

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-SIXTH PARLIAMENT**

**FIRST SESSION**

**Wednesday, 31 October 2007**

**(Extract from book 15)**

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## **The Governor**

Professor DAVID de KRETZER, AC

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC

## **The ministry**

Premier, Minister for Veterans' Affairs and Minister for Multicultural Affairs .....	The Hon. J. M. Brumby, MP
Deputy Premier, Attorney-General, Minister for Industrial Relations and Minister for Racing .....	The Hon. R. J. Hulls, MP
Treasurer .....	The Hon. J. Lenders, MLC
Minister for Regional and Rural Development, and Minister for Skills and Workforce Participation .....	The Hon. J. M. Allan, MP
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Minister for Community Development and Minister for Energy and Resources .....	The Hon. P. Batchelor, MP
Minister for Police and Emergency Services, and Minister for Corrections .....	The Hon. R. G. Cameron, MP
Minister for Agriculture and Minister for Small Business .....	The Hon. J. Helper, MP
Minister for Finance, WorkCover and the Transport Accident Commission, Minister for Water and Minister for Tourism and Major Events .....	The Hon. T. J. Holding, MP
Minister for Environment and Climate Change, and Minister for Innovation .....	The Hon. G. W. Jennings, MLC
Minister for Public Transport and Minister for the Arts .....	The Hon. L. J. Kosky, MP
Minister for Planning .....	The Hon. J. M. Madden, MLC
Minister for Sport, Recreation and Youth Affairs, and Minister Assisting the Premier on Multicultural Affairs .....	The Hon. J. A. Merlino, MP
Minister for Children and Early Childhood Development, and Minister for Women's Affairs .....	The Hon. M. V. Morand, MP
Minister for Mental Health, Minister for Community Services and Minister for Senior Victorians .....	The Hon. L. M. Neville, MP
Minister for Roads and Ports .....	The Hon. T. H. Pallas, MP
Minister for Education .....	The Hon. B. J. Pike, MP
Minister for Gaming, Minister for Consumer Affairs and Minister Assisting the Premier on Veterans' Affairs .....	The Hon. A. G. Robinson, MP
Minister for Industry and Trade, Minister for Information and Communication Technology, and Minister for Major Projects .....	The Hon. T. C. Theophanous, MLC
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 McIntosh, Mr Robinson and Mr Walsh. (*Council*): Mr P. Davis, Mr Hall, Mr Jennings, Mr Lenders and Ms Pennicuik.

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

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

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

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

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

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

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

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

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

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

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

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

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

## Heads of parliamentary departments

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

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

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

**MEMBERS OF THE LEGISLATIVE ASSEMBLY**

**FIFTY-SIXTH PARLIAMENT — FIRST SESSION**

**Speaker:** The Hon. JENNY LINDELL

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

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

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

The Hon. J. M. BRUMBY (from 30 July 2007)

The Hon. S. P. BRACKS (to 30 July 2007)

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

The Hon. R. J. HULLS (from 30 July 2007)

The Hon. J. W. THWAITES (to 30 July 2007)

**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
Brooks, Mr Colin William	Bundoora	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
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>4</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	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>3</sup>	Albert Park	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Tilley, Mr William John	Benambra	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Trezeise, Mr Ian Douglas	Geelong	ALP
Ingram, Mr Craig	Gippsland East	Ind	Victoria, Mrs Heidi	Bayswater	LP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kosky, Ms Lynne Janice	Altona	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kotsiras, Mr Nicholas	Bulleen	LP	Weller, Mr Paul	Rodney	Nats
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Languiller, Mr Telmo Ramon	Derrimut	ALP	Woodridge, Ms Mary Louise Newling	Doncaster	LP
Lim, Mr Muy Hong	Clayton	ALP	Wynne, Mr Richard William	Richmond	ALP

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

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

<sup>3</sup> Resigned 6 August 2007

<sup>4</sup> Elected 15 September 2007



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**Wednesday, 31 October 2007**

**The SPEAKER (Hon. Jenny Lindell) took the chair at 9.35 a.m. and read the prayer.**

## VICTORIAN ENERGY EFFICIENCY TARGET BILL

*Introduction and first reading*

**Mr BATCHELOR (Minister for Energy and Resources) introduced a bill for an act to promote the reduction of greenhouse gas emissions by establishing the Victorian Energy Efficiency Target scheme and to amend the Essential Services Commission Act 2001 to confer functions on the Essential Services Commission and for other purposes.**

**Read first time.**

## POLICE REGULATION AMENDMENT BILL

*Introduction and first reading*

**Mr CAMERON (Minister for Police and Emergency Services) introduced a bill for an act to amend the Police Regulation Act 1958 to provide for alcohol and drug testing and to further provide for the Office of Police Integrity and for other purposes.**

**Read first time.**

## 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 47 to 55 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 pm today.

## PETITIONS

**Following petitions presented to house:**

### Water: north–south pipeline

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the proposal to build a pipeline which would take

water from Eildon and the Goulburn River and pump it to Melbourne.

The petitioners register their opposition to the project on the basis that it will effectively transfer the region's wealth to Melbourne; have a negative impact on the local environment, businesses and communities; and lead to further water being taken from the region in the future. The petitioners commit to the principle that water savings which are made in the Murray–Darling Basin should remain in the MDB.

The petitioners therefore request that the Legislative Assembly of Victoria rejects the proposal and calls on the state government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater.

**By Mrs FYFFE (Evelyn) (238 signatures)**

### Asbestosis: Alimta

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the situation in Victoria where people who suffer with the disease 'asbestosis' are not able to access subsidised service for the provision of the drug Alimta, unlike those persons suffering asbestosis in New South Wales and Western Australia.

The petitioners therefore request that the Legislative Assembly of Victoria, urgently consider the introduction of a subsidy for the drug Alimta for persons suffering with asbestosis.

**By Mr DONNELLAN (Narre Warren North) (18 signatures)**

### Rosebud Hospital: obstetric services

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws to the attention of the house that obstetric services have been removed from the Rosebud Hospital, forcing mothers-to-be to travel to Frankston to have their babies.

Your petitioners therefore request that the Legislative Assembly of Victoria ask the Minister for Health to provide sufficient funding to enable Peninsula Health to provide the necessary infrastructure and resources to attract obstetricians to work in Rosebud Hospital.

**By Mr DIXON (Nepean) (173 signatures)**

### Domestic animals: legislation

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the proposal to amend the Domestic (Feral and Nuisance) Animals Act which would adversely affect responsible registered dog and cat breeders and responsible pet owners.

The petitioners register their opposition to the proposed amendments on the basis that it has the potential to punish ethical members who are committed to reducing the problems

of heritable diseases. It will negatively affect the economy with potential job losses in the pet industry due to less animals being registered, shown and trialed. It will also impact associated industries such as pet food companies, vets, animal trainers, groomers and local government animal registrations. The petitioners therefore request that the Legislative Assembly of Victoria rejects the proposal.

**By Mrs POWELL (Shepparton) (95 signatures)**

### **Emergency services: south-western Victoria helicopter**

To the Legislative Assembly of Victoria:

The petition of the citizens of western Victoria draws to the attention of the house the lack of a multifunction emergency helicopter rescue service based in Warrnambool. The petitioners therefore request that the Legislative Assembly of Victoria immediately provide a rescue helicopter for the region, as western Victoria remains the only area of the state not covered by an emergency helicopter service. Our desired helicopter service would include air ambulance, firefighting capabilities, day and night search and rescue facilities and would be available for onshore, coastal and offshore operations. We seek a speedy establishment of such a helicopter to cover all of western Victoria.

**By Dr NAPHTHINE (South-West Coast) (8959 signatures)**

### **Water: north–south pipeline**

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne.

The petitioners register their opposition to the project on the basis that it will effectively transfer the region's wealth to Melbourne; have a negative impact on the local environment; and lead to further water being taken from the region in the future. The petitioners commit to the principle that water savings which are made in the Murray–Darling Basin should remain in the MDB. The petitioners therefore request that the Legislative Assembly of Victoria rejects the proposal and calls on the state government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater.

**By Mr WALSH (Swan Hill) (1831 signatures)**

### **Milne–Ringwood–Warrandyte roads, Park Orchards: safety**

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

The petition of the residents of Milne Road, Joseph Court and Berringa Road, Park Orchards, and surrounding residents draws the attention of the house to their concerns regarding the safety and traffic issues pertaining to the intersection of Milne Road and Ringwood–Warrandyte Road, Park Orchards.

The petitioners therefore request that the government addresses these concerns and immediately acts to install a roundabout and appropriate speed reduction signs in the immediate surrounds.

**By Mr R. SMITH (Warrandyte) (176 signatures)**

**Tabled.**

**Ordered that petition presented by honourable member for South-West Coast be considered next day on motion of Dr NAPHTHINE (South-West Coast).**

**Ordered that petition presented by honourable member for Evelyn be considered next day on motion of Mrs FYFFE (Evelyn).**

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

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

**Ordered that petition tabled by honourable member for Warrandyte be considered next day on motion of Mr R. SMITH (Warrandyte).**

**Ordered that petition tabled by honourable member for Shepparton be considered next day on motion of Mrs POWELL (Shepparton).**

**Ordered that petitions tabled by honourable member for Hastings on 30 October be considered next day on motion of Mr BURGESS (Hastings).**

**Ordered that petition tabled by honourable member for Benalla on 30 October be considered next day on motion of Dr SYKES (Benalla).**

## **OFFICE OF THE PUBLIC ADVOCATE**

### **Report 2006–07**

**Mr HELPER (Minister for Agriculture), by leave, presented report.**

**Tabled.**

**CONSUMER UTILITIES ADVOCACY  
CENTRE**

**Report 2006–07**

**Mr HELPER (Minister for Agriculture), by leave, presented report.**

**Tabled.**

**PARLIAMENTARY DEPARTMENTS**

**Reports 2006–07**

**Ms BARKER (Oakleigh), by leave, presented reports of Department of the Legislative Assembly and Department of Parliamentary Services.**

**Tabled.**

**PUBLIC ACCOUNTS AND ESTIMATES  
COMMITTEE**

**Report 2006–07**

**Mr STENSHOLT (Burwood), by leave, presented report.**

**Tabled.**

**Ordered to be printed.**

**COUNCIL OF MAGISTRATES**

**Report 2006–07**

**Mr HULLS (Attorney-General) presented report by command of the Governor.**

**Tabled.**

**DOCUMENTS**

**Tabled by Clerk:**

2007 World Swimming Championships Corporation — Report 2006–07

Adult Parole Board — Report 2006–07

Auditor-General — New Ticketing System Tender together with a good practice guide Public Sector Procurement: Turning Principles into Practice — Ordered to be printed

Australian Grand Prix Corporation — Report 2006–07

Barwon Region Water Authority — Report 2006–07

Building Commission — Report 2006–07

Central Gippsland Region Water Authority — Report 2006–07

Central Highlands Region Water Authority — Report 2006–07

City West Water Ltd — Report 2006–07

Coliban Region Water Authority — Report 2006–07 (two documents)

*Confiscation Act 1997* — Asset Confiscation Operations Report 2006–07

Corangamite Catchment Management Authority — Report 2006–07

Country Fire Authority — Report 2006–07

East Gippsland Catchment Management Authority — Report 2006–07

East Gippsland Region Water Authority — Report 2006–07 (two documents)

Education, Department of — Report 2006–07

Emerald Tourist Railway Board — Report 2006–07

Emergency Services Superannuation Board — Report 2006–07

Emergency Services Telecommunications Authority — Report 2006–07

Environment Protection Authority — Report 2006–07

Fed Square Pty Ltd — Report 2006–07

Film Victoria — Report 2006–07

*Financial Management Act 1994:*

Reports from the Minister for Agriculture that he had received the 2006–07 reports of:

Dairy Food Safety Victoria

Murray Valley Citrus Board

Murray Valley Wine Grape Industry Development Committee

Reports from the Minister for Environment and Climate Change that he had received the 2006–07 reports of:

Barwon Regional Waste Management Group

Calder Regional Waste Management Group

Central Murray Regional Waste Management Group

Commissioner for Environmental Sustainability

Desert Fringe Regional Waste Management Group

Gippsland Regional Waste Management Group

Goulburn Valley Regional Waste Management Group

Grampians Regional Waste Management Group	Mallee Catchment Management Authority — Report 2006–07
Highlands Regional Waste Management Group	Melbourne and Olympic Parks Trust — Report 2006–07
Mildura Regional Waste Management Group	Melbourne Convention and Exhibition Trust — Report 2006–07
Mornington Peninsula Regional Waste Management Group	Melbourne Water Corporation — Report 2006–07
North East Regional Waste Management Group	Metropolitan Fire and Emergency Services Board — Report 2006–07 (two documents)
South Western Regional Waste Management Group	North Central Catchment Management Authority — Report 2006–07 (two documents)
Surveyors Registration Board	North East Catchment Management Authority — Report 2006–07
Trust for Nature	North East Region Water Authority — Report 2006–07
Report from the Minister for Mental Health that she had received the 2006–07 report of the Mental Health Review Board	Parks Victoria — Report 2006–07 (two documents)
Reports from the Minister for Planning that he had received the 2006–07 reports of:	Parliamentary Contributory Superannuation Fund — Report 2006–07
Growth Areas Authority	Phillip Island Nature Park Board of Management — Report 2006–07 (three documents)
Heritage Council Victoria	Plumbing Industry Commission — Report 2006–07
First Mildura Irrigation Trust — Report 2006–07	Police Integrity, Office of — A Fair and Effective Victoria Police Discipline System — Ordered to be printed
Forensic Leave Panel — Report 2006–07	Police Integrity, Office of — Report 2006–07 under s. 30L of the <i>Surveillance Devices Act 1999</i>
Gippsland and Southern Rural Water Authority — Report 2006–07 (two documents)	Police Integrity, Office of — Report 2006–07 under s. 31 of the <i>Crimes (Assumed Identities) Act 2004</i>
Glenelg Hopkins Catchment Management Authority — Report 2006–07 (two documents)	Port of Hastings Corporation — Report 2006–07
Goulburn Broken Catchment Management Authority — Report 2006–07	Port of Melbourne Corporation — Report 2006–07
Goulburn-Murray Rural Water Authority — Report 2006–07	Port Phillip and Westernport Catchment Management Authority — Report 2006–07
Goulburn Valley Region Water Authority — Report 2006–07	Premier and Cabinet, Department of — Report 2006–07
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Harness Racing Victoria — Report 2006–07	Public Prosecutions — Director, Committee and Office — Report 2006–07
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Legal Services Commissioner — Report 2006–07	Rolling Stock (VL-3) Pty Ltd — Report 2006–07
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- Royal Botanic Gardens Board — Report 2006–07
- Sentencing Advisory Council — Report 2006–07
- South East Water Ltd — Report 2006–07
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- Victorian Electoral Commission — Report 2006–07
- Victorian Environmental Assessment Council — Report 2006–07
- Victorian Equal Opportunity and Human Rights Commission — Report 2006–07
- Victorian Government Purchasing Board — Report 2006–07
- Victorian Institute of Forensic Medicine — Report 2006–07
- Victorian Institute of Forensic Mental Health — Report 2006–07
- Victorian Institute of Sport Trust — Report 2006–07 (two documents)
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- Victorian Qualifications Authority — Report 2006–07
- Victorian Rail Track — Report 2006–07
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## MEMBERS STATEMENTS

### Monbulk College and Upwey High School: sports awards

**Mr MERLINO** (Minister for Sport, Recreation and Youth Affairs) — I rise to congratulate students at two of my local secondary schools for their wonderful sporting success at the recent Victorian Volleyball Schools Cup. Monbulk College walked away with two gold medals and one bronze medal, and two of its students, Majella Simek and Corey Archer, picked up most valuable player awards in their individual divisions.

Upwey High School also delivered outstanding results leaving with seven gold and two bronze medals as well as taking out the coveted three day champion school award for the second successive year. Students Shae Sloane and Danielle Home also collected most valuable player awards in their individual divisions. We have many sporting stars in Monbulk, and it gives me great pleasure to see that proud tradition continue.

### Melbourne Vixens: trans-Tasman netball championship

**Mr MERLINO** — I would like to congratulate Netball Victoria following the unveiling of the latest addition to Melbourne's sporting landscape — the Melbourne Vixens. The Vixens will be Victoria's team in the new trans-Tasman netball championship that will begin from next year, marking the beginning of an incredibly exciting time for the sport. For too long the coverage, popularity and remuneration of elite level netball, and women's sport in general, has been well below what it should be.

Every match of the new competition will be televised and all of the players signed on decent contracts. This truly is a chance to give netball the recognition it deserves. The competition will also deliver Melbourne a new generation of stars and a team full of elite female athletes and role models who will inspire girls and young women. This is in no small part due to the dedication of Jenny Sanchez, Sue Crowe and the

wonderful team at Netball Victoria. I wait with great interest for new coach Julie Hoornweg to unveil the new line-up of her team in the coming weeks, and also look forward to seeing several of those players represent Australia at next month's world championships in New Zealand.

### Water: government policy

**Ms ASHER** (Brighton) — I want to draw to the attention of the house a sneaky little backflip by this government on water. I refer to a media release dated 18 October, and I quote:

Barwon Water has agreed to transfer its existing 750 ml share of water in Lal Lal Reservoir to Central Highlands Water to help ease Ballarat's water supply situation.

So you might ask: what is the big deal about this? The big deal is that the government has previously ridiculed this position. Liberal Party policy for the 2006 election read:

Under our plan, all water from Lal Lal Reservoir will be supplied to Ballarat by Central Highlands Water.

Labor Party policy for the last election on the other hand said:

The Liberal Party has promised to provide Geelong share of water to Ballarat, leaving Geelong and surrounding towns high and dry. Under a re-elected Labor government, Geelong's access to Lal Lal will be secure.

That was ALP policy. The former water minister ridiculed Liberal Party policy. He said it was not a solution. The member for Ballarat East said it was laughable. That is the problem when you read off the briefing note; your own party jumps on you later. I do not mind if the ALP adopts our policies, but my advice to it is that it should not ridicule us before it adopts our policies. It is the same with desalination and the Bendigo pipeline. There have been three occasions on water where the Labor Party has adopted Liberal Party policy, having ridiculed it in the first instance.

### Kingston: funding

**Ms MUNT** (Mordialloc) — The member for Carrum and I were very pleased to learn of state government funding which has been secured for the City of Kingston for a couple of very important projects. The first important project is the rehabilitation and revegetation works for the Chelsea to Bonbeach foreshore, and also for the revegetation of parts of the Mordialloc Creek. It is rehabilitation which involves weed control and also revegetation. The state government has allocated \$60 000 to Kingston City Council to do those works, which is additional funding

to the range of environmental funding which it has provided over recent years.

The state government has also provided funding to Kingston council to start restoration work on two 25-pounder short guns located in Main Street, Mordialloc. This funding comes from the previous Department for Victorian Communities and is a war memorial grant. It joins a number of grants for the restoration of war memorials in my local area. I know the local community and the Returned and Services Leagues are very grateful for these restoration works on a number of our war memorials, and it will be wonderful to get the 25-pounder short guns restored for the Mordialloc area.

### **Swan Hill electorate: community awards**

**Mr WALSH** (Swan Hill) — I would like to congratulate the three winners from the Swan Hill electorate who won awards at the recent regional achievement and community awards. The awards pay tribute to individuals, businesses and community groups making a difference in their communities.

The Rex Theatre in Charlton has been showing movies since 1938 and was going to be closed and sold. The Charlton community theatre group has worked extremely hard to keep the theatre going and to raise in excess of \$90 000 to match a federal government rural partnerships grant to buy the theatre. I am sure the government will hear more from the Charlton community theatre group as it seeks support to preserve this important part of history in Charlton and to provide a valuable entertainment service in the Buloke shire.

Clyne Foods at Warracknabeal processes and packs dried fruits. With vision and a commitment to excellence and new technology, Norm, Chris and Paul Clyne and their families are proving they can increase market share in Australia and overseas in what is a very competitive market. This adds to the Telstra business award they won last year.

The third winner is the very special community of Murrabit, with its Murrabit country market. This market is held on the first Saturday of every month, and in excess of 10 000 visitors attend every market. All the community groups in Murrabit work at the market to raise funds to reinvest in that town. This Saturday is the 30th birthday of the Murrabit market, and I congratulate them all.

### **Pam Mamouney**

**Ms GRALEY** (Narre Warren South) — One of the pleasures of public life is meeting new people,

especially meeting women who are doing wonderful things for the local community. One such woman is Pam Mamouney. Pam is a long-term resident of Berwick whom I met when she generously welcomed me to the Narre Warren South electorate with a kind invitation to her church.

Pam has been a member of the Church of Jesus Christ of Latter-day Saints for 46 years. She is a living, working example of God's great work. Pam has been a member of the Dandenong Interfaith Network for over five years, and anyone who has been on one of its interfaith tours, as I have, will testify to the group's important work. Pam has been instrumental in helping to establish the Casey Interfaith Network. I expect great things of this network, and I know that with Pam Mamouney on the team the Casey Interfaith Network will urge all citizens of Narre Warren South, both religious and non-religious, to put aside intolerance and prejudice and live side by side in peace and harmony.

Pam is a mother of 5, a grandmother of 11, a retired teacher and a volunteer tutor, and she attends the University of the Third Age. She is also a talented tennis player and water aerobics enthusiast and is a committed Red Cross collector and devout church member. Pam works hard at everything she does.

I thank Pam for her dedication to others, her leadership by example and her work for the local community. Most of all, I thank her for her welcoming smile — a smile given to everyone from all countries, backgrounds and religions who choose to make their new home in Narre Warren South. It is a special gift that gives comfort and provides inspiration to all like me who are fortunate enough to be greeted by Pam Mamouney.

### **Macedonian Community Council of Victoria: publication grant**

**Mr KOTSIRAS** (Bulleen) — I stand to condemn this Labor government for providing \$10 000 to the Macedonian Community Council of Victoria for Mr Ico Najdovski and Mr Robert Najdovski to write a fictional and imaginary tale. The publication is filled with misinformation and nonsense. All it is doing is causing division and hostility amongst Victorians.

One of the objectives of the Victorian Multicultural Commission is to promote unity among Victoria's culturally and linguistically diverse communities. Unfortunately providing \$10 000 for such a publication does nothing to promote harmony amongst our culturally diverse Victorians. What this publication is doing is causing division, discord and friction amongst

our multicultural community. It is a disgrace that such a blatant abuse of our cultural diversity is supported by the Victorian Labor Party.

I find it hypocritical that the member for Mill Park and the member for Thomastown have supported this publication. I am also advised that some of the work on this publication was done in the member for Mill Park's office. If this is true, it is disappointing, considering that the member for Mill Park attends many functions and speaks about harmony. What is even more disappointing is that the Minister for Industry and Trade in the other place, Minister Theophanous, has been silent on the matter, yet he also pretends to support our cultural diversity.

The Labor government should demand a refund of the \$10 000, because I am advised that the contents of this publication were not outlined on the application. The application was misleading, and the two Labor members of Parliament should be condemned for supporting such a misleading and confrontational publication.

### **South Barwon Football and Netball Club: awards**

**Mr CRUTCHFIELD** (South Barwon) — Earlier this month I informed the house of the significant and historic season the South Barwon Football and Netball Club had this year on the field.

The good news has continued, with South Barwon premiership coach, Dale Amos, taking out the 2007 Geelong and District Coaches Association senior coach of the year award. Dale Amos, in his fourth year, has led the South Barwon Swans to their last three Geelong Football League flags, and this award certainly capped off a sensational year for the coach and club. Dale now becomes the regional nominee for the Victorian coach of the year awards that will be held in Melbourne on 9 November, and I wish him well. Four Geelong coaches have gone on to win the senior coach state title, and I hope we can add another one to the records this year.

Belmont Lions premiership player/coach Haami Williams was in the running for the top prize, and I would like to mention and congratulate him on his significant contribution to his club. I would also like to congratulate Tahnee Kahle, who was crowned the first-ever recipient of the female coach of the year for her work as coach and coordinator with Moriac Auskick.

The Leon Schram memorial award for outstanding service to junior football was presented to Scott Edwards, also from South Barwon. Other clubs and players in my electorate also featured well in the awards, with Grovedale's David Fitzsimmons tying with my old playing colleague Jason Connelly for the youth award. Grovedale's Jeff Shiell and Scott Bond took out the Auskick coach of the year and junior award respectively.

Congratulations to all of these coaches, who volunteer their services to improve the lives of our youth.

### **Warrnambool Hospital: redevelopment**

**Dr NAPHTHINE** (South-West Coast) — Warrnambool Hospital is well past its use-by date and is in urgent need of a total redevelopment. Fortunately during the 2006 state election campaign both major parties promised funding for this redevelopment. In the May 2007 state budget the government allocated \$16 million to start this project, and the Warrnambool community hopes and expects that the 2008 budget will see the government commit to the total \$160 million needed for this redevelopment.

Today I urge the government to include radiotherapy facilities and a helipad in this hospital redevelopment. More than 500 people per year in south-western Victoria are diagnosed with cancer, and many of them need radiotherapy. Currently patients and family are required to travel to Geelong or Melbourne for these vital treatments. Radiotherapy usually requires relatively short treatments each and every day for several weeks. This is very disruptive for patients, their families and of course their finances. Surely in 2007 it is time that local radiotherapy services were available in south-western Victoria. This region has local medical specialists who can manage these radiotherapy treatments, and we need radiotherapy facilities to be an integral part of the redeveloped hospital.

Similarly the construction of a helipad at the hospital will save lives, as it will allow helicopters to take patients directly from the Warrnambool accident and emergency department to the Alfred hospital and other Melbourne trauma centres. A helipad and radiotherapy facilities are needed as part of this hospital redevelopment.

### **Coburg: urban renewal**

**Mr CARLI** (Brunswick) — I wish to congratulate Mark O'Brien, the mayor of Moreland and the team at Moreland City Council on the recent launch calling for expressions of interest in the redevelopment of the

activity centre in central Coburg. I was at the launch last week, and there were an enormous number of developers from around the country who came to look at the possibility of being involved in a really exciting urban revitalisation program. This is a project that will involve probably a \$1 billion transformation of central Coburg, utilising the fact that it is close to the city, has good public transport and has a lot of land available for redevelopment, particularly council-owned land.

The expression of interest is looking at the possibility of increasing the amount of commercial space by 65 000 square metres, increasing the number of dwellings around the Coburg activity centre, improving its sustainability and achieving higher densities, better connections to public transport and better utilisation of the land. It is a very exciting project that the council has really led. The structural plan has already been released, and now it is up to developers to come up with some really great ideas.

### **Gippsland: community leadership program**

**Mr NORTHE** (Morwell) — I speak today on the Gippsland community leadership program (GCLP) to highlight its value to regional communities. GCLP was the first regional community-based leadership program to be established back in 1996, and it has long been applauded by previous participants as an extremely worthwhile and invaluable program. The program currently has 23 participants from a variety of backgrounds, each with different skills.

Many of the participants are currently employed within different and unique sectors of Gippsland businesses, government departments and community groups. Employers include the Loy Yang power station, V/Line, VicRoads and Veolia Environmental Services. It gives Gippslanders the opportunity to enhance their leadership skills whilst gaining invaluable knowledge and an insight into their local communities. The program deals with a diverse range of topics including business, education, tourism, and law and order, among other issues.

From a regional perspective it is important that we encourage the development of Gippsland's future leaders through a vehicle such as this. The retention of leaders in regional areas is vital to the future growth and development of communities, and I applaud the concept and intent of this program. Participants in the Gippsland community leadership program visited state Parliament recently, and it was a privilege to participate in their discussions along with some other members of this Parliament.

In closing I congratulate Ian Gibson and Nicola Epps on their continuing efforts through this fantastic program and on providing a great opportunity to many individuals to realise their full potential. This can only assist in increasing the level of contributions and the development of local regional communities.

### **Mustafa 'John' Ilhan**

**Mr EREN** (Lara) — It is with great sadness that I make this statement today. The sudden death of Mustafa, known as John, Ilhan has had a devastating effect on not only the Turkish community but indeed the wider community. His business acumen and his wonderful personality have been widely covered by the media in a fitting and wonderful way. My most sincere condolences go to Ali and Nezaket, his parents, to Ayse, his sister, and of course to his soul mate and wife, Patricia, and his beautiful children, Yasmin, Hannah, Jaida and Aydin.

I was fortunate enough to have met the Ilhan family over 25 years ago. I have great memories that I will always cherish of John and his brother, Celal, who tragically passed away 10 years ago. I know how his brother's death affected him and his family. I recall that at the time it was so devastating to all concerned and so hard to accept, especially to John. The strong-willed person that John was and the support of the people who cared about him saw him through those tough times, and he became one of the most successful businessmen in the country.

The large crowd at his funeral was a testament to how much he was loved and respected. There were people from all walks of life there, paying their respects to an inspirational man who cared about the community. One of the many legacies John has left us with and the one I would like to mention is of course the Ilhan Food Allergy Foundation. I am sure that this foundation will continue way into the future, and he will be remembered for a long time to come.

### **Public transport: planning**

**Mr MULDER** (Polwarth) — The matter I wish to raise concerns the discussion paper recently released by the Minister for Public Transport and the Minister for Roads and Ports entitled *Towards an Integrated and Sustainable Transport Future*, which seeks to ascertain the community's vision and expectations for public transport in Victoria. Surely after eight years this government should have a pretty good idea of what the community's vision and expectations are. We do not need another round of consultation to find out. The former Minister for Transport, referring to the

document *Meeting Our Transport Challenges*, said in this place in August 2006:

This is a demonstration not only that we have a long-term plan for transport but also that we are actually getting on with the job and delivering it now.

If there was a plan and they were getting on with it in 2006, why is there a need for a further plan in 2007? We already know that some suburban bus drivers have been supplementing their wages by up to \$40 000 a year by ripping off the system. We already know that the suburban rail system continues to be plagued by late trains, cancellations, overcrowding and ticketing problems. We already know that the much-lauded, over-budget 'farce' train project in country Victoria sees commuters increasingly shuffled onto buses. We already know that trams are colliding and that there are problems with our taxi services and with safety issues on our trains. And we already know the answer: Victorians want a reliable, safe and user-friendly transport network.

On 15 October the minister invited Liberal members to attend forums to review this particular document. At the same time the minister will be overseas, having a holiday.

### Children: Child Wise

**Mr FOLEY** (Albert Park) — I rise to bring to the attention of the house the work done by Child Wise, a not-for-profit charity company limited by guarantee that is based in my electorate but delivers protection to children everywhere. Child Wise, led by chief executive officer Bernadette McMenamin and her tough and compassionate team, incorporates prevention, protection and recovery in dealing with child sexual abuse in communities in Australia and overseas.

Child Wise prevents child sexual abuse through the promotion of children's rights and early intervention and by equipping all those involved in child protection in order to create safe environments for children. Child Wise protects children from sexual abuse and exploitation by providing support, advice and resources to all those impacted by child sexual abuse. Child Wise works to improve child protection systems, to promote an understanding of why and how abuse occurs and to equip children and communities to report abuse.

Child Wise helps individuals and communities to recover from child sexual abuse and exploitation by providing support and resources to those impacted by child sexual abuse. Since 1993 Bernadette and her team have worked on projects to prevent sexual exploitation

and trafficking of children and child sex tourism. With the focus increasingly on establishing child-safe organisations, the work of Child Wise is more than ever relevant to the operations of state and private sector organisations. There are few things more important than the fate of our children. Defending them against sexual abuse is as fundamental a role as governments, businesses and communities can have.

### Sergeant Brian Stooke

**Mr THOMPSON** (Sandringham) — Today I wish to pay tribute on behalf of the people of Victoria to the outstanding policing service of Sergeant Brian Stooke, police no. 17783. Sergeant Stooke joined Victoria Police on 15 January 1973 and served with the police force for 34 years.

On 18 June 1985 Sergeant Stooke was shot by Pavil Marinoff, also known as Mad Max or Max Clark. He sustained wounds in the right hand, left bicep, left collarbone and through his spine, which rendered him a paraplegic. Brian was awarded the Victoria Police Star and a Victoria Police Service Medal.

During his time at the Austin Hospital he met up with two policemen with spinal injuries as a result of motorcycle accidents. Sergeant Stooke praises the initiative of former Deputy Commissioner Keith Thompson, who paved the way for all three to make their way back into active police service. Brian returned to work in 1986 and gave a further 21 years of dedicated service at the Cheltenham police station, where he was in charge of training junior members and organising the preparation of prosecution briefs. His knowledge of the law underpinned many successful prosecutions. The costs review committee came out to Cheltenham to formulate ideas to emulate his work across the state.

Brian is renowned for his humour and positive spirit. Brian described his wife, Melva, as a continuing 'tower of strength', and he also greatly values the support of his children, Megan, Jarrod and Deirdre.

### Phillip Bain

**Mr SCOTT** (Preston) — I rise today to honour the contribution of Phillip Bain. Phillip has served the community for over 20 years. He was a councillor of the former City of Northcote from 1986 to 1994, serving as mayor twice — in 1987–88 and 1991–92. He is currently chief executive officer of the Northern Division of General Practice, organising doctors in the northern suburbs, and president of the board of the Darebin Community Health Service, where he has

served since 2002. He has also served as president of the no. 5 branch of the Health Services Union. He has served the community well in all these capacities.

Many people run for public office, and Phillip has run for preselection three times unsuccessfully. Some respond to their defeat by slinking off and abandoning the community. Phillip has not done this, and his dedication to the community has been shown by his willingness to serve the community without personal benefit, a characteristic I think all of us here could reflect upon. He has tirelessly worked for disadvantaged people in the northern suburbs, particularly seeking to improve the health of those people. The north is an area where there are many health problems, particularly diabetes, and Phillip is at the forefront of finding creative solutions to those problems. I think the community of the northern suburbs is better for his work, and I thank him personally here today.

### **Rich River Relay for Life: fundraising**

**Mr WELLER** (Rodney) — I would like take this opportunity to pay a special tribute to all those who took part in the Rich River Relay for Life event in Echuca-Moama at the weekend. Relay for Life is an outstanding community event which provides hope and inspiration for all those in our community touched by cancer. I was privileged to be patron of this year's event, a role made all the more special because my daughter, Jessie, was named the face of the relay. Jessie suffered leukaemia as a child, and it was a special honour for us both to be part of the weekend's celebrations. Some 34 teams and 600 people took part in this year's relay, and together they raised an incredible \$103 000 for the Cancer Council Victoria.

The fundraising event, the fourth held in Echuca-Moama, surpassed last year's tally by an enormous \$40 000, bringing the total amount raised by the community in the past four years to \$250 000. This is a fabulous achievement by a small community, particularly during such tough times, and I would like to congratulate the dedicated committee of volunteers who work tirelessly throughout the year to stage this wonderful community event.

The cancer council's coordinator for northern Victoria, Bryan Doyle, has labelled the Rich River relay as one of the best relay events in country Victoria. The talented organising committee should be extremely proud of that achievement. It was a wonderful honour to be part of this memorable event, which plays a critical role in helping to provide people with a future beyond cancer.

### **Lorraine Meyer**

**Ms BEATTIE** (Yuroke) — I would like to take this opportunity to pay tribute to and to mourn the death of Mrs Lorraine Margaret Meyer. Lorraine was born on 25 May 1957 and passed away on 3 October 2007 at the age of only 50.

I have known Lorraine for many years both as a constituent and as a loyal member of the Australian Labor Party. Lorraine joined the Labor Party in 1997 and was well respected and appreciated for her willingness to assist the party at a local level. Lorraine was one of those genuinely good people. She never had a bad word to say about anyone, she was always ready and willing to offer help to anyone who needed it and she was well respected throughout the community.

Lorraine was a great supporter of the union movement and of the rights of workers in general. She was always available to assist on picket lines and was a familiar face assisting at many community functions and activities. Whilst working for what was the Rowntree confectionery company in Somerton Lorraine took up the struggle for workers rights by taking on the role of shop steward for the National Union of Workers.

She was the only female from the site who was involved with the union, and at that time she gained great respect from her peers and undertook that role with great passion. I, along with many of Lorraine's family and friends, attended the funeral on 10 October to pay respects to this hardworking and well-respected woman. My sincere condolences go to Lorraine's loving husband Angus, and her daughters, Katrina and Christina, and their respective families. Lorraine will be sadly missed.

### **Casey Kidz Klub: funding**

**Ms WOOLDRIDGE** (Doncaster) — I rise to condemn the Brumby government for its abject failure to provide appropriate services for disabled kids in Victoria. Casey Kidz Klub is an after-school care program for children with an intellectual disability in Casey, and it needs to secure funding if it is to survive.

Local federal MPs, Greg Hunt and Jason Wood, who have worked hard on this issue, announced last week that a re-elected coalition government would contribute \$39 000. But the reality is this program is not a federal responsibility. It is a unique program providing a high level of support, and as such fits far more appropriately into the state's responsibility to fund disability services. Rather than admit this, the state has been playing the

blame game. When asked about it the government simply said that it is a federal responsibility.

Founder of the club, Amanda Stapleton, said in August that she was grateful for the engagement of the federal government, but at the state level she is so disillusioned. She cannot believe that they would not even offer to bridge the gap. The federal government has come to the rescue with \$39 000. The local council has matched these funds. Mums and dads have been reaching into their pockets and sending in donations. Now is the time for the state government to come on board. Rather than playing the blame game, the Brumby government must match the federal funds so this fabulous program can continue to provide a vital service for disabled kids and their families in Casey.

### **Taylor's Road, St Albans: grade separation**

**Mr SEITZ** (Keilor) — I wish to thank the former Premier, Steve Bracks, the former Minister for Transport, now the Minister for Community Development, and the Minister for Gaming for the support they have given me in addressing the grade separation at the level crossing at Taylor's Road. I also thank the member for Kororoit, my personal friend and colleague, who supported me when he came to the region. Last weekend saw the historic occasion when the bridge was moved into place to start the grade separation work. All of you will remember how windy it was last Sunday. I congratulate the workers who achieved a tremendous engineering feat that day in moving the heavy tonnes of concrete into position as the bridge was constructed on the site of the railway line and then slid under the railway tracks. That was fantastic.

I also thank the Minister for Roads and Ports who came to visit the works first thing on Monday morning when they had been completed. The trains were back running on the track. These works will now allow work to go on with the grade separation, which involves the removal of soil and rocks. Completion of this work is expected towards the end of next year. It will be the first grade separation in the St Albans area and in the Keilor electorate. It has had a long gestation period, but I am proud to say that the Labor government has delivered.

### **Gordon Institute of TAFE: student support fund**

**Mr TREZISE** (Geelong) — On Friday, 19 October, I once again had the pleasure of attending the annual fundraising dinner of the Gordon Institute of TAFE student support fund. I think this would be the fifth

dinner that I have attended. It is always a great night with good food courtesy of the Gordon TAFE students.

The Gordon Institute of TAFE support fund was originally established by union members of the now defunct International Harvester, and through the leadership of the likes of Ernie Speight and Kevin Boland, to raise funds for students from a needy background to attend the college. The fund was established in 1987 and since that time it is estimated that nearly 1500 students have been financially assisted through the fund to undertake studies.

The annual fundraising dinner is always a success with at least 200 people in attendance representing a large cross-section of the Geelong community. I take this opportunity to congratulate all those people who support the fund and particularly commend the founders, Ernie Speight and Kevin Boland, and current treasurer Graeme Stubbley.

### **Natasha Puautjimi**

**Ms RICHARDSON** (Northcote) — I rise to congratulate Natasha Puautjimi on her extraordinary achievement in being crowned best and fairest player in the Yarra Valley Football League's under 13s. She is an inspiration for all young women, and I wish her all the best for the future. She is related to Essendon champion, Michael Long, and moved from the Tiwi Islands to Alphington under the care of Fiona and Simon Hogan.

**The DEPUTY SPEAKER** — Order! The member's time has expired. The time for making statements has now expired.

## **MATTER OF PUBLIC IMPORTANCE**

### **Commonwealth-state relations: cooperative federalism**

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

That this house congratulates the Brumby government for promoting cooperative federalism in an effort to deliver better services and greater infrastructure investment for all Victorians and continuing its work to convince whomever forms the federal government to work in partnership with the state government.

**Mr STENSHOLT** (Burwood) — I am proud to propose that this house congratulates the Brumby government for promoting cooperative federalism with

the aim of delivering better services and greater infrastructure investment in Victoria for all Victorians and for continuing its work to convince whomever forms the federal government to work in partnership with the state government.

The Brumby government is serious about the future of Victoria and the future of Australia. We believe in showing leadership and vision. We eschew narrow-minded sectionalism and a lack of attention to fairness. We promote long-term investment in productivity, whether it be labour productivity or multifactor productivity. We promote an agenda that ensures an increase in productivity, and we understand that such improvements will come especially from the area of investment in skills and people. We also understand the need to invest in infrastructure. The investment in infrastructure in Victoria over the last few years, and the investment promised into the future, is more than that of any previous government in Victoria and three times that of the Kennett government in its final year in office.

We have also been concerned about the lack of investment — indeed the disinvestment — by the federal government in a whole range of sectors. Victoria has been happy to accept the burden. We believe in standing up for Victorians. We believe in Victoria first — unlike the Liberal Party, which seems to be about Canberra first, Liberals second and Victoria last.

In August 2005 the Victorian government proposed a national reform initiative, which subsequently became the Council of Australian Governments agreed agenda on national reform. The Victorian government's vision was for a shared commitment — this is cooperative federalism we are talking about here — to agreed objectives and principles. We were looking for an institutional framework that measured progress and promoted transparency and strong incentives for all governments to improve outcomes. That was our aim. Throughout 2005 and 2006 we worked very closely with the federal government to develop what is now known as the national reform agenda. The aim of this, as I just mentioned, is to have all Australian governments come together — this is the view of the Brumby government, as it was previously of the Bracks government — to focus on how we can drive improvements for the future.

Members will recall the Victorian Department of Treasury and Finance producing a report several years ago which looked at the future, at the need for productivity improvement and at the long-range socioeconomic and demographic patterns in Victoria

and said that we needed to do something about it all. The modelling was done by Treasury and Finance, and then in February this year it was confirmed by the Productivity Commission. It showed that the national reform agenda could boost Australia's gross domestic product by around 11 per cent over 25 years, or around \$100 billion a year. That is what we have to do: we have to think for the future, not just for the next six months. This is a good example of cooperative federalism and of governments working positively together.

The Productivity Commission's report, *Potential Benefits of the National Reform Agenda*, outlines that \$100 billion opportunity for Australia. It confirms that the national reform agenda, initiated by the Bracks government and now completely endorsed and followed up by the Brumby government, is an antidote to the ailing productivity Australia faces following years of squandered reform opportunities by the federal government. The report confirms the modelling, as I mentioned before, done by the Victorian Department of Treasury and Finance and shows that 75 per cent of the gains would come from investment in our people — that is, investment in education reform and investment in health reform.

I refer members to a recent report of the Public Accounts and Estimates Committee, which summarised these streams for the national reform agenda in terms of the human capital stream, covering health, education and training, and work incentives. The health element has a couple of parts — seeking to improve the delivery of health services and reviewing the commonwealth-state specific purpose payments that affect the health system, prior to their renegotiation, in order to identify elements that, if changed, could contribute to better health outcomes. That review by the Productivity Commission said that through the health reforms alone an extra 175 000 people could be added to the workforce.

The second element is education and training, which seeks to equip more people with the skills needed to increase workforce participation and productivity. Four areas have been targeted: early childhood development, literacy and numeracy, the transition from school to further education or work, and adult learning. The Productivity Commission said through the education reforms alone around 150 000 people could be added to the workforce and over 1 per cent to productivity.

The third element of the human capital stream relates to workforce incentives. The regulatory reform stream has two sets of initiatives, the first designed to promote best practice regulation making and reviews, the second

focusing on reducing burden in so-called hot spots. Members of this Parliament would be well and truly aware that the Victorian government is the leader in red tape reform. The Victorian Civil and Administrative Tribunal has shown leadership in setting out the regulations here in Victoria, and the goals set by the Bracks government in respect of reducing red tape have been endorsed and followed up by the Brumby government. The competition stream involves reforms in the areas of energy, transport, infrastructure and planning.

Labor has a proud record of leading economic reform here in Australia for the benefit of the Australian people, with the Hawke federal government floating the dollar, deregulating financial markets and beginning the phasing out of tariff barriers, and the Keating federal government introducing enterprise bargaining and the Council of Australian Governments 1995 agreement on national competition policy.

The coalition government has failed to deliver on any of the commitments that it has made at COAG. We are very disappointed with that, because we have shown leadership and are continuing to show leadership on this. The Howard government is more focused on short-term electioneering in marginal seats than on working to provide us with service solutions for the future. Victoria has been punching well and truly above its weight in terms of delivering in Victoria. We provide more than \$1 billion a year in disability services, but the federal government provides only \$139 million. In the last couple of years we have brought in the great initiatives in *A Fairer Victoria*, particularly with regard to disability services.

Public housing is another area in which the commonwealth is just not pulling its weight. We provide \$780 million over and above the commonwealth-state housing agreement commitment. I notice that the federal Minister for Families, Community Services and Indigenous Affairs said on Monday that Labor governments are to blame for tenant costs. I do not think he really understands what is going on in this regard. It is almost bizarre to try to blame development charges for the federal government's failure in the private rental area. He has not the faintest understanding of housing. The commonwealth government has just not been pulling its weight in terms of cooperative federalism in the housing area.

In public housing the Victorian government has been duded by around \$1 billion by the federal government. That translates into an additional 5000 dwellings. We have decided that we will have to do things here in

Victoria. In the last budget \$520 million was allocated to housing to provide additional housing support through housing associations, as well as public housing organised and run by the Office of Housing.

We are disappointed with the lack of cooperation from the federal government in the area of housing, and we wonder whether there is any prospect of a re-elected Howard government doing anything with its funding beyond its vague plans to tender out public housing money to the private sector, having slashed \$1 billion from housing, as I have mentioned, and having walked away from the traditional support for housing provided between the federal and state governments.

There was a traditional arrangement whereby the federal government provided \$2 for every dollar contributed by the state, which of course helped build 70 000 dwellings here in Victoria. I admit that the commonwealth government provides over \$200 million for housing, but clearly it has failed in terms of cooperative federalism in respect of public housing.

Hospitals are another area, and I am sure that one of my colleagues will talk about them later in the debate. I remember John Howard saying a year or two ago, 'Here we are! The states are not pulling their weight when it comes to hospitals' or 'Some of the states are not providing 50 per cent'. What are we doing here in Victoria? We are actually providing nearly 60 per cent — some 59 per cent of hospital funding here in Victoria is from the state. What is the federal government doing? It is making funny arrangements with regard to hospitals: it has intervened in the Mersey Hospital in Tasmania.

I notice that the federal government got into trouble when it made a decision to make all the staff at the hospital commonwealth employees for a few months. It put in \$45 million to fund the Mersey Hospital in the marginal federal seat of Braddon. As you can imagine, all the Liberal and Nationals candidates and sitting members in marginal seats then put up their hands and said, 'Can we have something in our seat too?'. This is not policy, vision, leadership looking to the future or a comprehensive plan for investment in infrastructure, it is just pork-barrelling around the country. As I said before, this is just narrow-minded sectionalism that lacks attention to fairness and an overall plan with leadership and vision in respect of Australian cooperative federalism.

Here in Victoria we have increased funding for hospitals by 96 per cent. We have increased spending on our hospitals by \$3.285 billion since 1999. Over the same period Canberra has reduced its share of the cost

of Victorian hospitals from 50 per cent to 40 per cent. From memory, I think we were duded in the last agreement by around about \$300 million. This has cost Victorians hundreds of million of dollars. If we had that money we would be able to treat thousands more people every year — most of the cost of running a hospital the size of the Alfred or the Austin. This is a disgrace when it comes to talking about real and meaningful cooperative federalism from the federal government side.

What about roads? Victoria receives a paltry 16.5 per cent of AusLink funds, and this is continuing. Pork-barrelling and a lack of cooperative federalism and vision in terms of infrastructure development are being shown by the Howard government. The federal seat of Blair has been promised \$2.3 billion. That is nearly \$4.40 for each dollar promised so far to Victoria — so far there is a promise of \$535 million. This is not cooperative federalism; it is actually sectionalism, and it shows a very narrow-minded understanding of what is required in terms of investment.

In terms of the GST, we have argued — as have other states — for a change in the arrangements for the distribution of commonwealth funding. We only receive 88 cents in every dollar paid in the GST. This is a real failure on the part of the commonwealth government in terms of cooperative federalism. We propose, and have proposed over the last few years, a new approach focusing on delivering improved services, improved productivity, a more highly skilled workforce and a sustainable environment.

On the subject of the skilled workforce, just yesterday or the day before people were saying, ‘These marvellous technical colleges!’. They have been an absolute failure. Instead of the commonwealth government investing cooperatively alongside the states in the TAFE system, members of the Liberal Party have been an absolute failure.

*Honourable members interjecting.*

**Mr STENSHOLT** — You almost bankrupted the TAFE system when you were in power.

**The DEPUTY SPEAKER** — Order! Through the Chair!

**Mr K. Smith** interjected.

**The DEPUTY SPEAKER** — Order! The member for Bass will have the opportunity.

**Mr STENSHOLT** — The commonwealth government has done this instead of working cooperatively with our excellent TAFE colleges. I am talking about the best TAFE college in Australia — the Box Hill Institute — and other TAFE colleges, like the Holmesglen Institute of TAFE. Both of those are in or near my electorate — and there is the Northern Melbourne Institute of TAFE.

Instead of investing in those colleges, the commonwealth government is creating Moscow on the Molonglo with 700 public servants who do not even manage one school. There is this massive increase in bureaucracy and red tape. That is what they call cooperative federalism. This is a failure on the part of the federal government. We are in favour of cooperative federalism here in Victoria, and I support the matter of public importance.

**Mr WELLS** (Scoresby) — I rise to oppose the matter of public importance put forward by the member for Burwood. It is the height of hypocrisy for the member for Burwood to be putting forward a matter of public importance congratulating himself and the government on promoting cooperative federalism, and yet through his entire speech I was struggling to understand one example of where the Brumby government has actually put forward in a cooperative way its fair share of money to be able to solve a problem.

The member for Burwood advanced some interesting things. He said it was the Brumby government that was looking at leadership, vision and a long-term investment in productivity, but then he opposed technical schools. That is an interesting point. I wonder if the state Labor government’s view is the same as the member for Burwood’s. Is it opposed to the technical school system that is going to be implemented by the federal government? Is that the position?

*Honourable members interjecting.*

**Mr WELLS** — They are all over the place. You don’t have clue — none of you!

**The DEPUTY SPEAKER** — The member for Scoresby will direct his remarks through the Chair.

**Mr WELLS** — We will wait with great interest to see whether the rest of the state Labor Party follows the lead of the member for Burwood and opposes the introduction of technical schools.

It was also interesting that the member for Burwood mentioned a shortage of skills and was looking to the federal government to help with skills. Yet in the next

breath he opposed technical schools. He is all over the place. The government does not have a clue. This motion is about arrogance and about patting itself on the back.

I am very pleased the member for Burwood mentioned the issue of regulation, because that is what I am going to focus on. It is another example of where the Brumby government will say something but does not have a clue when it comes to actually implementing what it is trying to get across to the business community. It does not have a clue on regulation.

The member for Burwood also mentioned how the Council of Australian Governments (COAG) got together to deliver a substantial new national reform agenda. He talked at great length about the national reform agenda, which is to help underpin Australia's future prosperity. We are all in favour of it, and we think it is a very important point. The COAG national reform agenda focused on — and the member for Burwood mentioned it — reducing the regulation burden imposed by three levels of government. It stated:

COAG agreed that effective regulation is essential to ensure markets operate efficiently and fairly, to protect consumers and the environment and to enforce corporate governance standards. However, the benefits from each regulation must not be offset by unduly high compliance and implementation costs.

We agree.

COAG also agreed that all governments will:

establish and maintain effective arrangements to maximise the efficiency of new and amended regulation and avoid unnecessary compliance costs and restrictions on competition;

undertake targeted public annual reviews of existing regulation to identify priority areas where regulatory reform would provide significant net benefits to business and the community;

identify further reforms that enhance regulatory consistency across jurisdictions or reduce duplication and overlap in regulation and in the role and operation of regulatory bodies; and

in principle, aim to adopt a common framework for benchmarking, measuring and reporting on the regulatory burden.

That was the agreement between the states and the commonwealth government in the national reform agenda that was referred to by the member for Burwood. It is going to reduce regulation. Lo and behold, the new Treasurer in another place, John Lenders, has brought out *Reducing the Regulatory*

*Burden — The Victorian Government's Plan to Reduce Red Tape.*

**Mr K. Smith** — What does it say?

**Mr WELLS** — The member for Bass asks what it says. It is interesting that the government spends thousands and thousands of dollars in putting out a glossy brochure to say this:

Over the coming weeks, several of my fellow ministers will be releasing statements regarding the key regulation reform initiatives within their portfolio.

Why would you put out a glossy brochure to say to the Victorian community and the business community, 'We are going to make some announcements in a few weeks time'? It is illogical. This does not make sense. Would you not wait for the announcements and then put out your glossy brochure? Does that not make sense? Not to the Labor Party! If there is a photo opportunity or a chance to be able to put out a glossy brochure, it says, 'Let's put it out to tell people we're going to make some announcements'. It is illogical, and it is an example of where the government is saying one thing but not meaning it. It does not have the financial or management skills to be able to implement a reduction in regulation.

The main point that I want to make is that the member for Burwood is focused on reducing regulation. In April the Victorian Competition and Efficiency Commission brought out *The Victorian Regulatory System*, which is an update on how Victoria is going when it comes to the amount of regulation in this state. The key point in the overview reads:

Regulation can generate significant social, environmental and economic benefits, but also imposes significant costs. In 2005–06, regulatory impact statements assessed by the Victorian Competition and Efficiency Commission indicated predicted costs of around \$280 million for new regulations and costs of over \$1.7 billion for amended and sunseting regulations.

**Mr K. Smith** — You're joking! Is that cutting red tape?

**Mr WELLS** — The member for Bass interjects and asks if this is a cut in red tape. The member for Burwood was telling us about the national reform agenda and how the premiers all get together at the Council of Australian Governments and work out with the commonwealth government how to improve efficiencies, and yet in this state in 2005–06 in new regulation alone the cost to business was an extra \$280 million! Can someone on the Labor side please explain to me how that is a reduction in red tape or how that is improving efficiencies?

It gets worse. The report continues:

The 72 regulators identified in this report administer over 32 000 pages of acts and regulations, employ over 7400 staff, administer nearly 1.9 million licences and have annual expenditure of over \$1.5 billion.

This report from the government's own department — the Victorian Competition and Efficiency Commission — proves that Victorian business is drowning in red tape and that it is getting so much worse under the Brumby government. It gets even worse — if you can believe it — and this is why we are astonished that the member for Burwood would want to come into this chamber and raise the issue of regulation, because the government is a sitting duck — and, as I said, it is getting worse.

I can understand why the member for Burwood has left the chamber, because when it comes to the issue of regulation the following key point emerged from the commission's analysis of the Victorian regulatory system in 2006:

Achieving the Victorian government's policy of a minimum period of 60 days of public consultation will require significant changes in practice.

In other words, it is Victorian government policy to consult for 60 days and then get on with business, but it cannot even do that. It cannot organise itself to consult for only 60 days. Public consultation is a bureaucratic nightmare, according to the government's own department. The report continues:

Seventeen regulators identified the potential for overlap and duplication in their regulation of misleading and deceptive conduct; of these regulators, 10 have formal agreements in place to manage this issue. The significance of the overlap and duplication in these areas is unclear, as is the effectiveness of the administrative arrangements to minimise potential costs and uncertainty for business.

It gets worse and worse. It goes on to say that there is scope for regulators to share best practice. We have regulators in this state who do not have best practice, who are not achieving best practice and who are not even close to achieving best practice. It is interesting that we have a situation where the government has chosen to bring forward its own matter and the member for Burwood has targeted regulation and the reform of regulation, when it has been nothing but an absolute disaster.

The member for Burwood also mentioned the Public Accounts and Estimates Committee. It is interesting that when the Public Accounts and Estimates Committee looked at the national reform agenda it went through a number of items. But on the competition stream, which is a key part of the national reform

agenda, because it involves reforms in the areas of energy, transport, infrastructure and planning and climate change, the government has not been able to achieve a thing. The Public Accounts and Estimates Committee could not find anything about the competition stream in its review of the national reform agenda. Even the chair of the Public Accounts and Estimates Committee, who had significant input into this report, could not find anything about the competition stream.

It is obvious that the government has not been able to achieve anything in the competition stream. You only have to look at the congestion on our roads, the congestion in our ports, the late and overcrowded public transport system, schools falling down, increasing violent crime and increasing waiting lists and ambulance bypasses in our hospitals to see that once again the government has said a lot but achieved absolutely nothing. You can come into this chamber and talk about the national reform agenda, but in doing that you have to make sure that you actually have something on the board that shows what you have achieved in that time, and nothing has happened.

This matter of public importance is all about 'promoting cooperative federalism'. We on this side of the chamber say we are struggling to find one example where the Brumby government has achieved something. Let me just raise an example of where the Brumby government is all over the place in promoting cooperative federalism, and that is the Wimmera–Mallee pipeline. The government announced \$99 million for the pipeline yesterday, and then it demanded that the federal government put in \$99 million. Explain to me how that is about promoting cooperative federalism. It is the state government's blow-out, but the federal government has to come to the party. The state government started off with a project worth \$400 million, but it has blown out to \$688 million — another typical blow-out by the state government.

This is another major project that the government cannot manage. It is over time and over budget. The state government says it is going to put in \$99 million and that, by the way, it wants the federal government to put in \$99 million. That is because it wants the federal government to pay for its mistakes and the blow-out in costs. What about the farmers? They have been asked to put in another \$50 million to pay for the blow-out in costs by the Brumby government. The farmers now have to put in \$156 million to pay for the incompetency of this state government. I do not understand how the government can be promoting cooperative federalism when it is inefficient and a poor major project manager and when it runs to the federal government every time

there is a blow-out. It does not make sense. Another example is the Murray–Darling Basin. Give me an example of where the government is assisting the nation in trying to resolve the water crisis.

I will finish with the example of the Scoresby freeway. That is a great example of promoting cooperative federalism. The federal government promised to fund 50 per cent of the road. The state government signed the document, and it signed the memorandum of understanding. It could not even stick to a written agreement. It blatantly lied to the people of the outer east that it would go ahead and make sure that this was a road that was not going to be tolled, but it could not even stick to a simple agreement. So we strongly oppose the member for Burwood's matter of public importance that congratulates the Brumby government for promoting cooperative federalism.

**Ms D'AMBROSIO** (Mill Park) — I am very pleased to rise in support of the member for Burwood in the matter of public importance submitted by him. I am very pleased in particular because it involves state and federal relations regarding health. I have spoken several times in this house on the need for a collaborative partnership between the state and federal governments on health services and health funding.

I have also spoken about the fact that when it comes to this government building infrastructure and providing services and additional nursing and doctors we are certainly well ahead of where we started back in 1999. The state government has invested money in an after-hours, bulk-billing GP clinic at the Northern Hospital. Perhaps I can use that as an example of where our attempts to get the federal government to join a collaborative partnership for the betterment of the community's health have met with what I think is a very clear indication of the federal government's lack of willingness to deal with the real hard issues in a collaborative way with the state government.

This government built an after-hours, bulk-billing GP clinic adjacent to the Northern Hospital because it found that 29 per cent of presentations to the emergency department were either category 4 or category 5 patients, many of whom could be dealt with adequately by an after-hours GP clinic. It took a lot of argument and a lot of public political pressure to get the federal government to come to the table to actually fund the operational requirements of that clinic. It finally did, but it did so under pressure of an impending federal election. That is not good enough. It is not language that the Victorian public wants to hear from the federal government. As a state government we are certainly going to continue the push for a collaborative

partnership with the federal government, because at the end of the day it is the public's health and wellbeing that are at stake. We are very keen to ensure that the vital record investment that we have put into public health is met adequately by a federal response.

The Brumby government is also very committed to providing high-quality care to all Victorians, and to improve this we need that collaborative partnership from the federal government. We have record investment and achievement in the area. Since coming to government we have boosted recurrent funding for Victoria's health services by 96 per cent. Every Victorian hospital has received increased funding under our government. I am very pleased that the hospitals that service my electorate — the Northern Hospital and the Austin Hospital — have received record funding to meet the burgeoning population growth in the outer northern suburbs.

For five years this government has been trying to get the commonwealth to come back to the negotiating table on hospital funding. From the base year, 2002–03, to the end of 2005–06 the commonwealth contribution on health under the Australian health care agreement has increased by 17 per cent whilst the state's contribution has increased by 30 per cent. An approximate fifty-fifty sharing of hospital costs has become an approximate 60 per cent to 40 per cent sharing in terms of state and commonwealth contribution.

Those figures speak volumes for the federal government's dragging of its feet and obstinacy in refusing to acknowledge grave problems in our public health system. The federal government has to improve; it has to come to the game. The states and territories have had to pick up the shortfall, and here in Victoria, as I have said, we have provided record funding in that regard. The Australian government is now paying \$1.1 billion a year less than what is recommended by an independent arbiter. The source of that figure is *Caring for Our Health? — A Report Card on the Australian Government's Performance on Health Care*, published in June 2007. If the federal government paid the full amount that is recommended, public hospitals around the country could manage an extra 350 000 admissions a year. That is a crying shame, in anybody's language, and it is not good enough.

We need to also look at the federal government's abject dereliction of dental health.

*Honourable members interjecting.*

**Ms D'AMBROSIO** — It hits a sensitive spot, doesn't it? It certainly hits a nerve. I refer to a report from Professor John Spencer of the Australian Research Centre for Population Oral Health. In his report entitled *Narrowing the Inequality Gap in Oral Health and Dental Care in Australia* he makes the point that 41 per cent of health card holders avoided or delayed accessing dental care because of cost. The report also shows that 31 per cent waited more than six months for an appointment. These figures compared with 17 per cent and 0.4 per cent respectively for affluent Australians. I quote from a news sheet from the University of Sydney:

'Dental services are the least subsidised of health services and the public subsidy is inequitably distributed', said Professor Spencer. 'This is a failure in policy and an inadequate response to the problem of oral disease and barriers to access to dental care'.

*Honourable members interjecting.*

**Ms D'AMBROSIO** — Listen to the rest of it! I continue the quote:

'The state and territory governments have increased their direct subsidy of public dental services used by low-income Australians, but on its own this is inadequate —

'on its own' is the operative term.

The Australian government now provides a sizeable indirect subsidy for private dental insurance as part of their scheme to support private health insurance. This subsidy is received predominantly by middle or higher income households and therefore does not address access to dental care for low-income Australian adults', he said.

This is from an independent and the most notable professor of oral health in this country. It is an abject condemnation of the federal government's failure to enter into a collaborative partnership with this state government to improve and to deal squarely with the dental health needs of our public here in Victoria. Members of the opposition should be absolutely ashamed of themselves for not standing up for the needs of our community here in Victoria.

I would also like to refer to a minority report of the Senate committee in relation to a very feeble and marginal attempt by the federal government, which it has done only under great political and public pressure, to pay an inkling or a smattering of attention to dental health. I quote from that minority report:

The government —

that is, the federal government —

abolished the commonwealth dental health program (CDHP) in 1996, withdrawing \$100 million from public dental

services. Public dental waiting lists have now blown out to 650 000 people around the country, with many people waiting years for treatment.

This minority report of a federal parliamentary Senate committee refers to a submission from Professor John Spencer, who, I say again, is the most noteworthy of professionals in the field of oral health in Australia. As he noted in his submission to the committee:

... many Australians who suffer with poor oral health will not obtain dental services through this bill.

So much for the federal government's feeble, marginal attempt to deal with an abject, shameful episode in Australia's history with respect to public health, especially among the most vulnerable people in this community.

*Honourable members interjecting.*

**Ms D'AMBROSIO** — I challenge those from the opposition to talk some sense to the federal government with respect to it picking up its share of the responsibility to the most marginalised members of our community.

Over the last eight years we have put \$800 million in funding into dental care right across Victoria. We have boosted this commitment by over 128 per cent in the period we have been in government. We have also built a new dental hospital to the value of \$52 million. That record speaks for itself. You can only imagine how much better the public dental services could be in this state if the federal government understood and were in touch with the needs of the community and entered into a genuine, public and cooperative partnership with the states.

Let us have a look at its feeble attempts at collaborative partnerships. The member for Burwood talked about the Mersey Hospital. This is what the ideologues of the federal government did. This is what it did. A report from the ABC news website says:

The Tasmanian government is warning that the federal takeover of the Mersey Hospital in the north of the state is about to collapse over the problem of Australian workplace agreements.

The fact is this: the federal government is trying its best to find alternative staffing and employment arrangements for these employees, because it has been tripped up by its own WorkChoices legislation, which forces nurses and doctors onto Australian workplace agreements.

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

**Mr RYAN** (Leader of The Nationals) — I rise to oppose this matter of public importance (MPI) that has been put forward this morning. When I read the MPI and listened to Labor Party members extol it, I was reminded of the famous words of John McEnroe, who once said, ‘You cannot be serious’. You only need to look, on the one hand, at the verbiage about promoting cooperative federalism for the provision of services and greater infrastructure and then compare that to the track record of the Labor Party in this Parliament to find that there is a complete and utter dichotomy.

I will begin my contribution to the debate by addressing the point that the member for Mill Park finished with, and it concerns the issue of health. In this new age of cooperative federalism the Victorian public is entitled to know what the Victorian government’s position is in the context of a possible Rudd-led federal Labor government, which the Victorian government hopes it is going to get, regarding the way in which our health services are to unfold in Victoria in the future.

Mr Rudd, the federal Leader of the Opposition, has said that in effect he will take health over in 2009. He said he will put in \$2 billion, out of which Victoria’s share will be the princely sum of about \$125 million.

Mr Rudd said that in exchange for that he wants Victoria to cash in its chips insofar as some of the GST payments it receives are concerned. He wants some of the money handed over to the feds.

Regarding this health issue — I agree with the member for Mill Park that this issue is important — is the Victorian public not entitled to know what the state Labor government’s approach is to Mr Rudd’s proposal to take over the health system in Victoria? How much money has the Victorian state Labor government agreed to sacrifice by way of its existing GST payments to accommodate the propositions which have been advanced by Mr Rudd? How will the system operate in time to come in terms of the Victorian Labor government’s approach to this issue? What does Labor say about Mr Rudd’s proposal?

In this regard there are other issues in the context of this matter of public importance that are pertinent. We need to know, as Victorians, the state Labor government’s position across a whole range of policy issues that the Labor Party in the federal Parliament — which is of course looking to be the government of the nation in 24 days time — has advanced. What is the Victorian government’s position regarding that variety of matters?

Let me address another issue: what about the GST payments? As we know, Victoria’s state budget is now propped up to the extent of 26 per cent of its total

income by GST payments. We now know that Victoria’s actual GST income in 2005–06 was a bit over \$8 billion. We also know, as a result of the government’s financial report for 2006–07, which it produced in the last few weeks, that the actual GST income is \$8.5 billion, or thereabouts, for this year. That is an increase of \$450 million. Members have had the Labor Party in this chamber forever carping, whingeing and moaning about the grants commission formula and about horizontal fiscal equalisation — which I am sure all members of this place are familiar with.

What is the Labor Party actually going to do about this issue that it has so bitterly complained about for years? Who is going to put what propositions to whom to ensure that this happens? Are we going to have the Premier of Victoria actually talking to the Premier of New South Wales about this issue? Mind you, he might be a bit reluctant to because he has been bagged by the Premier of New South Wales for not having a standing commission on crime and corruption, which is an issue the Premier obviously remains very wounded by. But these are obviously issues the Victorian public is entitled to know about. What is the government of Victoria going to put to a Rudd-led government if Mr Rudd wins the federal election? What is the Victorian state Labor government actually going to put to a Rudd-led federal government in relation to the future distribution of GST payments?

The same thing applies to special purpose grants. Victoria gets another 20 per cent of its income from special purpose grants. Members opposite have forever carped, whinged and moaned about that. What are the members of the state Labor government actually going to say to a Rudd-led government in Canberra and to the other jurisdictions around Australia in arguing why Victoria’s share of special purpose grants should be altered to further advantage Victoria? Are we not, 24 days from a federal election, entitled to know the answers to these fundamental questions?

I heard the member for Burwood extolling the virtues of this government in establishing the national reform agenda, as he termed it. He has the hide to refer to this government’s preparedness to embrace the issue of the changes to the energy industry. Do you mind, umpire! I am one of those members who was here during the time of the Kennett government. I was one of those who daily heard the ranting, the raving, the obfuscation and the opposition of the Labor Party to the changes that were made in relation to the energy industry. I was one of those sitting in here when \$23 billion was raised through the privatisation process, all of which,

regrettably, had to be taken down to the bank to pay off the debt that Victoria had then incurred.

I was one of those who sat in here listening to members of the Labor Party crying in their beer over the fact that the Henny-Penny principle would apply and the world would cave in if privatisation happened. What do we hear now? I am getting as bad as Mr Rudd: I am asking myself questions! What do we have now? Every day we have the Labor Party coming into this very same chamber extolling the process and pointing out how competitive Victoria is and how wonderful it is that we have systems that are the most competitive in the nation. I have across the chamber asked the Leader of the Government for leave to one day bring in a stack of his speeches from days of yore and read them back to him, yet the government has the temerity to come in here during these types of debates and roll out what it has done in relation to the future development of Victoria. It is a farce!

I refer to water. This government talks about the new age of cooperative federalism, but Victoria is the only jurisdiction amongst all those affected by the problems with the management of the Murray–Darling Basin to be standing aside from the cooperative efforts by the federal government to overcome those problems. All the other Labor states say it should sign up, and the leader of the federal Labor opposition is saying it should do it, but the only state in Australia that is standing aside from it is Victoria. Yet it comes in here and talks about cooperative federalism.

Why is it standing aside? We all know the answer. The government in Victoria well understands that, if it were to sign up, the federal government would be prepared to contribute huge amounts of money to the improvement of the irrigation systems around Shepparton and the Goulburn Valley. It has made that very clear. That has been said to us in correspondence addressed to my colleague the member for Swan Hill by the federal Minister for the Environment and Water Resources. Clearly that money would contribute to improvements in the Goulburn system.

The thing is that the deal we have been able to strike with the federal government is that any savings achieved as a result of that investment would stay in the Goulburn Valley — and there is the sticking point for this government. It will do anything to pinch water from north of the Great Dividing Range in order to get that extra 75 gigalitres into Melbourne. It will do it in the face of the very policy it took to the last election, when Labor swore it would never do it — and that is completely separate from its opposition to desalination

plants, which we will talk about at 1 o'clock today on the front steps of Parliament House.

This government is extolling the virtues of cooperative federalism when it well knows that what it has done on the issue of water is nothing less than disgraceful. The irrigation communities across Victoria are missing out on the opportunity for a massive infusion of federal funds simply because this miserable bunch who sit opposite and purport to be the government of the state want to do whatever is necessary to get another 75 gigalitres of water into Melbourne. It will do it at any cost, and if it means burning the future of country Victoria and in particular the future of those in the north, it will do that and not even look back. We have the government saying that it will put in another \$99 million for the Wimmera–Mallee pipeline. How do you like that?

It is a state-run project for which this government should have responsibility but which the federal government was good enough to contribute to — and good on it for doing so — and now this lot will put in \$99 million but drag another \$50 million out of the pockets of the irrigators and the communities who would otherwise be the beneficiaries of this pipeline. All these people are going to have to chip another \$50 million into the program. Cooperative federalism? This lot opposite would not know what it means. They have no idea. They are fixed on their own miserable ends, which have little or nothing to do with the future of this state. What they will do is what they have to do — that is, what they estimate is necessary to hold onto the power that they think they still have in Victoria. Change is coming!

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

**Ms MUNT (Mordialloc)** — The matter I wish to raise for the attention of the house today is the issue of broadband access. I am raising this as a matter of public importance, particularly in regard to my own electorate of Mordialloc. The state of broadband in Australia is shameful and has the potential to hold back the Australian economy as an innovative, forward-looking, productive economy.

*Honourable members interjecting.*

**Ms MUNT** — It is the matter of public importance.

*Honourable members interjecting.*

**Ms MUNT** — Can I have a look?

**Mr Languiller** interjected.

**Ms MUNT** — I support the matter of public importance submitted by the member for Burwood — that is:

That this house congratulates the Brumby government for promoting cooperative federalism in an effort to deliver better services and greater infrastructure investment for all Victorians and continuing its work to convince whomever forms the federal government to work in partnership with the state government.

In particular I wish to raise for the house today the matter of broadband connection. The latest Organisation for Economic Cooperation and Development (OECD) communications outlook for 2007 has found that Australia's broadband is not only among the world's slowest but also among the world's most expensive. I was surprised to learn from its report that countries like Poland and Mexico have faster average broadband download speeds than Australia, which is absolutely shameful.

The broadband framework is a federal government responsibility. Given the strength of our economy and the large size of our budget surplus federally, surely investment by our federal government in infrastructure for broadband, which serves both the public and business, should have been a major priority. In Victoria the Brumby government recognises the need for this investment, and, while it is a federal government area of responsibility, it is investing in broadband frameworks to connect our public schools, hospitals and police stations to broadband. In fact every state school in Victoria will be connected to high-speed, fibre-optic broadband by the end of 2008 — no thanks to the federal government!

I was recently stunned to learn that there are areas of my electorate of Mordialloc where ADSL (asymmetric digital subscriber line) broadband is simply not available. I cannot believe that in 2007 in the middle of the metropolitan area, broadband is not available to my constituents and local businesses. I have been contacted by two local constituents in the Epsom estate in Mordialloc, and I will relate what they had to say to me. I refer to an email to me from Mr Jarrod Boxall:

As a new home owner in the Epsom estate and voter who has just been told that he cannot get broadband internet due to 'infrastructure' issues by several internet service providers (ISPs) I would appreciate the opportunity to discuss with you or a member of your party the options available to overcome this issue.

As a person who works in the IT industry and also an avid user of all things internet, it actually distresses me greatly that I am not afforded the opportunity to access broadband internet in residential Mordialloc.

I would greatly appreciate it if you could contact me to discuss the issue that not only I am facing but a large number of voters who live in the Epsom estate are also facing.

I was also contacted by Mr Michael Zakic, who said:

I have just recently moved into the Epsom estate in Mordialloc and am being told that I cannot get ADSL broadband internet in my residence. I have tried to obtain a broadband connection from a number of internet service providers (ISPs). They have all rejected my application stating that there are not enough 'ports' at my local/remote exchange that can carry an ADSL signal.

It continues:

We would like you to contact Telstra to push them to upgrade the local exchange between the Epsom estate and the Mordialloc exchange. We know we can't do this on our own, but with your support I believe anything is possible.

Please note that there are households in the estate, including households in my own court, that have ADSL broadband so it's not as though my expectations are unreasonable.

In fact I have written to Telstra and the federal Minister for Communications, Information Technology and the Arts about this issue. Then I met with Mr Boxall and with Mr Zakic at the Epsom estate, along with the federal Labor candidate for Isaacs, Mark Dreyfus, and the federal shadow communications minister, Senator Stephen Conroy. Mr Boxall and Mr Zakic kindly presented me with a map of broadband black spots in our local area — and bear in mind we are talking about the middle of the metropolitan area. I will just mention a few of my local communities that are in these black spots. Large areas of Heatherton have no ADSL broadband connection. Large areas of Dingley Village have no areas of broadband connection. Half of Mordialloc has no ADSL broadband connection. Waterways Estate in my electorate has no ADSL broadband connection. Aspendale Gardens has two very large areas that are also similarly affected, and I am told that large areas of Seaford also have no ADSL connection.

I have doorknocked many of these areas and I know that a lot of the residents who live there are families with young children. As these families have young children they really need broadband connection for their education. Students need access to broadband as part of their studies. Many schools now have Web portals, school email systems, school homework systems et cetera that are used as part of the students' education. Students also do their homework by searching the internet. This is really impacting on the residents in my estates and on their children's education.

My electorate also has very large areas of business. In fact in the arc between Dandenong and Cheltenham East there is more business than there is in Perth and Adelaide combined, and many of these black spots for ADSL broadband connection are in this area. Business in my area is also being impacted by this lack of infrastructure investment from the federal government. I am appalled by this neglect by the federal government which is impacting members of my electorate. It is impacting on their education, their jobs, their businesses and their future. The federal Labor Party has a policy to invest in broadband, because it recognises the importance of this infrastructure investment.

For Australia to turn around its productivity we must have a national fibre-to-the-node network which will include these black spot areas and bring them into broadband connectivity. This network will replace much of the existing telecommunications network with optical fibre which will dramatically increase broadband speeds to 98 out of 100 Australian households. While other nations are well advanced in building fibre-to-the-node networks we are sadly lacking. I do not think it has even been fully planned yet by our federal government and the telecommunications networks.

I was in New Zealand recently. It has become a major area of concern for the New Zealand government to increase its broadband networks, but I have not seen much evidence of that here yet from our federal government. I urge the federal government, if it is re-elected, to put this in place. After speaking with Stephen Conroy down at the Epsom estate I know that if a federal Labor government is put in place this will be a high priority. The Labor Party recognises that the engine of our economy is our intellect and our connection to the world, and our intellectual property is being severely hampered by the lack of access to ADSL broadband. As I said, I cannot believe that in 2007 in the middle of the metropolitan area we cannot access ADSL broadband in those areas of my electorate.

**Mr Wells** — Where is an example? Where is your example?

**Ms MUNT** — I have just given examples. I think it is shameful that we have not come into the 21st century with this infrastructure investment. It is shameful that the federal government has not reinvested our taxes, our money, in this infrastructure to benefit the Victorian economy. If the opposition benches do not also support this infrastructure investment, then they are in the Dark Ages too, with the horses and the buggies. I will stand up for my electorate in this respect.

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

**Mr MULDER** (Polwarth) — I rise to oppose the matter of public importance (MPI) put forward by the government this morning. You only have to look at the current Premier and his approach to confrontationalism and the wording of this MPI to see that it reeks of arrogance. It simply reeks of arrogance that this government sees fit to bring forward an MPI that highlights the infrastructure plight of Victoria when the present Premier, when he was the Treasurer of this state, made the decisions as to whether or not infrastructure projects were funded or whether infrastructure was allowed to deteriorate. It is not often that you see a Dorothy Dixer thrown across to the opposition. Normally they are for ministers at question time, but for the government to invite a response from the opposition in relation to infrastructure projects in Victoria I find quite extraordinary.

To put this forward as an MPI illustrates the absolute arrogance of the current Premier of this state and matches that smirk that we see on a daily basis here at question time. One has only to look across the state of Victoria at the moment to see the decline in infrastructure and the decline in services, particularly in the public transport area. The decline in each and every aspect of public transport, whether it is infrastructure or the associated services, all comes back to the current Premier, who was the Treasurer. It is about bad planning, it is about poor funding decisions and it is about appalling management of our infrastructure. To have an MPI congratulating the Brumby government for promoting cooperative federalism in an effort to deliver better services and greater infrastructure investment for all Victorians is complete and total arrogance on the part of the Premier.

This government, as we know, now has about \$35 billion annually to spend across the state. In 1999 it was around \$19 billion. No state government has ever been gifted with the level of income the Victorian Labor government has, but when you look at the infrastructure across this state you have every right to ask the question: what have they been doing with the money they have been dragging out of the pockets of taxpayers and the money that has been forwarded to them as GST revenue and other grants from the federal government?

Members of the government talk about cooperation with the federal government. The last major level of cooperation sought by this government with the federal government was on a project called the Scoresby freeway. That was about cooperation, was it not, when

the then Premier, the then Treasurer and the then transport minister sat down with their federal counterparts and all agreed, in a true spirit of cooperation, that that road would be funded jointly and that the road would never ever be a toll road. If that is what we mean when we are talking about cooperation, then please let us stick to the rules. If you sign an agreement, if you put your hand on your heart and you say, 'That is what we are going to do', that is what you have to deliver. How on earth can members of this government talk about cooperative federalism when they pulled the dirtiest trick in political history in Victoria — waited until the outcome of a federal election, waited until the outcome of the state election and then ripped up the agreement. That was a true sense of cooperation: they tore the agreement up and completely and totally walked away from it!

The current Premier — the most arrogant Premier that has ever sat at that table — said when he came to power that he was going to fix up public transport in Victoria. One of his major jobs was that he was going to fix up public transport in Victoria. Yesterday, or the day before, I believe it was, we saw possibly one of his greatest initiatives. That was the sausage sizzle down at Frankston for the bird-brained early bird transport initiative, or the free public transport initiative that he believes will totally cure the public transport woes here in Victoria. When Connex was asked about the success of that, its lame claim was that there appeared to be fewer people on the peak hour trains. They did not count; there just 'appeared to be'. After all that money has been spent and after all the fanfare, the best it could come up with was that there appeared to be some form of improvement.

There have been three tram collisions after which passengers have been taken to hospital. If you just ask the trammies what the problem is with the tram network, they will tell you. It is a lack of infrastructure investment. Look at the bus industry. Up until recently it had had an unblemished record, yet we now find ourselves in a situation where corrupt bus drivers have been pocketing money. We do not know for how long this has been going on, but around \$5 million a year has been disappearing out of that network.

Look at the trains in the metropolitan area, look at the trains in rural and regional Victoria and look at the taxi industry. When is the Premier going to make a start on his promise to fix the system? It is no good talking about trains that will be delivered three, four or five years out. What is the Premier going to do to fix up the system that he created as Treasurer when he refused point blank to fund major infrastructure projects across the state of Victoria?

The government talks about promoting cooperative federalism. The federal government has announced \$150 million for the Frankston bypass. Let us cooperate. Will the state match that funding? What was the Premier's response to that? 'There is an EES process under way out there at Frankston, and obviously the federal government does not understand our roads policy here in Victoria, so therefore we are not committing at this point in time'. But there was also an EES (environment effects statement) process in place with the channel deepening project.

Did that stop the state Labor government and the then Treasurer from pushing ahead with legislation to facilitate the channel deepening project? No, it did not. The federal government has given the state government a handout — it has put money in its hands — and said, 'Here's some money to deal with that major bottleneck. Here is some cooperation. We are seeking your assurances and your cooperation'. But what are we getting back? We are getting absolutely nothing in cooperation from the Victorian state government.

Look at the \$80 million commitment for Springvale Road, where there is the worst crossing in the metropolitan network, as highlighted by the RACV (Royal Automobile Club of Victoria) time and again. Out comes the federal Treasurer with \$80 million for the state to fix that terrible intersection for the people who live in that part of Melbourne. Where is the cooperation? There is no cooperation. There has been no response from the Victorian government. There is no money, and there is no commitment. How can the Labor government put forward a matter of public importance that talks about cooperation with the federal government, irrespective of who wins the next federal election, when the current federal government has come out time and again with a handout of money for the state and this government simply refuses to respond?

The government has failed on new roads. The government has failed on new train tracks. The government has failed on new tram tracks. The government has failed on a new signalling system for the metropolitan network. The government has failed on the 'farce' rail project. That was a \$1 billion project, but time and again people are shuffled out of those new trains and onto buses because the work was never completed properly. It is an absolute sham. All it has done is push back every other major infrastructure project around the state. The initial cost of \$80 million blew out to \$1 billion — and what did we get for it? We got nothing. As you would know, Acting Speaker, according to the Australian Bureau of Statistics about 130 people commute from Ballarat per day; the rest of the people who come to Melbourne to work drive their

cars. That gives an indication of how appalling that investment has been and how it has simply failed to deliver anything in terms of the outcomes that are required.

Since the Premier came to power, cancelled suburban trains have numbered 877; officially late suburban trains, 12 045; cancelled country trains, 182; and officially late country trains, 1954. The tale of woe goes on and on. The latest three-monthly statistics from the Department of Infrastructure, obtained under freedom of information, show the following results: Frankston–Flinders Street station, 20 minutes late, no drivers; Dandenong–Flinders Street station, rolling stock problems; Eltham–Flinders Street station, rolling stock problems; Flinders Street station–Sandringham, rolling stock problems; Cheltenham–Flinders Street, rolling stock problems; Frankston–Flinders Street, rolling stock problems; and Glen Waverley–Flinders Street, rolling stock problems.

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

**Mr LANGUILLER (Derrimut)** — I rise in support of the matter of public importance (MPI) submitted by the member for Burwood:

That this house congratulates the Brumby government for promoting cooperative federalism in an effort to deliver better services and greater infrastructure investment for all Victorians and continuing its work to convince whomever forms the federal government to work in partnership with the state government.

This MPI is about a commitment to working together with the federal government after the federal elections. It is about a commitment to working in partnership to ensure that funds and partnerships are made on the basis of need and on the basis of evidence that demonstrates and builds on the merit of each case. This is not about working together, this is about working in cooperation, whether it is on roads, health, education or infrastructure. That is precisely what has not happened in the many years of the Tories in Canberra.

This MPI is about ensuring that we deliver to all Australians, but in this case it is about ensuring that we deliver to Victorians — wherever they live, whatever their postcode and whatever their income may be. It is about ensuring that funding and partnerships are made on the basis of need and on the basis of evidence that demonstrates the need for that funding. It is not about funding decisions being made on the basis of ideology or political partisanship, as they have been made time and again by the Howard government.

Nothing better illustrates the indifference of the federal Liberals to Victoria than their lack of commitment to

contributing funds toward the Western Ring Road. Shame on them! This vital economic link connects significant AusLink and interregional corridors within Victoria and provides a key access route for national and interstate freight. It also provides an important connection between the port of Melbourne and Geelong. It is hard to understand why the federal government has not come through on its commitment to ensuring the Western Ring Road connection between the port of Melbourne and Geelong works well, effectively and efficiently.

When the new AusLink model was first mooted by the commonwealth, the emphasis at the time was on economic development and a more strategic approach to maximise jobs growth, private sector investment and export opportunities. It is absolutely unfortunate that there are so many examples in other states where projects are being supported which have fewer economic benefits than the Western Ring Road has.

The proposal to increase the capacity of the Western Ring Road through road widening, ramp metering and other transport management initiatives would provide many benefits to Victoria. It would also support economic development throughout south-eastern Australia as a whole. After all, this road carries between 105 000 and 130 000 vehicles per day, with up to 16 per cent of these vehicles moving freight. Victoria has roughly 25 per cent of Australia's population and represents about 25 per cent of the national economy, yet it received only 16.5 per cent of the first round of AusLink funds.

During the current election campaign the federal Liberals have promised to spend four times more in the Queensland marginal electorate of Blair than in the whole of Victoria. If you refer to Australian Bureau of Statistics population figures, you see that this represents road spending of more than \$16 000 per person in Blair, as opposed to only \$100 per person in Victoria. What a shame! What an absolute disgrace, and what a pity that those members on the other side and the members who spoke before me did not have the decency to stand up for Victoria by supporting this matter of public importance and demanding that their federal colleagues come through with funding for major projects like the AusLink project in the western suburbs, which provides a link between the port of Melbourne and Geelong.

In light of this lack of support from the Liberal-National federal government, the Victorian government welcomed last week's announcement by federal Labor that it will contribute 75 per cent of the cost of this project during the life of AusLink 2 and AusLink 3. This includes an initial contribution of \$900 million for

the Western Ring Road. I know that my colleagues in the western suburbs, the federal member for Gorton, Brendan O'Connor, who has so ably argued the case for the Western Ring Road, and the candidate for Maribyrnong, Bill Shorten, who is going to argue the case for the western suburbs, have also welcomed the commitment and the promise made by Kevin Rudd, should he win the election at the end of November.

The Victorian government has committed to investing 25 per cent, subject to receiving a fair share of the funding. It is hoped that the improvements can be completed by 2013. Such a project requires a visionary approach and a strong partnership between the state and commonwealth governments. That is why the Victorian government strategically spelt out its priorities for road, freight and intermodal works in its National Transport Links — Growing Victoria's Economy initiative. It is unfortunate that the Liberal-National federal government has not engaged in a proper and constructive way when it comes to significant roads such as the Western Ring Road. It goes without saying that without its financial support, our plans in Victoria for the Western Ring Road and the link between the port of Melbourne and Geelong cannot be achieved and become a reality.

Our vision is about saving lives and improving the Victorian and national economy. It is about ensuring that we can maximise our capacity to produce jobs and a better quality of life for Victorian families. On behalf of the Victorian community we call on the members of this house to support our call for federal funding for the Western Ring Road. Let me be absolutely clear. Members on the other side of the chamber, who have had every opportunity of arguing the case with their colleagues in Canberra, have not done so. I put it on the record that they do not support the western suburbs. They do not support the growth of our economy in the west. They do not understand how important the growth in that area is for creating jobs, for industry and for ensuring that we have a safe road through which not only freight but also commercial and private transport can move.

The business community was out in full force at the Future Directions of the West progressive business luncheon, which was held at Flemington on 24 October. It is important that members opposite understand this. Members of the business community at each and every table were saying to us that they want the Western Ring Road to expand and the connections between the port of Melbourne and Geelong to get better. They want efficiencies, and they want the system to be more productive. As members know, they

function on a model of 'just on time' and not 'just in case'.

The port of Melbourne rates as one of the important ports in the world. It moves thousands and thousands of containers each day. In fact some 3500 commercial ships call each year at the port of Melbourne, and the business community cannot afford a situation where we do not get this improvement. We call on the federal government, and we call on our state colleagues to take up the case with the federal government, to ensure that we get an equal share of what we are entitled to in terms of our population, in terms of our contribution to the national gross domestic product and in terms of the jobs and the productivity that the state of Victoria delivers.

It is unfortunate that those opposite sit quietly and say not a word about the western suburbs, the Western Ring Road, the port of Melbourne and the connection to Geelong. They have had every opportunity to put that on the record today, but they have said not a word in relation to ensuring that there is productive growth, that more efficiency is created in the west and that there is a commitment to generating jobs and ensuring that we have a productive sector in agriculture, industry and commerce. I commend this matter of public importance to the house.

**Mr DIXON** (Nepean) — I oppose this matter of public importance, because it is yet another self-congratulatory matter of public importance. To me it is just a waste of the Parliament's time for the government to be saying, 'The most important thing on the books today, the most important thing this Parliament can be doing, the most important thing affecting the public is to pat ourselves on the back'.

If members of the government want to talk about a matter of public importance in education, perhaps we should be talking about the condition of our schools, the 50-year-old portable classrooms that are still out there in their hundreds, the maintenance backlog and the fact that our classrooms are just not suitable for modern learning. If we want to talk about a matter of public importance in education we could talk about the fact that our teachers are the lowest paid in the country. When you look at all the states and territories, you see that our teachers are the worst funded.

If we want to talk about a matter of public importance in education, let us talk about the exodus of teachers out of our state because of the poor pay and poor conditions in this state. If we want to talk about a matter of public importance in education we can talk about the exodus of students. Today the annual report of the Department of

Education and Early Childhood Development came out. I note that it states that in the past year hundreds of students have left the state system, even though the population is increasing, and that non-government schools have increased their enrolments by thousands.

**Ms Kosky** interjected.

**Mr DIXON** — I will get to that. If we want to talk about a matter of public importance in education, let us talk about the fact that this is the worst funded government system in all the country and the worst funded non-government system in all the country. They are the real issues of public importance in education.

It is very fortuitous that we are talking about this matter today, because we can look at the federal and state governments. As I said, the annual report of the department of education came out today. It notes that in the past 12 months this government's contribution to the department of education, and therefore education in this state, has dropped by \$208 million. When you look at the bottom line, you see it is roughly the same. There has certainly been no growth in the total income of the department, so if the state government has dropped \$208 million in its funding to the department of education, where has the money come from?

The report states that an extra \$230 million, new money, has come from other sources. What are those other sources? The major portion of the money from other sources has come from the federal government. In this state the federal government is propping up education, which is a state government responsibility. The state government's contribution has been \$208 million less.

**Ms Kosky** interjected.

**Mr DIXON** — They are not my figures. I am quoting figures in the annual report of the Department of Education and Early Childhood Development. They are not something that I am making up.

I think it is a bit rich to be talking about cooperative federalism in education. If members want a definition of cooperative federalism in education, they should consider what we have seen over the past few years. A federal government has been leading the education debate in this country, leading the states and territories, dragging them to the table and to the realities of 21st century education. I will refer to a few examples of that. One is the establishment of Australian technical colleges across this country. In Victoria the example is of the Cain and Kirner governments, which closed down tech schools. Everybody had to be the same — that is socialism — and no tech schools were allowed.

What do we have? Of course over the years we started to have a lack of skilled tradesmen and real holes where we need people with trades.

The Australian government took the leadership role and established 25 technical colleges, which have been a success, despite the best efforts of this and every other state Labor government. Talk about cooperation! All they have done is put every single obstacle in front of the establishment of the Australian technical colleges so they can say, 'Hey, they're not working'. The only reason they are there in the first place is that state and territory Labor governments have neglected technical education. It has been up to the federal government to show leadership in this area. Because of the success of the Australian technical colleges the federal government has announced that it will fund another 75 of them. It is a shameful indictment of this government.

It was admitted by the minister at the table, who was then the Minister for Education and Training and is now the Minister for Public Transport, who said, 'Yes, we got it wrong. We should not have done what we did to technical education'. What did we get? We got four token technical education centres.

**Mr Wakeling** — Four?

**Mr DIXON** — Four. This is the government that has responsibility for education in this state, and all it could establish were a measly four technical education centres. When you look at what the federal government is doing, you see that it is establishing six Australian technical colleges in Victoria, and Victoria will get a proportion of the 75 new colleges that the commonwealth will fund. There will be six times as many Australian technical colleges in Victoria as there are state government technical education centres.

I refer to other examples of the federal government's leadership in education and its leading the states towards 21st century education. First we had the national curriculum. All we have heard from members of the Labor state government is that there is absolutely no need for any sort of national curriculum, national goals or national benchmarks. It has taken successive federal education ministers to drag the Labor states kicking and screaming to the table to get them to admit, 'Yes, we need that. In our global world we need some sort of consistency across the states and territories'. There have to be differences. All members know that the Northern Territory is different from Tasmania, but there need to be some national benchmarks, national goals and national guidelines in curriculum.

Another matter that has been put on the table by the federal government is performance pay. The debate is about how you actually deliver performance pay, but the concept is something that has been talked about for a long while by members of the federal government and many education experts. Again the state Labor governments, including the Victorian Labor government, have been the last to take the matter on board and admit that something needs to be done about it. Even Mr Me Too up there in Brisbane, Mr Kevin Rudd, the federal Leader of the Opposition, has taken this on board. His shadow minister for education has said, 'This is something that we think is a great idea' — another 'me too'. As I said, the state Labor governments have been the last to come to the table when the matter of performance pay has been discussed.

On the national benchmarks, as I said earlier, the state Labor governments did not want a comparison between them. This is not about league tables; this is about just looking at what is happening across the states in science, English and mathematics so that some comparisons can be made. There was no way known that the state Labor governments were prepared to take that on board. It took the educational leadership and cooperative federalism of the federal government to drag those reluctant states to the table so that now they are right behind it. It has been just incredible to see the Kevin Rudd-style me-tooism that has come from the state Labor leaders as they try to come up to date on education. Plain English reports, with A to E reporting, are another matter.

**Ms Kosky** interjected.

**Mr DIXON** — The minister refers to Julie Bishop, the federal Minister for Education, Science and Training. It was a former federal education minister, Brendan Nelson, who brought this in. This is something the community wanted. Members of the federal government were listening to people in the community. They wanted reports that they could read and understand. There was no way known that the Labor states were going to buy into this matter. They did not want that. They wanted education to be a little realm out there that was fuzzy and that no-one else could understand. Eventually the state governments had to be dragged to accept very, very reluctantly that there would be plain English reports. The implementation of A, B, C, D and E reporting here in Victoria was absolutely shocking, but it did get here. Eventually the state government followed the leadership of the federal government and adopted it.

Infrastructure involves cooperative federalism. When you walk into any school in Victoria and you see a nice new oval, a new bit of playground equipment, some new carpet, some new sunshades or new air conditioners and you ask, 'Where did this come from?', you will find that it did not come from the state government but came from the federal government. Why? It comes from the federal government because the state government is not funding the everyday, ordinary things that schools need. It is all or nothing. You get a brand new \$15 million school or you get nothing.

It is the federal government that has had to step in by cooperating with the states to fill in the gaps and give the schools the things they need. That is the sort of federal leadership we are seeing in education. That is educational federalism as we have seen it here in Victoria and right around Australia. What a fantastic program that has been. I have heaps of examples of where the federal government has shown leadership.

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

**Mr FOLEY (Albert Park)** — It is with great pleasure that I rise to support this matter of public importance. It is timely that my friend the member for Nepean preceded me, because I will seek to correct him on a number of matters shortly.

The future of a modern, efficient Australian economy is in no small part based on the smooth, efficient operation of our federal system, and that of course is necessarily predicated on a cooperative model of federalism. Instead when we in Victoria offer the hand of cooperation and friendship — as indeed do the other states — what do we see from this federal government? We see it ignored by a desperate federal coalition government seeking to demonise the states and all they do for its own short-term political survival. Perhaps the saddest thing of all is to see that demonisation occur in education, where the future of our kids, our economy and our skills base is really to be found. Instead of working cooperatively on the building blocks of a modern, efficient, equitable economy, what do we see from the federal government and their quislings opposite? We see only short-term political stunts.

If you need any evidence of the bona fides of the Brumby state government, then you need look no further than education as a model of what cooperative federalism could well be. I point my friends opposite to a report that they can readily get — I am happy to make it available to them — from the Council for the Australian Federation which deals with the importance

of national frameworking for all schooling, both public and private. That important report, *The Future of Schooling in Australia*, is available on the Department of Premier and Cabinet's website. It was produced here in Victoria, and it focuses on many of the issues that my friend opposite has just touched on in talking about cooperative federalism. It deals with the issues of standards, curriculum development, support for teachers and principals, developing equity outcomes for students and establishing national consistency in outcomes and measurements. It is a very worthwhile document, and I commend it to all those here today.

The report actually builds on the fantastic work which this government has pursued under both the current Premier and the former Premier since 1999 and which has seen education as the no. 1 priority. It builds on this proud leadership role in education in Victoria. Let us just take a roll call of what has been done. The government has delivered \$7.3 billion in extra investment in education and training as well as 7300 extra teachers and support staff, and an increased student retention rate, with up to 85 per cent of young people now completing year 12 or its equivalent, making it the highest rate in Australia. The state has increased funding in education overall by some 65 per cent. If you compare that with the position of our friends in the federal government over the same period, what a sad comparison it is. Federal funding for state schools in Victoria has decreased by 2.9 per cent over that period of time — that is, it has taken money away from state schools and state education.

The federal government's abandonment of education in Victoria does not end in the state secondary sector. It continues on into the tertiary education level. The Organisation for Economic Cooperation and Development only last month released a report which again I would commend to our friends opposite. It deals with a comparison of expenditure on tertiary education by national or federal governments within the OECD. Sadly expenditure on tertiary education in Australia over the period in office of the federal coalition government has declined, and that is in an era when the importance of skills development in tertiary education is apparent.

It has declined by some 4 per cent over 11 years, compared with an OECD average increase of 49 per cent in the funding provided by federal and national governments to the tertiary education sector. Not only is this a sad decline in public expenditure on education, but at the same time we have also seen a shift of resources to the wealthiest of private schools. This has been at the expense of not only state schools but also the needy independent and Catholic school sectors. Of

course we have seen the funding of the wealthiest schools go up by 54 per cent per student at the same time as there has been a decline in the Victorian state public sector.

Instead of them focusing on the issues of importance to our future, what we have seen is our colleagues in the federal government focusing sadly on divisive, red-herring issues. These are dragged up to somehow point to the fact that the federal government is serious about education when in fact they are mere stunts. Let us consider just a few.

In the Australian history education debate the approach for a cooperative framework has actually been led by the states. We have seen misrepresentations and the shutting out of groups such as the History Teachers' Association of Australia from any constructive or consistent debate on this issue. Australian history is already compulsory in this state in years 9 and 10 in Victorian government schools, unlike John Howard's ill-thought-out plan — and we are not exactly sure if that will be compulsory or not, and we are not exactly sure if it is going to be linked to funding or not. History is also compulsory at different levels in years 5 and 6.

Further, the Victorian essential learning standards mandate that in years 9 and 10 schools must teach significant events in Australian history and then provide analyses of these events. These events include the history of Aboriginal and Torres Strait Islanders, the history of European settlement and colonisation, the gold rushes, issues around Federation, the two World Wars, immigration post the Second World War and even the first Gulf War. These have all been taught and continue to be taught to every year 10 student in Victorian public schools.

Further, we have had nothing short of stunts from our friends in the federal government on the issue of safety in school buses. Suddenly they have found a program to support seatbelts in school buses as some sort of comprehensive safety measure for children in buses. Sadly their comprehensive package, so called, delivers barely 20 per cent of the costs associated with the program they have now decided they are going to lead. Bus travel, despite all that carry-on, is a remarkably safe form of transport for children in this state, but sadly the greatest number of injuries occur once children have alighted from buses in and around bus stops and schools. But instead of supporting programs around evidence-based decisions, such as the state's Rural School Bus Safety program and our increasing use of restricted speed zones around schools, we see another sad example of the federal government's short-term opportunism.

Our friends opposite have asked us to show them the colour of our money on some of these proposals. The colour of our money is in our \$18.6 million funding for bus interchange developments and roadside safety measures, while the federal government simply bangs on about a program that has no link to the real needs of the groups they seek to prioritise.

In conclusion, there is an opportunity for genuinely grasping a model of cooperative federalism. It is at hand, and whichever federal government we have after the forthcoming election, this state stands ready to offer that hand of cooperative federalism, particularly in the area of education. Again, I refer our friends opposite to the recent Council for the Australian Federation's report on the future of schooling to demonstrate the detail of how cooperative federalism might work. It is a report that this government has steered through, and it details our commitment to the future of Australia's education, both public and private. It is a commitment to the parents and communities of those schools; it is a commitment to a rigorous curriculum; it is a commitment to standards; it is also a commitment to the principals and the teachers who deliver the high-quality workforce outcomes that education needs to deliver in a modern, efficient economy; and finally it is a commitment by this government and the Council for the Australian Federation to the delivery of education as a major tool in ensuring equality of outcomes for our students of the future.

**Mrs SHARDEY (Caulfield)** — The subject of today's matter of public importance is cooperative federalism, with the Brumby government congratulating itself on the promotion of this principle, the aim of which is to deliver better services and infrastructure nationally. I will be discussing this important issue from the perspective of the provision of health services to the Victorian community. The issue of the provision of health care and the debate on reform of Australia's federal system of government focuses to a very large extent on commonwealth-state responsibilities for the funding and delivery of health-care services. Some Premiers in the past, such as the previous Premier of New South Wales, Bob Carr, have flagged their willingness to consider surrendering administration of health to the commonwealth. However, I note that even though the federal Labor leader, Kevin Rudd, has threatened during the current campaign that he is prepared to go down this path as well, the current Premier of Victoria does not appear to share his view.

I also note that the current Prime Minister, while acknowledging that there 'will always be room for improvement', is also not persuaded that the

effectiveness and efficiency of health care in Australia would be improved by the Australian government assuming total responsibility for public hospitals, although I do note that there is a preparedness by our federal government to step in if a state is negating its responsibility with respect to individual hospitals.

In the communiqué of 3 June 2005 from the Council of Australian Governments, the federal and state governments recognised that the health system could be improved by clarifying roles and responsibilities and by reducing duplication and gaps in service. I suspect there will be ongoing work for future COAG meetings.

Although politically health has been a source of ideological difference, the current federal government has continued to support the notion of universal health care through its support of Medicare, the Medical Benefits Scheme and the Pharmaceutical Benefits Scheme. However, at the same time it has strongly supported access to private health insurance through the 30 per cent subsidy, which has more than likely reduced the pressure on the public system more than anything else. The divided constitutional responsibility for health care in Australia between the states and the commonwealth has historically resulted in a somewhat fragmented system operating in the form of cooperative federalism, which is the focus of today's debate.

Over the last decade health inflation has exceeded general inflation. In particular, over the years 2003–04 and 2004–05 it ran at 4.2 per cent, while general inflation ran at around 2.5 per cent. Additionally the Productivity Commission projects growth in public expenditure on health as needing to be in the region of 6 per cent to 10 per cent over the next 40 years. In Victoria's case that would be in recognition of our ageing and growing population. Although I note from Australian Bureau of Statistics figures released this week that Victoria's total fertility rate for 2006 is the lowest of all the states, so perhaps the impact of the mini baby boom will not be felt as greatly in this state as in others, I need to point out that we have a chronic shortage of maternity beds which is not being addressed by the current government.

It is recognised that state and territory governments bear the major responsibility for the provision of health services in Australia, primarily through public hospitals, with a combination of funding from the commonwealth and other financial resources, particularly private patients being treated in public hospitals whereby the state gets a very nice flow of revenue. I note that according to the Australian Institute of Health and Welfare, in relation to health expenditure overall the commonwealth outspends the states by

2 to 1, which includes expenditure on the Australian health-care agreement, the Medicare Benefits Schedule, the Pharmaceutical Benefits Scheme, private health rebates, veterans, aged care and public health. This overall commitment is of course of benefit to all Australians, including Victorians.

I also note that as part of the national reform agenda discussions in February last year there was a focus on preventing ill health and improving physical and mental health to improve the capacity of people to participate in the workforce and the need to reduce the incidence of chronic diseases, such as diabetes, and risk factors, such as obesity and drug and alcohol abuse. How in fact has the Victorian government carried out its responsibility to provide health services, prevent ill health and reduce the incidence of chronic disease? The latest reports reflecting the performance of the current Brumby government in upholding its responsibility under our federal system for public hospitals show that the Victorian community is suffering because of a failure by the Brumby government to address the crisis in the Victorian hospital system today.

This is a crisis that the Premier is very dismissive of and his health minister seems totally unaware of, preferring to apportion blame elsewhere, usually to the commonwealth, and manipulate numbers rather than try to meet the health needs of the Victorian community. The release of the Labor government's *Your Hospitals* report confirms growing surgery waiting lists, increasing pressure on hospital emergency departments through bed block, a lack of staff and a shortage of hospital beds. Now that the state election is over and our doctors and nurses are raising these issues on a daily basis, we hear nothing but poor excuses.

In terms of expenditure, Victoria provides the least amount of expenditure on our hospitals and has the least number of beds per head of weighted population than any other state or territory in Australia. The Australian Medical Association in its most recent *Public Hospital Report Card* demolished Premier Brumby's claim that Victoria runs one of the best hospital systems in Australia when it said that the bottom line is that Victorian public hospitals have the lowest per capita funding levels in the country, and this means that our public hospitals are under real pressure every day.

If one looks at the increases in expenditure per head of population state by state between 2000–01 and 2005–06, one sees that Victoria has increased its recurrent expenditure on public hospitals by the lowest amount, with an increase of only 57.2 per cent in expenditure per

head of population on our public hospitals. Compare this to Western Australia, where the increase has been something like 115 per cent. This government, which prides itself on setting agendas for the nation in the all-important area of health, cannot even meet its own benchmarks for performance. It manages to fail the same benchmarks one reporting period after the other.

On top of this, 50 000 people a year walk out of our emergency departments instead of waiting for treatment. None of this takes into account the unknown thousands of people who wait for an outpatient appointment to see a specialist and get on the waiting list. The reality is that the public hospital system in this state lacks the flexibility to handle any increase in demand, because it operates at full to overflowing capacity year round, and hospitals literally run out of funds to keep up with demand. There is little point in the Premier regaling us with the usual stories about how much money is being spent. He is presiding over a system which is in meltdown while strutting on the national stage talking about his achievements in promoting a national reform agenda.

I would like to turn to a couple of other issues in the remaining minutes, particularly the issues of chronic disease and combating obesity and diabetes. Despite the Brumby government's public support of national reform in relation to these issues, again it has failed, according to the Auditor-General. In spite of the government's acclaimed health promotion campaigns, poor diet and sedentary lifestyles have inflated, with half of all adult Victorians now considered overweight. Child obesity rates have risen to almost 30 per cent, and the cost of diabetes is expected to balloon dramatically. The Auditor-General's report states that chronic diseases in Victoria are caused by avoidable factors including drinking, smoking, lack of exercise and poor diet. It calls on the Brumby government to improve its planning and coordination of health promotion programs. It is hardly a pat on the back in that area.

The national reform agenda also brought into focus the need for improvement in the provision of mental health services. While the federal government allocated some \$1.9 billion to mental health, Victoria, despite all its trumpeting, failed to match the commonwealth allocation. It claimed some \$472 million was being spent in matching the commonwealth, but when one looks at it one finds that only \$222 million is new initiative money.

The final area I wish to very briefly touch on is the health workforce. I note again the Victorian government's failure to address the problems of our ageing and retiring medical workforce, particularly in

rural areas, while the federal government continues to fund initiatives and has delivered the asked-for medical school places in this state. Victoria remains uncompetitive with other states in relation to the provision of relocation incentives, on-call and sessional payments to medical staff, and postgraduate training. On top of this, the Premier's appalling handling of the wage dispute with our nurses was an absolute disgrace and is not likely to attract any nurses to Victoria. I believe the government has failed in relation to its contribution to cooperative federalism.

**Ms GRALEY** (Narre Warren South) — It is a pleasure today to be able to speak in support of the member for Burwood on this matter of public importance. The Brumby government is committed to helping working families to make sure their children get the best start in life. Children should be at the centre of all our policy making. It is a pleasure to be part of a government in which the new minister has responsibility for early childhood services.

One of the biggest issues for working parents is the accessibility, affordability and quality of child care. Those driving to work on Monday morning may have heard over 40 minutes of talkback radio dedicated to parents, experts and commentators talking about child care. The reason why so much time was spent on this issue is that at present the federal government is not providing a planned, organised system of accessible, affordable and quality child care. In fact what the commonwealth is saying about child care is causing great anxiety for parents and the child-care sector.

The commonwealth government has the responsibility for child care. Mal Brough, the federal Minister for Families, Community Services and Indigenous Affairs, has declared there is no child-care shortage in Victoria. I advise Mr Brough to turn on his radio, go down to his electorate office and speak to some constituents, because he will find that this is quite untrue. He says that all a parent has to do is call his child-care access hotline and the problem will be solved. We know that when parents call the hotline all they are told is whether there is a vacancy in their local government area on that day. They are not told in which suburb or at what centre. Parents will not be told what type of care it is or for what age group. They will not get information on the fees or the centre's hours, and they will not be told if the vacancy is ongoing. A mum, desperate to get back to work and wanting to plan her children's future, will not even be told about future availability. That is not a hotline; that is merely a public relations exercise.

To understand that one only has to be reminded of what even Liberal members think about child-care provision.

I refer to New South Wales Liberal member Jackie Kelly and her statements not that long ago. She said ministers should stop 'doing their own thing' and should work together to respond to the escalating problem. 'We need a cohesive approach', she said. What we have at the moment is unplanned. It is a very market-oriented approach, which is not best serving the children and families of Victoria. Ms Kelly went on to say that the only way to fix the growing problem — a national child-care waiting list of 175 000 and skyrocketing prices — would be to dismantle the current system and take a totally fresh look at what working mums and families need.

According to Mal Brough there is no shortage and people have plenty of opportunities to get their kids into child care. We know in Victoria that that is not true. We know from Australian Bureau of Statistics surveys that 20 000 Victorians are not working due to the cost, quality and accessibility of child care. Human resource consultants, government and businesses all know that men and women, parents and grandparents and members of all sorts of families are being stopped from going back to work because of the lack of provision of quality, accessible and affordable child care. We know that business is now saying that this is having an effect on the economy and is a drag on the economy — in fact it is affecting productivity — yet the federal government will still not sit down with the state governments and talk about providing a cohesive, planned, affordable process.

We know there are no services available to 41.8 per cent of Victorian parents. Some families are waiting up to three years for a place. A lady rang the talkback program I was listening to on Monday and said she rang a service the other day and it told her it had a two-year waiting list. She wanted to go back to work. As well as that, child-care costs have risen by 12.8 per cent in the past year. We know that our grocery bills have gone up, we know our mortgages have gone up, but child-care costs have gone up more than anything — 12.8 per cent in the past year, more than six times the inflation rate.

The Victorian child-care task force last year identified a shortfall of at least 14 000 places across Victoria. That is a very unfair and unworkable system. The Prime Minister, John Howard, and Mal Brough are playing politics with child care. While the recent federal budget provided for a 10 per cent increase in the child-care benefit, it created not one extra child-care place in Victoria. The federal government has made no investment in early childhood learning and development programs. These are the most important years of a child's life, and there is no extra investment.

Even a former Australian of the Year and one of the Prime Minister's favourites, Fiona Stanley, is saying the federal government should make sure it puts some more money into early childhood learning and development programs. We also know that it is not meeting the demand where parents are waiting. It is a disgrace, and no amount of one-off election bonuses will solve the problem in the long term.

I would like to make mention of the situation in my electorate of Narre Warren South. I recently had an intern come to do a study, and we found that the ability of parents to access child care was rather limited because there was not a diversity of providers. The federal government's policies have concentrated private providers in certain areas. The research report written by my intern, Nick Staikos, says that 97 per cent of long-day-care places in Narre Warren South are operated by private providers while the remaining 3 per cent are operated by Casey council. A further breakdown of these statistics shows that 19 per cent of places are operated by private owner-operators, 3 per cent by Casey council and a dominant 78 per cent by ABC Learning Centres. It is clear that ABC Learning Centres is close to securing a monopoly in Narre Warren South, and we all know that monopolisation of any service is bad news for families. It means increased prices, less choice and less concern for the provision of what parents really want for their children.

My intern's report, which highlights the monopolisation of long day care by ABC Learning Centres, has resulted in an investigation by the Australian Competition and Consumer Commission. The chief executive officer of ABC Learning Centres, Eddy Groves, is no. 1 on the *BRW*'s list of the richest 200 people under 40 years of age, and taxpayers money has contributed significantly to his fortune.

**Mr Wells** — So you oppose ABC?

**Ms GRALEY** — No, I do not. It is time for more choice in child care. It is about parents having the choice to put their children into child care at a centre they feel comfortable with. They need to have that diversity of providers when they go around shopping for child care for their children.

I would like to spend my final few moments talking about what we would like to see happening. We are very pleased that the federal Labor opposition has put up a proposal for extra child-care centres. This government is also investing in child-care infrastructure, with 55 integrated children's centres already commissioned or operating and another 40 planned over the next four years. This is despite the

federal government being so intransigent on this issue. We are also spending \$2 million on developing a centralised child-care register — not some crappy hotline, but something parents who are looking for a child-care place can access. This register will provide a single point of information, registration and entry into the child-care system and a link to a vacant place. That is good news for mothers and working families.

We need all levels of government to share information so that Victorian parents can go to one place and find out which child-care centre in their area has a vacancy for their child and for the hours when they need it. What a terrible indictment it is — —

**The ACTING SPEAKER (Mr Seitz)** — Order! The time for the matter of public importance has expired.

## STATEMENTS ON REPORTS

### Public Accounts and Estimates Committee: budget estimates 2007–08 (part 3)

**Mr WELLS** (Scoresby) — I rise to join the debate on committee reports and speak about the Public Accounts and Estimates Committee report on the 2007–08 budget estimates, part 3, and more importantly the minority report. I spoke on this minority report the last time we had statements on reports. I was in the unfortunate situation of having just heard the chairman of the Public Accounts and Estimates Committee speak in the grievance debate and make a number of comments about the minority report and discussions he had had with Liberal members of the committee, which he chose to bring into the chamber to make sure they were made public. I have never, ever seen or heard of that situation with a committee report.

We are very concerned about the Public Accounts and Estimates Committee and its being shut down by the Premier. We are sure that the member for Burwood was put in the position of chairman to make sure it was shut down. Where PAEC used to stand for the Public Accounts and Estimates Committee, we are sure that it now stands for 'Please, Anything Except Criticism'. If you go through part 3 of the report you see that there is no criticism of the government. It has been designed this way.

Last time I spoke about the problems the Liberal Party had with what the then Treasurer and now Premier said about unallocated capital. There was a significant difference between the \$2.9 billion of unallocated capital that the Treasurer promised Victorians and the

\$1.6 billion that was actually there. I also mentioned advertising and accountability. The Public Accounts and Estimates Committee made a recommendation, but the government departments had not accepted it.

Today I want to move on and talk about another issue. One issue in the report of the Public Accounts and Estimates Committee is housing affordability. The issue the committee chose to pick up on was interest rate rises. The committee was very critical of interest rate rises when it came to housing affordability. How convenient was it that there was not one criticism, not one piece of analysis of the massive amount of stamp duty that people in this state have to pay? I am sure people in areas such as Berwick, Cranbourne and other fast-developing suburbs understand the amount of stamp duty, yet the committee chose to criticise interest rate rises and say not one word about stamp duty or land tax. For a median-priced house in Melbourne at the moment — \$420 000 — you are paying about \$18 000 in stamp duty. That is the highest amount of any state or territory in the country. You would think that in the interests of fairness the committee would have at least looked at that and made comment, but it did not.

Another interesting issue is the Melbourne 2030 policy that the government has implemented. Probably no other policy implemented by the government has pushed land prices higher than the 2030 policy has. As Liberal members of the committee we look at this and say the committee is focusing on interest rates, which are up to about 8 per cent, and ask: why did it not look at stamp duty, land tax, planning policies and 2030?

We are also a little concerned about the issue of public transport. There was absolutely no analysis of the problems we have with public transport. There was no criticism of the government's failure to deal with those problems. Do you know what the government wanted to do to fix the problem? It maintained that, if you survey the people who have been left behind, that will fix the problem. Is it not typical of Labor to go and survey people who have been left behind by the train?

If someone came up to me and wanted to survey me when I had just missed my train because it was overcrowded, I would not be really happy about it. That is the solution suggested by the Public Accounts and Estimates Committee: do not spend money on fixing problems; do a survey, do some spin, have another photo opportunity and we will get through. As we say, the Public Accounts and Estimates Committee should be renamed the Please, Anything Except Criticism committee. That is why the Liberal Party put in a minority report.

### **Public Accounts and Estimates Committee: Parliamentary Contributory Superannuation Fund**

**Mr SEITZ (Keilor)** — I rise to make some remarks on the Public Accounts and Estimates Committee's *Report on Trustee Arrangements for Governing the Parliamentary Contributory Superannuation Fund*. The super fund is of course of interest to all members here. The committee has a number of very important functions. It is required to: recommend the appointment of both the Auditor-General and the independent performance and financial auditors to review the Victorian Auditor-General's Office; consider the budget estimates for the Victorian Auditor-General's Office; and review the Auditor-General's draft annual plan and, if necessary, provide comments on the plan to the Auditor-General prior to its finalisation and tabling in Parliament. So it is a very important committee.

The committee was asked to have a look at the parliamentary super fund and in particular the sensitive nature of decision making in the super fund as it existed prior to the change to the act. Newer members of Parliament have their own contribution of 9 per cent and they can choose whichever fund they want to allocate their money to. Members who were here prior to that change to the act were affected by this decision. It is very important to note that the committee came up with the recommendation that:

The fund's trustee appoint an independent expert, preferably a former judicial officer, to advise, where necessary, on potentially contentious issues or matters requiring impartial opinion.

I think that is a highly commendable decision by the committee, because the wrong perception might be created if decisions are made just by politicians regarding their own benefits.

The old super fund scheme had discretionary powers. Those powers applied if a person had not qualified for the period of time necessary for them to be eligible for superannuation. Some members can still be affected in that they might not have served for three Parliaments or 12 years and so do not qualify for their percentage. Other factors to be taken into account are ill health or retirement. Contentious decisions might have to be made, and there might be shades of grey. Eminently sensible decisions have been made, as happened last year. After the last election several people were affected and decisions had to be made by the trustees. The minister is the chair, and the Speaker, the President and other committee members are appointed to the trust.

The committee's recommendation here is admirable and sensible — namely, to have a totally independent person have a look at and assess the position in the case that is put by the individual members who will be affected by any of those decisions. I daresay it is only the new members who were elected at the last election — so a small minority — to whom this rule does not apply, but it will apply to the majority of current members and continue for several years to come.

The second recommendation of the Public Accounts and Estimates Committee is:

The legislative arrangements for trustee membership of the fund be reviewed again, soon after the 2010 state election, to address the likely future impact on trustee and member profiles of the fund's 2004 closure.

It is important to review the situation of the fund because it still has to make payments and meet its obligations, but it is not an ongoing, living fund in the sense that it does not apply to new members. It was closed in 2004 when the federal government changed its super funds scheme. The state of Victoria followed suit with similar amendments which will affect new members; however, those amendments will not affect people who were elected prior to that time. I say again, the fund should be reviewed after the 2010 election as to how it will affect people. Of course it will not affect me because I will be here until 2018, as members all know from the public record. I am not concerned about that matter at all. It will not affect me so I do not have any interest in it. With those few words I commend the report to the house.

**Public Accounts and Estimates Committee:  
budget estimates 2007–08 (part 2)**

**Mr NORTHE** (Morwell) — It gives me pleasure to comment on the Public Accounts and Estimates Committee's report on the 2007–08 budget estimates, part 2. In particular I want to refer to the transcript of evidence under chapter 12.14, which is the sport and recreation portfolio, and pages 6 and 7 more specifically.

The Minister for Sport, Recreation and Youth Affairs was asked quite a few questions which I would like to touch on this morning. He referred to the number of volunteers who support sport throughout Victoria — somewhere in the vicinity of 350 000 — and the need to encourage them to stay on as volunteers, particularly in regional areas where it is very difficult to attract volunteers. Part of that encouragement was to provide incentives for volunteers and to make it easier for clubs and organisations to access grants.

The transcript shows the minister was asked a question by Dr Sykes about the criteria for grants, and in particular the drought relief grant pertaining to an area which has to be on stage 3 or higher water restrictions to apply for grants. That is something we need to discuss here this morning. All of us are very conscious of the effort to conserve water — we all know that. I acknowledge the government's most recent announcement with reference to the drought relief community sport and recreation program. However, I want to highlight the fact that we need long-term planning in relation to how we drought proof our sporting reserves throughout Victoria.

One of the issues that came up was the need for local communities to be on stage 3 water restrictions or higher to apply for grants. The member for Benalla made the point, as indicated in the transcript, that some sectors of the community could fall into a black hole, particularly those on non-reticulated water systems. They would not be eligible under the current criteria to apply for those grants. We ask the government and the minister in particular to have a close look at that, because if you read the transcript you find that the minister certainly did not answer the question directed to him, and this is an ongoing issue for many regional Victorians.

I acknowledge that there need to be some criteria, but this is having a huge impact on local sporting clubs, sporting associations and councils. We all know that there are of the order of 2.8 million people across all ages participating in sports throughout Victoria. That has great benefits for communities, not just socially but economically and health wise. In regional areas where there are limited opportunities to partake in alternative activities, it is important to ensure that sporting grounds are in a state that will enable sport to continue. That is why it is important that we look at drought proofing sporting facilities across the state.

We have seen many examples locally and in the metropolitan area of sporting seasons being delayed, events being cancelled and seasons being shortened. That has an impact across the board. One of our concerns is with volunteers. With those types of things taking place, volunteers may end up with increased stress and eventually walk away from sporting clubs and organisations, which will have consequences for the rate of participation in those sports.

Sporting activities provide benefits for our local communities. I know that a burden of disease study showed that in my electorate we have one of the worst rates in Victoria, so it is important that we ensure that sporting activities can take place. A recent study by

GHD on strategies for managing sports surfaces in a drier climate produced an important report that I hope the government takes great notice of. I reiterate the point that I hope the minister implements a long-term strategy to drought proof Victoria's sporting ovals and grounds.

We have in the vicinity of 3700 sporting grounds, and consideration should be given to all of them and not just those on stage 3 water restrictions or higher. We need to implement a strategy now so all these 3700 sporting grounds are drought proofed in the future.

**Public Accounts and Estimates Committee:  
budget estimates 2007–08 (part 3)**

**Mrs MADDIGAN** (Essendon) — I also wish to address my comments to the Public Accounts and Estimates Committee report on the 2007–08 budget estimates, part 3. I must say I am a little surprised, having listened earlier to the member for Scoresby and hearing his comments in relation to the minority report. I do not wish to hurt his feelings, but it seems to me there is an intellectual disparity between what he was saying and the way he and other members operated at the Public Accounts and Estimates Committee.

The three items the member for Scoresby chose to discuss this morning were stamp duty, Melbourne 2030 and public transport. These issues are covered in chapters 15 and 16 of the report. They are also mentioned in the minority report to which the member for Scoresby was addressing his comments. Yet if you look at the way members voted, and the votes for these chapters are clearly displayed as part of the report, you will see that they were not opposed by the Liberal Party — they were not opposed by the member for Scoresby — but were approved by all members of the committee. Why, if you really considered that the committee's actions were as severe as the member for Scoresby wished us to believe this morning, would you allow those chapters to go through without putting up some amendments? It seems to me that if he had been really sincere in his criticism of the report he would have made a bit more effort in terms of the chapter votes and putting up amendments to the chapters.

Let us look at how the Liberal members of the committee changed the report which they now say is unfair. I think that shows that at the time of writing the report they apparently were more than happy with most of the chapters in it. It is only since then that they have chosen to make a political point about the Public Accounts and Estimates Committee, which I think is unfortunate in terms of the fair and equitable scrutiny of government operations and the way in which the

committee will operate in the future. All parliamentary committees rely on a certain amount of goodwill among their members in reaching equitable solutions.

**Mr Clark** interjected.

**Mrs MADDIGAN** — The member for Box Hill may wish to contribute to the debate on this matter and can say whatever he likes. Let us look at the votes of the members on the committee. The member for Box Hill was not a member of the committee, so we cannot blame him on this occasion for the intellectual laziness of some members of the committee. Let us look at the motions that the members of the Liberal Party put up, supported by The Nationals.

First, they voted against two motions that thanked the committee staff for their work. What an extraordinary thing to do. For members of Parliament to attack staff members in a situation where they cannot respond is a cowardly thing to do. I find it very difficult to understand why any political party would refuse to support motions that thank staff for their work. The work of the Public Accounts and Estimates Committee is very complex. It covers a very wide range of subjects, and the staff work extremely hard to prepare reports to meet all the needs of the committee. The motions that were voted against have nothing to do with the body of the report and the factual information contained in it.

The only other motions they put up were three very general ones — two relating to the budget and one relating to the Auditor-General's report. If we look at the individual issues they have raised when they have chosen to attack the committee's report during this part of the parliamentary proceedings, we see that they have constantly brought up matters which they did not vote against, nor have they put up amended recommendations. It is fairly difficult to assess whether there is validity to their points. If you think it is not that important, when you are making a minority report, to put in alternative recommendations in order to seek further debate on the subject, it is very difficult to take these complaints seriously.

I reiterate the actual circumstances surrounding the preparation of the report. All members were asked if they wanted further information, and only one member from the Liberals and The Nationals on that committee requested further information. That one question was answered. If the writers of the minority report were unhappy with the information that was provided, why did they not ask more questions? Why did they not put up more motions, because then they would have had the opportunity, if the information had not been

forthcoming, to make valid complaints. They never asked the questions and they did not oppose the motions in the report. It is very hard to take their complaints seriously.

**Public Accounts and Estimates Committee:  
budget estimates 2007–08 (part 2)**

**Ms WOOLDRIDGE** (Doncaster) — I rise to make some brief remarks on the Public Accounts and Estimates Committee report on the 2007–08 budget estimates. In section 4.13, part 2, the Minister for Mental Health speaks about the government's plan to tackle ice, or crystal methamphetamine. She said, 'We believe these actions will work pre-emptively' to ensure ice 'does not get a foothold here in Victoria'. Despite the fact that the National Drug and Alcohol Research Centre says ice gained a foothold in Victoria way back in 2001, I have welcomed Labor's new-found realisation that ice is in fact a problem. Better six years late than never! However, the problem with Labor's approach is that there are no new funds. It simply carried out a smash-and-grab raid on the heroin budget of up to \$14 million.

In section 4.13 the minister discusses Labor's announcement in February regarding ice use. At the time the then Premier sought to justify the defunding of heroin services by glibly stating that 'heroin is no longer the problem it was'. Heroin deaths have fallen since the flood around the turn of the century; but it was wrong to presume, as the government did, that heroin was gone as a major societal problem.

I want to go through some facts to show why we should be concerned: 12 000 Victorians have recently used heroin; 41 Victorians died from heroin overdoses last year; more than 100 non-fatal heroin overdoses occur in the state every month; 400 000 contacts are made with needle and syringe programs every year; and 10 000 people access pharmacotherapy programs like those providing methadone every day. Labor's position, that heroin was somehow under control, demonstrated a dangerous lack of foresight.

Back in February Bill Stronach, the chief executive officer of the Australian Drug Foundation, said Labor was taking a 'grave gamble' by 'robbing Peter to pay Paul'. The minister acknowledges on page 3 of section 4.13 that drug trends are fluid and that new issues are bound to emerge. Particularly in the area of drugs, due to the nature of supply and the nature of drug use, we must be vigilant in monitoring the shifts in national and international markets. Our system must be strong enough to respond rapidly to emerging trends.

The findings from the illicit drug reporting system show that in 2006 heroin was both easier to obtain and purer in Victoria than in any other state. A recent United Nations report has confirmed that a bumper crop of brown heroin has been cultivated in Afghanistan and Burma. Gino Vumbaca, the executive director of the Australian National Council on Drugs, said he is expecting a lot of heroin to be produced and sold, and the destination will be Sydney and Melbourne. Firsthand reports from drug users on the streets of Melbourne confirm that pure brown heroin from Burma and Afghanistan reached Melbourne eight months ago. In an unfortunate coincidence for the government, at exactly the same time — eight months ago — the then Premier said that the latest information about drug use shows the time is right to move the focus away from heroin. Experts are warning we could see a heroin flood comparable to that which took the lives of nearly 1000 Victorians between 1998 and 2001.

Nick Crofts, formerly the chief executive officer of Turning Point and a current member of the government's amphetamines task force, hammered home Labor's slumber in the papers on the weekend. He said that 'we are working in a policy environment where the previous Premier said very clearly that heroin is gone and the only problem we now have is amphetamines, which is utterly wrong'. He also said that 'state government support for both medical treatment for people with addictions and the pharmacotherapy program is pathetic'. All of this is coming from one of the government's key drug advisers. We cannot go on with a reactive and front-page-of-the-*Herald Sun*-driven drug policy approach where funds are stripped from services for one drug and given to another when the headlines become too bold to ignore.

New drug trends will always emerge. The aim of our drug policy should be to have a system that is robust enough to deal with new threats as they present, not years later and after many people have died. A balanced approach such as this demands that the \$14 million that Labor stripped from heroin services earlier this year be immediately reinstated and that new funding be invested for ice and other drug awareness and treatment services. This time the government must listen and it must act, or Victoria will become a more dangerous place to live and to raise a family.

**Public Accounts and Estimates Committee:  
budget estimates 2007–08 (part 3)**

**Ms GRALEY** (Narre Warren South) — I rise to speak on the Public Accounts and Estimates Committee (PAEC) report on the 2007–08 budget estimates, part 3.

I have the great pleasure of being a member of this very constructive committee. At the outset I would like to commend and compliment the staff for their hard work and the comprehensive nature of the report they have provided to the committee. It is a solid reflection of the way the PAEC has gone about its work this year and reflects the fact that for each of the 21 meetings we had with the ministers, including the former Premier, there were transcripts of the questions asked and the answers given by the ministers showing how the questions have been responded to.

The report, of course, features the recommendations of the committee, and there are 52 recommendations. They are a comprehensive set of recommendations reflecting what the committee was doing when it was doing its work. I would like to emphasise to the house that the recommendations actually reflect the quite consensual operation of the committee during the hearings and during the private meetings and the fact that everybody had an opportunity to raise questions and everybody had an opportunity to raise further questions. I must commend the chair on that. He was very much a facilitator, making sure that this report reflects the Parliament's views.

I draw people's attention to recommendation 31, which asks the government to explore the merits of an associated budget document on funding allocated to programs for regional and rural Victoria — that is, rural Victoria as well as provincial cities. This recommendation was a direct outcome of the concerns of the representative of The Nationals on the committee, and the committee was only too willing to incorporate that concern in the recommendations. I look forward to that recommendation being taken up.

I also refer members to recommendation 40 relating to the Victorian schools plan and how that will be rolled out progressively. This is a very important election commitment by the government, and it is good to see the recommendation — the implementation is of concern to both the opposition and the government — in black and white in the report. I hope, and am sure, that it will be taken up. Turning to recommendations 44 and 45, questions regarding the rock lobster catch asked by representatives of the Greens on the committee have been taken up in these two potent recommendations. Also, the recommendations about public transport have been mocked here today, but they are a step in the right direction in making sure that all Victorians get a better public transport system. That is something that was raised by opposition members as well as by government members.

What I am suggesting here, and in fact I know it to be the case because I attended all PAEC meetings, is that this report reflects the business of the committee and that the staff has actually gone away and responded in a professional and expert fashion to the workings of the committee. I was very disappointed to see a minority report from the opposition. It is a measly little note; in fact it is a bit of a dummy spit. I would just like to mention to the member for Scoresby that there are many points mentioned in his report that he had an opportunity to talk about during the meetings, but he did not take up that opportunity. Today he has said that there is no mention of what is happening with interest rates in Berwick and Cranbourne. Berwick and Cranbourne are in my electorate, and I cannot remember the member for Scoresby mentioning either of them once. For him to suggest today that that should now be part of the report I find quite amusing, but it is a very disappointing suggestion from the shadow Treasurer.

As I said, this report has been expertly put together. I commend the chair for his facilitation of the meetings, and I commend the report to the house and encourage all members to read it because the recommendations are important.

## EQUAL OPPORTUNITY AMENDMENT (FAMILY RESPONSIBILITIES) BILL

*Second reading*

**Debate resumed from 11 October; motion of  
Mr CAMERON (Minister for Police and  
Emergency Services).**

**Mr CLARK** (Box Hill) — The Equal Opportunity Amendment (Family Responsibilities) Bill 2007 amends the Equal Opportunity Act 1995 to require employers, partners and principals to accommodate the responsibilities as parents or carers of their employees, prospective employees, contract workers, partners or prospective partners. It prohibits employers from 'unreasonably' refusing to accommodate the responsibilities as a parent or carer of an employee or person offered employment. In that context a carer is a person on whom another person is wholly or substantially dependent for care or attention.

By virtue of the examples set out in the bill it is clear that the bill intends that an employer may be required to offer work for additional hours on some days in order to provide a shorter working week or allow an employee to occasionally work from home or reschedule staff meetings so the employee can attend.

The bill sets criteria for determining what is unreasonable refusal, including the employee's circumstances, the employee's role, the arrangements required to accommodate the employee, the employer's financial circumstances, the size and nature of the workplace and the employer's business, the effects on the workplace and the business of accommodating the employee, and the consequences for the employer and the employee of not making the accommodation.

The bill applies similar prohibitions and similar sets of criteria to principals and their contract workers and to partners and persons offered partnerships in firms of five or more persons. In this context a principal is any person who contracts for work to be done by another person's employees. In conjunction with the existing provisions of the act the bill provides that complaints about alleged breaches are to be made to the Victorian Equal Opportunity and Human Rights Commission for investigation and conciliation, that unresolved complaints can be taken to the Victorian Civil and Administrative Tribunal, which may order compensation, and that specified actions are to be taken by the employer, principal or firm concerned.

This bill is clearly directed to the important issue of balancing work and family responsibilities, but unfortunately it comes up with completely the wrong solution. Many Australians today find themselves torn in competing directions by the demands and needs of work and family life. This is accentuated by changing technology, changing lifestyles and the faster pace of the modern world. Women in particular end up facing special burdens, due to both the biological necessities of child bearing and the fact that somehow the division of responsibilities within families usually seems to end up with women facing the more acute, day-to-day trade-offs and pressures.

Evidence and findings on this were given in the Australian Industrial Relations Commission family provisions test case decision of 2005 in document PR082005 of the AIRC. At paragraph 62 of the decision the commission observed:

Australian time-use surveys show that the caring associated with child rearing is substantial and falls disproportionately on women despite the increase in care provided by fathers between 1974 and 1997.

At paragraph 63 it said:

There is very little evidence of a gender redistribution of family work. It appears that mothers adjust their jobs and personal lives to accommodate family commitments more than men do.

At paragraph 65 it said:

The impact of the assumption by women of caring responsibilities is that they mould their working hours and arrangements in order to accommodate their caring needs.

At paragraph 69 it said:

Research has consistently found a strong preference for part-time work among women with dependent children. By contrast men prefer to work full-time.

Based on the evidence, in its findings in the test case decision the commission went on to make the point at paragraph 73:

Part-time work is not the only way employees accommodate their caring commitments ... (ABS) data show that employees with dependent children have access to a range of different flexible working arrangements. Table 4 shows that flexible start and finish times were available to almost 37 per cent of employees with children under 12, compared to 33 per cent of employees without children under 12.

Subsequent ABS (Australian Bureau of Statistics) data in catalogue 6342.0 of November 2006, the same catalogue number cited by the Australian Industrial Relations Commission, goes on to show in table 1 that by November 2006 a total of 39.9 per cent of employees overall had in their main jobs a say in their start and finish times, with 26.2 per cent able to choose start and finish times on a day-to-day basis and 10.4 per cent able to negotiate times with their employer in advance. Thus it is clear that work patterns are adjusting to some extent to enable employees to reach a better work-life balance.

At paragraph 76 of its findings the Australian Industrial Relations Commission summed up the situation very well:

There is a consensus among the parties that achieving a balance between work and family is fundamental to Australia's national interest and to a cohesive, productive society. The essential difference between the parties is about how best to achieve such a balance.

That point that referred to the parties of the test case applies equally to the parties of the government and the opposition here today.

In the Liberal Party's view the most important determinant of how to achieve the best possible work and family responsibility balance is the decisions of individual Australian workers. People are going to vote with their feet, no matter what legal and legislative regime applies. This is already happening; we see it in the statistics that I have referred to. People are looking for more flexible work arrangements, and they are looking to get a more flexible work and family commitment balance.

What a regulatory regime should do is provide the maximum possible flexibility for employers and employees to work out a balance that best suits their respective needs, coupled with sensible, guaranteed safety net provisions. That is exactly what the commonwealth's WorkChoices regime is all about. WorkChoices has in place a number of guaranteed safety net provisions which are very clearly spelt out. I refer in particular to fact sheet 14 on WorkChoices and personal/carer's leave and the Australian fair pay and conditions standard. That fact sheet says:

Under WorkChoices, personal/carer's leave is protected by the Australian fair pay and conditions standard (the standard).

The standard applies to all new workplace agreements made after 27 March 2006. It overrides an agreement or contract of employment if the agreement or contract provides less favourable entitlements to an employee.

All full-time and part-time employees covered by WorkChoices are entitled to personal/carer's leave.

It goes on to say:

Under WorkChoices, eligible employees are entitled to:

10 days of paid personal/carer's leave per year (including sick leave and carer's leave)

two days of unpaid carer's leave per occasion, and

two days of paid compassionate leave per occasion.

Paid personal/carer's leave can be taken:

due to personal illness or injury (sick leave), or

to provide care or support for a member of the employee's immediate family or household who requires care or support due to personal illness or injury, or an unexpected emergency (carer's leave).

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

**Business interrupted pursuant to standing orders.**

## QUESTIONS WITHOUT NOTICE

### **Victorian Funds Management Corporation: investments**

**Mr BAILLIEU** (Leader of the Opposition) — My question is to the Premier. Given that one of the Victorian Funds Management Corporation's investment managers, UBS, has announced overnight a loss of US\$3.2 billion due to its exposure to the United States subprime market, will the Premier advise the house whether he has received any advice regarding the exposure of the \$41 billion of investments made by the Victorian Funds Management Corporation?

**Mr BRUMBY** (Premier) — I thank the Leader of the Opposition for his question. I have not received advice in relation to this matter. In relation to the Victorian Funds Management Corporation generally, it reports of course to the Treasurer, and it has a regular line of reporting requirements. I would expect that the VFMC would adhere to those reporting requirements.

### **Economy: performance**

**Mr PANDAZOPOULOS** (Dandenong) — My question is to the Premier. Can the Premier update the house on any recent information that shows that Victoria is the best place to live, work, invest and raise a family?

**The SPEAKER** — Order! The question is exceptionally broad, and I ask the Premier to try to limit the length of his answer.

**Mr BRUMBY** (Premier) — I thank the honourable member for his question, and I am able to advise the house of recent information which does confirm that Victoria is a great place to live, work, invest and raise a family.

Recent economic data shows that Victoria is leading the nation in a number of areas of economic performance. With job starts, we have seen 59 800 new jobs in Victoria this year, the largest jobs growth of any state in Australia. We lead Australia in new housing starts, and the Housing Industry Association predicts that Victoria will lead Australia for the next three years. I am pleased to say too that, despite the fact that Victoria's population is 25 per cent less than that of New South Wales, we lead Australia in terms of apprentice and trainee completions.

Today the Australian Bureau of Statistics also released its building approvals data for September. It shows that building approvals for Victoria in September were \$1.62 billion. This means that for 75 months in a row under our government we have had building approvals of \$1 billion plus. It also means that again for this year the state which is clocking up more building approvals than any other state in Australia is Victoria.

**An honourable member** interjected.

**Mr BRUMBY** — I would have thought that applies around Australia. This is about Victoria's superior economic performance. The fact of the matter is that of course this has not happened by accident. We have put in place a plan to ensure that Victoria grows. We have cut taxes: we have halved the rate of land tax and we have slashed the rate of payroll tax. We have been the

state which has cut more taxes under the GST agreement than any other state in Australia.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Scoresby and the member for Ferntree Gully will not interject in that manner.

**Mr BRUMBY** — We have cut more taxes more often than any other state in Australia. And of course, through the sound economic management of our WorkCover scheme, we have been able to provide four successive 10 per cent cuts to WorkCover premiums.

The performance of our economy is of course commented on by others. Last week the *Australian Financial Review* had a page 5 story headed ‘Victoria surfs mining boom, NSW lags’. It says that Victoria leads ‘the nation in population growth and building approvals’ and goes on to say that:

The upshot has been that Victoria has done particularly well at a time when exchange and interest rate rises might have meant otherwise.

An article in the *Herald Sun* of 26 October is headed ‘Why Victoria is the place to be’ and goes on to say:

Victoria has the nation’s fastest growing economy that is not based on the resources boom, such as Queensland’s and Western Australia’s.

The Minister for Agriculture mentioned yesterday that we lead Australia in other regards, such as our drought support and assistance. New South Wales irrigators have said about our rebates, ‘We’d love to have them’. That is because Victoria is outperforming other states. Look at what Access Economics says:

Melbourne’s population levels are rising faster than any other city in Australia ...

And of course:

... Victoria has done particularly well at a time when exchange and interest rate rises might have meant otherwise.

Today the Minister for Planning released his assessment of the channel deepening project. He has given his approval for that project, subject to certain conditions being met. I think the house is very clear about my views and our government’s views on this project: it is a great project for our state, and it is an essential project for our state. But we have always said, of course, that this project would proceed only subject to the full and rigorous environment effects assessment process. We are working through that. Further approvals are required, but I think today’s announcement by the Minister for Planning in his

assessment is again a positive step forward on a project which will generate billions of dollars of additional economic activity for our state.

### **Nurses: enterprise bargaining agreement**

**Mr RYAN** (Leader of The Nationals) — My question is to the Premier. Will the Premier guarantee that the total additional cost of all elements of the recently negotiated nurses agreement will be met by the state government and not through the budgets of the health services by which those nurses are employed?

**Mr BRUMBY** (Premier) — I think a number of members in this place would have some difficulty understanding the intent of the member’s question, because public hospitals in Victoria are funded by the government. We fund them.

If my memory is correct, in the eight budgets that we have brought down since we have been in government we have increased funding for hospitals by 96 per cent, an average growth rate of 12 per cent per annum. So that is money that is put aside in the budget each year. I think it is about \$8 billion a year, or about 26 per cent of total budget outlays. That is money that is put aside and then is allocated to hospitals. Hospitals are given their own budget, just the same as government departments are given a budget. They are required to manage within that budget. If the intent of the member’s question is — —

**Mr Ryan** — On a point of order, Speaker, the Premier is debating the question.

*Honourable members interjecting.*

**The SPEAKER** — Order! I will hear the Leader of The Nationals in silence.

**Mr Ryan** — With respect to the Premier, he has just identified the nub of why he is debating it. The budgets are provided to the health services through the state of Victoria. Is the government of Victoria going to pay the additional funding for the commitments which are now there, over and above those budgets? It is a simple question.

**The SPEAKER** — Order! I have been listening intently to the Premier. I do not believe he was debating the question.

**Mr BRUMBY** — I am trying to answer the Leader of The Nationals’ question. As I said, we have increased funding by 96 per cent. We have a global budget for that — it is contained in the budget — and then the budget amount is allocated out to hospitals. If

there are additional costs on the hospital system, these costs are addressed by the expenditure review committee. If those costs relate, for example, to a wage and enterprise bargaining agreement outcome and if more money is needed in the forward estimates to ensure that the cost of any of those arrangements can be met, then that money is provided by the government, as it has always been in the past.

So we have a pool of funding that is allocated to hospitals, and hospitals manage their budgets. At the end of the day, as I said, funding for the cost of running the health system has been increased by 96 per cent, and we have added — what it is? — 8000 additional nurses since we have been in office.

### Port Phillip Bay: channel deepening

**Mr NOONAN** (Williamstown) — My question is to the Minister for Roads and Ports. Following the release of the independent inquiry report into the proposed channel deepening project, can the minister outline to the house the next steps for progressing this project?

**Mr PALLAS** (Minister for Roads and Ports) — I thank the member for Williamstown for his question and for his continuing support for the freight and logistics activities of this state.

The port of Melbourne is of course Victoria's gateway to the world for economic trade for both businesses and farmers right across this state. It has been the economic heart of this nation for well over a century. Over the last two years there have been substantial investigations that have resulted in the supplementary environment effects statement, which has itself taken into account over 40 technical studies and produced something like 15 000 pages of research and data. The supplementary environment effects statement is one of the most comprehensive analyses of the ecosystem of Port Phillip Bay ever undertaken.

Seven months after the production of that report the Minister for Planning has today released the panel report and, indeed, his own assessment of that report. The minister's assessment has concluded that the channel deepening project can proceed on an environmentally acceptable basis. The panel found that the project design is safe, suitable and technically feasible and that the technology is best practice. While the Minister for Planning's assessment and the independent panel's report are supportive of a range of approvals, it is critically important that we recognise that there is a substantial process that still needs to be undertaken. There are some approvals yet to be obtained — approvals under the Coastal Management

Act, approvals under the commonwealth Environment Protection and Biodiversity Conservation Act and something like more than 15 other secondary approvals, licences and permits.

I have asked the Port of Melbourne Corporation today to begin refining its environmental management plan in line with the assessment and drafting the necessary approval applications to give effect to that. Subject to obtaining all the relevant approvals, it is possible that channel deepening could commence early in 2008, but the government has been steadfast in its position that, whilst this program is critically important to the state's wellbeing, it is also critically important that we get the environmental issues right. We are going about making sure that occurs.

This project is of great national significance. Independent economic analysis released by the government has demonstrated that in its initial years of operation a deepened channel at the port of Melbourne will produce something like \$43 million worth of economic value per annum. Over the next 30 years that will rise to \$582 million per annum, and the net economic benefit within that 30-year forecast period is \$2.2 billion. That of course is critical to the wellbeing and economic status of this state.

The project would deepen the bay at select locations to provide access to a whole new generation of vessels. We know, as a consequence of the port of Melbourne's recent assessment of shipping that has been able to access the port in a constrained manner — that is, unable to enter fully laden — that in the September quarter 42.5 per cent of shipping was constrained. That of course is an economic impost upon the effectiveness of the port. We also know the project will ensure that there is efficient handling of trade, and we know the efficient handling of trade means a lot to farmers, from Gippsland to the Wimmera; to exporters, from the Mornington Peninsula to the Goulburn Valley; and to businesses right across this entire state, in suburbs and in regional communities.

The release of the inquiry report — and the planning minister's assessment — is an important step along the way, but still more considered work is needed in order to obtain all the necessary approvals. This is an important step, but it is not concluded. This government remains committed to delivering this project, which will secure and retain the status of the port of Melbourne, and Victoria, as the freight and logistics hub of the nation.

**Public sector: investments**

**Mr BAILLIEU** (Leader of the Opposition) — My question is to the Premier. In the hope that we might finally get a clear answer to at least one question on this subject, I ask: has the Premier sought or received any advice regarding the exposure of any government investments and agencies to the United States subprime market?

**Mr BRUMBY** (Premier) — Again, I think the Leader of the Opposition asked a similar question yesterday, and I indicated to him that there is a wide range of requirements in place. Those requirements range from legislative requirements, the fiduciary duty guidelines, which are set by the Treasurer of the day, and the requirements under the Auditor-General's act. There is a whole wide range of requirements set for bodies in relation to these matters, and they report according to those requirements. I have not received advice in relation to these matters.

**Rail: level crossing safety**

**Mrs MADDIGAN** (Essendon) — I have a question for the Minister for Public Transport. I ask the minister if she can update the house on recent state government initiatives to measure, protect and improve safety at level crossings?

**Ms KOSKY** (Minister for Public Transport) — I thank the member for Essendon for her question. I know all members of this house take safety at level crossings very seriously. As a government we have committed extra funding so that we can accelerate the level crossing upgrade program that we have in this state.

On 25 June the government announced a \$33 million level crossing safety package following the tragic accident that occurred at Kerang earlier in June. Since that time we have released the list of the 200 sites that will receive rumble strips. The first 20 locations are now complete, and I am very happy to report that to the house.

At the recent community cabinet meeting in Kerang I had the opportunity to inspect the work at the Murray Valley Highway crossing where that accident occurred. I visited that site with the mayor, Cr Keith den Houting. The rumble strips are in place and are proving to be very effective, and anyone who has been over those rumble strips knows they work incredibly well. I am also able to report to the house that the work on the installation of the boom gates and the advanced active

warning signs has been completed and the new protections were commissioned last Thursday.

**Mr Burgess** interjected.

**Ms KOSKY** — I know that is indeed very good news for the people in Kerang, and I have received some thankyou's for that. They are very pleased that those works are in place.

Work on the general upgrade program is also proceeding very well, with the upgrade of another crossing being commissioned last week. At Abbott Street, Sandringham, Wickham Road, Highett, and Arden Street, North Melbourne, there is now active protection with train-activated barriers and audible warnings replacing the old crib crossings. Last financial year we completed 57 level crossings, and that came on top of 96 the year before, which was a record for any year in the history of this state. We have now completed more upgrades in two years than were delivered during the entire period of the previous Kennett government. That is quite an extraordinary record.

Works have also commenced on the \$54 million Taylors Road grade separation project in St Albans, which is part of the St Albans strategy, and this follows on from grade separations completed in Box Hill, in Somerton, in Cranbourne and also in Portland.

**Mr Burgess** interjected.

**Ms KOSKY** — As well we are completing the ALCAM (Australian level crossing assessment model) assessments of all the level crossings across the state, and we have the Don't Risk It campaign. I ask all members of the house to provide the message to the community that, when it comes to level crossings, people should obey the rules — —

**Mr Burgess** interjected.

**The SPEAKER** — Order! If the member for Hastings wants to ask a question, he should get the opportunity from his party. To sit on the backbench and persistently ask the same question across the chamber is not appropriate.

**Ms KOSKY** — I ask all members to do the right thing when it comes to level crossings and to put out the message very clearly in their electorates not to risk it and to obey the road rules around level crossings. As a government we will continue to do our part in terms of upgrading level crossings right across Victoria.

### Boating: Mallacoota ramp

**Mr INGRAM** (Gippsland East) — My question without notice is to the Premier. As the Department of Sustainability and Environment in a submission to a government-directed environment effects statement (EES) on the Bastion Point boat ramp has effectively decided that it should be the judge, the jury and the executioner, as well as the landowner in the process, I ask: in light of the DSE's submission, which has seriously compromised the integrity of the EES, what action will the government take to ensure that safe and reliable ocean access which meets accepted Australian standards can be provided at Mallacoota?

**Mr BRUMBY** (Premier) — I thank the member for Gippsland East for his question, and I can understand his frustration in relation to this matter. This is an issue which one way or another has been a matter of discussion, debate or contention in this area for I think the best part of the last 20 years, and of course it has come to a head again more recently. I did seek advice on this matter, and I am advised — —

**Mr Baillieu** interjected.

**The SPEAKER** — Order! I warn the Leader of the Opposition.

**Mr BRUMBY** — I did seek advice in relation to this, because it is a matter that came to my attention as the then Minister for State and Regional Development, and as I said I am aware of what has been a long-running issue in the area. I understand the Minister for Environment and Climate Change told Parliament earlier this month that he believes the matter should be resolved as quickly as possible, and I have also asked my department to assist.

In relation to the specific matter which the member has raised, the Department of Sustainability and Environment has been counselled over its behaviour and the manner in which it made its submission to the environment effects statement process, and I am assured that it will take a more constructive approach in the future. I am advised that DSE is now working with the council to clarify its concerns, which relate to environmental and safety issues, and that the panel will reconvene in the new year to conduct hearings. I certainly look forward to the panel making recommendations to the Minister for Planning. I look forward to its doing that in a timely manner, and I look forward to its recommendations in relation to the upgrades which are necessary to improve usability and make boat launching and retrieval safer.

### Port of Melbourne: upgrade

**Mr HOWARD** (Ballarat East) — My question is to the Minister for Regional and Rural Development. Can the minister inform the house how the proposed upgrade of the port of Melbourne will help regional industries to grow and make regional Victoria a great place to live, work and invest?

**Ms ALLAN** (Minister for Regional and Rural Development) — I thank the member for Ballarat East for his question. If standing orders allow, I would also like to pose a question of my own and ask honourable members what Melbourne, Singapore and Rotterdam all have in common. They are of course in the top 50 of the world's busiest container ports. I have another question: what makes Australia's busiest container port so busy? It is Victoria's dairy industry. Victoria produces nearly two-thirds of Australia's milk supply and makes up around 55 per cent of the nation's milk exports. This year more than \$1.5 billion worth of Victorian dairy products left Melbourne's docks headed for overseas destinations, particularly South-East Asia and Japan.

But in order for our state's \$5.6 billion food export industry to remain competitive and to grow, it will need increased capacity to export. This is also a fact that is recognised by the Victorian Farmers Federation, which is a strong supporter of plans to upgrade the port of Melbourne. The proposed upgrade of the port of Melbourne is just another strong example of how the Brumby government plans to invest in the nation-building infrastructure projects that are so vital to the future of regional economies and regional jobs.

Another great example of that sort of approach from this government is of course the Wimmera–Mallee pipeline project. Just yesterday I was with the Premier when we travelled to the outskirts of Stawell and saw the great progress that is going on in upgrading the pipeline project to provide a secure water supply for around 6000 stock and domestic customers. There was a great response to the Premier's announcement of an additional \$99 million that the Victorian government is contributing to this project. As some members have pointed out through interjection, the food industry in regional Victoria needs water, and this is a project that is going to provide greater water security.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask members not to interject at such volume.

**Ms ALLAN** — Of course to keep Victoria's food industry growing you need a secure water supply, and that is exactly what we are providing. You also need schools, you also need hospitals and you also need transport services — all examples of what the Victorian government has done from day one. Since the Victorian Labor government has come to office, from day one we have backed regional communities. We have had that strong focus on investing in infrastructure that is needed to provide the jobs and to grow regional economies.

Sadly this is not an approach that is shared by everyone. In most circumstances, as most ministers would know, local MPs are passionate advocates for more government funds for important projects in their electorates, particularly projects like the Wimmera–Mallee pipeline. Therefore I was absolutely stunned to read in today's *Weekly Times* that The Nationals federal member for the area, John Forrest, is not even going to bother to ask his federal colleagues — —

**Mr McIntosh** — On a point of order, Speaker, the minister is clearly debating the question. The question is about the port of Melbourne. She has obviously picked up the wrong answer to the question.

**The SPEAKER** — Order! I uphold the point of order.

**Ms ALLAN** — As we know, the upgrade of the port of Melbourne project is important for regional Victoria's food industry. What is also important to improve our export opportunities in this state is a secure water supply. What is needed in the Wimmera Mallee area is for the federal government to match the Victorian government's additional \$99 million, which we have provided for the pipeline project. It is a shame that the federal Nationals member will not even stand up to his own government and ask for the funds.

### Public sector: investments

**Mr BAILLIEU** (Leader of the Opposition) — My question is to the Premier. I refer to the exposure of Victorian taxpayers to the United States subprime market, and I ask — —

**Mr Seitz** interjected.

**The SPEAKER** — Order! The member for Keilor! That will not be allowed.

**Mr BAILLIEU** — Is it a fact that government agencies have, in regard to these failed investments, recently entered — —

**Ms Beattie** interjected.

**The SPEAKER** — Order! I warn the member for Yuroke.

**Mr BAILLIEU** — Is it a fact that government agencies have, in regard to these failed investments, recently entered into confidentiality agreements with Grange Securities and Lehman Brothers, and is this why the Premier is refusing to address questions regarding this exposure?

**Mr Brumby** — On a point of order, Speaker, the standing orders make it very clear that, if when asking a question a member makes a specific claim, the member can be asked to authenticate that claim. The Leader of the Opposition has just made — —

**An honourable member** interjected.

**Mr Brumby** — It is in the standing orders; read the standing orders. The Leader of the Opposition has made a specific claim about so-called confidentiality agreements. I ask, consistent with the standing orders, Speaker, that you ask him to authenticate the background to his question or, consistent with the standing orders, you rule his question out of order.

**Mr Baillieu** — On the point of order, Speaker, I have asked the Premier 'Is it a fact that ...'. This Premier has sought to avoid answering every question about this exposure. He is dodging the issue. It is Dodgy John!

*Honourable members interjecting.*

**Mr Brumby** — Further on the point of order, Speaker — —

**The SPEAKER** — Order! The Premier would need leave to speak a second time on the point of order.

**Mr Hulls** — On the point of order, Speaker — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Deputy Premier has not been called, and he will not be called until the house comes to order.

**Mr Hulls** — On the point of order, Speaker, in relation to a question that has been asked by a member of the opposition, if a point of order is taken on authenticity — that is, on whether or not matters raised in that particular question can indeed be led before the house, and this is in the Speakers' rulings — the Chair can ask the member to vouch for the accuracy of the matters that are raised in that question. If the member refuses to do so — —

*Honourable members interjecting.*

**Mr Hulls** — If the member cannot confirm the accuracy, the question ought to be ruled out of order.

*Honourable members interjecting.*

**The SPEAKER** — Order! I have persistently asked for points of order to be heard in silence. I ask again for points of order to be heard in silence.

**Mr Hulls** — Speaker Andrianopoulos made it quite clear, and it is at page 158 of *Rulings from the Chair — 1920–2006*:

If a member cannot confirm the accuracy of information, the question is disallowed.

Accusations have been made by the Leader of the Opposition as a premise to his question — —

*Honourable members interjecting.*

**Mr Hulls** — The point of order that has been taken — —

*Honourable members interjecting.*

**Mr Hulls** — Where is that challenge going?

**The SPEAKER** — Order!

**Mr Hulls** — The point of order that has been taken by the Premier seeks the accuracy behind the question — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I have asked for points of order to be heard in silence. I warn the member for Scoresby and will not warn him again. I also warn the member for South-West Coast and will not warn him again. Points of order are to be heard in silence.

**Mr Hulls** — The Premier is absolutely entitled to be asking for the authenticity of the claims being made in the question. Speaker, you can ask for the authenticity of that to be verified. If it cannot be verified, you are entitled to rule the question out of order. That is quite clearly a ruling that has already been made by Speaker Andrianopoulos. The Premier has sought the authenticity. We are yet to hear or have the basis of the question verified.

**The SPEAKER** — Order! I would like to rule on the point of order; I believe I have heard sufficient. I will not uphold the point of order. Clearly in *Rulings from the Chair*, in spite of the reference in *Erskine May*, 21st edition, it has not been the practice of the house to

allow the Speaker to require prima facie proof of the authenticity of a claim made in a question where facts are of sufficient moment. They are rulings by Speaker Delzoppo and Deputy Speaker McGrath.

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

*Honourable members interjecting.*

**The SPEAKER** — Order! I have not called the Deputy Premier and will not until the house comes to order.

**Mr Hulls** — I certainly accept the ruling you have made relating to when questions are asked that it is not normal for the authenticity of the basis of those questions to be ruled on by the Chair. However, if a point of order is taken in relation to that authenticity, then Speakers' rulings make it quite clear that the question can be ruled out of order. The new point of order is that we are not asking that you unilaterally make — —

**Mr Kotsiras** interjected.

**The SPEAKER** — Order! I warn the member for Bulleen.

**Mr Hulls** — I am not asking that you unilaterally use the authority you have to rule out a question simply because you may have a view about the authenticity, but the Speakers' rulings make it clear that when a point of order is taken about that authenticity, you can indeed seek clarification. If that is not given, the question ought to be ruled out.

**Mr Baillieu** — On the point of order, Speaker, there is only one outstanding question in regard to this matter — that is, why are the Premier and the government going to such extraordinary lengths to avoid answering the questions?

**The SPEAKER** — Order! That is the not the manner in which a point of order should be taken. I warn the Leader of the Opposition.

**Mr Batchelor** — On the point of order, Speaker, the issue we are talking about here is the veracity or accuracy of information contained in a question. This issue has been dealt with by previous Speakers' rulings, and it relates absolutely to question time, which is where we are. It relates absolutely to the circumstances when, in a question, a point of order has been taken, and the Speaker is entitled to ask the member to vouch for the accuracy of the information.

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn the members for Warrandyte and Kilsyth. Points of order should be heard in silence.

**Mr Burgess** interjected.

**Questions interrupted.**

### SUSPENSION OF MEMBER

**The SPEAKER** — Order! I suspend the member for Hastings under standing order 124. I will not have that level of disrespect shown to the Chair. The member is suspended for 90 minutes.

**Honourable member for Hastings withdrew from chamber.**

**Questions resumed.**

**Mr Batchelor** — What is available to the Chair is not that the member asking the question has to have the prima facie evidence tucked in their hip pocket but rather that the accuracy be vouched for. The Leader of the Opposition in his question made various statements of fact, as he alleges. It has been requested that the accuracy of that be vouched for. If he is prepared to vouch that it is accurate, he can do so, bearing in mind that he is under an obligation not to mislead the Parliament. If he is not able or prepared to vouch for the accuracy of the facts in his question, then the Chair has no option but to rule it out of order.

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn government members.

**Mr McIntosh** — On the point of order, Speaker, in relation to this matter, the question from the Leader of the Opposition is seeking a factual response; it is seeking information. In relation to the facts that may be contained in that, it is still simply seeking information. Yesterday, for example, we had a question in relation to a quote from the federal Leader of the Opposition, Kevin Rudd, about an anticrime commission. It was a quote and was a fact that was contained in the question. That can be challenged and the authenticity may have to be vouched for.

Another question was about a broad-based anticorruption commission. It included a quote from the Premier of New South Wales which supported the idea of an anticorruption commission. That quote can be challenged and the authenticity tested. This was simply a question seeking information: is it a fact that

government agencies have signed confidentially agreements? The answer is yes or no. It is not asserting the fact; it is seeking information. None of these rulings relates to the authenticity of information in the question, or whether it is correct. It is a question seeking information, and that is all.

**Mr Cameron** — On the point of order, Speaker, I draw your attention to page 160 of the blue book of *Rulings from the Chair*. It talks about authenticity of information. There is actually a procedure set out where somebody seeks that an assertion be vouched for. It is not that they produce anything in relation to prima facie evidence but simply that the assertion is vouched for. The ruling says that in this event the Chair will ask the member to vouch for its accuracy. In view of that, Speaker, we ask that you ask the Leader of the Opposition to in fact vouch for the accuracy of the assertion he has made.

**Dr Napthine** — On the point of order, Speaker, it is a fairly simple matter on which you need to rule. The question, which was a question, was put by the Leader of the Opposition in asking 'Is it a fact that ...'. That was the question that was put, and that is what the Premier needs to answer. The Premier can answer yes or no. The Premier can advise the house of the status of the situation that the government and its agencies find themselves in with respect to the subprime mortgage crisis in the USA and whether confidential agreements have been signed.

That was the information being sought by the Leader of the Opposition when in the question he put to the Premier he asked, 'Is it a fact that these agreements have been signed?'. That is a simple matter. It is a simple question putting a simple proposition that requires an answer from the Premier. I am extremely disappointed that the government seeks to continue to obfuscate on this issue rather than answer the question. I would remind the government of an old adage: when you are in a hole, stop digging.

**The SPEAKER** — Order! I ask the Leader of the Opposition to re-ask the question.

*Honourable members interjecting.*

**The SPEAKER** — Order! Could I ask the Leader of the Opposition to re-ask the question. There does seem to be a concern being raised as to the form of the question, and I do not have it before me. I would like the Leader of the Opposition to re-ask the question.

**Mr Baillieu** — The Premier answered the question, Speaker.

*Honourable members interjecting.*

**Mr Baillieu** — Yes, the same question as before. Going to give the same answer as before, are you?

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn the Minister for Health, and I warn the member for Narre Warren North.

**Mr Kotsiras** interjected.

**The SPEAKER** — Order! And the member for Bulleen. The question will be heard in silence.

**Mr BAILLIEU** (Leader of the Opposition) — Indeed, Speaker, I think it was previously. I ask the question again to the Premier. I refer to the exposure of Victorian taxpayers to the United States subprime market, and I ask: is it a fact that government agencies have, in regard to these failed investments, recently entered into confidentiality agreements with Grange Securities and Lehman Brothers, and is this why the Premier is refusing to address these questions regarding that exposure?

**Mr BRUMBY** (Premier) — The Leader of the Opposition has made an assertion that the government has entered into confidentiality agreements. I am not aware of any such agreement, and consistent with the standing orders, Speaker, I would ask that you request the Leader of the Opposition to authenticate the claim that he has made in his question. Consistent with longstanding practice in this place, if a point of order is taken on authenticity, whether of documents or in relation to information contained in a question —

**Mr Ryan** — On a point of order, Speaker, I am simply asking by way of clarification: is the Premier answering the question he was asked or is he taking a point of order?

**The SPEAKER** — Order! The taking of a point of order is not an opportunity to ask a question, as the Leader of The Nationals knows. The Premier is answering the question. I believe that extraneous material is being brought into the answer to the question, and I ask the Premier to come back to being relevant to the question.

**Mr BRUMBY** — As I have said, I have not been advised and I am not aware of these matters, but the specific claim has been made by the Leader of the Opposition in relation to this matter. The standing orders are very clear. They are longstanding. If the Leader of the Opposition makes that claim, the standing

orders are clear that he can be asked to authenticate the claim that he has made in the question. I ask you, Speaker, to enforce the standing orders of the house.

### **Water: Plug the Pipe group**

**Mr HARDMAN** (Seymour) — My question is to the Minister for Regional and Rural Development. Can the minister inform the house about threats to regional economic development, the food bowl modernisation project and the Sugarloaf interconnector by some supporters of the Plug the Pipe organisation, and what is the government's response?

**Ms ALLAN** (Minister for Regional and Rural Development) — I thank the member for Seymour. Like the member for Seymour, as Minister for Regional and Rural Development I look forward to the huge boost in economic activity in the northern part of the state that will be delivered by the food bowl and Sugarloaf projects. Therefore I am concerned by recent media reports of threats by people opposed to the planned Sugarloaf interconnector pipeline to disrupt the pipeline works, to destroy public property, to sabotage rail lines and to dump hard rubbish on highways. I am advised that Victoria Police is monitoring the situation to ensure that these threats do not become a reality.

In recent media reports about these threats Plug the Pipe spokesperson and twice-failed Liberal candidate for Seymour, Mike Dalmau, has denied that he or Plug the Pipe has had any involvement in discussions about that sabotage. Therefore I was somewhat shocked to learn that Mr Dalmau is now distributing material that talks about threats to cut off water, about efforts to identify individual pipeline workers and about threats to light fires in Shepparton. In fact we have material entitled 'Memo from the war office' from friends of Plug the Pipe that calls on people to burn copies of the Shepparton newspaper outside that newspaper's office next Wednesday.

I am sure many members of this place will join me and members of the government in condemning this sort of un-Victorian, un-Australian behaviour. Victorians, and country people in particular, do not approve of this sort of behaviour, whether it is by friends of Plug the Pipe or whether it is by extremist G20 protesters in Melbourne. They certainly do not approve of undermining vital regional economic projects and damaging the regional economy.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Benalla in particular knows that that is not the way to behave in the chamber.

**Ms ALLAN** — Certainly country people do not support these sorts of threats to vital regional economic projects. They do not approve of the burning of newspapers because someone disagrees with what is written in them, any more than they approve of the burning of the flag.

I would like to remind friends of Plug the Pipe that this important regional economic development project is not, as their leaflet describes it, a war. Victoria is a state where we respect the right to peacefully protest. However, threatening the regional economy and threatening regional economic projects by sabotaging infrastructure, singling out individual workers, threatening water supplies and lighting fires is not acceptable in our community. I must say I am particularly disappointed in the Liberal Party's involvement with these extremists. Just as recently as last month the Leader of the Opposition himself toured the region in the company of Mr Dalmau.

**An honourable member** interjected.

**Ms ALLAN** — We have got the evidence here for you. The Victorian government will not tolerate this sort of extremist behaviour. We will not tolerate this threat to the regional economy, and we will not tolerate this threat to infrastructure projects. I call on the Leader of the Opposition to join with me in condemning it and to distance himself from the Liberal Party's twice-failed former candidate for Seymour, Mike Dalmau, who is distributing this offensive material.

**The SPEAKER** — Order! The time set aside for questions has expired.

**Mr Baillieu** — On a point of order, Speaker, earlier today the government tabled more than 150 annual reports. On the last available day many reports were still missing. In the process, Speaker, your office sought to prevent me from undertaking media interviews in the corridor. Speaker, it has been my experience that the media in this place have conducted themselves in accordance with the guidelines. I appreciate and understand that you have now determined — —

**Mr Brumby** interjected.

**The SPEAKER** — Order! I ask the Premier to cooperate so that the point of order can be heard in silence.

**Mr Baillieu** — Speaker, I understand that you have now indicated that that conduct was incorrect and that those interviews were in fact in accordance with the guidelines. I understand you have made that determination of your own accord. I wonder whether you could acquaint the house, members, ministers and shadow ministers with what the guidelines associated with conducting such interviews in Parliament House are, because in my view those interviews were entirely in accordance with the guidelines.

**The SPEAKER** — Order! The Leader of the Opposition is correct. I was advised that a media conference was to be held in the corridor when, as he has said, a large number of reports had been tabled. It was my view that the holding of a media conference in the corridor by the reports at the time when they had just been made available to the house would in fact have impacted on staff members' ability to go about their jobs, which is one of the guidelines that has been issued — that is, that no staff members are to be prevented access to their workplace within the Parliament.

I understand that this is a difficult balance for everyone to strike. Of course the media are able to have access to filming of the reports and, indeed, access to a media interview with the Leader of the Opposition in the corridor. It was perhaps the timing, and perhaps some liaison with my office or with the Serjeant-at-Arms would have actually enabled this to have been organised in a way that did not impact on other members of Parliament trying to get reports and on staff in their ability to do their work.

I think there is a way forward here, but it will need a degree of liaison and common sense. I am happy to have further discussions outside the chamber.

**Mr Hulls** interjected.

**The SPEAKER** — Order! The Deputy Premier!

**Mr Baillieu** — On a further point of order, Speaker, is it your conclusion, then, that before we conduct media interviews we need permission from your office?

**The SPEAKER** — Order! No, I do not believe that that is what I said. I said that there needs to be a balance struck between a number of the general guidelines — that is, the media's right to have access, the right of all members of Parliament to have access, and the staff's ability to go about their work duties. That is the balance that needs to be struck. I think we can do that with a little bit of goodwill — dare I say it? — and some forward notice.

## EQUAL OPPORTUNITY AMENDMENT (FAMILY RESPONSIBILITIES) BILL

*Second reading*

### Debate resumed.

**Mr CLARK** (Box Hill) — As I was saying earlier, the commonwealth WorkChoices regime provides flexibility in determining work arrangements that meet work and family responsibility balances and provides sensible guaranteed safety net provisions. In the WorkChoices fact sheet 14, which has been issued by the commonwealth government, the following is set out which is in addition to the matters I quoted earlier:

The standard provides the minimum amount of paid personal/carer's leave all agreements must contain. This means employees and employers can use agreement making to provide for more favourable personal/carer's leave arrangements.

WorkChoices fact sheet 7, which is also issued by the Australian government, makes it clear that the Australian Fair Pay and Conditions Standard provides for a maximum of 52 weeks of unpaid parental leave, that the parental leave entitlements in the award will be preserved and that where an employee's entitlement to parental leave under the award is more generous than the standard, the more generous conditions will apply to those still covered by awards. The commonwealth regime is set up to achieve, amongst other objectives, the very objective of enabling workers greater flexibility, and to empower both employers and workers to come to arrangements that will help meet family and parental and carer responsibilities.

This bill before the house is heading in exactly the wrong direction. It is trying to coerce employers under threat of an Equal Opportunity and Human Rights Commission investigation and a Victorian Civil and Administrative Tribunal (VCAT) hearing, and that is entirely the wrong way to go about trying to promote a climate that will help workers to meet carer and family responsibilities. Discrimination against workers on the grounds of parental and carer responsibilities is already illegal under Victorian law. Such discrimination was made illegal under the Kennett government. Under existing law, indirect discrimination is defined in section 9 of the Equal Opportunity Act, and this makes it illegal to impose a requirement, condition or practice that is harder for someone who is a parent or a carer to comply with than for others and which is not reasonable.

The bill goes beyond discrimination in the ordinary meaning of the word and seeks to have external bodies

judge what is reasonable or what is unreasonable for employers to do for individual workers on a case-by-case basis. The case that is well known to a number of people around this Parliament, that of the *State of Victoria v. Schou* which was decided in 2004 VSCA 71, is a case in point. The facts of the case were described by Fiona Smith, the chairperson of the equal opportunity commission, in a speech to the Australian Centre for Research in Employment and Work Conference in Melbourne on 24 June 2005:

Deborah Schou was a subeditor working in the Victorian department of Parliament. Ms Schou wished to work from home to look after a sick child during parliamentary debates.

The state of Victoria vigorously contested Ms Schou's claim to do that and, as I have indicated, the case was finally decided by the Court of Appeal in 2004. The judgement in that case makes clear what a radical change to the current regime would be imposed if the bill before the house were passed. In particular, the judgement of Justice Buchanan makes it clear that the Equal Opportunity Act, as it stands at present:

... is concerned with the question of whether a requirement, condition or practice is reasonable. It is not concerned with the modifications to a general requirement, condition or practice that might reasonably be made to accommodate one person's special needs.

His Honour went on later to say:

And if that question is to be addressed whenever it is complained that a requirement, condition or practice is discriminatory, the act will become a means for reviewing the reasonableness of administrative decisions in particular cases. I do not think Parliament intended such a result.

It is ironic that the current state government spent many thousands of dollars opposing Ms Schou's claim and now seeks to introduce legislation that would require employers to do exactly what Ms Schou was seeking. What should be recognised by the house is that the vast majority of employers are more than happy to make reasonable arrangements that will allow them to attract or retain good workers with family or carer responsibilities. However, the last thing employers want is an outside commission or tribunal second-guessing what will or will not be feasible in their workplace on a case-by-case basis. If the bill is passed, every Victorian employer will know that if they agree to flexible arrangements for one employee, those arrangements could be cited as a precedent by any other employee. The bill is thus likely to be counterproductive and will make employers reluctant in the future to agree to any arrangements that may be used against them by another employee after they have made the arrangements with the first employee.

The bill is also setting up the framework for an open-ended form of unfair treatment claim by disgruntled employees, which is just as bad, if not worse, than the unfair dismissal regime that caused so much cost and injustice to small businesses across the nation, and which was addressed by the commonwealth government in its workplace reforms.

The bill, if passed, will impose a new regulatory burden on employers; it will deter employment and will undermine the very flexible workplace reforms that have actually allowed parental and carer needs to be met. What the bill is seeking to do is to give to the union movement the sorts of demands that were rejected by the Australian Industrial Relations Commission in the 2005 family provision test case. In that case the claims made by the Australian Council of Trade Unions (ACTU) and the combined state and territory governments were very similar to what is set out in this bill. They were demanding that employers should be obliged not to unreasonably refuse any changes to work arrangements. The Australian Industrial Relations Commission, in ruling on the claim, said:

... it is important that our decision should be a cautious one and that we should not attempt to deal with all of the situations in which employees may seek additional flexibility. It is evident that the range of different conditions of employment potentially affected by the applications before us is very broad. It would be complex and potentially unfair to employers to introduce changes covering such a broad range of conditions.

That is set out at page 103 of the commission's decision of August 2005. The ACTU, the union movement and state and territory governments have gone to the Australian Industrial Relations Commission and have argued before the commission for provisions of the sort we are now talking about, and the commission has rejected those submissions. Instead the commission approved a range of stipulations that were much clearer, more definite and avoided the manifold problems that would be created by what is now proposed in this bill.

On top of everything that I have already mentioned, this bill will provide for an easily fabricated claim by disgruntled employees and thus add to the potential for blackmailing employers into paying them go-away money in order to settle spurious claims, which has been one of the banes of small and medium-sized businesses across Victoria and Australia. The last thing we want is a return to that sort of regime.

Let me mention briefly a couple of other aspects of the legislation. It applies also to principals and contract workers. The way those definitions are specified in the act they can apply, for example, to a householder or a

small business when they engage a painter to come and paint their house or their office. The painter's employees are entitled to go to the house owner or to the small business that has engaged the painting firm and seek adjustments to individual workplace arrangements for those individual employees. That is an absurd situation.

Another serious consequence for employers, with the suggestion that it would be reasonable in many circumstances to allow employees to work from home, is the consequence under occupational health and safety legislation. If an employer makes an agreement that the worker can work from home or if the employer is pressured by the equal opportunity commission or ordered by VCAT to allow an employee to work from home, then the employer may well incur occupational health and safety obligations in respect of the workplace, being the home, in which the employee is working. That is a whole slate of additional problems for the employer.

The government may say that is all part and parcel of the reasonableness question, but it is clear that the government, by the very examples that it has put in the bill, is expecting that working from home will be one of the outcomes. It has not turned its mind to this issue of whether it is appropriate, by force of this law, to require employers to take on responsibility for the safe condition of the home environment in which an employee may be working.

It is clear that the best way to help workers to get work arrangements that allow them to balance work and family life is to achieve a strong, productive and growing economy that creates plenty of jobs. When there are plenty of jobs around there are plenty of opportunities for employees to find the jobs that suit them. The other way to make sure that we get family-friendly work arrangements is through flexible employment laws that allow individual employers and employees to agree on mutually beneficial arrangements — and that, of course, is exactly what the commonwealth coalition government's industrial relations reforms have been doing.

As I have mentioned previously in this house the report issued by the Australian Chamber of Commerce and Industry in its September *ACCI Review* highlights the benefits to Australians that have come from the federal coalition government's workplace reforms. We have had 417 000 jobs created since March 2006, and a growth rate of 2.8 per cent, which is well above the long-term average. Full-time employment has grown even faster at 3.3 per cent, and real wages are continuing to grow steadily and affordably. Investment

across the economy is at an all-time high of 29.4 per cent of gross domestic product, and labour productivity growth is also running well above the long-term average.

Labour productivity has been boosted both by the unfair dismissal reforms and by the crackdown on illegal and coercive activity in the building industry. We have a strong economy with plenty of jobs, and that is an economy that is going to help those employees who have limited individual bargaining power. Creating a strong economy and plenty of jobs is the best way to go about helping those employees in particular.

It is not just the opposition that is very concerned about this legislation. The Victorian Employers Chamber of Commerce and Industry has also made it clear that it is not prepared to support the bill in its current form. It has made the point not only that it goes beyond the family provisions test case before the Australian Industrial Relations Commission but that it also goes beyond corresponding provisions under the United Kingdom employment regime. In particular, VECCI is concerned about the fact that this bill not only applies to existing employees but also includes persons who may be offered employment.

Quite rightly VECCI has questioned how, when prospective employees have responded to a job offer to the world at large that sets out what is involved in the job and what work arrangements are to apply as part of their performance of that role, it is then fair that the employer who has advertised on that basis and who has attracted applicants on that basis can then be asked by legislation to accommodate the potentially very diverse and presumably at that point unknown responsibilities as parents or carers of the persons who have applied. VECCI is of the view that that is going to be a major extension of an obligation that has previously been confined to existing employees who are already part of an organisation and who have already contributed to the work of that business.

VECCI is of a similar view to us, in that it would be inappropriate to go beyond the protections that already exist in the Equal Opportunity Act. VECCI has made it clear that it fails to see the justification for further amendments to the existing act, that it is best that these issues are left to be worked out in individual workplaces based on the needs of the business and its employees and that heavy-handed legislative responsibilities may in fact work against the interests of employees who are intending to be assisted by such proposals. VECCI also considers it inappropriate to move on these issues at a state level at this time,

particularly with employment matters being regulated at the commonwealth level.

The Victorian Automobile Chamber of Commerce (VACC) has also expressed to the opposition its concern about the legislation. It has made it clear that it does not support the amendments, as the act already contains protections against discrimination on the basis of carer and parental responsibility. The VACC has taken particular issue with the reference in the second-reading speech to guidelines that are proposed to be developed by the Victorian Human Rights and Equal Opportunity Commission. The VACC makes the point that in relation to practical guidelines there is a question as to how much meaningful consultation will take place, and further there is a question of the legal status of the guidelines and whether a breach of the guidelines may be deemed to be a breach of the act.

The VACC questions the claim made in the second-reading speech about WorkChoices having harmed Victorian working families, and it makes the very sensible point that the government does not provide any statistics which show that the Human Rights and Equal Opportunity Commission is receiving an increasing number of complaints relating to discrimination on the ground of parental responsibility or carer status.

It makes the further point that under the commonwealth's Workplace Relations Act 1996 there is a prohibition on the termination of employment on the grounds of an employee's family responsibilities or absence from work during maternity or other parental leave, and that the Workplace Relations Act also provides for equal pay and equal value work. The VACC has emphasised the point to the opposition that a close scrutiny of the proposed provisions in the bill reveals a significant similarity between the content of the bill and what the Australian Council of Trade Unions proposed in its application to amend various awards in the family provisions test case and that the effect of this variation is to implement what the ACTU did not achieve in that test case.

Clearly this legislation is going to add very significant new and highly counterproductive regulatory burdens onto employers, which in turn are going to diminish rather than enhance the capacity of workers to obtain workplace arrangements that make it easier to meet their parental and carer responsibilities. The best way to accommodate those responsibilities is, as I have said before, through flexible employment arrangements, not through a combination of inflexible collective agreements or awards and mandated obligations. This bill, together with the so-called wages protection bill,

shows that the Brumby government is completely out of touch with the real world of employment, and the concern is that this legislation is a foretaste of things to come across Australia if the nation were to end up with wall-to-wall Labor governments after 24 November.

By imposing these unnecessary, unreasonable and counterproductive new burdens on employers legislation such as this is going to add to costs and risks. It is going to reduce employment, and it is going to make it harder for workers with family or carer responsibilities to secure the jobs that give them the work arrangements that suit their needs. For this reason the Liberal Party strongly opposes this bill.

**Mr RYAN** (Leader of The Nationals) — It is a pleasure to join the debate on the Equal Opportunity Amendment (Family Responsibilities) Bill. It must be said that this is a day of dichotomies. This morning some of us participated in the matter of public importance debate. It comprised a matter which was proposed by the member for Burwood, who would have had the house accept, if he had had his way, that there is a new age of cooperative federalism dawning, that we will see a new age of cooperation in federal and state relations and that all of that is best calculated to improve the delivery of services and infrastructure — if my memory serves me correctly — across Australia. That is the general theme of what was contained in his matter of public importance.

He went on to assert that there had been improvements while a Labor government had been in office in Victoria. Unfortunately he then started to exemplify these improvements by talking about the energy market — where, as I was fortuitously able to point out to him, in days of yore when Labor occupied the benches on the side of the house I am on now it demonstrated complete obfuscation and opposition to any notion of change in that particular industry.

Indeed it was opposed right up until the time that Labor assumed government. Now of course we regularly have the less-than-edifying sight of the Premier commenting about the contestability of the Victorian market and how we are amongst the most competitive in the nation.

I make that point because we have here another piece of legislation which has been introduced by the Attorney-General which is really a throwback to the days of yore. It is unfortunate to see it happen. We have a government which continues to profess that it has moved on. At a federal level the party talks about being fiscally conservative and its members present themselves accordingly. They talk about being imbued with new notions of ensuring that we have a

competitive global economy and all the sorts of things that go with it. On the other hand the state government of Victoria introduces this piece of legislation, which is absolutely moribund.

Today at question time the Premier talked about employment levels and housing approval levels in the state of Victoria, about Victoria leading the nation and everything that goes with it. We heard him championing the Victorian economy. All of this was in the context of us debating within the hour a piece of legislation which is a complete throwback. The reality is that the issue about which the government complains is essentially already accommodated within the Equal Opportunity Act. It is already there. What the government now wants to do, across the five categories to which the legislation refers, is try for an expanded version of what it means by the notion of people who are carers and who have responsibilities in that regard not getting a fair go, as it were, in the workplace. It is just a fiction. The actual reason why this legislation is before the house today is best exemplified by what is in the first page and a half of the second-reading speech. This is another rant by the Attorney-General.

When I was looking at using the second-reading speech and having regard to its content I was able to completely dispense with the first page and almost half of the second page — because it was just more of the same old tiresome rubbish which this government cannot help producing in relation to industrial relations issues in particular. It purports to be looking after families, which is a laudable aim, and doing all the things that are necessary to grow an economy, which is also a laudable aim, but the primary focus of the second-reading speech is to whack the principles of WorkChoices. That is why the Attorney-General has it in here.

I am sure members would be interested to know that I even went to the trouble of looking at what *Erskine May* says, because it seems to me that there is a problem with a second-reading speech which goes to the point of, in effect, heaping abuse upon the parliamentary system which enabled the Workplace Relations Act to come into being, such is the extent of the abuse contained within the second-reading speech. But I must report to the house, having checked *Erskine May*, that as a result of a decision taken in the House of Commons there is free rein to have a go at any other form of legislation or any other Parliament which introduces it, and that that is why I am not going to use that point.

What we have is a bill that across five categories of employee or prospective employee seeks to expand

upon the notion of carers' needs not being accommodated. The first is in the case of a person being offered employment; the second is in the case of an employee; the third is in the case of a contract worker; the fourth is in the case of a person invited to become a partner; and the fifth is in the case of a partner in a firm. They are the five categories of people who are said to be affected by what is proposed in this legislation. It is said that in each instance there will be introduced to legislation an expanded version of what one might generally term 'inappropriate conduct' on the part of an employer or a prospective employer or a partner with regard to those five categories of persons. It is provided that any such employer must not unreasonably refuse to accommodate the responsibilities that the person in question has as a parent or carer.

Talking about introducing vagaries to a position of certainty which otherwise applies very comfortably in the marketplace at the moment, this is classically it. Today at question time there was a long debate on a point of order about issues of justification of assertions of fact. I would ask that the members of the Labor Party who are to speak on this bill get up and justify, as the assertions of fact are made here, the basis for this legislation now before the house. I want to hear from the Labor Party about instances where, because they have been treated inappropriately with regard to issues pertaining to their responsibilities as a carer, people have been impacted upon in their employment arrangements or their prospective employment arrangements or in the course of a partnership or a partnership they have been invited to join.

The government has brought in the bill; the government should be able to produce the actual examples that constitute the basis for amending a piece of legislation which is already there and which already accommodates this issue. That is not to say it is not an important issue. That is not the case at all; it certainly is. But that is exactly why the Kennett government incorporated the issue in the form that we have known it up until now — the Equal Opportunity Act — because it recognised that it was something that needed to be accommodated. We understood that, and so it was that we put it in the act in the first place.

The Labor government is now making a substantial change to the way that provision, as we have long known it, will apply in the future. If it is to make that change, it is incumbent upon the government to produce to the house those instances that justify that course of action being adopted. If it does not, all it will do is inevitably achieve a result whereby the small business sector in particular will be faced with even

more problems with issues surrounding the absolutely all-important issue of employment.

As we all know, we are at a stage of virtual full employment in Australia. The dreaded WorkChoices system, as the Labor Party both state and federal would paint it as being, has resulted in more than 400 000 jobs being created across our nation. The Labor government in Victoria and the federal Labor Party are bitterly opposing the WorkChoices legislation, and now the Victorian government, through this legislation, is looking to introduce an absolute minefield around a concept which has never been a problem — at least inasmuch as I understand it. I look forward to being properly informed by Labor Party members as they speak today about the specific instances which illustrate the need for a change of this dimension to be made. Because, make no mistake: this has the capacity to open up the proverbial can of worms with the issue of unfair dismissal, in particular. We know that federally Labor intends to substantially wind back the unfair dismissal laws and that it would make substantial changes in that regard.

**Ms Morand** — Hear, hear!

**Mr RYAN** — I hear the minister at the table calling 'Hear, hear!'. I am interested in what work the government has undertaken to examine the prospective impact of the passage of this piece of legislation on issues of unfair dismissal. The vagaries associated with the terms that have been employed will incite the re-emergence of the sorts of problems which, up until now, had been cured. We do not have a problem. Why is the government trying to introduce this legislation with all that it involves and to bring uncertainty to an area where at the moment there fundamentally is none?

I am also conscious of the commentary that has come from various sectors of our business community. The member for Box Hill has referred to the Victorian Employers Chamber of Commerce and Industry and the Victorian Automobile Chamber of Commerce. I have before me some correspondence from the Victorian Farmers Federation. In correspondence dated 29 October — only a couple of days ago, so it is hot off the presses — the VFF has written to Minister Hulls putting three concerns on its part in relation to the probable impact of this legislation. This letter is written over the signature of Alan Bowman, who is the chairman of the VFF Industrial Association. He says in his first point:

There is a potential for indirect discrimination against employing individuals who have caring responsibilities by filtering those applicants out during the interview stage. Moreover, some employers would be reluctant to employ

individuals if they had to conform to section 13A(2) requirements. Employers already have a large number of requirements to satisfy when employing labour such as —

and he defines a number of areas there. The letter continues:

In determining whether an employer unreasonably refuses to accommodate the responsibilities that a person has, as a parent or carer, the employer must consider eight or more criteria —

and I pause to say that that is as things are —

and this is an additional burden placed on employers and it is not an easy test to administer or determine. It would also be time consuming.

The point he makes is absolutely right. It is going to be yet another element in what employers have to go through, and what employees are going to be subjected to as well, I might say, if we see the passage of this bill. In his second point he also says:

The bill also details an example in section 13A(1) —

and he quotes it. He goes on to say:

The VFF believes that if an employer alters the working hours for an employee, there may be penalty rates applicable and the employer would therefore have to pay the employee extra for changing the working hours.

In addition, there would be occupational health and safety requirements —

and he goes on to make further points on that issue. There is a third element. He says:

The amendments to the bill do not take into account the impact on small businesses and the difficulties of satisfying these amendments.

There, I believe, is the nub of the point. At the present time the small business sector, as it often reflects in commentary to parties of all persuasions, feels that it is tied to a large degree by the enormous procession of red tape, which seems to be part of the way in which the business sector has to function across Victoria and indeed across Australia. I make that comment in the generalist sense of incorporating of course those who work not only in the small business sector per se in a retail or commercial undertaking but also obviously those who work on farms and those who work in agribusiness generally. All of them are subject to the myriad constraints which go with being in business these days. To now impose the additional layer of bureaucracy which is associated with the use of this legislation is, one, unjustified and, two, a complete throwback to when industrial relations disputes had their heartland going back years ago.

What Labor in Victoria and federally does not understand is that employers, particularly in a time of full employment, invariably regard their employees as being their best asset. Even if you are looking at it in straight-out commercial terms, that is the way they see it. That is leaving aside the strong personal associations that develop between employers and employees, particularly in the small business sector.

Opposed to the practical reality of that we have the Labor government bent upon a them-and-us approach which simply cannot accept that there is a constructive relationship that develops between employers and employees where no-one is trying to get at anybody. Rather, employers are trying to grow their business, and for that purpose they recognise that they have to have employees who are going to be able to do what is asked of them in the workplace. On the other hand, for the very main part, employees simply want to go along to work, be able to earn whatever is appropriate for the occupation they are involved in to attract by way of wages and salary and then go about their lives in the normal way in which Australians at large do.

As opposed to that fundamental structure, which underpins our economies and our communities generally, you have this Reds-under-the-beds approach by the Labor Party which seems to suggest that somehow or other people are all out to get each other. Just to make it clear, I am the first to say that you are going to have rogue employers and you are going to have rogue employees, and you cannot pass laws forcing people to be nice to each other. The world does not work like that. For those of us who have employed people, the strong incentives that operate in the structures of our communities now are such that there is an issue of mutual interest there which is uppermost in the minds of all concerned. They all recognise that you cannot fulfil the core aspect of having a small business operate unless there is a mutual understanding between the parties that it is in the best interests of all that employers are able to employ people who want to do the job and who are capable of doing it. They all know that on the one hand you have employers who are happy to participate in training employees and making all the investments that go into having a workforce established, and on the other hand you have employees who are anxious to do no more than a fair day's work for a fair day's pay and to be able to advance themselves and their families in the way in which they live their lives.

The Labor Party stands aside from this, and for reasons which, as I said, are certainly not justified in the ranting second-reading speech and which to date at least have not been justified by the Labor Party in the course of

this debate, we have now introduced into the legislative program a piece of legislation which is only going to bring uncertainty to an area which is already accommodated under the terms of the Equal Opportunity Act. As I said before, it is already accommodated within the act because we, as the former coalition government, clearly understood that, although the relationships I have described today are critical to the way in which business functions and individuals function and communities function, you need a framework within which those relationships can operate, and that is what we have always had up until now. Why try and fix this if it ain't broke!

I call on the members of the government who are now to speak to actually produce to the Parliament the specific examples which warrant the sort of activity that will be accommodated by the terms of this bill.

**Ms GRALEY** (Narre Warren South) — It is a pleasure to be able to speak on the Equal Opportunity Amendment (Family Responsibilities) Bill 2007. From the outset, for the information of those in the chamber, I indicate that I stand here today not just as a woman with family responsibilities but also as a person who has run a small business, employed people and provided family-friendly practices for those people. I would also like to commend the bill as a fine piece of up-to-date legislation that is dealing with a real, contemporary issue that faces many family members who have not only family responsibilities but very complex caring responsibilities.

The bill amends the Equal Opportunity Act 1995 to implement one of the government's key election commitments to protect family time in the area of employment. The Brumby Labor government has an unequivocal commitment to protect and support Victorian families, and that includes standing up for all working families, whether they be employers or employees. Working parents and carers should not be discriminated against — I have hardly heard the word 'discrimination' come from the opposition benches — in trying to find a decent balance between their parental and carer responsibilities or be prevented from fully participating in the workforce because of their responsibilities. The bill emphasises that employers should give due consideration to what they can do to accommodate their workers' family responsibilities. Employers should not refuse to accommodate a person's family responsibilities unless it would not be reasonable in all the circumstances to do so, so there is some clarity there.

This bill is about providing the means for employers to take a flexible, fair approach to working arrangements

and to accommodating their employees' family responsibilities. I have heard from the other side of the house — ad infinitum, really — about how good employers are. I agree that most employers are good, considerate, smart and productive people. They are aware of the need to accommodate family and carer responsibilities. But there are some who are not, and this legislation will be very helpful in that regard. This legislation is about ensuring that workers with family responsibilities are not disadvantaged.

There is overwhelming evidence in Australia in particular that women are having difficulty combining family and work responsibilities. Women are staying out of the workforce or not participating to the level that they would like to because of the strain that is caused by family responsibilities — as well as the failure of the federal government, I might say, to provide adequate child care. We know there is evidence of discrimination in the workplace, and I will get to that. We are aware from academic studies that family and carer responsibilities are a real barrier to workforce participation. It is obvious to everyone — members should ask the constituents who turn up to their offices — that the harsh effects of WorkChoices are making it much harder to balance work-family responsibilities.

I remind the house that in 2001 the Prime Minister, John Howard, declared that the issue of balancing work and family life was a barbecue stopper. I have to tell members that under WorkChoices Victorians are being left with the charred or burnt chop. Members might recall that when John Howard was asked what he was going to do about it, he stood there quite flummoxed and had very little to say about what he was going to do.

A number of important reports have been done on this matter. The Human Rights and Equal Opportunity Commission report, entitled *It's About Time — Women, Men, Work and Family*, which was commissioned by one of John Howard's favourite people, Pru Goward, was produced following a very extensive consultative program. According to that report, Australians say that they are struggling to meet the time demands of paid work and care, particularly at key points in the life cycle. There is also tension at key points in the daily and yearly cycle, such as after-school hours. The overwhelming feeling is that employees are so pressured by the combined demands of paid work and family life that better ways of combining them have to be found.

I also draw the attention of members to the evidence in the workplace. There is obvious evidence of

discrimination in the workplace. In the Office of the Workplace Rights Advocate's report, *Hard Labour? Pregnancy, Discrimination and Workplace Rights*, members will find evidence of a wide range of discrimination, including that flexible or part-time work was not given due consideration, that there was no provision for breastfeeding in the workplace and that women were excluded from activities such as staff meetings or strategic planning — they were just left out and not included. Complaints reveal that there is a need to address the situation where an employer refuses to accommodate the family responsibilities of the complainant. That is what this legislation is about.

I was quite interested to hear the member for Box Hill's version of WorkChoices, which was quite sugar coated, to say the very least. There is no doubt that WorkChoices has attacked the rights of working families by cutting wages, removing hard-won conditions from awards and focusing on individual bargaining, where women especially are at a disadvantage. I point out that today we have the results of the reports to the workplace rights hotline. They show quite clearly that the fairness test is a sham. The data shows that complaints about intolerance in the workplace, including grievances over maternity leave, work and family issues, and sex discrimination, have increased by almost 90 per cent since the test was introduced. Complaints about underpayment of wages have risen by 74 per cent, and complaints about leave entitlements are up 43 per cent. There is no doubting that WorkChoices is biting into the quality of life of families, especially for women and those with carer responsibilities.

I acknowledge that in certain cases some employers are doing a terrific job. I acknowledge also that a lot of employers are reluctant to accommodate family responsibilities. I refer members to a study reported in *Family Matters*. In talking about people who own businesses it states:

... others argued persuasively that workplaces can actively contribute to a culture of equality through, for example, providing family-friendly policies and supporting positive attitudes towards workers with family responsibilities in the workplace.

...

Many employers and managers recognised that long hours were not necessarily associated with improved performance or greater productivity —

things we are all interested in, such as making the economy better, including providing more jobs —

with some noting that it can have a negative bottom-line impact —

on their business.

A male middle manager noted that: 'If you make life difficult, that does have an impact on productivity and retention'.

All members know that there are terrific examples of firms doing things. This legislation will help other firms to do things. I refer members to some up-to-date information. This week's *BRW* has a terrific case study of a woman's firm that is no. 32 in the fastest rising companies in Australia. Carman's Fine Foods is an outstanding Victorian company.

**Mr Carli** — Who wrote it?

**Ms GRALEY** — Jane Lindhe. In her workplace the director of Carman's Fine Foods has provision for family-friendly activities. She has a room where children can stay when mothers are looking for some assistance, especially when their children are sick. In the article she is quoted as saying about her business:

I believe in the brand. I think we could be a lot bigger than what we are now. I think the sky is the limit ... as long as it doesn't jeopardise my quality of life.

She is a go-getter, but it is not only about the employed workers but also about the people who own the business having quality of life. A family-friendly workplace is a good thing for everybody.

I finish by mentioning that there have been a number of reports, and there is a lot of information around. John Howard has done nothing, and we have been left with the charred sausage. Balancing work and family life is a real issue out there. This legislation is about doing something. It paves the way for tackling the issue of family-work balance, providing the legislative force to enable a cultural shift. It is good news for women, men, children, grandparents and society, as it is an important vehicle for overcoming longstanding stereotypes and promoting systematic change in the workplace and in the community. I commend the bill to the house.

**Mr WAKELING** (Ferntree Gully) — When bills such as the Equal Opportunity Amendment (Family Responsibilities) Bill come before this house we see this government for what it is. Let us be very clear that this government, when it comes to the question of supporting business, particularly small business in this state, is squarely no supporter of business in Victoria. When the Leader of The Nationals raised the issue of unfair dismissal, we had a minister at the table who was chortling — salivating — at the thought that businesses in this state are once again going to have to be beholden to unions, and more importantly have to put up with unfair dismissal claims. As somebody who has spent the last 15 years convincing small businesses to put

their hands in their pockets to make unfair dismissal claims go away, I believe this piece of legislation will see a return to the bad old days.

This bill is proposing to implement new provisions with respect to prospective and current employees. As has been put before, this bill is seeking to implement a wide range of new provisions which is going to lead to uncertainty and provide those in the legal fraternity with ample opportunities to deal with these matters before the court. One only need look at the provisions in the bill to see an employer is going to be bound to demonstrate that they have accommodated an employee's, or potential employee's, family responsibilities. It looks at the individual circumstances of an employee, including the nature of the responsibility as a parent or carer, the nature of the arrangements required to accommodate those responsibilities, the financial circumstances of the employer, the size and nature of the workplace, the employer's business, the effect on the workplace and so on.

We actually have legislation at the moment which allows for businesses to work with their employees, and that is the WorkChoices legislation. Under WorkChoices we have seen hundreds of thousands of new jobs created. In fact my old employer employed 10 000 people across this nation, and many of those were women. Many of those women were working hours that suited their needs, because they negotiated their hours with their employer, be it full time, part time or casual. What this bill is proposing to do is to smash this situation with a sledgehammer. It is not about the parties getting together and reaching an agreement that suits the needs of the worker and the business. It is about this government's heavy-handed approach, legislating to smash the needs of business, and particularly small business, for which those opposite have no concern. Employers will face situations where it will be much easier for them to hand an employee \$2000, \$3000 or \$4000 to make a discrimination claim go away than to deal with the provisions of this bill.

The bill predominately deals with issues that came out of the matter of the *State of Victoria v. Schou*, which involved a former employee of this organisation. Ms Schou was a Hansard subeditor. That matter was in the court system for a number of years. In fact I believe it went through four separate appeals. At every point in the case the government opposed the application of Ms Schou. Ms Schou was seeking provisions similar to those in this bill, and this government fought her every step of the way. The irony is the government won the case. In introducing this bill into this house, someone in the government rolled the relevant minister who was

responsible for funding the Schou case. I find it quite ironic that this is a government which spent thousands and thousands of dollars fighting a case and which now is seeking to introduce similar provisions as those sought by Ms Schou.

One of the interesting things to note about the bill is that clause 4 amends section 3(b) of the Equal Opportunity Act by removing one of its objectives, which prohibits discrimination on the basis of various attributes. That is one of the major tenets of the Equal Opportunity Act. You actually have to be discriminated against on the basis of an attribute. That is the purpose of equal opportunity and is what it is about. It is not an opportunity to take an employer to court because you do not like them, or a decision did not go your way. It is for a breach involving an attribute.

Clearly this is a government that is moving away from the intent of the Equal Opportunity Act. This legislation is going to be a de facto form of unfair dismissal, because the government is not happy with the current provisions in WorkChoices.

As has been mentioned before, organisations such as the Victorian Employers Chamber of Commerce and Industry, the Victorian Automobile Chamber of Commerce and the Victorian Farmers Federation have all come out and criticised aspects of this bill, because they stand up for small business. The Liberal Party is standing up for small business and The Nationals have put their views on the table. However, there is one group in this house who is not prepared to stand up for small business, and that is those members sitting opposite. They will stand up in this chamber and say, 'We are here, encouraging business', and in question time they will say how wonderful it is to encourage businesses within this state, but then they turn around and introduce legislation like this without negotiating or seeking support from local businesses.

I have spoken to businesses in my electorate, and they certainly do not support the provisions of this bill. One only need look at the Australian Industrial Relations Commission's (AIRC) own test case on this matter. The test case that was put forward was rejected. We have a government now that is seeking to go further than the provisions of the commission's own test case. The panel members who heard the test case were no supporters of business. One only need look at the decisions that have been handed down by the AIRC and its members. They have rejected what is proposed in this piece of legislation.

One thing I find ironic about this whole bill is that it refers to individual negotiation. I do not understand

how individual negotiation sits with collective bargaining, because as members know individual negotiations under WorkChoices are done through Australian workplace agreements (AWAs). But of course we are getting rid of AWAs because we do not want individuals to negotiate better deals than other employees! They have to have the same terms and conditions as everyone else in their workplace.

**Ms D'Ambrosio** interjected.

**Mr WAKELING** — How can you have employees working five days a week from 9.00 a.m. to 5.00 p.m. and then have this piece of legislation saying, 'Go off and negotiate your own individual agreement, but by the way, you actually can't, because we are getting rid of AWAs.'?

**Ms D'Ambrosio** interjected.

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

**Ms D'Ambrosio** interjected.

**The ACTING SPEAKER (Mr Ingram)** — Order! It is not appropriate for the member for Mill Park to point across the chamber and yell like that. To then defy the Chair when I repeatedly call her to order is inappropriate.

**Mr WAKELING** — What those opposite are trying to do is defend the indefensible, because all we are doing is pointing out that this is a government that is high on rhetoric but when you look at the facts you find that they do not stack up.

Another point I would like to examine is that one of the major problems with the equal opportunity commission is that any matter that is brought before it can be referred to VCAT (Victorian Civil and Administrative Tribunal) regardless of the status of the claim. This was dealt with in the matter of *Fletcher v. Salvation Army* by the then Justice Stuart Morris, who stood as a candidate for the Labor Party and is certainly no friend of the Liberal Party. He criticised the current process and said that in a case where a matter has been defeated in the equal opportunity commission but then referred to VCAT:

... I recommend that consideration be given to the amendment of the act to require a person seeking to pursue a claim before the tribunal to obtain the leave of the tribunal before the proceeding is initiated.

That is exactly the problem with this system. Under the Equal Opportunity Act a matter can go to the equal opportunity commission, be thrown out and still be

referred to VCAT, and at the end of the day business puts its hand in its pockets to make the matter disappear. This is bad legislation that demonstrates this government's lack of commitment to business. I call on members to vote against it.

**Ms MORAND** (Minister for Children and Early Childhood Development) — I appreciate the opportunity to speak briefly on the Equal Opportunity Amendment (Family Responsibilities) Bill. Firstly I want to commend the Deputy Premier on the introduction of this bill, which is going to provide greater certainty and balance for working mums and dads. Work and family balance is an enormous issue for our current generation. It is harder and harder as more and more parents return to work. Both parents are working, women are returning to work earlier and earlier and there are a lot of single parents trying to balance their work with their children. We need an industrial climate and an employment culture to help families balance those really difficult demands of work and families.

I know how hard it is to balance work and family, and it was particularly important to me when I had preschool and primary school-aged children to be able to work part time and work flexible hours — for example, starting later or finishing earlier — and to perhaps seek some unpaid leave in school holidays. I was very lucky that those options were supported by my employer. Not everybody has the luxury of such flexible work arrangements, and unfortunately under WorkChoices it is harder for some people to gain access to family-friendly hours. As the member for Narre Warren South said, some workplaces are terrific; they are family friendly, and they try to balance the needs of employees. They are the smart employers, who realise that helping people to continue to work in their business is good for their business. However, that is not everybody, and we need to make sure that employers do not discriminate against employees who are trying to balance their work and family commitments.

Unfortunately WorkChoices has really undermined the confidence of people in seeking work and family balance. As Victoria's Minister for Women's Affairs I am increasingly concerned about the impact on Victorian women and families of WorkChoices. One by one we will hear opposition members get up and speak on behalf of business. They are always speaking about the impact on business and the burden on business, but you never hear them saying a word about the workers. It is about a balance.

**Dr Napthine** — They create the jobs. They employ people.

**Ms MORAND** — Yes, but you do not have a business unless you have workers. They only ever talk about one side. They only ever talk about the burden on business. You need workers to support your business in order to have a good business. We never hear a word from the other side about the workers.

Over the past two years the Victorian government and its agencies have commissioned a series of reports about the consequences of the industrial relations changes made under the federal government. All of them without exception have been critical about WorkChoices and the way it has undermined the rights of working families. I want to refer to a report prepared by RMIT University academics which the Minister for Industrial Relations and I launched recently. It found that WorkChoices entrenched gender inequality by cutting ways to access better work and family balance.

**Dr Napthine** — Did you fund it?

**Ms MORAND** — The interjection from the other side seems to imply that, if you fund a research project, you predetermine the research outcome. That is an outrageous slur on all academics who do work for governments. That says that any academic is going to predetermine the outcome of that research if it is funded by government. That is an outrageous slur on all academics, and it should be withdrawn.

The federal Treasurer, Peter Costello, said we should have one child for mum, one child for dad and one child for the country, but what he failed to mention is that that was going to make it extremely difficult for mums to return to work. They will be at much greater risk of discrimination when they do try to return to work in the industrial climate we have now. The Victorian government has listened to women and families, and we agree that women deserve fairer and more balanced treatment for themselves and their families. I commend the Deputy Premier for seeking that balance of rights for working families, and I commend the bill to the house.

**Mr MULDER** (Polwarth) — I rise to support the shadow Attorney-General, the member for Box Hill, in opposing the Equal Opportunity Amendment (Family Responsibilities) Bill. Once again we find that in the first few months of Victoria having a new Premier we have a bill before the house that seeks to impose even further burdens, more shackles and more red tape on Victorian employers.

The Premier gave a commitment that one of his aims was to reduce red tape, to reduce burdens on business, and yet each time we come to this place we find

ourselves being confronted with bills that work against employers. If they work against employers in this state, they will eventually work against employees. That is what the Minister for Children and Early Childhood Development, who is at the table, has to understand.

**Ms Morand** — That is not true.

**Mr MULDER** — As someone who has employed up to 300 people at one time, I can assure you that if you burden business too greatly with red tape, if you drive wedges between employers and employees, then you will create a situation where employers will be reluctant to take on additional employees. That is the way it works.

It just appears that this is a government agenda to continue to create as much confrontation as it can in the workplace and for this Premier to create confrontation between workers and employees. This bill is designed to spark confrontation, and that is what concerns the Liberal Party. It is antibusiness, it is anti-employer, it is anti-employee and it is anti-community. That is what the minister at the table has to understand. It will impose another regulatory burden on employers, deterring employment and undermining the flexible workplace reforms that have actually allowed parental and carer needs to be met. Those provisions are in place at the moment. You have to ask what the government has against employers that makes it continue to drag these bills before the house.

I am a former employer. I am not sure whether the minister at the table has found herself in the position of employing around 300 people. In individual cases I would have liked nothing more than to go to women, particularly those who worked in my office, and say, 'Listen, I know you are a single mum. I know you have children at home. I would like to tell you to finish at 3.30 p.m. and take the accounts home at night, if you like, and start a bit earlier in the morning. If you want to go and pick the children up, I am prepared to sit down and negotiate that with you. You are a valued employee, and I will do that'. But if you were caught with these inflexible arrangements, you could not do it. That is what WorkChoices was all about. It was about being able to sit down, discuss and carry out these arrangements — —

**Ms Morand** interjected.

**Mr MULDER** — If you were in the workplace, you would perhaps understand it. The problem is that there are not enough people on that side of the house who have actually employed people and understand the true working relationship between employers and

employees. Today in particular, when you have very low rates of unemployment, thanks to the work of the federal government, the employees are in a very strong bargaining position.

**Ms Morand** — Not all of them.

**Mr MULDER** — They are in a very strong bargaining position, and if you are running a business, you know and understand that. You value your employees, you look to protect your employees and you look after your employees. That is what happens. But the government continues to refuse to accept that and tries to throw this template over the top of every employer across the state that is designed to do nothing more than create confrontation. That is exactly what this will do; it will spark confrontation.

Whether government members like to admit it or not, situations occur — and we had it with unfair dismissals — where claims that were not valid were continually lodged against very small business operators who did not have the capacity to fight them. They ended up paying go-away money or ended up getting dragged through the system, completely disrupting their workplaces. I have not had a whole host of people knocking on my door since the unfair dismissal provisions disappeared. No-one has come knocking on my door, saying, 'Hey, everybody is out there sacking people, and it is being done unfairly'. It simply is not happening. They placed massive shackles on businesses and were an unfair burden.

**Dr Napthine** — What has happened is that there has been growth in employment.

**Mr MULDER** — There has been a massive growth in employment since that happened.

We have all been through these situations in the workplace. A lot of us have raised our own families, for instance. I had people working with me who wanted to go off for 2 hours and coach a junior football team or who had young people involved in a pony club. They said, 'I know I am rostered on Saturday, but I would like to make some other arrangements', but at the time it could not be done. WorkChoices actually allowed businesses to do that. What this legislation does is drive a wedge between employer and employee. It says 'you must'. What is going to be considered reasonable? The legislation states:

A principal must not, in relation to the work arrangements of a contract worker, unreasonably refuse to accommodate the responsibilities that the contract worker has as a parent or carer.

That of course is going to be determined when the employer gets dragged off before the Victorian Civil and Administrative Tribunal. Then again, the principal may be able to accommodate their responsibilities. It is saying 'you must' and then 'you may be'.

This legislation is so antibusiness that I have no doubt that if it is put in place it will absolutely have an impact on employment. Employers will start to look at this and think, 'I have to now sit down and try to arrange my entire day's work around the fact that a person is available to attend a staff meeting only at 3.30 in the afternoon'. Therefore everybody else in the whole workplace will be disrupted to ensure that that particular person can be accommodated.

There are things called apologies. When you have business meetings you say, 'I apologise that I cannot be there'. You do not disrupt an entire organisation. What if you have 2, 3 or 4 of these people who all want to be accommodated at a staff meeting? You are going to be spending all day making phone calls to the other 16, 17 or 18 people trying to accommodate the individual needs of 3 or 4. In a work environment you simply say, 'I apologise, I simply cannot get to that particularly meeting. However, I have some matters here that I would like to raise. Somebody can raise them on my behalf, and I am willing to pass them on'.

What absolute tripe this legislation is! Like the unfair dismissal provisions, this legislation will impact on businesses if it finds its way through the Parliament. Once again, and this matter was raised by the member for Ferntree Gully, how does this actually work with collective bargaining? If you are going to have a collective bargaining arrangement, what do you do when you have all these individual arrangements being negotiated in the workplace? The state government wants a bit of WorkChoices, but it does not want it all. It wants a bit of collective bargaining, but it does not want it all. That is what this is all about. This particular piece of legislation is absolutely wrong. There are others to follow in this week of Parliament. It is about more red tape, more regulation and more attempts to drive a wedge between employers and employees.

The business community would have to be absolutely disgusted at the first few months of the agenda of the Premier of this state. He gave a commitment to be pro-business, but he now sits back and supports this type of garbage going through the Victorian Parliament. I am absolutely opposed to this bill.

**Mr CARLI** (Brunswick) — I am very pleased to rise in support of the Equal Opportunity Amendment (Family Responsibilities) Bill. It is a bill that deals with

the issue of discrimination. It does not deal with collective bargaining or the lack of collective bargaining or the attitudes of employers in their relations with employees; it deals with the issue of discrimination. We have dealt with the issue of discrimination for a number of years using the Equal Opportunity Act. What this legislation does is expand one of the attributes of the Equal Opportunity Act. The purpose is to ensure that where discrimination occurs, the person, carer or parent can be protected.

It is very much about the issue of balancing work and family life. This is a piece of legislation that is about protecting both carers and people who have parental responsibilities. This bill expands the purpose of the act and the range of what constitutes discrimination against parents or carers in employment and employment-related areas. In relation to work arrangements it requires an employer, a principal or a firm to not unreasonably refuse to accommodate the parental or carer responsibilities of a person offered employment or an employee contract, a person invited to become partner in a firm or a partner in a firm. It is really about defining the acts of discrimination that could occur. It allows that parent or carer to go to the equal opportunity tribunal in cases of discrimination.

We were given a challenge by the Leader of The Nationals, who said, 'Where are the examples of this discrimination. Do they exist?'. We know that they exist; we have evidence of it. One that has come to my attention is the August 2007 report of the workplace rights advocate. That document is called *Hard Labour? Pregnancy, Discrimination and Workplace Rights* and documents discrimination in the workforce. It was prepared by the Centre for Applied Social Research at RMIT and deals with 13 women and issues relating to pregnancy-related discrimination. It is quite specific, but that is certainly one issue that would be covered by this bill.

It found a number of things that affected those women. The question then becomes whether they were unreasonably refused and whether they were not accommodated in terms of their responsibilities as carers or parents. The types of things that affected those women included the lack of flexibility in the work. They were not given due consideration, and their options were not considered. It was not as though the employer considered the opportunities — they just were not considered. There was no provision for breastfeeding in the workplace, and women were excluded from activities such as staff meetings. There were a number of negative impacts on those 13 women, and they were part of that study.

There was an impact on their wellbeing. There was obviously a financial impact on them, and there was also an impact in terms of their potential employment outcomes. This important bill extends, if you like, one of the attributes of the Equal Opportunity Act. It looks at the issue of discrimination and allows a parent or a carer to take action when there is a lack of desire to provide any flexibility to allow that person to fulfil their responsibilities as a carer or parent. This is incredibly important, as we see many families where both parents work or situations where we are encouraging carers to come back into the workforce while providing that level of care. We have a situation of near-full employment, but we also have a situation where WorkChoices has taken away a lot of the rights of workers. This protects rights and ensures that workers in those situations can take action in cases of discrimination. I want to emphasise again that we are dealing with the issue of discrimination.

**Mr MORRIS** (Mornington) — It is a pleasure to rise and contribute to the debate this afternoon on the Equal Opportunity Amendment (Family Responsibilities) Bill 2007. As the bill tells us, the purpose of this legislation is to amend the Equal Opportunity Act 1995 to expand the range of what constitutes discrimination against parents or carers in employment and employment-related areas. If the bill passes, it will certainly achieve that. It will expand the range of what constitutes discrimination. Whether it will result in more people in the workforce, I very much doubt.

Whenever I look at a bill, and I am sure I am not alone in this, there are a few things I like to take into consideration: is the bill in the public interest? Does it advance the interests of Victoria or Victorians? Does it make us more internationally competitive? Does it boost the standard of living? Does it have environmental benefits or social benefits? I do not think this bill achieves any of those things. It is certainly not in the public interest. It is not going to advance the interests of Victoria or Victorians. It indeed fails every test. It is mad, bad and very, very dangerous legislation. It is real throwback stuff. It is couched in terms of social progress, but the reality is that it is back to the bad old days. It has the fingerprints of the union movement all over it.

The legislation will fail. It will probably get through this house, given the state of the numbers, but it will fail in its purpose because it heaps burden after burden on employers. It gives people, particularly those in small business, reason after reason not to hire staff. It probably will not affect employment fatally in terms of large businesses, because they already have human

resources departments and they deal with the regulation that we have from day to day — they are used to red tape. It will not help, but it probably will not fatally hinder that process. Small business does not have that luxury; it does not have all those extra people.

If you place too many obstacles in the way, small businesses stop hiring. As soon as you take the obstacles away, as we saw with the unfair dismissal stuff, they start hiring again. That is a fact of life. One thing that has always amazed me is why people who profess to stand up for the worker, to stand up for working people, do so much to destroy jobs. Again and again and again we see legislation introduced by people who profess to be looking after the interests of so-called working Australians when they are bringing in legislation that destroys jobs.

If we look, without delving too much into the innards of the bill, at the provisions that really are a problem, we see that section 6 of the principal act defines the attributes that form the basis for a claim of discrimination in the way a number of speakers have mentioned. These are things like age, lawful sexual activity, political belief or activity, pregnancy, religious belief, sex, sexual orientation et cetera. They are all reasonable things. There might be a few dinosaurs around who think you should still be able to discriminate on the basis of those issues. I do not think anyone in the house is of that view, and I am certainly not. The point is that they are all personal attributes — they do not impact on the running of the business. Where we get into trouble is with the extension of the meaning of ‘discrimination’. What is proposed brings a very different approach to the legislation. It changes the nature and intent of the current act in a way that is not at all attractive.

If we look at the proposed changes, we find that the principal ones are in clauses 7, 8, 9 and 10. Clause 7 inserts new section 13A to introduce provisions to prevent discrimination against applicants for jobs. Clause 8 does that for existing employees, clause 9 for contractors and clause 10 for partners. Basically there are one and a half pages of legislation for each category — six pages in all. Each one is virtually word for word the same, apart from the examples, and seeks to bind employers in a straitjacket — they must do this, they must do that — with imprecise, even sloppy language. Never once do we see the responsibility of an employee mentioned; it is all about what the employer must do or must not do. If we look at the language in clause 8, for example, we see that it states that ‘an employer must not ... unreasonably refuse’ and ‘all relevant facts and circumstances must be considered’.

What is meant by ‘unreasonably refuse’? What are the ‘relevant facts’?

Looking down further to proposed section 14A(2), how much information should an employer really know about the employee? It seems to me that under this legislation the employer has to know an awful lot more than they are entitled to know in terms of personal circumstances. How much does the employee need to know about the business’s circumstances? How much do they need to know about the actual financial circumstances of the business, of the employer? I think they are all entirely unreasonable things. As I said, the language is sloppy. Even the second-reading speech concedes that further work is required. To quote from the second-reading speech:

Further practical guidance about these requirements will be provided in guidelines that are to be developed by the Victorian Equal Opportunity and Human Rights Commission ...

What a joke! I am sure the equal opportunity commission is very good at what it does — I have no doubt about that — but practical guidance comes from practitioners, not from regulators and not from umpires. The biggest problem with this legislation is the heavy-handed, bureaucratic and ultimately ineffective approach that we have come to expect from this government.

I want to make something very clear: I do not have a problem with the sentiment; I have a problem with the government’s approach to the issue. Work-life balance is important. It is something that most of us in this place are not good at. Family duties, whether as a parent or a carer, are important. It is also important that we work hours that allow us to maintain our relationships with our partners. All those things are very important. All of us in here know those things. I think any thinking employer understands those things as well.

We also know, and this is probably about the only comment in the second-reading speech that I agree with, that training new employees is very expensive. I suspect the quoted cost of around about \$17 000 is in fact only a fraction of the real cost. Unhappy workers are less productive workers, so it makes good economic sense to look after your employees and to be as flexible as possible in the work arrangements. It is good for the employee, and most importantly from the business point of view, it is good for the business.

We on this side of the house understand that every business is different. Every employee is different, and the solution that is required in every workplace will be different. That is the only way we will ever achieve

balance. It is the only way we will ever achieve results that work for the employee and for the business. You will not get that by legislation or regulation, and you certainly will not get it with the sort of backward-looking, bullyboy, standover tactics implicit in this bill. I urge members opposite to live up to their rhetoric for once and stand up for the interests of the workers, not the interests of the unions.

**Ms BEATTIE** (Yuroke) — It gives me great pleasure to rise to support the Equal Opportunity Amendment (Family Responsibilities) Bill 2007. It certainly gives me great pleasure to follow on this side of the house the member for Brunswick, because he got it in one and just nailed it perfectly. This bill is not about WorkChoices, and it is not about good employees and bad employers. It is about discrimination.

Members opposite challenge us to point out examples of discrimination. I can certainly tell them that, along with the member for Mill Park in one of her previous employment activities in the union I was involved in, the Australian Services Union, whose members were predominantly female, I saw cases of discrimination every day. Every day of the week we saw women returning from maternity leave whose jobs had suddenly vaporised into thin air. We saw women returning to the workforce whose wages were suddenly cut. We can give them those examples. They are not empty examples — they are real-life things that are happening every day.

We hear how much this is going to cost employers. I can say that it will cost them nothing if they do not discriminate against workers. We hear members opposite say that workers will trot off to the equal opportunity commission and that they will get \$3000 or \$4000 just to go away. I can assure you, Acting Speaker, that the equal opportunity commission does not hand out \$3000 or \$4000. You have to go through a conciliation process first.

*Honourable members interjecting.*

**Ms BEATTIE** — You don't know about that. You have never been out in the real world, so you do not know about it.

**The ACTING SPEAKER (Mr Ingram)** — Order! Through the Chair — and I assure the member that I have been out in the real world.

**Ms BEATTIE** — The member for Ferntree Gully, who has had his turn, revealed that he did not even know what an employer was. He did not know the difference between the Parliament of Victoria and the

government of Victoria as employers. He has had his turn, and he should just sit down and learn a little.

This bill does not provide for special treatment but aims instead to ensure that employees are not discriminated against and that they can enjoy their full legal rights without fear of discrimination. As I said, there are difficulties in combining work and family responsibilities. We know that the workplace, like every other form of life, evolves and changes, but the thing that does not change is that you cannot discriminate against a person. We always hear that the future generation is our greatest asset. If you believe that the future generation is our greatest asset, then you will allow people to care for that great asset we have.

When people are returning to the workforce there may be changing circumstances. On this side of the house we say that if you sit down and talk about those changing circumstances, there will be no problems. But if you seek to address those changing circumstances by discriminating against a person because they are female or are returning to the workforce after having been on maternity leave or have family responsibilities, then you are discriminating and you should be at the appropriate tribunal. But if you have nothing to fear because you have not discriminated, you will not be at the tribunal, and you will have a happy, contented and loyal workforce. I might add that loyalty in the workplace is a two-way street; it is about give and take. I urge members opposite — —

**Mrs Fyffe** interjected.

**Ms BEATTIE** — Just be quiet and you will get your turn in a minute.

I urge them to go out and talk to women who have returned to the workforce and have been discriminated against, and then perhaps when they come back into the house they may find that their opinions have changed. I know there are many people on this side of the house who want to speak on the bill, and I know the member for Mill Park will certainly draw on her workplace experience to do that, so I will now commend the bill to the house.

**Mrs POWELL** (Shepparton) — I am pleased to speak on this legislation and to put on the record that The Nationals will be strongly opposing the bill. The purpose of the bill, as the second-reading speech and the bill itself says: is

... to amend the Equal Opportunity Act 1995 to expand the range of what constitutes discrimination against parents or carers in employment or employment-related areas ...

As a number of members have said in this house, discrimination against people who are parents or carers — —

**Ms Morand** interjected.

**Mrs POWELL** — The minister at the table, the Minister for Children and Early Childhood Development, asked if I will be standing up for women. I will certainly be standing up for women.

The Equal Opportunity Act currently prohibits discrimination on the basis of a person's parental status. In fact I can do no better than to read a portion of the front page of the explanatory memorandum to the bill, which says in the second paragraph:

The Equal Opportunity Act 1995 currently prohibits discrimination on the basis of a person's parental status or status as a carer in certain areas of public life, including employment and other employment-related areas. In these areas, discrimination is specifically prohibited against job applicants, employees, contract workers and partners in firms.

In this legislation we see window dressing, spin and propaganda. The second-reading speech says that the bill is going to help workers find a decent balance between work and family responsibilities. Women over many years have been making a choice and trying to find that balance between a career and having a family. I have been one of those women.

When I was a commissioner with the Shire of Campaspe we actually employed a couple of women who shared a job. One woman wanted to be able to work in the morning so her child could go to a crèche, and the other woman wanted to work in the afternoon. We had one position but two people filling it. Employers and businesses are already doing this, and they are able to access the best trained and skilled women by offering alternatives to 9-to-5 positions, such as working at home and so on.

To say the bill is introducing it is absolutely ridiculous. Obviously this is just an opportunity for the government to discuss WorkChoices because of the federal election. We need to be real about this. We are wasting Parliament's time debating a bill like this. Parliament will debate a similar bill later today or tomorrow that refers to employees being paid in cash, for goodness sake! We had a business and paid our wages in cash — in 1979. I cannot believe we are going back to that. This bill is an opportunity for the government to talk against WorkChoices.

The government is putting conditions on businesses that the Parliament does not put on itself, and I am talking about family-friendly hours. I have been in this

Parliament for 11 years, and I made the decision to become a member of Parliament when my children were older. A number of younger women who have small children have made the decision to enter Parliament. They have to make some very strong decisions about what they do in trying to balance their time.

Parliament does not make it any easier. There are no crèches here and no family-friendly hours. We work weekends and well into the night. I am not sure why we have not been able to change this. When we as women make the decision to become a member of Parliament — or when a single parent or a man who is a parent makes the decision to become an MP — we know about the workplace arrangements in this place. There are long hours and no childminding; it is not family friendly. We make that decision knowing that that is what happens in this place. We do not ask for anything to be changed, but this bill is saying that now there will be discrimination if we ask for our needs to be accommodated.

It would be interesting to see if it went to the nth degree and included the Parliament of Victoria. When Parliament is sitting there is no discretion for us as men or women to work from home. We have to be in this place to represent the community that put us here. We need to have a good look at what the outcome of a bill such as this will be.

**Mr Thompson** — It is outrageous.

**Mrs POWELL** — It is outrageous, as a number of my colleagues have said. It is also a burden on small business. The member for Yuroke told us to get into the real world. I have been in the real world for a long time. As well as being a councillor, a commissioner and an employee, I was also an employer with a small business in Shepparton, Ian Powell Auto Electrics. I worked in and was a manager of that business for 17½ years. We had staff of up to eight people. We actually accommodated them with what they needed. We did not have red tape and bureaucracy telling us how we should run our business. We worked together as a business.

We need to make sure that we are not putting an absolute burden on small businesses. Businesses want government to stay out of their workplaces. They do not want red tape, they do not want bureaucracy and they do not want interference. In country areas in particular, where we are going through a drought, we do not need governments to put more red tape around our businesses, which are already stressed. We do not need to lose more of our employees so that they are

looking for jobs. At the end of the day we call on the government and the Parliament to support our small businesses, particularly in country areas, and to allow them to start making a living and a profit.

Clause 8 of the bill requires an employer not to unreasonably refuse to accommodate a parent. What is the government going to do if someone comes to a small business and says, 'I would like to work from home', after being in the business and knowing that that was not part of the conditions of working there? This will be hard for a business to accommodate. The bill lists considerations that will determine whether a refusal is unreasonable. There are quite a few, so I will not go through all of them.

The provisions refer to the nature of the person's work, the cost to the business, the financial circumstances of the employer and the size of the business or workplace. Businesses are already doing this. They do not need regulations to say that they need to do it. If an employer is going to employ someone who wants to be accommodated in their home or elsewhere off site, those sorts of things will be discussed. We do not need a bill to tell us to do that. If someone wants to work from home, some of the conditions that people will have to look at include whether other workers will be affected and the cost of setting someone up to do so. Businesses are already looking at that. People can now use computers, faxes, emails and other electronic aids that allow them to work from home. That is done by agreement between the employer and the employee.

In country Victoria some people who live a long way from the business can do a lot of their work electronically, and that can be accommodated. You do not need a bill to tell you to do this, because it is already being done. This government is putting in place a bill that calls on people to do things that are already being done. Many businesses offer flexibility to attract and retain employees with special needs, such as parents and carers. We are looking at making sure government provides a framework so businesses can get on with the job of doing business. We do not need more interference in small businesses.

I hear time and again from small business owners in my community who tell me that they need governments, both federal and state, to allow them to get on with running their businesses and to stop requiring them to spend the hours of their day with forms they have to fill in. Now they must give a person an opportunity of having their needs reasonably accommodated — and we are even talking about applicants for a job. If you advertise a job and a specific part of the job description is that the person must work at the place of business, a

job applicant can say, 'You are not meeting my needs. I want to work from home'. The answer is: do not apply to that business; go somewhere else. It is as easy as that. You should not have to have a business make a decision on conditions that are in an application. Give some credibility to the process so that the employer and the employee can make some arrangement that suits both of them and allows the business to have trained staff and get on with the job of making a profit.

Small business owners in country Victoria want to get on with running their business; they do not want more red tape and more bureaucracy. I urge all members to oppose the legislation.

**Mr HUDSON (Bentleigh)** — It is a pleasure to speak on the Equal Opportunity Amendment (Family Responsibilities) Bill, because what the bill does is amend the Equal Opportunity Act to ensure that an employer must not unreasonably refuse to accommodate a person's parental or carer responsibilities. That is the key to this that members of the opposition are missing. The core concept is reasonableness. It is not about imposing unreasonable conditions on employers, and it is not about employees being able to demand unreasonable changes to their workplace. It is about employers not being able to unreasonably refuse to accommodate a person's parental or carer responsibilities.

As the member for Brunswick pointed out, we have plenty of research by the Human Rights and Equal Opportunity Commission and the Office of the Workplace Rights Advocate which shows that women experience a wide range of discrimination before, during and after taking maternity leave. That includes things like employers not giving consideration to flexible or part-time work and not making provision for breastfeeding in the workplace, and women being excluded from activities such as staff meetings or strategic planning sessions. These are things that are happening at the moment, and we know that under the WorkChoices legislation they have got much worse. In fact, Joe Hockey's own research, which he commissioned, shows that Australian workplace agreements are bad for working families. We know that because the *Age* reported on 20 September this year that:

The study, which looks at individual and collective arrangements, shows those on collective arrangements have a much greater chance of having family-friendly provisions.

That is what the legislation is about — promoting family-friendly provisions.

There are all sorts of ways that that can be done. It can be done through job sharing; it can be done through telecommuting or working from home; it can be done by extending unpaid leave where paid leave entitlements have been used up; it can be done by working additional daily hours to provide for a shorter working week; it can be done in a whole range of ways. Good employers will do that, but this will require all employers to turn their minds to it. Employers will not be able just to say, 'Sorry, you cannot do that'. Under this legislation they will have to turn their minds to it. They will have to give consideration to it, and they will have to ensure that they are not unreasonably refusing to accommodate a person's parental or caring responsibilities.

The concept of reasonableness is very well known in industrial relations law and in equal opportunity law. This is not a new and uncertain provision that is being introduced into our law; it is right through all of our legislation. Employers understand it very well, but apparently the opposition does not. What we are doing here is saying that of course good employers will have proactive policies. They will have done this already. They will already have sat down with their staff — in wanting to retain good staff — and said, 'How do we accommodate these issues, particularly for women working part time?'. But frankly, there are a whole lot of employers who do not. They could not give a continental about it. They are hard line and do not want to accommodate or even turn their minds to it, and this legislation will require them to do so.

The member for Ferntree Gully said that this was about the unfair dismissal laws and that in some way this would open up a whole new set of ways in which people could claim unfair dismissal. This has nothing to do with unfair dismissal. The grounds on which you can lawfully claim unfair dismissal are set out in the Workplace Relations Act. This legislation does not alter that act one jot. This is about the issue of discrimination. It is about the fact that employers must turn their minds to whether or not they can reasonably accommodate the parenting and caring responsibilities of a staff member when they are requested to do so. That is an entirely reasonable provision. The test is an entirely reasonable one. It is good legislation, and I commend the bill to the house.

**Ms WOOLDRIDGE** (Doncaster) — I am pleased to speak today in opposition to the Equal Opportunity Amendment (Family Responsibilities) Bill 2007. The bill provides that employers must not 'unreasonably' refuse to accommodate the parental or carer responsibilities of employees or contract workers. An employer may be required to offer work for additional

hours on some days to provide a shorter working week, to allow an employee to 'occasionally' work from home, and to reschedule staff meetings so the employee can attend. The bill seeks to give in to the sorts of demands by the union movement that were rejected by the Australian Industrial Relations Commission in the 2005 family provisions test case. In that case the AIRC ruled out the demands of the Australian Council of Trade Unions and the state and territory governments that employers should be obliged not to unreasonably refuse any changes to work arrangements.

Today I would like to talk a little bit from a carer's perspective in my capacity as shadow Minister for Community Services. Carers in Victoria are under pressure. In Victoria there are almost 700 000 unpaid family carers providing support for a parent, a child or a friend with a disability or chronic illness. The majority of carers are aged between 45 and 64 years. This is an age when many employees hold senior positions in the workplace and possess valuable skills that they have accumulated over time, but research shows that 61 per cent of primary carers are not attached to the workforce. Clearly, more needs to be done to ensure that carers in the workforce can be supported flexibly. The problem is that this bill is not the mechanism to do it.

Government policies are increasingly aimed at keeping people in their own homes for a longer time. With patients experiencing shorter hospital stays and limited accommodation options for young people with complex medical needs, the demands on carers have increased substantially. Further, we see that with an ageing baby-boomer generation and people choosing to have children later in life, women in particular are struggling not only to manage the responsibility of a job and being a parent, but also with the added responsibility of caring for ageing parents. We see a growing need for families to combine paid work with caring responsibilities. We also see a need for flexible workplace practices and carer-friendly workplaces for carers of adults and young people with disabilities and illnesses and carers of frail older people.

As I mentioned, this legislation does not relieve the pressure that we see on carers. In the last state election the Liberal Party committed to investing in carer-friendly workplace practices for family carers needing to combine employment and unpaid care. We need greater support for our carers, but this bill is not the correct way to do it. The best way to accommodate carer responsibilities is through flexible employment arrangements allowing individual employers and employees to agree on mutually beneficial arrangements, not through a combination of inflexible

collective agreements or awards and mandated obligations.

Discrimination against workers on the grounds of parental or carer responsibilities is already illegal. This bill goes beyond discrimination, and seeks to judge what is reasonable or unreasonable for employers to do for individual workers. This amendment is counterproductive as it will promote inflexibility in the current system. If this bill is passed, employers will be reluctant to enter into an agreement with an employee as it may set a precedent for other employees. At present, people who need flexibility have the power to negotiate individual agreements which best suit their individual carer responsibilities. Contrary to the rhetoric of this government, WorkChoices has allowed parental and carer needs to be met. It has provided greater flexibility in how hours are worked, with the freedom for a worker to monitor their own hours. The Workplace Relations Regulations 2006 ensure that employees are entitled to certain aspects of the standard. These entitlements cover carers leave and compassionate leave and can be negotiated to further enhance those entitlements in individual contracts.

This legislation will make the system more inflexible and more rigid for both employees and employers. It is a stunt from the government at this time in terms of the WorkChoices legislation. People who care for people with disabilities or the frail elderly need flexibility in the workforce. It is too important an issue for this to be a political stunt, and that is why I am opposing the bill.

**Ms D'AMBROSIO** (Mill Park) — I wish to lend my considerable support to the Equal Opportunity Amendment (Family Responsibilities) Bill. As has already been identified, the bill amends the Equal Opportunity Act so that employers can make a bona fide effort to accommodate the reasonable needs of employees for flexible arrangements so they can cover family and carer responsibilities. To not accommodate reasonable requests would be regarded as discriminatory, and that is all there is to it. Reasonable requests to reasonable employers should result in those requests being met to the benefit of the loved ones that are being cared for or looked after.

Unfortunately, WorkChoices has created a climate of fear for many employees — not for all employees, but certainly for many. There has been a climate shift, if you like, or a cultural shift amongst employers, which has moved away from what should be a balanced relationship between commitment and responsibilities to work and responsibilities to children or to ill or disabled people in need of assistance from an employee — from their loved one.

The bill simply looks to assist in restoring some of that balance into workplaces that can prove to be less than family friendly, and certainly that is something that has been allowed to fester under the WorkChoices legislation. Everyone will know where they stand with this. It is a matter of what is a reasonable request, what the needs of a workplace are and whether that request can be met without having an undue or unreasonably negative financial impact on a workplace.

WorkChoices has been quoted at length by opposition members. I am here to remind everyone that WorkChoices is a dog. It is dead, and you can smell it throughout the country. I do not know why opposition members would choose to mention the name WorkChoices, because John Howard and Peter Costello are doing their best to avoid it.

Let us talk about flexibility, and let us look at what WorkChoices is delivering in terms of flexibility. The federal government has announced the takeover of Mersey Hospital, a public hospital in Tasmania, but now it is frightened. It is in a quandary, having been tripped up by its own WorkChoices legislation, which would require the employees of that public hospital — nurses, doctors and the like — to be put on AWAs (Australian workplace agreements). In trying to avoid that — it would be a terrible look in the run-up to an election — John Howard is floundering, trying to find an alternative employment structure in which to park these employees until after the federal election.

Woe betide these employees if John Howard and Peter Costello are returned to government, because they will quickly be moved onto AWAs. When opposition members talk about WorkChoices and flexibility, let us be clear that their captains, John Howard and Peter Costello, have actually deserted the ship, leaving the first mate over there on the opposition benches to hoist the Jolly Roger, which is WorkChoices. That is what they are talking about.

But let us move beyond that. This bill is about giving employees a fighting chance and a fair chance in the workplace to ensure that their reasonable requests for leave or alternative work arrangements can be met within the context of what is reasonable in a workplace. Let us look at what the Human Rights and Equal Opportunities Commission has said. In March this year the commission identified in its report that one of the main issues that needed to be tackled if employees were to successfully balance work and family responsibilities was the need for greater protection from discrimination. The evidence for that is there. Let us also look at Carers Victoria, which in April 2007 indicated that over

2.5 million people across Australia are carers for ill, disabled or elderly loved ones.

The member for Brunswick and other members who have spoken have already referred to the report of the Office of the Workplace Rights Advocate of August this year, which says that WorkChoices has resulted in strong and adverse effects on women workers in terms of discrimination. It points out that they need to be able to balance their responsibilities to care for loved ones at home.

The climate that has been created by WorkChoices cannot be denied. The evidence is there — and these employees are telling us that themselves. I would be the first to say that many firms out there have a very good attitude to workplace relations, which is admirable. They are adopting measures that reflect that, to the benefit of everyone. When at the end of the day you are able, within reason, to accommodate the needs of employees, you will have a harmonious workplace and you will have a far more productive workplace which espouses modern work practices and relationships between employees and employers. That has to be commended. They are some of the great strengths of such workplaces. The economic benefits that arise from that cannot be overstated.

The fact remains that there are also many employers out there who do not turn their minds to the benefits that can be derived from having harmonious and balanced work relationships with their employees. That is why this bill is necessary. This bill will help promote a change of culture in the workplaces of those employers and their firms. That is what it is about.

If we had followed the sorts of arguments that have been put forward by the opposition, the logical conclusions would be these: we would not have had a minimum award system in this country for the last 100 years, we would not have had a centralised conciliation and arbitration system, and we would never have had the Occupational Health and Safety Act. I was very pleased, when we were discussing amendments to that terrific act — I think it was last year — to hear the opposition finally concede after 20 years, ‘Yes, in hindsight it was actually a good idea’. I can tell members opposite now, so is this legislation. I hope we do not have to wait another 20 years to hear a similar concession from opposition members.

We are a modern government. We are a government that understands the needs of working families, especially mothers, and especially women in the workforce. We do not want barriers to women gaining entry to the workforce and to having a fair opportunity

to earn a living and be independent at the same time as maintaining their families as their no. 1 priority. I think everyone who has a family would say that their family is their no. 1 priority, and we want to make sure that we promote and maintain that.

This legislation speaks to those employers out there who would otherwise not show due respect to the importance of the family and to ensuring that we have family-friendly workplaces. I am proud to support this bill. I would urge everyone in the opposition to not wait another 20 years before conceding that perhaps this was a good idea and that they regretted voting against the bill. I urge them to come into the modern age and have a think about what is needed out there to give those employers who need it a guiding hand to work out what is reasonable in terms of good, family-friendly workplace practices. This bill will contribute to much more harmonious workplaces and to a fairer go for working people who need to care for loved ones at the time they need care — within reason.

**Mrs FYFFE** (Evelyn) — I am pleased to rise to speak on the Equal Opportunity Amendment (Family Responsibilities) Bill. The purpose of the bill is to amend the Equal Opportunity Act 1995 to require employers, partners and principals to accommodate the responsibilities as parents or carers of their employees, partners and contract workers.

The contributions by members on the government benches have left me perplexed and shaking my head. We already have, under the Equal Opportunity Act, a prohibition on discrimination. The explanatory memorandum to the bill actually says that the act:

... currently prohibits discrimination on the basis of a person's parental status or status as a carer in certain areas of public life, including employment and other employment-related areas. In these areas, discrimination is specifically prohibited against job applicants, employees, contract workers and partners in firms.

We already have that in legislation, so what do we have here? We have more window dressing. We have a desperate fight for survival by union members who now represent only 15 per cent of the private sector workforce. They are like Luddites. I agree with the Leader of The Nationals. This is another piece of legislation that is a throwback to the days of yore. It is very much like the Victorian Workers' Wages Protection Bill, which I wanted to speak on to express my constituents' thoughts. But, once again, that bill, like so many others, will be guillotined tomorrow at 4.00 o'clock and I will be gagged.

The Victorian Workers' Wages Protection Bill wants to take Victorian employees back to the unsafe days of the

armed robberies of companies with cash payrolls. I just cannot believe that this government will not look forward, beyond the days when the Luddites were smashing machinery in factories because they were scared of losing their jobs, despite what was proven over a period of time. Here they are smashing down flexibility in the wages system provided by WorkChoices. It is as though they cannot move forward. They are just hanging on to the past.

The member for Yuroke took on the member for Ferntree Gully, who was talking about employers making cash payments to employees to make things go away. She wanted to read him as saying that the commission would be handing down decisions involving cash payments, but the member for Ferntree Gully was very clearly saying that this would be like the unfair dismissal cases, where employers just paid out money so they would go away and so they could get on with their work.

The member for Bentleigh talked about breastfeeding provisions. Breastfeeding facilities can be supplied in some workplaces, but imagine the pilot of a jetliner carrying 500 passengers wanting to take a baby along to breastfeed. Why should babies be taken into the workplace? It is not a safe environment. Babies should not be in the workplace, whether it is to be breastfed or whatever. They do not belong there.

We have five children, and I would have been horror stricken when I had to work in a factory at one stage as a single mum if I had had to take one of my babies into work to breastfeed. We have heard about maternity leave. Maternity leave is already covered by provisions in legislation. This government is frantically trying to do things that are out of date. It is sort of like the women's lib of the 70s in here today.

What is the basis for this legislation? We have not seen or heard examples. We have heard broad-ranging statements. Where are the examples that show there is a need and a basis for it? Where is the justification? Where is the problem that is not already covered in legislation, or is this just the personal crusade of the Attorney-General, the Deputy Leader of the Government, and his hatred of WorkChoices? When you read the second-reading speech you see that it is just anti-WorkChoices. This Parliament is being used by the Attorney-General for his own personal vendetta, and it is wrong for him to be doing that.

One contributor to the debate today — I have forgotten which one — talked about the cost of employing people, and in his second-reading speech the Attorney-General said:

The Victorian government has done the maths. Research shows that the real cost of recruiting and training a worker is just over \$17 000 ... 38 per cent of an annual salary of \$45 000.

Do members on the benches opposite really think that an employer is not going to look after an employee they have hired and trained at a cost of roughly \$17 000 — that will vary depending on the business? Employees are in short supply, the unemployment rate is low and it is very hard to get good employees. Let me tell the house that as a former employer I bent over backwards for my good employees — everybody does.

One thing that gets forgotten here is the customers of some of the businesses. There are many businesses where it is impossible to make the hours fit in with an individual employee's demands. You just cannot do it. There are times when the customer has to be served, and if someone cannot work during the hours of that business, then, sadly, they have to look elsewhere. For example, there is restaurant work. Customers come in for a meal, and that is when they have to be fed. They cannot be told to go away because the chef has caring duties and is having today off and will be back tomorrow. 'You can come and stay here longer tomorrow because the chef has extra hours to make up because of caring responsibilities'. That does not happen in many businesses. It may happen in a work unit in a union environment where the work can be carried over to the next day or to the next week, but there are many businesses where, when orders are in, they have to be met, and the work has to be produced at that time. You cannot run a profitable business by having the wide variety of employment hours that this bill is implying.

Many people outside of this Parliament have raised questions. One thing that really comes out — and it has been raised by the VFF (Victorian Farmers Federation) and is something that concerns me — is that this bill will actually encourage employers to discriminate against individuals who have caring responsibilities by filtering those applicants out during the interview stage. The Victorian Farmers Federation in its letter raised another couple of points:

An employer may be able to accommodate a person's responsibilities as a parent or carer by offering work on the basis that the person could work additional daily hours to provide for a shorter working week or occasionally work from home.

The letter goes on to say:

The VFF believes that if an employer alters the working hours for an employee, there may be penalty rates applicable and the employer would therefore have to pay the employee extra for changing the working hours.

That is a very real situation. If the working arrangement goes from an 8-hour day to a 12-hour day to fit in with a carer needing extra time off, is the employer going to have to pay penalty rates? The VFF went on to say:

In addition, there would be occupational health and safety requirements in relation to working from home as the home would be considered a workplace. This would be an unnecessary added responsibility to the employer.

If the home becomes the workplace, then of course there is right of entry by WorkSafe officials. How would an employee like the fact that a WorkSafe employee could go into their home?

The amendments made by the bill do not take into account the impact on small businesses and the difficulties of satisfying these requirements. I remind members on the government benches that the majority of employment in this state and in Australia is undertaken by small businesses, and small businesses are already snowed under by red tape. There are regulations coming in all the time. Victoria has more red tape than any other state in Australia. I oppose this bill absolutely and completely. It is ridiculous, and it is unnecessary.

**Ms NEVILLE** (Minister for Mental Health) — I am very pleased to speak today briefly in support of the Equal Opportunity (Family Responsibilities) Bill. This bill really enhances the objectives that are outlined in the Equal Opportunity Act by offering further protection from discrimination in the workplace to workers with parental and carer responsibilities.

We have just heard from the member for Evelyn, and what an extraordinary contribution it was. I think we got asked the question: where is the problem? I wonder where the member for Evelyn has been, because I can tell the house that this is one of the biggest issues in our community. It is a barbecue stopper, and I think I remember the Prime Minister talking about that not long ago. The barbecue stopper at the moment, and it has been for a number of years, is how we find the right balance between our family responsibilities and our working life. I remind members that this was in fact one of the key commitments we took to the election back in 2006. It is certainly one of the issues that families in my community talked to me about.

This is the big issue of the day, and it is an important issue. We have at the moment a community where we face an enormous shortage right across the board in professional and skilled jobs. We are constantly seeking additional people to participate in our workforce. Obviously women, who tend to perform most of the parenting and caring responsibilities, will continue to

do that. Women are now and will continue to be absolutely critical to delivering economic benefits to our community into the future. We need the skilled workforce, and we need people to stay in the workforce. At the same time, as a community and as individuals, we also have responsibilities to our children and to our broader families, and it is in all our interests to be able to ensure that we can care appropriately for our children and the members of our broader families when they need it.

Today I have heard the word 'flexibility' thrown around. Members opposite have implied that what the government is proposing to create will not provide flexibility. On my reading of the bill it is all about ensuring that we start to change the culture of workplaces and encourage flexibility. Members opposite have talked about flexibility as if this legislation will somehow stop flexibility in the workforce. Again, there is some unreality in that position. I am not sure where members of the opposition have been as far as WorkChoices and individual contracts are concerned. I think they think that somehow, miraculously, there will be flexibility. It will just happen; everyone will be really nice and flexible and be able to cater to parenting and carer responsibilities.

Fortunately in this country we have some great employers, who have taken this issue on board and understand that it is in their interests as well as their employees' interests to embrace some flexibility around family responsibilities. Unfortunately, that is not the case across the board and there are employers who have not done that. I have heard stories about inflexibility, so that when children are sick, parents are not able to take time from work or have flexible working hours, or are not able to cater for school holidays et cetera.

Flexibility will not just happen. This bill is about working towards and encouraging the establishment in the workplace of a culture, including encouraging dialogue and discussion. This is about the really important issue of how we as a community continue to drive economic development and encourage people into workforce participation and the development of skills in our economy, whilst at the same time ensuring that as citizens of our community we are able to appropriately care for our children and other families members who need care. This is a critical debate. This bill is all about ensuring that that dialogue occurs and that we change the culture in our workforce.

I remember the debates at the time the commonwealth sex discrimination legislation was introduced. I remember the then Liberal Party members of the

federal Parliament saying that the world was going to come to an end, that somehow the legislation would create inflexibility and that it was bad for small business. The reality was that it drove change and meant that women could rightly take their place in the workforce, with security — without risk from being discriminated against by employers.

We need to take these steps forward. We need to ensure that we are embracing the community debate, taking on the issues that are being raised by working families right across this country, and getting the balance between economic participation and family responsibilities right. This legislation is in everybody's interests. It is in employers' interests and employees' interests. I commend the bill to the house.

**Mr WALSH** (Swan Hill) — It is a pleasure to rise to make a contribution to the debate on the Equal Opportunity Amendment (Family Responsibilities) Bill. In some ways, I say ditto to the things I said last night about the Victorian Workers' Wages Protection Bill: this is another piece of legislation that has been introduced into this house at what I believe is a time of the government's choosing to maximise its effect on the federal election campaign. This is about raising workplace issues to in effect electioneer for the Premier's mate Kevin Rudd, the federal Leader of the Opposition. I think it is an abuse of the Victorian parliamentary process for this government to be using the Victorian Parliament as an electioneering platform for the federal Labor Party.

I listened to the contribution made just before I rose by the Minister for Mental Health. She asked the rhetorical question about how you create economic activity and jobs.

**Ms Neville** interjected.

**Mr WALSH** — That is the way I interpreted what the minister said, as a rhetorical question. To my mind, you create economic activity and jobs —

**Ms Neville** interjected.

**Mr WALSH** — You most definitely need women in the workforce. You will find that there are now women in a lot of workplaces where they were not in the past, and the work culture has changed and improved. For the interest of the minister, two or three years ago I was looking through the Colac abattoir. Now something like 30 per cent of the workforce in that abattoir are women. The management people who were taking us through there were saying that having the women in the workforce has changed the culture of that abattoir from the old ways — abattoirs used to be a

very macho, male-dominated workplace — to a family-friendly workplace.

**Mr K. Smith** interjected.

**Mr WALSH** — It is, because of the number of women there. Because they have been able to put in place hydraulic aids for the heavy lifting work, now there are women working on the slaughter and skinning line. That has improved the culture of that place. I agree that it is great. We most definitely need diversity in the workplace, whether it be on the basis of gender or some other issue.

To come back to the question that the Minister for Mental Health was talking about — that is, how you actually create economic activity — you create economic activity by setting the right business environment for people to go out there and set up businesses, particularly small businesses. It is small-to-medium enterprises right across Australia that create the majority of employment and wealth in this country. Having a big, headline company shift into a town may be great, but what you actually want in any one town is multiple small-to-medium enterprises to give diversity of employment in those towns so that, if there is a downturn in one sector and a particular business unfortunately hits the brick wall and goes out of business, it does not have a catastrophic effect on that particular town or location. I know that you, Acting Speaker, are probably well aware of the issues surrounding the Ford Motor Company in recent times and that Geelong has outgrown being a one or two business town and now has enough diversity to be able to ride some of the shocks that come with those sorts of things happening.

It is very much about government getting out of people's lives. Government should set the parameters for things to happen so that people are able to get on with creating economic activity and employment. It is not about the heavy hand of legislation all the time trying to prescribe, as this bill does, how people run their businesses by putting in place unnecessary rules and regulations. That just makes people say, 'Why would I try to grow, to upsize my business and to create more jobs when I get all these headaches, all this paperwork I have to deal with and all these issues I have to comply with? If I want to put on more employees, I have the hassles. If they do not work out, I am stuck with this and I cannot go anywhere'.

A lot of people have been making the choice, saying, 'I will keep my business small, just a family business or with just a few employees whom I know well and who I trust will do the right thing by me, because it is a lot

easier and I do not have all the grief from the heavy hand of regulation and red tape'. The greatest way to create economic activity and jobs in Victoria and Australia is by having government get out of the way and letting people get on with doing what they do best, which is making money and creating economic wealth for the whole community.

**Ms Neville** interjected.

**Mr WALSH** — Yes, most definitely for our kids, because everyone thinks about how what they are doing in their life will help future generations.

To talk about what the bill is supposed to do, its purpose is to prohibit discrimination on the basis of a person's parental status or status as a carer in certain areas of public life, including employment and other employment-related fields. It is my understanding that in effect the Equal Opportunity Act 1995 does all that now. There is no real need for this legislation to achieve the things that government members have been talking about. The things necessary to do that are already in place in the legislative system in Victoria.

As I said when I started, this legislation is really some political rhetoric to beat up the issue in the media at the moment so that members of the government can in effect run an anti-WorkChoices campaign.

Having been someone who has employed hundreds and hundreds of people in my working career, a lot of them on a casual, permanent or part-time basis — they have been people from all walks of life — one of the things you are always very hesitant about is getting stuck with a whole heap of red tape and with employees who actually do not contribute to your business and who are disruptive to it in the longer term. What you do not want is to have the viability of your business, and the working and personal lives of the good employees you have, being undermined by the odd rotten egg in the system.

**Mr K. Smith** — They do not understand. They have never employed people, so they do not understand.

**Mr WALSH** — As the member for Bass is saying, government members probably do not understand the issues that we on this side of the house are talking about when it comes to creating employment. That was reinforced to me last night when we made a contribution on the Victorian Workers' Wages Protection Bill. The issue talked about last night was the insistence that people pay cash — actual folding money — to employees rather than cheques or bank transfers et cetera. That comes back to the fact that I do not think a lot of people on the other side of the house

have gone through the process of employing people, particularly using their own money, and thereby understanding the issues that are involved.

As the Leader of The Nationals said very succinctly, as he always does, The Nationals will be opposing this legislation. We do not believe that this legislation actually adds value to the employment framework in Victoria. Victoria referred its employment powers to the commonwealth in the mid-1990s and I believe the current industrial relations minister was an advocate of having a centralised system, as was the previous Premier. Let us admit that we have a centralised system, get out of the way of employers and let them get on with the thing they do best, which is to create jobs here in Victoria, rather than constantly introducing pieces of legislation that are in some ways almost spurious in what they set out to achieve.

We all agree with the intent of what the Labor Party is talking about, which is making workplaces the best possible places for people to work in while trying to have some work-life balance. That will happen by mutual agreement between employers and the employees rather than by the heavy hand of legislation from the other side of the house, introduced just because there is a federal election coming on.

One question I would ask a member from the other side of the house to answer, whether it be the minister in summing up or a backbencher, is whether, if this legislation is actually passed, the Parliament of Victoria will abide by it. Are we going to have family-friendly hours in this place? Are we going to have child-care facilities in this place? If a member, for the reason that he or she is someone's carer, is absent from the Parliament, are we going to have the other side standing up and praising them for what they are doing, or are we going to have them bagged because they are not doing their job as a member of Parliament?

How do we handle the travel issue facing country members of Parliament? It is a huge impost on the lifestyle of any country member of Parliament, given the time they actually spend travelling to and from this place. We are probably breaking occupational health and safety laws by doing what we have to do.

**Mr LANGUILLER** (Derrimut) — I will make a few remarks in support of the Equal Opportunity Amendment (Family Responsibilities) Bill 2007. The objectives of the Equal Opportunity Act 1995 include promoting the recognition and acceptance of everyone's right to equality of opportunity and eliminating discrimination as far as possible. The bill will require an employer, principal or firm in relation to

work arrangements not to unreasonably refuse to accommodate the parental or carer responsibilities of a person offered employment.

Briefly, having gone through the bill, the first comment I wish to make is that this is a balanced and reasonable piece of legislation and one which I am sure will be welcomed by the community and by employers. The key word in this debate is 'reasonable', and I am very confident that employers and employees will in fact be reasonable.

Another comment I wish to make is that we offer no apologies for protecting working men and working women in Victoria against the draconian legislation of the Howard government, against WorkChoices and its extreme measures against the rights and entitlements of working men, women and families, certainly in relation to Australian workplace agreements. We offer absolutely no apologies in relation to that, because we believe that legislation and those arrangements work against benefiting the economy and our community.

Let me remind the house that this is an election promise we made at the 2006 election. We said to the Victorian public that we would put this to Parliament if we were elected in 2006, which we were. We have accepted that responsibility, and this government is in the business of delivering on each and every promise it makes. I will give a quick example by way of interest. I make such arrangements as these very flexibly in my own office, and so far they have worked to my advantage as an employer, and I am confident they have worked to the advantage of employees. I commend the Equal Opportunity Amendment (Family Responsibilities) Bill. It is good, balanced, 21st century legislation.

**Mr THOMPSON** (Sandringham) — The Liberal Party strongly opposes the Equal Opportunity Amendment (Family Responsibilities) Bill. It has a range of main provisions, including prohibiting employers from unreasonably refusing to accommodate the responsibilities as a parent or carer of an employee or person offered employment. An employer may be required to offer work for additional hours on some days to provide a shorter working week, allow an employee to occasionally work from home or reschedule staff meetings so the employee can attend.

The bill further sets criteria for determining what is unreasonable refusal, including the employee's circumstances, the employee's role, the arrangements required to accommodate the person's responsibilities, the employer's financial circumstances, the size and nature of the workplace and the employer's business, the effects of accommodating those responsibilities on

the workplace and the business, and the consequences for the employer and employee of making or not making the accommodation. It applies a similar prohibition and similar criteria to principals and contract workers and to partners and persons offered partnership in firms of five or more partners.

A principal is any person who contracts for work to be done by another person's employees. Complaints about alleged breaches will be made to the equal opportunity commission for investigation and conciliation, and unresolved complaints can be taken to VCAT (Victorian Civil and Administrative Tribunal), which may order compensation or that specified actions be taken by the employer, principal or firm.

The Liberal Party has a range of concerns about the legislation, which include concerns about the creation of a new regulatory burden on employers and the deterrence of employment and undermining of the flexible workplace reforms that have actually allowed parental and carer needs to be met. The legislation will create a new form of unfair treatment claim by employees, contract workers and partners, undermining the federal abolition of unfair dismissal claims in small business, and it may provide an easily fabricated ground of claim by disgruntled employees and add to the potential to blackmail employers into paying go-away money to settle spurious claims. It goes beyond both the Australian Industrial Relations Commission's family provisions test case decision and federal Labor's Forward with Fairness policy.

On a different note, someone might tell the Attorney-General that the Iron Curtain has come down, the Berlin Wall has fallen and the Soviet Union is no longer. This legislation appears to have been dreamt up in Carlton, Northcote or South Melbourne by chardonnay-drinking, latte-sipping socialists who have little comprehension of life in the real world. Going back 20 or 30 years when the ALP attempted to move into the world of business through the Australian Council of Trade Unions it started ACTU Solo and moved into the provision of petrol to the people of Victoria. What happened to ACTU Solo in the hands of the union movement? It went backwards. It went broke.

Then the ACTU said, 'What if we go into travel? Travel seems to be a good thing. It is nice heading off to Europe. We will go into the travel business. That is a good way to make money'. So they set up ACTU Travel. What was the fate of ACTU Travel? It went broke. It went backwards. Then they said, 'We will go into another area of business. We will try retail sales —

**The DEPUTY SPEAKER** — Order! I realise that the debate has been a little far ranging, but I am curious to see how the ACTU fits into the equal opportunity bill. I remind the member to direct his remarks to the bill.

**Mr THOMPSON** — Deputy Speaker, I have just one more fulsome example, and it relates to the conduct of a business. When the union movement went into business it went out of business. The bill before the house is endeavouring to impose restrictions on the constructive workplace agreements that exist in successful enterprises. Employers and employees in every successful business engage in constructive collaboration to achieve beneficial outcomes, but when things come unstuck is when provisions such as are before the house today impose requirements and obligations on employers. Any employer who knows the worth of their staff member will be at pains to ensure that they work in a comfortable environment and that they are able to be productive and to contribute on an ongoing basis to the worth and output of the business.

You need to enable people who put their capital at risk to have some decision-making discretion as to how they can best operate their businesses, rather than spending a week down at the equal opportunity commission or VCAT spending money on lawyers and appearing before judges, most of whom have been appointed by the Attorney-General and most of whom have strong connections to the union movement and strong connections to the Labor Party. There is no provision for impartiality. What is taking place is a disgrace, and this bill is a clear example of it. In terms of competence in running a business, the final example, with respect, Deputy Speaker, is Bourke's ACTU store, which likewise went broke under the union movement's attempts to run a business operation.

There are other examples of significant imposts being placed upon small business. In the electorate of Sandringham a 13-court tennis complex was put out of business by the land tax policies of the Bracks-Brumby Labor government, which closed it. One of the best facilities in the area, started by small businesspeople, is no longer there. If you want to play tennis at night-time in my electorate, you certainly cannot go to the Tulip Street Tennis Centre.

A more recent example of the Labor Party's approach to business is that of a fellow who started a business in Kew. Crown Casino benefits from a grandfathering or exemption provision, but there is no exemption for running a tobacconist's shop in Kew. It is time for the Labor Party to get out of the way and enable small

business and other businesses in Victoria to operate independently.

Where has the Labor Party been? We have heard its federal leaders say they are fiscal conservatives. Where was the federal Labor Party in relation to tax reform? It opposed tax reform. Where was it in relation to waterfront reform? It opposed waterfront reform.

**The DEPUTY SPEAKER** — Order! The member is straying from the Equal Opportunity Amendment (Family Responsibilities) Bill, and I ask him to direct his remarks to the content of the bill.

**Mr THOMPSON** — Deputy Speaker, with respect, I draw your attention to the second-reading speech. Throughout the speech there is an attack on the WorkChoices legislation. That is federal legislation that has lifted the employment levels in this country — —

**The DEPUTY SPEAKER** — Order! I understand that, but the member was straying to waterfront reform. I ask him to restrict his remarks to the content of the bill and the second-reading debate. I accept the WorkChoices comment, but I do not accept the waterfront comment.

**Mr THOMPSON** — That is noted, Deputy Speaker, and I will abide by your ruling and refer to the role of WorkChoices, which has seen the highest levels of employment throughout Australia in the nation's history.

The sky has not fallen in, and freeing up the market has enabled people to come to their own constructive agreements and move forward without the heavy hand of the union movement. It is time for the trade union movement to get out of the way and enable Australian business to operate successfully. It is no longer the 'land of honey and Hulls' in Mount Isa. As I said, the Iron Curtain has fallen, the Berlin Wall has come down and the Soviet Union no longer exists, and this heavy-handed legislation should not be imposed on Victorian business and Victorian industry.

When I first entered this arena I remember parents whose children were unemployed being sent overseas and migrants who no longer had jobs, and I remember the stress that was put on families by the then government's imposition of regulatory burdens and its failure to properly manage the economy. To quote a remark made in another context: the future is not inevitable; it can and should be defined.

This will be a burden on small business. It will have ramifications at VCAT. It will benefit the legal profession in grand terms — it will benefit the friends

of the Attorney-General — but it will not benefit hardworking entrepreneurs who are seeking to pave a pathway for their enterprises in the 21st century. It is time for the Attorney-General to pull his head out of the 18th and 19th centuries and focus upon what will strengthen economic activity in this state. This legislation will not.

**Ms MUNT** (Mordialloc) — I would like to make a short contribution to this bill, not because I do not support it but because the time for this debate is coming to an end. I could go through the technical parts of the Equal Opportunity Amendment (Family Responsibilities) Bill 2007, but I will not as they have already been covered.

I have been sitting here and listening to the debate, and it is like Chicken Little — the sky is falling. I have been hearing that since I was a very young woman. I can remember back before the 1980s when if you were a flight attendant for Ansett or TAA and you got married, you had to leave the job. Discrimination against women has been endemic, it has always been a part of the system. Under WorkChoices — I have got all the information here, which I will not go into — it is clear that women, both casual and full time, are being affected most profoundly by that legislation. As I move around my electorate it is the women who are coming to me to say that they are afraid for their jobs and for their families. It is a real fear, and I think the opposition should take it seriously. As I said, it is always women and families who are impacted on the most.

I have just been reminded that this is the 12th piece of legislation that supports workers which we have brought into this house. It is not a new-found interest of ours. Neither provides support for women and families. We will continue to do that, and I will continue to support any legislation that supports women, families and workers. It does not have to be at the expense of business. Business also likes to have happy workers, and they can work very effectively together.

I want to give my children — my daughters — a legacy where they can have a career and a family and not be discriminated against because of it. It has happened in the past. It is only because of progressive people and progressive governments that that sort of discrimination has passed.

**Debate adjourned on motion of Mr KOTSIRAS (Bulleen).**

**Debate adjourned until later this day.**

## AGENT-GENERAL AND COMMISSIONERS FOR VICTORIA BILL

*Second reading*

**Debate resumed from 11 October; motion of Ms ALLAN (Minister for Regional and Rural Development).**

**Opposition amendment circulated by Ms ASHER (Brighton) pursuant to standing orders.**

**Ms ASHER** (Brighton) — The Liberal Party supports the Agent-General and Commissioners for Victoria Bill 2007. I have circulated an amendment in relation to reporting transparency, which I will explain to the house in due course.

In essence, this bill repeals the Agent-General's Act 1994. That act applies specifically to the agent-general, making the agent-general a Governor in Council appointment. The bill establishes a new regime for the agent-general and establishes the positions of commissioners for Victoria, who will also now be appointed by Governor in Council. Previously the heads of government business offices and the like were not appointed by the Governor in Council; this bill will have them appointed by the Governor in Council.

The bill provides for either full-time or part-time commissioners. The second-reading speech instances Sir James Gobbo's work as commissioner for Italy, which is not done on a full-time basis but is obviously a highly effective role and one that presumably, given its mention in the second-reading speech, the government wishes to look at for future options. The appointments will be for five years, and the commissioners will be eligible for reappointment.

If you look at the job description, if you like, of the agent-general and the commissioners, you will see that the government has expanded the role from the previous agent-general to the now role for the agent-general and for the commissioners. In particular the government has referred to technology — in other words, it has brought the bill up to the modern day. Under the Agent-General's Act the function and duties of the agent-general are to further the development of commercial, economic, cultural and scientific relations. Now under the bill they are to further the development of commercial, economic, cultural, scientific and technological relations.

I want to briefly refer to clause 9(3) which provides for three new functions to be added to the commissioner's role from that of the previous agent-general — namely, to assist in the promotion of Victoria's cultural, sporting

and other major events in the relevant post territory. I cannot help but reflect on my early days in this chamber when the Labor Party was completely opposed to the government's major events policy. It has now embraced this policy so much that it has added this function as a specific function for the agent-general and for the commissioners to now embrace.

Another new role that the government is requiring of the commissioners is that they assist in the coordination of intergovernmental relations between Victoria and the relevant post territory. There is a general clause that requires them to perform any other duty conferred by the minister. This is in addition to the range of roles that were previously specified in the Agent-General's Act, which are to promote Victoria's economic performance, to promote investment in tourism, to foster trade, to expand the market for Victoria's goods and services, to assist in the migration to Victoria of people with business and trade skills and to foster friendly relations between Victoria and the relevant post territory. There is, if you like, a modernising of the role of the commissioners in the bill before the house.

I want to turn now to the reporting requirements. I initially referred to the Agent-General's Act because the reporting requirement in that act is incredibly light. The reporting requirement is contained in section 10(2) and is as follows:

The Minister may require the Agent-General to prepare and deliver, at the time and in the manner specified by the Minister —

- (a) a report on the performance of his or her functions or the carrying out of his or her duties;
- (b) a report on any matters that are specified by the Minister.

The reporting requirement regime in the Agent-General's Act, which will be repealed by this bill, is not particularly strong. The government proposes in its bill to tighten the reporting requirements. That is set out in clause 10, where there is now a requirement for an annual report. The clause reads:

On or before 31 August each year, each must submit to the Minister a report on the performance of his or her functions or the carrying out of his or her duties for the year ending on 30 June.

What the Liberal Party's amendment wishes to do is toughen that reporting requirement even further. We note that the Premier said in his first speech as Premier that he wished to be transparent and accountable. We would like to assist him in that process by requiring that these reports not just be secret reports to the minister but actually come before this Parliament. Accordingly,

the amendment that I am foreshadowing is an amendment to clause 10, inserting after line 6:

The Minister must cause each report submitted under subsection (1) to be included in the relevant annual report of operations of the Department of Innovation, Industry and Regional Development under Part 7 of the Financial Management Act 1994.

That amendment from the Liberal Party will be very helpful to the Premier in his desire to be open and transparent. I am looking forward to the government doing something highly unusual — that is, accepting one of our amendments on the floor of the lower house.

I want to turn to the overseas offices. Perhaps with the exception of the London office, not many Victorians would know that Victoria has a wide range of offices located overseas. There are 16 locations, including the Sydney and Melbourne offices. There are 14 overseas offices that have something to do with the Victorian government in London, Tokyo, Frankfurt, Hong Kong, Shanghai, Nanjing, Bangalore, United Arab Emirates, San Francisco, Chicago and New York. In addition Tourism Victoria has offices in Shanghai, Hong Kong, Tokyo, Frankfurt and London. These are also cities that host Victorian government business offices. Tourism Victoria also has stand-alone offices in Singapore, Los Angeles and Auckland.

In addition, Tourism Victoria contracts companies to oversight Victoria's tourism interests in New York, Auckland, Munich, Tokyo, Torino, Shanghai, Mumbai, Kuala Lumpur, Seoul and Tokyo. There are a range of other departments with international interests. For example, there are education service managers in Dubai, Bangalore, Tokyo and Shanghai who are located in Victorian business offices. They play a role in the recruitment of overseas students, which of course is a \$2.9 billion industry per annum for Victoria and is our largest export. The Melbourne Convention + Visitors Bureau, another very important body, is securing conventions and business conferences. These conferences are at the top-yielding end of the tourism market. The Melbourne Convention + Visitors Bureau has some involvement with both the Victorian government business offices and with Tourism Victoria.

I also want to make brief mention of the Melbourne Major Events Corporation. It is also seeking a greater international involvement. On page 29 the Buckingham report, which I will refer to a bit later, states:

Victorian Major Events Corporation would welcome tighter, more focused and better coordinated state international initiatives, particularly with and through the Tourism Victoria, Invest Victoria and Branding Victoria campaigns.

There are a range of offices run by various government departments and a range of roles undertaken by Victorian departments overseas. Obviously the objective of all this is to further Victoria's interests overseas.

I want to turn now to the context of this particular bill, which is flagged very clearly in the second-reading speech. In February this year former Premier Bracks announced a review of Victoria's overseas offices with a view to seeing whether Victorians taxpayers were getting value for money and where activity was being generated. The person appointed to conduct this review was David Buckingham, who acts in the capacity of agent-general in London.

I want to make a couple of brief general comments about the review. The first is that the government released this review late. The report itself is dated May 2007, and it was not released until October 2007, even though the previous Premier indicated that the report would be released midyear. You have to ask yourself why the government took so long to release a report on Victorian government business offices.

The second point I wish to make about the review is that David Buckingham is not independent. I am not for a minute casting aspersions on his capacity to do the job of agent-general in London, but he is not independent. If you are going to ask the agent-general to do a review of the agent-general's office and/or the other business offices, you can probably work out what the general thrust of the review will be. Having formerly had a ministerial responsibility in this department, I think it may have been preferable to have had a more independent review.

The third and most important point I want to make about the Buckingham review is that unfortunately the report was doctored. I quote from page 4 of the Buckingham report, where the government makes it very clear that the report has been doctored:

This is an edited version of the review of Victoria's international network conducted by Mr David Buckingham in May 2007.

Certain information has been removed to protect cabinet-in-confidence and commercial-in-confidence material.

Again I make the observation that this was one of the first acts of the new Premier, the Premier who said he wanted to be transparent and accountable. A review of overseas offices, of all things, has been doctored — significantly doctored, we are led to believe. We can only conclude that Mr Buckingham, even though he is not independent, may have made a number of criticisms

of the way taxpayers funds have been expended in these offices, but those criticisms are not available to the public.

I want to make a couple of observations about the Buckingham report. There are 43 recommendations in that report, and this bill addresses only one of those recommendations. The report covers the strategic framework of the offices. It refers to an IBM Global Business Services research study of relevant stakeholders. It contains a number of warnings about the state of Victoria's exports. It recommends a new structure for the Victorian government business offices (VGBOs), and it looks at the location of these offices. I want to very briefly touch on those points before I move to the government's response to the Buckingham report.

A strategic framework for future operation of the offices has been put forward by David Buckingham. At page 17 of the report he says:

The primary mission must be to effectively mobilise Victoria's overseas network and resources, working closely with commonwealth agencies where necessary.

He goes on at page 18 to refer to a 're-energised international network' with a number of goals which members are free to read.

He also talks about an IBM Global Business Services research project which was undertaken for this particular report. Thirty-eight stakeholders were interviewed, and one chapter of the report covers the reaction of stakeholders to these offices. I want to refer in particular to page 31, where clearly the report finds the performance of these offices is not good enough. The Buckingham report says:

The majority of stakeholders demonstrated some level of awareness of Victoria's international network. This ranged from a detailed understanding of the full complement of overseas representation by ministers, senior government officials and industry associations to the rather limited awareness of most business stakeholders of one or two VGBOs in their market(s) of interest.

I hope this issue will be addressed by the government.

David Buckingham went on to issue a number of warnings about Victoria's export trends and outlook at page 38. The government is in denial over Victoria's export performance, and perhaps this might focus its interest. Again I quote:

Victoria's exports grew substantially throughout the 1990s, peaking in the 2001–02 at \$30.5 billion; however, this figure fell by more than \$3 billion in the following two years to reach \$27.2 billion in the 2003–04. Since then, the state's exports have made a moderate recovery to reach

\$29.07 billion in the 2005–06, but of some concern, however, is the fact that Victoria is currently exporting a smaller share of its gross state product (GSP) than it did five years ago.

We constantly hear from the government how well we are doing in exports — we hear that from the Premier constantly. I would urge him not to doctor this paragraph out of his mind the way he has doctored other paragraphs out of this report.

A number of recommendations were made in relation to a Premier's directive guiding work and the legislation we are now debating. There are some recommendations at pages 49 and 50 which relate to the location of government business offices. I hark back to the day when there was a constant level of interest within the bureaucracy in these offices. Dare I say that there was a power struggle within various departments, and it seems to me that nothing has changed. David Buckingham has made some recommendations on who should be employed, where they should be, what should be core and so on.

The government responded to the Buckingham report, as indeed it should. It did not address all 43 recommendations, so I guess it did so by omission. It said there would be 10 actions as a consequence of this report: there would be an annual Premier's directive to guide the business offices in their work; there would be a Premier's business leaders advisory board; there would be an international coordination office within the Department of Innovation, Industry, and Regional Development; there would be a standing committee at departmental secretary level to assist in the whole of the Victorian government engagement in these international offices; there would be a mandated service level agreement between departments and agencies and the government business offices in the international network; there would be core posts in London, San Francisco, Dubai, Bangalore, Tokyo and Shanghai; the government would open a new core post in South-East Asia; the government would enact legislation to create these commissioner appointments, which is specifically what we are debating now; the government would give greater funding certainty to the international network of offices and ensure that the right staff were employed; and the government would work to develop a memorandum of understanding with Austrade to promote Victorian trade interests.

I guess these are all valuable actions, but there were 43 recommendations, not 10. By implication the government has dumped the bulk of the recommendations, which presumably has something to do with the doctoring of the report. It is not available to members of Parliament or other interested parties to see

what slabs of text justify the recommendations that the government has ignored.

I want to refer to the Premier's overview, again one of the first booklets he released as Premier. I want to particularly mention my concern about the Premier's unsubstantiated claims regarding the success of these government business offices. He said in that overview:

In the past seven years our VGBOs and TVOs have attracted more than \$8.7 billion worth of foreign direct investment, and thousands of jobs and visitors to Victoria.

That is what we want to test. I hope the business offices and the Tourism Victoria offices (TVOs) have attracted this level of activity, but we actually do not know because there is no rigour whatsoever in having these offices substantiate these sorts of claims.

The second area of concern I wish to mention is that it would appear that \$30 million is spent on these overseas offices per annum. David Buckingham made the, I thought, rather damning comment at page 22 of his report that:

... funding sources for Victorian government international activity are scattered and episodic in character, making it difficult to be precise about the state's total international resource commitment. Notwithstanding, it is estimated that the state's total international resource commitment is in the order of \$30 million per annum.

I am concerned that these figures are vague. David Buckingham makes this comment at page 23 of his report:

Tourism marketing and promotion activities offshore represent a major government commitment. In the 2006–07 financial year, the offshore salaries and operating budget for TV was \$2.124 million and for marketing \$5.129 million.

It is reasonable that members of Parliament and taxpayers ensure that we are getting value for money, but it is those sections of the Buckingham report that have not been made available to anyone but the government.

In the bill before us there is no limit on the number of commissioners who can be appointed. There is no doubt that we have a concern that there should be a very tight fiscal justification for the appointment of commissioners. There is none in the bill before the house nor any flagged in the government's response to the Buckingham report. I note also that an extra office, the International Coordination Office, has been adopted by government. Again I make the point that that is another office and I assume more employees, unless perhaps the minister in summing up might indicate whether existing staff would be used rather than more staff. I also make mention of the fact that Liberal Party

policy for the last election flagged a small increase for these offices, but it is very important that the number of commissioners and extra bureaucratic structure does not result in cost blow-outs in this sector.

I now want to return to the appointments themselves, because these jobs readily bring to mind jobs for the boys — I think that is the expression! In the Agent-General's Act, which is being repealed, it is actually flagged that if a member of the Legislative Council or Assembly accepts appointment as the agent-general, on appointment his or her seat becomes vacant. That has been removed presumably because it is not needed. The second-reading speech flags the appointment of people from government. It flags appointees from commerce, business, tourism, government and public administration. I make the point that some MPs would be very well suited to these jobs as commissioners, but not all MPs would be well suited to these jobs. I have no problem with the appointment of former MPs to some of these jobs, but I would urge the government not to go rampant, as it has from time to time.

I also want to make reference to the number of mentions of ministerial travel in the Buckingham report. Sometimes it is important that ministers travel, although I will take this opportunity to note that the Minister for Water is not in Parliament this week because he is travelling. This is a minister with a great propensity for overseas travel.

**Mr Nardella** — Hang on, did you ever travel?

**Ms ASHER** — Never, as a minister, never. I stayed in Victoria and did my job. I make the point that the government needs to be reasonable about overseas travel. I have given countless interviews saying that some ministerial travel, certainly the Premier's travel with a good outcome, is appropriate. But some travel, particularly travel undertaken by some of the ministers in this government, is not appropriate. It is interesting to see the number of references to ministerial travel in this particular document. I quote from page 11:

The review found that the benefits derived from ministerial visits would be strengthened through the implementation of enhanced coordination arrangements across relevant agencies in Melbourne.

At page 14 there is another mention of ministerial travel — a recommendation to:

Vest responsibility for the domestic preparation of all ministerial travel in a single, centralised and internationally experienced unit.

At page 18 it says:

Within this framework there are a number of specific priorities which will drive the work of VGBOs (Victorian government business offices) and TVOs (Tourism Victoria offices).

One of them is ministerial travel management, which is a priority for these offices. Again I would urge caution on that from the government. I refer to page 35 which also makes mention of ministerial travel. It actually is mentioned in the conclusions of the stakeholder survey:

the capacity of the overseas network to attend to business stakeholders is potentially constrained by the priority assigned to ministerial visits.

This is what stakeholders are saying — that the officers are doing so many ministerial visits that stakeholders feel, according to this survey, that they are not getting sufficient attention.

At page 62 there is another reference to ministerial travel which says the new International Coordination Office should coordinate government international travel, including ministerial visits.

I again refer to FOI documents where clearly this government has been going over the top in terms of travel. We have all heard these figures before. The former Premier, Steve Bracks, and his wife had two butlers to wait upon them. The Attorney-General, who railed against ministerial travel in opposition, had a \$3700 lunch in Paris. The former Treasurer, now the Premier, had a \$9400 limousine-hire bill, the Minister for Planning in the other place had a lunch in London, and the Minister for Education had a \$1300 lobster and salmon lunch, and on it goes. There was a range of quite frankly excessive expenditure incurred by these ministers. It is no wonder that the Buckingham report talked about the officers being diverted, in stakeholder opinion, by ministerial travel.

By way of conclusion I want to refer to the second-reading speech and to a couple of pieces of nonsense from the government. I read these second-reading speeches, and I am getting heartily sick of the nonsense and spin in them. I want to refer to two pieces of nonsense in the speech. The first one is that the government claims in the speech that because these appointments are going to be appointments by Governor in Council:

This will ensure that any such appointments are based on merit ...

That is absolute nonsense because merit will be the basis on which the person is selected for the job, not the Governor-in-Council process. I urge the government to appoint on merit and not appoint a whole bunch of Labor hacks. If you look at the government's record in

employing Labor members who have lost jobs, it is not that proud a record. It is a nonsense to include in the second-reading speech a statement saying that the Governor-in-Council process will ensure that appointments are made on merit. It is the quality of the person and the quality of the cabinet making the appointment that will ensure it is a merit-based process.

I also make reference to accountability. The government seems to think that this bill will bring accountability with it. Page 4 of the second-reading notes claims that the requirement for annual reports will make these overseas operations transparent and accountable. Again I refer to the amendment circulated by the Liberal Party. If the government wanted an accountable process, surely it would have a process that reports via the annual report to the Parliament rather than directly to the minister.

The reason I am so suspicious of reports going to the minister involves the example I gave of the Buckingham report, which clearly, in a review, has been doctored. Parliament will not hear about the reports under Labor's proposal. I acknowledge that the reporting requirements in the bill are greater than the reporting requirements now, but the reporting requirements put up by the Liberal Party are much better, because they require reporting to the Parliament and not to the minister. This Premier has already doctored one document, and I do not have any confidence in his not suppressing or doctoring other reports.

I call on the government to consider the Liberal Party's helpful amendment. As I said, the Premier wants to be transparent, so we are providing him with an opportunity on the floor of the house to be transparent. We support the bill, and I urge the government to accept the Liberal Party's amendment.

**Mr RYAN** (Leader of The Nationals) — The Nationals support the legislation. The second-reading speech commences with the statement:

Victoria is a small player on a large world stage, where it is imperative to both promote and differentiate ourselves.

How true it is. The Asia-Pacific Economic Cooperation forum was held in Sydney earlier this year. It was not so much the fact that the outcomes of the forum were as they transpired that was impressive; rather it was the fact that Australia could host the forum in the first place. Here we are, a nation of 21 million people, and we were hosting a forum of countries representing of the order of 3.5 billion people. It was also a strong indication of Victoria's place in things.

Our reputation within the developed world, within the OECD (Organisation for Economic Cooperation and Development) and within the developing nations is second to none. Ours is a \$1 trillion-plus economy. We have one of the strongest economies, not only within the OECD structure but within the global system generally. All of this is relevant to the sorts of matters that are touched upon in the bill now before us. That is so because, as the second-reading speech says, Victoria in essence is a bit player on a vast stage, and it is vital therefore that we have structures that further our place in things and advance every opportunity that is available to us to make certain the future prosperity of this great state.

It must be said that the overall policy position of the federal government has been absolutely pivotal in enabling jurisdictions such as Victoria to be placed as they presently are, but it is all the more reason why we need to have mechanisms in place to make certain that we maximise the opportunities that are available to us from an international perspective.

Early this year the government, per David Buckingham, undertook a review of its representation on the global stage. That review was conducted in May this year and the government has since responded to it. The bill now before the house is one element of the response to the Buckingham report. The bill is pretty basic in its structure. It talks about the appointment not only of the agent-general, which is to preserve more than 100 years of history between Australia and England, but also of commissioners recommended as appropriate under the terms of the Buckingham report. The bill also sets out the functions and duties of the agent-general and the commissioners. In essence those functions and duties follow the sorts of responsibilities which are set out in the Agent-Generals Act 1984, which is being abolished by the bill. There are some additions, as has been pointed out by the member for Brighton, but the essence of the arrangements still stand.

Clause 10 refers to the need for an annual report, and the Liberal Party has proposed an amendment to this provision. The reason The Nationals support the proposed amendment is self-evident: the more the government of the day, of whatever persuasion, is seen to be reporting to the Parliament of the state on issues upon which the bill touches, the better it will be. The more the people of Victoria are informed about the performance of the various officers who have the responsibilities contemplated by the legislation, the better it will be. Accordingly the provisions in clause 10, as they now stand, fall far short of the appropriate benchmarks that ought to properly apply in relation to these forms of appointment. So it is that we

support the amendment proposed by the Liberal Party, and we urge the government to adopt it.

Clause 11 deals with ministerial directions which may be given to commissioners in relation to their activities; and the rest of the bill, without going into too much detail, is somewhat mechanical in nature.

The Buckingham review is set out in a series of chapters. Chapter 1 deals with the Victorian economy and its performance. Chapter 2 talks about the evolution of the Victorian government's presence abroad. Chapter 3 details the independent stakeholders in valuation, which is an interesting read. Chapter 4 notes the positive impact that globalisation is having on the Victorian economy. Chapter 5 outlines the structure and supports that will need to be put in place to achieve a successful whole-of-Victorian-government approach, as it is termed. Chapter 6 argues for an increased trade focus for Victoria's international network.

The bill is the product of one of 43 recommendations that are contained in appendix 1 to the Buckingham report. Recommendation 8 refers to the proposition that the government should:

Enact legislation to create commissioner for Victoria appointments, made by the Premier through Governor in Council, to Victoria's international network, including to lead core Victorian government offices abroad and ensure that any such appointments are made consistent with existing government practice.

In essence that is what we have before us in the legislation. Chapter 5 refers to a consideration of the fee structure and support that will need to be put in place to achieve the aims and intentions outlined in the review. It refers to a proposition to consolidate the network around a number of core posts — San Francisco, Shanghai, Tokyo, Bangalore, Dubai and London. The Buckingham review recommends that these core posts should be the central focus of attention while the other areas making up the total of 16, which reflect our presence at the moment, should be concentrated on the major core posts.

The significance of our presence in these foreign locations cannot be overstated. It is very important that Victoria has a strong presence in the different areas around the world which we are so dependent upon in terms of expanding our markets.

Nevertheless it is concerning to see in the report that exports from the state of Victoria have stalled over the course of these past years, and that having hit the figure of around \$30-odd billion not only have we not advanced it, we have slipped back from it. That in itself is a matter of significant concern from the perspective

of The Nationals, and obviously from that of the Liberal Party. It ought be of concern to all members of this house. We need to have an economy which is outward looking. We are few in number as a state, let alone as a nation, and it is imperative therefore that we grow our export markets.

The rhetoric of the present government, invariably on an almost daily basis, is that this is a process that is in fact happening, whereas in a clinical fashion the figures tell another story altogether. It is one of the reasons why The Nationals support this legislation; we think it is very important that in accordance with the Buckingham review we bring some discipline to the way in which these offices operate to make sure that we have them located in the appropriate places around the world, particularly with an eye to the growth of our exports, and also very importantly that we have appropriate benchmarks in place so that as a Parliament and as a community we can properly measure the performance of those offices in producing the outcomes for which those offices are designed. It is absolutely pointless, and of course completely contradictory to this review, to the government's response and to the bill before us if there is no accountability which can be examined on a clinical basis to see that these offices are doing their job. Again I suppose that is why it is important that the Liberal Party's amendment which is before the house is supported by the government.

David Buckingham is known to me, and although it has been a couple of years now since I was in London, I commend the work he does. He was a source of great assistance to me in arranging different appointments which I attended so that I might subsequently make a report to the Premier, which I eventually did. I think those of us from within the Parliament who travel to London should ensure that we use the services of the office of the agent-general while we are there, because after all the appointment he now holds is crucial to the style of debate we are now engaged in in this place.

With the very greatest respect to him, though, I think that when you are going to undertake a process of reviewing the various positions of which we are speaking in the course of this debate, and most particularly that which Mr Buckingham occupies, it is one of those classic cases where things not only need to be done but they need to be seen to be done. It is imperative therefore that, if you are going to have the sorts of assessments which the review contemplates and you are going to have government action upon them and legislation that flows from that process, the being-seen-to-be-done element of all of this is able to withstand scrutiny. With the greatest respect to David Buckingham, I say that it does not necessarily place

him in anything other than a very invidious position to ask that he undertake the review that was requested of him.

On the merits, of course, time will tell whether the various recommendations he has made — or at least the 8 or 10 that have been adopted by the government — are going to truly make a difference. One would hope that in due course the other 33 or 35 recommendations that he has made will also be acted upon by the government and that the government will report to the house accordingly. But you would have to think that, if you are going to do this on a truly clinical and objective basis in a manner that enables people to have absolute and utter faith in the process, then the better way to do it is to do it completely independently of government and government appointees. For all that, it is evident that Mr Buckingham has devoted an enormous amount of time and energy to all of this, and I emphasise again that the comments I make here are on the basis of reflecting upon the process. I make those comments having regard to what I think is the generally excellent work undertaken by David Buckingham and the people who work through the office in London.

As time passes, of course, this issue of our capacity to grow our economy in Victoria is increasingly important. I think everybody in this place well understands that, insofar as achieving that aspect of things is concerned, we rely completely upon our ability to grow our markets on an international basis. As a community of around 5 million-plus people in Victoria we very obviously produce far more than we can ever consume in this state or indeed than we can ever export to other jurisdictions around Australia.

We must have appropriate access to global markets, and so the roles being undertaken by these officers — the roles being fulfilled by the agent-general and by the commissioners who are appointed under the terms of this bill — are absolutely vital roles to have discharged in a manner appropriate to the state's needs. In turn this goes to the people who are appointed to those roles. We need to see appointees who are there on merit and who can do the job to the best possible level. That is what the state is entitled to require, and I believe that is what this government is obliged to fulfil.

As has been pointed out already in the course of this debate, some of the general rhetoric of the Premier following his appointment to his role only a few weeks ago has certainly not been matched by the level of performance subsequently. One would like to think that, if at least the tenor of the review undertaken by Mr Buckingham and the tenor of the response by the government are able to be given due effect in a manner

which will stand scrutiny, the government will have regard to these recommendations in their totality and in due course make sure they are enacted in a way which serves the best interests of the state of Victoria. The Nationals support this bill.

**Ms THOMSON (Footscray)** — I rise to support the Agent-General and Commissioners for Victoria Bill 2007, and I do so understanding the importance of the roles of the commissioners and the agent-general, and most importantly the roles of the offices. I want to talk historically a little about the establishment of the offices, what they were established for, why that role has now changed and developed, and why it will continue to change and develop. I too will touch a little bit on the Buckingham review.

We have 11 overseas offices, and they were primarily established for investment purposes. We have seen new ones start over time. I think there were seven initially, and that number has grown over the years due to differing and changing overseas markets. They were there to encourage investment into the state by major overseas companies and to increase the opportunity for employment here in Victoria. But as you can tell from the Buckingham review and from other reviews that have been undertaken, there are now new roles for these offices that are vitally important to the economic security of Victoria and its economic future.

Let us touch on them moving from just having an investment attraction focus to now having a focus on trade. A lot of work has been done by government that has developed export plans, and underneath those export plans are a lot of industry plans. There have been innovation statements and industry statements which have highlighted the industries that we believe as a government, through consultation with industry, have the potential to export, have the potential to grow jobs and have the potential to hit the world stage.

Now we need a mechanism to actually take those opportunities and take those companies that have those opportunities and give them that global experience. You cannot do that by just going once to a country and figuring that you are going to gain a whole lot of business out of it. You have to have a presence; you have to have a capacity to build and make relationships at all levels — at a level with government and senior ministers, at a bureaucratic level, with industry at the very highest levels — right through to every mechanism that enables our companies to go out and to sell what they have to the world. That is where Victorian business offices come into their own.

**Sitting suspended 6.30 p.m. until 8.02 p.m.**

**Ms THOMSON** — Prior to the dinner break I was talking about the changing roles of the Victorian business offices overseas. Where originally they were investment offices whose job it was to seek investment into Victoria, that has now broadened to trade offices to ensure that we are giving opportunities for companies to export. We all know that the future of Victoria's economy lies in our exporting goods and services overseas and creating larger markets, therefore providing opportunities to create jobs back here. There are industry plans in place to support that, there are strategies in place to support that, and we need to ensure that the overseas offices are meeting those strategies and delivering on all of those things.

But it is broadening. We are now looking at education. Now the largest number of students choosing to study in Australia are choosing to study in Victoria. That is not an accident; that is from a whole lot of hard work. If you look at the ICT (information and communications technology) industry, you will see we are 30 per cent of the Australian ICT industry, and yet we are only 25 per cent of the population. We are kicking above our weight. We are exporting. We are partnering with overseas companies to attack the global market. We can only do that whilst we have a presence overseas that can be continually worked on and encouraged. That is why these offices are so crucial, and I think both sides of the house accept the role they play.

It is not just in isolation. Other states also have offices overseas doing exactly the same thing: seeking investment into their states, looking for opportunities for their businesses to go overseas — all of it very good if it increases the market available to our businesses anywhere in Australia. But they are not our competitors. Our competitors are now Singapore, Montreal, Malaysia, the Philippines — other places around the globe. They are aggressively marketing themselves internationally, and we must be up to that task. As I said before dinner, we have to be able to do that at all levels of government, at all levels of business — including the arts, where we can gain acceptance and take our arts to the world, where we can create relationships. They are all very important, and that is what brings us back to this bill.

This bill is about recognising the need to have positions that have status, that have accountability and that will meet the agenda that has been set by the government. This bill addresses that. It ensures that they are set tasks and functions that are compatible with the agenda that we set here as a government and the strategies that we put in place. And they will be accountable, far more accountable than they have been to date. I noted that in

her address the member for Brighton admitted that there had been limited accountability.

The reason we are talking about establishing commissioners in core offices is that we also understand that the strategy for attacking the global market needs to be strategic. We cannot be everywhere. We cannot attack the global market en masse. There are areas that we know we can target and get the best outcomes. That is what we have done when we have set up our commissioners in Tokyo, San Francisco, Shanghai, Bangalore and Dubai, and our agent-general in London. The destination in South-East Asia is still to be decided, and it will be decided strategically.

It is important to note that for the first time real directives will be given to these commissioners and to all our offices overseas based on the expectation the government has of the roles and functions they will perform. And they will be accountable. They will report back to the department, and that will be reported through the annual report of the Department of Innovation, Industry and Regional Development so we will know how we are travelling and we will know how our offices are performing.

Along with that, under clause 11 of the bill the minister may give written directions to a commissioner in relation to matters, and they will be gazetted. So we will know what the government expects of the commissioners. It will be open and accountable. It is for this reason that we do not believe the amendment is relevant. There are adequate reporting measures in place within the bill and within current legislation to enable a commissioner and overseas offices to be accountable, and they will meet those accountabilities.

This is a great initiative by the government. The Buckingham report, which the member for Brighton suggested was doctored, is in fact very open. It is a warts-and-all account — the good, the bad, and perhaps in some cases the ugly; I am of course not talking about the actual overseas office staff — of what is good about what we are doing overseas. It recognises that we can do better, that we can be more strategic and that we can achieve greater outcomes with a whole-of-government approach to the overseas offices and service not just one minister but the government and the businesses of this state that need to have our overseas offices working strategically on their behalf. It is a competitive market out there; it will only be more competitive in the future. This is our opportunity to get it right for now and get it right for the long term. I commend the bill to the house.

**Mr KOTSIRAS** (Bulleen) — It is with pleasure that I stand to speak briefly on this bill. From the outset can

I say that perhaps the name of this bill should have been the Pandazopoulos and Theophanous Amendment Bill, because one of its aims, as the minister would appreciate, is to find a job for the member for Dandenong and also for the minister in the other house, because as everyone knows Minister Theophanous has travelled to Greece on numerous occasions to make contacts.

**Ms Thomson** — So have you.

**The ACTING SPEAKER (Mrs Fyffe)** — Order! The honourable member has had her opportunity.

**Mr KOTSIRAS** — The former minister is talking about travelling — the one who travelled business class and first class and stayed in 5½-star hotels and delivered nothing for Victoria. You are a disgrace!

**Ms Thomson** interjected.

**Mr KOTSIRAS** — This bill, as I said, is all about the member for Dandenong North — —

**Mr Andrews** — He is the member for Dandenong.

**Mr KOTSIRAS** — The member for Dandenong, sorry — and it is about jobs for ministers in the upper house when they retire from this place. Can I just say that the Victorian government business offices are essential and have provided a lot of trade for Victoria. It is also good for Victorian businesses to be able to invest in other parts of the world.

I said earlier that this is all about a career for Minister Theophanous after Parliament. I am pretty sure that Minister Theophanous, who is going to Greece again in November with a business delegation, will ensure that the government opens up an office in Thessaloniki — and perhaps he is going to make that announcement when he arrives in Greece.

If he decides to do that, it will be good for trade, because we will get access to the Balkans region. If a Victorian office were opened up in Thessaloniki, I would be concerned if the member for Dandenong or the minister were to be responsible for the office. But I think the concept of opening an office in Thessaloniki would be good for trade, because it would open up the Balkans region.

The minister should have a serious look at that, because overseas business offices have worked well in the past. During the years from 1992 to 1999, business investment was about \$30 billion. Under this lazy government, trade has dropped. Investment has come down to about \$27 billion, a drop of \$3 billion over the

last eight years, despite the fact that Mr Theophanous said the government has been doing a wonderful job. He said that a review is important:

... because they will see the establishment of an international coordination office as a new central coordination point for government, they will introduce service level agreements across the overseas network and they will see an upgrade of 6 of the 11 Victorian government business offices to core posts — and all of these reforms are designed to increase our export penetration.

That is all very fine, but once the report had been given to the minister, you have to wonder why he chose to implement just 1 recommendation out of 43. One has to question the motives of Minister Theophanous with regard to this legislation.

It is good to see that the member for Dandenong is now in the chamber. I think he would agree with me that having an office in Thessaloniki is important and that, while he is in Greece, Minister Theophanous should have a look at opening one there to develop trade. He is taking a number of business people over there to ensure that he is successful, but he needs to make sure the office is staffed by someone who knows about and understands trade. I do not think Minister Theophanous is capable of achieving any real gains in terms of trade for Victoria.

As I said, the opposition is supporting this legislation, but I hope the government will support the amendment that has been proposed. It is a very simple amendment that is all about openness and transparency. All we are asking is that the government be accountable to the Parliament and not to the minister. I hope members on the other side will support the amendment, which has been proposed by the opposition in good faith. However, I understand that if other motives are involved they will vote against it. That would be a pity. I had hoped there would be bipartisan support for this amendment, but if the government is refusing to be open and accountable, perhaps it should explain to the public why it has decided not to do so.

I warn members and the public about having Minister Theophanous as the person in charge of our Victorian business offices overseas, because I think we can do better. Under this minister I think we have failed.

**Mr DONNELLAN (Narre Warren North)** — It is an honour to be speaking on the Agent-General and Commissioners for Victoria Bill. The purpose of this bill is to assist the growth of the Victorian economy and to increase exports to fast-growing economies. There was a report recently on seizing global opportunities that identified various reforms that we needed to undertake to boost Victoria's economic performance.

One of the major reforms is to ensure that the appointments of commissioners for Victoria are statutory appointments. Being the son of an Australian trade commissioner, I know how seriously people on overseas postings take their roles. I have had an opportunity to meet with various operatives from the Victorian government business offices, including Peter Deacon in Dubai, and they are very experienced at what they do. These are not political appointees; they are people who are well skilled in trade. A great percentage of them are former Austrade commissioners, and their knowledge and skills within the area in which they work are second to none.

The commissioners' roles will be much the same as the agent-general's role, and they will assist us greatly in increasing our exports. Recently we set a target of about \$35 billion in exports by 2015, and it is important that we do everything we can to work towards that target. In the past seven years the Victorian government business offices and Tourism Victoria offices have attracted more than \$8.7 billion in direct foreign investment, created thousands of jobs and brought many visitors to Victoria. I think that is largely due to the skills of the individuals we have working in those offices overseas.

Our goal in establishing our overseas offices is to create a continuously innovative, high-skill, high-productivity and export-based economy. We cannot be reliant on selling into just our domestic market; we need to look offshore. If members look at the figures for the Australian companies that export, they will see that they are still very low. I think the figures are that about 4 per cent of Australian companies export and another about 2 per cent said that they might do so in the future. Realistically our distance from most other countries around the world is an obstacle, but at the end of the day we need to overcome that obstacle as much as possible and have more Australian companies exporting, so that we are not dependent solely upon the domestic market for the profits of our companies. As I said, \$35 billion is a hopeful and difficult target, but at the end of the day if we get the appointments of the commissioners right, we will get there.

I note that in the eyes of the government the amendment proposed by the opposition would impose an onerous obligation on the Department of Innovation, Industry and Regional Development and probably make its annual report about twice as long as it is. The Victorian government business offices are largely an administrative component of DIIRD. They are not individual units in their own right, operating by themselves; they report back through DIIRD. At the end of the day the DIIRD annual report includes performance indicators and so forth on what the people

in those offices are up to. It would be very much like asking every politician in this room to prepare an annual report and put down key performance indicators of what they have been up to last year or the year before.

It is pretty unusual to be asking each public servant — and I do not know how many officers there are — to prepare an individual report. We would end up with report overload, to be honest, and I do not think people would actually read them. I cannot see the purpose of the reports when at the end of the day the performances of the offices are included in the DIIRD report. To be honest, I think it is largely just a waste of time and paper. I commend the bill to the house and look forward to continuing and growing exports for the Victorian economy.

**Mr R. SMITH** (Warrandyte) — I rise to speak on the Agent-General and Commissioners for Victoria Bill 2007. This bill is the outcome of the *Review of the Victorian Government's International Network*, which was completed in May by David Buckingham, the current agent-general, at the behest of the then Premier. It is worth noting that the full review is unavailable to the public or to the opposition because of apparent cabinet-in-confidence and commercial-in-confidence material. It is difficult to accept those terms nowadays because they are used so often by the government to hide any embarrassing things or anything that may cause the government any discomfort. Certainly members of the opposition understand why the public would be very sceptical about those terms being used.

The edited version of the review, which is available to us, lists 43 recommendations, of which this bill addresses only one — that is, recommendation 8, in which the government is advised to:

Enact legislation to create commissioner for Victoria appointments, made by the Premier through Governor in Council, to Victoria's international network, including to lead core Victorian government offices abroad, and ensure that any such appointments are made consistent with existing government practice.

The body of this legislation really contains nothing that needs to be legislated for other than the repealing of the Agent-General's Act 1994, which could have been done as an amendment. The bill is mere symbolism, which is accompanied by the government's ubiquitous glossy brochure, this one entitled *Seizing Global Opportunities*. I note that the brochure is a little less colourful than usual. I imagine that the budget was blown earlier this year on the shiny red helicopter.

Of concern is the fact that this bill does not mention a limit to the number of commissioners to be appointed.

Under this bill Victoria could conceivably end up with a diplomatic corps larger than that of the federal government. There are also no parameters as to how much money can be spent on the commissioners and their attached bureaucracies.

Of some concern also is the length of time the government has taken to act on weakening Victorian exports. Victoria's exports grew by only 6 per cent from the financial year 2002–03 to 2006–07. The government consistently blames this on the mining boom and says that Victoria is being compared to non-mining states and that that is why Victoria is not up to scratch. This explanation does not really hold water because in the same period, 2002–03 to 2006–07, South Australia experienced 8 per cent growth in exports; and New South Wales, albeit that it has a small amount of mining exports — only 15 per cent of the national mining exports — had a growth of 39 per cent in exports.

In more recent times, from March 2007 to August 2007 South Australia's exports grew by 12.8 per cent, those from New South Wales grew by 5 per cent, and Victoria's actually fell, by 8 per cent. So this has been a consistent problem over a number of years, and it is a concern that the government is addressing it only now. The Buckingham review backs this up and states:

Victoria's exports grew substantially throughout the 1990s, peaking in the 2001–02, at \$30.5 billion. However this figure fell by more than \$3 billion in the following two years to reach \$27.2 billion in the 2003–04. Since then, the state's exports have made a moderate recovery to reach \$29.07 billion in the 2005–06, but of some concern, however, is the fact that Victoria is currently exporting a smaller share of its gross state product ... than it did five years ago.

These figures are a real concern and have been for quite some time.

I move now to the issue of accountability. When reporting on the government's overseas business offices an article in the *Age* of 1 June states:

... overseas offices have come under fire for using millions of dollars of taxpayers money but lacking targets or performance standards.

There is really nothing in the bill that will change this. The government will point to clause 10 which contains a requirement to submit an annual report, but that report will not be made public at all, so I urge members to vote for the proposed amendment, to rectify that.

In 1982 then Premier John Cain said that he would close the office of the agent-general unless it showed some measurable profit in the following year. The appointed agent-general, Ian Haig, and the director of

economic development, Gary O'Donohue, presided over a quite considerable profit and as such the office remained. I hope this government has a similar view and makes sure that the outcomes are tangibly measured and, in the absence of a decent result, relieves the commissioner or decides that that particular region will not be valuable for the future of Victoria.

Documents obtained under freedom of information requests have shown that on their little jaunts government ministers have managed to put their hands in the pockets of taxpayers through the office of the agent-general. Victorians had to foot the bill for then Premier Steve Bracks. I think that was \$15 500 for limousine costs. The then Treasurer and now Premier spent just under \$10 000 on limousine hire. The Attorney-General in 2004 cost taxpayers \$10 000 for a lunch in Paris. This is the same minister who in opposition screamed about the expenses incurred under the previous Liberal government. That is certainly the pot calling the kettle black. Members can understand my concerns when they look at Labor's track record of utilising the agent-general's position — and I guess in the future the position of commissioners for Victoria — to pay for their personal expenses. It is concerning that the change being made by the bill will open up just another layer of bureaucrats, with no way of curbing expenses.

On the issue of annual reporting, former agent-general Gary O'Donohue, who served between 1987 and 1989, has said recently that annual reporting left far too much scope for abuse and that in the past monthly reporting was the norm. Also, I do not believe that relationships can be built from a distance. I question whether the commissioners for Victoria will be of particular value or will be able to do their job well enough if they are not domiciled in the region that they are supposed to be bringing trade and investment from. I will not oppose the bill, because it makes no material change. It is just another excuse for a glossy brochure and a media announcement.

**Mr PANDAZOPOULOS (Dandenong)** — I am again following the member for Warrandyte in the debate, as I did yesterday. As I said yesterday, the importance of debate in this house is always about what the opposition members do not say. The reality is that this opposition is taking the approach of talking down the economy. Their mass cynicism that they are the pure economic managers who know all the good things about how to grow the Victorian economy just shows their old ways. They have just never grown out of their born-to-rule mentality. They have to look at the facts and see what this Victorian government has done about growing the economy by being competitive in the

domestic marketplace, but more importantly in the growing international marketplace.

The opposition has a small town, small economy mentality. As a state of 5 million people, we have to go out and sell what we manufacture here, using all our strengths and not simply staying home and having no resources overseas. What they are really telling us is that they do not understand the business of the international economy and the needs of our internationally focused businesses here in Victoria, in which we do so well and in which we are very competitively placed, whether it is in manufacturing, financial services, tourism or biotechnology. They do not understand the competitive strengths Victorian business has in the international economy, particularly in the ever-growing, globalised economy, which despite the distances is bringing us closer and closer together.

The reality is Victoria will perform in the future. That is understood by our competitors, not only the other states that have grown their international profiles but other jurisdictions around the world, whether they are national governments or regional governments. When we look at similar models in other countries around the world, we find that regional governments, like our states, have a very strong presence overseas. The reason for that presence is that they know the only way you can chase up business is by developing localised relationships and by giving status to the people involved.

As a former minister I have seen the great work that our overseas offices have done in tourism as well as our trade and investment offices. We have seen the success and the status held by the office of the agent-general in the UK, and the benefits that it has provided to us. Whether it is David Buckingham, who prepared this report, or people like Alan Brown, who I visited when he was in that job, we have seen the benefit that a statutory position such as an agent-general brings in terms of it being recognised that they are not an employee of government but an official agent of government.

The Kennett government recognised the need for and importance of an expanded overseas office presence. We have expanded it even more. The reality is there should be a bipartisan approach to this. We understand in this growing competitive environment that our competitors give their representatives overseas, whether they are overseas-based or home-based, the right status. Let us not forget that we had a commissioner for Italy in Sir James Gobbo. Whilst he was based there, providing part-time representation, that official status gave him a very important profile in Italy. We

understand that as part of this evolution there is a need for us to continually improve our performance and sell our strengths overseas. We need to have not only the right people with the right resources but also the right status, because that is what our competitors are doing.

I refer to the growing Asian economies and the Gulf States — and Peter Deacon has done a wonderful job in Dubai representing us in the Gulf States. In China and in the office in Bangalore it has been very confusing for those officials in government and in very large corporations because they are unsure whether our representatives are government employees or employees of a private or government investment office. Do they have an official status with government? It is really about this collective evolution of our overseas presence. We understand that we not only need to have offices in the places that return the investment but we also need to make sure that we have the right representatives, the right resources and the right respect for the people who work with us.

I have physically seen the work that these representatives have done and the competitive advantage that they give us in our overseas offices. That is exactly what this bill is about. David Buckingham recognised that, as a former head of the Business Council of Australia. He understood from a business perspective that there is a need for us to gear ourselves if we are making this investment in the way it needs to be. That is why David Buckingham was very keen that this review be done.

Under this government we have seen an expansion of our overseas offices. We now need to do a stock take of where we are, where our future investments should be and how we need to support them. That is why I think it is great that this government has understood and recognised that. From this bill we will see a growing profile of Victoria in trade and investment, and in the things that are important for Victoria to be promoted overseas. That is the core role of our representatives overseas, and this bill recognises the important and valuable contribution that they make.

Let us not underestimate the important work that these people do and the focus that we need to have in the future if we are to grow our international economy. Let us also not underestimate how these offices complement the work that the federal government does. There is a reasonable argument to say that the federal government should do a lot of these things, but at the end of the day, we, as states, have different competitive advantages to other jurisdictions.

We have supported and received good support from federal government agencies that have seen us as a state. They have identified niches that perhaps local trade offices working out of diplomatic missions or Austrade offices overseas have not had the advantage of understanding, because for them they are working off a narrower focus. This is a mechanism to improve our competitive advantage and work with the Australian representatives overseas on things that are important to our economy. I think the fruit of the labour is there in the return on investment that we are getting. I commend the bill to the house.

I think it is very important as we add extra focus to these positions and extra accountability that we do not also overburden them with additional bureaucracy. We need to make sure that we get the best candidates for the job. Increasing their status to commissioner does that. What we have in all our offices overseas, apart from the agent-general in London, is simply a perception that they are just government employees who report to a government department and that they have a head office at a different location and do not actually act for the central agency, which is the whole-of-government agency, which has a whole-of-government approach. The head of the Department of Innovation, Industry and Regional Development reports back to the Department of Premier and Cabinet. I commend the bill to the house.

**Mr O'BRIEN** (Malvern) — The importance of Victoria's agent-general and commissioners is expanded in this bill. It is very important for Victoria to have as much direct foreign investment as possible to help grow our economy, and it is also very important to have as great an export market as possible for our goods and services. There is certainly a desperate need for increasing the focus on improving Victoria's exports, because the export performance under this government has been nothing short of woeful. At the risk of having members eyes glaze over, there are some important figures and statistics which I would like to place on the record that demonstrate just how lacking this government's performance has been in relation to exports and why we need a much sharper focus on improving Victoria's performance in this important area.

Our proportion of exports to gross state product has fallen rapidly from 17.4 per cent in 2000–01 to 12.5 per cent in 2005–06. The growth in goods exports under this government has been a pathetic 5.33 per cent over its term, between 1999–2000 and 2006–07. The national average for the same period was 72 per cent. We can compare that with growth in goods exports under the previous coalition government, which was

72 per cent, and the national average for the same period was 60 per cent. Under Labor Victoria is well below the national average, but under the previous coalition government Victoria was well in front of the national average. That shows the distinct importance that this side of the house places on our export performance compared with those currently in government.

Manufacturing has been left to wither under Labor to the extent that the ministry for manufacturing was abolished under this government, demonstrating its complete lack of care for and its disregard of this sector of the economy. It abolished the portfolio. It was left to wither and die after the member for Lyndhurst got his hands on it. He is obviously the kiss of death to manufacturing in this state, because Victoria's performance was abysmal under his tenure, and the government has not even bothered to replace him as Minister for Manufacturing and Export.

During the debate we have heard those opposite say, 'What about the minerals boom? You cannot ask us to compare with minerals states'. But as the member for Warrandyte has already indicated, even taking that into account, when you compare our performance with South Australia's, you find that we are still lagging behind. When you look at Victoria's combined goods and services exports, you see that our share of combined national goods and services exports has fallen from 20.4 per cent in 1999–2000, when this government was elected, to only 15.5 per cent in 2005–06. What those figures demonstrate is the extent of the decline in manufacturing and the decline in goods exports both in real terms and as a proportion of the national economy under the Labor government.

The opposition does not oppose this bill. We think it is important that Victoria puts a lot more effort into promoting its exports overseas and attracting the sort of good foreign direct investment into Victoria that will help to create new industries, build new enterprises and secure more jobs for Victorians. But we have concerns with aspects of this bill. Certainly the fact that the appointment of commissioners is going to be made by the Governor in Council leads to concerns about the perception of political appointments, and we hope the government will resist the temptation it has been unable to resist in other sectors of government administration and avoid stacking the commissioner positions with its Labor Party mates.

It is also important that this government take action to make sure that these commissioners are accountable to the Parliament and accountable to the Victorian taxpayer for the moneys that are expended in our name

by them. We should be looking at what other jurisdictions do in terms of getting the right sort of reporting back, so that we know what our commissioners have been up to in our name. That is why the opposition will move its amendment that requires the commissioners to report directly to the Parliament — so we can keep tabs on them. Victorian taxpayers are entitled to accountability.

The member for Dandenong in his contribution to the debate said that that would be just more and more layers of bureaucracy. The government raises the flag of bureaucracy every time this side of the house asks it to be accountable. Whether it is submitting documents to the gaming inquiry or reporting the efforts of trade commissioners to this Parliament, this government refuses every single measure, every single attempt to make it accountable, but this opposition says Victorian taxpayers deserve to know what their money is being spent on, what results we are getting and whether we are getting value for money. If the government refuses to accept this amendment, one can only be suspicious as to why the government is not prepared to be held accountable as to the performance of its handpicked commissioners who are sent off overseas in the name of Victoria.

This is certainly not a government that can be taken on trust in relation to these matters, and its performance demonstrates that. We urge the government to seriously consider accepting this amendment. If it is serious about having a bipartisan approach to trade investment policy, a bipartisan approach to improving Victoria's exports, a bipartisan approach to attracting more investment into Victoria, then one way in which it could attempt to assure members on this side of the house that it is doing so with the purest of motives is to adopt our accountability measure.

In the *Review of the Victorian Government's International Network* David Buckingham says at page 44:

The propensity to commit to an investment project is greater when the prospective investor directly visits the location.

That is a very important thing for the government to remember for its trade investment strategy. It is a good thing to have officers overseas spruiking Victoria, but nothing is going to be more important to securing investment for Victoria than getting those investors into our state, letting them see what we have to offer, letting them see the benefits that Victoria has compared to other states and letting them see the benefits that Australia has compared to other countries. Let us not think we can simply say we have done our bit for export performance and export marketing by just

opening a branch office and staffing it with some bureaucrats. We need to have a program to get investors over to Victoria to see what we have to offer here.

As David Buckingham has said, the best way to secure that investment and secure it for the long term is to get people to commit to this state. I would urge the government to take that very seriously on board in its strategy. On that note I again say that I do not oppose the bill but would urge the government to accept the opposition's amendment and ensure that this bill does something to improve the pretty dreadful performance of Victoria's exports under this government.

**Mr LIM** (Clayton) — This bill is tremendously important for Victorian business and its export activity. I think we tend to take for granted that ours is a non-resource state and therefore look inwardly, but this bill will change all that. The member for Footscray has already alluded to the fact that these offices are now going from being investment-oriented and encouraging investment from overseas to promoting what we have to offer to the world. That is very important, and this bill will provide the government with the ability to do that in a meaningful and forceful way.

Victorian overseas business offices have attracted more than \$8.7 billion worth of investment since 1999, and this bill is an integral part of ensuring that Victoria will reach our \$35 billion export target by 2015. It is very important to look at the bill as the centre of this. It will allow the government for the first time to appoint high-profile individuals who are capable and have proven their ability and demonstrated leadership skills. They will have had considerable experience and will have appropriate qualifications for specialised trade and investment promotion roles based either in Victoria or overseas. The bill will also allow the government to create and consolidate a brand of Victorian trade and promotion professionals designed to increase the profile of the state outside Australia.

The bill will implement one of the key recommendations of the review by David Buckingham, as other speakers before me have already alluded to, which comes as a result of the review of the Victorian government's international network of overseas offices. One of the key areas of these proposed reforms was the enactment of legislation to appoint commissioners for Victoria. This was made by the Premier, through the Governor in Council, with a view to fundamentally realigning Victoria's international network to a whole-of-Victorian-government approach and to boost the state economic performance and its standing overseas. By so doing we are fostering greater

consistency and transparency through the creation of new and specific categories for trade and investment promotion leaders who are subject to the same process of appointment and operation in this role.

I think it is very important, as I made reference to earlier, that we look beyond this state's traditional role in manufacturing. When you come to think about manufacturing, the new emerging giants of China and India are now beating us hands down. Therefore we have to look at where our strengths are. It is in the areas of cutting-edge technology and the service industry that we can compete powerfully — for example, in environmental services. We should never overlook the fact that just about every Chinese person who arrives in Melbourne as part of a trade delegation is so mesmerised by the clean air and everything in Victoria.

They are just so taken by the fact that Melbourne continues to be the most livable city in the world, bearing in mind that about every month a city the size of Brisbane is emerging in China. I am sure they would like their cities to be among the world's most livable cities like Melbourne. We can sell a lot of our services and technology, our know-how, our experience and our management skills in terms of how we make Melbourne the most livable city. There are a whole range of other services that we can promote and sell. These overseas offices will be playing a very significant role in selling and promoting our trade in that respect.

There are a whole range of areas where as a non-resource state we can promote ourselves. Tourism is a growing industry. Education and educational services — our universities, our high schools; there is a \$3 billion trade area there. We have a whole range of other services. There is our food industry. Every time I have visited China I have noted that people from the growing middle class in China are demanding our meat, our dairy products and our wine. That is where we will be competing with our European competitors. This is where our offices, especially in Asia and particularly in Hong Kong, Nanjing and Shanghai — and hopefully we will have another one in Beijing eventually — will help us promote and grow our trade to \$35 billion by 2015.

This bill is very important. It will take us into the 21st century and help us remain competitive vis-a-vis other states. Victoria is taking the lead. I commend the bill to the house.

**Mr CRISP (Mildura)** — The purpose of the Agent-General and Commissioners for Victoria Bill 2007 is to create a new class of statutory officeholders, or commissioners, to complement Victoria's

representative in the United Kingdom, the agent-general. The bill wishes to repeal the Agent-General's Act 1994. The Nationals will be supporting this legislation. We will also be supporting the amendment.

The Buckingham review has sought to expand and improve our relationships overseas. It is something that I am sure everybody, including The Nationals, supports. The new brand of representation will be commissioners. The focus of my contribution to the debate is going to be on the commissioners and what I believe country Victorians expect of them. The new officers will be known as commissioners for Victoria, and they will have a similar role to the agent-general. These appointees will replace a number of existing overseas representatives with similar but different roles and names. The new class of officers are supposed to assist in the branding of Victoria and also to improve the branding of Melbourne.

The desire behind the branding is to make Victoria stand out from unspecified business and trade competitors. How this move manages to make Victoria more noticeable is unclear. That will be a matter of the skill of the commissioners. The role of commissioner will further Victoria's commercial, economic, cultural, scientific and technological interests overseas, and the difference seems to lie in their accountability. The new commissioners will be subject to more rigid rules than their predecessors. They will also have to work with the department of innovation on a number of measures about how they work out their functions and how they are replaced.

I would like to raise a few issues. The reasoning behind the creation of this new class of officials is claimed to be benevolent and to make our overseas operations more transparent, amongst other things. The reporting provisions in ensuring this are unclear. That is why we will be supporting the amendment to clause 10. In her second-reading speech the minister said, 'We need to demonstrate the benefits of our goods, services and expertise'. I think we need to make sure that the commissioners are well briefed. In my electorate horticulture is one of the main industries, as well as grain growing. I am sure my colleague the member for Lowan will focus his contribution on grain, so I am going to focus on horticulture. The member for Footscray has informed the house that the 11 officers who are currently involved will assume this new role.

The member for Narre Warren North indicated that we need to select these people with care. I think that was an important contribution from the member for Narre Warren North, because we do need to pick these people

with care. Horticulture is a complex industry. We are involved in some extremely difficult negotiations for market access and market maintenance. The value of horticulture to Mildura's economy is enormous, even though we are currently a bit short of water. Some of the examples of how important that is — as the Minister for Agriculture, who is in the house, would well know — relate to explaining fruit fly and other pests and diseases to our overseas competitors.

The new commissioners should work closely with country people and their representative organisations. In my electorate that would be horticulture bodies such as Sunraysia Citrus Growers, the Murray Valley Citrus Board, the Murray Valley Wine Grape Growers Council, the Australian Table Grape Growers Association and the Australian Dried Fruits Association. These would be valuable references for any commissioner who was accepting a role where horticultural produce is traded. These experts are vital to these commissioners, and they will need to establish working relationships with these bodies.

Horticulture's performance is currently being adversely affected by the drought. That will impede our ability to supply some of these markets. The drought will end and horticulture will recover. As horticulture recovers and we are regrowing the Victorian horticultural economy, these commissioners will have an important role to play in explaining that recovery to our customers. It is our desire that these customers do not lose confidence in Victorian horticultural produce during this drought. The government should also ensure that Victorians benefit from this new class of statutory office-holder. Therefore the reporting functions that demonstrate the benefits to country people and country industries need to be reinforced and enshrined as part of this process.

The working relationship between the state's commissioners and the commonwealth's Austrade body needs to be clarified. I welcome the comment from the member for Dandenong that we need to work with the commonwealth. Austrade has an important role to play in terms of horticulture and horticultural access, and it is working in many of these markets already. It would be a great waste of our resources if we merely appointed a parallel set of bureaucrats or commissioners who attempted to do the same thing. In fact if they do not work closely with our federal colleagues, we will run the great risk of them being used to set one off against the other in delicate trade and market negotiations. Unfortunately we have seen situations where well-meaning delegations can be a hindrance. Given the strategies that are running with horticulture in overseas markets, it is extremely

important that we do not provide others with the opportunity to divide and rule.

To conclude, we are urging accountability in these positions. Everything must be shown to be of benefit and of use to us in these times. We need to take great care in selecting who represents us, and we need to make sure they are comprehensively briefed on all aspects of trade and investment. In the past people in these roles have been focused on getting investment into Victoria. In the future they will need to focus on getting trade and dollars into Victoria through markets for our produce. We also need to cooperate with the federal government. This government picks and chooses when it cooperates and when it does not. I find that inconsistent, very difficult to absorb and extremely frustrating. We need to cooperate with the federal government to make sure we do not duplicate functions. I urge all members to support the circulated amendment.

**Ms BEATTIE** (Yuroke) — I move:

That the debate be now adjourned.

#### House divided on motion:

##### *Ayes, 44*

Allan, Ms	Ingram, Mr
Andrews, Mr	Langdon, Mr
Barker, Ms	Languiller, Mr
Batchelor, Mr	Lim, Mr
Beattie, Ms	Lobato, Ms
Brooks, Mr	Maddigan, Mrs
Brumby, Mr	Marshall, Ms
Cameron, Mr	Merlino, Mr
Carli, Mr	Munt, Ms
Crutchfield, Mr	Nardella, Mr
D'Ambrosio, Ms	Neville, Ms
Donnellan, Mr	Noonan, Mr
Duncan, Ms	Overington, Ms
Eren, Mr	Pallas, Mr
Foley, Mr	Pandazopoulos, Mr
Graley, Ms	Richardson, Ms
Haermeyer, Mr	Robinson, Mr
Hardman, Mr	Scott, Mr
Harkness, Dr	Seitz, Mr
Helper, Mr	Stensholt, Mr
Howard, Mr	Thomson, Ms
Hudson, Mr	Trezise, Mr

##### *Noes, 32*

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

Jasper, Mr  
Kotsiras, Mr  
McIntosh, Mr  
Morris, Mr  
Mulder, Mr  
Naphthine, Dr

Victoria, Mrs  
Wakeling, Mr  
Walsh, Mr  
Weller, Mr  
Wells, Mr  
Wooldridge, Ms

**Motion agreed to and debate adjourned.**

**Debate adjourned until later this day.**

## ANIMALS LEGISLATION AMENDMENT (ANIMAL CARE) BILL

*Second reading*

**Debate resumed from 11 October; motion of  
Mr HELPER (Minister for Agriculture).**

**Opposition amendments circulated by  
Dr NAPHTHINE (South-West Coast) pursuant to  
standing orders.**

**Dr NAPHTHINE** (South-West Coast) — The Animals Legislation Amendment (Animal Care) Bill is a large bill with 146 pages, 113 clauses and 2 schedules. It proposes numerous changes to the Domestic (Feral and Nuisance) Animals Act, the Impounding of Livestock Act and the Prevention of Cruelty to Animals Act. The Liberal Party will propose amendments to delete part of clause 82. Those amendments have been circulated, and I will talk to them later.

I wish to refer in the initial stages to clause 39, which removes the right of certain people to take their concerns to the Victorian Civil and Administrative Tribunal (VCAT). Therefore this clause has been studied closely. I am concerned that there is a possible error in the legislation. Given that the minister has a whole department and a multitude of advisers, I am concerned that clause 39 makes references to section 17(1AA), but when I look at the Domestic (Feral and Nuisance) Animals Act 1994, there is no such section. I think the bill is trying to refer to section 17(1A)(a). Certainly from my looking at the act, there is no 17(1AA). I would suggest to the minister that there is a mistake in clause 39.

I would point out to the minister that this clause has been the subject of considerable debate and discussion, because it involves taking away people's rights to appeal to VCAT. I am surprised that the minister, with all his resources, would bring into this house legislation that has such a fundamental error. Given that the minister cannot get control of the ganglioneuritis virus in the abalone industry, cannot respond appropriately to

the drought, gets confused between droughts and floods in question time, and cannot even secure the borders against equine influenza, I am not surprised he has made an error in his references in this legislation. I would suggest that, given that he has to look at this while the bill is between here and another place, he also look at the amendments proposed by the opposition with respect to clause 82.

I now want to refer to a number of comments from various groups regarding this legislation before I go through it in detail. Simon Ramsay from the VFF (Victorian Farmers Federation) wrote on 19 October to John Vogels, the shadow Minister for Agriculture in the other place, saying with respect to this legislation:

There is concern that the Victorian government is intending to introduce the Animals Legislation Amendment (Animal Care) Bill 2007 prior to achieving agreement under the Australian animal welfare strategy for consistent implementation of national guidelines and standards for animal welfare. We would support the recommendation that the government postpone the reading of this bill until any necessary changes are able to be made and consulted upon following agreement of national consistency.

In the same letter he also referred to some of the concerns about the increased penalties:

For example, the current penalty applied to a driver of a vehicle in which a child under 16 is not restrained is 5 penalty units. This is the same as that currently applied under section 15a of the POCTA for unrestrained dogs on a ute. It is proposed to lift the penalty units for unrestrained dogs to 10 penalty units. Having double the penalty for an unrestrained dog as there is for an unrestrained child seems to be out of step with the values the community would place on a dog or a child.

Further the letter says:

The bill prescribes significantly higher corporate penalties (up to \$66 000). This is of major concern to the VFF as farmers are increasingly adopting a corporate business structure, and therefore may be liable for significant penalties.

The VFF letter also refers to clause 87 with regard to wild dog traps:

The VFF would support the minister declaring where dog traps cannot be used rather than where they can. The wild dog problem can move, and it would be unfortunate if a farmer was prosecuted even if legitimately using a legal trap on his property simply because the minister had not declared it as a permissible region.

Wild dogs can cause significant damage, including horrific injuries to livestock in a very short period. For legitimate animal welfare reasons the actions of landowners in preventing the losses and injuries to animals should not be impeded waiting for a minister to declare a property or an area.

I would ask the minister to take on board the very serious concerns of the VFF.

The Petcare Information and Advisory Service (PIAS), in a letter to John Vogels of 19 October, made the following comments on this bill under the heading 'Penalty for failing to register or renew registration':

The current bill proposes a punitive approach which the evidence suggests is inappropriate for a pet identification system.

It highlighted the high level of identification of pets across Australia. The letter says:

Rather, resources should be devoted to identifying incentives for increasing rates of registration as a form of identification, and education of tangible positive benefits for pet owners who comply.

It also refers to another controversial clause relating to the breeding of animals with heritable defects:

In principle, PIAS supports the practice of breeding sound companion animals but believes that making it an offence to do otherwise — whether intentionally or recklessly — is heavy handed and extremely difficult to enforce.

A similar or better outcome can be achieved through stakeholder dialogue and education.

Many other correspondents have the same view. The minister needs to look at that proposal in the legislation.

Elizabeth White, the chief executive officer of the Victorian Canine Association (VCA) wrote a letter on 30 May to Dr Steve Tate, director of the bureau of animal welfare, about this legislation. She said in relation to one of the controversial areas under the heading 'Offence to exhibit an animal that has been subjected to any prohibited procedure':

The VCA believes that the initiative to make it an offence to exhibit an animal that has been subjected to a prohibited procedure is unnecessary. It is our considered view that the majority of VCA members have ceased tail-docking procedures in compliance with the law. The very few non-compliant members can be more effectively pursued by other means without the need to involve guiltless competitors at exhibitions and shows in the process.

Dogs Victoria said in a briefing it prepared for the Minister for Agriculture with respect to clause 82:

This proposed amendment puts all dog shows and events at risk to be interrupted by inspectors, in the conduct of their investigations of possible breaches by a small number of non-compliant people.

Although the amendment will not affect dogs whose tails were docked prior to the introduction of the legislation (potentially November 2007), the atmosphere at shows will be affected by the potential for inspection visits, checking for proof of dates of docking to be supplied et cetera. This in turn

will affect show attendances, and the viability of clubs to operate in this environment.

Dogs Victoria further commented about clause 89, which inserts new sections 15B and 15C:

The legislation as it stands is both unenforceable and intimidatory; it will not achieve the desired effect to reduce consumer complaints against the tragic consequences of buying a puppy with an inherited disease.

That area will be addressed further by the honourable member for Benalla. Dogs Victoria said in conclusion:

The bill is not dog friendly, but these clauses in particular target ethical and principled dog breeders unfairly.

There are numerous other emails and pieces of correspondence on that same issue. I particularly draw the attention of the house and the minister to some comments from experts in this area. Dr Bruce Robertson in a letter of 16 October 2007 to Mr Doug Ford, the president of Dogs Victoria, states:

As chief panellist for the AVA-ANKC Australian canine eye scheme, dealing on a daily basis with inquiries from affiliated breed clubs Australia wide and also as the policy advocate for the AVA National over all matters concerning both inherited and non-inherited eye disease in registered dog breeds, I can assure you that neither the AVA National nor its appointed Australian canine eye scheme panel has been consulted over any such changes.

Dr Robertson in a long and detailed dissertation expresses real concern about clause 89. I certainly urge the minister to look at clause 89 while the bill is between here and another place. On that same matter, Alan Wilton, who is a senior lecturer in genetics at the University of New South Wales, says in an email dated 27 October:

The bill refers to two diseases that are specific to border collie dogs, CL and CEA.

I am the researcher who developed the tests for CL. It should not be made illegal to breed from carriers for these or other genetic diseases.

Genetics, like myself, have attempted to teach the pitfalls of such breeding plans since the introduction of DNA testing. A sudden ban reduces the breeding stock and leads to the spread of new genetic problems, of which there are several known in these breeds like all other pure dog breeds.

He says further:

The removal of genetic defects from the breeding population should be a gradual process to ensure it does not have adverse effects.

It is certainly a cruelty to animals of the border collie breed to pass this bill and as a result to cause the increase in frequency of other genetic diseases such as those that we are currently researching (e.g., TNS, cerebellar abiotrophy, glaucoma, monorchidism).

A number of people have raised real concerns about this legislation. In addition, the Scrutiny of Acts and Regulations Committee has raised a number of questions about this bill, and I draw the minister's attention to the five matters the committee raised regarding the powers under this legislation. I hope the minister in responding to the committee will also table the response in Parliament.

Going through the clauses in the bill, clause 6 doubles the penalty for failure to register a dog or cat from 5 to 10 penalty units. The new fine will be over \$1100. Clause 12 introduces new section 29 into the Domestic (Feral and Nuisance) Animals Act. Fundamentally it provides for a graded range of offences to do with dog attacks. The first is that, if a dangerous dog that is not a guard dog attacks or bites a person or animal, the owner may be liable for up to six months imprisonment or a fine not exceeding 120 penalty units. If a dog that is not a dangerous dog attacks or bites a person or animal and causes death or serious injury, the owner may be up for 20 penalty units.

If your dog attacks someone and kills them, you may be up for a fine of nearly \$2200, which seems an extraordinarily low penalty for that level of attack. If injuries caused by your dog are not of a serious nature, you could be up for 10 penalty units, and if your dog rushes or chases a person the fine is up to 4 penalty units. It is also of note that the final two issues, which involve non-serious injury and rushing or chasing a person, there is a change that enables the penalty to be issued as an on-the-spot fine or infringement notice.

I now refer to clause 18, which fixes a loophole in the Domestic (Feral and Nuisance) Animals Act. Fundamentally the existing legislation says that any person can register two restricted breed dogs to a particular premises, and that might mean, if you have five or six people in the family, that you could have 8, 10 or 12 restricted breed dogs at the one premises, which would be an inappropriate outcome. The bill, quite rightly, closes the loophole to ensure there are no more than two restricted breed dogs per premises.

Clauses 23, 24 and 25 deal with the microchipping of horses. There is an increasing tendency for people to use modern technology such as microchipping to identify horses, whether they be thoroughbred horses, equestrian horses, pony club horses or a range of different horses. The real issue is to make sure that the systems used are compatible across states and within the state. These clauses make it clear that only the holders of animal registry licences can manage the microchipping and registration process, so that we are

not in the situation that we had with different gauges of rail lines in different states and territories.

I must point out that the microchipping of horses is not compulsory but is voluntary. It is encouraged and supported — and I certainly support it, because it is a good way of identifying an animal on a permanent basis. But when you go to the expense and trouble of microchipping a horse, you need to be confident that the microchipping will be effective forever in terms of its being able to be read by the microchip readers and that the registry system will have longevity. This provision does that, and I welcome the change.

Clause 29 consolidates the powers of authorised officers to seize and dispose of dogs and cats, including dangerous dogs, restricted breed dogs, unidentified or unregistered animals and abandoned animals, and also advises how owners can retrieve their animals and how and under what circumstances animals can be rehoused or unfortunately, if necessary, destroyed.

I now refer to clause 49, which amends the Impounding of Livestock Act. The proposed section provides new powers for a council officer to enter a property at the request of the owner to deal with abandoned livestock. If an owner is concerned about abandoned livestock on his property, he can call for the council officer's assistance to deal with that abandoned livestock. Given the complexity and size of the legislation, obviously we will not be able to deal with every clause and every change, so I will deal with the significant changes.

Clauses 62 and 69, which work together, are welcome changes because they insert new provisions that enable council officers to serve notice on the owners of livestock that trespass on any land or property and to direct the owner of the livestock to confine those livestock. Clause 69 provides for penalties of up to 20 and 50 penalty units respectively to deal with owners who fail to confine their livestock.

This is very important in terms of making sure that if there is such an owner in a district — and many of us in country Victoria know there are some owners who are notorious for allowing their livestock to wander — they can be dealt with effectively under this legislation, whether because their livestock wander onto neighbouring properties and cause a nuisance or, even more dangerously, because their livestock regularly wander on the road, and we are seeing increasing numbers of serious motor vehicle accidents involving wandering stock. While on some occasions farmers with the very best of fences and the very best of intentions can have animals escape, when you have a situation where a livestock owner is persistently

offending by having livestock on the road, it is important that the appropriate provisions are available to deal with it.

I now move to the provisions regarding the Prevention of Cruelty to Animals Act. Clause 77 outlines a number of procedures which will be prohibited under this bill, including cropping the ears of dogs, debarking dogs, docking the tails of dogs, removing the claws of cats and removing the venom sacks of reptiles. Those procedures can be done only under veterinary supervision and if there is a veterinary need. I also welcome the fact that the commonly used term 'pin firing of horses', or the thermocautery of horses, is now being added to the list. I have some concerns about adding to that list grinding, clipping or trimming the teeth of sheep. As a veterinarian I have seen this procedure done.

I must say that I have looked at the research, which shows that there is no benefit from this procedure. The research also shows that while it is being promoted as being beneficial in terms of increasing the productive life of a sheep, the research does not confirm that. At the same time, if the procedure is done properly and safely I do not see that in itself it should be declared as cruel — although if the procedure is not done well it can be cruel. I have that dilemma, because the question then becomes how you deal with horse dentistry.

Fundamentally you are doing much the same procedure on the teeth of horses. It is a very important procedure, because horses have uneven teeth and they can cause health problems. Fundamentally the procedure is the same, because it involves rasping or grinding down the teeth. I am worried about the declaration of this procedure as cruel per se when really what we should be saying is that if it is not done properly it is cruel. We should also be educating farmers that there is no benefit from this procedure and that therefore they should not be doing it. I worry about that definition, and that is something that ought to be considered.

The Liberal Party has proposed an amendment to delete clause 82(2). Fundamentally that clause prohibits people from exhibiting or showing an animal that has been the subject of a prohibited procedure.

**An honourable member** interjected.

**Dr NAPTHINE** — It is post the legislation, so post November 2007. The people involved in running dog shows in particular are very concerned that this may involve a situation where inspectors come to check and interfere with their shows, creating problems for the breeders and slowing the whole process down for no

benefit, because it is now accepted that tail docking is banned. Tail docking is an inappropriate procedure, and it is some years now since it has been legal. Dogs with docked tails are disappearing out of the system because you cannot legally dock tails except in some states like Western Australia — —

**Mr Helper** interjected.

**Dr NAPTHINE** — The minister is saying that it is not an issue. That is why we say the clause should be deleted. It is not an issue with respect to the welfare of the dogs, but it is an issue for those who run or are involved with dog shows, who are concerned about the potential disruption to their shows and about the administrative red tape that will be required to run the shows to comply with this clause. They are saying it is not an issue because the banning of tail docking has come in and dogs with docked tails are disappearing out of Victoria, so they are saying that clause 82(2) is unnecessary and would only add a burden. That is why we have proposed that amendment, and I will be happy to speak to it if we get to the consideration-in-detail stage.

Clause 83 increases from 5 years to 10 years the period of the ban for which people who have been convicted of a serious offence under the Prevention of Cruelty to Animals Act are prevented from owning animals, and I think most of the community would support that. Many of the amendments to the act contain significant increases in penalties, and we understand the reason for that.

I wish to refer to clause 87, which is to do with traps. In particular I would like the minister to comment on clause 87(3), which relates to the provisions banning people selling traps, although subsections (1) and (2) do not apply to the sale of traps to a museum or to a collector of traps — but there is no definition of 'a collector'. Many farmers enjoy buying the odd rabbit trap at a clearing sale. They have a few in the garage and a few at home — —

**Mr Helper** interjected.

**Dr NAPTHINE** — I think it is overkill even having it in this legislation. The clause states that it does not apply to a collector, but there is no definition of 'a collector'.

The other area I wish to talk about, which is covered in clause 87, is the change that the Victorian Farmers Federation highlighted. Section 15(2) of the current act clearly defines the areas in which you are allowed to use leghold traps for wild dogs. They includes areas like the counties of Tambo, Croajingalong, Delatite and

Tanjil and a whole range of other areas. Under this new legislation that has been removed. It now says that a person must not set or use a large leghold trap of a prescribed kind unless it is in an area declared by the minister.

The Victorian Farmers Federation and farmers quite rightly say that you cannot go looking on the internet every day before you go out to set the traps to know whether the minister has declared the area. You actually have to go out and control the wild dogs that are killing your livestock and killing native fauna. You have to be able to go out and control the wild dogs. You do not want to be having to look up the internet or look up the *Government Gazette* every time to find out what areas are declared. I think it is nonsense, and I think we need to have a clear definition of the areas where people are allowed to control wild dogs.

While I am on the matter, I think it is about time this government got with it and introduced aerial baiting for wild dogs. It is effective, and it deals with the problem. This government has been negligent in dealing with wild dogs. Farmers in the affected communities have suffered and the local wildlife in those areas has suffered. The only ones that have benefited from having this government in power are the wild dogs, and I think that is a disgrace.

Clause 89 deals with the breeding of animals with heritable defects. I know my colleague the member for Benalla will speak about that. There are many people who would say that this proposal has a laudable aim, but there are real concerns about its practicality and about its having a punitive approach rather than a positive, educative approach.

Clauses 92, 93, 94 and 95 do the wonderful thing of changing the names of inspectors to general inspectors and POCTA inspectors and create a whole new raft of powers with respect to abandoned animals, suspected acts of cruelty, the seizure and treatment of animals and the collection of evidence.

I thank the minister and his staff for their advice on this legislation. It is quite a large bill and covers a large number of areas. There are areas that I think the minister ought to consider while the legislation is between here and another place. In particular I suggest that he reconsider the issues concerning clause 87 and the traps, clause 89 with regard to the breeding of animals with heritable defects, and clause 82, with which the people involved in dog shows really have some genuine issues. I particularly suggest that he look at clause 39, where I think there is a fundamental error.

**Mr Helper** interjected.

**Dr NAPHTHINE** — No, but it refers to a clause that does not exist.

**Mr Helper** — It inserts a new clause.

**The ACTING SPEAKER (Mr Jasper)** — Order! The honourable member without assistance from the minister.

**Dr NAPHTHINE** — I suggest we will look at it during the consideration-in-detail stage. I trust the minister is correct. Overall the opposition has flagged its amendment, and I ask the minister to consider that amendment. I also ask him to consider the other matters that I have raised. Other than that the Liberal opposition does not oppose this legislation.

**Dr SYKES (Benalla)** — It gives me pleasure to speak on behalf of The Nationals on the Animals Legislation Amendment (Animal Care) Bill. I will commence by thanking the minister's staff and departmental staff for a very thorough briefing. I will now move to putting this bill into context.

Animal welfare is a contentious issue and it is often clouded by passion rather than the hard fact, and it is difficult to necessarily get the hard fact. There is a thought process that says that animal welfare is the ability of an animal to live in or adapt to its environment, and that can be from very poor through to excellent. What constitutes acceptable animal welfare is a consequence of the mindset and the culture of the individual and the society that is making the judgement. In our society our expectations of what constitutes acceptable animal welfare have been ratcheted up a number of notches over the past three decades during which I have been involved in the administration of animal welfare legislation as a livestock owner and veterinarian.

I should say that the vast majority of livestock owners and the general public comply with our expectations of reasonable animal welfare, but there is a minority that do not. That is why we have legislation such as that which is before the house this evening — to ensure that there is compliance. With that need for legislation is the need for that legislation to be enforceable in a practical and efficient manner. Many aspects of this bill seek to achieve that outcome of making the enforceability of the existing legislation more practical and more efficient.

The bill itself proposes amendments to three acts — they are, the Domestic (Feral and Nuisance) Animals Act 1994, the Impounding of Livestock Act 1994 and

the Prevention of Cruelty to Animals Act 1986. The key implications of the bill are, first of all, that there is substantially more regulation and there is substantially more proscriptive guidance on how to go about a job. There are also tougher penalties.

**The ACTING SPEAKER (Mr Jasper)** — Order! I hesitate to interrupt the member, but the minister should be at the table. The member for Benalla to continue.

**Dr SYKES** — Thank you, Acting Speaker, and I thank the minister for returning to the table. The other general implications of this bill are the tougher penalties and in particular the inclusion of horses in the animal registries and for identification with microchipping.

In relation to the Domestic (Feral and Nuisance) Animals Act there are amendments that seek to tighten up the ability to manage restricted breeds, and I particularly refer to one of the issues mentioned by the member for South-West Coast. That was that whilst it intended to limit the number of animals of a restricted breed on any one premise to be no more than two, in fact the wording of the current legislation relates to an owner having no more than two, and so it allows for the multiple ownership of animals on a premises so that there could be five people each owning two animals, causing severe concern.

That is a common-sense tidying up, as is the improved clarification of the ability of council authorised officers to seize restricted breed or dangerous dogs and the general tidying up and improvement of the ability of authorised officers to do their job. That includes the issuing of search warrants and the prescriptions for how to go about that. The amendments in relation to infringement notices enable the administration of the law without tying up valuable court time in dealing with the offences under these pieces of legislation.

Equally the amendments to the Impounding of Livestock Act address similar issues and provide similar clarification and the enabling of powers, including the power to enter land or a building — that is, one that is not occupied as a residence — and to impound abandoned livestock. There is a series of clarifications for what needs to be done to ensure that justice is being done in relation to both the protection of the wellbeing of the animals of concern but also the notification of the owners, public notification, disposal of the animals, recovery of costs and distribution of net proceeds.

The Prevention of Cruelty to Animals Act, which the member for South-West Coast also touched on, lists a

number of prohibited procedures, including not only the teeth grinding of sheep but also the debarking of dogs, the ear cropping of dogs, the tail docking of horses and the declawing of cats. Incidentally, in a previous career as a veterinarian and manager of national animal welfare research projects, I certainly looked at the teeth grinding issue. As a farmer I have done a bit of teeth grinding. For me it is a little like what the member for South-West Coast said it was. It can be argued that if it is done properly it is a reasonable procedure when you compare it with horse dentistry, but if it is not done properly it can cause suffering to both the animal and the operator — and I have a few somewhat damaged knuckles that reflect the damage caused to me as a result of not doing the teeth grinding properly. I personally do not have any problems with teeth grinding not being an accepted procedure.

I move to some of the feedback I have had from extensive consultation undertaken by The Nationals. There was considerable feedback from a range of people, but in particular the dog people. The Royal Society for the Prevention of Cruelty to Animals responded and was generally supportive of the bill. I think that is reasonable, given that it provides clarification on a number of powers and the ability to enforce what is in many respects good legislation.

Another group called Voiceless, which tends to be an animal rights group, supports the bill but wants to go further and get into issues that we are not particularly comfortable with. It is ideologically driven and not in touch with some of the practicalities of livestock farming in Australia, and unfortunately it misrepresents the truth.

The Victorian Farmers Federation (VFF) made a number of comments on the bill. The member for South-West Coast touched on several of them, but there is no harm in reiterating some of them and going through others that the member for South-West Coast did not touch on.

First of all there is the fundamental issue of national consistency in the implementation of animal welfare legislation and legislation in general. On the one hand it is appropriate to applaud states that set the pace and up the standards, but on the other hand it is also absolutely critical that we have a national approach so that there is no confusion out there. In my previous career, when I went to the Northern Territory at one stage there was a need for some upgrading of their approach to animal welfare in a place where the climate was tough and the people were tough on both people and animals.

The issue of increased penalties has been touched on by the member for South-West Coast, and again it raises the question of whether what has been proposed is in balance or whether there has been an over-response to people's passion about cruelty to animals and whether the penalties are excessively severe in comparison with other pieces of legislation. We have already touched on restricted breeds and the clarification of ownership of those breeds. The VFF raises concerns about the right of appeal in relation to restricted breeds, but I was satisfied after the briefing provided by the minister's staff and the departmental staff that the intention of the act still allows justice to be done in that respect.

The VFF also raised concerns about extending the maximum period for the banning of ownership of animals to 10 years when someone is found guilty of serious animal welfare violations. The VFF suggested, as I understand it, that it should be 5 years for a first conviction and the maximum of 10 years should be available for subsequent offences. The member for South-West Coast also mentioned wild dog traps. The VFF says it would support the minister declaring where dog traps cannot be used rather than where they can be used. I understand, again from the briefing, that the legislation does not preclude that approach. It may well be that common sense will prevail there.

**Mr Walsh** interjected.

**Dr SYKES** — It does make sense, and if the minister is looking for guidance, he should talk to his staff who briefed me on the issue.

The other issue in relation to wild dogs is aerial baiting, and I cannot for the life of me understand why there is a continuing delay in its introduction. I would hope that now that the control of weeds — and, I believe, feral animals — is coming under the control of the Department of Primary Industries and therefore the Minister for Agriculture, we will see a ramping up and improved management and control of weeds and pest animals on private land and on land supposedly managed by the Department of Sustainability and Environment, which is regarded as the neighbour from hell. The minister will have our full support in ramping up the administration of that legislation.

Going on to other feedback, I had an interesting contribution from Professor Hales, who wants to reignite the debate on tail docking. Basically he is running the argument that the banding of dogs tails rather than surgical shortening causes less pain. I think that argument has some merit, based on my experience with a thing called a Callicrate bander in sheep and cattle. However, there is a separate argument about the

long-term pain, as distinct from the short-term pain, which needs to be worked through.

I also had correspondence from the Master Dog Breeders Association. The association is basically saying that it supports the intention of this legislation, but it strongly opposes laws that ignore science and interfere with decisions that should be predominantly made by dog owners, breeders and their veterinarians. It highlights the importance of looking at — we will see it when we come to clause 89 of the bill — various modes of inheriting various inheritable defects rather than coming in with a heavy-handed legal approach. The association mentioned von Willebrand's disease and talked about there being at least three different modes of inheritance, depending on the breed of dog. Therefore any strategy to attack that disease needs to be flexible and not constrained by legislation.

The Cocker Spaniel Club of Victoria also raises concerns, as does the German Shepherd Dog Club. They indicate that their concern is that this legislative approach discriminates against registered breeders and that backyard puppy farmers are to a large extent the ones causing the problem but they are not going to be caught up by this legislation. They also highlight the issue of the complexity of the genetics. The list goes on.

The Rhodesian Ridgeback Club of Victoria raises concerns about the legislation, which it says is unenforceable and intimidatory. It has a code of ethics under which there is an expectation that its breeders adopt reasonable and humane practices. There was also a large number of submissions from individuals.

I now go to clause 89 of the bill. I have had considerable correspondence with a fellow called Bob Mavers, who has highlighted the success of the existing voluntary programs being run by the dog breeders. He highlights the fact that the best way to attack these inherited diseases is to develop detailed individual programs based on the breed and the disease being addressed. There are a number of successful programs, including a hip and elbow dysplasia program and the Australian canine eye scheme.

What he is saying is that those programs require the breeders to breed only for the improvement of the breed. There is a program in place that over two generations will very significantly reduce the level of inherited defects in their breeds. Mr Mavers points out that, particularly in the case of those defects which are carried by recessive genes, providing one parent is clear of the recessive gene, by the time you get to the second generation you can breed out to a large extent the inherited defect that you are seeking to attack.

It was also identified, as did the member for South-West Coast, that if you apply a heavy-handed approach and prevent the breeding of animals that have a defect, particularly in breeds with smaller gene pools, you run the risk of exacerbating the selection pressure on other genetic defects. This means that in solving one problem you create another, and it may be to the detriment of the wellbeing of the breed.

Bob Mavers highlights the success that they have had with the Bedlington terrier, which had a lethal disease called copper toxicosis. When the total breeding stock was about 12 and all of them were affected, through their own voluntary initiative the breeders imported a couple of male dogs that were clear of the disease, and by implementing a program mating those male dogs they have proceeded to eliminate it. What we are saying is that there are successful programs out there that have been achieved on a voluntary basis. Bringing in legislation to force compliance has clearly got the back up of many, many dog breeders, and it is also seen to be likely to put pressure on the gene pool and cause potential longer term problems.

Another issue I have is with what I interpret as an inconsistency in the bill as it stands. Section 15C(1), inserted by clause 89, provides that:

A person must not, intentionally or recklessly, allow an animal with a heritable defect to breed.

Schedule 2 contains a table of diseases caused by heritable defects. The advice I have is that this legislation applies only to animals that are showing the disease, as distinct from being a carrier of the disease. However, that is not my reading of what new section 15C(1) means when it refers to heritable defect. My definition of heritable defect includes the carrier status. Therefore I believe the wording of the section is clumsy. It highlights the concerns of the breeders that the legislation as written will affect their ability to breed from carrier animals as well as from what appear to be the target of the legislation, animals which actually show the disease rather than have the disease hidden. So there is a need to address the concerns.

If nothing else, what the reaction from the breeders has shown is that there is a major communication issue between the legislators and the people who will be affected by the legislation. I understand that the concerns that have been raised with me have been raised also with the minister and ministerial staff. I understand also that the minister will look at the issue. Another issue that he needs to look at is that while responsible breeders are testing for the diseases that are of concern, some diseases do not show up for a number

of years, in spite of the breeders actively seeking to detect the disease.

**Mr Helper** interjected.

**Dr SYKES** — The minister says that that will not qualify for recklessly or knowingly spreading a disease. I ask the question: why are the breeders writing volumes of concerns to me? There must be something wrong with the wording of the legislation or the government's communication with the breeders. If it is only a communication issue with a little bit of tightening up required, the minister should address those concerns, and then many of the issues that have been raised with me, the member for South-West Coast and certainly my Nationals colleagues could well be addressed.

I see this as another example of the government not fully connecting with the people who are impacted by the legislation. I call on the minister in his ministerial reply in this debate to address the concerns raised by both the Victorian Farmers Federation and the dog breeders. Depending on how those concerns are addressed, we Nationals will then consider our position and decide whether we support the legislation or oppose it and seek to have more appropriate legislation introduced to support the excellent voluntary intentions of the breeders.

**Mr HARDMAN** (Seymour) — I rise to speak on the Animals Legislation Amendment (Animal Care) Bill. I note that the Liberal Party — and, I believe, The Nationals — are not opposing it.

**Dr Sykes** — No, listen!

**Mr HARDMAN** — You are opposing it? This is a very broad bill which covers many areas. It amends the Domestic (Feral and Nuisance) Animals Act 1994, the Impounding of Livestock Act 1994 and the Prevention of Cruelty to Animals Act 1986. These acts provide for the protection and management of domestic, livestock and other animals in Victoria.

I refer to the opening remark by the member for South-West Coast, who said that the reference in clause 39 to section 17(1AA) is erroneous. A closer read — and I know that the member for South-West Coast has seen this now — shows that in fact clause 8 on page 7 inserts new section 17(1AA) and therefore clause 39 is correct.

The amendments to the acts implement the government's election commitments by increasing penalty levels for animal cruelty offences by up to 100 per cent and enhancing the powers of authorised

officers under the Prevention of Cruelty to Animals Act to facilitate the investigation and resolution of cruelty cases. The bill will improve the administration and enforcement of the acts it amends. The amendments will provide for more effective management and protection of animals and will strengthen the Prevention of Cruelty to Animals Act to allow for better investigations and prosecutions.

The Brumby government has already made some significant progress and changes in regard to the prevention of cruelty to animals — for example, by prohibiting tail docking and ensuring that dogs are secured so that they do not fall off the back of utes, which I remember happening some years ago.

In their contributions the members for South-West Coast and Benalla talked about the practice of grinding the teeth of sheep, basically saying it is not cruel. I suggest that if either of them had their teeth ground without an anaesthetic they might find that quite painful and cruel — and it would probably be the same for sheep. The current code of accepted farming practice for the welfare of sheep states that the practice of mechanically grinding the teeth of sheep must not be performed. The bill goes the next step, by banning this unnecessary and, in the government's view, cruel practice. These laws need to be enforced so that they are taken seriously. That is why the bill includes measures such as increasing penalties and improving the powers of investigating officers.

In preparing to speak on the bill I found it quite interesting to put together a speech, because given the bill's incredible size you could talk on it for many, many hours. I must say a big thanks to the staff of the Department of Primary Industries (DPI) for their dedication in putting this legislation together. I thank also the staff of the office of the Minister for Agriculture for their assistance in helping me to get my head around the many issues that the bill tackles.

To summarise some of the objectives of the bill, there will be wider powers of search and seizure and powers of authorities to dispose of neglected or abandoned animals. The bill will establish microchip standards for animal identification, which will underpin voluntary permanent identification of horses. Currently at least 50 brand registries are operating nationally, with at least 6 in Victoria. That obviously makes it difficult for officers of the DPI and the RSPCA (Royal Society for the Prevention of Cruelty to Animals) to establish the ownership of an animal and then, if there is a disease or something along those lines, or if a horse has been trespassing, to trace back to discover who is actually responsible. Given the recent equine influenza

outbreak, the amendments will help in facilitating the biosecurity measures the DPI could undertake in dealing with a problem animal.

The bill provides for notices to be issued to owners to control their trespassing animals. The power will be created to allow impoundment of restricted breed dogs, pending the confirmation of the identification. In other words, an authorised officer will be able to seize a dog that they believe is a danger to the community.

The member for South-West Coast spoke about consultation with the Australian Veterinary Association and seemed to be claiming that we actually had not done that, but he was referring to a piece of correspondence from Dr Bruce Robertson from the national AVA in New Wales. The government did consult with the Victorian branch of the AVA on the schedule of heritable defects included in the bill. The consultation did occur and resulted in this list of heritable defects.

One of those on which I was briefed by the department involves the flipper cat. It is bred for aesthetic purposes but has a shortened bone in the femur. As a result of that the cat looks cute when it is young but has real problems as it grows older. The interpretation is that the bill proposes to ban the breeding only of animals that carry heritable defects as listed. This is incorrect. The bill proposes to ban the breeding of animals affected with the disease.

A number of other organisations were also consulted in the process — from Animals Australia, the Victorian Farmers Federation, the Animal Welfare Advisory Committee, the Municipal Association of Victoria and the Lost Dogs Home to the Cat Protection Society. I have a very long list of such organisations, including the Royal Society for the Prevention of Cruelty to Animals, to which we have actually committed funding in this year's budget of \$4 million over four years to increase its inspectorate and prosecuting capabilities.

The bill will enable the issuing of infringement notices for minor offences and minor dog attacks, and that is obviously an important issue as well. It is like the situation with weeds and pests for the Department of Primary Industries. But in this case it is the RSPCA which has the ability to go out and give people on-the-spot fines for minor offences rather than having to go through the processes at court, which make it very costly and causes a lot of anxiety if followed through. I would imagine that in many cases, for minor offences, there would be no penalty currently because of that significant impost on people. The bill also makes it an

offence to undertake prohibited procedures on an animal.

**Business interrupted pursuant to standing orders.**

**ADJOURNMENT**

**The ACTING SPEAKER (Mr Nardella)** — Order! The question is:

That the house do now adjourn.

**Rural Ambulance Victoria: staffing**

**Mrs SHARDEY (Caulfield)** — I call upon the Minister for Health to take action with regard to the crisis that is currently unfolding within Rural Ambulance Victoria. To refresh the minister's memory, I remind him that RAV is currently undergoing a serious staff shortage with some 30 admitted vacancies. These vacancies do not take into account workers on sick leave, workers compensation or annual leave. These vacancies are resulting in 40 per cent of the shifts in the Ballarat area being filled by staff who are working excessive overtime.

My office has been informed of a staff member who has worked eight 14-hour shifts in a row, and we are told this is not an isolated incident. The lack of staff both within the operations centre and among road paramedics is putting lives at risk. I have been told of a patient who was suffering seizures in Daylesford over the weekend. There was no ambulance available to attend to the patient and a local GP had to put the patient in a taxi to be transported to Ballarat Base Hospital. I have also been told of unprecedented work claims and staff going off on stress leave. There are currently 23 active workers compensation claims in one of the five regions within RAV.

The situation in RAV is also being compounded by the fact that there has been a lack of formal training for the staff to operate the new computer aided dispatch (CAD) system which has been trialled in Bendigo and is supposed to be up and running in Ballarat within the next few weeks. Staff have been taken off the road on an ad hoc basis for an hour at a time to undergo training. I have been told the lack of formal training has resulted in the new operations centre being forced to use the old critical information system, which is an antiquated system that was removed by the Metropolitan Ambulance Service many years ago because of its ineffective and unreliable nature. The removal of this system by MAS prompted the proposal for the introduction of a CAD system in rural areas.

The expenditure of \$11.8 million for the development and rollout of CAD is money that has been dissipated from RAV's coffers and now rural Victorians are being forced once again to put up with unreliable and ineffective service. For the good of his own reputation and the safety of rural Victorians, I call upon the Minister for Health to take urgent action with regard to these critical issues within the rural ambulance service.

**Osteoporosis: Geelong prevention project**

**Mr TREZISE (Geelong)** — I raise an issue tonight for action by the Minister for Sport, Recreation and Youth Affairs. It relates to a study currently being undertaken through the Deakin University called the Geelong exercise and nutrition training study, otherwise known as GENTS. The action I seek from the minister is that he give consideration to the study in light of its currently being nominated in the applied research section of the sport and recreation awards.

This important study was carried out over 18 months and investigated the efficacy of a community-based lifestyle intervention program involving exercise combined with increased dietary calcium and increased vitamin D and the effects that that program had on bone strength, muscle function and general health in older men. It is interesting to note that one in three elderly men is likely to suffer a fracture as a result of osteoporosis. I must say that that is a very surprising level.

Essentially the study divided 180 men into four groups. In the first group the men exercised and drank fortified milk; in the second group the men exercised; in the third group the men drank fortified milk; and in the fourth group the men undertook their normal activities. The results of these tests showed, not surprisingly but it reinforces the message, that exercise proved the most beneficial aspect, having a significant effect on, importantly, bone density, structure and strength.

Given that we have an ageing population and there is a mindset that suggests that as you get older you become less active, members can see that such research highlights the need for people, as they get older and including elderly men, to remain active and continue to participate in some form of exercise recreation or some form of sporting activity. The research was conducted by Robin Daly of Deakin University. It is not only interesting research but is, as I said, very important for an ageing community. I look forward to the minister's action.

### Health: translating and interpreting services

**Mr CRISP (Mildura)** — The matter I wish to raise is for the Minister for Health. The action I seek is the reinstatement of a translating and interpreting service for medical clients at specialist clinics in Mildura. It has been brought to my attention that there is a new translating and interpreting service policy of not funding medical clients.

Our resident ear, nose and throat specialist has contacted me regarding this policy change, stating that as the telephone interpreting service is fundamentally inadequate to his requirements for consultation, he is now forced to advise referring general practitioners to send their non-English-speaking patients to the nearest public hospital with an ear, nose and throat clinic. The closest is at Bendigo, which is a round trip of about 800 kilometres. This withdrawal of funding of the service is false economy, as Victorian patient transport assistance scheme claims for transport, accommodation and meals for the Bendigo consultation alone are going to surpass the funding required to keep the service in Mildura.

I bring this matter to the attention of the Minister for Health and add that it appears to be another service withdrawal from rural areas, which is really false economy.

### Dementia: services

**Mr CRUTCHFIELD (South Barwon)** — I wish to raise a matter for the Minister for Senior Victorians. The action I seek is for the minister to provide more tailored and specific services for Victorian Aboriginal people and people from culturally and linguistically diverse backgrounds.

**Mr Walsh** interjected.

**Mr CRUTCHFIELD** — I hope that does not seem funny to the member for Swan Hill.

Over recent years we have heard much about Australia's ageing population. As the baby boomers age the level of demand on our health system will grow and change. A leading ailment suffered by ageing Victorians is dementia, as all members in this house would know, I am sure, from their visits to nursing homes throughout their electorates. In all seriousness, it is quite a humbling experience to be there, as the member for Swan Hill would I hope also be aware of. It is extremely humbling to experience the concerns of nurses, families and other people who deal with dementia patients. My sister-in-law, Leanne Hobbs, is one of those nurses who I must acknowledge have my

utmost respect in dealing with patients suffering dementia. It is a particularly debilitating disease, not only for the individuals but also for the families. I know about it, as I am sure do other members of the house.

Dementia not only inflicts hardship and challenges on those suffering the disease. As I have said, it affects the families and staff, and the impact is even greater on those who come from culturally and linguistically diverse backgrounds and those from an Aboriginal background. People from diverse cultural backgrounds have complications and have difficulty in accessing resources. They may also require assistance for a number of different services. It is particularly difficult for people suffering with dementia who may be from those different cultural backgrounds to find appropriate help with respite and residential care. Those suffering dementia and their families require greater support and improved services to ensure that a quality of life is maintained. It is clear that extra resources are required, in particular resources which recognise particular cultural needs, preferences and services.

I call on the Minister for Senior Victorians to take urgent action to provide tailored and specific dementia services for those from different cultural backgrounds who suffer from dementia.

### Stamp duty: rate threshold

**Mr O'BRIEN (Malvern)** — I raise a matter for the attention of the Minister for Finance, WorkCover and the Transport Accident Commission, and the action I seek is for him to review the government's policies as they relate to stamp duty applicable to principal places of residence with a view to providing much-needed tax relief to my constituents and those of other members.

In 1999 when this government was elected the top rate of stamp duty was 5.5 per cent, and it applied from \$870 000. In that year just one of the six suburbs in my electorate had a median house price that attracted the top rate of stamp duty. It was Toorak, the representation of which I have the honour to share with the honourable member for Prahran.

The most recent statistics from the Real Estate Institute of Victoria demonstrate that every single suburb in my electorate now has a median house price that attracts the top rate of stamp duty. Armadale, Kooyong, Glen Iris, Malvern and Malvern East as well as Toorak are now subject to the worst excesses of the government's voracious appetite for stamp duty. Why is that? It is because the government has not moved the level at which the top rate of stamp duty applies by a single dollar since it was elected. It was \$870 000 in 1999, and

it remains \$870 000 today. The top rate was 5.5 per cent in 1999, and it remains 5.5 per cent today.

Can you imagine the result if the threshold which attracted the top rate of income tax had not moved for eight years? The condemnation of the Labor Party would drown out a thunderstorm, and rightly so. But this government has felt no obligation to recognise the increase in house values during its term of office and to review its policies on the application of stamp duty to principal places of residence to take account of rising property values.

What is worse is that my constituents are being duded not only by a tax-hungry government at the revenue end of the process but by a failure to ensure the provision of adequate infrastructure in the Malvern electorate at the other end. Are Malvern's state schools adequately funded and maintained? No. You need only examine the ramshackle portables covering the school playgrounds to see that. Are Malvern's police adequately funded? No. The station is in need of serious improvement, and the members working there are overworked because they are understaffed. Are Malvern's roads operating well? Despite VicRoads accepting that there is road noise in excess of its own guidelines, my constituents have essentially been told 'Bad luck' by this arrogant and out-of-touch government.

Remembering that this government inherited a financial position as strong as any Victorian government has inherited, there can be no excuse for its failure to take action on stamp duty. It seems that when it comes to Labor governments and high taxes, just like in the old Frank Sinatra song, you can't have one without the other.

### **Yarraville community centre: funding**

**Mr NOONAN** (Williamstown) — I wish to raise a matter for the Minister for Community Development. The specific action I seek from the minister is that he provide funding for the major restoration works required at the Yarraville community centre in Francis Street, Yarraville. The minister might recall that I raised the matter of the Yarraville community centre in my inaugural speech to the Parliament earlier this month. In that speech I indicated my very real desire to maintain this great building in public hands and to preserve one of the best pieces of historical infrastructure in the western suburbs of Melbourne.

For those people who have not seen it, imagine a 19th century double-storey red-brick school building in the old style, with a tall steeple, ornate windows and

very generous proportions. The building itself has a very rich history and has been the subject of community campaigns in the past. The origins of the building go right back to 1866, when residents commenced a 10-year campaign to get the original Yarraville State School established. Nine years later, in 1875, the residents were rewarded for their efforts when the school was finally opened. After all that hard work the original school was unfortunately destroyed by a fire in 1888. The working-class community of Yarraville again rallied, and a new brick building was rebuilt on the same site.

The Yarraville community centre has been operating from the same iconic building since 1975 and has grown and diversified immensely since. Each week more than 1500 local residents are treated to a remarkable range of affordable programs and activities, including playgroups, occasional care, computer classes, arts, health, and recreation programs such as theatre and dance. Critically the centre provides a welcome home for our many new migrants in the inner west and offers many hours of English language classes, both on and off site.

The success of the centre is directly due to its dedicated staff, and at this point I acknowledge Christine McCall, Sue Paligorova and Susan Stojanova for their great service to the centre. In more recent times a community group has been formed to help save the Yarraville community centre, and I congratulate local residents Rebecca Cleaver, Tina Soumbassis, Toni Pearson, Catherine Hamm, Jo Denton and John McCartin for their dedication and commitment to this great cause.

The Victorian government has committed to supporting community organisations and investing in community assets by providing \$63 million from the Community Support Fund over the next four years. This commitment includes \$20 million to build and upgrade community facilities which help to increase local involvement. In closing I would like to say that the minister has a very real possibility of carving his own name into the proud history of the Yarraville community centre by helping to save this magnificent building for generations to come. I would urge the minister to support the funding application before him.

### **Mental health: nurses**

**Ms WOOLDRIDGE** (Doncaster) — I raise a matter for the attention of the Minister for Mental Health, who I am very pleased to see is in the chamber. The action I seek is that she direct the government to go to the negotiating table and finalise the enterprise bargaining agreement with Victoria's mental health

nurses. This Premier and his government continue to reinforce their reputation for arrogance, confrontation and bullying. During the nurses dispute over 800 surgeries were cancelled, hospitals were put on bypass and 1255 beds were closed.

The true story, though, is not in the figures but in the individuals who were denied or delayed their medical care because of the Premier's egotism and stubbornness. Ms Fitzpatrick, secretary of the Victorian nurses union, has openly criticised the government's adversarial approach. She has said they were negotiating for eight months without any bans, 'but nobody senior from the government even came to the table before our industrial action started'. The Premier and the Minister for Mental Health must learn from this failed process.

Psychiatric nurses are already planning a statewide stop-work meeting for 14 November to protest against this government's failure to appropriately resource mental health services. Nurses at the Box Hill and Maroondah hospitals and in Geelong have already carried out industrial action. Cramped and inappropriate facilities with too few beds are making life unbearable for nurses. I hear from the sector that interstate mental health nurses will not come to Victoria because the pay rates are so poor, and increasingly graduates are turning to other areas of health.

These recruitment woes have intensified recently with a spate of assaults on psychiatric nurses, caused in large part by overcrowding in psychiatric units. These issues are only amplified in the country. For example, Horsham has had two vacant mental health nursing positions for some time but just cannot get the staff. In Geelong this year 12 psychiatric nurses have left and only 5 replacements have been found. Not enough nurses means burnout is common, with huge caseloads the norm. Nurses want to work. They want to be able to care for their patients, but they also want to be able to work in a safe environment. They should not have to work in the current conditions, which are increasingly dangerous.

Through all this the mental health minister has been conspicuous by her silence. Now the minister and the Premier must come together with mental health nurses to get this situation fixed without patients suffering. The one in five Victorians who suffer from mental illness, and their families, cannot afford to see a repeat of the disastrous nurses strike. Premier Brumby and his minister must learn the art of conciliation and not confrontation, and they must get to the negotiating table to sort out a solution to Victoria's mental health nursing crisis.

### Schools: illuminated speed signs

**Mr HERBERT** (Eltham) — I wish to raise a matter for the attention of the Minister for Roads and Ports. The action I seek is for the minister to arrange for the installation of illuminated speed signs outside local schools in Main Road from Lower Plenty to Research. There are five schools in my electorate situated on Main Road in Lower Plenty, Eltham and Research. They are Lower Plenty Primary School, Eltham Primary School, Our Lady Help of Christians Primary School, Research Primary School and Eltham College. All of them are excellent educational institutions. As is the case in much of the Eltham electorate, due to winding roads, the volume of traffic and the siting of school buildings, it is often not immediately obvious to motorists that they are approaching or passing some of these schools.

**Mr Noonan** interjected.

**Mr HERBERT** — The member for Williamstown says it is a beautiful area. It is a beautiful area, and it is a great place to represent. However, I am regularly approached by constituents who request the installation of illuminated speed signs outside these schools. I have previously written to or discussed with VicRoads the feasibility of installing illuminated speed signs outside the Eltham, Our Lady Help of Christians, and Research primary schools. In particular in May 2006 I wrote to the then minister responsible for roads requesting the installation of illuminated speed signs outside Lower Plenty Primary School because of the high volume of traffic, complaints of high speed and the difficulty for motorists in seeing the school, as it is high on a hill.

I believe that according to the recommendations of the speed limits advisory group the Lower Plenty site falls within the category of schools identified as needing illuminated signs. I ask the minister to ensure that VicRoads installs these signs as soon as possible. I also wrote to the minister on 3 October asking that he investigate the feasibility of putting signs outside Eltham Primary School and Our Lady Help of Christians Primary School, Eltham. Both these schools are situated on sections of Main Road, which carries a large amount of traffic, including heavy vehicles, and is part of the direct road network between Research and Heidelberg.

I realise that it might not be possible to install illuminated speed signs immediately outside all schools on Main Road, but I request that the government start the process as soon as possible and begin installing these signs outside the schools that are most in need.

### **Milne–Ringwood–Warrandyte roads, Park Orchards: safety**

**Mr R. SMITH** (Warrandyte) — I rise to draw the attention of the Minister for Roads and Ports to the traffic and safety issues at the intersection of Milne Road and Ringwood-Warrandyte Road in Park Orchards. I ask the minister to ensure a roundabout with appropriate signage is installed at this intersection as a matter of urgency.

Ringwood-Warrandyte Road carries a great deal of traffic and, as I have mentioned in this house before, is a dangerous road if travelled at speed. The federal government has contributed nearly \$700 000 to improving the safety on this road — a road that is a state responsibility. This government has only been able to contribute a mere \$80 000 towards my community's safety on this road. Tonight I call on the government to finally accept its responsibility and address the community's concerns.

Because of the volume of traffic and the speed at which the traffic flows, motorists attempting to turn out of Milne Road at this intersection are frequently unable to do so for some time, particularly during peak hours. At these times traffic significantly banks up along Milne Road, causing motorists to become extremely frustrated. As their frustration grows, so does the likelihood of those motorists attempting to turn out of the road when usual good judgement would determine otherwise. The situation is expected only to worsen once EastLink opens. As local motorists attempt to avoid the tolls unfairly forced onto them by this government, more and more traffic can be expected to use this road and add to the problem.

The introduction of a roundabout would certainly assist in dispersing the traffic build-up. Manningham City Council has attempted to respond to community concerns and has on numerous occasions raised with VicRoads the safety issues of this location. Submissions by Manningham City Council seeking funds from VicRoads to alleviate the traffic problems have fallen on deaf ears. This government seems not to care about road safety in the Warrandyte electorate. It certainly has not stumped up the funds to show that it does, and there has been no communication to suggest that work at this site is even on the government's agenda.

I tabled a petition to this Parliament earlier this week in which 176 local residents from Milne Road and its surrounds asked the minister to listen to their concerns and to act. I join these residents by also asking the minister to listen to those who deal with these traffic

and safety concerns on a day-to-day basis and to act without delay. My community and I are raising this matter tonight because we do not want to see a fatality at this intersection. I ask the minister to act before the worst fears of local residents are realised.

### **Lara Pool: funding**

**Mr EREN** (Lara) — I raise a matter for the attention of the Minister for Sport, Recreation and Youth Affairs, who is at the table. It is in relation to an application by the City of Greater Geelong to the Brumby government's Community Facility Funding program in the seasonal pool renewal category. The council applied for a grant of \$200 000 for stage 1 of the Lara Pool master plan.

**An honourable member** interjected.

**Mr EREN** — Absolutely. It is a fantastic facility, and hopefully it will be even better after this funding. The action I seek is for the minister to support the application so that the residents of the wider area can benefit from an improved swimming facility. The 44-year-old pool is a heated, six-lane, 50-metre pool with an attached learners pool, two toddler pools, a waterslide and a kiosk. It is currently open between November and March each year but is in need of an upgrade to maintain its facilities.

Stage 1 of the proposed upgrade includes an upgrade to existing amenities, provision of an accessible change room, provision of a wet deck and development of water play. Council expects a 50 per cent increase in visits from the facility upgrade. The increased patronage is likely to come from the townships of Lara and Little River and the surrounding rural areas, with an approximate population of 15 000 residents. Additionally residents of the northern suburbs of Geelong may also use the facility. This proposed project is part of the Lara Pool master plan, which was endorsed by council in December 2006.

The program under which the council has applied for funding is the seasonal pool renewal program, which is targeted at rejuvenating outdoor pools in rural Victoria and in interface council areas. In small rural communities the local swimming pool is often one of the major catalysts for bringing people together. This program will breathe new life into these crucial community assets to ensure they remain a central gathering place for many years to come.

I recall when I was younger — not that long ago — I used to regularly visit the local pool. It was a social

activity centre for the many young people who used to go to the pool.

**An honourable member** interjected.

**Mr EREN** — I never wore Speedos, mate; I know some people did. The benefits of such facilities are obvious in terms of one's health and fitness, and indeed one's mental health, especially in rural and regional areas.

### Responses

**Mr MERLINO** (Minister for Sport, Recreation and Youth Affairs) — The member for Lara raised a funding application to the seasonal pool renewal program from the Greater Geelong City Council regarding the Lara Pool project. As the member mentioned, the program is designed to rejuvenate outdoor pools in rural and regional Victoria, many of which are beginning to tire. While the program will fix the cracks and the leaks and will address the need to upgrade equipment, it is also about increasing participation. That means things like building new change rooms, shade areas, barbecue areas and water play areas. The round of applications to the program are currently being assessed, and I will be making further announcements shortly. However, I can assure the member for Lara I will certainly take into consideration his support for the project.

As the members for Lara, Geelong and South Barwon would know, and as the Minister for Mental Health would know, the Greater Geelong region has enjoyed strong support from the Victorian Labor government, particularly when it comes to sporting facilities. At an elite level there is our considerable investment in Skilled Stadium. Through stage 1 of the development, we contributed \$13.5 million. I was able to join the Premier during grand final week and announce that the Brumby government will contribute a further \$6 million to the stage 2 upgrade of Skilled Stadium. This will no doubt be of tremendous benefit to the thousands of extra Geelong supporters who have bobbed up since the Cats broke their drought and won the premiership.

We have also made a tremendous difference in the region at the grassroots level. In fact our investment has been second to none. With the support of all the local members I mentioned, the Labor government has invested over \$7 million in local sporting facilities in the City of Greater Geelong since 2000. This includes projects like the Barwon Heads Skate Park, which we funded with \$100 000; the new Bellarine Aquatic Centre, in which we invested \$2.5 million; and the

\$100 000 we put towards a new cricket facility at Cardinia Park, which I toured recently and which will be up and running by January.

The level of support we have delivered to Geelong is indicative of the Brumby government's approach to rural and regional Victoria. It is hard to dispute the figures. Since coming to office we have poured over \$79 863 000 into regional and rural grassroots sporting facilities through the Community Facilities Funding program — almost \$80 million. That figure will grow even higher over the coming months when I announce the successful applicants in the latest round of the seasonal pool renewal program. I can again assure the member for Lara that the City of Greater Geelong's application will be closely considered.

Speaking of sport in the Geelong region, the member for Geelong raised an application in one of the categories of the 2007 sport and recreation awards. The award for applied research in sport and recreation science is one of 10 awards that will be handed out at the 11th annual sport and recreation awards night, which will be held on Monday, 19 November. I will take on board the member's support for the Geelong exercise and nutrition training study, or GENTS, lifestyle program. It is one of the many applications I have received for these awards. Every single one of those applications reflects just how much sport means to Victorian communities. I look forward to announcing the winners next month and sharing with the house some of their stories as they demonstrate just why we invest so heavily in ensuring sport remains a strong and healthy part of our great state.

**Ms NEVILLE** (Minister for Mental Health) — The member for South Barwon has raised a very important issue about dementia. As he has said this evening, there is really a huge personal and social cost to dementia. It has an enormous impact on families and carers. We know that the incidence of dementia is increasing with our ageing population. In fact between 2002 and 2005 the number of Victorians with dementia increased by about 10 per cent to 53 000. We are expecting a further increase of around 18 per cent up to the year 2010, bringing the number of people in Victoria with dementia to about 62 000. By 2020 we will be looking at 83 000 Victorians suffering dementia, and by 2030, at its peak, about 115 000 Victorians will suffer from dementia.

In April last year the government announced a new framework around dementia — *Pathways to the Future, 2006 and Beyond — Dementia Framework for Victoria*. The framework aims to provide support to older people to live active and independent lives in the

community to the maximum extent. It also aims to facilitate high-quality health and aged care services to support people with dementia and their carers. It further aims to focus on social connectedness, diversity and equity.

It has been identified that there is a lack of culturally appropriate information about services, which can often limit access. The more mainstream services may not be flexible enough to provide appropriate support to people with diverse needs. Unmet needs are common for people with dementia and their carers with diverse needs such as those from CALD (culturally and linguistically diverse) and Aboriginal backgrounds. I am very pleased to advise the house that the government will commit additional resources to assist those from CALD and indigenous backgrounds.

I can advise the member for South Barwon that the government will be providing an extra \$87 500 to the Barwon south-west region. Other regions to benefit over the next couple of years include the Gippsland region, Melbourne East, the Grampians region, southern metropolitan, the Loddon Mallee region and the Hume region. The programs will seek to address information and support service gaps that are identified in dementia care. The aim is to increase responsiveness, creativity and innovation in service delivery for people from Aboriginal and culturally and linguistically diverse backgrounds. The programs also aim to identify and implement information and support service responses that address identified unmet need and support people with dementia and diverse needs.

Of course this is on top of the significant commitment we already make to dementia services here in Victoria. We have seen huge increases for aged care dementia services — around a 337 per cent increase in funding. Support to carers has also been increased by an enormous 426 per cent. I am very pleased that the government has been able to provide this assistance to those from culturally diverse backgrounds who are suffering dementia in Victoria. I thank the member for South Barwon for his interest in this area.

The member for Doncaster raised an issue in relation to the mental health EBA (enterprise bargaining agreement). Just as an aside, it is interesting to see members of the opposition speaking up for the unions. I heard a lot about the Australian Nursing Federation and the Health and Community Services Union. It will be very interesting to see if members opposite are willing to speak up to their federal colleagues about the important role that unions play and the impact WorkChoices is having on workers across Victoria.

However, I want to assure the house that the government highly values the staff who work in our mental health facilities. Those staff, quite rightly, want a pay rise. And they quite rightly want improvements in their working conditions. They are using the enterprise bargaining process, which is the regular negotiation between the government and the union, to work towards a decent agreement for both parties. We know working in mental health is challenging but also extremely rewarding for staff. We want to ensure that those staff have the best possible working conditions, consistent with maintenance of a financially responsible budget. The government's wage policy is for a 3.25 per cent increase, which consists of a 2.5 per cent cost of living adjustment and a component — 0.75 per cent — for negotiated service delivery improvement. The government will consider any further increases negotiated through productivity improvements.

This is a responsible policy. However, I want to assure the house that Victoria has an excellent record in caring for people with mental illnesses, and an excellent treatment service to back that up. The challenge for government is to ensure that we are continually improving our services to meet the needs of those people living with a mental illness. Victoria is now acknowledged as having one of the best mental health systems in Australia. We have more beds per capita than any other state in Australia. We treat 9000 more mental health patients every year than were treated under the Liberal Party. That is why in this year's state budget we boosted the budget by \$69 million, on top of the \$472 million that was committed as part of the Council of Australian Governments national action plan. This \$69 million package will allow us to deliver new mental health beds for Victoria — extra beds that are much needed.

The budget delivered for the Northern Hospital, it delivered for Maroondah Hospital and it will deliver for Barwon Health. It delivered for Regina Coeli, for Deer Park, for Preston and for Broadmeadows. We have got strong commitments in this area. We want to deliver more beds. We want better emergency responses and better community care. That is why during our three terms in office we have increased funding to mental health by 81 per cent. We are focused on making the right service available to people at the right time. We will continue to work with the unions and the front-line mental health staff through the negotiations over the EBA.

**Mr MERLINO** (Minister for Sport, Recreation and Youth Affairs) — The members for Caulfield and Mildura raised matters for the Minister for Health.

The member for Malvern raised a matter for the Minister for Finance, WorkCover and the Transport Accident Commission.

The member for Williamstown raised a matter for the Minister for Community Development.

The members for Eltham and Warrandyte raised matters for the Minister for Roads and Ports.

I will ensure that those matters are raised with the relevant ministers for their action.

**The ACTING SPEAKER (Mr Nardella)** —  
Order! The house is now adjourned.

**House adjourned 10.37 p.m.**

