, which is something that is a commonwealth concern but which then comes back to Victoria because it is a signatory to those arrangements. It is that flow back through that state system of issues that many people see as state responsibilities that will cause some concern in country Victoria.

The bill also repeals the Victorian Workers' Wages Protection Act 2007, which is something that is welcomed. However, the right of union representatives to enter a workplace and access records is a sensitive issue in country Victoria. It is of great concern even to those people who are not workers that the state government is in fact endorsing those changes. The implications of the bill go to the heart of this Parliament as well as the commonwealth, to which we are referring these powers.

The member for Box Hill referred to the concerns raised by the bill in relation to employment and investment decisions — decisions that can be difficult in these times of world recession or near recession. Also, the removal of the unfair dismissal protection is a concern to many people with small businesses in country Victoria. Negotiations in good faith with unions, even if they are not widely represented, are something that country Victorians are struggling to deal with in their businesses. The provisions relating to independent contractors are also a concern, because to bring them into this regime is to complicate matters, particularly when these small businesses are struggling.

That is the scope of the bill, and its impacts on country Victoria are of concern. An example of powers which we have referred in the past and which we are once again referring relates to the fruit industry and the horticultural industry award. At the moment people with small businesses are struggling with some of these concepts. In particular, the penalty work on Sundays is an issue within the horticultural industry. It is very hard to get the horticultural industry to fit within a 9-to-5, Monday-to-Friday schedule, or in the case of this award a Monday-to-Saturday arrangement.

Also trying to get the award to mesh with the traditional pieceworker's minimum hourly rate is creating great tension out there in the fruit-growing parts of the industry. In fruit growing, harvest is traditionally on Sundays, not on Saturdays, so that the fruit can be at the packing house on the Monday morning, fresh and ready to then be consigned to markets. Under the arrangements in this bill that will just not be possible because of the cost that will be imposed on those farmers. There will have to be either storage or simply no picking on Saturdays and Sundays and therefore no work on Mondays. It is causing some complications in this industrial atmosphere, which is one that we are involved in whether we like it or not.

The industries are concerned. They are expressing their concerns about this to the federal government and they are also expressing them to those of us who are in state Parliament as they seek redress and seek some changes and understanding of piecework and the requirements of the fruit industry. They are some of the difficulties that arise. Numerous people have approached me on this issue. Natalina Gallo from Robinvale is someone who has been in touch with me over some of these issues; her company provides labour. It has been an extraordinarily good year for table grapes in terms of crop and production, but overseas markets do not recognise the Australian industry's work schedule of Monday to Saturday. There are complications there when orders are placed and shipments have to be made. The growers have to decide whether to do the work on a Sunday or do it outside piecework, which adds considerably to the costs and reduces the margins of our growers in times that are already difficult for them.

This award process is complicated and difficult. With regard to this particular referral of powers to the commonwealth, in them we must trust and we must accept their decisions, but it will not be without difficulties and it will not be without problems. In particular the proposed horticultural award will have a significant impact in my electorate and across country Victoria.

**Mrs MADDIGAN** (Essendon) — I am pleased to rise to support the Fair Work (Commonwealth Powers) Bill 2009. I congratulate the member for Mildura for actually speaking to the bill and raising his concerns. That was a startling contrast to the contribution by the first speaker from the Liberal Party, who after some quite extraordinary claims said there were rumours about unions. He then went through a number of things which obviously trouble him at the moment. He claimed unions were throwing their weight around and flexing their industrial and political muscle, and he made comments about the desalination plant —

comments which had absolutely nothing to do with this bill.

Liberal Party members find themselves in an awkward situation, because it was Mr Kennett, their beloved leader of an earlier government, who originally passed these powers to the commonwealth government. To that extent they are stuck with them, so I can understand why the member for Box Hill was feeling uncomfortable. He made it fairly clear through his whole speech that he has no sympathy for unions, that he has no sympathy for the rights of workers and that he believes any worker who is a member of a union is some sort of thug. That really makes me wonder when he last spoke to a worker or a member of a union, because he obviously has no understanding at all about workers in Victoria. They are generally hardworking and trying to do their best, and unions are out there to support their members.

This bill repeals the Commonwealth Powers (Industrial Relations) Act 1996 and the Victorian Workers' Wages Protection Act 2007. It also amends a number of acts to ensure that they continue to operate according to their original scheme — that is, the Long Service Leave Act 1992, the Outworkers (Improved Protection) Act 2003, the Public Holidays Act 1993, the Occupational Health and Safety Act 2004 and the Public Sector Employment (Award Entitlements) Act 2006. This bill makes technical amendments to these acts in consequence of the commencement of the Fair Work laws. In addition, it makes amendments relating to the unfair dismissal jurisdictions, affecting the Public Administration Act 2004 and the Parliamentary Administration Act 2005.

Why are we doing this? Why do we have to have a new referral? There is an extremely good reason to protect workers in this state. The first referral, as I said, was made by the Kennett government in 1996. It was a subject-matter referral — that is, a referral of matters pertaining to conciliation and arbitration, agreement making et cetera. Since then federal laws have evolved, which has meant there are gaps in relation to this legislation and the coverage of federal laws which have required special arrangements for Victorian employers who are not constitutional corporations and for their employees. This is partly because the original referral had gaps in it, as subject-matter referrals inevitably will have — I think that might have been pointed out to the Kennett government at the time — but mainly because the constitutional underpinning of the federal laws has shifted from the conciliation and arbitration power to the corporations power.

What would happen if a new referral had not been made and the commonwealth attempted to extend the

Fair Work laws on the basis of the present referral? There would be further significant gaps in the application of the Fair Work laws to Victorian employers who are not constitutional corporations and to their employees. This would include gaps in the enterprise bargaining arrangements, and some of the new national employment standards could not apply. Ultimately, without a new referral, around 30 per cent of the Victorian workforce would be left without any award safety net once any transitional arrangements that continue the operation of existing awards ended. It has to be done to ensure that workers get the privileges and the protection they require.

As my colleague from Brunswick said, the bill provides extended award protection for textile, clothing and footwear (TCF) outworkers. They are the most vulnerable workers in Victoria. I am sure that over the years many members, particularly those representing the western suburbs — not so much in my electorate, but perhaps in some areas nearby — have had many cases reported to them of outworkers, who have been exploited extensively, particularly migrant women, who often do not know what their industrial or working rights are. I would strongly support any protection for outworkers. The referred text allows award protection of these workers to be extended to any entities that arrange for TCF outwork to be performed, rather than it being confined to entities that are constitutional corporations. It extends conditions that are already there. Since we have been in government we have made a number of changes to legislation to protect outworkers who, as I said, tend to be mainly women.

Women have suffered very much. The member for Box Hill spoke glowingly of the Howard government's industrial relations role, but the fact is that women have done extremely badly, particularly through WorkChoices. There is evidence — even from the Workplace Authority — that shows quite clearly that, because of legislation that was in place for a number of years, the wages of women have fallen significantly. Men's wages have also fallen significantly, but those of women have fallen more significantly, and the incidence of casual employment has increased dramatically, with less part-time and permanent work, which is also significant for women not only in Victoria but throughout Australia.

For evidence of what happened, we have only to look at some of the demonstrations against WorkChoices and some of the support that unions gave to women workers during their campaigns against WorkChoices. Women were able to show that they were being strongly disadvantaged under that legislation. In particular they were being forced to work at times when they did not

want to or because they had responsibilities for child care and in a number of other areas. To suggest that in some way unions are not fulfilling their role when they are prepared to stand up and fight for the rights of their members is a very strange concept of unions. I am not quite sure what members of the Liberal Party think unions should do — presumably whatever the Howard government would have told them!

The work of unions was significant. Having looked at the last federal election result, I think most commentators would say that the WorkChoices legislation was clearly a significant factor in changing people's votes. The legislation before us, the Fair Work (Commonwealth Powers) Bill, does exactly the opposite. This legislation will ensure that workers are adequately covered in their workplace and get the greatest coverage that the Victorian state government can give in relation to working with commonwealth powers relating to fair work conditions.

I am very pleased to support this bill. As I said, it was surprising to hear that the member for Box Hill neither supported nor opposed the bill. I do not know if that means he will leave the chamber when the bill is voted on. However, I am sure that all members of this house who sincerely support the rights of workers to be looked after properly, to be well paid and to have proper consideration in industrial and other tribunals will be more than happy to support this bill.

**Mr WAKELING** (Ferntree Gully) — It gives me pleasure to contribute to the debate on the Fair Work (Commonwealth Powers) Bill. The purpose of this bill is to provide a new referral of various powers to the commonwealth to assist the full implementation of the commonwealth government's Fair Work Act 2009 regarding Victorian employers and to make amendments to various pieces of Victorian legislation as a result of the implementation of the Fair Work Act. This bill makes consequential amendments to a range of Victorian acts and updates references to maintain their intended operation. The bill repeals the original 1996 referral, which is the Commonwealth Powers (Industrial Relations) Act 1996, and it also repeals the Victorian Workers' Wages Protection Act 2007 and the unfair dismissal provisions in the Public Administration 2004 and the Parliamentary Administration Act 2005.

Firstly I would like to put on record my thanks to the staff of the minister's office for the assistance that they provided on short notice to the member for Box Hill and to me. We thank them for that assistance and for the information they provided to us.

As the member for Box Hill has pointed out, the referral of state powers to the commonwealth needs to be concluded in a timely manner so that the provisions of the federal legislation can take effect from 1 July 2009. The member for Box Hill has rightly pointed out that the current bill must be passed in an all-or-nothing process, because any move by anyone in this Parliament to amend the wording of this act could void the referral.

As was pointed out by members of the government, in 1996 the Kennett government ceded industrial relations powers to the commonwealth, which was a move supported by those on this side of house and something that we continue to support. As someone who is a former practitioner in this field and used to operate at a national level, I understand the complications associated with the myriad of awards and legislation that apply at both state and federal level. Certainly that was one less issue we had to face in Victoria.

As has been pointed out also, the 1996 referral of industrial relations powers from the state to the commonwealth was based on the conciliation and arbitration power. At that time employees were bound by the federal award system if their employer was a respondent to a federal award, either through a roping-in process or respondentcy to a federally registered employer association. As a consequence of WorkChoices amendments and the utilisation of the corporations power, the coverage of the federal system was broadened to include corporations. What that meant was that through the entire period of this government employees in this state who either were not covered by a federal award through a respondentcy under the conciliation power or were not employed by a corporation were covered by the federal system by virtue of this referral.

Those opposite would bleat about the role and impact of the former federal industrial relations system. As we on this side of the house constantly reminded the government, the power was there to terminate the referral and to establish an industrial relations regime for those employees who were not covered by the federal system. Alas, at no point did the government take up that option. We supported that position because we still believed that, for the purposes of Victorian regulation, employees and employers are better served under one industrial relations regime.

This bill provides for a number of referred subject matters which, as the member for Box Hill pointed out, are quite extensive. They certainly have moved on from the original referrals back in 1996, which incorporated the old schedule 1 provisions in the Employee

Relations Act in a separate section of the Workplace Relations Act under what was colloquially known as schedule 1A. Those powers certainly have been extended.

Equally the act provides for a number of excluded subject matters for which the state will have responsibility. As was mentioned by the member for Box Hill, those matters are quite extensive and include equal opportunity, workers compensation, occupational health and safety, outworkers, child labour, training, long service leave, leave for victims of crime, jury and emergency service duties, public holidays and the like.

With respect to employees who are employed in the public service, there are exclusions surrounding the level of coverage under the federal jurisdiction. That obviously falls out of the High Court decision in the matter *Re AEU* of 1995, which spelt out the powers of the commonwealth regarding the regulation of state government employees.

Members of the opposition have been advised that the necessity for this referral is firstly based upon the issues surrounding the conciliation and arbitration powers and, given the fact that the corporations power is now relied upon, there is a need to update that referral. I raised whether a potential conflict or problem has applied in this state to employers and employees who were bound by the federal system and who in fact were covered by the referral on the basis that they were a corporation but were not bound by a federal system through the conciliation and arbitration power. I have been advised that there is not a perceived concern for people who are potentially not covered by the referral in a legal sense, but that may be something the minister wishes to deal with in his summing up.

The current act does not fully support the provisions in the Fair Work legislation in areas, for example, such as outworkers and enterprise agreements that extend beyond the employment relationship — that is, relating to conciliation and arbitration, modern awards and certain other statutory entitlements.

Also the current referral is not text based. It is our understanding that it is the wont of both governments for referrals to be text based — that is, to spell out what provisions are going to be applied as opposed to simply a reference to the commonwealth government being able to create laws with regard to the employment relations between employers and employees who are covered by the referral. They are the reasons which have been given for the extension or the requirement for a new referral as set out in the bill currently before the house.

As I said, we are not opposed to the establishment of a new referral. It was initially established by the former Kennett government back in 1996. We have put on the record our potential concerns with respect to the encroachment of independent contractors, and again I thank the staff of the minister's office who have provided us with information about that. Any move by us or any other party seeking to potentially amend this piece of legislation would in effect void the referral, and that is not something we are intending to do. However, it is important that we have identified that as an issue that we at least want to put on the table.

These employees will be working under the Fair Work system, and whether we like the Fair Work Act or not, we are of the view — as I think all members of this house are of the view — that Victorian employers and employees are better off under a federal system.

Employers and employees that I have spoken to have raised a number of concerns. Award modernisation is one area of concern. Interestingly I talked to some former union contacts who were speaking off the record and who clearly have identified concerns with the multi-union agreement provision. In a lot of workplaces there has been a longstanding history of enterprise bargaining agreement coverage, and there is the potential for that to be opened up for unsavoury unions to have coverage of a site. I will be watching with interest to see how that will play out in the workplace.

**Ms MUNT (Mordialloc)** — I am pleased to rise today to speak in support of the Fair Work (Commonwealth Powers) Bill 2009. Before I go to the bill I will quickly thank the departmental officers who have written this legislation and put it together. As I was reading through the legislation I saw how many other pieces of legislation this has an impact on. I am sure it is a huge job to work out exactly how a new piece of legislation fits into current legislation, to work out how many pieces of legislation are impacted and to then fit in the pieces of the giant puzzle that it is, particularly in relation to the new federal government legislation that will commence in July.

This piece of legislation has become necessary because of the new federal legislation that replaces WorkChoices, which was a terribly unfair piece of legislation introduced by the previous federal government.

Under the former Kennett government our workplace laws were transferred to the federal government in 1996 through an act of this Parliament, and that act must be updated to fit in with the new federal act which comes into effect in July. I will make a few quick comments

about this act. Most contributions to the debate have been about workers' rights. I would like to speak about employers' rights, particularly those of partnerships.

My family has been involved in a large partnership company for many years now. As part of that partnership we are very committed to giving fair rights to the workers who work for that partnership. This legislation will give certainty not only to those people who are employed, but when the partnership does its forward projections the legislation will give it certainty in relation to its employee-employer relationships. It is important for most employers to have that certainty and to know where they stand

I make the point that it is not only workers rights that are integral in this but also the rights of partnerships and employers as they put together their business plans and so forth. I would like to make it clear that the vast majority of employers do wish to be fair, just and generous to their workers. This is another good piece of state government legislation that will fit into a very good piece of federal government legislation. I commend the bill to the house.

**Mr O'BRIEN** (Malvern) — It is a pleasure to rise to speak on the Fair Work (Commonwealth Powers) Bill 2009. The first thing to note about this piece of legislation is that it seeks to refer Victoria's industrial relations powers to the commonwealth. It is not the first time this has been done. In many ways this is a Labor Party copy of one of the groundbreaking reforms of the previous Liberal-Nationals government.

It always interests me to come into this chamber and hear members opposite, particularly the member for Northcote, the Premier and a few others, talk about how this government has been the driver of economic reform. They also claim this government has been the driver of commonwealth-state relations reform.

When you look at one of the major pieces of commonwealth-state relations economic reform that has been undertaken in this state, you will see it was undertaken by the former Liberal-Nationals coalition government. It was a massive reform to refer industrial relations powers to the commonwealth government. It was a reform that could not have been undertaken by members opposite. It was a reform which members opposite embraced at the time but which they never had the wit, courage or policy ability to embrace and undertake themselves.

It is fantastic to come into this chamber and hear members opposite talk about how wonderful it is to be referring industrial relations powers off to the federal

government when they are well behind the times! They know this was a coalition reform they could not have achieved themselves.

What did that reform do? It swept away an anachronistic and bureaucratic state industrial relations system which was populated by trade union hacks, by members of the industrial relations club — people who were completely out of touch with the reality of creating, running, operating and employing people in the workforce in this state. It was a reform that did a massive amount to try to reduce the complexity of running a business in Victoria and to improve the clarity of employee rights in Victoria.

**Ms Munt** interjected.

**Mr O'BRIEN** — You would think members opposite would express at least some interest in that, but apparently not, given the interjections from the member for Mordialloc.

**Ms Munt** interjected.

**The ACTING SPEAKER (Mr Ingram)** — Order! The member for Mordialloc!

**Mr O'BRIEN** — This was a groundbreaking reform by the former Liberal-Nationals coalition government. I am pleased to rise and note that at least this is one Liberal-Nationals coalition reform that members opposite will not try to trash.

Another thing to note about this legislation is that while we on the opposition side do not oppose it, we note that unfortunately it is referring powers to a federal government which does not understand the importance of having a flexible labour market. The so-called Fair Work legislation of the Rudd Labor government is actually a throwback in many ways to pre-Keating industrial relations legislation. Former Prime Minister Paul Keating claimed he was the great reformer. He introduced enterprise bargaining. We have a Rudd government which wants to go back to the old days of pattern bargaining and collective bargaining. It believes that one size fits all.

We have a number of concerns with the federal legislation, but we think the main issue of importance in Victoria is to have a unitary system, a consistent system which enables Victorian workers and Victorian employers to comply with one set of industrial relations laws, whether they are a partnership, a corporation or a sole trader and whether they are operating just in Victoria or across the country.

In relation to the Fair Work legislation it is interesting to note that the Deputy Prime Minister, Julia Gillard, refused to guarantee that there would be no job losses as a result of these union-focused laws. At a time when the economy is in trouble and unemployment is on the rise and is predicted to rise even further, the government and the Deputy Prime Minister have introduced a suite of legislation and will not say whether it will lead to job losses. What sort of government would do that? What sort of government would make a bad economic situation worse by introducing inflexible labour legislation which will actually destroy jobs instead of creating them?

It is no surprise, because the Labor Party and the trade union movement are just two sides of the same coin. They are just a special interest group. They are not actually interested in the unemployed. Trade unions are always interested in trade union bosses and trade union members who have jobs; they do not care about the unemployed because the unemployed cannot pay the union dues. Members on this side of the house are interested in creating more jobs, in making sure more families have a breadwinner and in having more people in the workplace, whereas members opposite are only interested in protecting the perks and snouts of those who have already got their snouts in the trough.

**The ACTING SPEAKER (Mr Ingram)** — Order! The member for Malvern is not the lead speaker on the bill and has been straying. I am trying to keep members to the subject matter of the bill.

**Mr O'BRIEN** — I appreciate the guidance, Acting Speaker, but when we are talking about referring the industrial relations powers to a federal government —

**Mr K. Smith** interjected.

**The ACTING SPEAKER (Mr Ingram)** — Order! The member for Bass should assist the member for Malvern by not interjecting like that.

**Mr O'BRIEN** — In talking about referring the powers to the federal Parliament it is important to know what sorts of laws we are going to get in Victoria. Let me turn to that. We will have laws which will potentially impact on the ability of independent contractors to continue as those highly efficient workers and creators of employment they have been over many years. Of course the Labor Party and the trade unions do not like independent contractors, because they are independent, because they do not necessarily go along with the herd, because they are prepared to actually take a risk, run their own businesses, employ people, work

hard and expect to be rewarded. They are not prepared to just go along, doff their cap at a trade union meeting and do what the union bosses say. That is why we see independent contractors under attack under these laws, which Victorians will be referred to by this bill.

We have also seen unfair dismissal. I had a bit of an experience with unfair dismissal as an industrial relations practitioner many moons ago. I can tell the house that there were a number of occasions when people were unfairly dismissed, and those people deserve protection. I am the first to stand up and say that; I represented many of them and did so proudly. I also represented companies, I have to say, when I saw companies basically being stood over by shonks. There were shonks from the union movement and some shonks who were using a form of blackmail to try to run unfair dismissal cases with no legitimate basis but on the basis that if a case ran long enough an employer would be forced to pay some money to make it go away. We used a colloquialism back in the profession, which I will not put on the *Hansard* record. You might call it nick-off money — although it was expressed a bit more strongly than that. It is that sort of industrial blackmail which the federal government's laws are again opening the door for and which this referral bill exposes Victorian businesses to.

I will also look at award modernisation. It was fascinating to read an article in the *Australian* of 30 May 2009 headed 'Julia Gillard in restaurant penalties backflip', which states:

The workplace relations minister has directed the Australian Industrial Relations Commission to treat restaurants, cafes and catering businesses separately from hotels as part of its overhaul of the nation's industrial awards.

...

The industry had claimed that penalty rates could increase by 20 per cent or more in some cases, as hundreds of different awards in different states were rolled into a common standard.

...

In a letter to AIRC president Geoff Giudice, Ms Gillard said: 'Specifically my request now requires the commission to establish a penalty rate and overtime regime that appropriately recognises the restaurant and catering industry's core trading times and the labour-intensive nature of work in the industry'.

...

Ms Gillard writes that she shares the restaurant, cafe and catering industry's concerns about the potential for the modern award 'to increase business costs and I am of the view that the issue warrants further examination by the commission'.

This indicates that even the Deputy Prime Minister has realised that her bull-at-a-gate approach with her industrial relations legislation will increase labour costs, will lead to job losses and will lead to businesses closing down. Before members opposite get all excited about this referral bill, I would advise them to just take a pause and work out what their federal colleagues might be exposing Victorian businesses to.

The other thing I note in the very brief time available to me is that today apparently Ms Gillard was at an Australian Council of Trade Unions conference. A report, again in the *Australian* online, says:

Amid heckling and cries of 'Shame', Ms Gillard said Labor would honour its election commitment to abolish the Australian Building and Construction Commission and replace it next year.

She is reported as saying:

'Like me, I am sure you were appalled to read of dangerous car chases across Melbourne city involving car loads of balaclava-wearing people, criminal damage to vehicles resulting in arrests, threats of physical violence and intimidation ...

This is what happens when you let a lawless state Labor government, in bed with the trade union bosses of Lygon Street, run the state. The feds might be bad, but state Labor is worse.

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

**Mr TREZISE** (Geelong) — I am pleased to speak in support of the Fair Work (Commonwealth Powers) Bill 2009 because it highlights once again the Brumby Labor government's commitment to workers in this state. Its commitment to workers in the life of this government — over a nearly 10-year period — has seen workers — —

**Mr K. Smith** interjected.

**The ACTING SPEAKER (Mr Ingram)** — Order! The member for Bass has the next call.

**Mr TREZISE** — The commitment this government has given in its life of over a nearly 10-year period has seen workers entitlements — for example, in occupational health and safety — improve enormously from the dark ages: the seven long years of the previous Kennett government. That government spent seven years stripping away workers rights to a fair go, to an effective occupational health and safety regime and to fair protection in areas like unfair dismissals.

Of course it was not only the Kennett government that stripped workers of decent and humane rights and protections; the Howard government continued the concentrated attack.

**The ACTING SPEAKER (Mr Ingram)** — Order! The member for Geelong is allowed to make passing comments, but must refer his comments to the detail of the bill.

**Mr TREZISE** — This bill highlights the state government's commitment to working hard, with the Rudd government in particular, to restore decent rights and protections for Australian workers. As we know, the bill will ensure that the vast majority of workplaces in Victoria and therefore the vast majority of workers in those workplaces will now enjoy the protections of the federal government's Fair Work Act 2009. I have to say that I fully support the initiatives of the Rudd government in its Fair Work legislation because, as I have said, it first and foremost hammers the final nails in the grotesque and unfair regime that the Howard government put in place from 1996. This is important legislation. It has my full support, and I therefore wish it a speedy passage through this house.

**Mr K. SMITH** (Bass) — Can I say that passing the Fair Work (Commonwealth Powers) Bill is like giving Dracula the keys to the blood bank — it is giving control over all of employers not only in Victoria but all over Australia to the union movement. It is just a dreadful piece of legislation.

When we were in government we gave industrial relations powers over to the federal government, as the member for Malvern said, because we thought it was better that industrial relations be controlled from there. But you have only to have a look at what is happening now to see that the self-confessed communist Julia Gillard, the federal Minister for Employment and Workplace Relations, has been prepared to back her mates from the trade union movement in trying to get control of work sites, businesses and employers. They are trying to get all that control back to her trade union mates, to the mob that hangs out up there in Lygon Street — the troglodytes of Lygon Street, as I have called them. The commos from up there will have control of this country, and I think — —

**Mr Trezise** — On a point — —

**Mr K. SMITH** — You have not got a point of order. You are only trying to waste my time.

**Mr Trezise** — On a point of order, Acting Speaker, I ask you to bring the member back to the bill. At the present time he is, as usual, being completely irrelevant.

**The ACTING SPEAKER (Mr Ingram)** — Order! I will ignore the last bit of that, but I will uphold the point of order. The member for Bass must keep his comments to the contents of the bill. I ask the member for Bass to speak on the legislation before the house.

**Mr K. SMITH** — I would not have expected you, Mr Acting Speaker, to have done anything other than uphold the time-wasting point of view put by the member for Geelong.

Pattern bargaining is in the legislation. What the government is trying to do is get that bargaining power back so that the unions will have control over the workforce again. They will have right of entry into workplaces, which is always going to be a little bit of a problem, because they are just going to take control of sites. They are going to take control of workplaces they did not have the right to go into previously because they did not have any union thugs working on those sites.

I find it deplorable that this government is saying, 'This is a great idea, and we have got to be looking at trying to support this sort of legislation'. The member for Geelong got up and said what a great piece of legislation it is. His contribution to the debate in trying to give good reasons as to why this should go ahead did not last even 3 minutes. His dad would not have supported what he is doing. He would be turning in his grave now at the thought that the member for Geelong is trying to support this sort of legislation, through which you want to give the power back to those bloodsuckers up in Lygon Street who are going to try to take control — —

**The ACTING SPEAKER (Mr Ingram)** — Order! The member for Bass will speak through the Chair.

**Mr K. SMITH** — We have Julia Gillard, the Deputy Prime Minister and the minister in charge of industrial relations, and we have got people like Combet and Crean and Ferguson — all union people. What about all of the other union thugs that are members of the federal government? Members should look to see who the people are who are trying to make the laws, who are putting this sort of legislation through to try to give control back to the workers.

What it is going to do is cost the people of Victoria and the people of Australia jobs. Let us be fair dinkum. Members can take this as a prediction from Ken Smith, and I have been around for a while: unemployment will go up in this country because of what is in the legislation before the house today. Members should believe that will be the case, because employers will not be taking risks with people given some of the

conditions the unions are wanting to have written into this legislation. Gillard is giving them so much now, but she is going to give them the lot. All she wants to do is get through another election and she will give the unions everything they want. She will have done her job. Rudd, the great pretender Prime Minister, will have given the unions what they want — and he thinks he is going to get away with it. I can tell you quite honestly he is not.

The member for Geelong should not bother wasting my time standing up with another point of order.

**Mr Trezise** — On a point of order, Acting Speaker, as you are well aware, this is completely irrelevant to the bill that is before the house at the present time. I ask you to have the member for Bass get back onto the bill and stay on the bill.

**Mr K. SMITH** — On the point of order, I am talking on the bill. I am talking about the consequences of this bill, and that has got to be something this house looks into, as we do with every other piece of legislation. It is a consequence of the legislation that we are debating, which we have to vote on in this house. We have to have a look at the consequences. If the member for Geelong does not think that that is right, maybe he should give up his job, because — —

**The ACTING SPEAKER (Mr Ingram)** — Order! On the point of order, I remind the member for Bass that he must confine his comments to the bill. He is allowed to make passing comments, but he must confine his comments to the substance of the legislation.

**Mr K. SMITH** — I thank you for that wonderful ruling, Acting Speaker! Can I say the bill is about fair — —

**Mr Kotsiras** — Work.

**Mr K. SMITH** — Fair work. The people who create work are the employers of the workforce, yet we have trade union people dictating to the federal government, and of course in turn dictating to this socialist state government. One has only to look at what the state government is doing to the people of Victoria to understand that the consequences of this legislation that is being rushed through this house in two days will be horrific for the people of Victoria and the people of Australia. This is going to bring about high unemployment. Employers will not be prepared to take people on when they see what is in this legislation.

We are here as legislators who have to raise these issues and the concerns of the people of Victoria — the

concerns that have been raised with me as a member of Parliament representing an electorate with a population of 45 000. They have concerns about this Fair Work (Commonwealth Powers) Bill. This is handing over the rights of the workers and the rights of employers to the commonwealth government. We know what it will do, and we know what problems will be created because of this piece of legislation.

The bill will wipe out many pieces of state legislation. Let us recall what happened after we debated the issue of outworkers. When the outworker legislation passed through this house industries across Victoria were closed down and have gone offshore. I am not talking about sweatshops, I am talking about outworkers — people who are able to work outside the normal places of employment on piecework rates, who are able to arrange their work around their kids coming home from school. This government has ruined everything.

**The ACTING SPEAKER (Mr Ingram)** — Order!

**Mr K. SMITH** — You too — you supported it, Acting Speaker. This government wanted to make life difficult for some of those people. Members should have a look at some of the people who have been put out of work because businesses, particularly in the rag trade, have virtually closed down in this state because the people opposite brought in stupid laws with regard to outworkers. I can only say to the government members that I do not believe the federal government and this state government have the right to push this legislation through Parliament in Victoria, because it is wrong.

We know the legislation will pass on the numbers, and that is the thing that worries me. That lot over there is controlled by the trade unions; we know they are all sponsored by trade unions. Each and every member on the other side of the house has a union that sponsors them and tells them what to do. They are the puppets in here, and we have puppets up in Canberra. All those ACTU and Trades Hall people up there are trying to ruin what we have in this country through stupid industrial relations laws they are forcing on the people. They should be condemned for it — they will be condemned for it. They are all nothing but representatives of trade union thugs.

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

**Ms RICHARDSON** (Northcote) — I am pleased to speak on the Fair Work (Commonwealth Powers) Bill 2009, a bill that provides an opportunity for Labor to again demonstrate its commitment to working families

in this state. Before I go into the detail of the bill, I would like to take this opportunity to put the record straight in respect of why we are here today debating this bill. Members opposite love rewriting history. The history of industrial relations in this state is one that should leave members opposite shamefaced. The Kennett government handed over its powers, but it did so only after every Victorian worker had stamped away from the Victorian industrial relations awards. Kennett broke an election promise in 1992. He introduced minimal and onerous conditions for workers in Victoria and forced people onto individual contracts.

It was a federal Labor government that introduced schedule 1A to enable workers to fast-track to the federal award system that provided minimum standards and conditions and protected their rights. It was at that point, and at that point only, when just about every Victorian worker had stamped away from Victorian awards that Jeff Kennett gave up his idealistic zeal to destroy workers in this state and handed over his remaining powers. They are the facts of the matter; that is the truth of what happened in this state. Thank heaven workers across the country now have a federal Labor government again to protect their interests. What the ideologues and zealots opposite just do not realise is that the new federal industrial awards are good for business as well. There are a range of organisations, businesses and the like, as members on this side of the chamber have said here today, that support the Labor government and the steps it has taken to protect workers across the country.

This bill provides for a new referral of workplace relations matters to the commonwealth to replace the 1996 referral under the Commonwealth Powers (Industrial Relations) Act. It will empower the commonwealth government to extend the Fair Work Act to Victorian employers and employees who would not otherwise be covered by the federal act, and it will also facilitate extended award protection of textile, clothing and footwear outworkers. I have heard many a story of terrible conditions under which workers in that industry find themselves, so I am particularly pleased to make mention of that.

In the limited time I have available today, I would like to say finally that the bill repeals the Victorian Workers' Wages Protection Act, it repeals the unfair dismissal provisions of the Public Administration Act and the Parliamentary Administration Act 2005, and it also makes a range of consequential amendments to a range of Victorian acts to upgrade references to the federal laws et cetera to maintain their intended operation. In conclusion, I would like to commend the bill to the house and to commend the federal Labor

government for introducing the Fair Work Act to finally rid us of WorkChoices and for improving the lot of every single worker in Australia.

**Mr HODGETT** (Kilsyth) — I rise to make a contribution to the debate on the Fair Work (Commonwealth Powers) Bill 2009. The pro-business WorkChoices legislation is about to be replaced by the so-called pro-worker Fair Work bill. With WorkChoices gone and the Fair Work bill here, employers will have to adjust to a new set of rules for doing business. The business environment is about to change yet again.

If you look at the Attorney-General's second-reading speech, you see that in the concluding paragraph it states:

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, that will all 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.

Let us put the spotlight on the new industrial relations landscape, see what warnings are present for small business and try to discover why Labor hates small business so much. Labor heralds the reforms in the new Fair Work bill as fair for workers and simpler for employers. But is it? Business groups are not so impressed, raising concerns over changes to unfair dismissal laws, redundancy provisions and a return to the days of union turf wars. In this context it is interesting to note that the Australian Chamber of Commerce and Industry recently released research showing that almost half the nation's employees believe the changes will make it more difficult to maintain present employment levels. The removal of small business exemptions under unfair dismissal laws is a particular sticking point, with 54 per cent of bosses claiming the change will have a negative impact on their willingness to take on new employees.

When you look at it, you see that the main impact of the industrial relations system is about who benefits, who loses out and who has power in the workplace. It is about getting the balance right between bosses and workers. The difference of opinion in this debate is that the Attorney-General pushes the perception that WorkChoices reduced employee protection while promoting individual contracts with Australian workplace agreements, that it limited the role of unions and shifted the bargaining power in favour of employers, especially in areas such as unfair dismissal.

The Attorney-General pushes that point of view and that perception, and we have come to know it as Hulls's hatred. We all remember the embarrassing attempt of the Attorney-General in this house to tear the WorkChoices legislation in half. On the other hand we have Hulls's heaven: the Fair Work legislation strips away some employer powers, aims to strengthen the safety net of minimum wages and conditions and restores collective bargaining as the chief means of reaching agreement between bosses and workers. It also affords unfair dismissal protection to all workers.

I question the timing of the introduction of the federal legislation. Its introduction at a time when the country is in the midst of an economic downturn will lead to more job losses. For the last few weeks the state government has been trumpeting that its budget is about 'jobs, jobs, jobs'. Maybe it should have argued that the federal Labor government should first have thought about the timing of the commonwealth legislation.

Of major concern to business are the right-of-entry rules, allowing unions to discuss workplace conditions with employees. No wonder this has been condemned. It is purely designed to increase union power at the expense of jobs. It will mean a union representative can, as of right, go into a workplace where there are no union members and enter into discussion with the workers there. It is no wonder that business is concerned. On this side of the house we say if employees wish to have union representatives come into the workplace, and democratically vote to enable them to come in, then they can come in.

Lawyers and human resources (HR) consultants will be the big winners as a result of these industrial relations changes. The Attorney-General is grinning from ear to ear, as he will be looking after his Labor mates in the legal and HR professions. In question time earlier today we heard a different minister use as an excuse that the government did not want a lawyers picnic on a different matter. However, that is not so here. The Attorney-General is grinning from ear to ear because the chief executive officers and managers who are trying to get their heads around the changes under Fair Work Australia will be making a beeline to their law firm or human resources team. While it may be argued that the new industrial relations system is simpler than the superseded WorkChoices regime, the lower levels of restriction could lead to more legal disputes.

In the time remaining I will talk about some research that has been done. As I said previously, no doubt the argy-bargy between businesses and unions about reform is a matter of the balance between the rights of bosses and workers. However, Richard Evans, the

executive director of the Australian Retailers Association (ARA) — which is the peak industry body representing a sector that employs more than 1.2 million people — says he fears small business, the engine room of the economy, will lose out under the changes. Mum and dad retailers in the regions, suburbs and rural areas must focus on day-to-day business concerns, not complex workplace reforms. Evans said they would not know what decisions were being made about industrial relations laws, because most of them focus on getting customers through the door and selling to them.

The ARA says peeling back unfair dismissal protections for small business will guarantee a return to the days of go-away money, with employers being forced to pay out spurious claims to dismissed workers simply to avoid the protracted time and costs involved in going to court. The Business Council of Australia's concerns include a return to a more adversarial system of workplace relations, rising employment costs under a bill which endorses a safety net regardless of worker productivity levels and the discouragement of companies from redeploying some staff while laying off others under unfair dismissal rules.

In conclusion, as the member for Malvern so eloquently put it, federal Labor is bad enough, but the state Labor government is far worse.

**Mr FOLEY** (Albert Park) — I am sorry I missed the contribution of the member for Malvern. It would have added to a long list of other things we have had to ignore as his contributions mount in this place.

It is with great pleasure that I rise to support the Fair Work (Commonwealth Powers) Bill 2009. As we have heard, the bill refers certain workplace relations matters to the commonwealth that arise from the repeal of the Commonwealth Powers (Industrial Relations) Act 1996 and a range of other acts going to the terms and conditions of public servants, long service leave, occupational health and safety, public administration and the Parliamentary Administration Act.

This legislation is all about ensuring that the ghost of WorkChoices is buried for good. No matter how much bleating we hear from those opposite, no matter that they can hardly bring themselves to support this bill, the bill will finally bury the last arrangements regarding the WorkChoices legislation, which those opposite and their mates in Canberra sought to rain down upon the heads of Australian working families.

What those opposite cannot bring themselves to do is admit that that act made sure that the federal Liberal

government of the Howard years was brought to its just deserts after it had overstepped what Australian political and industrial culture knew to be a fair go all round for working people. This bill seeks to put a final end to WorkChoices, ensuring that fairness is the basis of workplace relations and the basis on which employers and employees deal collectively with each other, not the dog-eat-dog individual contract arrangements that those opposite seek to perpetuate at every opportunity.

Those opposite cannot bring themselves to admit that collective employee bargaining through democratic decision-making processes is the hallmark of a democratic society. They cannot swallow that. No matter how much they prevaricate and no matter what concerns they bring to the debate, those opposite cannot bring themselves to accept that the people of Australia have endorsed this arrangement because they believe that employee relations should be based upon fairness, that they should be dealt with collectively through arrangements between workers and their employers being as even as possible for the setting of workplace conditions against fair minimum standards in industry award outcomes.

It is interesting to know that those opposite are betwixt and between on this bill. They cannot quite support it but they cannot quite oppose it. Come the vote, it will be interesting to see if they have fulsome support for this or if the ghost of WorkChoices continues to live in the hearts of those opposite, beating for an opportunity to get out. We are looking for the opportunity in the very near future to test those opposite. We wish this bill a speedy process through this house. I look forward to all those opposite, particularly the member for Bass and the member for Malvern, signing up to this fair deal.

**Mr THOMPSON** (Sandringham) — The Labor Party is very good at shipping Australian jobs offshore. It is very good at performing backflips. Just today there is an article in the *Age* newspaper that states that Victoria is proposing to:

... abandon its greenhouse gas emissions target on the grounds that it would be virtually impossible to divorce it from the national target set by the Rudd government.

It is believed the state government will announce today it is breaking its 2006 election vow to legislate a target of a 60 per cent cut in emissions below 2000 levels by 2050.

The Labor government has reversed a policy position that it adopted a couple of years ago on the basis that it is untenable and unworkable. Likewise, in relation to the area of industrial awards, on 1 June there was on the SmartCompany website a report headed 'Cafe and

restaurant owners celebrate Julia Gillard's backflip on awards'. It notes:

Gillard has written to the Australian Industrial Relations Commission requesting that it create a new award for the food service sector, admitting award modernisation process would lead to increased costs which the sector had a limited ability to bear.

Ms Gillard is reported in that article as having said:

Specifically my request now requires the commission to establish a penalty rate and overtime regime that appropriately recognises the restaurant and catering industry's core trading times and the labour-intensive nature of work in the industry.

Rather than working hours and conditions being directed out of Trades Hall, there is a recognition — at least in the restaurateurs area — that there are unique circumstances. Then we have in today's *Australian* a further report, headed 'Pharmacists warn 4000 jobs on the line under new award'. Patricia Karvelas, a political correspondent, notes in the article that:

Pharmacists are warning they will have to sack more than 4000 workers because of the new award created under the Rudd government's modernisation process.

In a submission to the Australian Industrial Relations Commission, the Pharmacy Guild of Australia says NSW will be hardest hit with 2541 workers to lose their jobs, Queensland with 736, Western Australia 597 and South Australia with 197.

The federal opposition workplace relations spokesman is reported in the same article as having said that:

... his amendments had been defeated by an 'arrogant government', that 'refused to accept that massively increasing the wages bills of Australian small business will send some of them to the wall and force others to sack staff'.

Along with the member for Bass, I have been in this place for a number of years — as has the member for Murray Valley. We have seen people who have been unemployed at the coalface. In 1992, when unemployment in this state was at 11.0 per cent or 11.3 per cent, you saw in the street what hardship meant. Migrant families were sending their children back overseas to try to find employment. Businesses were going to the wall under the crippling interest rate of 23 per cent for a commercial loan — and it was 17 per cent for a housing loan. You saw hardship in the faces of Victorian workers when it was not an issue about what they were paid but rather that they did not have a job at all.

The government needs to be sensitive to the entrepreneurial nature of small business, it being the engine room of the economy. It has the ability to adapt quickly to a changing environment and changing

conditions and to seize opportunity. At that time back in the early 1990s there was a line in Victoria. People would ask, 'How do you start a small business in Victoria?' and the answer was 'Buy a big business first', such were the oppressive conditions under record interest rates and a declining level of economic activity. Progressively during the 1980s the then federal Treasurer said that we were on the dawn of a new economic golden age, that his budget was going to bring home the bacon and, more recently, that that was the recession that we had to have.

We, on this side of the house, who have been drawn from the ranks of small business on many frontiers, understand hardship and the importance of work and work opportunities. If members of the Labor Party understood that, they would not have seen Saizeriya, the Japanese food processing company with a five-stage operation being introduced into Australia, shipping its operations offshore following the failure of negotiations about its new plant at Melton. As unemployment in the western suburbs rises in the days ahead, the loss of employment opportunities from the Saizeriya operation will be marked in the struggles of and difficulties encountered by those people who would like to work. Those people who are recent migrants to this country and who would like to be employed, own their home and provide for their family, will be struggling to a higher degree as a result of the failure of the Labor government to arrive at a good outcome that attracted investment to this state, attracted employment growth and supported businesses by enabling them to be footloose in their award entitlements and conditions.

The opposition has concerns about this bill that relate to the broad scope of the referred subject matters, especially in relation to independent contractors. It was only a week ago that I had in my office an independent contractor who was concerned about a retrospective bill of more than \$100 000 from the State Revenue Office. He expressed concern and said that it was an unjust impost on his business due to the reclassification of workers. This ripples across the board. While the government expands the size of the bureaucracy and the entitlements of the public service, the cost of that is being borne by the private sector that on an increasing basis is less able to afford it.

I draw to the attention of the house that 100 years ago the Sunshine Harvester factory, after which the suburb of Sunshine was named, was established. It once employed 3000 people in agricultural machinery manufacture. Today there is not too much left of this enterprise other than the remarkable memory and contribution of McKay, who started that factory. He was adaptive and flexible and endeavoured to build a

strong business that provided meaningful employment for Australian workers.

I note that a number of independent contractors and people dealing with independent contractors are concerned about the changing nature of the legislative definition and how they are being hooked into changing circumstances. At the time they tendered for work on projects they did not have to factor in certain cost regimes. There is a further concern on the part of the opposition regarding the open-ended commencement clause. Too many commencements of some provisions can be deferred indefinitely at the government's discretion. There is a lack of clarity on respective commonwealth and state roles regarding outworkers, employer and employee associations and long service leave. There is also an unclear intention about the operation of clause 11 regarding the contracting out of long service leave entitlements.

Major concerns regarding the union right of entry and award restructuring have been echoed in Canberra. These are concerns that affect the rights of small business proprietors, who mainly run very good and effective businesses and who do not wish to be subjected to the intimidation of shop stewards and union operatives who seek to intimidate their employees in a bid to recruit union members. It is with a level of caution that the opposition does not oppose the bill before the house.

**Mr LANGDON** (Ivanhoe) — As members are aware, the Government Whip has indicated that government members should speak briefly, so I will make only a brief contribution! I have to start by commenting on statements made by members on the other side. They were talking about hardship and how it is to feel hardship as a small business operator et cetera. I invite members to come to the working class areas of West Heidelberg where they will see people who are unemployed because of the actions of others and do not have protection.

Proprietors of companies — often very wealthy companies — go bankrupt and workers miss out on their recreation leave, sick leave and superannuation entitlements. While some company directors, who are still sitting in their million-dollar houses, suffer hardship because their companies have fallen foul of taxation or because of their incompetence, when we are talking about hardship we should spare a thought for the hard workers out there who have been put off by those people who —

**Mr Jasper** — Small business workers are hard workers too.

**Mr LANGDON** — Yes, but again I invite members to come to working-class areas such as West Heidelberg or perhaps Hastings and other places where people really suffer. Having no job at all is far worse than what is experienced by those who can still sit in their expensive houses and who have wealth. I will return to dealing with the bill. Back in 1996, when I was first elected to the house, the then Kennett government, which had control of this chamber, brought in changes to the rights of Victorian workers and transferred everything to Canberra. That was done primarily through the constitutional conciliation and arbitration powers of the federal government. Despite all the warnings, the Howard government stuffed up the whole system with WorkChoices. It was warned by the Labor movement that what it was doing was wrong and would cost it seats. I am pleased to say — as the house knows — that it not only cost the then federal government seats but it cost it government, including the seat of the Prime Minister himself.

I can tell everyone in this house that WorkChoices was a complete failure. This bill complements the Rudd federal government's Fair Work bill. I am pleased that the Victorian government is complementing the Fair Work legislation. I commend this bill to the house and wish it a speedy passage.

**Mr JASPER** (Murray Valley) — I am pleased to join the debate on the Fair Work (Commonwealth Powers) Bill 2009. I have listened with a great deal of interest to the contributions of government and opposition members. I have to say from the outset that whilst I have been in the Parliament for many years, I have grown up in small business and understand the difficulties in operating a small business in Victoria, particularly in country areas.

I often recall the comments made by my father, who was a self-made businessman. He left school at 14 and developed the business in the 1920s when the motor industry was in its infancy. I recall growing up through that period during the development of the motor industry. He always said, 'What you need to do in employment is employ people for a fair day's work for a fair day's pay'. I hold with that and say that what we have to do is make sure there is fairness and equity on both sides — for the employers and for the employees. Unfortunately we see on many occasions extravagance on both sides.

I listened to the comments of the member for Ivanhoe. He mentioned people in his electorate in particular and referred to people who had gone out of business or moved out of business but still remained reasonably wealthy. I am not here to defend that sort of situation; I

am here to defend what is happening in business. The strength of the economy in Australia has been the supporting of people in business, because they are the wealth providers and wealth generators, and because without employers we do not need employees. That is the critical issue as far as I am concerned. The situation we have seen develop over many years in Australia of protection being provided for industry, and particularly protection in wage determinations, often cannot be justified. In fact Australia is now not competitive on the world market purely and simply because of the high cost of operations in Australia.

I come back to what I said at the start: there needs to be a system of a fair day's work for a fair day's pay and an equitable balance on both sides of the equation. In relating to this legislation, I go back to the mid-1990s, when the third Kennett government referred its industrial relations powers to the federal government under the then WorkChoices legislation. That legislation may have had some shortcomings, but it provided incentives for people to work and incentives for employers to employ. There was a lot of merit in that. The member for Ivanhoe indicated that WorkChoices was why the coalition lost at the last federal election. Whether that is right or wrong, I think a lot of pressure was applied by the union movement. The unions poured millions of dollars into advertising. Although that advertising was not always accurate, it perhaps convinced the people there should be a change of government.

Before I come to the legislation in particular, I want to also mention that in the mid-1990s we had a referral of powers from the Victorian government to the federal government. In 1999, with the change of government, we saw a change. The government in Victoria sought to introduce legislation, which often became draconian, to operate within the state of Victoria. All the time that the Attorney-General was introducing this legislation he would talk about protection of workers, protection of what they were doing and protection of their rights and privileges. I am not opposed to that in principle, so long as it is fair and equitable. What we found was that people in business were being subjected to impositions which they really could not stand and were not able to sustain. I am really talking about small businesses and the difficulties they have in operating in these situations.

What we have now with this legislation before the house is a referral of some ability and some provisions — very detailed provisions, I might add — to the federal government. As a member of Parliament in this house the difficulty I have with the bill is not being able to review the legislation in time to make a

worthwhile contribution to the debate. The scope of the bill that has been presented and the assessment of the legislation that has been provided by the lead speaker for the opposition, in which he gave an extensive overview of this issue and extensive details of the provisions, have made it extremely difficult for me to assess the legislation within the time frame available. However, I understand the importance from the government's point of view of getting the legislation through, with some parts to be operative by 1 July of this year and other parts of the legislation to come into play on 1 January 2010.

The commonwealth legislation has been brought before the federal Parliament, and we have heard discussions about the concerns of the federal Minister for Employment and Workplace Relations, Julia Gillard, about this legislation. In fact, as mentioned by previous speakers on this side of the house, she has now indicated that some changes need to be made as far as people involved in the restaurant industry are concerned. She will look at making changes which would make the legislation more effective and in fact take account of the difficulties that the federal legislation will cause to people in those types of industries.

Despite the fact that there has been a limited time for people to respond to this legislation, I have been receiving representations from small business operators within my electorate of Murray Valley. They have been bringing to my attention their concerns about the full implications of the legislation being introduced by the federal government, some to become operative on 1 July and the balance to become operative on 1 January next year.

I will read into *Hansard* some sections of a letter sent to me by a small business operator at Numurkah in my electorate. The letter, which has the heading 'Re: Award modernisation' at the top, states:

I operate a small business, which is an independent supermarket, in your constituency. I employ full-time, part-time and casual employees who work across a seven-day working week. Many of them are working mothers and students who rely on flexible hours and casual work.

The federal government has spent the last 18 months working towards reforming workplace relations laws, which includes the introduction of a new general retail industry award. If this award becomes operative, it will have a serious damaging effect on my business. We provide an important service to our local community but we may be unable to do that in the future if we are required to pay these large increases.

The writer of the letter then gives an example:

... under the new award we will be required to pay a Sunday rate of \$39.48 per hour to a casual employee and \$31.58 per hour to a full-time employee.

Increased penalties and higher loadings will undoubtedly affect the viability of our business. We strongly believe that with the economic downturn this is not the right time to make these drastic changes to the award system.

The writer then recommends that this legislation be reviewed and indicates quite clearly that it would have a hugely adverse effect on his business. I believe this needs to be taken into account by the federal government in looking to introduce the new arrangements relating to working within the industrial system and the general work practices within the state of Victoria and indeed across the commonwealth.

I am not opposed to the legislation as it stands in referring matters to the federal government to achieve uniformity, but to me the important and critical issue is that we get equality and fairness across the system to encourage people to employ workers and to ensure fairness and protection of those people within the work system. There needs to be a recognition of the difficulties that this will cause for many people with small businesses like the supermarket operator within my electorate of Murray Valley. That person typifies many employers, particularly those operating in country Victoria, who are expressing concerns not only about the changes which may be introduced by the federal Labor government but indeed about the economic situation that faces us today. I have said on many occasions that you need to live in country Victoria to understand the difficulties experienced in country Victoria that are not experienced by those who operate in metropolitan Melbourne.

My final comments on this legislation are that whilst I understand that the coalition is not opposing the legislation, I again indicate my concern about the full implications of this legislation when it is presented at a federal level and the difficulties it will have in being able to provide appropriate protection for people in business and all those within the system.

**Ms MARSHALL** (Forest Hill) — It is with honour that I rise to speak on the Fair Work (Commonwealth Powers) Bill 2009. This bill provides for a new referral of workplace relations matters to the commonwealth to replace the 1996 referral under the Commonwealth Powers (Industrial Relations) Act. It also empowers the commonwealth to extend the Fair Work Act to apply to Victorian employers and employees who would otherwise not be covered by the federal act.

This is a great bill and one that will make sure that the hardworking people of Forest Hill — and for that matter all Victorians — are able to benefit from the federal workplace relations laws and receive the protection and fairness that those laws provide. The federal Fair Work Act 2009 creates a national workplace relations system that is fair to people, flexible for business and promotes productivity and economic growth. Gone are the days of the abhorrent WorkChoices legislation, which allowed employers to take more from their employees and give back less.

The referral that this bill allows for will replace the first referral put in place by the Kennett government in 1996. This is required because, as federal laws have evolved, gaps have developed in the coverage of the federal workplace laws. If a new referral was not made and the federal government attempted to extend the Fair Work laws, we would see gaps in the application of the Fair Work laws to Victorian employers and employees. That would mean that approximately 30 per cent of working Victorians would be left without an award safety net. That is unacceptable to this government — and to any person who purports to support Victorian workers. That is why I support this bill that will ensure fairer workplaces for the people of Forest Hill.

As this house has heard previously, the bill makes amendments to other acts, including 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 so that they may continue to operate in accordance with their original schemes. The bill also repeals a number of measures, including the Victorian Workers' Wage Protection Act and sections of the Public Administration Act 2004 because the Fair Work laws, once they are in full operation, will make sections in these acts redundant.

All Victorians want a fair and decent workplace, and it has only been due to the work done under Labor governments that this has actually been achieved. I am very proud of the unwavering voice that this government has provided for the hardworking men and women who make up the engine of Victoria's economy. In these difficult economic times it is vital that governments make decisions that will protect workers' rights as much as they will protect their jobs. This bill is confirmation that the Brumby government has its priorities right. I commend the bill to the house.

**Mr DELAHUNTY** (Lowan) — I rise on behalf of the Lowan electorate to speak on the Fair Work (Commonwealth Powers) Bill. As members know, the purpose of the bill is to provide a new referral of various powers to the commonwealth to assist with the

full implementation in Victoria of the commonwealth's Fair Work Act 2009, commonly known as the FWA, and to make amendments to Victorian legislation that are necessary as a result of the passage of the FWA.

I have heard many members speaking on these matters. At the end of the day we need profitable employers. We need employers to treat their employees well, but we also need to make sure that productivity matches profitability. We have seen what has happened to General Motors overseas and the impact of that in Australia. We have seen major changes to the way that company is run. It was an iconic industry in America and here in Australia. I am not driving a Holden at the moment, but it is one of my favourite cars. However, if we do not have profitable employers, we do not have employees, as can be seen from the many thousands of employees who have lost their jobs with General Motors in America.

I heard a discussion on the radio this morning about major changes in the way General Motors will operate. It will produce more fuel-efficient and smaller cars; importantly, they are the cars that people want today. Employees' conditions of work have also changed through enterprise bargaining agreements that have taken away a lot from their awards. In fact I am informed that new employees in America start at a rate of \$14 an hour. These are major changes to the way people work.

We want to make sure that this so-called Fair Work (Commonwealth Powers) Bill is fair to all — fair to employers and fair to employees. We want to make sure that companies are profitable so that they are able to replace equipment when it wears out, train and retrain their staff and make sure they provide the best products for people to buy. However, there are concerns with this legislation, including concerns from some of the great companies in my electorate.

I now turn to some of the main provisions of the bill. The bill refers to the commonwealth Parliament, subject to the exclusions set out in clause 5, which I will come back to later, matters to which division 2A, 'Application of this act in a referring state', relate; referred subject matters to the extent of any express amendments to the FWA; and matters relating to the transition from the Workplace Relations Act 1996 or a Victorian workplace relations law to the regime provided by the FWA, until the reference is terminated by the Governor in Council as proclaimed in clause 4.

The bill defines 'referred subject matters' to mean terms and conditions of employment. Everyone I speak to — whether it be parliamentarians, GM Holden

workers or anyone else — always says to me, 'We need 10 per cent more in our wage'. I can remember — and it was a long time ago — when I took home \$100 a week. I thought I was a millionaire. Nowadays we pay that in tax and a lot more.

**An honourable member** interjected.

**Mr DELAHUNTY** — I was not living far away from Brimbank!

I highlight the fact that we live according to what we earn. We all want to earn more, and that is fine. But at the end of the day we live in a global economy. We have seen, particularly in the agricultural sector — which is very relevant in my electorate and which has a big impact on our employment and economic fortunes — that we are competing in a global economy. If we keep pushing up costs, we will become unviable. The terms of trade for farmers or businesses — whether it be the Luv-a-Duck group, which processes ducks, or GM Holden manufacturing cars — must ensure that they remain profitable and look after their shareholders and, importantly, their employees. If we do not have profitable businesses, we do not have businesses full stop. It is about trying to manage those demands. It is not only about getting 10 per cent more in your wage, it is also about the terms and conditions of your employment. Whether it be holidays, sick leave or long service leave, all those things come into your bottom-line costs.

I also want to refer to the definition of 'referred subject matters' where it covers outworker terms and conditions, and I know a lot of members have spoken about that in this house. It does not happen too often in the Lowan electorate, but there is no reason why it could not, so we need to look after that.

The definition also covers the rights and responsibilities of employees. We have human rights legislation and we talk about rights of this and rights of that, but we have all got responsibilities too. I was in Dunkeld the other day, which is a great little town in my electorate, talking to grade 6 kids. Many of them are leaders within their primary schools, and they talked about their leadership roles. I spoke about the fact that if you are a leader you have responsibilities — and that is the same in unions and in Parliament. It is important that employees recognise they have responsibilities to make sure that they do not sabotage industries, that they do the right thing by their employers and the right thing by the company, because if they do not do the right thing by the company, they will bring that company down. We have seen this with many companies around the

world, and unfortunately it has also happened here in Australia.

The bill also talks about the rights and responsibilities of employers. It is a bit like what I say to my staff: the most valuable people in your organisation are your employees. Employers must make sure that they look after their staff. Whether it be in pay or conditions, or whether it be in simple things like saying, 'Thank you for the work you do', it is important that employers play their part.

I now refer to independent contractors, and there are many of them. In fact we have independent people working in this Parliament. I was a member of the parliamentary Economic Development and Infrastructure Committee when it inquired into labour hire. I knew when we started that that this Labor government would change a lot of things in labour hire. But Labor members soon found out that labour hire happens in this Parliament, in hospitals and in a lot of government industries. If they were going to whack into the labour hire industries, they were going whack into themselves. We must ensure the rights and responsibilities of independent contractors.

The definition of 'referred subject matters' also covers outworkers and outworker entities and associations of employees and employers relating to freedom of association. This is where I have a problem with a lot of things the Labor government does. Freedom of association is important. It is about people having the freedom to vote the way they want to. Sometimes I hear of people's hands being pushed up behind their backs. Many years ago I was involved in the meat industry, where I saw people cruelled, crucified and driven out of this state because of the way the union approached a lot of very good operators in my area. Those people were driven out because, even though the local operators had agreed to conditions, a union representative had said, 'Because other industries have not complied, we will put you out of business'.

In the last couple of minutes available to me I want to talk about some concerns that I have. As members will know, workers in the health sector are very important for people in country Victoria. This government is not providing enough support to them, particularly allied health staff and doctors. We need to retain these people in Victoria. Queensland and other states have been taking our good health workers away. I have spoken with some nurses who are very concerned about this legislation because it relates to long service leave.

Back in August 2005 the state Labor government made a commitment that it would protect through legislation

the long service leave entitlements of Victorian nurses and other health professionals, and this commitment was given effect by various state acts. As it transpired, at that stage the Howard government did not change the law, but the Rudd government has. As a consequence from 1 January 2010 long service leave will no longer be an award entitlement. Victorian nurses and other health workers, including employed doctors, have a substantially better long service leave entitlement — that is, 26 weeks after 15 years — than the statutory minimum of 13 weeks after 15 years.

Nurses who have spoken to me have pointed out that the referral in this bill provides that if a person is covered by the national employment standard for long service leave, then the state act does not apply. Another part of the referral effectively grants to the commonwealth the power to extend the national employment standard to all Victorians. Therefore the state act applies to no-one. Some health professionals have said that the national employment standard is only an interim standard and currently protects Victorian nurses.

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

**Ms NEVILLE** (Minister for Mental Health) — I thank all members who have made a contribution to the debate on what is a very important piece of legislation that will ensure that all workers will have access to the protection of an award safety net and no Victorian worker falls through the gap. As a result of the passing of this bill all Victorians will reap the benefits of protections that the federal government has put in place under the new federal workplace laws. I wish the bill a speedy passage.

**Motion agreed to.**

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

*Third reading*

**Motion agreed to.**

**Read third time.**

## WORKPLACE RIGHTS ADVOCATE (REPEAL) BILL

*Council's amendments*

**Message from Council relating to following amendments considered:**

1. Clause 2, line 2, before “This” insert “(1)”.
2. Clause 2, line 2, after “Act” insert “(other than sections 5, 6 and 7)”.
3. Clause 2, after line 3 insert —
  - “( ) Subject to subsection (3), sections 5, 6 and 7 come into operation on a day to be proclaimed.
  - ( ) A proclamation may not be made under subsection (2) unless the proclamation includes a statement that the Governor in Council is satisfied that the Minister for Industrial Relations has caused the report relating to the operation and performance of the Workplace Rights Advocate to be laid before each House of Parliament under section 11A(2) of the **Workplace Rights Advocate Act 2005**.”.
4. Clause 6, line 9, omit “the day on which it receives the Royal Assent” and insert “the first day on which all of its provisions are in operation”.
5. Insert the following New Clauses to follow clause 2 —
  - ‘**A Partial repeal of the Workplace Rights Advocate Act**
  - Sections 5, 13, 14 and 15 of the **Workplace Rights Advocate Act 2005** are **repealed**.
  - B Amendment of the Workplace Rights Advocate Act**
  - After section 11 of the **Workplace Rights Advocate Act 2005** insert —
  - “**11A Final Workplace Rights Advocate report**
  - (1) The Secretary to the Department of Innovation, Industry and Regional Development must, within 3 months of the date on which the **Workplace Rights Advocate (Repeal) Act 2009** received the Royal Assent, submit a report to the Minister relating to the operation and performance of the Workplace Rights Advocate in respect of the period 1 July 2008 to the date of that Royal Assent as if that report were an annual report of operations under Part 7 of the **Financial Management Act 1994**.
  - (2) The Minister must cause the report to be laid before each House of the Parliament within one month of receiving the report or, if a House is not then sitting, on the first sitting day of that House after one month of receiving the report.”.’

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

That the amendments be agreed to.

**Mr CLARK** (Box Hill) — I am pleased to support the motion moved by the minister that the amendments of the Legislative Council be agreed to. This is a welcome outcome, that the government has accepted the force of the arguments that have been put by members on this side of the house — that is, that a final report should be made available to the Parliament and to the public on the activities of the Office of the Workplace Rights Advocate from the time of the last annual report up until the time of the cessation of existence of the Office of the Workplace Rights Advocate. Otherwise there would be a period of time in which there was no accountability for what the Office of the Workplace Rights Advocate has done, which would be a serious breakdown in the chain of accountability.

I do not want to canvass the arguments that were put in the course of the debate on the bill previously. However, the position of those on this side of the house was that the introduction of the Office of the Workplace Rights Advocate had been a political stunt all along and that the government chose to wind it up once it had served its purpose. We want to see, and members of the public are entitled to see, exactly what the Office of the Workplace Rights Advocate did or did not do in the final period before that office was abolished. Amendments to the bill have been passed by the Legislative Council, and it is proposed that this house agrees to them. That will require the Secretary of the Department of Innovation, Industry and Regional Development to prepare a final report covering the period until the time when the Office of the Workplace Rights Advocate ceases to exist and to provide that report to the Parliament. That is the way it should be and accordingly we are pleased to support these amendments.

**Motion agreed to.**

## PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL

### *Council’s amendments*

#### **Message from Council relating to following amendments considered:**

1. Clause 1, page 2, lines 23 and 24, omit subparagraph (i).
2. Clause 2, line 5, omit “107” and insert “85”.
3. Clause 2, line 6, omit “109 to 119” and insert “87 to 97”.
4. Clause 2, line 12, omit “107” and insert “85”.

5. Clause 2, line 14, omit "109 to 119" and insert "87 to 97".
6. Clause 3, page 6, lines 11 to 14, omit all words and expressions on these lines.
7. Clause 4, omit this clause.
8. Clause 8, omit this clause.
9. Clause 27, omit this clause.
10. Clause 28, omit this clause.
11. Clause 29, lines 18 to 20, omit subsection (1).
12. Clause 29, lines 21 and 22, omit "Sections 32(1)(a) and 32(6) of the **Fisheries Act 1995** are" and insert "Section 32(6) of the **Fisheries Act 1995** is".
13. Clause 30, omit this clause.
14. Clause 31, omit this clause.
15. Clause 32, omit this clause.
16. Clause 33, lines 4 and 5, omit subsection (1).
17. Clause 34, lines 10 to 12, omit subsection (1).
18. Clause 34, lines 13 and 14, omit subsection (2).
19. Clause 35, omit this clause.
20. Clause 36, omit this clause.
21. Clause 37, omit this clause.
22. Clause 38, omit this clause.
23. Clause 39, omit this clause.
24. Clause 40, omit this clause.
25. Clause 41, omit this clause.
26. Clause 42, omit this clause.
27. Clause 43, omit this clause.
28. Clause 44, omit this clause.
29. Clause 45, omit this clause.
30. Clause 46, omit this clause.
31. Clause 47, omit this clause.
32. Clause 48, omit this clause.
33. Clause 49, omit this clause.
34. Clause 74, lines 22 and 23, omit "50(4), 50(6), 55, 56(1), 56(2), 58(1) and 61(3)" and insert "28(4), 28(6), 33, 34(1), 34(2), 36(1) and 39(3)".
35. Clause 105, line 15, omit "88" and insert "66".

36. Clause 105, line 20, omit "88" and insert "66".
37. Clause 105, line 25, omit "90" and insert "68".
38. Clause 105, line 28, omit "90" and insert "68".

**Mr McIntosh** — On a point of order, Acting Speaker, which is very much about the order, yesterday a motion was called on related to the same subject matter. That motion proposed referring the Primary Industries Legislation Amendment Bill to the Dispute Resolution Committee in accordance with the provisions of the Victorian Constitution Act. There was considerable discussion at that stage that the matter was incompetent or without a necessary condition precedent. I will not expand on what was said yesterday. After the motion was moved I made a substantial point of order and there was considerable debate, during which other members of the house made contributions on that motion.

As the person who raised the point of order, I agreed to withdraw the point of order so that debate on the motion could be adjourned for further consideration, but on the basis that it would then come back to the house to be dealt with after people had an opportunity to consider the significant constitutional and legal issues that had been raised in the course of debate on that point of order. Most importantly the point that was being put was that this motion, which is item 15 on the notice paper, is essentially incompetent because an essential condition precedent had not been undertaken. As I understand the arrangement between both sides of the house, that debate was adjourned without interrupting the rights of any party who may have spoken on the motion, including the Leader of the House. My recollection is that he was the only person who spoke on the motion. There were a number of speakers on the point of order, but it was agreed that it would be withdrawn and then be brought back to the house to be discussed to resolve that very critical and important constitutional issue as to whether the condition precedent had been established in relation to this motion.

Now, by some tricky process, the government is calling on the bill. I would say that that is quite outside the arrangement and the agreement between the parties that was entered into across the table, and I ask you, Acting Speaker, not to call on that bill but to deal with the motion, which is the substantive issue. If this process is allowed to proceed today, with a bill being called on prior to this motion being dealt with, then in the future a government could use this sort of mechanism to oppress the minority parties in this chamber. Essentially if a government wanted to get something through, it could move this sort of motion even before the

condition precedent was set, and therefore it would act to oppress the minority. It would be a politically improper use of the power of the government to oppress the minority parties in this place. Accordingly the only way we can proceed with the primary industries bill now is if the government agrees to withdraw that notice of motion and arranges for it to be dealt with at some later stage.

If the Minister for Agriculture, who is at the table, wishes to withdraw the notice of motion, I would be content with that. We could then deal with the primary industries bill and the amendments from the upper house in accordance with the agreement that was reached. Even the Speaker this morning quite incorrectly indicated that the point of order that was raised yesterday was still under consideration. In fact that point of order is not under consideration. It was withdrawn on the basis that the motion would be adjourned for all parties to consider the significant constitutional merits. It was on that basis that I agreed to withdraw the point of order.

I suggest the appropriate course of action is for the minister at the table to deal with the call on the notice of motion and to dispose of it, including the point of order, and then to move to deal with the primary industries bill. Alternatively the minister could withdraw the notice of motion, deal with the primary industries bill and then perhaps in the future move a competent notice of motion.

**Mr Helper** — On the point of order, Speaker, I appreciate the comments made by the member for Kew, but I still think that the sequence of events is turned upside down by him. What we are about to commence debate on is the substantive issue of the amendments moved to the Primary Industries Legislation Amendment Bill by the Legislative Council as they have come to the Legislative Assembly. It could hypothetically be that this house votes to agree to the amendments, and of course the inverse could also be the case. Suffice it to say that the notice of motion regarding the referral of the legislation to the Dispute Resolution Committee can clearly take place only once the will of this chamber is determined, and thus we need to proceed through the debate on the substantive issue of the amendments from the Legislative Council. We are trying to find a way through this. On that basis clearly we need to consider the amendments of the Legislative Council so that we can proceed in the certain knowledge of whether an actual dispute exists between the Legislative Council and the Legislative Assembly on this particular piece of legislation.

**Mr Ryan** — I rise, Speaker, to support the point of order raised by the member for Kew. I know that 24 hours is a long time in politics, but yesterday at about this time when we were having this conversation in its previous form as a result of a motion moved by the Leader of the House which is item 15 on the notice paper, the understanding clearly was that the matter would be adjourned until later that day. That was eventually adopted by the Leader of the House, and we were content with that. But the further understanding was that we would at a future time — the indication was that it would be today — deal with the issue which is item 15 on the notice paper.

The government is now changing things significantly by seeking to bring on for debate item 3 on the notice paper and to deal with the bill itself, the Primary Industries Legislation Amendment Bill, as opposed to dealing with the motion the minister moved yesterday, which we all understood was to be the subject of debate today. That understanding having been struck, and for the reasons that have been amplified by the member for Kew, we should proceed as was agreed yesterday by all parties who were at the table at the time and who sought a way through what the government suddenly realised was perhaps a more complex position than it had anticipated. An agreement was struck, and we are ready here now to give effect to the agreement by proceeding with the debate as was anticipated yesterday. I ask the house to move accordingly.

**Mr Batchelor** — On the point of order, Speaker, this is quite a clever ploy by the opposition. Let me remind all members of the house what is before the Chair. The Clerk has called on the Primary Industries Legislation Amendment Bill and the Council amendments for consideration. But the Clerk has not called on the motion which is on the notice paper in my name as item 15, government business, orders of the day. This is what is currently before the Chair, what has been circulated and what is in the hands of members. We have the responsible minister here ready to commence the process of resolving this house's consideration of amendments that have already been passed by way of message to this chamber from the upper house. We are not debating the motion; we are debating the amendments. Yesterday we reached an agreement across the chamber to not proceed with the motion, and we are not proceeding with that. We are honouring the agreement; we are debating the amendments, as is the custom and practice of this chamber. We are debating the amendments from the Legislative Council, and nothing could be clearer than that.

We gave no undertaking yesterday that we would not debate the amendments from the Council. We were not asked yesterday to do that. This morning, when I was talking to the member for Kew, I pointed him to the first three items on the notice paper and pointed out to him that we would be dealing with the amendments from the Legislative Council. That was at 9.30 this morning. Now, more than 8 hours later, the opposition feigns shock, horror and surprise. Nothing could be further from the truth.

These amendments were considered on 4 December 2008, so everybody has had plenty of time to form their view about them. I put it to you, Acting Speaker, that it is an absolutely furphy that is being tried on here. We have commenced the debate on the amendments; we are not debating the resolution. You should reject this process that is being put in place, and we should get on with the task of debating these amendments from the upper house. We will await the ruling of the Speaker on the motion and the procedures that hang off that.

**Mr McIntosh** interjected.

**Mr Batchelor** — The member for Kew is pretending that the debate did not happen yesterday, because he said he withdrew his point of order.

**An honourable member** — Have a look in *Hansard*.

**Mr Batchelor** — That is right, he did withdraw it. But that has nothing to do with these amendments from the Council that we are debating today. The member's own interjections show there is no relevance to the matter that is before the Chair.

**Dr Napthine** — On the point of order, Acting Speaker, this is a very important issue. As the Leader of the House said yesterday about dealing with these issues:

This is the first occasion. We will be establishing precedent.

That is what he said yesterday. What we are discussing now is the order in which these matters should be dealt with. It seems absolutely unfair, unreasonable and incompatible with the state constitution and the standing orders of this place that we have a motion on the books that says the Primary Industries Legislation Amendment Bill should be referred to the Dispute Resolution Committee at the same time as we debate the bill. We do either one thing or the other.

We would argue that you need to dispose of the motion with regard to referring the bill to the Dispute Resolution Committee, and then the house can deal

with the amendments to the bill made by the Council. If there is then an ongoing issue we can perhaps come back and the government can put on the notice paper again a notice about having this matter referred to the Dispute Resolution Committee. You cannot create a situation where every time amendments come down from the upper house the government automatically gives notice that the matters be referred to the Dispute Resolution Committee to have that act as a sort of sword of Damocles hanging over this house and the minority opposition parties, to force some debate under that threat of an impending Dispute Resolution Committee referral on each and every piece of legislation that comes down from the upper house.

That is the precedent that would be created here. That precedent would be that every time amendments came down from the upper house with which the government may have some disagreement, the government would automatically propose a notice of motion about referring the matter to the Dispute Resolution Committee and may even start debate on that issue and then adjourn it off so that it sits on the notice paper as a sort of sword of Damocles hanging over this house. That is unreasonable and unfair. I would argue it is unconstitutional and is certainly not consistent with either the spirit of the way this house operates or the spirit of the standing orders. On that point alone we need to resolve the issue of the motion to refer the bill to the committee. I suggest the way the government could do that would be to withdraw that motion, let the house deal with the amendments from the upper house and then see where we go from there, depending on the outcome of the house's consideration of those amendments. That is the way I suggest we proceed.

The second issue concerns what happened yesterday. The Leader of the House said that certain things were said yesterday. Let me just quote what the Leader of the House said yesterday:

At ... 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.

That is what the Leader of the House said yesterday. He said that in the spirit of cooperation we needed to adjourn the matter. In that spirit of cooperation the member for Kew withdrew his point of order so that the matter could be considered and so that the issues dealing with the validity of the notice of motion would be dealt with appropriately by this house before it

proceeded further with the amendments from the upper house.

That is what the Leader of the House said and implied yesterday. He moved his motion and started speaking on it. He did not bring on the amendments from the upper house. The Leader of the House chose to move his motion to refer the legislation to the Dispute Resolution Committee. That is what he chose to bring on. Then a legitimate point of order was raised, which all of us would seek to get a proper resolution to, about the proper running of and the understanding of the new constitutional arrangements in this place, which were introduced by this government. We wanted to have those clarified. That was the spirit of the speech given yesterday by the Leader of the House. He said, quite clearly:

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 —

to an adjournment motion. Subsequently he did adjourn the debate. I think everybody sitting around the table felt that the Leader of the House had acted appropriately, fairly and reasonably in dealing with what was a tricky and difficult constitutional issue and a very valid point of order raised by the member for Kew. What we need to do is get a resolution of that.

But it seems what we have from the Leader of the House now is a cunning stunt to try to subvert the intention of the house yesterday. What he is trying to do now is avoid consideration of the issues raised by the member for Kew. He wants to avoid consideration of the issues that yesterday he so eloquently said were important precedents that the house needed to deal with to now create a terrible — an absolutely appalling — precedent for the house.

This is what I ask you to consider, Acting Speaker: if you rule against this point of order you will be creating a precedent, given that this is the first time these issues have been dealt with under the new constitutional arrangements and the new standing orders, where every time a matter comes back from the Council with an amendment the government of the day — and governments do change — will automatically be able to put a notice of motion on the books that that legislation be referred to the Dispute Resolution Committee, will be able to start debating that legislation and will be able to adjourn that legislation and leave it sitting there as a sort of sword of Damocles hanging over the house with respect to its consideration of the amendments to the legislation. That is the precedent that you, Acting Speaker, will create if you rule against this point of

order. It is too important a precedent to be created in this environment.

I would suggest, as was the case with the dilemma we resolved yesterday through cooperation across the chamber, it would be inappropriate to make such a ruling on the fly. Therefore I suggest again we perhaps look to adjourn this matter so that we can get proper advice from constitutional lawyers and experts before we create a precedent for this house that this house may regret for 10, 20 and 30 years. That is the terrible path we are heading down at the moment.

Yesterday we resolved an extremely difficult issue through cooperation across the chamber, by showing a bit of maturity and wisdom. I am calling on the house to do the same today, because if the government wants to use its numbers to bludgeon this ahead and create a terrible precedent that will create problems for this house and this Parliament for decades to come, then it can go ahead and do so using its numbers, but it is very wrong. The only way that can be stopped is by the Acting Speaker exercising the authority of the Chair and ruling in favour of the point of order made by the member for Kew.

**Mr Cameron** — On the point of order, Acting Speaker, yesterday we were about to debate a motion which had been moved by the Leader of the House relating to the dispute panel. Yesterday there was a point of order raised against the motion. It was a valid point of order that involved potentially significant constitutional issues. Subsequently the point of order was withdrawn and the motion of the Leader of the House was put over to later that day.

The key point is that what we now have before us is an entirely different matter. The Minister for Agriculture has called on the primary industries bill and the amendments from the Council, and that is a normal procedure, a longstanding procedure, and there is nothing to prevent him doing it. In fact what we have done is avoid the issue of creating any precedent for the time being.

I understand the opposition says this will create a precedent. We have avoided creating any precedent at all, because we have before us a normal procedural motion relating to the primary industries bill, as between the houses, which is entirely different to the motion from the Leader of the House. His motion remains on the notice paper, and no doubt when that gets called on these matters will be revisited.

**Mr Clark** — On the point of order, Deputy Speaker, I want to put the position to the house in terms of the

clear undertaking that was made between both sides of the house yesterday as to the course of conduct that would be followed, and that was a course of conduct that involved the Chair at the time. The Acting Speaker, the member for Keilor, said to the house:

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.

He was asking the chamber to accommodate the situation.

Then the Minister for Police and Emergency Services spoke and said that there was probably a consensus on both sides and the opposition would withdraw the point of order for the day. He is reported as saying:

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.

And then the Leader of The Nationals interjected:

Yes, as long as we start again.

The Minister for Police and Emergency Services continued:

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.

Then, in response to that invitation from the Minister for Police and Emergency Services, the member for Kew withdrew his point of order and the Leader of the House moved that the debate be adjourned until later that day. Then the Leader of The Nationals said that our side was doing it:

... 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.

That was the clear agreement across the chamber yesterday. It was a proposition that was put to this side of the house by a minister of the Crown. That in itself should be sufficient, but we know also that the Minister for Police and Emergency Services is active in assisting the Leader of the House in the conduct of the business of the house, and I put it to the Chair that the opposition is fully entitled to expect that his undertaking on behalf of the government will be honoured.

There might have been an issue about the precise time of 2.00 p.m., given that that is question time, but it was clearly intended that the matter be stood over until the next day, and that was initially at the instigation of the Chair, so it is a matter that involves the Chair as well as the house. I appeal to the government: if it expects there be any future good faith and honouring of undertakings made across the table and in the conduct of business, the undertaking given by the Minister for Police and Emergency Services as part of the consensus with the Leader of the House should be undertaken.

In concluding, Deputy Speaker, I want to raise a further related issue as to how we deal with this point of order, which is that there has been a change in the incumbent in the chair during the course of the debate, and you have assumed the chair from the previous Acting Speaker at some time after the point of order was raised. I know that you have been sitting in the chamber for some of that time but I am unaware whether you have been sitting in the chamber for the entirety of the time which commenced when the member for Kew first took his point of order.

Clearly, you are not obliged to proceed in an entirely 100 per cent judicial manner, but I put it to you that, as a matter of basic fairness in terms of listening to and responding to the arguments that are put to you, if you have not been in the chamber and able to listen to the remarks starting from the time of the member for Kew initially taking the point of order, you are in a very difficult position in terms of ruling, and there would also be a considerable element of unfairness to the house and to the member for Kew and to anyone else who spoke prior to your taking the chair.

I would submit, Deputy Speaker, that if that is the case and you have not heard the entirety of the points that have been submitted, those members who have made submissions prior to you commencing to listen to the debate need in fairness to be given the opportunity to present their arguments to you rather than to the previous Acting Speaker.

**The DEPUTY SPEAKER** — Order! Prior to ruling on the point of order, I assure the member for Box Hill that I take my work as Deputy Speaker extremely seriously. Part of the work that I undertake is that I listen to what is happening in the chamber constantly when I am not in here, and I did hear the start of the debate and that is why I entered the chamber. As I understand it —

**Dr Napthine** interjected.

**The DEPUTY SPEAKER** — Order! I do not think the member for South-West Coast needs to reflect in that way on the Chair.

The point of order that has been raised has involved a great number of matters raised in regard to the points of order that were raised yesterday in relation to order of the day 15 on the notice paper. I was in the chamber at the time that was discussed, and it was agreed that it would be discussed with the Speaker. The matter that is before the chamber at the moment is order of the day 3. That has been called by the Clerk and, prior to the minister moving his amendments, a point of order was raised again, and a lot of the discussion related to order of the day 15 on the notice paper.

Basically, as I see it, what is being asked through the Chair is that the Chair does not call on order of the day 3. It is not the Chair's position to do that and nor is it within the Chair's power. Therefore, I do not uphold the point of order. We will proceed with what is before the Chair, and that is order of the day 3.

**Mr McIntosh** — On a point of order, Deputy Speaker, with the utmost respect, I seek leave to move dissent from your ruling.

**The DEPUTY SPEAKER** — Order! Dissent can only be moved by a notice of motion.

**Dr Napthine** — On a point of order, Deputy Speaker, this morning I was listening very intently to the Speaker, who advised the house that the Speaker would give further advice on a point of order from yesterday. When I read *Hansard*, I saw that the point of order had been withdrawn. Given that the Speaker — and far be it from me to dispute the Speaker's comments — advised the house very clearly this morning that she would give advice to the house on that point of order and given that the point of order is extremely relevant to the legislation we are now bringing before the house, I suggest that we ask the Speaker to advise the house of her position with respect to the comments she made this morning before we proceed with item 3 on the notice paper, because they are integrally linked.

I put it to you, Deputy Speaker, that perhaps you might seek to adjourn the sitting and seek the advice of the Speaker so she can expand on what she meant by her comments this morning when she said she would give advice on the point of order raised yesterday.

**Mr Batchelor** — On the point of order, Deputy Speaker, the point of order raised by the member for South-West Coast is just another delaying tactic. You have ruled that the item that is currently before the

Parliament is order of the day 3. It is not the motion on the notice paper that was the subject of considerable discussion and subsequent agreement; they are two different items.

The motion that was agreed to be adjourned yesterday is at the lowest possible point on the orders of the day, and there was an indication that we are not intending to deal with that today. We are waiting on advice from the Speaker. We gave no commitments yesterday about not dealing with these amendments from the upper house. We intend to proceed with them, and all that is happening is that we are hearing a distorted view of history by the member for South-West Coast. We appeal to you to proceed with the normal course of events in accordance with the customs and traditions of this house and to give consideration to matters that have been sent to us from the upper house.

**Mr McIntosh** — I do not wish to speak on the point of order.

**The DEPUTY SPEAKER** — Order! I will rule on this point of order. In responding to the point of order the Leader of the House has indicated, as I would, that the matter raised by the member for South-West Coast, as I understand it, is with the Speaker for further advice. Again, the Speaker will bring that advice back to the chamber. Therefore, I do not uphold the point of order.

**Mr McIntosh** — On a further point of order, Deputy Speaker, given this matter and perhaps the betrayal that we have just seen from the government in relation to a clear understanding between the parties that was entered into yesterday, I wish to renew and resume the point of order I raised yesterday. I am happy to run through that point of order at this stage. Alternatively, the Speaker could look at the transcript, but certainly I wish to get a ruling on that transcript. Perhaps, Deputy Speaker, if I could take you through that point of order and very briefly outline our concerns in relation to that.

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! The member for Kew must determine its relevance to the matter before the chamber.

**Mr McIntosh** — Given the fact that the matter has been raised across the table in a variety of different ways, I certainly want to resurrect that point of order and would be seeking from the Speaker a ruling on the point of order that I made yesterday.

**The DEPUTY SPEAKER** — Order! I just indicate that, as I understand it, there is advice to come from the

Speaker, so I do not quite understand what the member for Kew is seeking. The matter before the Chair is order of the day 3, not order of the day 15.

**Mr McIntosh** — What I wanted to do was raise again the point of order I raised yesterday, which I withdrew. I wish to resurrect that and would ask you, Deputy Speaker, to convey that to the Speaker — and I now seek a ruling on that point of order. There is still a point of order that was made yesterday that I wish to resurrect. I am happy to debate the matter at an appropriate time, but I wish to resurrect it, and if that can be conveyed to the Speaker, we would be expecting a ruling on that point of order that was made yesterday.

**The DEPUTY SPEAKER** — Order! I will convey that advice to the Speaker.

**Mr McIntosh** — It is a crucial point of precedent about a constitutional matter that this government has not only mucked up yesterday but has mucked up again today, and there are a lot of other issues that have to be canvassed.

**Mr Batchelor** — On the point of order, Deputy Speaker, the point the member is attempting to place before the Chair is not relevant to the debate today. However, I am sure the Speaker will take cognisance of what has been said today by the member for Kew, and he can reiterate that when the Speaker comes back.

Let us reflect upon what happened yesterday. The chamber asked the Speaker to consider matters, and we all agreed with that. Let us give the Speaker the chance to do that. The government has no objection to her considering the comments the member for Kew made today. All I ask is that we get on with order of the day 3, which is before the Chair.

**Mr Ryan** — On the point of order, Deputy Speaker, I am at the disadvantage of not having been here this morning at the start of the day because I was otherwise engaged. However, as I understand it — and I want to put this on the record — the Speaker is contemplating the matters that were raised yesterday in debate on the point of order that was initially raised by the member for Kew.

One of the matters on which I spoke yesterday and one of the driving influences in having the matter raised by the member for Kew adjourned until today — because that is what everyone here thought would happen — was, as I said, and I quote from *Hansard*:

... 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.

That was my comment yesterday. Clearly there was the understanding that the debate that was initiated yesterday by the Leader of the House would be happening today. I understand that there have been rulings made in that regard. My commentary now is directed at this issue: as I understand it, and as everyone understood yesterday, we were not proceeding with the matter that had been introduced by the Leader of the House for various reasons, amongst which was, as I set out, the fact that it is important that if the Speaker is to make a ruling she should have the opportunity of hearing the totality of the arguments put by the parties — not reading it in *Hansard* but being in the chamber and listening to the totality of this critical debate unfold. That is why I stopped and did not continue to support the point of order that had been raised by the member for Kew yesterday.

I ask the Speaker to have regard to that issue, because it was a critical element of what was undoubtedly an agreement struck across this chamber that today we would have the debate that started yesterday. That is what we should be doing now. I accept that the ruling has been made, and the member for Kew has indicated that the opposition parties will move in a certain direction in relation to that ruling. With respect, I believe the Speaker cannot make a final determination on the matter raised by the member for Kew or come to any conclusive position on it until we have the opportunity of arguing it in its totality.

**Mr Cameron** — On the point of order, Deputy Speaker, raised by the Leader of The Nationals in support of the member for Kew, yesterday there were two separate items on the notice paper and today there are two separate items on the notice paper. We are not dealing today with the motion of the Leader of the House but with issues to do with the Minister for Agriculture.

The Leader of The Nationals indicated that he was not here this morning. However, I was, and the Speaker gave the impression that she would make a ruling on the point of order which the honourable member for Kew raised yesterday. However, the honourable member for Kew withdrew the point of order yesterday — and I think that is the very point that the Leader of The Nationals is getting to — and the point of order should be fully debated before the Speaker

makes a ruling on that point of order in relation to order of the day 15 — —

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! This is a complicated matter. I ask members to allow me to hear.

**Mr Cameron** — The Speaker may want to do that at some point, and she may want to obtain legal advice prior to making a ruling. The government will be quite happy to work with the opposition parties to accommodate that. The issue that is before the house now is an entirely separate item to the motion of the Leader of the House.

**The DEPUTY SPEAKER** — Order! The matter that is before the house, as I have indicated previously, is order of the day 3, not order of the day 15. I have noted the indication that the chamber is waiting on advice from the Speaker on matters that were raised yesterday. In response to the member for Kew's indication that he wishes to renew his point of order, I am sure that when the Speaker comes back there will be an opportunity for him to raise his point on that matter — not on order of the day 3, which is now before the house — in full again. I therefore do not uphold the point of order.

**Mr HELPER** (Minister for Agriculture) — I move:

That the amendments be disagreed with.

Copies of the amendments and the bill were circulated prior to the flurry of points of order we have just gone through. I present to the house a quote:

In doing so I would like to say from the outset that the opposition will not be opposing this bill.

Well might one wonder who said that and what bill was being referred to. The speaker was Ms Lovell, a member for Northern Victoria Region in the Legislative Council, and the bill she was referring to was the Primary Industries Legislation Amendment Bill 2008, which is the subject of order of the day 3 and which we are now finally debating.

I want to go through the reasons for the government's opposition to the amendments from the Legislative Council that have come from the opposition — the Liberal Party and The Nationals in coalition with the Greens — in the order in which they appear in the bill. The first issue covered in the bill is the removal of the requirement for aerial sprayers to have insurance compulsorily. Let me just discuss briefly the history of this particular issue.

The need for mandatory insurance for agricultural aircraft operators was initially questioned by the 1999 national competition policy review of agricultural and veterinary chemicals legislation, and in 2007 the Product Safety and Integrity Committee of the Primary Industries Ministerial Council agreed that mandatory insurance should be removed.

In the original bill the government was seeking to synchronise the requirements for insurance in the aerial spraying industry with the requirements in South Australia, Western Australia and Queensland, with the other states and territories moving in a similar direction. We were seeking to synchronise our regulatory requirements in terms of that sector with those of other states. As I said initially, it was a move supported by the opposition, as per my earlier quote.

Let me quote from what some of the important stakeholders have had to say. In a letter to me dated 12 December 2008, the president of the Victorian Farmers Federation (VFF), Simon Ramsay, says:

The VFF appreciates the efforts of the CSB — —

the chemical standards branch —

and your office in attempting to progress this important matter. The revisions would allow the agricultural and veterinary chemicals control-of-use regulations covering chemical use to be applied more fairly and effectively, and to iron out an important bottleneck in the classification system for chemical use.

Mr Ramsay goes on to offer the VFF's support in obtaining the passage of the reintroduced bill and says:

The VFF is also writing to the shadow Minister for Agriculture, Peter Walsh, in regard to this matter.

Here we have the view of the VFF, which I would have thought was an important stakeholder — it is an important stakeholder of mine as Minister for Agriculture.

There is more correspondence, of course. The chief executive officer of the Aerial Agricultural Association of Australia Ltd wrote to me on 12 December 2008 saying:

I write in support of the Victorian government's proposal to remove the mandatory requirement for insurance to be carried by aerial applicators.

This regulation has contributed to an unlevel playing field between aerial and ground commercial applicators and its removal is a sensible initiative that recognises the national competition policy recommendation on this issue.

Again we have the Liberal Party, and presumably The Nationals, supporting the amendments in the bill, we

have the VFF supporting these amendments, we have every other state around the country supporting these amendments and we have the Aerial Agricultural Association of Australia — that is, the industry — supporting these amendments. You have to ask yourself what has occurred to cause the turnaround, the hypocrisy, the flip over by the opposition in coalition with the Greens and the Democratic Labor Party to now be opposing the legislation and to be proposing to this chamber a set of amendments which remove from the bill the amendments in the original legislation.

Let me come to another point in the legislation which is important, and that is in regard to the fisheries consultative arrangements. I will go through a little bit of the history of this. Prior to 2006 the then Premier wrote to the then Minister for Agriculture, my predecessor, and indicated he was to undertake a review of the consultative arrangements for the fisheries sector, both commercial and recreational, as a matter of priority. The government took to the 2006 state election a policy which indicated it would reform the fisheries consultative arrangements upon being returned to government. We did not arrive at that decision willy-nilly; a number of independent reviews of the current fisheries consultative framework have been conducted in recent years.

In 2001 the parliamentary Environment and Natural Resources Committee conducted an inquiry into fisheries management and published its first report on co-management. This report supports our position. In 2004 Lawrie Groom and Company published a report of an assessment of the representation of recreational fishing interests in Victoria for the Fisheries Co-Management Council which supported the position taken by the government. In 2006 Acumen Alliance published an audit of the Fisheries Revenue Allocation Committee, a report that supported our position. In 2006 the Allen Consulting Group published a report on stakeholder engagement and consultative arrangements in government which agreed with our position. In 2007 Chaudhri Consulting published a review of fisheries stakeholder engagement which supported our position.

Let me go through the process that the government followed, apart from relying on the considered opinions of those reports. In July 2007 a Department of Primary Industries discussion paper was released on this very issue. In August–September 2007 independently facilitated stakeholder workshops were held around the state to ensure that stakeholders of the sector could engage with the propositions that we were developing to reform the consultative arrangements.

In May 2008 the proposed framework options paper was released, again giving stakeholders widespread opportunity to have input, as many did, to refine our stakeholder consultative arrangements as proposed. In June–July 2008 two fisheries stakeholders forums were held, again with the same purpose, with 16 participants and 18 participants respectively. And in October 2008 I released a policy statement regarding this.

You can see that we have engaged widely. We have engaged thoroughly regarding the fisheries consultative arrangements that were proposed in the bill and that the coalition of the Liberal Party, The Nationals and the Greens is seeking to amend herewith.

Let me just go to what stakeholders think about the change of arrangements that we are proposing, and I will quote from various media releases. A media release dated 10 November 2008 from the Futurefish Foundation states:

A long-awaited review of Victoria's fisheries consultative arrangements is finally coming to fruition.

The media release further states:

Mr Buxton concluded 'Futurefish Foundation — —

**An honourable member** interjected.

**Mr HELPER** — Before you slur Mr Buxton, you may actually want to have a discussion with the member for Brighton.

**The DEPUTY SPEAKER** — Order! The member must speak through the Chair.

**Mr HELPER** — To return to the quote:

Mr Buxton concluded, 'Futurefish Foundation is more than pleased with the government's management of recreational fishing in Victoria and congratulates the government for delivering on its 2006 election policies for recreational fishing'.

Let me quote from another media release:

The Australian Fishing Trade Association (AFTA) applauds recently announced consultative arrangements for Victoria's fisheries resource initiated by former Premier Steve Bracks and launched by the current Minister for Agriculture, Joe Helper.

After detailed stakeholder input, a new set of flexible and modern arrangements now exist ...

The media release also states:

Previously industry was locked out of any Victorian negotiations ...

It says further:

AFTA executive officer, Doug Joyner, said today, 'It has taken 10 years to create a more transparent and accountable way of consultation in the state of Victoria'.

The media release continues on from there. I will quote from another Fishing Trade Association media release dated 20 November 2008, which states:

The consultation section of the bill is being politicised by the government's opposition in its debate due to uninformed members who have no concept of the dire need to embrace inclusive consultation within recreational fishing circles.

That is not a set of words I would have assembled, but they certainly convey the sentiment that those in opposition should be very mindful of the fact that the recreational fishing sector in this case is very much behind what the government is arguing for here and the amendments that it is seeking to make. The media release further states:

Strangely the opposition has taken the high road to negate these changes without canvassing the issue with stakeholders and leaves one to guess that they deem how unimportant it is to those who have embraced change as the way forward.

The release continues:

Sadly those in opposition within government circles have not researched their comments in opposition to the bill. It makes a mockery of modern thinking in the state of Victoria.

Again I think the opposition should take some heed of that. As I said, it is not necessarily the way I would have assembled those words. Let me quote from a further press release of Monday, 10 November 2008, by the Australian Trout Foundation in which the ATF president said the committee was:

... delighted with the proposed changes to the Victorian fisheries consultative arrangements put forward by the government.

These changes will prove a win-win for all Victorian recreational anglers.

...

I strongly urge all ATF members, all anglers for that matter, to embrace them and move forward with this proactive and positive review.

Let me go to yet another media release from a very important representative organisation in the recreational fishing sector. It states:

VRFish accepts with cautious optimism amendments to the Fisheries Act 1995 that will change the way the government consults with stakeholders regarding fisheries management.

Let me go on with another point raised in that media release dated 11 November 2008, in which the VRFish chairman concluded that:

... the minister has given the guarantee to regularly review the consultative processes in conjunction with the peak bodies to assess if the new consultative arrangements are achieving its objectives. VRFish is extremely pleased with this commitment.

This clearly goes to show that the consultative arrangements that we are trying to achieve through the legislation, which the coalition of the Liberal Party, The Nationals and the Greens is seeking to excise from the bill via amendments, is clearly a framework that is understood, that is appreciated and that is supported by both the recreational fishing sector and the fishing sector overall.

I will now go to the merit of the reasons we are seeking to introduce these changes to the consultative arrangement. The focus of future consultative arrangements has to be very much an arrangement which is fit for purpose, which understands what the consultation is taking place for and that actually engages with those who are best placed to provide information relating to those matters to me as the current minister and to future ministers. It has to be an efficient consultation. Nobody likes sitting around a room being consulted, or supposedly consulted, without having an understanding that the views that are expressed and the experience that is brought to that consultation are taken into account by the minister and by the government of the day. Clearly the structure that we are putting forward here very much seeks to do that.

The new arrangements include within the act a commitment to use the consultation principles derived with the sector in a series of workshops. Here we are saying that we have talked to stakeholders in the fishing sector, we have arrived at a set of principles that are dear to that sector and we have undertaken to embody those principles in any consultation that we instigate in the future. The new arrangements retain the requirement in the act for government to consult on all of the issues currently requiring consultation under the act.

Let me go to that matter. Some interested parties have indicated a concern that the new arrangements do not legislate for peak body status to be attributed to a number of individual organisations. Let me just say that the peak body status is actually a matter of gazettal for the minister of the day. I could gazette or degazette the peak body status of a range of organisations or a range of bodies, as past ministers could have done or future ministers could also do. I would suggest to those who

have concern about that area that the changes proposed in the bill will clearly not change that status. What will change is that we will establish a consultative body that will determine the best and the most appropriate way for us to consult. Who should we talk to? How should we talk to them? What is the most practical way to talk to them? Which expertise should we take account of, and how should we ensure that our consultative arrangements are as positive as they possibly can be?

That is a newly instigated change to the consultative arrangements, and the opposition parties in coalition with the Greens should think very carefully about whether or not they wish to deny the stakeholders — be it the commercial industry sector or indeed the recreational sector — the opportunity to take those matters into account.

Let me turn to the recreational fishing grants working group. It is currently the Fisheries Revenue Allocation Committee, which has two representatives from the Department of Primary Industries and two representatives from VRFish on it. What we are saying is that establishment of the recreational fishing grants working group will bring greater diversity, greater transparency and greater stakeholder breadth of representation to the table. We propose that VRFish would have one position and the recreational fishing industry commercial interests would have one position, and that there would be six other representatives, some of whom may well be selected from organisations such as VRFish or a number of other organisations that are quite representative of the recreational fishing sector within this state.

That modernisation in the transparency of how fishing licence revenue is actually to be allocated for the betterment of recreational fishing in this state is something that the many hundreds of thousands of real stakeholders — that is, those people who purchase fishing licences and who enjoy recreational fishing in this state — would welcome very much. Members of the Liberal-Nationals and Greens coalition may wish to think very carefully about whether they wish to deny the thousands and thousands of mums, dads and kids who are stakeholders around this state that transparency and that efficiency in allocating fishing licences, which will make sure that the wishes and aspirations of all of those licence-holders are reflected in the way that funds are allocated into the future. I do not think that political coalition would want to take that away from those stakeholders.

Let me just say that whether it be under the old pre-bill arrangements or under the new arrangements that we are proposing in this bill, it is the minister of the day —

be it me, my predecessors or ministers in the future — who actually makes the final decision. That is what is legislated for now, and that is what will be the case into the future. Ultimately it is appropriate that the minister of the day takes account of the opinions of the sector as broadly as the minister possibly can — that is what these consultative arrangements are about — and then makes decisions based on that advice and ultimately takes responsibility for those decisions and the resource allocations as they occur.

I suggest that the government reject the amendments conveyed to us from the Legislative Council. I personally condemn the Liberal Party, The Nationals and the Greens for trying to exploit heaven knows what political opportunism or political advantage they see in opposing this legislation and cobbling together a coalition which clearly must be very ill at ease, given the first subject that I discussed, for example, which was the aerial spraying amendments. I do not know how well The Nationals sit together with the Greens on that issue, but the Greens and The Nationals have made the call. If they want to hop into bed together, as the saying goes, somebody will catch some fleas. I will leave it for people to decide for themselves who is the flea donor and who is the flea receiver. With those few words, I commend the original bill to the chamber, and I reject the amendments moved by Mr Hall and Mr Barber in the other chamber.

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

**Mr WALSH** (Swan Hill) — I must admit I am disappointed that the Minister for Agriculture has not come in to defend his honour. I am wrong — he is here! He is up the back. It is great that he is here and that he is back in his rightful place on the backbench!

In starting off my contribution to the debate on the Primary Industries Legislation Amendment Bill, I will take up a few of the issues the minister raised in his contribution. The first issue would be his constant referral to the Liberal-Nationals-Greens coalition.

**Mr Helper** — Come to the fleas!

**Mr WALSH** — We will come to the fleas in a minute. If the minister wants to keep talking about a Liberal-National-Greens coalition in this place, perhaps the Labor Party would like to give an absolute commitment that it will not take Greens preferences at the next election. If the Labor Party holds the Greens in such contempt, why does it take the Greens preferences? Why do Labor Party members go out and lobby for those preferences? I challenge the minister to go to the Premier and say, 'I despise the Greens so

much that I want the Labor Party to not take any Greens preferences'. I challenge the minister to not take any Greens preferences, if he holds them in such low regard.

The minister interjected as I was starting and talked about catching fleas. I must admit that having listened to the point of order raised by the member for Kew and the contributions from other members on this side, I am convinced the minister knows all about catching fleas, because of the people he associates with on that side of the house and the treachery and broken words over this issue. The government is not debating and discussing this bill with the industry in good faith. The minister talked about hypocrisy. The hypocrisy comes from that side of the house, and particularly from the minister's dealings with the industry on this issue.

I would also ask the minister why he hates VRFish? What has the minister got against VRFish? This legislation seems to be aimed at getting at VRFish. It is as though the minister had said, 'I don't like VRFish. But I have got this other group over on the side that I like, and I will structure legislation to support it'. Since we last discussed this matter in this place back in November, and since it was discussed in the upper house in December, the understanding I have from the people in the industry who have sent me emails, who have written to me and who have phoned me is that the department has not been back working with industry and saying, 'How can we get through this and find a way of resolving the differences over the consultation process in this particular piece of legislation?'. The people I talk to in the industry do not believe the department has been doing that.

I would have thought that when there is a dispute between the industry and the department on how this issue will be dealt with in legislation, the minister and the department would be out there talking to industry and working out how to come to a landing — to use the minister's words — on this issue and find a way forward that works with the industry. The clear message I have received, which I will come to shortly, is that the industry members do not feel that they have been talked to since this was debated in the upper house. There has been no work done to reach a compromise and to get a constructive result for the whole industry.

When I made my contribution back in November we talked about the fact that there needs to be change and a way forward. But what was on the table then was not the way forward. That is why I am disappointed the government has now brought this back to this house and said it wants to get rid of the amendments from the

upper house. It has not put up any alternative to improve on what the industry and the upper house were not happy with or looked at finding a way forward. The minister has the luxury of a large office and his ministerial portfolio has the luxury of a department that could have done this work with industry and found a way forward for the future.

Another issue that has been put to me is that the minister is under some pressure to resolve this issue. One of the reasons he may not have been out to talk to industry is that, as I would understand it, the Fisheries Co-Management Council (FCC) and the Fisheries Revenue Allocation Committee have been disbanded. One of the people I was talking to, who was on the FCC, said, 'I have had a letter saying thank you very much for your service on the Fisheries Co-Management Council, but it is not going to be used in the future'. I think the minister or the department probably pre-empted the decision while the bill was between here and the Legislative Council and decided to move forward with the changes before the legislation passed.

I think there is some pressure on the minister. Probably one of the reasons we have seen the absolute charade we have over this Dispute Resolution Committee process is that there is some pressure on the minister to resolve the issue, because he has obviously made promises to some other people. There are probably other people or groups in the industry who thought they were going to get something out of these changes. The minister has wound up the previous groupings that were dealt with under the legislation as it currently stands, and now he is in a bind and has to get something done because he has wound these sorts of things up. I wonder what promises he has made to other people on this particular issue.

What we are talking about is the same as what was discussed last time — that is, the rhetoric we have been given is that this particular legislation, once the amendments from the upper house are taken out again, provides for what the department and the minister are calling 'fit-for-purpose consultation'. The term sounds very nice when it rolls off someone's tongue. Looking at it positively, you could say, 'That is probably not a bad idea'; however, you could look at it in a more sinister light, as you have to in this job. People have ways of scheming and plotting, and it is our job to look through those sorts of issues to make sure that the legislation passed in this place is good legislation. I think the term 'fit-for-purpose consultation' is code for the department being able to decide who its staff will talk to and what they will talk about so the department can get the result that it wants and can give advice to

the minister. That is clear in the information that we have had coming back from industry stakeholders.

You have only to remember the argument about the poacher and the gamekeeper. I do not think you can have the department doing what it does and at the same time have the same people from the department designing and being in total control of the consultation process. You need some legislative arrangements in place to make sure there are checks and balances. I am not saying the department does not have the best intent, but everyone has a paradigm in which they work, and we need to make sure that checks and balances are in place.

**Mr Andrews** interjected.

**Mr WALSH** — The Minister for Health might well ask what this place is for after the charade we saw before dinner regarding this legislation.

*Honourable members interjecting.*

**Mr WALSH** — I am talking about the legislation and the whole issue around the Dispute Resolution Committee. It is absolute rubbish. I am bitterly disappointed that the government has not been back to industry trying to find a way forward on this particular bill that would appease all sides of the debate rather than the two or three pressure groups that the minister keeps relating to.

**An honourable member** interjected.

**Mr WALSH** — There are three, and I will come to them in a minute. The minister quoted at length from a number of press releases that talked about the three groups that support his point of view. I will inform the house of some differing views to those that the minister put forward to this house. Firstly, I refer to a media release of 11 November 2008 from VRFish, which states:

VRFish, along with the other recognised peak bodies, met with Minister Helper last night to voice their concerns as it was felt that the proposed legislative changes do not progress co-management and does not meet the criteria of the 2006 Labor Government's electoral commitment.

Does it meet the 2006 Labor government's electoral commitment? VRFish believes that what has happened here has not been done in good faith or in the spirit of what the government went to the 2006 election on.

I have a range of comments on the issue from other organisations. A media release from the Victorian Recreational Fishing Round Table states:

The Victorian Recreational Fishing Round Table (VRFRT), a recreational fishing 'think tank' organisation described new Fisheries Legislation (introduced to State Parliament in 2008) as 'botched'.

It quotes Phillip Western as having said:

Fisheries Victoria have also made it clear that they intend to substantially downgrade consultation processes with Victorian recreational fishers. This is clearly evident from recent (so called) Round Table meetings whereby they have met with only a few Fisheries Victoria cronies and selected invitees in meetings that are not open to the broader Victorian recreational fishing community ...

These meetings are apparently paid for from recreational fishing licence revenues which are contributed by all licensed recreational fishers ...

However, only a few are invited to attend meetings:

In addition, some Fisheries Victoria cronies who are engaged to run these closed forums are paid to do so from Recreational Fishing Licence revenues ...

The people from the Victorian Recreational Fishing Round Table certainly did not agree with the views that were put forward by the minister earlier.

A letter from Vincent Gannon from the Victorian Ecologically Sustainable Fishing Association states:

The amendments take away the rights to consultation and the independent statutory protection that the commercial fishing industry and the community have had over the past number of years.

It goes on to say:

... they will take the concept of consultation and co-management in fishing back 30 years.

I wonder if the minister is happy that what he is discussing here tonight — and what he has not discussed with the industry for the last two or three months while the legislation has been between houses — is going to take the industry back 30 years.

Let us look at what the Goulburn Valley Association of Angling Clubs has to say. That peak body comprises 16 clubs throughout the Goulburn Valley and the north-east. The president of the association wrote to the minister. The letter states:

... we are very concerned about the changes to the Fisheries Act 1995 that you are trying to put to Parliament due to the potential impact of the Legislation concerning the future of VRFish.

We would like to see guaranteed protection for and inclusion of peak bodies in the legislation as well as a guarantee in legislation that both the minister and DPI must consult with peak bodies where the issue could have a real impact on Victorian fishers.

The letter goes on to say:

We are asking all politicians from all parties to stop this bill in its current form and to go back to a proper consultation with the majority of anglers, through our peak body ...

The letter is signed:

Yours sincerely, on behalf of the thousands of individuals and families that love to fish in the Goulburn Valley and beyond.

The member for Gippsland East may joke about the Goulburn Valley Association of Angling Clubs, but I think it is a serious group in respect of the issues it raises.

I also want to quote from a letter to the minister from the Wimmera Anglers Association. It states:

... as the defined changes has the potential to initiate a 'City-based monopoly' consultative process, 'Fit for purpose DPI biased' and not representative or inclusive of fully defined consultation with regional Victorian angler stakeholders.

As you go through all these letters you see an underlying theme — that is, that this is about the minister and the department setting up a process that talks with the minister's big city mates and leaves country Victorians out of the whole process.

I refer to a letter from the Mid Northern Association of Angling Clubs to the minister. It states:

Our regional stakeholders believe there is a high potential for the proposed changes to create a 'City-eccentric monopoly' —

there is a theme here, Acting Speaker —

stakeholder consultation process, especially with the proposals to continue to invite specific bodies to round table forums while bypassing many of the current highly valued regional based stakeholder representative bodies. Past minutes of the only 'round table meeting' that our association was invited to will identify we were invited as 'observers only' and offered no out of pocket expenses for reimbursement.

It goes on over the page to say that all the consultation processes should be statutory by nature, transparent and fully defined in the Fisheries Act, which is where we come back to on the whole issue.

The next letter is from Susan Alcock of San Remo. It says:

I have for the past three years sat on two committees within the current fisheries co-management structure and I also operate a fishing business in Victoria.

The proposed new consultative arrangements are moving away from co-management, all other states of Australia are moving toward co-management.

It is imperative that there is a statutory body placed between the minister and the industry, which will allow industry direct access to the minister should the need arise.

I do not support the bill as presented to the upper house but would support an amendment that would cover the above.

That individual feels equally strongly about the whole thing.

I refer to a media release from another group. I am doing this just to counter the plethora of press releases the minister went through before the dinner break. The next group I refer to is the Association of Geelong and District Angling Clubs. The member for South Barwon might be very interested in the association, probably because it does not think he will give them a fair hearing. The media release says:

The Brumby government has introduced new consultative arrangements for Victoria's recreational fishers and conducted one of the 'new style' regional consultation forums at Anglesea on 3rd December. Unfortunately, only a select few were invited to attend and the Geelong and district angling clubs association, arguably the biggest recreational fishing stakeholder in the Geelong and west coast region, was not invited to the forum.

So it was invited, was it? Was it invited?

*Honourable members interjecting.*

**Mr WALSH** — For the record, the member for South Barwon is saying it is rubbish to say that it was not invited. The media release goes on:

Geelong and district angling clubs association president, Ian Pickering, said that it appeared that this might be the start of a sham kind of consultancy process that will include some recreational fishing stakeholders, but not others. 'If the government is serious about consulting with recreational fishing stakeholders, these forums should be inclusive of all, not just those who are suited to the government and its agencies', he said. 'What do they have to hide from the Geelong and district angling clubs association?', he said.

It goes on say further to say:

... the Geelong and district angling clubs association included 12 angling clubs in the Geelong area ...

I suggest to the member for South Barwon that he might actually like to touch base with that particular group.

The last one I would like to talk about — —

*Honourable members interjecting.*

**Mr WALSH** — No, this is not from a peak body. This is from Pat Washington, who used to be the chairman of VRFish.

**Mr Foley** interjected.

**Mr WALSH** — A fine chairman, as the member for Albert Park says. In his very long and detailed email to me, he set out his credentials. It states:

As you are no doubt aware I was the chairman of VRFish for 10 years and was involved from the beginning ...

He went on to make some very relevant points in his email. It states:

It will be impossible for the government to consult with all recreational fishing stakeholders without a peak body ...

Surprise, surprise! The email continues:

but it is becoming apparent that consultation will be with Rex Hunt Futurefish Foundation, Australian Trout Foundation and the Sydney-based Australian Fishing Tackle Association. These organisations are not democratic and represent small special interest groups, not the broad base of recreational fishers.

It goes on:

The majority of recreational fishing stakeholders have been ignored throughout the development of these new arrangements, and once the new regulations are in force they will have no ability to have input into the management of their fisheries.

The next point is:

This is another example of this government wanting everything centralised and the biggest losers in this will be regional-based recreational fishers.

It goes on to say further:

The majority of recreational fishers do not support this legislation and the need for change is being driven by the three organisations mentioned above. These organisations have opposed VRFish from the outset and stand to gain a large financial benefit from the changes especially the proposed new arrangements for the allocation of recreational fishing licence revenue ...

Already Minister Helper's office has threatened to withdraw funding from VRFish if it did not support the legislation —

the heavy hand of government again — the fleas come out again —

and Peter Appleford has been an opponent of VRFish since the day he was made executive director. He hates being questioned on the way he manages the fishery and does not consult if he can possibly avoid it. He is a totally different manager to both his predecessors who had a good relationship with VRFish and were willing to discuss and debate issues to get an outcome.

When I look at the range of organisations I have quoted from which have said they do not support the legislation in the form in which the government has put

it forward and are looking for it to change, that proves to me, and it should prove to this house and to the government, that what the government put forward is not the right way forward. There should have been changes to make sure that all stakeholders could be included rather than the three that Pat Washington mentioned.

I am bitterly disappointed that the government does not support the amendments that have come back from the upper house on this fishing bill, but I am even more bitterly disappointed that the minister and the department have not been out working with industry to try to get a way forward on this issue. If the minister was so committed to positive change, why have not he, his staff or his department been out there working with industry to get some amendments to what was originally put forward so that this could work for everyone?

We flagged in the debate back in November that we believed there was room for positive change as we went forward. We said that the changes put forward were not acceptable to the majority of industry stakeholders we had talked to, but the minister has done nothing about taking up that offer from industry members or from us as to how there could be amendments to the original bill to get an outcome. Rather he has used the heavy-handed tactic of saying, 'This is what we are going to do and that's that. I effectively hate VRFish; I have got my three mates over here I am going to appease, and you can live with it'.

**Mr HARDMAN** (Seymour) — I rise to speak on the Primary Industries Legislation Amendment Bill and to oppose the amendments proposed by the Liberals, The Nationals and the Greens. The government rejects the amendments made by the upper house because they will see a return to the inefficient and inflexible consultation arrangements that reviews have consistently shown are unsatisfactory to many of the stakeholders. The government's amendment in the bill will ensure that the consultation process for fisheries will be fair for everybody.

The history of reviews has shown that there has been concern about consultation in the past. That led to a letter from the Premier to the previous Minister for Agriculture of 22 November 2005, which says:

... a number of recent reviews concerning individual stakeholder groups have suggested that fisheries stakeholder consultation and governance arrangements could be improved.

He asked the minister at that time to find a way to improve the model of consultation that was then going on. That is what this bill endeavours to deliver.

Opposition members when last in government were regularly and genuinely criticised for their lack of consultation and lack of understanding about consultation and how it works. Indeed they were correctly labelled arrogant and were ousted by the people for that reason. After a very long time in opposition, nearly 10 years, they show that they still do not get it — they do not get what consultation is about.

I would like to quote from a release from the Australian Fishing Trade Association. The release talks about the association's problems with the opposition's position and says:

The consultation section of the bill is being politicised by the ... opposition in its debate due to uninformed members who have no concept of the dire need to embrace inclusive consultation within recreational fishing circles.

It goes on to say:

Strangely the opposition has taken the high road to negate these changes without canvassing the issue with stakeholders and leaves one to guess that they deem how unimportant it is to those who have embraced change as the way forward.

That goes to show that opposition members need to work on their consultation practices and not go to one peak body and then all of the smaller groups which are a part of that peak body to back their argument for some spurious reason — that is, obviously to protect a power base, and I can understand that. They are obviously fighting to help a body keep its power base. The problem is that this legislation recognises that there are a number of other bodies that represent people who wish to be at the table in the consultation process. That is why we have introduced this legislation.

There is considerable support for the bill. I have with me the same press releases the minister referred to. A press release from 11 November 2008 from VRFish — the one the member for Swan Hill quoted from — says:

... the minister has given the guarantee to regularly review the consultative process in conjunction with the peak bodies to assess if the new consultative arrangements are achieving its objectives. VRFish is extremely pleased with this commitment.

On the same issue the Futurefish Foundation also showed its support. A press release states:

The current legislation has been in place for more than 10 years and has served its purpose, however times have changed and many prominent recreational fishing groups in Victoria welcome the changes.

It also states:

Mr Buxton —

whom the Minister for Agriculture referred to earlier —

concluded 'Futurefish Foundation is more than pleased with the government's management of recreational fishing in Victoria and congratulates the government for delivering on its 2006 election policies for recreational fishing' —

which disputes one of the claims made earlier by the Deputy Leader of The Nationals.

The Australian Trout Foundation president, Mick Hall, is also in support of this legislation. The foundation's media release states:

Australian Trout Foundation ... President, Mick Hall, announced today that the ATF management committee was —

delighted with the proposed changes to the Victorian fisheries consultative arrangements put forward by the government. It further states:

'The current consultative arrangements have been in place for more than 10 years. It is definitely the time for change and these proposed changes will definitely prove for the better. I strongly urge all ATF members, all anglers for that matter, to embrace them and move forward with this proactive and positive review' Hall concluded.

A media release from the Australian Fishing Trade Association states:

The Australian Fishing Trade Association ... applauds recently announced consultative arrangements for Victoria's fisheries resource initiated by former Premier Steve Bracks and launched by the current minister of agriculture, Joe Helper.

There is a considerable amount of support for this bill. There is a view that the current stakeholder consultative arrangements are inflexible and inefficient. That view is widely held. It is what has led to our amendments in the bill and is why we oppose the amendments that be have put forward by The Nationals and the Liberal Party. In moving forward we need to listen to what the industry stakeholders themselves are saying.

Previously the industry was locked out of any Victorian negotiations relative to sustainably managed fisheries. This was at odds with what happened in the other states around Australia. In the past consultation was poor, and that is why we have introduced this legislation, why our amendments need to go forward and why The Nationals, the Liberal Party and the Greens need to change their minds so that fishers in Victoria get a good consultative process. There are some organisations that are not confident that their points of view are currently

heard, and they are pleased with the changes. Again, the Futurefish Foundation has highlighted its concerns and has shown its support, as I said earlier.

The government also rejects the Greens amendment with regard to aerial spraying. The issue with regard to public liability has been thought about and talked about — it has been discussed for a long period of time. The need for mandatory insurance for agricultural aircraft operators was initially questioned in 1999 by the national competition policy review of agriculture and veterinary chemical legislation. In 2007 the Product Safety and Integrity Committee of the Primary Industries Ministerial Council agreed that the mandatory insurance should be removed. That is what we are doing. The \$30 000 public liability insurance is obviously inadequate anyway — and it is not up to the government to tell people how to run their businesses. The Nationals and the Liberal Party again seem to be having a bit of a philosophical problem on this. On the one hand they talk about red tape and regulation and on the other hand they will be supporting and voting for amendments to a bill that will remove a silly piece of legislation.

In conclusion, the member for Swan Hill was incredibly unconvincing in his attempt to draw conspiracy theories about the minister. For about 6 or 7 minutes he talked about a conspiracy theory and about whether or not this debate should be happening, which is interesting given it is the opposition's amendments we are debating, and then went on to more conspiracy theories about the legislation. It probably works on a few people, but most people can see through conspiracy theories. I think the opposition needs to do much harder work in the future to back up its arguments. I again support the government's original legislation, and I wish it a speedy passage.

**Mr K. SMITH** (Bass) — Can I say that this debate is something I wanted to be involved in. I took part in the original debate that occurred in this house because of the concerns I have for the fishing industry, particularly down in my area at places such as San Remo and Newhaven, where it has been virtually decimated. In fact you could say the whole fishing fleet has been decimated down in that San Remo area, although we still have a few shark boats and abalone boats that come into that area. I support the changes that have been made in the upper house. I cannot quite understand the government's position in regard to this matter.

I want to raise a couple of issues in regard to the bill. I believe the government is acting illegally at this moment. To put it in plain terms, the Fisheries

Act 1995 sets out functions of the Fisheries Co-Management Council. My colleague from Swan Hill mentioned that the Fisheries Co-Management Council has in fact been dissolved, and the minister and his department, including his department head at the time, Peter Appleford, had been making a large number of decisions without any consultation whatsoever with the Fisheries Co-Management Council. This is illegal. It is not able to operate outside the law, the Fisheries Act, and several decisions have been made regarding changes to management.

I can see the member for Seymour is starting to squirm in his seat. Since I raised the issue of the problems being experienced by the fishing industry that were being caused by the then director Peter Appleford, I understand he has been moved sideways, and I am pleased that he has gone.

The Fisheries Act requires the Fisheries Co-Management Council be in place for any decisions to be made. I will read from the act, which says that the Fisheries Co-Management Council is there:

- (a) to promote co-management of fisheries;
- (b) to oversee the preparation of management plans under section 28 and to advise the Minister in respect of proposed management plans;
- (c) to advise the Minister on statewide priorities for fisheries management and fisheries research, and on matters relating to intergovernmental agreements and arrangements —

these have been breached by the minister, and are currently being breached by the minister —

- (d) to advise the Minister generally on the operation, resourcing and administration of the Act and on any matter relating to the achievement of the objectives of the Act or which is referred to the Fisheries Co-Management Council by the Minister ...

There are a number of other provisions under section 91 of the act. I can only suggest that the minister look at his position in regard to this because if it is correct, and I understand that it is correct, that he is making decisions without having the Fisheries Co-Management Council in place, he is certainly acting outside the law.

We also have some concerns about the abalone management plan. The minister has the use of a certain amount of funding that is actually contributed to by the abalone operators. This is in the legislation that is before the house. The fact is that there is some \$500 000 of abalone operators' money that is supposed to be used for many of the services, including enforcement and research. The money has not been put

into research or enforcement, and my concern is that once again the minister is in fact using the money of an outside organisation that has been contributed to have those things done but is not spending it in that way. It is under the control of the government, and it is a very grave concern.

A new management plan has been drafted. A large number of unrealistic charges will be placed on the industry, with no guarantee of delivery of those services. The trouble is that the industry, the minister and the department are in fact taking money under false pretences. They are not delivering what they are supposed to be delivering.

We have had in this state a huge abalone virus that spread from the west coast across the south coast of Victoria, and which has cost Victoria hundreds of millions of dollars in export losses. It has caused a great deal of concern to the industry, because Victoria's reputation as being clean and green and for the abalone coming out of its waters as the best abalone from anywhere in the world has been shot to shreds. The department at the time had an opportunity to close down the farm, which was an on-land farm producing abalone. It did not do that, and I hold Peter Appleford completely responsible for that decision. He had a chance to shut down the pumps that were pumping the water back out into the bay. He never did that, and in fact he allowed —

**Mr Nardella** — On a point of order, Acting Speaker, the member is not speaking on the bill. I ask you to bring him back to the bill.

**The ACTING SPEAKER (Dr Sykes)** — Order! I appreciate the particular interest the member for Bass has in this subject, but he should keep his remarks to the bill if he can.

**Mr K. SMITH** — I am speaking on the bill. The bill relates to changes to the Fisheries Act. It relates also to the Fisheries Co-Management Council. If the member for Melton had been here during the debate, he would understand that I am talking about this being part of the bill that is currently before the house. I have grave concerns about the actions of the government in regard to this matter. It is something that this house should be taking up further and harder with the Minister for Agriculture, who has responsibility for fisheries.

I see this as an opportunity to say that we have a very good fishing industry — or we did have a very good fishing industry — in Victoria. We cannot afford to allow it just to fall away because the minister and his department are prepared to act illegally in not allowing

the Fisheries Co-Management Council to continue to exist and offer advice, as is legislated in section 91 of the Fisheries Act, thereby putting in jeopardy our fishing industry in Victoria.

The issues of concern that I have raised are genuine. We raised concerns in this house — and I raised issues in the original debate, and I know the member for Swan Hill in his capacity as shadow Minister for Agriculture also had some concerns that he raised — regarding the fishing industry. I know when it went to the other house, the issues were also raised with regard to the fisheries side of the legislation, which is of concern, and should be of concern, to the minister.

I conclude by saying that I have grave concerns about where the industry is going. I have grave concerns about the responsibility of the minister and the abuse of the Fisheries Act in not allowing the decision making of the Fisheries Co-Management Council to have continued to take place, and I think there probably should have been some sort of investigation into the actions of Mr Peter Appleford.

**Mr FOLEY (Albert Park)** — It gives me great pleasure to rise to support the will of this house, as already expressed, in supporting the original Primary Industries Legislation Amendment Bill 2008 and to oppose the changes to it sought by the Legislative Council.

Before I make my contribution in terms of the substance of the bill, I must say it is truly surprising to hear the contributions from those opposite on this bill. What we are now seeing is The Nationals heading a push to make aerial spraying more difficult, more costly and more inefficient. The day that former presidents of the Victorian Farmers Federation can get up in this place and support added costs for agriculture is an absolute red-letter day as to how far The Nationals have sunk.

How can The Nationals hold their heads up in rural Victoria and justify to their constituency that they are here to make agriculture more expensive, more bureaucratic and more difficult? I would love to hear the explanation from two former VFF presidents. All I can say is: bring on the changes in the VFF if this is the depths to which The Nationals have now sunk.

I also take great exception to the contribution from the member for Bass who, under the privilege of Parliament, has attacked the reputation, not for the first time, of a fine public servant in Peter Appleford. It is fair enough to have a crack at ministers or at members of Parliament, but to have a crack at a public servant

who does his job in accordance with the procedures of the public administration arrangements in this state is a particularly low and disrespectful act; I would urge the member for Bass to recant. But given his past performance on those things, one suspects that he will not.

Then to have a situation where the amendments sought by those opposite also seek to somehow or other not propose a creative alternative, not propose any solution to this but to simply oppose in total and leave as is the recreational peak body fishing status in this bill, is truly remarkable.

What we have here is a situation where not only do members opposite use the cover of parliamentary privilege to assassinate people's professional reputations but they also are anti-agriculture in their opposing necessary reforms in aerial spraying. They are essentially seeking to lock out and perpetuate the club mentality in recreational fishing — leadership decision making about how allocation of recreational fishing licences are dealt with in a democratic and modern society. Those opposite are anti-farmer, anti-recreational fishing and anti-public servant, and they need to have a good hard look at themselves.

This is not only an important matter for this house to consider on these bases; it is, if we start to peel back some of the contributions made, really an example of the fact that it must be pre-selection season opposite, because how else could you justify the bizarre set of circumstances where The Nationals and the Greens are in it together?

How we can have a situation like this is truly amazing, and one would hope that when this bill, as it will, makes its way back to the Legislative Council, common sense will break out amongst those opposite, and they will make sure that it steers its way through.

But let us perhaps deal with some of the specifics of the amendments that the other place has sent back to us. However spurious they may be, however much they reflect the disorganised, disingenuous and ill-considered basis of decision making of those opposite, perhaps we should turn our attention, at least as far as it applies to my particular electorate, to the interests of recreational fishing clubs and how this bill that has been sent back to us by the other place deals with it.

This is an omnibus bill designed to contribute in the original instance to the good governance of Victoria in general and the primary industry sector in particular. What the Legislative Council has done is seek to

trample on the will of this particular house — the people's house, that is — where governments are formed, where budget bills originate, where, rightly, the big issues of the day are dealt with. What do we get back from the Legislative Council? An anti-spraying bill and how we are going to have recreational peak fishing bodies dealt with.

Is it in fact a high-level public policy outcome that is central to the constitutional basis of the operation of the Victorian constitution and Parliament? I suspect not. Is it about testing how arrangements for government services are appropriately delivered between the legislative arm of government and the administrative arm of government and central elements of how public policy is delivered in this state? I suspect not. Is it to deal with far-reaching precedents about how the two houses relate and contribute to the good governance of Victoria? I suspect not.

It relates to arrangements between the opposition and the Greens to push back some changes in the regulatory regimes of the systems of aerial spraying regulated by the Agricultural and Veterinary Chemicals (Control of Use) Act 1992, and I look forward to the next amendment that will presumably come back about limited liability and the link between aerial spraying and genetically modified crops, which I would assume The Nationals will also feel honour-bound to support in return for having its tummy tickled on something else. What we do have is the other part of the bill, making sure that peak body representation matters relating to recreational fishing are dealt with.

Let us get it clear. The Legislative Council is seeking to have the people's house cave in to the house of review on these two high-level public matters of policy. This speaks more about how the Council's behaviour and the considerations of its public policy role has sunk to new levels in the hands of those who control its numbers at the moment.

But let me perhaps restrict my remaining comments to the issue of changes sought by the Legislative Council in the area of recreational fishing. My own electorate, like many others, has a high number of recreational fishers and attracts a high number of visitors to the shores of Port Phillip Bay — indeed to the shores of the Yarra River — from Point Ormond in Elwood all the way through to where the four recreational fishing clubs that bring people from all over Melbourne are located.

What the changes moved by The Nationals in the Legislative Council and supported by that house seek to do is perpetuate the clunky, ineffective and, many

would say, unrepresentative peak body status in recreational fishing. It seeks to perpetuate the last of the closed-shop clubs in how this state's public policy is dealt with in allocating public moneys.

For The Nationals and the Liberal Party to be defending that surely flies in the face of their much-touted contributions about supporting deregulatory and appropriate decision-making forums that open up decision-making to a range of different groups across not only this sector but indeed many others.

I have great difficulty in reconciling that proud tradition of the Liberal Party with its position on this particular matter. What we see here, and it has not been questioned by anyone, is a three-year consultation period with the industry that has had independently facilitated stakeholder groups coming together. We have seen broadbased open forums of recreational fishers which — surprise, surprise! — have reflected a diverse range of different views amongst recreational fishers in this state.

That is the very process which the Legislative Council in amending the bill has sought to undermine. Instead of reflecting that diversity, this proposal from the other place seeks to perpetuate the unrepresentative and closed-shop nature of how those decisions are made. For those opposite to support that is a downright disgrace and an insult to those who are shut out from that recreational fishing closed shop, from having a say in how their recreational fishing licences are spent. It is shameful that those opposite can look recreational fishing people in the eye and say they support recreational fishing; they do not. What those opposite do is support a self-perpetuating oligarchy — a closed shop. They have a nice arrangement in place and they simply seek to scratch one another's tummies in support of I do not know what.

It is about time this sham that those opposite seek to perpetrate on recreational fishers as well as on the agricultural sector in this state was revealed for what it is. It is about time the bill was sent back to the other place and those in the other place were told that if this is the best they can do, they need to have a good, hard look at themselves and try again. I urge that the bill be sent back to the other place and that a sensible decision be sought from our friends in the Legislative Council.

**Mr INGRAM** (Gippsland East) — I rise to speak on the amendments from the Legislative Council to the Primary Industries Acts (Amendment) Bill 2008. It has been a lengthy process. Like other members, I spoke on the bill when it was debated in this place in November last year. I did not go back and read my speech. I

acknowledge the lengthy process that the bill has gone through and the question of whether it accurately reflects the diversity of views within the recreational and commercial fishing sectors about the status of peak bodies. For a while, although not for the full term, I sat on the Environment and Natural Resources Committee during the original investigations conducted into fisheries. This was one of those issues that was debated.

For the record, I have a commercial fishing background — before I entered Parliament I was involved in the abalone industry — and I have also been a long-time passionate recreational fisherman. I have been a member of a number of recreational fishing organisations and have represented one national peak body — —

**An honourable member** — Do you still fish?

**Mr INGRAM** — I still get a bit of time to go fishing occasionally.

I turn to the topic of Recfish. The discussion around these amendments has focused on the recreational peak body's status — the formal recognition of that organisation as the peak body. I pass on to the house my view that the peak bodies — the key representative organisations — still are not comfortable with what has occurred. Both the commercial and recreational fishing peak bodies have expressed to me their discomfort with the bill. They do not support the way it is going forward.

I will use the example of Ron Lewis from Native Fish Australia, who has been a member of VRFish for a number of years. His memory goes back to recreational fishing before it had a formal peak body. He believes that was a shambles. I have been involved in recreational fishing politics, and it is unfortunately a very dysfunctional group of people at times. It is like herding cats. There is a diversity of views within the recreational fishing sector, and that diversity somehow has to be corralled into a consistent and deliverable organisation to carry out that communication and dialogue with policy-makers in the government, with fisheries, with departments and with the community. We have seen on a number of occasions that the organisation has not done well.

I have been a strong critic of VRFish for a number of years, but in recent years it has finally got its act together. The minister would probably acknowledge that, given the way it has behaved on other issues, it is a much better organised body than it was in the past. For a number of reasons it is starting to get its act together.

Just recently we have seen the Rudd federal government pull the funding for Recfish, which is the national peak body. At the moment the state peak body has a cloud over it regarding where its funding and future lies and whether it has the support of the government. That is the disappointing thing for recreational fishermen at present — whether it is going to lose funding or not, the concern of those member organisations is that it will occur. At the national level funding has been pulled from Recfish. As I said, the recreational fishing community is a disparate group that is difficult to get together at times. Without an effective, well-funded, functioning peak body at a state or national level it will be very difficult to channel that energy and those views into a constructive and organised force.

Regarding the legislation and amendments we are discussing, this is the main issue I would fix if I were in a position to sort out the future of recreational fishing peak bodies. I have strong views about how to harness all the non-aligned anglers. That is one of the challenges with the current structure — organisations do not necessarily have the ability to get the views of the wider, diverse group of unaligned anglers, and the large majority of anglers are not members of recreational bodies, local clubs or other organisations. So there are a lot of people out there in the Victorian recreational fishing community who may at times not feel their views are represented by VRFish. This legislation has not fixed that problem. Fixing that should have been a higher priority than it has been.

I acknowledge there is a diversity of views. I know very well the views of the Australian Fishing and Tackle Association, which is a very important part of the recreational fishing scene.

**An honourable member** interjected.

**Mr INGRAM** — The comment made was, ‘They are from Sydney’. The tackle association represents the tackle trade around the country. It is an important player in a large industry. Recreational fishing is one of the largest recreational activities around. The money generated through the sale of goods, the sale of bait and tackle, the sale of holidays and the tourism industry around it means it is an enormous industry. The tackle association represents those views. I know it feels at times that its views have not been appropriately dealt with through the peak bodies, and it has always had that view. The only time the association is invited in is when it is required to pay money.

I know there are some different views within the industry, but the message has come back loud and clear

to me from both the commercial sector and the recreational sector that they do not support the way this has gone forward. That is it. I acknowledge that diversity of views.

The challenge we have here is with the amendments that have come back from the other place. I have, as I said, fairly strong views about the peak body status. I do not necessarily agree with the Greens amendment from the upper house; I struggle with the idea of supporting that, but there will be one division on this or one question, and I think that is the challenge.

Another issue that has been raised with me, and it is disappointing, is that there are a number of sections affected by these amendments which have strong, broad community support. One of those issues is the priority species listing for Murray cod. It is disappointing that that has not been implemented. We have not been able to get that through because of the hold-up with the legislation and the differences of view with those other sections. Murray cod is an iconic species — I do not like the word iconic but it is a special native fish. Unfortunately it is under severe threat through being deliberately targeted by shamateurs, if you like — that is, people posing as recreational fishermen and illegally harvesting Murray cod. That is why there is a section in this bill which lists Murray cod as a priority species and which gives it the same status as species like southern rock lobster or abalone. I spend a bit of time up on the Murray and the Ovens rivers. I was recently on the Ovens where a number of setlines are set by people deliberately targeting Murray cod for commercial gain.

When a bill is an omnibus bill, or a bill that contains a large number of sections, it can be held up by legitimate disputes. There are policy differences within the community about this bill and there has been a lot of discussion to and fro around both the chambers and in the community. But the hold-up for the priority species listing has meant that anyone who has been caught recently — —

**The ACTING SPEAKER (Dr Sykes)** — Order!  
The member’s time has expired.

**Mr CRUTCHFIELD** (South Barwon) — I want to touch briefly on this bill. I was not going to speak on it, but I am the last speaker from this side of the house. I want to declare a couple of interests. I am a recreational fishing licence-holder, a member of the Torquay Angling Club and also, importantly for this house, I know Peter Appleford. I have tried to run through Peter Appleford a number of times on the football field. He is no friend of mine. I know him as an honest competitor,

and that is the way I believe he has dealt with his off-field work.

I respect him immensely for his work. This house is diminished when members use this forum to besmirch the good reputations of public servants. I want to mention the member for Swan Hill, who spoke about Peter Appleford. He did not go in quite as hard as did the member for Bass in his disgraceful contribution. I hope that on reflection members opposite counsel those individuals about their disgraceful efforts at besmirching public servants who have no ability to defend themselves. Members can have a go at every person in this house, but people who use this forum to denigrate, abuse, bully and besmirch the reputation of public servants are a low form of life. I encourage the members who have used this forum to repeat — —

*Honourable members interjecting.*

**Mr CRUTCHFIELD** — No, I have never done it. When I was mayor I had a running stoush with councillors who did it. If members of the Labor Party did it in opposition, then I would use the same comments in reference to them. I invite the members for Bass and Swan Hill to repeat outside this forum their comments about the particular public servant mentioned. They will not do it. The members are cowards!

*Honourable members interjecting.*

**Mr K. Smith** — That was not much of a contribution.

**Mr Crutchfield** — You are a grub, a grub.

**Mr K. Smith** — On a point of order, Acting Speaker, I would like that comment withdrawn.

**The ACTING SPEAKER (Mr Jasper)** — Order! The honourable member for Bass has asked for a withdrawal.

**Mr Crutchfield** — I will withdraw the term ‘grub’.

**The ACTING SPEAKER (Mr Jasper)** — Order! The honourable member has withdrawn.

**Mr K. Smith** — I would like it withdrawn properly.

*Honourable members interjecting.*

**Mr Crutchfield** — I withdraw.

**The ACTING SPEAKER (Mr Jasper)** — Order! The honourable member has withdrawn to the satisfaction of the member for Bass.

The question is:

That the amendments be disagreed with.

Those of that opinion say aye.

**Honourable members** — Aye.

**The ACTING SPEAKER (Mr Jasper)** — Order! To the contrary, no.

**Mr Ingram** — No.

**The ACTING SPEAKER (Mr Jasper)** — Order! The ayes have it. Does the honourable member for Gippsland East wish to have his dissent recorded?

**Mr Ingram** — I would like to have my dissent recorded.

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

**Motion agreed to.**

**Ordered to be returned to Council with message intimating decision of house.**

## APPROPRIATION (2009/2010) BILL

*Second reading*

**Debate resumed from 7 May; motion of Mr BRUMBY (Premier).**

**Mr MULDER (Polwarth)** — I rise to speak on the Appropriation (2009/2010) Bill and I do so with a great deal of concern. Those of us who sat through the Treasurer’s speech in this house would have grave concerns about the track this Labor government is currently taking the state of Victoria down. The government has been in power for 10 years now and there are some alarming parallels between the Brumby government and the Cain and Kirner governments of 1982 to 1992. It almost appears to be some form of a 10-year itch in terms of the way that this state’s finances are going. Anybody who sat through that speech would realise and understand that we are heading down the path of saddling our children and grandchildren with a huge amount of debt that at some stage in the future will have to be paid back.

The other grave concern we have is about the phoney surplus, a surplus that has been propped up by payments from the commonwealth government. This cannot continue. If it had not been for those payments

from the commonwealth, the true state of Victoria's finances would have been somewhat different and far more alarming than it is today. We have an issue with this government. It is like all Labor governments; its members talked their way into office. They trash the surplus, deliver nothing, spend their way out the door and will leave the cupboard bare. What we see happening with this Brumby Labor government is history repeating itself, because Labor governments simply cannot handle money.

The coalition fully accepted the financial setting transferred to this government in 1999. We lifted the state from its shocking reputation of being a rust bucket to a state that everyone in Victoria was proud of, with its sound financial base, the \$1.7 billion surplus and the investment that was made in the state's infrastructure. We accept that. But we do not accept responsibility for the financial setting of today, the financial setting that has been put in place by the Labor government. With its massive debt, its lack of infrastructure spending over the past 10 years, its lack of vision and its lack of accountability, the legacy of the Brumby government is a frightening parallel to that of the Cain and Kirner era.

The coalition's position of supporting any debt into the future for infrastructure projects is that the debt has to be transparent. There has to be a repayment program in place, and the debt must actually deliver projects, benefits and outcomes. I say this with one distinct clarification: Victoria should not be in the position it is in today. This is not the doing of the coalition. Our support for borrowing comes with a lump in the throat and a knot in our combined stomachs, with us knowing all too well what this state faces and the direction that we are heading in under a Brumby Labor government.

It truly is a sickening feeling to know where we were and where we have got to today under this government. The budget said it all. Revenue in the form of interest payments in the future will go straight into the pockets of financiers instead of into public transport, services, schools, hospitals and police. Debt reduction payments will be made instead of money going into infrastructure. That is what we face as we move forward. There is no reason why we should be in the position we are in today. The service delivery should have been 100 per cent and the infrastructure projects that should have been completed have not been. In fact every single aspect of this government's administration has massive problems associated with it. It cannot deliver even on basic services, and there is a massive black hole in relation to infrastructure.

With Labor at the helm it is not known how much of this debt is going to pay wages and other recurrent

costs. The Victorian state Labor government is so tricky with its budget documents that the truth is always well concealed. This budget is a debt trap, and Labor governments are the masters of debt. Nothing has changed and it never will. It is entrenched in Labor's political pedigree. Labor governments cannot manage money. They have never been able to manage money in the past and they never will be able to do so in the future. As poor financial managers they have a poor prioritisation of projects, with cost overruns, a total lack of accountability and poor governance. That is the history of Labor governments here in Victoria.

After being in the position of either Treasurer or Premier for close to 10 years, what right does the current Premier have to expect his administration to deliver with declining revenues, when he and his administration could not deliver when they had the money? They could not get it right when they had the money, and now he is asking for another crack at it when the government knows it is facing tough times. I put it to this place that the Premier has no right at all to expect the community to believe his administration could possibly deliver. If you cannot survive on a calm sea, you have got no hope in a storm.

This government has a the soft fiscal underbelly. It is incapable of making hard decisions and of cutting the Labor leeches loose from the taxpayers purse. It simply cannot do it. That has been the problem all along. Nothing has changed; Labor governments cannot manage money. The former coalition started on the other side of the fence with nothing but a bankrupt state referred to as a rust bucket. We turned it around. Labour started with everything. It also did a U-turn. It is on its way back to bankrupting Victoria again.

Labor had a walk-up start and still could not get it right. In the last 10 years it still has not got it right. When you look at any area of basic service delivery by this government you see that it has failed. Whether it be police, transport, education services, Country Fire Authority funding or crime statistics, in every single area of basic service delivery this government has gone backwards. With money to burn, it has gone backwards. Times get tough. The government says to us, 'We can get it right in the tough times', but it has no hope. Those opposite conned their way in the door, trashed the surplus and delivered nothing — and they will borrow their way out the door and leave the cupboard bare. That is exactly the way this government runs, and it is the way that other Labor governments have run. Nothing has changed.

The surplus that has been declared at the moment is really quite simple to explain. The best example would

be of someone who has had to mortgage the family home to the hilt claiming, 'Things aren't all that bad because I've still got \$10 000 in the cheque account'. As long as the government thinks it can continue to post a surplus everything is okay, but in the meantime it is hocking all of the assets behind everybody's back. It is borrowing, and it will continue to borrow. That will be a millstone around the neck of future governments, future generations and future taxpayers.

Unless you have actually worked in a high-interest rate environment it is hard to get a handle on the risk of reckless borrowings. I ran my own business in 1989. Home loans were 17 per cent, small business loans were 2 per cent higher, and if you had an overdraft you could add another 3 per cent to that figure if you breached your limit. That was the sort of environment I operated in. A significant shift in interest rates in the future would bring this state to its knees. It could happen again, and no-one should say that it will not happen. It is a very, very sad state of affairs. We never thought we would see it repeated, but here we go again. It is the same horse but a different jockey. It is the same problem — Labor governments cannot handle money.

The Premier has also embarked on one of the oldest tricks in the book in terms of justifying the massive level of debt that Victoria has taken on board by providing inflated costings on projects — projects such as the South Morang rail extension and the regional rail link. It is very easy when you come out with these massive dollar figures to then go to the market and say, 'We have to borrow for them'. Right across the board industry has said that these projects are overinflated. There is no doubt that what will happen is that money will be creamed off the top of what is borrowed and will find its way back into government coffers and back into paying for recurrent funding. It will be back to the old days of paying wages out of borrowed money. That is exactly the way we are heading. These inflated projects point to the Brumby government's skimming off the top and putting money away for the future.

Kenneth Davidson in an article of 15 December 2008 pointed to this exact issue about this government inflating the cost of its projects. We know that this government is planning for high-productivity road freight vehicles for Victoria due to its failed policy of having 30 per cent of containerised freight on rail by 2010. This target sits at about 15 per cent as we speak. Sir Rod Eddington said in his report, 'Drop the target. It's not working'. I note that it is there again in this year's budget papers, and it is still not working.

In regard to the government's promised \$1.9 billion funding for improvements to arterial roads, the budget

papers point to just \$29 million being allocated over the next four years — just 1.5 per cent of what was promised. At this rate it is going to take 262 years for the Premier's funding promises for road projects to be met. The shine has gone off the \$38 billion transport plan. The river of gold this government was expecting from the federal government has not come. We have got one project funded, and we have a host of other projects waiting. This is the fifth transport plan that this government has delivered. The vast majority of those projects are on the never-never, and the members of the community in and around Melbourne in particular who rely on having reliable public transport and good roads to travel on that are not congested are condemned to suffer from this type of behaviour because of this government's inaction.

The same goes for country Victoria in relation to the country rail services. The way that this government has blown money away has been an absolute disgrace. Problems are still occurring with the myki system. Some \$1.3 billion of Victorian taxpayers money has been spent on it, and in the last couple of days more glitches in the system have been detected. Some 7000 Victorian commuters who are using this system have been overcharged, and they cannot track the overcharge payments. It is an absolute and utter disgrace. As that project moves forward we can watch the glitches unrolling and the embarrassment that that will cause this government.

I will speak on an issue in my own electorate that is very dear to my heart — that is, Princes Highway west. It is a project that was promised by this government in 2008–09 and promised by the federal member for Corangamite, Darren Cheeseman, with \$110 million in state funding and \$110 million in federal funding. The whole project has gone completely and totally pear-shaped. You would think the new federal member, when making his debut speech in federal Parliament, would have mentioned the major project that won him the seat. There was not a single mention of the duplication of the Princes Highway west.

An article in the *Colac Herald* of Friday, 16 May, states:

Mr Cheeseman said he had an 'assurance' from the federal roads minister, Anthony Albanese, that the \$109 million would be available in next year's budget.

Another article in relation to this issue appeared in the *Colac Herald* of 8 December 2008. It states:

Mr Cheeseman said the government was in the middle of a community consultation process ...

He said engineers were surveying the road as part of a 12-month planning phase and had money set aside in the 2009–2010 budget ...

That is not true.

An article appearing in the *Geelong Advertiser* of Monday, 27 April, reports that Mr Cheeseman and the member for South Barwon said that work was going to start in late 2010, but it also states that a spokesman for federal infrastructure minister Anthony Albanese said a date to start the project had yet to be set.

I point to the fact that in the last couple of months another fatality has occurred on the road and to the fact that just a matter of days ago a father and son combination in a heavy vehicle were seriously injured on that road due to the lack of duplication. We have got all of these promises from the member for South Barwon and the federal member for Corangamite, Darren Cheeseman.

If you want to get an understanding of the utter deception that has been going on with this road, I refer you to a Public Accounts and Estimates Committee meeting where the question was put to the chief executive officer of VicRoads about whether or not funding was available for this road and when the project was going to start. Mr Gary Liddle stated to the Public Accounts and Estimates Committee on 15 May:

Yes, the agreement with the federal government is that it will continue as part of the next AusLink agreement, so not in the current five-year program between 2009–10 and 2013–14. I think 2013–14 is the end of the current one, so it will be completed within the five-year period after that.

Five years after 2014 — not in 2010 as has been promised by the federal member for Corangamite and by the member for South Barwon. It is an absolute act of deception and dishonesty perpetrated on the people of Polwarth, the people of Corangamite and the people of south-western Victoria who use that road. If you wanted any backup for what Mr Liddle said, the roads minister, Mr Pallas, said on the same day:

In fact that is the federal government's preference.

That is the federal government's preference!

We have got this issue with one of the most dangerous sections of road in south-western Victoria — arguably one of the most dangerous sections of road in the state — and we have got these commitments and promises and all these weasel words coming out of the Minister for Roads and Ports, the federal member for Corangamite and the member for South Barwon, but the truth lies in the evidence given at the Public Accounts and Estimates Committee hearing. There will

be no money for that road until at least 2014 and beyond. Turning up out there cutting ribbons, talking about a million dollars and having a surveyor and someone with a shovel on the side of the road will not convince the people of my electorate that that road is going to be delivered. The people of Polwarth and the people of Corangamite will only be convinced if they see the money in the forward estimates, contractors on the side of the road, bulldozers and excavators and the work actually starting, because according to VicRoads nothing is going to happen with that road until 2015 and beyond.

**Ms BEATTIE (Yuroke)** — It is a pleasure to follow the member for Polwarth, who stated that he was not a proud Victorian. I am a proud Victorian, and I am very proud of our democratic system. It was interesting to hear the member say that this government conned its way in the door. I thought we won a couple of elections, but maybe that passed by the member for Polwarth.

I am very pleased to speak in support of the Appropriation (2009/2010) Bill. Indeed it is the second budget handed down by our Treasurer, John Lenders — and I am sure there will be very many more. I congratulate the Treasurer on his excellent work on the budget, which is being delivered amid some of the worst economic conditions since World War II, and all members will know that. As we know, this budget is about securing jobs — jobs, jobs, jobs — now and into the future. In fact it is about securing 35 000 jobs over the next 12 months by investing in infrastructure and stimulating economic activity.

We have already seen the benefits of those economic stimulus packages the federal government put forward, and members will know that Victoria — and indeed Australia — has not yet officially gone into recession. That is proof that what we are doing, and what the federal government is doing, is absolutely right. The budget is one of the most important budgets in Victoria's history. It is a budget for the times — it will see Victoria through the global financial crisis and it will steer the state to a much brighter future.

The budget shows the Brumby government's commitment to priority public services such as education, health, public transport and community safety. I am pleased at the many initiatives in this budget that will directly benefit my constituents in Yuroke and continue the excellent work that the Brumby Labor government has done in Greenvale, Roxburgh Park, Tullamarine, Craigieburn, Mickleham, Somerton, Kalkallo, Gladstone Park, Attwood, Westmeadows, Oaklands Junction and Bulla.

The focus of the budget is infrastructure investment. Unprecedented infrastructure investment will shore up the 35 000 jobs I mentioned, with \$11.5 billion worth of projects getting under way in 2009 and 2010. These are very important projects, which will be delivered in conjunction with the federal Rudd government's infrastructure and stimulus packages. I am excited about the announcement of a \$3 million aviation training academy at Melbourne Airport. The academy will include an aviation maintenance centre, a research wing and a separate pilot training facility in regional Victoria. I know the member for Essendon is always interested in aviation matters.

As honourable members know, on 7 February — Black Saturday, as it has become known — Victorian bushfires claimed 173 lives, 2029 homes and 57 businesses. They were the worst bushfires ever seen in Australia, and they devastated many families and communities across our state. Thankfully my electorate was not directly affected by the fires. However, many residents were personally affected by the loss of the lives or property of family and friends.

The emergency services in my electorate were involved in various capacities. Fortunately the only loss incurred was that of a CFA (Country Fire Authority) command and control vehicle. Through this budget the Brumby government is taking action to tackle the threat of bushfires by committing \$986 million towards the cost of fighting bushfires and by responding to the emergency and rebuilding the great state of Victoria.

Important investments will include \$344 million for fire-suppression activities, \$167 million to maintain and improve emergency services, \$70 million over two years to employ individual case managers to help with the recovery, \$40 million over the two years for the royal commission into the fires and a further \$365 million for other bushfire-related activities. I know, with the Minister for Police and Emergency Services in the house at the moment, that those things will be delivered as needed.

An important initiative in this budget, which will be gratefully welcomed by residents of my electorate, is the new heavy-rescue Hino for the Craigieburn SES as part of the \$10.2 million critical assets package. It is important, as the minister knows, that our emergency services are equipped with the right tools to respond to those in need.

That is why the Brumby government is spending \$10.3 million to replace 15 heavy-rescue vehicles, 7 four-wheel-drive vehicles, 9 rescue boats and 11 road crash rescue kits at VICSES (Victorian State

Emergency Service) units across Victoria. I am there quite often, and I know the Craigieburn SES does a terrific job in serving our community. I want to commend the Craigieburn SES in particular for their dedication.

The new vehicle will be of great benefit in assisting the SES to carry out their very important work and operations. It is important that we stand prepared for the next fire season and for the fire seasons that will come after that. We need to prepare so that the chances of a disaster like Black Saturday ever happening again are minimised. I am sure nobody in this house ever wants to see what happened on Black Saturday happen again.

Over the last 10 years the Brumby government has made a significant investment in education in Yuroke, and I would like to talk a little bit about that, if I may. The budget continues on this great investment by delivering \$4.1 million for stage 3 of Mt Ridley P-12 College construction. Stage 3 works will include the construction of science and administration wings, as well as regular classrooms.

This investment will provide students with access to high-quality modern facilities to enhance teaching and learning. This budget reaffirms the Brumby government's commitment to education, as we continue to renovate and modernise every school in the state. Education is the Brumby government's number 1 priority.

In my electorate we have seen great investments in Willmott Park Primary School and Gladstone Park Secondary College. As a good local member, I often visit these schools and keep up to date with the wonderful improvements that have occurred under this government, and I know that these upgrades will enable the schools to continue to provide high-quality education for many years to come.

Another area where this government's ongoing investment is gratefully welcomed in my electorate is in public transport. It is interesting that the shadow Minister for Public Transport scurried out; he hates being reminded of the additional rail services that we have provided in Craigieburn, with the electrification of the line in 2007 and the track upgrade in 2008.

He hates to be reminded about the bus review that has seen improved bus services in Yuroke. Residents have welcomed these additional bus services, which make general travel and connections with local train stations even easier. The 2009-10 budget provides a record \$3 billion worth of funding for the first four years of the \$38 billion Victorian transport plan.

This massive investment not only helps secure thousands of Victorian jobs, but goes to creating a world-class public transport system in Victoria. The investment includes \$650 million for 20 new X'trapolis trains, \$562 million to extend the Epping line to South Morang and \$204 million to electrify the Sydenham line to Sunbury, which will be a great asset to the people of Sunbury. There is funding for an \$85.9 million extension to the yellow SmartBus route 901 service to Melbourne Airport through Blackburn, Greensborough, South Morang, Epping and Roxburgh Park, which will be warmly welcomed by the residents of Yuroke as their travel options are extended.

The benefits of the important investments in public transport have been highlighted by the success of the Craigieburn rail extension which, when completed in 2007 at a cost of \$115 million, provided 50 more scheduled services each day to the city with an upgraded premium station at Craigieburn and a new station at Roxburgh Park. It has been a terrific addition to the local community, and its patronage is testimony to its success.

I also welcome the budget's commitment to the state's hospital and health services, which will receive a \$2.6 billion boost. Funding of more than \$780 million will be spent to boost cancer treatment, acute care and subacute services over five years in Victorian hospitals, and \$281.3 million will be spent on building better hospitals and aged care health facilities across the state.

The Brumby government believes in a healthier and safer Victoria, and that is why we are investing in more police to help make Victoria safer now and into the future. The residents of Yuroke will be very pleased to see that a record \$1.9 billion will be spent on Victoria Police, with \$48.3 million going towards improving police facilities. It is a commitment that will ensure that Victoria has more police on the streets than ever before and that Victoria remains the safest place to live, work and raise a family.

The Brumby Labor government is committed to building strong communities throughout Victoria, because we know it makes Victoria a happier, healthier and a more secure place to live. I am extremely pleased the Craigieburn Community Renewal project has been given a three-year extension through an \$8.9 million investment. As chair of the Craigieburn Community Renewal Steering Committee I see firsthand the wonderful work being done by dedicated members of the local community. This initiative will allow the committee to build on the great work that has already been achieved.

As Parliamentary Secretary Assisting the Premier on Multicultural Affairs I am extremely pleased to see funding of \$4.6 million invested to strengthen Victoria's cultural diversity and to help support refugees in Victorian communities. Importantly we are investing \$2 million in the new refugee action program, which will assist more than 50 refugees across Victoria through a range of support services.

Victoria is Australia's most culturally diverse community, with 23 per cent of Victorians having been born overseas, and the government is committed to celebrating our cultural diversity and believes that all Victorians should be able to live without fear of discrimination and vilification. I urge all members of this house, and their families and friends, to join with the Premier on Sunday, 12 July in the Harmony Walk through the city.

I am very proud to be part of a government that has brought forward a budget that promotes Victorian jobs and paves the way for a better and brighter economic future. I believe this is a responsible budget that protects jobs through infrastructure investment in schools, hospitals and road and railway schemes. The government's investment in services and infrastructure will shore up jobs and provide the essential projects that Victoria needs to support a growing population.

I congratulate the Treasurer on his second budget. I know that this budget will continue to secure jobs for the state of Victoria. At the moment we are undergoing the harshest economic times we have experienced since the Second World War. I know how important it is to have a job. Through his actions the Treasurer has secured the jobs of many people in Victoria, and this Brumby Labor government will continue to ensure that Victoria is the best place to live, work, raise a family and indeed have a job. I thank the Treasurer for his input to the bill, and I commend the bill to the house.

**Mr DELAHUNTY** (Lowan) — I rise on behalf of the Lowan electorate to speak on the Appropriation (2009/2010) Bill, which is commonly known as the budget bill. In response to the member for Yuroke's comments that it is a responsible budget, I want to know who is taking responsibility for the enormous debt that is being built up by this budget; however, having considered that we only have 15 minutes each to speak, I want to make sure that my contribution will give adequate attention to the budget's impact on the electorate of Lowan and on my shadow portfolio areas of sport and recreation, youth affairs and veterans' affairs.

As we all know, the electorate of Lowan is the largest electorate in this state — it is the size of 76 of the other 87 state electorates in Victoria — but we have got very little from this state budget. We did get one thing: an enormous debt. This debt is highlighted in an editorial in the *Wimmera Mail-Times* of 6 May. Under the heading ‘A fairer state — for whom?’ the editorial states:

The centrepiece of yesterday’s state budget was a program trumpeted as ‘A Fairer Victoria’, designed to help the state’s most vulnerable citizens.

I will come back to that a bit later. It goes on to say:

That is all well and good. And worthy.

But there are many unfortunate aspects for Wimmera people.

The budget will plunge Victoria further into debt, to the tune of about \$16 billion, thus threatening our AAA credit rating. Despite this, Victoria remains the lowest spending state in Australia.

...

Gone are the days when essential government spending was a matter of course. Now it is accompanied by fanfare designed to divert our attention from the huge black holes such as regional development, public transport, rail, police numbers, noxious weeds, pest control — the list goes on.

I need say no more. It goes on:

Coming on top of last week’s rejection of money to upgrade Horsham City Oval and Coughlin Park, Wimmera people cannot help but wonder about A Fairer Victoria.

That editorial highlights the concerns not only of people in my electorate but people right across Victoria.

As we know the state debt over four years will blow out to \$31.3 billion, or approximately \$6000 for every Victorian — man, woman and child. I saw another article in the *Weekly Advertiser*, headed ‘Young people bitten by debt bug’. The article did not say ‘young Labor people’, but it goes on to tell you how to get out of debt. It states:

More young people are contacting local financial counsellors seeking to help manage their debts.

I wonder if one of them is the Treasurer.

Many aged 18 to 25 —

the Treasurer is not in that category! —

are finding they were lent too much by banks and finance companies and some are now facing bankruptcy.

It sounds as if you could replace the young people referred to in the article with this state government. The article refers to Wimmera Uniting Care providing

counselling, so maybe that organisation could provide the Treasurer and this state government with some counselling on how to get out of its debt problems.

As we know, many of the projects and programs announced in the budget are old projects or programs that have been repackaged and rebadged, and many of them do not direct funding to country Victoria. We all know that country Victoria has experienced drought, but thankfully we have had a lot of rain in the Lowan electorate, which will help more than any stimulus packages from the state or federal governments.

It was pleasing to hear the Minister for Police and Emergency Services talk about bushfire relief. Thankfully the electorate of Lowan did not experience major tragedy as a result of the bushfires — there were no deaths in Lowan, although one person was injured — but about 12 houses were lost. Now, on top of the bushfires, we are experiencing the global financial crisis — but the rain has been a godsend for us all.

I turn to the health system in western Victoria. It is overburdened, and we are having enormous difficulty in retaining or recruiting doctors and health professionals. We are getting no support from this government to upgrade facilities in Coleraine and Edenhope which look after many aged members of our communities.

However, I welcome the government’s support for the Country Fire Authority and the State Emergency Service, because they have been offered money to replace units and equipment, and we welcome that. We also welcome the announcement about the Balmoral police station, but there is more to be done.

Funding for schools is a major problem. Most of this is federal money, but importantly we are hearing that small, local builders have been barred from tendering for this because the contracts have been packaged into large contracts, and this prevents them from participating in the work.

There is also a lack of funding for the Baimbridge College in Hamilton, the Dimboola Memorial Secondary College and a favourite of mine, the Horsham Special School. Its condition has been deteriorating for a long time, so that not only the special students but also the staff and the families have to operate in dilapidated buildings.

The road networks continue to deteriorate — and you, Acting Speaker, are well aware of that in your electorate of Murray Valley. As you know, if you spend money on country roads, you save country lives.

Regional areas have a growing community transport need. There are bigger trucks on the roads, and more trucks will be on the roads following the rain we have had today. Trucks are an important way of moving our freight, and we need to make sure the infrastructure is there to help them.

Agriculture is important to the economic fortunes of areas, and we are seeing most of those farmers — —

**Mr Walsh** interjected.

**Mr DELAHUNTY** — They are. Agriculture is very important in my electorate, but the higher costs imposed by this government on things such as the fire services levy are making people uncompetitive. More red tape is making it more difficult to do business in country Victoria.

Now I want to talk about youth. On page 171 budget paper 3 highlights the fact that the youth budget has been decreased by 8 per cent. When you look at page 170 a lot of the targets have been downgraded. Whether it be the FReeZA events, whether it be the number of people attending FReeZA intensive workshops or the number of young people participating in advanced youth development programs, all the targets in those areas have been lowered.

Overall Victorian youth are extremely disappointed with the budget. There is no focus on pathways linking education and training to employment. They want to have a positive future; they are our investment in the future, and our young people need more support. Most of them are worried about getting a job. We hear tonight that 200 000 people are out of work, and our young people are heading into that unemployment area. Youth workers right across Victoria are screaming for funds to provide tailored and individual responses to the needs of our young people. Our vulnerable young people have been overlooked in this budget.

The Youth Affairs Council of Victoria (YACVic) and VCOSS (Victorian Council of Social Service) has voiced concerns. I have a press release put out by YACVic, which says:

'It is not clear to me how encouraging young people to engage in volunteer work will address the issue of alcohol related violence', YACVic CEO Georgie Ferrari said.

It goes on:

This investment would be better off spent on strengthening youth services across Victoria, ensuring young people have adequate support and opportunities to engage in activities and events that are appropriately targeted to their needs.

Members can see that the peak bodies are very concerned about this budget.

I will say, though, that I welcome the investment in the budget for mental health and out-of-home care programs, but we will be waiting to see how that is implemented. It sounds good on paper, but we will wait to see how that goes.

I will now cover the sport and recreation portfolios. Victoria has a great reputation as the sporting capital of Australia. We have top facilities and great supporters, but there is something wrong — —

**Mr Walsh** interjected.

**Mr DELAHUNTY** — No; Essendon is the top side, but it could not get over the line last week.

There is something wrong when access to facilities is becoming more difficult and costs have increased. There must be something wrong when after 10 years of Labor government, with rivers of money flowing into its coffers, we still have obesity problems. I highlight the fact that in budget paper 3, on pages 175 and 176, we see that overall a lot of targets have been downgraded. The number of aquatic facility grants has been reduced. The number of athletes in Victorian Institute of Sport scholarships has been reduced. There are many concerns about that.

Also on page 176 it can be seen that the overall budget has been cut from what it was in 2008 — from \$93.8 million down to \$85.9 million. Many community sporting groups are upset that they have not been able to get the funding to upgrade facilities, refurbish clubhouses or amenities or to improve the access to local recreation facilities. The Brumby government has been pouring millions of dollars into inner city big-ticket projects. There is no doubt that these projects are important but we need to support and nurture sport and recreation at a community level.

I believe we are starting to turn into a state of Norms, where we are watching sport rather than getting out there and participating in it. The people I talk to across Victoria want to get out there, want to get active, and want to play sport, but this government is not helping in any way.

Veterans affairs is another important portfolio in this state. An examination of page 172 of budget paper 3 shows that figures for the veterans' affairs portfolio has been put into the same area as senior Victorians. In the budget there has been a cut of \$1.3 million. Even the Premier, at the Public Accounts and Estimates Committee hearings, admitted that \$300 000 had been

cut from somewhere in the veterans unit. The Premier said this was an accounting adjustment, as quoted in the PAEC report.

Another report or program I want to highlight is the Spirit of Anzac competition. This is a great program, but last year there was a 28 per cent decrease in the number of applicants for it. That shows the Brumby government has failed to engage with our young people. There are great young people across schools in Victoria who have not embraced this great Spirit of Anzac program, which entitles about 10 students to travel overseas with some of our veterans to various sites across the world.

I have spoken to many of them. They think it is a great program. But again we have had a 28 per cent decrease in applications. The Nationals-Liberal coalition is committed to preserving the history of our Victorian veterans, and there must be more work done by the Victorian government to help in that area.

One thing happening at the moment is the planned redevelopment of the Dunkeld RSL facility, which is in a bad state of repair. It is possible that a new facility will be built, incorporating a lot of the historical artefacts. They are working on the project at the moment, and we will need government support for it in the very near future.

I go back to the fact that this budget is a major concern for our younger generation, the youth of our community. They will face the situation that when they are just starting to get jobs they will be burdened with debt. They will be trying to buy their first car or their first house or to start their family and they will find that they have not only their personal debt but also a debt from this state government — of about \$6000 per person. On top of that they will also have — as you know, Acting Speaker — a debt of about \$9000 per person from the federal government. Neither government — neither this state government nor the federal government — has any strategy to reduce that debt.

Therefore Victoria has lost its competitive edge. We are rapidly accumulating debt and future generations of Victorians will have to pay for Labor's inability to manage money. There is something wrong when you cannot manage money. I particularly want to highlight that when I arrived in this chamber in 1999 the budget was about \$20 million. In 10 years it has doubled. Have we seen a doubling of services? Have we seen a doubling of programs? We have not.

There are still people out there talking about public transport. They cannot get into the cities because of the lack of public transport. We have people on waiting lists trying to get into hospitals. In rural areas there are noxious weeds and pests that are not being controlled. In fact, the government, the neighbour from hell in the public areas adjoining land-holders, is not doing its fair share in tackling the burden of trying to control noxious weeds and pests. There is something wrong when we see a state government that has had rivers of money coming in but has not been able to manage that money. It has not managed debt; it has not managed the levers of being in power.

On behalf of the Lowan electorate, I voice concerns about many things in this budget. It is a pity that we do not have a fair share coming to the Lowan electorate.

**Mrs MADDIGAN** (Essendon) — It is always a pleasure to follow my dear friend the member for Lowan, although, without wishing to hurt his feelings, I must say his economic theory lacks a little in consistency. He is running the same line that we have heard from a number of opposition members, which is to say on one hand that the debt is too high — and the member for Lowan spent about 5 minutes telling us the debt is too high.

**Mr Delahunty** interjected.

**Mrs MADDIGAN** — He is saying that is correct; the member for Lowan is nodding.

Then in the next 10 minutes he told us of all the projects we should be spending money on that are not in the budget. I do not know how he works out that you can spend more money on projects without increasing the debt. I was waiting for him to explain that to us, and I have to say that I was disappointed because the member for Lowan was not able to tell us how you do those two things.

If you look at the contributions of the member for Lowan and of some of the other members, you see that they really have quite an interesting understanding of economics. Why has the government increased infrastructure spending? The answer is: to increase jobs. It is not recurrent funding. The member for Polwarth said that governments should not increase debt for recurrent funding, and I agree with him. However, the member for Lowan was very keen for us to spend money to give more assistance to sporting clubs, the Spirit of Anzac people, for veterans affairs and for youth. Most of that, from what he was saying, was to come from recurrent funding. So there is a bit of inconsistency between the Liberal Party and The

Nationals on this. Perhaps members of their caucus need to talk to each other a bit more so they can work it out.

**Mr Walsh** interjected.

**Mrs MADDIGAN** — The member for Swan Hill says, ‘They are rock solid’, and I must say I could not agree with him more. ‘Rock solid’ is probably a very apt way of describing it, so I thank the member for Swan Hill.

This budget has many great things in it. It will help stimulate the Victorian economy. There are some terrific infrastructure projects, and as we go along we will see how worthwhile they are. The point is that if the government does not stimulate the economy there will be quite severe consequences, and simple economics will show you that. If you say, ‘Well, no, we will not have infrastructure projects, we will not employ more people’, what will be the end result of that? It means that more people will be on unemployment benefits, it means that they will not purchase as many goods as they do when they are employed, and it means that the people who supply those goods and services will also have a disbenefit. It has a multiplying effect through the economy. So any initiatives by the government to stimulate employment and infrastructure programs are ones that we should all support.

Going into debt is an interesting process. If we look around this house, we realise that all of us — perhaps with the exception of the Leader of the Opposition and perhaps the member for Lowan; I am not quite sure — probably went into long-term debt when purchasing a house. You do that because it is a sensible economic decision to make. You borrow money so that you can have a house now. You do not live in a tent for 30 years and save the money; you borrow the money so that you can live in a house, and you and your family and community get the benefit from it. Borrowing money for infrastructure is a very sensible and very sound economic policy, as anyone who has studied economics would know. I am sure the member for Lowan would be pleased to have as much money as the government would give him for infrastructure projects in his electorate.

In discussing the budget, before I talk about my electorate I want to talk about arts funding. Often the benefits of arts funding are misunderstood in the community. People often say, ‘When things are tough you shouldn’t fund arts’, but I believe arts programs are really essential for a healthy community. I am very pleased that some significant arts programs are funded

in this budget. It is interesting that a certain amount of research has been done on the benefit of art, particularly in relation to mental illness. The website of the National Mental Health Information Center of America has the following statement about art therapy:

Drawing, painting, and sculpting help many people to reconcile inner conflicts, release deeply repressed emotions and foster self awareness as well as personal growth. Some mental health providers use art therapy as both a diagnostic tool and as a way to help treat disorders such as depression, abuse-related trauma, and schizophrenia.

If you think of the cost of mental health services to the community, any projects that can assist in decreasing the level of mental health issues must be very worthwhile.

Further research comes from a project undertaken in Britain in 2008. A report of that research states that:

People with mental health needs receive significant benefits from taking part in arts activities ...

The study, carried out by Anglia Ruskin University, the University of Central Lancashire and South Essex Partnership NHS Foundation Trust, found that participants who took part in the program experienced improvements to their mental health, social inclusion and their sense of empowerment.

...

Jenny Secker, professor of mental health at Anglia Ruskin University and leader of the study, said: ‘The projects were equally broad in scope, ranging from short courses in basic art skills to projects offering opportunities for ongoing development through provision of studio space and support, or a rolling program of differing opportunities.

...

The benefits to mental health varied depending on the individual involved but were said to include improved confidence and self-acceptance, an improved sense of pride and achievement and an alleviation of worries and responsibilities.

The study found participants experienced decreased mental distress after participating in the art projects, leading to wider aspirations and opportunities for those with mental health needs.

So apart from the pleasure of art experiences, it can be shown that there is a very significant health and therefore economic benefit to countries and states that invest heavily in the arts. I am glad to say that this budget gives a \$69 million boost to Victoria’s vibrant cultural life, which helps to increase employment opportunities for people as well.

I am particularly interested in funding for libraries. In the budget there is \$5.1 million for the State Library of Victoria, which includes additional operational funding of \$1 million per annum for the State Library of

Victoria's 21st century initiative to improve access to library facilities, and \$1 million in support planning for the restoration and refurbishment of the library's Queen's Hall. The state library's Queen's Hall project is an interesting project. In fact, it is the original Queen's Hall in this state, having been built prior to Queen's Hall in this building. It was part of the original library.

Queen's Hall was actually built in 1856, and it is accessed by a grand marble staircase. Above the entrance is a huge mural entitled *World* by Harold Septimus Power.

**Business interrupted pursuant to standing orders.**

## ADJOURNMENT

**The ACTING SPEAKER (Mr Nardella)** — Order! The question is:

That the house do now adjourn.

### **Mortlake College: P-12 status**

**Mr MULDER (Polwarth)** — The matter I wish to raise is for the Minister for Education. It relates to a proposal currently being considered to change the status of Mortlake College from P-12 to P-9. Given the overwhelming opposition shown by the community at recent public rallies organised by the Moyne Shire Council, I call on the minister to immediately withdraw this proposal and commit to the retention of Mortlake College as a P-12 school. If the basic premise of the proposal is to ascertain what the community wants, then it should be left to the community to decide. From the response so far it seems it has already decided that it does not want this change.

The mere fact that the paper is being circulated has already resulted in pressure on school enrolments, teaching staff and families. As if this were not enough, imagine the sense of betrayal felt by families of senior students when they see a government advertisement featuring Timboon P-12 School currently running on regional television. This advertisement, no doubt costing thousands of dollars, extols the virtues of an educational environment similar to that of Mortlake and shows smiling teachers with their secondary students and even showcases one student proudly announcing that every member of her family attended Timboon P-12 School. If this proposal goes ahead, those words will cease to be heard in the Mortlake community.

Mortlake College is the hub of a small rural town and the act of removing senior students will in all likelihood

have the roll-on effect of reducing the college's involvement with local sporting clubs and in other community activities. Many students may choose to play sport in Warrnambool if they are forced to attend secondary school in that city. The mentoring role of senior students is an important part of school life for young children at the school, and this would be lost. Opportunities for senior students to develop in leadership roles and take that leadership out into the local community would be lost. Longer transport times would also impact on opportunities to undertake after-school work and local work experience. The removal of senior students would also affect staffing levels at the school and lead to the loss of experienced and valued teachers who wish to teach at senior levels.

Why would this government want to destroy a school that in 2008 was ranked as one of the top three regional schools for Victorian certificate of education achievement? And that was not for the first time. In 2006 Mortlake College was ranked the best in the region. There is an old adage, 'If it ain't broke, don't fix it', which has never been more apt than in this situation. Currently families have the choice as to whether their child attends a city or rural P-12 school, and they deserve to continue to have that choice.

### **Mordialloc Creek: boat ramp**

**Ms MUNT (Mordialloc)** — The matter I raise is for the attention and action of the Minister for Roads and Ports. The action I seek is for the minister to grant an application from Kingston City Council to update with required works the boat ramp at Mordialloc Creek. The current ramp, which is just inland from the train line over Mordialloc Creek, is made of precast beams set in crushed rock and has a number of risks associated with it. Loose rock can create a slipping hazard. There is a risk of loss of tyre grip and the uneven surface can cause trailers to bound and potentially damage vessels. Works could be done to remove the existing beams and construct a new reinforced concrete apron with a textured finish, which would considerably improve the approach to the ramp. Those works would provide more safety for vehicles and people launching and retrieving vessels.

To my knowledge Kingston council successfully upgraded the lower 10 metres of the ramp in June last year by pulling up the lower 10 metres of concrete beams and replacing them with 150 millimetres of reinforced concrete with a rough finish for better tyre grip. The bottom section used to be particularly dangerous. There used to be holes below the water that users of the ramp could not see until it was too late. Trips and slips were unfortunate consequences.

This ramp is over 30 years old. The facility is used by power boat owners for fishing and cruising trips. To provide some overview, Mordialloc Creek is basically an area of high recreational use for local fishermen and recreational boaters. This ramp is in constant use by those recreational anglers and boaters to access Mordialloc Creek, which they travel along to get into Port Phillip Bay. Given the heavy use of this ramp, it is very important that it is brought up to a safe standard. I support Kingston council in its application under the Boating Infrastructure Fund to do these works and bring the ramp at Mordialloc Creek up to a safe, modern standard for its users.

### **Rail: Traralgon line**

**Mr NORTHE** (Morwell) — I wish to raise a matter for the attention of the Minister for Public Transport. The action I seek is for the minister to retain the current Traralgon to Southern Cross V/Line service. When the Brumby government released the Victorian transport plan in 2008 a diagrammatic representation of the initiative indicated that the Traralgon V/Line service to Melbourne would terminate at Flinders Street station and not Southern Cross station, as currently occurs. Despite there being no other written evidence of this being the case, questions were duly posed to the Department of Transport, V/Line and the Minister for Public Transport. Responses from the Department of Transport and V/Line were received in January of this year. The responses indicated that there was no intention to terminate Traralgon V/Line services at Flinders Street station. Indeed, in response to a vigilant constituent, the department stated:

There is no proposal in the plan to change the running of the Traralgon trains away from Southern Cross Station.

It further stated in part that the rumoured change seemed to have been no more than a design error by the graphic artist.

If we fast forward to the current date, we have a contradiction from the minister. In correspondence received recently by the Leader of The Nationals, the minister confirmed that it is indeed the intention of the Brumby government to terminate Traralgon V/Line services at Flinders Street station. Not only has the Gippsland community been left in the dark, but it appears the minister's own staff are completely unaware of such a proposal, which is an extraordinary set of circumstances. V/Line personnel do a fantastic job, and I imagine the lack of consultation by the minister would leave many feeling quite frustrated.

Patronage on the Gippsland line has increased significantly in recent years, which is fantastic, but it is

somewhat bemusing that the Brumby government has decided not to invest in improved infrastructure and services on the Gippsland line through the much-touted Victorian transport plan. Much has been said about the \$4.3 billion infrastructure package of the Brumby and Rudd governments to deliver fast rail services on the Ballarat, Geelong and Bendigo lines, yet the Gippsland line, which suffers from constant congestion, has been forgotten.

If you assess the latest V/Line statistics on the Traralgon line, you see they demonstrate a constant shortfall in meeting on-time targets. A high percentage of this can be attributed to congestion on the metropolitan network to the east of Melbourne. It appears the only resolution the Brumby government can offer is to terminate rail services short of the preferred destination for many Gippsland travellers. To ask our seniors and those persons with disabilities to interchange at either Richmond or Flinders Street stations is simply unacceptable. This proposed option will act as a deterrent to many travellers who currently enjoy the train experience. Given the spruiking currently being undertaken by the Brumby government in regard to its so-called visionary transport plan, it is disgraceful that the only outcome the Gippsland community will derive is a reduction in train services.

On behalf of Gippsland commuters I implore the Minister for Public Transport to retain the Traralgon to Southern Cross V/Line services into the future.

### **Consumer affairs: roof insulation**

**Mr SCOTT** (Preston) — The matter I raise is for the attention of the Minister for Consumer Affairs and the action I seek is that an investigation be conducted into scams related to roofing insulation installation. The federal government's generous scheme for paying for roof insulation seems to have brought out the usual villains — the sorts of people who previously offered elderly and confused people cheap deals on asphaltting driveways or painting roofs are now offering deals on insulation.

In some cases it is an out-and-out fraud. The installers do a token job of installing the insulation, then demand the full amount of the government's maximum rebate of \$1600, assuring the homeowner that they will be able to claim the money from the government. Sadly it then turns out the installers have done a shonky job or no job at all or that they were not licensed installers and have left no contact details. The cost of insulation is therefore not claimable.

A more sophisticated scheme is operated by companies advertising widely on the internet. They offer to install insulation for \$1600, the full or maximum rebate amount, whatever the house size. One of my electorate officers nearly fell for one of these schemes. He specified that the insulation had to be fibreglass batts, and this was agreed to by the installer, but when the person turned up from the insulation company they brought low-cost, blow-in cellulose fibre insulation. If not properly installed, this type of insulation has been reported as presenting a fire hazard when placed too close to ceiling lights, and it becomes less efficient over time as it settles.

My electorate officer then sought advice from a more reputable company, which informed him that the cellulose fibre insulation for a house of that size should cost in the range of \$500, not the \$1600 quoted, and that the quote for fibreglass batts for the same house was \$1400. Clearly some people are taking advantage of the government rebate and the gullibility of innocent people to try to make a profit from the scheme, which is not well designed, and in some cases to simply rip off the persons concerned.

I call upon the Minister for Consumer Affairs to investigate these practices and to ensure that government funds are protected and, more importantly, that consumers are not ripped off with substandard installations that do not serve their needs or the intention of the policy.

### **Telecommunications: mobile phone towers**

**Mr MORRIS** (Mornington) — The issue I raise this evening is for the Minister for Planning. The action I seek is that the minister confer urgently with the federal Minister for Broadband Communications and the Digital Economy with a view to implementing a new protocol for the installation of low-impact telecommunications facilities in or adjacent to residential zones in Victoria.

The background to this request is not new. Certainly in my part of the world every year we get a couple of applications for mobile phone towers or similar facilities that cause problems — many do not but some do. It is understandable. Obviously the carriers want to expand their networks and build their businesses and normally the planning process kicks in and deals with the more ridiculous proposals that come forward.

There was an application lodged late in 2008 for an Optus mobile telecommunications facility which was three antennas on a power supply pole on Nepean Highway, Mount Martha. The pole is within a matter of

feet of a residential area. The site is totally inappropriate not only because it will be so close to houses but also because it will be highly intrusive to the streetscape, loom large and dominate the view from adjacent locations or adjacent dwellings.

I wrote on 10 February to Minister Conroy and sought his assistance in ensuring that carriers comply with the conditions of the Department of Sustainability and Environment code and in a manner consistent with the Australian communications industry forum code. I also wrote to Minister Madden seeking his assistance in ensuring compliance with the code. I got a pretty prompt response back from Senator Conroy, basically telling me what I already knew — that is, that a code exists and that there were processes that had to be followed, which was very useful! I also got a response from the Minister for Planning, saying, ‘Not my problem. Talk to Senator Conroy’.

I had also written to Connell Wagner, the engineers for Optus organising the consultation process. Once again, the response told me what I already knew, but it went on to say that Optus considered the proposed facility would not dominate the surrounding street given the existence of other street infrastructure nearby, which is total nonsense. It then said it would consider all the objections on their merits.

Despite almost 30 written objections and a similar sized petition, the proposal will succeed. The situation is entirely unacceptable. It is a facility that has been imposed on residents who to a person do not support the scheme. It will have a severe impact on their amenity. There has been no independent assessment, and the process does not allow for it. There are no rights of appeal. It is a situation where the citizens have no rights at all. The minister must act to protect the interests of all Victorians.

### **Schools: illuminated speed signs**

**Mr NOONAN** (Williamstown) — I wish to raise a matter for the Minister for Roads and Ports. The action I seek from the minister is that he support the installation of electronic speed signs outside a number of primary schools in the Altona North area of my electorate. Specifically, I ask the minister to consider installing new signs outside the Altona North Primary School and St Leo the Great Primary School, also located in the Altona North area.

This is not the first time I have raised the matter of speed signs in the adjournment debate. Back in late 2007 I sought the minister’s support to install these types of signs outside Bayside College in

Williamstown, Seaholme Primary School, Williamstown North Primary School and Spotswood Primary School. Pleasingly, that original adjournment request was supported and there is now a set of illuminated speed signs along the main roads outside each of those schools. This is a vitally important initiative, and it has been well received by the schools in my local area.

We know that each year an average of 51 pedestrians are killed on Victoria's roads. We also know that there are many additional serious injuries. Unfortunately, pedestrians are four times more likely to be killed in a crash than all other road users involved in road accidents. Three groups of pedestrians are at particular risk on our roads. They include adults over the age of 60, people who have been drinking alcohol and, finally, children under the age of 14. Research shows that young children do not have the skills and experience to be safe in traffic on their own. In fact, according to VicRoads statistics:

Children aged 16 years and younger account for 14 per cent of all pedestrian fatalities, with risks increasing significantly for children when they begin school.

That is why slowing down road vehicle movements to 40 kilometres an hour around schools during the morning and afternoon peaks is critical. It also explains why other measures to improve pedestrian safety under the Arrive Alive strategy are also critical. But it is the illuminated electronic speed signs that really capture the motorist's attention. Last year this Labor government began installing 600 electronic speed signs outside 230 Victorian schools. These were initially targeted at schools in 70-kilometre-an-hour zones and then at schools in high-volume 60-kilometre-an-hour zones.

Earlier this year the minister also announced that a further 200 signs would be installed outside 68 schools across the state. I very much support this initiative. Clearly these signs help raise driver awareness of the need to slow down when driving near schools. Ultimately they are about saving young lives and preventing serious injury.

We all appreciate that saving lives on Victorian roads is a shared responsibility of all Victorians, but measures such as the installation of illuminated speed signs outside our schools should be applauded, and I congratulate the minister and his department on the work they have done so far.

### **Bushfires: fuel reduction**

**Mr INGRAM** (Gippsland East) — I raise a matter for the attention of the Premier. The action I seek is for

the government to fully implement the prescribed burning recommendations contained in the Environment and Natural Resources Committee's report on its inquiry into the impact of public land management practices on bushfires in Victoria. It is disappointing that the recommendations on targets for prescribed burning have not been implemented or supported.

I noticed from reading the budget papers that were tabled in Parliament that the target of 130 000 hectares has not been raised in recent years. According to evidence presented to the inquiry, it is very clear that that target has no basis in fact but was set on the availability of resources, in terms of both finance and personnel. Repeated evidence from the Department of Sustainability and Environment to a number of inquiries over the years has indicated that there needs to be a substantial increase in prescribed burning for the ecological protection and ecological function of our state forests and national parks and, most importantly, for the protection of human life and assets.

A number of inquiries have looked at this issue. I mentioned that the Department of Sustainability and Environment has made a number of recommendations. In 2003 it responded to an inquiry conducted by the Victorian Auditor-General's Office. At that time it said the optimal level of prescribed burning was 3.3 per cent of the public land estate; the current target of 130 000 hectares equates to about 1.7 per cent of public land.

We have had the nation charred; a federal parliamentary inquiry recommending a major increase in prescribed burning; the Department of Sustainability and Environment submission to the Environment and Natural Resources Committee, which was the basis of the 385 000 hectare target; the people's review; and now the royal commission. Unfortunately, with each of the previous inquiries the government has said it supports the recommendations, but then does not implement them.

It is time that this was addressed. For the protection of human life and assets and to maintain the ecological function of our forests, we need to increase the prescribed burning targets to the level required and recommended by all the inquiries. The last thing we need is for the current royal commission to take evidence from the same people — the same scientists and the same fire experts — then make the same recommendations, only to have those recommendations not implemented by the government. It is time that the 385 000 hectare target was implemented by the government, and the resources are there to do that.

### Buses: Geelong

**Mr TREZISE** (Geelong) — I raise an issue for the Minister for Public Transport. It relates to the Victorian transport plan that was launched last year by the minister, in conjunction with the Premier. It is a far-reaching plan that will bring enormous benefits across Victoria, including to my electorate of Geelong. In Geelong \$80 million is set aside to expand and therefore improve bus services in the region. This is an important issue, and therefore the action I seek from the minister is to work with all stakeholders in Geelong to ensure the timely and effective implementation of the bus service upgrade.

In a recent article in the *Geelong Advertiser* the Public Transport Users Association Geelong branch convenor, Paul Westcott, is quoted as saying:

It's good news for passengers ... but there are some big changes coming up, so it's important it is carried out in a well coordinated and well planned way.

I have to say I agree with Mr Westcott's sentiments and statement, and I can assure members of the association and other bus users that this will be the case.

For the information of the house, bus services throughout the Geelong region and to all parts of Geelong will be increased and improved. As I understand it, it is envisaged that the expansion will first of all take place in Grovedale, Waurn Ponds, Breakwater, Whittington and St Albans in the east of Geelong. In the second round it will occur on the routes servicing Highton, Newtown and North Geelong. This will bring great benefit to the people of Geelong, particularly the ever-increasing number of people who utilise Geelong's bus services.

Another important step forward in Geelong's bus services will be the installation of the central bus interchange in Moorabool Street. Currently buses in the central activities area drop passengers off at various points in the central business district. This is confusing, particularly for elderly people who have to walk from one bus stop to another for a connecting service. It is important that, through the City of Greater Geelong, the interchange is put in place as quickly as possible.

This is an important issue for the people of Geelong, especially for bus commuters. I therefore look forward to the minister's action.

### River red gum forests: firewood

**Mr WELLER** (Rodney) — I wish to raise a matter for the attention of the Minister for Environment and

Climate Change regarding future firewood requirements in the river red gum forest region. The massive reduction in timber availability resulting from the recommendations of the Victorian Environmental Assessment Council (VEAC) poses serious consequences for the critically important tourism industry in the region and for many households in small towns not connected to natural gas, and thus reliant on firewood for heating and cooking purposes.

The action I seek from the minister is to guarantee that all firewood requirements in the river red gum region will continue to be met following the creation of the new Barmah and Gunbower national parks. In a letter from the minister I was advised that 6000 tonnes of firewood per year would be allocated from the Gunbower, Benwell and Guttram state forests for the next five years. When we compare that figure with the 11 000 tonnes of residual logs and firewood currently allocated from the river red gum forest, it is alarmingly clear that the future supply within the new national park arrangements will fall well short of demand.

Echuca's fleet of paddle steamers alone will require a supply of 2500 tonnes of firewood per year, and given that the very core of the tourism industry in this region is dependent on the interpretation of our region's heritage through the preservation and operation of paddle steamers, a firewood supply shortage would have a drastic consequence for our tourism sector. These paddle steamers are driven by steam engines and their boilers are fired by red gum firewood supplied by contractors who draw the resource from the Barmah forest. With a ban on timber harvesting in the Barmah forest due to commence in less than a month, it is critical that the government guarantee that supply will continue to be met.

In the final report handed down by VEAC it was recommended that a strategic and coordinated approach to the delivery of regional firewood requirements be adopted in the river red gum forest investigation area. That approach was to include the establishment of a regional committee consisting of land managers, catchment management authorities, local government, industry and the community, which would strategically coordinate the delivery of firewood requirements in the region. I ask the minister to confirm whether that committee has been established; if so, will he explain how it intends to ensure that requirements of all firewood users in the region will be met through the future annual firewood allocation of just 6000 tonnes?

I urge the minister to work closely with the committee to guarantee that an assured supply of red gum firewood is established within the new national park

arrangements to meet the firewood needs of the entire region, including Echuca's fleet of paddle-steamers and the many households in townships along the Murray River that are not connected to the natural gas network.

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

### **Food and wine industries: government support**

**Mr DONNELLAN** (Narre Warren North) — I wish to raise a matter tonight for the Minister for Regional and Rural Development. The action I seek is for the minister to support the food and wine industries in these difficult times, especially with the more competitive environment and the more aggressive push by countries such as Chile, Spain, Italy and others that would like to knock Australia off the top position in terms of exports to countries like the United Kingdom.

I have a long-term interest in the wine industry.

**An honourable member** interjected.

**Mr DONNELLAN** — Both. I like them all. I have previously worked with the Department of Innovation, Industry and Regional Development and Federation Square to help establish the regional wine series held at Federation Square. This is an important series that gives small wine producers like Laanecoorie the opportunity to show their wines for a small price. I have attended the series on numerous occasions and have been very impressed with the quality of the wine. It is amazing how many wineries I have not been aware of in Victoria. But that is not surprising, I guess, because there are about 1600 or so wineries in Victoria.

I know the minister has a great appreciation of the fine food and wine which Victoria produces. Just a fine appreciation; we will leave it at that. In thinking about these things, I look at the hills near my electorate. We have great wineries like the Tibooburra vineyard run by Greg Kerr, Sergio Carlei's Green Vineyard and many others. We are very fortunate to have such a wide variety of styles, climate and the like to produce such a diversity of product.

Victoria's food and beverage industries have earned the state the title of Australia's food bowl. That is deserved. The Victorian food and wine beverage industries are critical to the Victorian economy. They have produced exports worth about \$5.5 billion last year, they employ about 144 00 people and produce about 30 per cent of Australia's food.

Again I call on the government to continue to support these vital industries through the current global

economic downturn to ensure our food and beverage businesses remain viable and competitive, and continue to offer job opportunities to more than 140 000 people and to win the battle for exports in our overseas markets.

### **Responses**

**Ms ALLAN** (Minister for Regional and Rural Development) — The member for Polwarth raised a matter for the Minister for Education. I will refer that for her attention.

The members for Mordialloc and Williamstown raised matters for the Minister for Roads and Ports. I will refer those matters for his attention and response.

The members for Morwell and Geelong raised matters for the Minister for Public Transport and those matters will be referred to her for her response.

The member for Preston raised a matter for the Minister for Consumer Affairs. The member for Mornington raised a matter for the Minister for Planning. The member for Gippsland East raised a matter for the Premier and the member for Rodney raised a matter for the Minister for Environment and Climate Change. Those matters will be referred to those ministers for their attention and response.

I am very pleased to respond to the matter raised by the member for Narre Warren North. The member for Gippsland East has thrown out a challenge to talk for 25 minutes on Victoria's fantastic food and wine industry. I assure the member for Gippsland East that while I may not take 25 minutes, I could take 25 hours waxing lyrical about how wonderful our food and wine industry is.

I will not take that amount of time but I will talk for a couple of minutes about the great food and wine industry in Victoria. It does not matter whether you are in Gippsland East, Mildura or in my part of Victoria — central Victoria — or in the areas represented by the members for Narre Warren North and Melton, I could go on and take 25 minutes, and you will find right across the state fantastic wineries making fantastic wine. You will see agricultural and horticultural producers producing great products. Also our food manufacturing and processing industry is a very important part of many of our regional economies and country towns.

It is no surprise that many members of the chamber were prepared to identify themselves so quickly with their local regions, because we are very proud of the fact that Victoria has an outstanding reputation for food

and wine products. It is quite interesting that we are known as Australia's food bowl; even though we have only 3 per cent of Australia's land mass, we produce more than 30 per cent of Australia's food. We are very much the heart of food and wine production in Australia.

The member for Narre Warren North referred to some of the challenges that the industry is faced with at the moment. Like many sectors within the economy, the global financial crisis is posing a challenge for many in the food and wine area. That is why the Brumby Labor government is working very hard with the food and wine sector to look at tangible ways that we can provide additional support.

That is why I am pleased to inform the member for Narre Warren North and members of the house that earlier today I announced an initiative that is aimed at supporting the food and wine sector and most importantly food sales to Victoria's food and wine industry. I refer to our new Put Victoria on Your Table campaign. This is a campaign that has been backed up with \$400 000 in funding from the government. We will be delivering this in partnership with Melbourne Food and Wine, which runs the hugely successful Melbourne Food and Wine Festival and the Victorian Wine Industry Association.

This is a campaign that aims at both a series of events to promote products directly to consumers but also retail promotions to encourage the purchase of local produce. This campaign will kick off on 26 July and will run for a couple of weeks. During this period I will be encouraging all Victorians and all members of this house when they are in a supermarket or going out to dinner or choosing a bottle of wine to make sure they look for Victorian labels and Victorian produce. If they do they will not only be guaranteed of getting something that will taste excellent and be good for their health — in moderation, of course, but something that will be good for them — but will also be supporting thousands of jobs in regional and rural communities.

I encourage all members of the house to support Put Victoria on Your Table, which is a recent initiative of the government in supporting Victoria's food and wine industry and something I am sure every member of the house would be happy to support.

**The ACTING SPEAKER (Mr Nardella)** —  
Order! The house is now adjourned.

**House adjourned 10:33 p.m.**

