

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

Thursday, 10 August 2006

(Extract from book 10)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

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Joint committees

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Economic Development Committee — (*Assembly*): Mr Delahunty, Mr Jenkins, Ms Morand and Mr Robinson. (*Council*): The Honourables B. N. Atkinson and R. H. Bowden, and Mr Pullen.

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

Parliamentary Services — Secretary: Dr S. O'Kane

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Mr P. J. RYAN

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Mr P. L. WALSH

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Carli, Mr Carlo	Brunswick	ALP	Maxfield, Mr Ian John	Narracan	ALP
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Cooper, Mr Robert Fitzgerald	Mornington	LP	Mildenhall, Mr Bruce Allan	Footscray	ALP
Crutchfield, Mr Michael Paul	South Barwon	ALP	Morand, Ms Maxine Veronica	Mount Waverley	ALP
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Helper, Mr Jochen	Ripon	ALP	Savage, Mr Russell Irwin	Mildura	Ind
Herbert, Mr Steven Ralph	Eltham	ALP	Seitz, Mr George	Keilor	ALP
Holding, Mr Timothy James	Lyndhurst	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Honeywood, Mr Phillip Neville	Warrandyte	LP	Smith, Mr Kenneth Maurice	Bass	LP
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Hudson, Mr Robert John	Bentleigh	ALP	Sykes, Dr William Everett	Benalla	Nats
Hulls, Mr Rob Justin	Niddrie	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Ingram, Mr Craig	Gippsland East	Ind	Thwaites, Mr Johnstone William	Albert Park	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Trezise, Mr Ian Douglas	Geelong	ALP
Jenkins, Mr Brendan James	Morwell	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kosky, Ms Lynne Janice	Altona	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Kotsiras, Mr Nicholas	Bulleen	LP	Wilson, Mr Dale Lester	Narre Warren South	ALP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wynne, Mr Richard William	Richmond	ALP

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Thursday, 10 August 2006

The **SPEAKER** (Hon. Judy Maddigan) took the chair at 9.33 a.m. and read the prayer.

RULINGS BY THE CHAIR**Member for Mulgrave: comments**

The **SPEAKER** — Order! Yesterday in question time, in response to a matter raised with me by the member for the Mornington, I said that I would get Hansard staff to check the record in relation to interjections. They did so. They cannot identify the interjections on the recording, but the member for Mulgrave has since informed me that he is willing to withdraw any comments to which the member for Mornington may have taken offence.

Mr **Cooper** — On a point of order, Speaker, after I raised that point of order, immediately on my sitting down, the member for Pascoe Vale got to her feet and said that the claim that I had made was false. She said that I had misled the house. Without wanting to pursue the issue itself — —

Honourable members interjecting.

The **SPEAKER** — Order!

Mr **Cooper** — I notice that on page 9 of the *Herald Sun* this morning the member for Mulgrave admitted that he said the words. I acknowledge that he has withdrawn those, and I thank him for that, but I now request that the member for Pascoe Vale apologise and withdraw her accusation that I had misled the house.

The **SPEAKER** — Order! The *Herald Sun* is not the official transcript of the house, and I have not read it this morning. I will have a look at the matters raised by the member for Mornington.

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 364 to 386 will be removed from the notice paper on the next sitting day. A member who requires a notice standing in his or her name to be continued must advise the Clerk in writing before 2.00 p.m. today.

PETITIONS**Following petitions presented to house:****Motorcycles: registration tax**

To the Legislative Assembly of Victoria:

This petition of the residents of Victoria draws the attention of the house to the \$50 tax, levied through the Transport Accident Commission (TAC), on scooter and motorbike registrations in this state. This tax was introduced without proper consultation with stakeholders. This tax singles out and penalises a small but legitimate part of our community based on choice of personal transport. The majority of insurance claims show the car driver was at fault. Thirty-eight per cent of hospitalisations from bike crashes are car licence holders riding off-road. Driver awareness programs, which benefit pedestrians and bicyclists too, did not feature. The 'unrider' problem was not addressed. The tax promotes unridding. More than \$10 million has been taken from the motorcycle community but it has not been spent on effective bike safety initiatives or facilities. The tax is unfair, particularly for riders with more than one machine. The tax makes motorbikes and scooters more expensive so harder to own. This is bad for the industry and the economy. The tax discourages energy and space efficient, environmentally friendly vehicles, which is bad for all Victorians. The tax was to be reviewed in October 2005.

We request that the unfair TAC tax be abolished. A review of the TAC tax was held without consultation in late 2005. The government decided to keep it for two more years and increase it nearly 8 per cent to \$53.90 per bike, per year. In spite of its utter failure to reduce bike casualties in three years this discriminatory tax is still with us.

By Dr SYKES (Benalla) (15 signatures)

Racial and religious tolerance: legislation

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria draws the attention of the house to the decision of the Victorian Civil and Administrative Tribunal in the complaint against Catch the Fire Ministries by the Islamic Council of Victoria, dated 17 December 2004. The decision has highlighted serious flaws in the Racial and Religious Tolerance Act 2001 which restrict the basic rights of freedom of religious discussion.

The petitioners therefore request that the Legislative Assembly of Victoria remove the references to religious vilification in the Racial and Religious Tolerance Act 2001 to allow unencumbered discussion and freedom of speech regarding religion and theology.

By Mr RYAN (Gippsland South) (6274 signatures)
Mr McINTOSH (Kew) (6350 signatures)
Mr SAVAGE (Mildura) (4632 signatures)

Hazardous waste: Nowingi

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

The petition of certain citizens in the state of Victoria draws to the attention of the house that the proposed toxic waste facility to be located at Nowingi-Hattah, south of Mildura, is an absolute disaster for the families and communities directly affected. The toxic waste facility would seriously impact on the wider community.

The proposed toxic waste facility will destroy families, their heritage, communities and the work of generations of farmers and horticulturists who have developed highly successful local and export trade for their excellent produce.

The proposed toxic waste facility will ruin the clean good status, for which Sunraysia has been widely recognised, and turn north-west Victoria from a clean green food bowl to the toxic waste capital of Victoria.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria abandon the proposal to place a toxic waste facility in the Mildura region.

By Mr SAVAGE (Mildura) (112 signatures)

Wellington Road: upgrade

To the Legislative Assembly of Victoria:

The petition of Victorian citizens, draws to the attention of the Bracks government the urgently required works to upgrade Wellington Road between Belgrave-Gembrook Road and Kelletts Road.

In the past five years 97 serious accidents (including 26 head-on accidents and 5 deaths) have occurred. The serious injuries and deaths have results in immeasurable grief to the families and friends of those involved.

We request that the Legislative Assembly of Victoria resolves to force the Bracks government to duplicate or provide passing lanes along Wellington Road between Kelletts Road and Belgrave-Gembrook Road.

By Mr MULDER (Polwarth) (467 signatures)

Barwon Water: Black Rock treatment plant

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

The humble petition of 13th Beach Coastal Community Watch and the undersigned citizens of the state of Victoria draws to the attention of the Legislative Assembly that Barwon Water in conjunction with a private sector partner is proposing to design, construct and operate a large sewage sludge treatment plant on the coastline at Black Rock, which is between 13th Beach and Breamlea. The proposal is the biggest of its kind in Australia with a factory style building up to 17 metres high that will be visible from the surrounding beaches, dunes and coastal roads. Because it is to be built and operated privately, there may also be the potential for toxic sludge to be treated.

We believe that this type of development is inappropriate for such an iconic piece of coastline. Your petitioners therefore pray that Barwon Water be compelled to suspend the project so that:

1. effective community consultation can be undertaken which will provide affected individuals and communities with a real opportunity in being able to have input into the full range of options to be identified and considered, and
2. to find a solution that is acceptable to both the community and the environment.

[We] request that the Minister for Planning require an environment effects statement for this project.

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

By Mr MULDER (Polwarth) (53 signatures)

Barwon Water: Black Rock treatment plant

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

The humble petition of 13th Beach Coastal Community Watch and the undersigned citizens of the state of Victoria draws to the attention of the Legislative Assembly that Barwon Water in conjunction with a private sector partner is proposing to design, construct and operate a large sewage sludge treatment plant on the coastline at Black Rock, which is between 13th Beach and Breamlea. The proposal is the biggest of its kind in Australia with a factory style building up to 17 metres high that will be visible from the surrounding beaches, dunes and coastal roads. Because it is to be built and operated privately, there may also be the potential for toxic sludge to be treated.

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1. effective community consultation can be undertaken which will provide affected individuals and communities with a real opportunity in being able to have input into the full range of options to be identified and considered, and
2. to find a solution that is acceptable to both the community and the environment.

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

By Mr MULDER (Polwarth) (831 signatures)

Portland and District Hospital: emergency department

To the Legislative Assembly of Victoria:

The petition of concerned citizens draws to the attention of the house the crisis facing the accident and emergency service at Portland District Health and urges the government to take immediate action to ensure a fully funded qualified doctor is available at the Portland and District Hospital's accident and emergency services department, 24 hours a day, seven days per week in perpetuity.

By Dr NAPHTHINE (South-West Coast) (7517 signatures)

Tabled.

Ordered that petition be considered next day on motion of Dr NAPHTINE (South-West Coast).

Ordered that petition be considered next day on motion of Dr SYKES (Benalla).

Ordered that petitions presented by honourable members for Kew, Gippsland South and Mildura be considered next day on motion of Mr INGRAM (Gippsland East).

PLANNING: MINISTERIAL INTERVENTION

Mr HULLS (Minister for Planning) — By leave, I move:

That a statement on ministerial intervention in planning matters for the period May 2005 to April 2006 under the Planning and Environment Act 1987, Victorian Civil and Administrative Tribunal Act 1998 and the Heritage Act 1995 be tabled.

Motion agreed to.

Tabled.

**ECONOMIC DEVELOPMENT
COMMITTEE**

Standardbred breeding industry

Mr DELAHUNTY (Lowan) presented report, together with appendices.

Tabled.

Ordered that report and appendices be printed.

DOCUMENTS

Tabled by Clerk:

Essential Services Commission — Report on the Grain Handling Access Regime

Murray-Darling Basin Act 1993 — Revised Schedule C and Revised Schedule E under s 28(b)

Parliamentary Committees Act 2003 — Response of the Premier on the action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's Report on a Legislative Framework for Independent Officers of Parliament

Survey Co-ordination Act 1958 — Report of the Surveyor-General for the year 2005–06.

BUSINESS OF THE HOUSE

Adjournment

Ms PIKE (Minister for Health) — I move:

That the house, at its rising, adjourn until Tuesday, 22 August 2006.

Motion agreed to.

MEMBERS STATEMENTS

UnitingCare Ringwood Biala

Mr LOCKWOOD (Bayswater) — I want to tell members about a great service in my electorate called UnitingCare Ringwood Biala. It is a child-care service with a difference. It caters for children with special needs aged under six years old and provides a respite service for parents. It is serviced by volunteers in a hall attached to the Uniting Church in Ringwood. It has room for 30 children and currently has 25 enrolled. A volunteer is assigned to each child and cares for that child for a whole day or for half a day. The needs of some children can be quite high.

It is a wonderful service performed by wonderful people. The volunteers do wonderful things with the children, and the children perform activities as individuals and as a group. All the children I met there were totally charming. Parents of children with special needs have great demands put on them night and day, and a break from these demands is essential to health, and this day of child care cum respite is very valuable to them. They get to recharge their batteries and get some things done that might not otherwise have been done.

The centre is coordinated by Alison Oakshott, who has been there for about 24 years as a volunteer and coordinator, and the committee that runs the centre is chaired by Ian Ware. Some of the volunteers are: Anne Hubbard; Diane Kendall; Dilwen Williams; Heather Kunnert; Gwen Moore; Dorothy Falconer; Sue McBain; Chris Atkinson; Susanne Darcy; Amy Hedding; Colin Lawn, the treasurer; Natalie Elder, the secretary of the committee; and Jean James, the committee's vice-chair.

The children gain from spending that day, or the better part of it, between 9.30 a.m. and 3.00 p.m. with other children and in a different environment. There are lots of activities to capture their attention and from which they learn. The centre has recently benefited from a volunteer grant from the state government, which I am

sure it will put to great use. I very much enjoyed my visit to the centre, and I greatly admire the work the volunteers do. They are looking for a few more volunteers to complete their quota.

Portland and District Hospital: emergency department

Dr NAPHTHINE (South-West Coast) — This morning I presented a petition from 7517 very concerned local citizens, who demand real action from the state government to fix a serious and ongoing crisis in access emergency at the Portland hospital. This petition was collected in just six weeks. With over 7500 signatures, it clearly shows the level of concern in the Portland community about its health services.

Two recent incidents highlight this concern. Recently a 17-year-old seriously ill boy was taken to Portland hospital's accident and emergency department, but he was unable to see a doctor and was forced to travel 1½ hours to Warrnambool, where he was immediately put on a drip and treated. Also, a 25-year-old woman who had her drink spiked at the Heywood Hotel collapsed. An ambulance was called and she was taken 30 minutes south to Portland hospital, but again no doctor was available. She then had to be taken 1 hour north to Hamilton for emergency treatment. This tied up ambulance time and caused enormous stress and risk to that woman. The petition seeks urgent action to fix the accident emergency crisis at Portland hospital. We must have a doctor present 24 hours a day, seven days a week.

Professor Fitzgerald recommended that Portland Hospital needed full-time emergency medical staffing to provide doctor services 24 hours a day, 7 days a week, for accident emergency. This must be implemented now. The Minister for Health is at the table, and I urge her to make a commitment to come to Portland and fully fund the Fitzgerald model to ensure that lives are not lost in Portland.

Evelyn electorate: Bendigo Bank driver education program

Ms McTAGGART (Evelyn) — I rise today to pay tribute to chairman Allan Grundy, branch manager David Watt and the directors of the Mount Evelyn community branch of the Bendigo Bank. On Friday I was pleased to attend the launch of the youth driver education training program initiated by Allan Grundy. Whilst our local shire is one of the best locations in the state, it comes with some of the worst road toll statistics in the nation.

Pembroke Secondary College in Mount Evelyn hosted a driver education scheme with the Metropolitan Traffic Education Centre (METEC) in Bayswater North. The elective is available to approximately 40 to 50 students. The cost can be a deterrent for families, as it is \$150 per student for this comprehensive course. With this in mind, the community bank has allocated \$3000 to subsidise this training for Pembroke students and \$2000 for the 15 and 16-year-olds who live in Mount Evelyn but travel to other schools.

What price can we put in a child's life? In a society where iPods and mobile phones are an expensive priority for our young people, for an investment of only \$99 METEC can give P-plate holders an intensive 4-hour driver training course. They learn basic car control, hazard perception and safety and defensive driving practices, which they would otherwise not be able to access during their learning process. I congratulate the stakeholders of this initiative. With continued collaboration, education and awareness, we can minimise the risks that our young people face on our roads.

Andrew Douglas

Mr DELAHUNTY (Lowan) — I rise to congratulate Andrew Douglas, who worked with me as a parliamentary intern this year and researched and produced a report entitled *Barriers to a Healthy Community*. I gave Andrew the draft topic of the barriers to attracting health professionals to country Victoria. His report addresses the barriers preventing mental health professionals from working in rural, regional and remote Australia.

Given the widespread concerns about health care in country Victoria, I encourage all members, particularly the Minister for Health, and Department of Human Services staff to read this excellent report, which highlights that the need to get:

... mental health professionals to work in country Australia has never been more pronounced, with these areas not only having the worst rates of mental illness but also providing sufferers with the virtually non-existent care.

Andrew states that there are three areas central to influencing their decision to work in rural or metropolitan areas: career, financial and lifestyle factors. Career-wise there are the issues of professional isolation and health facilities with a smaller capacity to pay. But there is autonomy and variety in rural work. The rural lifestyle provides a number of benefits to rural mental health professionals that urban life cannot. A stronger sense of community combined with a broad

variety of unique leisure activities are attractive parts of the rural lifestyle.

Andrew strongly supports the reinforcement of the current systems that are in place to attract rural students who study in the field of mental health so that programs are actively put in place to ensure they return to rural areas. With the health system in country Victoria approaching crisis point over the retention and attraction of health professionals, Andrew Douglas's report gives good guidance to the government in these times.

Rail: Seymour line

Mr HARDMAN (Seymour) — I rise to congratulate and thank the Minister for Transport for the fantastic new services on the Seymour line. I have spoken to many constituents about the need for new services. As a result I have made representations to V/Line and the minister's office about new services which meet their needs. For example, a 5.30 a.m. train from Seymour that will reach Southern Cross by 6.55 a.m. will allow a greater variety of people to commute by train to Melbourne. People on the Seymour line asked for that, and they have had that delivered. An hourly service throughout the day will give more opportunities for people to travel return to Melbourne for appointments and leisure until up to 9.30 p.m. on Monday to Thursday and 11.30 p.m. on Friday.

The service, coupled with new bus services in Kilmore and Wallan to connect people to new car parks and new bus stops at their stations, will make for better access to public transport. There is still more to be done to address the punctuality of trains on the Seymour line. I thank V/Line for continually working to address these issues. But we must never forget the neglect of the Liberals and The Nationals when they were in power. They ran down the train lines and the rolling stock in order to sell them off to the highest bidder. I thank the many people who have made suggestions to improve the system. The Bracks government has again shown that it listens and acts.

Fitzsimons Lane–Anderson Street–Porter Street, Templestowe: traffic lights

Mr KOTSIRAS (Bulleen) — Recently the government announced an allocation of \$340 000 for traffic lights to ease the gridlock at Lower Plenty's Main Road–Fitzsimons Lane roundabout. The government said that the signals and high-friction anti-skid surfacing would help to reduce rear-end bingles. Unfortunately this government has only solved

half the problem. If you continue along Fitzsimons Lane and enter my electorate of Bulleen, you will come to another roundabout at the intersection of Fitzsimons Lane, Anderson Street and Porter Street.

This is one of the most dangerous and confusing intersections in Manningham, and crossing it is a real adventure. Residents have said they feel a tremendous amount of achievement when they cross the intersection safely. Residents at the nearby Templestowe Retirement Village have to think twice before leaving the village to cross the road to enjoy Westerfolds Park, which is located on the other side of Fitzsimons Lane. The residents of Parkwood Place also risk their safety when exiting their street.

During peak time everything comes down to a crawl, if not a complete standstill, and drivers try to manoeuvre themselves through the roundabout. During other times, drivers speed through the intersection, and they have to pick their moment to go and just hope for the best. While some have mastered this technique, there are many who still find it very difficult. I call upon the government to investigate the problem and to install traffic lights at this roundabout before someone gets hurt.

Country Fire Authority: Bullengarook brigade

Ms DUNCAN (Macedon) — I rise to speak on two community events I attended last weekend. On Saturday night I had the pleasure of attending the Bullengarook Country Fire Authority dinner, which is an annual event put on by the Bullengarook CFA to thank the community for its support throughout the year. I extend my thanks to all the volunteers at Bullengarook not just for their efforts towards the dinner but for all the work they do in the course of their volunteering. In particular, thanks to our local chef Ziggy for the magnificent food that was put on, particularly the gluhwein and the schnapps. Ziggy has a particular interest in these delicacies. This was not a fundraising event for the brigade but their expression of thanks to the community.

Landcare: Baynton-Sidonia group

Ms DUNCAN — On Sunday I attended the Baynton-Sidonia Landcare group annual general meeting (AGM) at the Redesdale Tavern. An article in the *Weekly Times* some time ago suggested Landcare was struggling. I can tell the house that 97 people attended this AGM on Sunday, and they had to turn people away.

Congratulations to Clare Clayton, Margot Whitnall and all the committee members, past and present, for their ongoing support of our environment. They are a very active and enthusiastic group, and I thank them for their efforts to improve our environment.

I can assure the house that Landcare is alive and well in the Baynton-Sidonia area. All our volunteer groups in the Macedon electorate are extremely active, and I thank them for their collective efforts in making our community, in social, economic and environmental terms, a much better place.

Flinders: coastal infrastructure

Mr DIXON (Nepean) — The harbour at Flinders is home to a growing aquaculture industry, with mussel farms just off the coast, and also to a growing fishing industry, with some fishing boats moving over from Queenscliff. It is the home of the pilot boat that services Western Port Bay and is also home to a number of pleasure craft.

The wooden breakwater at the end of Flinders Pier had to be demolished about six years ago because it was falling apart and it was dangerous to the boats moored there. Just recently the pier loads on Flinders Pier have been progressively reduced, and the crane has also been taken off the end of the pier, which has significantly reduced the efficiency of the aquaculture industry and the fishing industry at Flinders. The people of Flinders have been waiting six years for the breakwater to be repaired, and now they have to wait for the pier to be repaired. It cannot be patched; it needs major repairs.

Parks Victoria tells me it has been starved of money and just cannot afford to do the repairs to the breakwater or the pier. At the same time, however, the government and the Department of Primary Industries are encouraging aquaculture.

Mr Ingram interjected.

Mr DIXON — Theoretically they are encouraging aquaculture, and part of that encouragement should be the provision of infrastructure. Perhaps as a start the Department of Primary Industries could look at funding an upgrade of the pier, and then Parks Victoria could save up and fix the breakwater.

Family violence: Hastings electorate

Ms BUCHANAN (Hastings) — Since the Attorney-General launched the groundbreaking justice statement in 2004, many proactive projects have been launched for the residents of the Hastings electorate to both reduce family violence and support women and

their families to no longer be the victims of this most insidious aspect of our society. Last week saw another milestone achievement, with the Attorney-General launching the Specialist Family Violence Service at the Frankston Magistrates Court. This vital service will simplify access by aggrieved family members and affected children to the justice system and enhance their safety.

Family violence applicant worker Christine Allen, who has been on deck now for about six weeks, is a great addition to the Frankston Magistrates Court. Christine has an extensive background in family violence support and will be a caring and competent person who, in addition to the Specialist Family Violence Service deputy registrar, more family violence police prosecutors and more magistrate support resources, will ensure that women and families get the best possible service and support whenever they are brave enough to speak out against violence.

Many people in the Hastings electorate look forward to the local multidisciplinary centre for sexual assault being operational in early 2007. It will have specialist police, human services staff and support groups located in one place. Again, it has taken a Bracks Labor government to realise the vision of holistic support of sexual abuse victims and survivors. Many women and advocacy groups across Frankston, the Mornington Peninsula and Western Port regions have been working towards this. These are just two more examples of how a Bracks Labor government is the only government committed to making Victoria the best place to live, work, protect and support women and Victorian families.

RMIT University: Bullock Island research facility

Mr INGRAM (Gippsland East) — I raise the issue of RMIT University's research facility at Bullock Island near Lakes Entrance. The research facility at Bullock Island is co-located with the East Gippsland Institute of TAFE's South East Australia Maritime Education Centre. Research studies are being undertaken on aquaculture and water quality. It is incredibly important for our region that \$4 million be invested into this facility. When the facility was established it had teething problems — there were water quality issues, and they could not get access to quality saltwater to allow the research to be conducted. The scientists could not actually apply for the grants they needed and that set them back. RMIT is now saying the facility has to be self-funding, which means that scientists are at the mercy of research funding institutes.

I wrote letters to RMIT University and the responsible state and federal ministers. The responses to those letters could have been written by the same faceless bureaucrat, because basically they just blame the other governments, federal or state. This is incredibly important research for bream restocking in the Gippsland Lakes; water quality of the Gippsland Lakes, which is very important for our region; scallop aquaculture, which is groundbreaking research; and Australian bass. Basically what is going to occur is that RMIT will be exporting good quality scientists to other states. The research that should be done in this state is going to be done in places like Tasmania or overseas. RMIT is starting to look more like a degree factory than a real university.

Upwey-Belgrave RSL: social day

Mr MERLINO (Monbulk) — On Sunday, 6 August, I had the pleasure of attending ‘Remember When’ at the Upwey-Belgrave RSL. It was an afternoon of music, song and dance for senior veterans and war widows. Upwey-Belgrave RSL has three key objectives — remembering, welfare and comradeship.

I would like to acknowledge the great work Upwey-Belgrave RSL is doing for welfare and support. There is a small but dedicated welfare team at Upwey-Belgrave RSL led by Nick Lind, a Vietnam war veteran. Nick’s welfare team provides a range of much-needed services aimed at tackling isolation and meeting urgent needs. Just a few things the team does include dropping in at home or at hospital when veterans or war widows are ill; funding emergency needs such as hot water tanks or vehicle repair bills; simply keeping people in contact and involved with the sub-branch; purchasing equipment such as electric scooters, wheelchairs and walkers; and assisting with pension and entitlement issues with the Department of Veterans’ Affairs. In addition to this work, Nick and his wife, Julie, volunteer at the veterans op shop in Boronia and clean the sub-branch.

The event on Sunday was Nick’s idea to get people out of their homes and provide them with an afternoon of free entertainment. Nick even came up with the idea of providing a replica World War II ration card which provided for afternoon tea and a free beer — it was very popular. The entertainment was provided by Time Steppers, a group of excellent amateur performers who raise money for cancer research. Congratulations to Nick and Julie Lind, Roger and Anne Leslie and the sub-branch for putting on this event which was thoroughly enjoyed by many senior citizens.

Hospitals: rural and regional

Mrs SHARDEY (Caulfield) — For two days in a row last week the Victorian Labor government was forced to back down over cuts to country health services. The Minister for Health was left red-faced by the news that Bendigo hospital was to cut its elective surgery rehabilitation capacity from 60 to 50 beds. The minister was forced to intervene to reverse the decision.

The following morning, on 3 August, the Wodonga Regional Health Service put out a press release announcing it was winding back its midwifery service because of the \$200 000 cut in funding from the Department of Human Services. The release said that maternity patients would no longer have the option of participating in the midwife care program as it currently exists and that continuation of the current model of care was not financially sustainable. That was in the morning. By lunchtime the story had changed. A second press release read:

Following this morning’s advice from Wodonga Regional Health Service that there would be proposed changes to models of obstetric service care, the regional director of the Department of Human Services has advised there has been a reconsideration of the proposed budget and that in fact there will be no decrease in funding for the midwife care program.

The question really has to be asked: does the Minister for Health have any idea what is going on in the health system? It seems the first time she hears things is when a journalist rings her.

Housing: East Reservoir renewal program

Mr LEIGHTON (Preston) — On Monday the Minister for Housing in the other place launched the East Reservoir neighbourhood renewal program. East Reservoir is the most socially disadvantaged area in my electorate, and under SEIFA, the socioeconomic index for areas, is described as ‘an area with a higher proportion of individuals with low incomes, more employees in unskilled occupations et cetera; and a low proportion of people with high incomes or in skilled occupations’.

Last October the cabinet came to Darebin. The announcement on neighbourhood renewal for East Reservoir was very welcome and was an example of Labor supporting its own.

As a local member who experienced the ravages of the Kennett years, I am proud to say the Bracks Labor government has not forgotten its own heartlands. Specific examples in Darebin include the PANCH Health Service, the community building project, the Best Start program, significant funding for the

Reservoir Leisure Centre and new police stations, to name just a few.

Over four years commencing 2005–06 the East Reservoir neighbourhood renewal service will receive approximately \$1.3 million for place management and community building. In 2006–07 over \$1.1 million has been allocated to capital improvements consisting of \$900 000 for upgrade work to an anticipated 36 properties and \$220 000 to undertake immediate improvements to 40 houses. Funding of \$241 000 has been allocated for the four-year period to engage an employment and learning coordinator. Also announced was a grant of \$300 000 for a new neighbourhood house.

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

Police: record checks

Mr MAUGHAN (Rodney) — I wish to bring to the attention of the house the unacceptable turnaround times for national police record checks in Victoria.

I refer to two specific cases in my electorate in recent months where constituents have been forced to wait between 6 and 16 weeks to obtain a national police certificate. In the first case the accreditation request went to police and was lost. When a second application was lodged, police had to carry out an interstate check, which took an inordinate amount of time to complete.

In the second case, my constituent sent away for a police check six weeks ago and is still waiting. He is unable to start a new job until he obtains a national police certificate and obviously the wait is costing him money. I have contacted Victoria Police information management, and my advice was that a national police record check usually takes 6 to 10 days and should be completed within 14 days once an application is served.

In each of the cases I have outlined the police check has taken far longer than 14 days. Here are people willing and ready to work but are unable to do so because of the unacceptable delay in obtaining a national police certificate. Either there are insufficient people to do the job, they are incapable of doing the job or the technology is inadequate. People are being denied the opportunity to work because of the unacceptable delays. I call on the government to immediately take steps to fix this problem.

Cardinia: infrastructure

Ms LOBATO (Gembrook) — I wish to highlight to the house some recent achievements delivered within

the Cardinia shire which demonstrate the reality of successful partnerships.

Two weeks ago the Premier and the Minister for Sport and Recreation in the other place opened the new Cardinia Aquatic Centre in Pakenham. This multimillion dollar centre became a reality after receiving a state government investment of \$2.5 million. The architectural masterpiece caters for all swimming abilities and offers a state-of-the-art gymnasium. I was very pleased that when I held a mobile office at Pakenham last weekend, many mature age residents spoke to me about the fact that they taken out memberships and returned to physical activity for the first time in many years. The pool also has incorporated a basketball stadium, making it a one-stop shop for getting physical.

Last week I had the pleasure of attending the opening of the Emerald library with the local government minister and celebrating the success of a 10-year community campaign which led to the allocation of \$500 000 of state government funding. Libraries are a vital infrastructure that not only lead to an appreciation of reading but to a healthy, well-informed and cohesive community. It was a very proud moment for me to share in the community's delight. Last week I also announced to Cardinia shire that it had been successful in its application for the volunteer support grant of more than \$174 000, along with a community bus to the tune of \$58 000. Another Cardinia recipient of a community bus was Emerald community house, in conjunction with Emerald University of the Third Age and Fernlea House.

Congratulations to Cardinia shire for realising many more projects that would not have been initiated but for its successful relationships with government and the community.

Wild dogs: control

Mr PLOWMAN (Benambra) — Can members imagine the consequences of a young person or someone ill-equipped to defend themselves being pulled down and killed by a pack of marauding dogs? No, not in the back streets of the suburbs; but, yes, in our national parks or in our state forests.

Departmental dog trappers are killing a record number of dogs in north-eastern Victoria. Two thousand five hundred wild dogs have been trapped or shot in the past five years in the Upper Murray, but that has only occurred at the interface with Crown land and reflects the extraordinary build-up of dog numbers in their breeding areas. Farming families have been forced to

downsize their sheep runs. The Reid family has reduced its sheep numbers from 7000 to 1000, the Fraser family has reduced its numbers from 10 000 to 3000, and many other families have got right out of sheep. Mac Fraser has said, 'We can overcome Johne's disease, footrot and lice, but we cannot beat the wild dogs'.

It is imperative that the government introduce an aerial baiting program right across the breeding areas of the mountains between north-east Victoria and Gippsland. The trial work has been successfully completed in New South Wales, and tiger quolls are not being killed by aerial baiting. The government cannot afford to sit on its hands. It must act now — or will it require a human life to be lost before the Bracks government realises the seriousness of the build-up?

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

Clayton electorate: scientific precinct

Mr LIM (Clayton) — I have mentioned previously in this house that there has been a complete transformation of my electorate of Clayton. It has changed from an area of old factories, tips and warehouses to a vibrant, high-technology science city housing the Australian Synchrotron, Monash University, the CSIRO, the Monash Medical Centre, Toyota's technical centre and a large number of other scientific and technical facilities.

Clayton is now the scientific and technical research hub of Victoria. I suggested nearly four years ago that the area be designated Victoria's city of science. The proposal was warmly greeted by scientists, academics and the people of Clayton at the time but not, I am sorry to say, by the City of Monash. I am now pleased to report that Monash University, Australia's largest university, has announced that it will centralise its scientific research activities at its Clayton campus. Vice-chancellor Richard Larkins said that the development of Clayton as a research centre would place it alongside the best scientific, biomedical and technological institutions in the world. Deputy vice-chancellor Professor Stephen Parker said that a particular strength of the Clayton campus was its proximity to the synchrotron, the CSIRO and other technical facilities.

The momentum of the Clayton scientific precinct now seems to be unstoppable, and I applaud the support that the Bracks government has given.

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

Bentleigh Secondary College: Barry Jones Cup

Mr HUDSON (Bentleigh) — Last week the secondary schools serving my electorate competed in the Legislative Council chamber of the Parliament for the Barry Jones Cup, an annual debating competition named after the great man himself and adjudicated by the Debaters Association Victoria. The six schools — McKinnon Secondary College, Bentleigh Secondary College, Our Lady of the Sacred Heart College, St James College, Brighton Secondary College and Cheltenham Secondary College — debated topics such as 'People should be banned from climbing Mount Everest' and 'Outdoor public swimming pools are a vital asset to the local community' in a round robin tournament.

The debating was of a very high standard and students received valuable feedback on their performance from the Debaters Association Victoria. Two teams made it through to the final: St James College, the current champions, and Bentleigh Secondary College. The two teams had only 1 hour to prepare for the finals a secret topic, 'That junk food should be banned from school canteens'. Against the more experienced St James team Bentleigh Secondary College triumphed by three points — 229 to 226. The cup was presented by Barry Jones himself at the end of the day.

The Bentleigh Secondary College finals team comprised Natasha Abrahams, Elaura Carter and Erin Labinski, ably supported by Helena Hatzianthassiou, Brittany Wilde and Andrew Hore. The best speaker in the final was Elaura Carter, and Natasha Abrahams also finished in the top six individual speakers on the day. Congratulations to Bentleigh Secondary College on a great and thoroughly deserved victory.

Macedonian independent national day

Ms GREEN (Yan Yean) — Today I wish to thank Bitola Macedonian Senior Citizens Group of Whittlesea for affording me the opportunity to celebrate the 103rd year of the Macedonian independent national day, Ilinden. As always, the welcome was warm and the food excellent. I was impressed by the beautiful array of traditional dress worn by many of the women. I enjoyed meeting with old friends, and I am pleased to see how well Abbott Father Gavril is settling in at the monastery at Donnybrook after arriving earlier this year from Macedonia. Thanks to president Mendo Naumoski and the committee for a wonderful day.

Eltham College of Education: youth forum

Ms GREEN — I also want to place on record my great pleasure at having taken part in a forum at Eltham College of Education recently — Education for Tomorrow's Leaders. This was the third annual youth forum. It provided an avenue for discussion of issues that impact on the future of education. It was fully organised by and for students not only from Eltham College of Education but also from government and non-government schools from across Melbourne.

I was pleased to be included to kick off the day, along with Channel 7's Peter Mitchell and Channel 9's Peter Hitchener. The three of us were amazed at the depth and intelligence of these bright young leaders, who were ably led by the college captains at Eltham College, including Lachlan McLean — I know that the member for Ivanhoe values very much his support as a volunteer in his office. Well done, Eltham College of Education and all its students.

Laurence Course

Mr LANGDON (Ivanhoe) — Today I pay tribute to Laurence Course, who passed away on 11 July after a long illness. Mr Course — Laurie to his friends — was, along with his wife, Sue, a foundation member of the Darebin Parklands Association. Laurie, with Sue and other members of the community, successfully lobbied state, federal and local governments to extend Rockbeare Park in Ivanhoe to include 29 hectares of privately owned land in Alphington, now called Darebin Parklands.

In recognition of this outstanding environmental area, the Darebin Parklands Association was earlier this year awarded a United Nations Association of Australia World Environment Day community award for the best community-based environmental project. Much of this could be attributed to Laurie and Sue.

Only 10 days before Laurie's passing I, along with the Speaker, had the great honour of recognising his outstanding service to the community by presenting him with a certificate of appreciation as part of the 150th anniversary celebrations for the Victorian Parliament. I am extremely proud to have known Laurie. I extend my sincere condolences to his wife, Sue, and his children, Tony, Di, Gill and Phil.

**INDUSTRIAL RELATIONS:
WORKCHOICES**

Mr HULLS (Minister for Industrial Relations) — I move:

That this house —

- (a) opposes the use of Australian workplace agreements to remove or undercut award safety net wages and conditions and opposes the federal government's WorkChoices legislation being used to strip workers of their entitlements to penalty rates, overtime, public holidays, rest breaks and annual leave; and
- (b) calls on the commonwealth government to work with the Victorian government to develop a fair system of industrial relations, underpinned by the following principles:
 - (i) the right to a comprehensive award safety net;
 - (ii) the right to the Australian Industrial Relations Commission as an independent umpire;
 - (iii) the right to collective bargaining and industrial action;
 - (iv) the right to freedom of association;
 - (v) the right to decent unfair dismissal laws;
 - (vi) the right to equal pay for work of equal value; and
 - (vii) the right to work and family balance.

I am proud to move a motion that condemns the way in which the WorkChoices legislation, and specifically Australian workplace agreements, is being used to remove employment rights — rights to a fair wage for a fair day's work, and rights not to be sacked without due process.

Ordinary working Victorian families have a right to know that a breadwinner will not lose the family's only source of income for no good reason. They have a right to buy a house; they have a right to buy a car; they have a right to send their kids to school in the knowledge that their ability to pay the mortgage will not be gutted simply because their boss decides to cut out penalty rates.

This is a very timely motion, because just a couple of days ago we received further damning evidence about Australian workplace agreements (AWAs) from the independent workplace rights advocate. On Tuesday this week the Victorian workplace rights advocate issued a report on the AWAs offered by a company called Global Tele Sales Pty Ltd to employees in its Melbourne call centre. In the report the advocate compared the terms of the existing workplace agreement with the AWAs that had been offered and

found that the AWAs reduced penalty rates and the base rate of pay by between 3 per cent and 10 per cent, depending on the employee's classification. In its response to the concerns raised by the advocate the company failed to provide any rationale for such reductions.

What is more insidious is that the AWAs appear to discriminate quite ruthlessly against people on sick leave or carers leave. Extraordinarily the advocate found that if an employee is sick for more than two days or has to stay at home to look after sick kids for more than two days, that employee can suffer a financial penalty. An employee could lose part of a 4 per cent pay increase they would otherwise be entitled to under the AWA simply because they had to look after sick kids. Members of this house need to understand what this is all about — under this AWA a parent who has to stay at home to look after his or her kids can lose pay increases. I ask the question: who among us with kids does not know that kids can easily get sick two or more times in three months? This is about punishing parents because their children get sick when the real malaise lies with Prime Minister John Howard's despicable legislation.

Today we see that even John Howard himself is reeling from the reality of WorkChoices. However, instead of tearing up the legislation and starting again from scratch, which is what he should have done, John Howard has shot the messenger, federal Minister for Employment and Workplace Relations, Kevin Andrews, and effectively replaced him with the federal Minister for Human Services, Joe Hockey. The truth is that no matter how much spin Canberra tries to put on it and no matter how many task forces the federal government sets up to try and make it smell like roses WorkChoices stinks.

The mounting evidence about the havoc WorkChoices is wreaking on Victorian families has even forced the Leader of the Opposition in Victoria to try to paint himself as sauntering away from WorkChoices. The front page of the *Age* on Friday, 28 July, had the headline 'Baillieu snubs IR revolution'. According to this article the Leader of the Opposition pledged to support collective bargaining. These are quite heart-warming acrobatics. We can only assume he has done this because, despite his detachment from ordinary working families, even the Leader of the Opposition cannot pretend that AWAs do not stand for the undermining of wages and working conditions, that AWAs are not all about the stripping of penalty rates, public holidays, rest breaks and annual leave and the erosion of family time. Even the Leader of the

Opposition in Victoria now realises that that is what WorkChoices and AWAs are about.

However, the Leader of the Opposition's recent posture is just another backflip. It is really a double somersault with pike by the Leader of the Opposition, who flaps around like a fish out of water on this issue. Two months earlier, on 9 May, the Leader of the Opposition was asked on 3AW's Neil Mitchell program whether he supported the federal government's industrial relations changes. The same Leader of the Opposition who is now apparently snubbing WorkChoices said then that he thought the system needed change and that we should be giving this new proposal a go. Let us get it straight. One day the Leader of the Opposition says that we should give Howard's legislation a go and the next day he seeks to try and comfort public sector workers by telling them that they have nothing to fear from Howard's industrial relations laws under a Liberal state government.

Let us be clear about this. There has been no change of heart from the Leader of the Opposition. This is just political posturing on his part. Everyone in this house knows that he fully supports WorkChoices. But the motion we are moving today gives old Stand-for-Nothing something to actually stand up for. It gives him the opportunity to draw a line in the sand and say, 'Look, I actually stand for something. I am going to show the Victorian public I am not Mr Stand-for-Nothing, I am actually Mr Stand-for-Something'. So when we vote on this motion it is very important that he draws a line in the sand and shows that he is prepared to stand up for working Victorian families.

This motion is a welcome, timely opportunity for the Leader of the Opposition and the opposition generally, including the shadow Minister for Industrial Relations, to actually clear the air on this particular issue. It is an opportunity for the Leader of the Opposition to unequivocally oppose WorkChoices being used to strip workers of penalty rates, overtime, public holidays, rest breaks and annual leave. This motion provides an opportunity for all members of the opposition, in particular the Leader of the Opposition, to unequivocally reject John Howard's industrial relations dream — a dream that has turned into a real nightmare for ordinary working families.

I will just talk about the record of the opposition, in particular the record of the Leader of the Opposition, on industrial relations. You have to ask yourself what the opposition's and the Leader of the Opposition's views were on the Federal Awards (Uniform System) Act 2003. That legislation was important, because it provided an award safety net for workers and provided

a decent standard of living for Victorian families. It actually compensated workers for working long or antisocial hours or anti-family hours such as having to work on weekends and public holidays. The Leader of the Opposition personally voted against that legislation, despite the fact that even Kevin Andrews, the then federal industrial relations minister, supported it and actually passed complementary federal legislation.

Let us look at the Outworkers (Improved Protection) Act 2003. That was legislation we introduced which allowed vulnerable outworkers earning as little as \$3.60 per hour to access award entitlements. The Leader of the Opposition personally voted against that legislation. He also personally voted against child employment legislation which allows children under 15 to work and benefit from work experience in a way that does not jeopardise their education, health or social wellbeing. The Leader of the Opposition voted against that legislation.

What about the Construction Industry Long Service Leave (Amendment) Act 2004? What was that about? That act updated and improved legislation which enhanced and protected the long service leave entitlements of workers in the construction industry. Surprise, surprise! The Leader of the Opposition personally voted against that legislation as well. What about small businesses, the group that members opposite like to think they represent? The government introduced very important owner-driver legislation requiring that owner-drivers be fully informed before they enter into commercial contracts. Even the Howard government recognised the value of this important legislation by expressly excluding it from being overridden by the independent contractors legislation. So we had legislation to protect owner-drivers, to give them a fair go, supported by the federal government. Where was the Leader of the Opposition on this simple but effective protection for the vital small business sector? Again, he gave that legislation the thumbs down. He personally voted against that legislation.

As a government we updated the Occupational Health and Safety Act — very important legislation to protect occupational health and safety in workplaces around this state. The Leader of the Opposition personally voted against that legislation. Reforms to the Long Service Leave Act were very important. They ensured that workers had more time with their families by providing much earlier access to long service leave. The Leader of the Opposition personally voted against that legislation.

To resist the Howard government's radical attack on workers and their families the Bracks government

created the workplace rights advocate. It is all about providing independent advice to Victorian workers, in particular young kids going into the work force for the first time who have been asked to sign an Australian workplace agreement to give them independent advice on the terms and conditions under the AWA as compared with the award. The Leader of the Opposition opposed the introduction of the workplace rights advocate, an advocate who would restore some balance and fairness to the workplace. He gave that legislation the thumbs down.

Victorians, quite rightly, would be a little confused by the Leader of the Opposition's now telling us that he is actually in favour of public sector workers and collective bargaining when only four short months ago he opposed the Public Sector Employment (Award Entitlements) Act of 2006. That legislation actually protects the award safety net of Victoria's 254 000 public sector employees. We introduced legislation to protect the award safety net of public sector employees. He says that he wants to protect the award safety net of public sector employees, but he votes against the legislation. As they say, actions speak louder than words, and the parliamentary voting record of the Leader of the Opposition is abysmal.

Let us be absolutely clear on this: the Leader of the Opposition has continually opposed Bracks government legislation that aims to provide a fair go for Victorian workers, yet now he feigns compassion in a last ditch attempt before November to get public sector employees on side. The Leader of the Opposition has opposed nine pieces of legislation that would protect the rights of working Victorians.

Working families in this state have everything to fear from WorkChoices and its conservative cheer squad. Victorian families will certainly not be convinced by the Leader of the Opposition's feigned change of heart. This is because Victorians have not forgotten the last time there was a Liberal state government here in Victoria. Victorians remember the devastation caused by Jeff Kennett, and they remember the devastation caused by the Liberal Party when the current Leader of the Opposition was its president.

Let me remind the house what actually happened when the Kennett Liberal government gutted the Victorian industrial relations system. In Victoria in 1993 comprehensive state awards were abolished and were replaced by similar minimums to those in WorkChoices. At the time the Liberal government promoted the deregulated market as a way of encouraging individual agreement making. Kennett actually wrapped the changes around the mantra that

employers and employees would be free to choose to negotiate agreements that met their individual needs. The funny thing about that is that the current Leader of the Opposition has chosen to take a similar tack. He continues to cite his reverence for choice, like the dutiful disciple he is — evidenced, I might say, by his 35 references to the word ‘choice’ on *Stateline* last month when being interviewed on WorkChoices. Jeff Kennett used the word ‘choice’ in relation to deregulating the market, and this Leader of the Opposition, who was president of the party under Jeff Kennett, has continued to use that mantra today.

The Leader of the Opposition, the former president of the Liberal Party, is asking the electorate to take an extraordinary leap of faith. He is telling workers that they have the choice to negotiate agreements that meet their individual needs. That is exactly the same terminology that was used by Jeff Kennett. Victorian workers will certainly see through this illusion, because experience has taught them well. They know that this choice is nothing but a con. It is a cruel joke that will again create an underclass of low-paid jobs and low-paid employees actually scrambling over themselves to get to the tip jar to pay their bills. They know that under a deregulated model the outcome for Victoria was zero gain — zero for business, zero for workers and zero for Victorian families.

The evidence, I might say, is not just anecdotal. In 2000 the Bracks government set up an industrial relations task force, headed by Professor Ron McCallum of Sydney University, that gave us all a snapshot of what life was actually like for workers in Victoria under Jeff Kennett’s five legislated minimums. This in turn has given us some real idea and some practical experience of the future that lies ahead under WorkChoices. The task force found that schedule 1A workers were twice as likely to be low-paid compared to employees on awards. It also found that nearly 60 per cent of those employees were not paid a higher overtime rate, 75 per cent of those employees were not paid penalty rates at weekends, 65 per cent were not paid annual leave loadings and only 6 per cent of those workplaces actually paid any shift allowances. That is exactly what life was like for schedule 1A workers, and that would be replicated for workers under WorkChoices.

I might say, because the Deputy Leader of The Nationals is in the house, that the findings were even harsher and more devastating for regional and rural Victoria. The task force found that the odds of being a low-wage Victorian were three times as high in workplaces in the agricultural industry. In Victoria the result for schedule 1A workers was a low-wage poverty trap, with 66 per cent of schedule 1A workers having

no benefits at all beyond their meagre schedule 1A entitlements. No wonder rural and regional voters gave the Kennett government the thumbs down. We all recall the former Premier referring to rural and regional Victoria as the toenails of the state. This was yet another reason for them giving him the thumbs down.

You have to ask whether, when these changes took place, the industrial relations climate, which certainly promoted low wages, also promote jobs growth, as the coalition likes to claim. The answer in Victoria was a resounding no. While Victoria had more workers earning lower wages than workers in New South Wales — 24 per cent in Victoria compared to 19 per cent in New South Wales — there was no economic improvement. In fact New South Wales enjoyed a lower unemployment rate and higher jobs growth. This was, of course, until the Bracks government came to office.

We quite proudly turned our back on the low-wage, low-trust outcomes that were being promoted by the coalition. For the last seven years in this state we have been striving to have an industrial relations system that is best international practice. Accordingly we have actually been providing an alternative view to the federal government’s view — that is, a world best practice industrial relations system that promotes highly skilled, high-trust, collaborative and cooperative workplaces. That is what a world best practice industrial relations system should be about.

This motion enunciates a very important set of principles that should underpin a fair industrial relations system. It calls on the commonwealth government to work with the Victorian government in developing an industrial relations system that is fair, reasonable and promotes cooperation and collaboration. What are the things that underpin a fair and just industrial relations system? They are pretty simple, and I would hope that all members of the house would support the strategies that underpin a fair industrial relations system.

The first is the right to a comprehensive award safety net — and who could be opposed to that? The second is the right to the Australian Industrial Relations Commission as an independent umpire, and I would have thought everyone would support having an independent umpire in an industrial relations system. The third is the right to collective bargaining and the right to industrial action. Again, in a democratic system I believe that is a fundamental tenet of an appropriate industrial relations regime. The fourth is the right to freedom of association, which is absolutely imperative to a fair industrial relations system. The fifth is the right to decent unfair dismissal laws, which again is only

proper and fair. The sixth is the right to equal pay for work of equal value, which again that is absolutely essential in a modern industrial relations system. Finally, there is the right to a work and family balance, and I would not have thought anyone would oppose such a right.

The reality is that WorkChoices is not about a choice between an AWA and collective bargaining. The reality is that WorkChoices creates the opportunity for employers to have a choice about what conditions they offer an employee. The choice most workers will have is whether to take the job or to join the queue at CentreLink. That is really the choice that employees will have.

However, they do have another choice. Working families around the country have a choice to reject the coalition's Dickensian nightmare by rejecting the coalition itself. In three months time Victorian families will have the very clear choice of sending a loud and clear message to the Liberal Party that WorkChoices is unfair, un-Australian and defies our long-held and hard-won tradition of a fair go. I am confident that in making this most important choice of all, Victorians will make the choice — the one that best protects their rights, their families and their future.

Victorians know who has a very clear record on this issue and who equivocates at a whim. Victorians know who understands their circumstances. Nine important pieces of legislation have been passed by the Bracks government to protect Victorian working families, and all those pieces of fair and decent legislation were opposed by the Leader of the Opposition. Can members imagine for 1 minute the havoc that would be wreaked upon Victorian families if Howard, the industrial relations zealot in Canberra, and Ted, his sycophantic foot soldier here in Victoria — —

The ACTING SPEAKER (Mr Seitz) — Order! The minister will refer to members by their proper titles.

Mr HULLS — The Leader of the Opposition is John Howard's sycophantic foot soldier in Victoria. Not only would the Liberal opposition, if it were in government, repeal the nine pieces of legislation we have put in place to protect Victorian families but no doubt Mr Baillieu, the Leader of the Opposition, would revert to type, just as he did when he was president of the Liberal Party under Jeff Kennett. He would oversee the decimation of our public service, get rid of teachers, nurses and police, and he would leave Victorian working families at the mercy of John Howard's industrial relations wrecking ball. That is the reality.

In opposing these important pieces of legislation what he is saying to the community is, 'Trust me! Elect me Premier! I will repeal these pieces of legislation, but trust me because you can sign up to AWAs, and I do not think they will have a detrimental effect on you'.

That is just nonsense. This bloke has absolute form from the days when he was president of the Liberal Party under Jeff Kennett. He will revert to type, and he cannot be trusted in the area of industrial relations. Victorians know about and are crystal clear about who opposes the destructive industrial relations regime of the Howard government. When it is time to vote on this motion, in a few short hours time, I call on every member of this house to stand up to the Prime Minister, John Howard, and to stand up to WorkChoices. In particular I ask the Leader of the Opposition to stop being Mr Flip-flop Man and actually stand up for once in his life and show the Victorian public that he has the ticker and the guts to stand up to John Howard and support ordinary Victorian working families.

Mr McINTOSH (Kew) — I note that, like the Leader of the Opposition, the Minister for Industrial Relations has mentioned choice on numerous occasions. It is the prerogative of the electorate to have choice. Indeed the Liberal Party has always stood firm. It has been a solid foundation and tenet of the Liberal Party that it supports choice. We expect to have choice in our democratic process, and we also expect choice in our industrial relations laws. What can be wrong with choice and enabling people to choose the arrangement that best suits them? They can choose to belong to a collective or to enter into their own individual arrangements. They can choose whether they want a union to represent them, to represent themselves or to have any other person — a lawyer or otherwise — represent them in their negotiations with an employer.

Indeed workplaces have the right to choose whether they want individual or collective arrangements, or both. The Minister for Industrial Relations talked about the *Age* article. I am proud to stand with the Leader of the Opposition in saying that if we come into government, we will allow public servants a choice — that is, the choice to have a collective arrangement negotiated by a union — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Seitz) — Order! The Minister for Industrial Relations was listened to in silence when he contributed to the debate, and I ask government members to afford the same respect to the lead speaker for the opposition. The member for Kew will be heard in silence.

Mr McIntosh — As you are aware, Acting Speaker, the reason there is so much noise from the government benches is because government members seem to hate the word ‘choice’. They do not want people to have choice in their employment arrangements. As I said, this is about providing individuals with choice. They can choose to belong to a collective and have their collective arrangements negotiated by a union, or indeed not to have that collective arrangement negotiated by a union.

They can choose to have their own individual arrangements negotiated by a union, or choose not to have a union represent them in those negotiations. The current legislation, the WorkChoices Act, does exactly that: it provides individuals with the right to choose, and that right to choose has had a manifest benefit for this country.

The Minister for Industrial Relations has talked about the laws brought in by former Premier Jeff Kennett. One of the most fundamental and dramatic changes in Victoria occurred in 1996 and ultimately came into operation in 1997 — that is, the transfer of all our industrial relations power to the commonwealth. When they came into government the then Premier and the Attorney-General went on the record in support of a unitary system of industrial relations and the manifest benefits that can flow from a unitary system of industrial relations. That is an indication of exactly how powerful a move is being made.

WorkChoices is part of incremental change. As I have said before, one of the most profound changes in this country commenced with Paul Keating as Prime Minister. Rather than having an award safety net it enabled workplaces to enter into their own negotiated enterprise agreements. That was taken one step further with the original Workplace Relations Act and the ability through entering Australian workplace agreements (AWAs) for workers to have a choice. Employees could choose whether to be part of a collective or to enter into their own individual arrangements. Indeed we have seen Australians pick up AWAs manifestly across the entire country. There are now over 800 000 AWAs in this country — that is, 800 000 individuals are selecting and choosing to have their own individual arrangements.

AWAs have been available in this country long before WorkChoices came about — that is, since 1996. Some 800 000 employees have selected AWAs. An interesting statistic is that since the passage of WorkChoices there has been an extension of only 40 000 AWAs. Long before WorkChoices and long before the rhetoric of the Minister for Industrial

Relations and the system he is condemning today, a system that he agrees with — the unitary system in this state — produced over 800 000 AWAs.

That happened before WorkChoices and has been extended by a further 40 000 since the passage of that legislation. It is important to note that WorkChoices does provide choice. It is about choice, which is something the Minister for Industrial Relations talked about in his contribution — that is, providing voters with a choice.

Choice is an important part of our community. The Liberal Party stands strongly for choice and to give those people the benefit of choice. Members should look at what has happened since 1996 under a government led by John Howard, under the Workplace Relations Act, under a system that has provided Australian workplace agreements and under a system that has been extended to provide and to ensure that people have the ability to choose their own arrangements. We have seen a real wage growth in this country of 16.8 per cent. If you look at the figures you see that it is the low paid that get the benefit of that 16.8 per cent growth. Compare that to 13 years of Labor under Hawke and Keating and the much-vaunted wages accord. Over 13 years that delivered a little over 1 per cent growth in real wages.

Kim Beazley, the current federal Leader of the Opposition, speaking last year at the sustaining prosperity conference, spoke with some degree of alacrity and enthusiasm in relation to what Labor delivered for Australian workers during the Hawke and Keating era. On 1 April 2005 he said:

We achieved 13 years of wage restraint under the accord. The wage share of GDP —

gross domestic product —

came down from 60.1 per cent when we took office to the lowest it had been since 1968.

He is saying that it is a matter of pride that they reduced the wage component of GDP from 60.1 per cent. He went on to say:

We left office with the wage share of GDP at 55.3 per cent. That allowed corporate profits to rise to record levels in 1984.

It would seem that whatever Kim Beazley is about, it is certainly not about ordinary Australians and their wage rates. Kim Beazley, the current significant opponent of WorkChoices, has been running around this country saying he is going to abolish AWAs, leaving 800 000 Australians being hung out to dry without any mechanism to bargain their own arrangement. This is

about a government here in Victoria and an opposition federally that want to do the bidding of the union movement. This is what it is about — this is code for, ‘We want to bring back the unions. We want to impose the position in relation to wages. Even if we take pride in reducing wages as a percentage of GDP, we are happy with that. We just want the unions back in town’. That is what the Labor Party here in this state and federally want to do. They will take pride, as Kim Beazley took pride, in reducing wages as a proportion of GDP down to rock bottom and, it would appear, in ensuring that there are record profits amongst the corporate sector — which in itself may or may not be a good thing.

We in this place should all stand up to ensure that the wages component of GDP should rise. That is the most important thing, and it is certainly something the Liberal Party supports. We know people’s ability to negotiate their own individual arrangements — whether it is a collective agreement, an enterprise agreement or an AWA — should be a matter of individual choice. It should be the choice of a workplace and it should be the choice of individuals in that workplace how they structure their affairs. How can we deny the person who wants to arrange their own affairs with their employer and says, ‘I have to coach a junior football team on Tuesdays and Thursdays. I am happy to start work a little bit earlier as long as I can finish 2 hours earlier so I can go and coach my football team on Tuesdays on Thursdays’?

I have often spoken in this house about the example of a woman in Bendigo who had five children — and she was a worker. The point about it is that she said she had two children under the age of five. She could not contribute, and she wanted to contribute, to the family finances to afford a second car, to afford proper schooling for their children and to afford the annual holiday. She wanted to be able to contribute to her family income. She was only able to work on Saturdays and Sundays. The thing that terrified her was that that was going to be taken away from her unless she was able to arrange her own individual arrangements with her employer. There are prescribed minimums in this statute, as we know. The point is that she has to be able to enter into her own arrangements to suit herself. On that day her greatest criticism was the representative of the Trades Hall in Bendigo. It was not her employer or other employers in that room; it was directed at the Trades Hall because it wanted to deny her the right to individually enter into her own arrangements.

It is about choice. Of course the Leader of the Opposition talks about choice; it is a fundamental tenet of the Liberal Party. It is about the individual being

given the right to choose their own arrangements and a right to be part of a collective or not. It is the right to choose their own individual AWA and the terms and conditions they are under — it is up to them. Of course there are minimum standards prescribed in the legislation, and of course those minimum standards talk in a fairly detailed way about the minimum wages that can be paid. They will be annually fixed by the Australian Fair Pay Commission, which is an independent umpire. There will be maximum ordinary hours of work. Of course you can work longer, but there is a minimum prescribed in relation to those matters. There is provision for annual leave. There is provision for sick leave, parental leave and compassionate leave, as well as unpaid carers leave.

It is an important part of modern Australian life to enable choice in the widest possible variety. Of course you cannot be compelled to enter into an arrangement that goes below these minimum standards. The minimum standards in a former time were set by an award system, but now they are legislated. They are there, rock solid, and the standards will gradually increase over time by way of the Australian Fair Pay Commission.

That is only fair and just. But we have seen the record of the 800 000 AWAs in this country, which demonstrates that when you compare award conditions with conditions under an AWA, you are almost universally better off under an AWA. Of course that has to be assessed in light of the individual, but certainly in relation to wages, people who enter into AWAs are traditionally and more often than not better off than they would be under award conditions or indeed under a collective agreement. But that is their choice, and that is what this is about. Most importantly, this legislation provides that choice.

As I said, there is currently under the legislation a comprehensive safety net. There is a mechanism for it to be increased at regular intervals by the Australian Fair Pay Commission. Indeed, the Minister for Industrial Relations talked about the notion that the Australian Industrial Relations Commission has gone and is no longer the independent umpire. It is still there! It is still there to do its fundamental role, which is to resolve industrial disputes, either by way of conciliation or by arbitration. That is its function and its purpose, and it is still there.

Indeed, the Australian Industrial Relations Commission is still there at 80 Collins Street. It is next door to the Department of Justice. If the minister ever got out of his office in the Department of Justice and went around the

corner, he would see the sign there saying 'Australian Industrial Relations Commission'.

Turning to the issue of collective bargaining, the right to collectively bargain still exists, but under this legislation you cannot be compelled to enter into the collective if you do not want to be. Many people — 800 000 people in this country — have voted that they do not want to be part of the collective, and that is their right. They have entered into their own individual arrangements, and that is something that is important and significant in this debate.

Mr Maxfield interjected.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Narracan will have his opportunity to refute the statements made when he gets the call.

Mr McINTOSH — When we hear the notion about collective bargaining, it is really about getting the unions back. It is not about individual workers, it is not about individual rights, but it is about getting the unions back. This idea of good-faith bargaining — something the federal Leader of the Opposition is trumpeting around this country — is really code, in our industrial circumstance, for letting the unions back into workplaces, even if there are workers there who do not want a union to represent them, who do not want to be members of a union and who do not want to be part of the collective arrangement. That is what it is code for.

There may be a large number in any individual workplace — it may be many, most or all — who want to join a union. Under WorkChoices, that is their prerogative. Those people who are part of the union, who want to be part of a union and part of a collective agreement and who want to have the union negotiate on their behalf have those rights under WorkChoices. That is their prerogative, and that is entrenched in this legislation. There is nothing wrong with that.

But equally, what is wrong with members of the work force wanting to be able to bargain for themselves or indeed have a union bargain for them in relation to an individual arrangement tailored to suit both themselves and their employer? That is their right, and it should be their prerogative. Guess what — that is entrenched in WorkChoices, and that is the way it should be. There is nothing wrong with that at all.

I turn to freedom of association.

Mr Maxfield — You are evil!

Mr McINTOSH — We have the Minister for Industrial Relations sitting here parroting out the notion of freedom of association. I will say just three letters about his idea of freedom of association.

Mr Cooper — On a point of order, Acting Speaker, by interjection the member for Narracan just called the member for Kew 'evil'. I find that offensive, and I am sure the honourable member for Kew would find it offensive, and I ask you to get the member for Narracan to withdraw his allegation.

The ACTING SPEAKER (Mr Seitz) — Order! The ruling on the point of order raised by the member for Mornington is that members have to take exception themselves to remarks made about them if they find them offensive, so it would be up to the member for Kew to raise the point of order.

Mr McINTOSH — On the point of order, I ask the member for Narracan to withdraw.

Mr Maxfield — I withdraw.

Mr McINTOSH — As I said, WorkChoices is about choice. It is about the opportunity for individual workers to choose how they structure their own affairs, as part of a collective or as part of their own individual arrangements. But contrary to that, we have had the Minister for Industrial Relations parroting out the idea that he supports the notion of freedom of association. To that, I will utter just three letters — 'MCG'. Does the minister remember the Melbourne Cricket Ground, where the unions wanted to protect their closed workshop? You could not get onto the site without a union ticket.

The MCG is, of course, an icon of Melbourne. It was a tremendous boon during the Commonwealth Games, as we saw. Certainly during the football season we see it at its best.

An honourable member — Go, Demons!

Mr McINTOSH — Go, Demons! We are looking forward to the grand final, and looking forward to the cricket season in forthcoming months. But the MCG — a great icon and a wonderful building — has been redeveloped. It was originally intended to be completed in time for the Commonwealth Games, and it was, and what a wonderful icon it was during the games. But as we know, the industrial relations minister's idea of freedom of association was manifestly demonstrated during the redevelopment at the MCG.

When it was foreshadowed that the MCG would be the central icon of the Commonwealth Games, of course

there were substantial discussions between the state and federal governments as to how and why that renovation to the MCG would be paid for and who would pay for it. Indeed, it was agreed that the commonwealth would pay some \$90 million to the Melbourne Cricket Ground Trust for that renovation, and of course the state government was contributing its own money. However, there was a hurdle, because the commonwealth government said, 'If you are going to get \$90 million, we expect you to adhere to the law'.

As we know, it is illegal in Australia to enforce a union closed shop. In any workplace anywhere in this country it is illegal, under the law that this government supported, for a unitary system to enforce a closed shop. The problem was that the unions obviously jacked up, and it is amazing what \$1.7 million of donations to the ALP will do. What a \$1.7 million donation, year after year, can buy is basically the government's turning a blind eye to a breach of the law, preventing people from choosing whether they want to belong to a union or not belong to a union. I would have thought that would be a simple choice. It should be a right — it is certainly entrenched in law.

The commonwealth government said, 'We want you to enforce the law at the MCG'. The state government, of course, snubbed that at the request of the union movement. It did not accept \$90 million, and indeed it put in a further \$70 million and expected the trust to put in further moneys to make up the difference.

That was a profound indication of this government's attitude to freedom of association. It does not believe in freedom of association. Its idea of freedom of association is to compel union membership and to compel belonging to the collective. Its attitude is, 'We will tell you what is in your best interests. We do not care whether you think you have a right to decide whether belonging to a union or not belonging to a union is in your best interests. We do not care whether or not you want to negotiate your own arrangements to suit your own individual needs. If you want to be able to work on weekends, or if you want to be able to go and coach a football team on a Tuesday and Thursday, we do not care about that. What we will do is tell you what is in your best interests, and the only way you will be told is through the union movement'. The MCG is a classic example of that attitude.

Members should have a look the Victorian government's disaster out at Saizeriya. They should have a look at that billion dollar project, which was supposed to have made a profound difference to employment levels in Melton, something which could have been a profound benefit to the state of Victoria

and something to which we understand the Victorian government contributed of the order of \$400 000 so as to attract the company to build its factory in Victoria.

Notwithstanding that, the government got its claws into it on behalf of the union movement. The rorts, the delays and the money that was being poured into the union movement was unbelievable. The company paid some \$30 000 to a phantom plumber who was not working on-site but at a football club. It was an example of extortion, which is illegal. The government admitted to the Cole royal commission that it was guilty of inappropriate conduct. At the Latrobe Regional Hospital the Victorian government committed a criminal offence. Who can recall the last time there was a criminal conviction of the Victorian government? It was convicted of a criminal offence because of its behaviour at the Latrobe hospital in Gippsland. It is appalling and disgraceful.

Mr Maxfield interjected.

The ACTING SPEAKER (Mr Plowman) — Order! The member for Narracan was censured by the last Acting Speaker. If he carries on like that once more, I will ask for his removal.

Mr McINTOSH — As I said, it was a criminal conviction of the Victorian government in the Federal Court. It was guilty of inappropriate conduct because it does not really believe in freedom of association. Its idea of freedom of association and its idea of choice is to tell people, 'This is in your best interests. It does not matter whether you want to be part of a collective — you will be part. You will be compelled, whether that is legal or illegal'.

At the construction site at the National Gallery of Victoria there have been appalling union rorts which were demonstrably played out before the Cole royal commission. One of the most telling examples of the way this government behaves and the way it thinks it is appropriate to behave came about when the Construction, Forestry, Mining and Energy Union (CFMEU) directly contacted the Premier's office. The union spoke to no less than the Secretary of the Department of Premier and Cabinet. The union basically said, 'You make this a closed shop for the CFMEU'. This was notwithstanding that there was a collective agreement with the Australian Workers Union, which is Bill Shorten's union.

Bill Shorten went on site and said, 'We do not want you because we have to deal with the CFMEU. It has coverage of you'. Notwithstanding that, the CFMEU said that unless the Victorian government made it a

closed shop for the CFMEU, it would stop work and blackball six government building projects at that time. Do members know what happened? There was a memorandum to the Premier that said, 'Problem has to be solved and the way to solve it is to have a closed shop with the CFMEU'. Who initialled it? The Premier initialled it, and by signing it said, 'I agree with the closed shop for the CFMEU'.

What happened was that it went back. For three months — notwithstanding it had awarded a contract to a demolition company to demolish the existing buildings down at the national gallery and the demolition agreement — it held it up. The government said, 'We are not going to do anything, we are going to turn a blind eye to all of this illegal behaviour. Go for it, CFMEU! You have our support, and you are part of the collective. We do not care about individual workers there who wanted to be part of a collective agreement with a different union'.

Their own union deserted them, and the government enforced that. We know the result of that — there was \$150 000 worth of criminal damage at the national gallery site, the cost of which was ultimately picked up by the Victorian government. That is what this collective is about; it is about the union movement. It is not about individual workers and providing choice to individual workers, it is about doing the bidding of the union movement.

A total of \$1.7 million will buy you a lot under this government. It will also buy illegal and inappropriate behaviour by this government. That is what the union movement will get out of this. It denies individual choice and will deny the individual the right to choose their best arrangements. A total of 800 000 people in this country have chosen Australian workplace agreements, and that is their choice. There are any number of people who are participating in collective agreements, and that is their choice. If they want to have the union negotiate an individual or collective arrangement, that is the individual worker's choice. At the end of the day, what is wrong with choice? If you are capable and competent and want to have the ability to enter into your own arrangements, that is your right. You should have the right to choose.

That is what the Liberal Party stands for, and that is what the Liberal Party wants. We stand shoulder to shoulder with the Prime Minister, John Howard, on this matter. Most importantly, there has been a 16.8 per cent rise in real wages. Under 13 years of Labor it was only 1 per cent, notwithstanding the accord. Paul Keating and Kim Beazley were proud of reducing wages as a share of gross domestic product.

On top of that, there has also been a dramatic drop in the level of industrial disputes in this country. The Minister for Industrial Relations was standing in this chamber about a month ago crowing about the drop in industrial disputes in Victoria. Of course you have a drop in industrial disputes, because the law is governed by one body — a unitary system of government. On top of that we have low inflation, we have had the lowest interest rates in some 30 years. We have also had the lowest unemployment levels in those 30 years — it is 4.9 per cent and dropping.

This morning I heard a person from Access Economics talking about a further possible reduction to 4.7 per cent by the end of this year. That is a proud record. If you compare it with the record of the Labor Party, either federally or in this state, you would know perfectly well that it is not about individual workers, it is not about their real wages, it is not about inflation, it is not about interest rates and it is not about the employment level. As far as the Labor Party is concerned, it is about maintaining the power of the unions. What is wrong with choice? A total of 800 000 people have spoken already and there have been another 40 000 this year alone.

Mr RYAN (Leader of The Nationals) — The saddest thing about this matter is the nature of the political stunt and the people who have been used to underpin it. It is a political stunt by the Minister for Industrial Relations, who sits at the table as I speak. Of the 62 members of the Labor government in the Legislative Assembly, only 8 of the minister's colleagues are present in the chamber at the moment. It is just an indicator of the extent of support. He has about 13 per cent of his party gathered here to support him over this apparently earth-shattering motion that he has moved. It is a sad thing, because he gave notice of the motion yesterday at about 9.35 a.m. or 9.40 a.m., but it took until 9 o'clock last night, in the closing moments of the Parliament before, certainly from The Nationals perspective, we were advised that this motion was going to be brought on today. It just goes to show that from a tactical perspective this is absolutely a stunt.

You have to feel sorry for the people out there in the community in whose name this stunt is being run, in circumstances where the propositions being advanced by the government are intended to do what it thinks is required to advance its position for the election in Victoria on 25 November, because in the end that is what it is all about. Today we will see press material being issued by the minister, no doubt, and by the government. The minister will be out there to talk to the pack later on, I have no doubt, saying all the sorts of

things he usually says about this issue. But the sad reality is it is an absolute stunt.

I think after today we have eight sitting days of this Parliament to go before the government shuts it down in early October for an election to be held on 25 November, and this will be part of the cannon fodder that it takes to the election.

An honourable member interjected.

Mr RYAN — Yes, it shuts it down. Of course that is what it is going to do! It is going to be early October, and there will be no more Parliament before the election is held. It is just reflective of the government looking to gear up to the events of 25 November. The saddest thing is that the people out there who are beavering today away today doing their jobs out in the general workplace of Victoria are being used by the government for its own miserable ends.

As to the merits of all of this, I wonder as to how many people on the Labor benches have actually ever employed anybody. There is one hand up. There are two hands up. There are two and a half hands up. There are three hands up. No, you cannot vote twice. You do not vote early and vote often around here! So there are two or three.

The ACTING SPEAKER (Mr Plowman) — Order! The honourable member through the Chair.

Mr RYAN — I pose the query, rhetorically, of course, because the saddest feature of all of this — and it will continue until 25 November — is the regeneration of the notion of ‘them’ and ‘us’. The saddest feature of this is that this is Labor trying to re-create a divide that for the very main part the people who work across Australia have accommodated years ago. To his credit, it was Paul Keating who started to bridge it, and the current government federally has done more to bridge it. I say ‘bridge it’ because you only have to have regard to the fact that there are 800 000 Australian workplace agreements (AWAs) where people have come to understand that in today’s workplace what you need are two essential features of employment arrangements.

Mr Maxfield interjected.

The ACTING SPEAKER (Mr Plowman) — Order! I have warned the member for Narracan before. If he wishes to interject any more, he should go back to his seat. If not, he should leave the chamber.

Mr RYAN — There are two essential features of the arrangements that apply between employers and

employees in Australia today. They are the capacity to have a choice about the sorts of circumstance under which they wish to work. That is an important thing. The other important thing is the issue of flexibility — the capacity, under arrangements that suit both parties, to have people work within the environment that best suits them. That has to be so, as we have come to understand in Australia, because with only 20 million people we are a very small trading nation in a global market that is now of immense proportions. When you are faced with the fact that there are 20 million of us and China has a population of 1.3 billion, and then all the figures in between, when you are faced with the fact that we in Australia produce far and away more than we are ever going to consume in our own country, and when you are faced with the fact that therefore we are obliged to be in export markets, we are in turn faced with the fact that employers and employees must have a capacity to maximise the flexibility of the arrangements between them. That is today’s world.

The Minister for Industrial Relations earlier used the expression ‘Dickensian’ and made accusations against all and sundry in conservative politics about their Dickensian views. There is only one Dickensian view that is being postulated in this place today, and it is that of the minister and the current government, because to do what they are talking about doing is to put the sword right through arrangements that ultimately have emerged from a process that Paul Keating commenced and that the current government has continued. It is all around this notion that in the end — —

Mr Maxfield interjected.

The ACTING SPEAKER (Mr Plowman) — Order! The honourable member for Narracan will go back to his seat if he wishes to interject; otherwise he will leave the chamber.

Mr RYAN — What we have in the development of our arrangements today between employers and employees is the all-important notion that we have to have flexibility in arrangements. People generally out there understand that. When you have — —

Mr Jenkins interjected.

The ACTING SPEAKER (Mr Plowman) — Order! The member for Morwell will be quiet. He will have his chance later.

Mr RYAN — When you consider the very important dairy industry, where Australia and New Zealand produce about 4 or 5 per cent of the global milk market and 70 per cent of countries are involved in international trade, it says straight away that you

have to have arrangements in the way in which that industry operates that can accommodate all of the necessities that go with being a global trader. You cannot work in the way that we used to work even two decades ago, let alone three or four. It is no good trying to take us back in time when the prevailing markets are such that we have to have flexibility in our arrangements to better suit our work force. That is even more important in an environment where we are almost at full employment in this nation. Our unemployment rates are at their lowest levels in our recent history. Therefore where you have a work force that is virtually at full employment and where the growth of our industries is dependent upon having people in the work force and being able to do the jobs that are necessary to make those industries flourish, obviously you need to have arrangements which are appropriate to both parties involved.

The other sad thing about the Labor Party's position — and I am patronising it now, but that is the way it goes — is that Labor members as a group have never employed people. All employers understand that by far and away the most valuable aspect of the business in which they are involved is their employees. They understand and recognise that these days, even leaving aside notions of the personal welfare of people. Earlier the minister referred to the position in the country, and I speak from experience in saying that in a country environment the associations developed between employers and employees are an absolute cornerstone of the way in which those businesses function. The government fails to understand that in this day and age the amount of the investment you have to make as an employer in your employees before you get to a point of actually having a return from that investment to enable your business to flourish and then in turn to grow the employment for those people is absolutely enormous.

There is a raft of things that have to be done across a whole series of basic areas before you are even able to employ people these days. There are all the occupational health and safety issues, all the basic training which goes with whatever your particular enterprise might be, all the skills-based activities that people have to go through before they are even able to make the application to be an employee in your business — whatever particular form it might take. Then once you, as the employer, actually have them on the payroll you need to be able to train them in a manner which is appropriate to the needs of your business and do the things that generate enthusiasm on their part to make them want to have an ownership of the way in which that business functions.

There is growth in many employee share schemes now in so many of our businesses, and I know many of them across our state, where employers proudly have a pool of money available as a reward for employees who are, for their part, able to see that they can obtain a direct pecuniary benefit out of really putting a big effort into the fortunes of the company. Being able to obtain for themselves a benefit that goes beyond what might have been just a base salary or award payment, or whatever the position may have been decades ago, in fact gives these people a capacity to be directly rewarded for the successful efforts that they contribute to the way in which the business operates. That is today's world.

I say again that another of the sad aspects of the proposition being advanced by the minister today is ignoring the fact that people in business as employers, and indeed as employees, understand that is the case. Inbuilt in the WorkChoices legislation the issue of freedom of association is accommodated. If people want to belong to a union, they can belong to a union. If they choose not to belong to a union, that is their choice as well, and negotiations can occur in relation to employment which accommodates the respective positions of the people concerned.

I heard the commentary from the minister about the Victorian government's arrangements in relation to its public sector. I, for one, as the leader of my party, am very relaxed about the notion of the arrangements that currently exist between the state government of Victoria at the moment and the union representation across the public sector. That is fine by me, because it has a history of working for the parties involved. There are issues of choice, and it is able to take its place in a manner which serves everybody best. I, for one, would like to see that sort of situation continue in time to come. But the interesting point is that when you put aside public sector involvement within the union movement and go outside the parameters of that arrangement, in Victoria now about 17 per cent of the work force belongs to unions.

You have to ask why that is so, because people are attuned to what is going to serve their respective needs best. The simple answer to the question of why people are not joining unions is that over so many of these issues, again exemplified by the minister today and by the Labor government, they are yesterday's news. They are talking a language that people have left behind long ago. We have a Labor Party imbued with the notion that you can ignore the practical realities of the way in which the world out there functions.

What we have in fact is an understanding in our general work force that the way in which these things operate

has changed radically and that no-one needs to be afraid of that; no-one needs to be worried about it. The reality is that if you grasp the chances that are offered in the workplace in Australia today, there are fabulous opportunities for people at all levels of our community: the young, the old — indeed, the older — to be able to continue to make their contributions.

One of the sadder aspects is that the conversation the government has generated here really is yesterday's news for the vast proportion of Australian workers, because those outside the public sector, as I said, have themselves elected not to have any part in the sort of conversation the government is wanting to generate. That is why we have only 17 per cent of workers beyond public sector unions engaged in the union movement.

There are some classic examples, I suppose, of this sort of 'march of the dinosaurs' that the government is wanting to have us all accept. The member for Kew made reference to the arrangements at the Melbourne Cricket Ground (MCG) years ago when the federal government made \$90 million available on the basis that the Victorian government complied with the law and that we were able to avert the situation of 'no ticket no start' which was being imposed by the unions. The government here folded, and it cost Victorians of the order of the same amount of money to replace that which the federal government did not put in, so the Victorian government contributed 70, 80 or 90 million dollars, or whatever it was.

The additional interesting feature about that story is what happened when the federal government insisted that if the Victorian government wanted to access payments under AusLink, it would again be required to sign up to the law. The state government went through the same charade and said, 'No, we are not going to do it', there was much waving of arms, and they would not do it. But in that case there were billions at stake. In that case the cake was much larger than the one down at the MCG years before, so in that case the government of Victoria signed up. In that case, to make sure it got access to the money, it was prepared to say, 'Okay, we will abandon the notion of no ticket, no start'.

That demonstrates in one the completely duplicitous nature of what the minister is advancing here today. If it suits to be out there beating the drum for the union movement, there is not much money involved and they can put it in without doing any longstanding damage to our budget, then okay, they will do that — that is a fair trade — because after all, \$1.7 million worth of funds being donated to the Labor Party by the union movement annually is not to be sneezed at. That is big

bucks. I can tell the house that if they have a change of mind and are inclined to kick it into The Nationals tin, we would probably say yes to it, but they would have to do it on a basis of understanding that you do not get the sorts of quid pro quos out of it that are being milked from this government.

You have to be consistent with it. Labor takes the money and is prepared to stand the line when only \$90 million is involved — what is \$90 million between friends? — but when it gets to a position where hundreds of millions of dollars are involved it says that is the way it goes and is prepared to walk away from these apparently stringently held beliefs. That is the sort of thing which as a single instance demonstrates that Labor's heart is not really in this.

In the end it gets back to this central, pivotal feature: as we speak in this place on this motion launched by the Minister for Industrial Relations in a political stunt late last night, there are people out there who are working away and have left Labor behind. We will see all the ads — —

Mr Hulls interjected.

Mr RYAN — There is no big finish because it is no big deal really. I think Labor is trying to take people back in circumstances where the world has moved past it. I know Labor's coffers are loaded up and they are going to make this the big thing going into 25 November but I think the existence across Australia of 800 000 AWAs and the general commentary out there says it all. As I stand here in this Parliament now, even though this legislation took effect on 27 March this year, not a single, solitary person has presented in my office to talk to me about this by way of complaint, not one. In the end that is a commentary.

Mr MAXFIELD (Narracan) — I rise this morning to support this motion, and to say how sad it is that we are here today and how sad it is that workers are having their real choices ripped away from them. We have been told a lot in the past few minutes about choice — the choice to be told that you sign up to the Australian workplace agreement (AWA) or they will find somebody else to do the job. That is the choice that is being offered now around the countryside. We have been told about choice and the choice to join a union but what about the choice to have a decent wage and decent conditions?

The Leader of The Nationals says no-one has been in his office but I can tell him that in the seven years I have been an MP not one person has come into my office and said they were forced to join a union. Many

people have come into my office to say they have had problems with getting entitlements, problems with getting pay and they have been forced to do this and that but no-one has come into my office and complained that they have been forced to join a union. However, many people who have come into my office would have been well served if they had been a member of a union as it could have looked after their entitlements and conditions.

Let us get back to the issues we are talking about here. Let us discuss what is happening with Spotlight. We have been told by the Prime Minister that at Spotlight certain staff members have the opportunity to get a job because the company has opened a new store. The Prime Minister failed to mention that opening a new store takes years of planning, getting approvals and building. No-one believes the suggestion that Spotlight spontaneously opened a new store because the new AWAs popped up. More importantly those AWAs have been offered to staff in Spotlight's stores around the country. In some Spotlight stores long-serving casuals have been offered the new contracts. In Victoria those new contracts do not even have the 2 cents an hour increase in the base rate — the base rate remains the same and all the penalty entitlements have been wiped out. That is a massive drop for those existing employees. In some Spotlight stores every staff member has been offered these AWAs.

The opposition and The Nationals talk about choice. Even if they are union members staff have been told not to talk to the union about the AWAs. They have been told not to talk to the press about the AWAs. This is the freedom of choice the Liberal Party talks about. It is the freedom to decide whether you get a job or you walk out the door. That is the sort of freedom we have been talking about in terms of Spotlight. It really is quite sad. We are not creating new jobs, we are driving down the lowest common denominator. That is the core issue here. Other companies which have decent salary positions for their staff, which agree with award conditions and entitlements and pay them, are competing against Spotlight. How will they continue to compete when Spotlight rams its wages down? Good employers will be forced to follow them as we race to the bottom.

This is what the Liberal Party says is freedom of choice. It has unleashed a war against low-income workers in this country. Its members will not be happy until they can get a cheaper latte from a coffee shop. If they can save 50 cents on lattes because the shop assistant is being paid a pittance or a pathetic amount of money to serve them, that is good for them. It is good for the profits of their companies.

This is the most antiworker legislation we have ever seen in this country. The fact is the Liberals and Nationals in this Parliament have an opportunity with this motion to stand up for real working men and women. This is not about protecting those who have large share portfolios and believe they can increase their wealth by increasing the value of their shares in those major companies that have slashed wages and conditions. This should not be about working out how we can increase the worth of our share portfolios. This is not about the toff end of town, it is not about looking after the toffs. This is all about providing decent benefits and services to the ordinary men and women who are trying to raise families and get a go.

The federal government has foisted rising interest rates upon us, and workers are facing a cut in income when they need to pay those rising interest rates. The federal government unleashed a war in Iraq which is raising fuel prices and our poor workers are trying to pay those higher prices while their job security and income are being ripped away from them. It is a sad day when we have to have this debate in this chamber.

Look at what we have in this motion — the right to a comprehensive award safety net, the right to have the Australian Industrial Relations Commission as an independent umpire, the right to collect bargaining and industrial action, the right to freedom of association, the right to decent unfair dismissal laws, the right to equal pay for work of equal value, and the right to work and family balance. This is a fine motion, one that I support.

Ms ASHER (Brighton) — I was so taken aback by the quality of the previous speaker that it has taken me a little while to compose myself.

The first point I want to make is that I am interested that this is the first notice of motion like this we have debated in this term of government. The notice paper contains a raft of notices other members have wanted to debate for the past four years. My constituents will be particularly interested to learn that I have a notice of motion opposing high-rise development in the Brighton electorate listed on the notice paper, a matter which the Minister for Industrial Relations as Minister for Planning supports. I will have to tell them that while the minister will not allow me to take him on in a debate about high rises in the Brighton electorate by debating my motion, he was very willing to fast-track his motion and debate what is to all intents and purposes a federal issue. I will be more than happy to convey that to my constituents.

The next point I want to make is that no-one has been surprised by this motion. This is all about trade union

power. The trade unions are diminishing in significance. They have diminishing numbers of members across Victoria. Trade unions are part of the structure of the ALP. As reference was made previously, they donate \$1.7 million per annum to the ALP.

Honourable members interjecting.

The ACTING SPEAKER (Mr Plowman) — Order! The member for Richmond!

Ms ASHER — The government is concerned about the increasing number of private contractors and small businesses operating in the economy — and of course we get more growth in employment from the small business sector than from any other sector. Therefore it is not surprising, given the government's links, given the composition of the ALP, given the donations from unions, that the government would bring a motion such as this before the house.

Before I comment on the substance of the motion I want to make a broader reference to the fact that, like many businesspeople in Victoria at the moment, I am concerned about the impact on Victoria of this government's closeness to the unions.

I want to refer to a couple of case studies that have been mentioned by other speakers. The first was the Melbourne Cricket Ground (MCG) where \$77 million of Victorian taxpayers money had to be put into that project simply because this government chose to knock back \$90 million of federal funding. It was the first time in my political career that I have seen a state government say no to federal funding. It is a point well made to those who pay land tax, payroll tax and state taxes — that for ideological reasons, this government chose to impose an additional \$77 million cost on Victorian taxpayers.

The impact of this government's closeness to the union movement is broader in terms of the economy. The member for Kew mentioned his area. I would like to mention that in Victoria the cost of building plant is about 25 per cent to 30 per cent more than in other states. The Master Builders Association of Victoria's executive director, Brian Welch, has made much reference to this. We see that because of the power of the unions in Victoria, a number of companies have simply chosen to build plant in other states. They have voted with their feet and removed employment from Victoria.

The chief executive officer of Orica, the only CEO with the courage to speak out against this government, is on public record indicating that this government's

closeness to the union movement has resulted in investment decisions being moved away from Victoria.

I wish to make a couple of direct comments on the motion before the house. The preamble has a number of false claims. In actual fact under the commonwealth government's WorkChoices legislation there is guaranteed annual leave, sick leave, parental leave, compassionate leave and unpaid carers leave. The language of the motion does not actually say what the ALP wants. It wants compulsory collective bargaining, it wants closed shops, it wants a union right of entry without notice, it wants an unfettered right to strike, and it wants award conditions reimposed even on those people who do not wish to operate under an award — and I mean, of course, employees as well as employers.

I take up the point made so eloquently by the Leader of The Nationals that the world has moved on. The Labor Party and this Labor government are not viewing the modern workplace. I also make the point that it is in an employer's interest to keep good staff. In my experience, employees want choice and flexibility. With the increase of women in the work force there have been even more demands for more flexible hours — for example, for opportunities to pick up or drop off kids at school. The world has changed. The dinosaur-like view of the trade union movement and the ALP is not the real world. In the real world employees want flexibility, and employers wish to accommodate their good employees.

The issue with WorkChoices is choice. The individual will decide — that is why it is called WorkChoices.

Mr Stensholt interjected.

The ACTING SPEAKER (Mr Plowman) — Order! The member for Burwood is out of his seat and has been continually interjecting. I ask him to go back to his seat or be quiet.

Ms ASHER — It is about the individual's right to decide if they would like to negotiate their own agreement or if they would like a union to negotiate for them. It is the individual's choice and nothing is more fundamental to the belief of the Liberal Party. People have a right to join a union but they also have a right not to join a union if they do not want to. WorkChoices is not an accidental name. It is about a modern workplace and individual choice and flexibility — things the ALP does not want.

I also want to make reference to the results on the economy of having a more flexible workplace. I, too, will acknowledge the role played by former Prime Minister Keating. He started this process of introducing

flexibility to the workplace. I would like the house to note that since 1996, real wages have increased by 16.8 per cent. The Labor Party hates it that under the Liberal government in Canberra, real wages — none of this ‘social deal’ that happens under Labor — have increased by 16.8 per cent, compared with an increase of 1 per cent in the 13 years of the ALP government from 1983–96. The unemployment rate in this country is at its lowest level for 30 years. There are real benefits to the economy of having more flexible workplace practices.

I would also like to note that in terms of unlawful dismissals, the government has toughened up and it has also offered assistance to people on the issue of unlawful dismissals, which is something that so far nobody on the other side of this debate has mentioned.

In conclusion I make the point that WorkChoices is about an individual’s right to choose. You can choose to negotiate with your employer yourself or you can choose to have a union do it. You can choose to join a union, and if I were a 16-year-old I would probably be asking someone else to assist me, be it the union or indeed someone else with the capacity to negotiate.

Mr Andrews — Would you join the STA?

Ms ASHER — I make the point that you have a choice. You can choose to have a union negotiate for you. You can choose to have someone else negotiate for you, or you can choose to do it yourself. You can choose to join a union or not to join the union. It is all about an individual’s rights of choice. I have to say in the time that more flexible workplace operations have been in operation, we have seen very significant growth as a consequence of that flexibility.

Ms GREEN (Yan Yean) — Prime Minister John Howard said the last election was about trust. The election was won on the back of a fear campaign that interest rates would go up if Labor were elected to government. Surprise, surprise! John Howard won that election and householders with mortgages in my electorate — in South Morang, Diamond Creek, Doreen and Whittlesea — are paying more. They are suffering under successive interest rate rises. John Howard did not tell Australians about WorkChoices, which poses the greatest threat to household budgets, and about their ability to meet the cost of their mortgages. John Howard’s industrial relations laws mean that job security is dead. As these laws and agreements work their way through the economy, home ownership will become a thing of the past. If you do not have job security, you cannot get a home loan.

Mr Walsh interjected.

The ACTING SPEAKER (Mr Plowman) — Order! The Deputy Leader of The Nationals!

Ms GREEN — I wish the community could see that opposition members are laughing about the idea of job security and ordinary working families not being able to get a mortgage to fulfil their dream of home ownership. In November working families will again have a choice; they will have a choice about another Liberal Party leader saying, ‘Trust me’. They will have a choice between a Bracks Labor government that is committed to looking after working families, and which has a voting record that proves it, and an opposition which has voted against every piece of legislation of benefit to working families introduced here.

The opposition has voted against the passage of the Federal Awards (Uniform System) Act which provided an award safety net to Victorian workers; it voted against the Occupational Health and Safety Act, the Outworkers (Improved Protection) (Amendment) Act which allows award entitlements for vulnerable workers earning as little as \$3.60 an hour; the Child Employment Act, the Owner Drivers and Forestry Contractors Act that ensures owner-drivers are engaged on contracts that provide fair compensation; the Long Service Leave (Amendment) Act, the Construction Industry Long Service Leave (Amendment) Act, the Workplace Rights Advocate Act and the Public Sector Employment (Award Entitlements) Act which protects the award safety net of nurses, teachers, firefighters and other public sector workers from WorkChoices.

Working families in Victoria have not forgotten the last time there was a Liberal state government. I want to remind the house of what occurred under the Kennett government and on the Leader of the Opposition’s watch when he was president of the Liberal Party, because it is instructive. Fear ruled the lives of public sector workers — nurses, teachers, social workers, ambulance officers, public servants, veterinarians and electricity workers. Mass sackings, and cuts in pay and conditions were the order of the day. Collective bargaining was effectively outlawed, because transfers, promotions and forced redeployment all required the signing of individual contracts. It was illegal to tell the person sitting next to you what you were being paid. The Liberal idea of choice is for employers to pay whatever they want and have employees take it or leave it.

I remember my time as a union official. I am proud to say that I was the vice-president of the State Public Service Federation during that dreadful time. I stood up

for workers and I lost my career, but I would do it again, because working families needed to be protected and needed people to stand up for them. I remember under that regime union bulletins were torn down regularly by managers from noticeboards. They had to be posted on the back of toilet doors. We had to sneak off to talk to each other. I remember managers swearing at women workers in an ordinary workplace, calling them 'effing c's' because they were exercising their rights — —

The ACTING SPEAKER (Mr Plowman) — Order! The honourable member will restrain her language.

Ms GREEN — I could say it in full, but I will not. This is what was said to women workers in the Office of Fair Trading when they were exercising their right to say they wanted a collective agreement. That is what existed at that time. I remember child protection workers going on strike for 20 days, not for their pay and conditions but for better resources to look after Victoria's most vulnerable children. The Kennett government refused to agree to an arbitration on that — that happened during that time.

The member for Kew said that the Kennett government handed over the state's industrial relations powers to the federal government in 1997. Why did it do that? It was an admission of failure. The evil experiment with the lives of working families had failed. Members of the opposition have a choice — they can vote for this motion and decry John Howard's WorkChoices legislation — but I will almost bet my house on their not voting for it. I do not think even the Leader of the Opposition will have the courage to come into this house during the debate or speak on the motion. Public sector workers have not forgotten; they should not trust him because he will say one thing — that he will adhere to collective agreements — but he will do otherwise and will not. They did not do it in the 1990s, and they will do it again. I support the motion.

Mr COOPER (Mornington) — I have sat in this house for the entire debate. In listening to the Minister for Industrial Relations' contribution for 30 minutes I was reminded of the words 'wild and crazy' by the allegations he was making, but I am afraid the Minister for Industrial Relations has just been outdone by the member for Yan Yean. I heard the Deputy Leader of The Nationals calling out to the member, saying — and admittedly it was unparliamentary — 'Is the sky falling in as well?'. The reality is that the member for Yan Yean made a number of wild and crazy allegations.

It appears that the Labor Party in this Parliament is frightened of the word 'choice'. The motion itself, moved by the Minister for Industrial Relations, says under paragraph (b) (iv) that people have 'the right to freedom of association'. Freedom of association is one of the three great freedoms which we have in this country and which we accept as our right. They are freedom of association, freedom of speech — although often there are attempts to deny that in this house by yelling and screaming — and freedom of religion. We can see evidence of the attitude of the government in this state with the attacks on two of those freedoms. Through the Racial and Religious Tolerance Act freedom of religion is under attack, and now we see freedom of association under attack.

We hear the weasel words in this motion which talks about freedom of association, yet the reality is that the government wants to deny freedom of association. The government wants to turn the clock back to the 'no ticket no start' days that were regarded so fondly by members of the Labor Party. That is what this is all about: it is all about 1.7 million reasons, which is the number of dollars contributed by the unions to the Labor Party in Victoria.

It is all about the union tale wagging the government dog. It is about the unions worried about the fact that their membership numbers are dropping and have dropped significantly, and saying this will be exacerbated by the workplace laws put into place by the Howard government. This has nothing to do with worrying about workers.

Honourable members interjecting.

The ACTING SPEAKER (Mr Plowman) — Order! There is too much audible conversation in the chamber. We need to respect the right of the member to speak in this chamber. If members wish to talk aloud, they can leave the chamber.

Mr COOPER — This is not about workers and their rights, this is about unions and their membership. We have had accusations hurled around here today by members of the Labor Party regarding the Howard government, saying what a terrible thing has been done by the Prime Minister, John Howard, but if we want to recall leadership and people in power doing things that affect workers, we should be thinking back to the days when the present federal Leader of the Opposition, Kim Beazley, was employment minister in the Keating government and unemployment in Australia soared to 10.9 per cent. We know that since going into opposition federally the Labor Party — most of that time under the leadership of Kim Beazley — has opposed all of the

key measures that the Howard government has undertaken over the last decade that have contributed to reducing Australia's unemployment rate to its current 4.9 per cent.

Kim Beazley is interested in Kim Beazley, not in the workers of Australia. He has unilaterally declared war upon any changes, yet those changes that have been implemented over that decade have reduced the unemployment rate in this country. That is good for workers. But that is the record of Kim Beazley and the Labor opposition and the record that is supported here by the Bracks government. As was mentioned by the member for Kew and I will mention again, it was the same Kim Beazley who, when employment minister in the Keating government, actually boasted about reducing wages. Now we have this government and the minister moving a motion that says, in effect, that we want to go back to those kinds of days and that we do not want to give employees the right to choose. They currently have the right to choose, yet this government wants to deny that and wants everything to be handled through trade unions. It does not want employees to be able to negotiate directly themselves or use somebody other than a union to negotiate their agreements with their employers.

You have to ask why this would be so. Why would the government be so frightened about giving workers that choice? It is an extraordinary situation that government members would be doing that. Yet we have the situation that during the time of a government in Canberra that has done so much, that government is under significant attack by the Bracks government. As the Deputy Leader of the Opposition said, the facts speak for themselves on how much better off workplaces and the economy are in Australia following the decade in power of the Howard government.

I want to put four particular sets of figures on the record, because I think the house needs to take note of them. The first one is the number of Australians who are in work. In March 1996, when the Keating Labor government was in power, 8.3 million Australians were in work. In February 2006 — 10 years later — there were 10.1 million Australians in work, which is a significant increase. Under the Keating government, in March 1996 the unemployment rate in Australia was 8.2 per cent. In February this year, under the Howard government, the unemployment rate was 5.2 per cent, which again is a significant drop and something of which the whole nation should be proud.

Then there is the number of long-term unemployed. In March 1996, 197 800 people were on the books as long-term unemployed. In January this year, under the

Howard government, that figure had dropped to 106 000, which is a significant decrease and again a matter for congratulating the Howard government on the way it has approached industrial relations, employment issues and economic issues in general.

Finally, I want to comment on real wages growth, which the Deputy Leader of the Opposition has commented on as well. This shows the reasons why the allegations made by the honourable member for Yan Yean about people not being able to afford houses or anything else is just crazy nonsense. Real wage growth between 1983 and 1996 under the Keating government was 0.3 per cent. This is real wage growth under Labor! Yet since 1996 there has been 16.8 per cent real wage growth in Australia under the Howard government. Those are all of the reasons we should be looking at WorkChoices and at what is going on at the present time and saying, 'The Howard government has got it right so many times since it came to power in 1996 in regard to employees, employment and the economy. Why would it not get it right in regard to modernising the industrial relations system in this country?'. The Howard government is going to get it right and it has got it right.

This motion is a load of nonsense and is motivated by pure, raw, unadulterated politics and not with any view to improving the lot of the working people of this state or this country.

Mr WYNNE (Richmond) — I rise to support the motion moved by the Minister for Industrial Relations. In doing so I point out what a sad and pathetic effort has been made by that ragtag show opposite. Sad old slogans have been wheeled out yet again by the bankrupt crowd on the other side of the chamber. They talk about choice and flexibility and say that all this motion is about is the power of the trade union movement and the closeness of the trade union movement to the Labor Party.

What is sad about this debate is that the opposition parties, the Liberals and The Nationals, have no sense of what this draconian federal government legislation means for average workers. People out there in the suburbs are working and struggling under the very difficult climate we have at the moment of high interest rates and spiralling petrol prices. They are trying to put food on the table, pay their mortgages and educate their children. This legislation goes to the heart of the lives of those people.

A couple of weeks ago in an extraordinarily disingenuous way the Leader of the Opposition made an announcement. He indicated that he was making an

empty promise to support collective bargaining in the public sector. We all know the form of the Liberal Party when it comes to these matters. Of course the opposition leader was around in the days of the Kennett government. When those sorts of promises were proffered they were empty promises, and indeed they are empty promises now.

At the heart of this draconian legislation is a massive attack on working people, and it lies in the Australian workplace agreements (AWAs). The federal government is using AWAs to undermine the awards that are the foundation of our industrial relations system. Through the insidious device of AWAs the federal government induces a dramatic reduction in take-home pay and conditions for workers.

As we know, the no-disadvantage test is dead, and so, too, is the small measure of fairness that was represented for workers who in the past were pushed onto AWAs. Instead workers can only rely on the most rudimentary of minimum standards, standards themselves that are easily circumvented. I refer to such standards as the guarantee of annual leave of just two weeks. The federal Liberal Party pretends — and I am sure its colleagues in the state Liberal Party also pretend — that it is four weeks and that the two-week reduction is an entirely discretionary option. Government members would submit that this is false.

Everyone understands that in low-paying industries employees will be prevailed upon to agree to these reductions and a minimum pay rate of just \$12.75 per hour. The insult of this paltry wage is compounded by the fact that employers can average out the minimum rate over 12 months, which is yet another mechanism to drive down wages even lower than the bare minimum. However, there is no requirement whatsoever to provide for penalty rates, weekend rates, overtime or public holidays, or even to deliver the appropriate rest breaks through the day.

The opposition parties are completely bankrupt when it comes to working families. Nine bills have been though this Parliament that go to the very heart of protecting working families, including legislation dealing with uniform federal award provisions, outworkers, child employment, owner-drivers and occupational health and safety, and on it goes. On every occasion that the house has debated one of these bills, which have gone to the core of protecting working people in this state, what have the opposition parties done? They have voted it down — and you can be absolutely confident that they will be trying to vote down this motion.

What do we want? Ours is a pretty simple request. We are simply asking that fairness be restored to the system. We are also asking for the right to a comprehensive award safety net; the right to collective bargaining; the right to freedom of association; the right to decent unfair dismissal laws — and what a vicious act by the federal government to exempt any employer with fewer than 100 employees from the unfair dismissal laws; the right to equal pay for work of equal value; and the right to a work and family balance.

The federal government has undertaken a vicious campaign against working people. It will pay the price for this at the next election — and there is no doubt about that. Members of the Liberal Party ought to be ashamed to enter this chamber today and oppose the motion moved by the Minister for Industrial Relations. This is yet again a sad day for the Liberal Party. It shows yet again how out of touch it is with working people in Victoria.

Mr CLARK (Box Hill) — This debate is going to separate those on the government benches into two camps: those who know what they are saying is untrue but have decided to say it anyway, and those who believe it is true and are determined to take Victoria and Australia back to the Dark Ages and to a rigid, inflexible, unproductive labour market regime. If the members of the latter group have their way — or if the members of the former group prevail and are forced to implement what they know to be bad policy — then it will be an enormous backward step for Australia.

Nationally we have come a long way over the last 15 or 20 years. We have made tremendous progress in many aspects of reforming our national and state economies — opening them up, introducing greater flexibility and raising productivity. We have seen the payoff in the economic statistics and in the rising living standards of Australians from all walks of life. In their more lucid moments members of the Victorian ALP acknowledge that fact, and in their more lucid moments they try to jump onto the reform bandwagon rather than lying down in front of it.

However, there is a stark contrast between the Labor and non-Labor parties in their approaches to reform. When Labor has been in government federally and has introduced sensible reforms, they have had the backing of the Liberal and National parties in opposition. However, when there has been a coalition government in Canberra introducing sensible reforms, the Labor Party in opposition has used every device, every misrepresentation and every deception it can to obstruct that reform and try to bring down the government. Australians have paid the price whenever the national

coalition government has been unable to get sensible reforms through the Parliament due to the obstructionism of the Labor Party.

Despite that, there has been an enormous degree of reform of the labour market and work practices in Australia over recent years. That has come from a combination of legislative measures and changing attitudes. I think Australians have very sensibly realised that we need to be more flexible. If unions coerce their members into insisting on rigid and inflexible work practices, everybody suffers. They pay through job losses and through lower living standards.

We need only look at the reform on the waterfront that has taken place over recent years. Waterfront crane rates have gone from 16.9 movements per hour in March 1996 to 27.7 per hour as at June 2005. The work force there remains unionised, but there has been an acceptance by the Maritime Union of Australia that better, more flexible and more sensible work practices are in everybody's interest. There are now better conditions, there is a more positive attitude in the work force and there is more productive and secure employment and better career prospects.

We only need to look at the latest statistics on employment rates, which came out just this morning. The national unemployment rate is now down to 4.8 per cent. That is yet another reduction and a sign of how a more flexible approach to work practices and other reforms is leading to more Australians being in jobs, not fewer Australians in jobs as claimed by the Labor Party, which would certainly occur if we were to go back to the far more rigid practices of earlier years.

In this respect, as in so many others, Victoria is lagging behind the nation. We have been at the core of union obstructionism and militancy around the nation. Our unemployment rate today has not improved. It remains at 5.1 per cent, 0.3 per cent behind the national average. Victoria's unemployment rate has now been worse than the national average for many months on end under the state Labor government. Similarly, if we look at Victoria's industrial relations performance, we see that our figures are far worse than the national figures. There has been a reduction in industrial disputes generally across Australia, including in Victoria, and that is despite all the alleged work practice injustices that it is claimed are being perpetrated by the federal government.

We see that over the past year Victoria has been responsible for 38 per cent of the total number of working days lost in Australia. We see that in the 12 months ended March this year there were

21 working days lost per thousand employees in Victoria. What the figures are showing is that the industrial disputation has remained far worse in Victoria than it has been nationally. That situation has been aided and abetted by the Bracks government when it has done things like refusing to accept the law of the land applying in workplaces such as the Melbourne Cricket Ground redevelopment and refusing to cooperate with the commonwealth Building Industry Task Force, which is universally accepted to at last be making inroads on the union thuggery, intimidatory practices and other breaches of the law within the building industry.

The question has to be asked: where are the so-called business-friendly members of the Labor Party when this debate is going on? When is the Treasurer going to contribute to this debate? He likes to make out that he is the friend of business and that he is business savvy. Is he going to get up and call for more rigid workplaces? Is he going to get up and back Kim Beazley's threat to tear up Australian workplace agreements? We have not seen him in the debate so far, and I would be most interested to hear what he might have to say on that subject.

We have also seen a dichotomy of views within the Labor Party at a federal level, and I refer in particular to an article in the *Australian Financial Review* of 5 August entitled 'ALP — No more tearing hurry'. It states:

Kim Beazley has spent the parliamentary winter break trumpeting his intention to 'tear up' Australian workplace agreements.

His industrial relations front man, Stephen Smith, has spent the break touring the nation's peak business groups, quietly asking how Labor might put them together again. Or something very similar.

The article goes on further to say:

Beazley's AWA bombshell in June left business leaders reaching for their thesaurus to look up synonyms for 'disaster' and BCA —

Business Council of Australia —

president and National Australia Bank chairman Michael Chaney went so far as to put his incendiary letter to Beazley on his web site.

However, the feedback that is coming out from what Stephen Smith has been saying gives a completely different impression. The article further reports:

'He is talking about something that is like an AWA, but is not an AWA', says one —

business leader —

who declined to be named. 'He is talking about preserving the concept, but changing the detail', says another.

Smith has left the impression that under Labor, individual agreements might not be required to stick to every condition of the relevant award — the horror scenario initially assumed by business — but to a set of more flexible legislated minimum conditions.

The article also says:

But he has left open the critical questions of how high the conditions will be set, how prescriptive they will be, and to what extent they will allow pay and conditions to be traded against each other.

The article goes on to talk about the Australian Chamber of Commerce and Industry:

ACCI's Peter Hendy suspects Labor is dissembling. 'They need to clarify', he says. 'If they are really going to abolish AWAs and anything else like them, then they simply cannot deliver the flexibility they have been talking about with business.'

Thus we see within the Labor Party itself, and from the signals it is giving, the inherent contradictions which I indicated at the outset show there is a group within the Labor Party who know that this tirade of abuse about workplace laws is untrue, but they have decided to use it to launch a political attack on the government. Perhaps the more thoughtful of them are realising they have taken the party up a complete dead end and are trying to find a way out. The other group in the Labor Party are those who truly believe what they are saying and would like to take Victoria and the nation back to the bad old days of the past where work conditions were inflexible, which meant fewer jobs and lower living standards for workers and for all Australians.

Mr SAVAGE (Mildura) — I rise to support this motion and support the Minister for Industrial Relations. I do not always agree with the Minister for Industrial Relations, but on this occasion I strongly endorse his motion. Australia has a history of fairness for people who are employed, and we should have an award safety net, we should have an independent umpire, and we should have the right to collective bargaining, decent unfair dismissal laws, equal pay for equal value and the right to work with family balance.

I travelled to Africa recently with my wife, and I was in Tanzania, where the basic wage is \$40 per month. I came across employees in that country who worked 12 hours a day for three weeks straight, then had one week off — for \$40. I believe that is not fair and that is exploitation. I am not suggesting that the new industrial relations laws will produce that outcome, but they do contain the unfair potential for exploitation of working families in Australia, and we have already seen some

indications of this. I believe the industrial relations laws are more attuned to assisting large business operations than protecting the rights of individual workers.

I have never been a member of a union. I was a member of the Police Association, but not of a union. I have some detachment from this, but my wife is an employer of a number of people, and therefore I know the entitlements that people have when they are working for somebody, and I support those entitlements. I believe this is about fairness. I have children who will be in the work force in the future, and I do not want to see a system in this country where they are not given a fair go. I believe the current range of industrial relations laws are not fair and, as I have said, we have some indications that that is where we are heading on this path.

There are 2 million Australians who are either underemployed or unemployed. The continual clamour by large business operations and farming organisations in my area — corporations and managed investment schemes — to bring in contract harvest labour from overseas, specifically from China, is not acceptable. We cannot be employing people from overseas under contracts, because what that will do — it is the reason these companies want to do it — is crash wages so they will make more money and more profits under the banner of being more competitive. It is not about being competitive; it is about exploitation of Australian workers.

The Sunraysia Mallee Economic Development Board in Mildura is a very strong devotee of this. It gave evidence before the recent Senate inquiry into the Pacific region seasonal contract labour, saying there was a shortage of labour. It criticised the Pacific Islanders, who it said were lazy, and it said that the Chinese workers had a better work ethic. I believe that is a disgraceful submission by the Sunraysia Mallee Economic Development Board, and it was a slur on the members of the Pacific Islands community in Sunraysia. John Irwin, who is the chairman of that board, has become completely deluded with this proposal. All this is part of the fact that IR laws make it possible — or will in the future — for contract labour to come from overseas and diminish entitlements that Australian workers enjoy at the moment. This is already having an impact, because it is difficult to get labour in some circumstances because of these IR arrangements.

In the *Age* of 15 July this year there was an article titled 'Labour hire firms use visa loophole to lure staff'. There are companies out there that bring semiskilled and skilled workers into Australia and, by devious means, pay them a lesser wage than they would get if

they were on awards in Australia. These companies illegally make these people pay for their air fares, and they are employing people in places like the abattoir in Warrnambool which is using this type of labour from overseas and paying the workers less than the award rate. This is not acceptable, because the outcome of this will be to destroy conditions and working arrangements for Australian workers.

I strongly support this motion. I am not a member of a union and I am not an advocate for unionism, but it does have a place in our workplace arrangements in this country. Fairness is the name of the game — fairness to everybody, whether they be employers or employees. We cannot have an industrial relations system that is unbalanced. The industrial relations laws are unbalanced. They are not fair. I do not want to see my children exploited by large corporations in the future, and if we do not have some measure of resistance to these laws, that is what the outcome will be.

Mr WALSH (Swan Hill) — It is a pleasure to join debate on this motion, because I think the things we are talking about go to the very fundamentals of how our society and economy work. It is about how we create employment opportunities within the economy and the right of people to be gainfully employed and have a purpose in life.

Before I talk about the specifics of the motion, I would like to comment on what some of the previous speakers have said. We must be coming to the end of a government's term in office. In this case obviously the government does not believe it has much to be proud of or to talk about. This morning many speakers have stood up and have wanted to rewrite history about what happened under the Kennett era. But when they tried to rewrite history it would have been interesting had they cast their minds back to what happened before the Kennett government.

I will spend a few minutes talking about the Cain and Kirner era, when this state was effectively bankrupted by those Labor governments. Criticisms may have been made of the Kennett government, but it effectively inherited a bankrupt state. At that time there were jokes about the rust bucket state. Victoria had its net population going out of this state to Queensland and New South Wales. Industry here was in a terrible state at that time because of the Cain and Kirner governments. A joke at the time was, 'What is the capital of Victoria?', to which the answer was, 'One dollar!'. That was about all that was left in the bank after premiers John Cain and Joan Kirner finished with the state.

I can remember as a child having a savings account with the State Savings Bank of Victoria. I continued to have that account when I went into employment. When I went into business, I stayed with what had become the State Bank. It was a great bank to deal with, but who cost this state its State Bank? The Cain and Kirner governments. We lost the State Bank because of their mismanagement and because the promises, as I understand it at the time, of Rob Jolly, the then Treasurer, could not be fulfilled. If we are going to have a history lesson in this place, let us get some facts on the table about who drove this state into the ground. It was the Cain and Kirner governments. If members on the other side want to rewrite history about the supposedly terrible things that the Kennett government did, they should get the facts on the table. It was the Cain and Kirner governments which cost this state so much.

As I listened to the Minister for Industrial Relations this morning, I thought he must have been reading John O'Brien's *Said Hanrahan*. Hanrahan said, 'We'll all be ruined'. The minister was saying, 'We will all be ruined because we have Australian workplace agreements! We will all be ruined people'. But if you look at the facts, under 13 years of a Federal Labor government real wages only increased by 1.2 per cent. Under the last decade of the coalition government real wages have actually increased by 16.8 per cent.

However, the Minister for Industrial Relations says we will all be ruined by Australian workplace agreements (AWAs) and that the world is going to end. But real wages have actually gone up under the last 10 years of a coalition government in Canberra. If you look at the unemployment figures, under the Keating government unemployment was 0.9 per cent; under the coalition government it is now 4.9 per cent, yet today the Minister for Industrial Relations has said, 'We will all be ruined and the sky is going to fall in'. That is not the case.

If you look at the facts, workers rights and protections are enshrined in federal legislation. The right to choose your own form of employment is enshrined in legislation; the protection of the minimum wage is enshrined in legislation; the maximum of ordinary hours is enshrined in legislation; the guarantees of annual leave, sick leave, parental leave, compassionate leave and unpaid carers leave are enshrined in legislation; protection from unlawful terminations is enshrined in legislation; the right to join a union, to have a union agreement and to have a union bargain on your behalf is in place if people choose to have that; and the right to take lawful industrial action when negotiating an agreement is enshrined in legislation. It

is not a Hanrahan situation where we will all be ruined. Workers rights are enshrined in legislation.

I believe that today's motion is not so much about protecting workers' rights but about running a scare campaign so that the government can assist its Labor mates in Canberra. This is about trying to make the federal opposition look as though it has some relevance. When I talk to people in my electorate they say that the federal opposition has no relevance at all. They do not know what the opposition stands for. They do not know what it would do in the future and they are frightened and petrified of having Kim Beazley, the Leader of the Opposition, as their Prime Minister.

Some of the other speakers have commented on the fact that this is a scare campaign being run by members of the government. Few of those members have ever employed people in their own right; they have not employed people with their own money — that is, not union money but a government's departmental money. They have not actually employed people with their own money and invested capital in business to create wealth for this state and employment opportunities that are vital for this state to go forward.

The government is running a scare campaign and is playing with the fear people have about their lives. I take exception to this, because there are a lot of misconceptions and untruths being told about this situation. The government is playing on the fears that people have about their lives and on people's vulnerability, whether or not if they are employed. This is just sheer, blatant scaremongering.

It is also a scare campaign which is being driven by a government to divert attention from its own failings. We have seen the failings of this government and the broken promises. We have a Premier who was elected to be open and transparent, and actually to talk to people. This government is about secrecy and not doing anything. It is the mirror government which says, 'We will look into it, but we will never actually do anything about it'. It is about its failure to deliver on its capital projects and infrastructure projects.

We all know the story of the 'farce' train because it is not a 'fast' train. That project has gone from \$80 million to \$800 million. If every project in Victoria is run like that — and we are heading that way — we will very soon go back to the rust bucket state that Joan Kirner had before Jeff Kennett replaced her. We have seen the other farce, which is the Spencer Street station project. It has the most expensive shed roof in this country and is an absolute debacle of a major project given how it was managed.

We heard the Minister for Industrial Relations talk about schedule 1A workers. When I was in business I employed a lot of people under the schedule 1A scheme, and I found that was a very good way, because I could sit down with my employees and work out what was best for them and what was best for me and the business I ran. We always paid above award wages, because you have good people and you look after them.

What this government wants to do by moving this motion is not to have employers talking to employees and employees talking to employers. Government members say, 'We don't want to have this discussion around the workplace of how it is productive for both the employees and the employers to go forward. We want to put a union official in the middle to make sure there is conflict all the time so that the union official can justify their position'.

What this is about, as has been said before, is about choice, but more importantly it is about the employer and the employee being able to sit down and work out what is best for both. We will find that as we get more women into the workplace, as we get more family-friendly options open to people, they will not want the rigid workplace and some of the draconian ways that this government will take us back to and would enforce. If you are going to have family-friendly workplaces, there has to be an accommodation from both sides, which is the flexibility that is built into Australian workplace agreements.

In closing I would like to say that when we talk about workplace bullies the Minister for Industrial Relations is the biggest workplace bully of all. When he stands at that table the rhetoric that comes out of his mouth makes him the biggest workplace bully of all.

Mr HARDMAN (Seymour) — I rise to support the motion of the Minister for Industrial Relations, and I do so because I care about the families and workers in my electorate of Seymour and indeed across Victoria. I want first to take the observation of the Deputy Leader of The Nationals about bargaining for salaries. The first thing he has to remember is that between an employer and an employee, especially a schedule 1A employee, there is an incredible power relationship difference. He needs to understand that. There is a need for a third party. That is why we have lawyers in this world as well. His view is absolute rubbish.

The first thing we have to remember is that the Liberals and The Nationals go out in the community and use the weasel words we have heard them describe today. The Deputy Leader of The Nationals talked about choice. Under the zealots and the ultraconservative Liberals

and The Nationals at the moment workers will have a choice — take it or leave it. I am here today because I will never forget the choices offered to workers when the Liberal and National parties were last in government. Who remembers what they did to school cleaners? The Liberal and National parties sacked them. They said, ‘You can choose to apply for the contract. For the same money you can buy your own cleaning products, you can pay for your own WorkCover and other outgoings, or you can work for a cleaning contract company that will pay you less to do more’. That was the choice that was offered by the Liberal and National parties when they were in government.

I remember handing out pay cheques to staff. It should have been a joyous day. The Liberal and National parties said to teachers in senior responsibility positions at the time, ‘You can choose to take a pay cut and get your wage rises with everybody else, or you can miss out on the pay cuts and maybe take the minimum wages as they come in’. I remember, and those teachers remember. I remember many very high-quality and caring professionals from closed schools or schools with cuts to staff being offered the choice of being part of a pool of teachers, basically labelled the least effective, or taking voluntary redundancy packages. I remember that, and those people remember that. Many of those people are now out there running successful businesses or doing successful work in industry, but they were great people in education, too, and they are lost to our future forever and to our children’s education forever. Those examples are just a part of the public sector work force that was bludgeoned under the Kennett government. It does not include health and community services workers, the police and others.

The Liberals and The Nationals did not offer Australians a choice to vote for or against the draconian industrial relations (IR) changes they have made. The state Liberals are trying to hose this down. They are going out to the nurses and saying, ‘You can have a choice’. It is not true because these are the choices they will be faced with, and they will remember because I will make sure I remind them. The federal Liberals and Nationals know they have lost the trust of Australian people and have just decided today they are going to employ a new minister for industrial relations to sell their industrial relations policy. What are they going to do? Sorry, it is too late.

The member for Box Hill discussed the improvements made in industrial relations — all those were done before the IR changes by the federal government. That is where the improvements have happened. He indicated that we are moving forward. He talked about some of the bad things, and they became the state

government’s fault. I cannot really work out the logic. I would like to speak for a lot longer, but I have to wind up. I support the motion and I wish it a speedy passage.

Mr BAILLIEU (Leader of the Opposition) — I am pleased to speak on this motion. I do so mindful of the fact that industrial relations issues are about people. They are about individuals and they are about individuals’ relationships with their employers. It is something that the Labor side of politics all too often forgets.

Ms Kosky interjected.

Mr BAILLIEU — The Minister for Education and Training laughs about it. The minister at the table has her background and does not appreciate or understand that individuals like — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Ingram) — Order! The ministers at the table should cease interjecting. The Leader of the Opposition, through the Chair.

Mr BAILLIEU — Individuals like to have control of their relationships with their employers, and employers like that relationship as well. It is about the choices individuals make. The Labor side of politics does not like that. The Labor side of politics likes to control the outcome and control people’s lives and prevent them from exercising the choices available to them.

It comes as no surprise that the Minister for Industrial Relations and the Labor government would enjoy running a scare campaign, would enjoy scaring employees and intimidating employers. That has been the way for so long. It is the way that has been rejected on so many occasions, and it is why so many employees have rejected their involvement with the Labor union movement of the past. The scare campaign should be seen for exactly what it is. The state Labor government would have us go back to an industrial relations situation where it controlled the works, where it controlled everything: where it was no ticket, no start; where ambit claims were the go; where consultants and paid lawyers spent their days in the arbitration commission or industrial relations commission.

I have been there. I have sat there with employers and employees who were marvelling and aghast at the way the commission was forced to conduct itself, because of the way the Labor Party wanted to force its position onto employees. I have had the experience, and many people in this chamber on our side of politics have seen it as well. But the interesting thing is employees see it

as well. Employees want the flexibility. They want to be able to negotiate. They do not want to have the heavy hand on their relationships.

Mr Hulls — They are not signing up AWAs.

Mr BAILLIEU — They are not signing up Australian workplace agreements? There are thousands and thousands of people on AWAs, both before WorkChoices and after WorkChoices — hundreds of thousands.

Mr Hulls interjected.

The ACTING SPEAKER (Mr Ingram) — Order! The Attorney-General!

Mr BAILLIEU — The Attorney-General does not want people to have the choice of AWAs. The Labor Party has flip-flopped on AWAs. Australian workplace agreements have been in place for some years, and people have been exercising their choice and they will continue to have that capacity into the future.

WorkChoices is about two things — work and choices.

Mr Hulls interjected.

Mr BAILLIEU — The Minister for Industrial Relations laughs, because he does not care. He wants his way or no way. The problem is that employees and employers do not want that anymore. They want the flexibility to choose the way they conduct their relationships in the workplace. That choice is part of the WorkChoices law: they will have that capacity in the future. We believe it is a move that gives people that opportunity. It provides them with the prospect of flexibility — and they can choose. They can choose their collective arrangements. They can choose to be represented. They can choose to do it the minister's way, if they want to. They can also choose to represent themselves with AWAs and be part of a flexible system.

It is one thing for the government to try and force its view onto the employee and employer public, but to have a one-way-or-no-way attitude is really a joke. The Bracks government wants to throw out AWAs. Kim Beazley has determined that AWAs are dead and gone, so suddenly the Labor opposition in Canberra has flip-flopped. This is about a scare campaign. Ask the people about AWAs. They want the flexibility. This is simply about the industrial relations minister having his way with the house and trying to play politics with people's — —

Mr Hulls — Having my way with the house!

Mr BAILLIEU — Yes, you do it all the time.

The minister wants to force his view on the work force. It would make for an interesting prospect at an election. The Labor government here and the Labor opposition in Canberra would be going to the people and saying to them, 'We want to take your choices away. We want to take away your capacity to control your relationship with your employer and vice versa'.

On this side of the house, and along with the federal government, we want to be able to say to the people at an election, 'No, you can choose yourselves. If you want to collectively bargain, so be it. If you want to be represented, so be it. But if you want to negotiate on your own account and if you want to adjust your workplace relationship in a way which gives you flexibility, then you will have that capacity. The choice will be yours'. Anything less is just about the politics of intimidation and the politics of a backward step. It is about the politics of a minister who simply wants to intimidate the work force and intimidate employers. That has been the Labor way for so long, and nothing has changed. This motion represents that situation perfectly.

Mr Hulls interjected.

Mr BAILLIEU — I am sure the minister, who is at the table, is playing his usual game with other people's lives, including the lives of the individuals I spoke of before. WorkChoices offers Victorians the capacity to control their working relationships. I think the minister is having a lend of the community in this regard and is just playing politics. That is not what it is about. We reject the motion.

Dr NAPHTHINE (South-West Coast) — It is interesting that the Labor Party has already run out of speakers on this motion. Despite its majority in here, it cannot find enough speakers to support the minister. The Minister for Industrial Relations has no support. The government has run out of puff.

The motion brought before us by the minister is nonsense. The response shows that the Labor Party is not really committed to the motion. It is going through the motions to appease its mates in the labour movement. It is about appeasing the labour bosses, the people who put members opposite in here using their factional numbers and who pay for their campaigns, giving them \$1.7 million a year. The government has to go through the motions of supporting Labor philosophy. The minister knows, as most Labor members know, that this us-and-them mentality in the

workplace is very last century and does not apply in the modern workplace.

What we should be looking for in industrial relations are key issues like choice, commonsense, productivity and flexibility. They are the things that are really important in a modern workplace. What we need is for people to have a real choice about whether they are involved in a collective agreement or whether they want to go for an individual Australian workplace agreement. They should have a choice as to whether they are represented by a union or by somebody else, whether it be a lawyer, an industrial consultant, a friend or relative — or whether they represent themselves. It is about absolute choice and flexibility.

It is a pity that the Labor Party wants to go backwards rather than forwards. It is a pity that it wants to turn back the clock on industrial relations and return to the bad old days of industrial chaos and industrial thuggery. What we are looking for, I believe, in the modern industrial relations system are triple-bottom-line win outcomes. Firstly, there will be wins for employees and their families. Many employees come to see me in my office and say that they want greater flexibility in the workplace. They want their workplace and employment conditions to be able to change and adapt to suit their modern lifestyles. They want that flexibility, because it suits them and it suits their families. Employers also say that they want the flexibility to be able to negotiate directly with their employees and to get outcomes that improve the bottom line for employers and create opportunities for businesses so that they in turn can grow and develop and create more jobs, create new opportunities for their people in the workplace and increase production and efficiency.

The third win we can get out of that is increased benefits to the economy and increases in productivity, and all that is vital as we go into an increasingly globalised market. We in Victoria are very much part of the global market, and it is absolutely vital that we increase our productivity and efficiency. One of the great things about agriculture is the way it has been able to increase its productivity and efficiency over the last 30 or 40 years, making sure it remains competitive in the world environment so that it can be a major export for this state.

We need to get people working together for shared benefits. We do not want to go back to the old us-and-them mentality where the workers are on one side and the bosses are on the other, and they never talk to one another except through the union movement. That does not reflect modern workplaces or the changes in the work force. As the member for Brighton said, a

significantly increased percentage of Australians are now in the work force; more people want to change their life balance; and more older people are still in the work force.

Honourable members interjecting.

The ACTING SPEAKER (Mr Ingram) — Order! Members of the opposition will assist the member for South-West Coast by not interjecting across the table.

Dr NAPHTHINE — The face of the workplace has changed, as have the goals and objectives of individuals in the workplace. In a workplace of 200 or 300 people there are people of different ages and who are at different stages of their working lives, and they want different outcomes. You cannot have one size fits all for a whole workplace. The important thing is to have choices and flexibility so that individual employers can tailor their working arrangements to suit themselves and their families and still provide outcomes in productivity and efficiencies for the workers.

One of the questions arising from that is: what are the outcomes of this increased flexibility and choice? We only have to look at the track record of the federal coalition government to see that.

Honourable members interjecting.

The ACTING SPEAKER (Mr Ingram) — Order! The member for Bass! Will honourable members cease their loud interjections across the table? The member for South-West Coast has the call and should be heard without that constant noise.

Dr NAPHTHINE — I remind members on the opposite side that they now have 4 minutes to prepare their next speaker. They did not have a speaker ready earlier, so they missed their opportunity to defend what they think of as the Holy Grail. They had nobody here to defend the Holy Grail, because they do not fundamentally believe in it. They know that flexibility and choice are important.

Let us have a look at the track record of the federal coalition government — a track record of introducing greater flexibility and greater choice in its changes to industrial relations over a number of years. The bottom line here is that when the federal government came to office in March 1996, 8.3 million Australians were in work; now 10.1 million Australians are in work — a massive increase of nearly 2 million Australians in work.

The unemployment rate has decreased from 8.2 per cent to under 5 per cent — a massive decrease. The

house should remember that under 13 years of Labor government, unemployment rates were regularly 8, 9, 10, 11 or 12 per cent, which is the sort of thing that happens when you have inflexible workplaces and archaic industrial relations systems. The long-term unemployed are among the most disadvantaged people in our community. In March 1996 the number of long-term unemployed was 197 800 — that is, nearly 200 000 Australians. Now there are just over 100 000 — a nearly 50 per cent reduction in the number of long-term unemployed because we have greater flexibility in the workplace.

People are saying this will undermine real wages growth. Under 13 years of Labor, from 1983 to 1996, real wages growth was 0.3 per cent — in other words, less than half of 1 per cent in real wages growth over 13 years. Since 1996 there has been a growth in real wages of 16.8 per cent. It has put more dollars and more spending power into more people who are employed under the Howard coalition government. Changing the workplace has benefited employees; more people are employed and they have more money in their pockets.

On the issue of industrial disputes, under 13 years of Labor, 193 days were lost to industrial disputes per 1000 employees. Under the coalition government, 67 days have been lost per 1000 employees. That is nearly a two-thirds reduction in days lost to industrial disputes under this more flexible and more responsive industrial relations system. People talk about whether this will generate enough new employees. In December 1995, at the end of 13 years of Labor government, 143 700 apprentices were in training. In June 2005, there were 391 000 — the number had more than doubled.

It is no wonder that under Labor the net government debt, the bottom line, was \$95.8 billion. What is it now? It is not zero — we are actually \$1.3 billion in surplus. On every measure — whether it is the number of people employed, the number of industrial disputes or the amount of money in people's pockets — the changes over the last 10 years have been beneficial to employers, employees and all Australians. This motion is absolute and utter nonsense.

Mr LUPTON (Pahran) — I am very pleased to be given the opportunity to speak in support of this motion moved by the Minister for Industrial Relations. Until a few minutes ago I did not think I would have this opportunity, even though I wanted it, because we had an agreement with the Liberal Party about voting on this motion before lunch. What happened? It broke the agreement. What does that mean? It means you cannot

trust the Liberal Party to stick to an agreement. You cannot trust the Liberal Party in this state; you have to get it in writing. You cannot trust it to agree and stick to an agreement, even on matters of parliamentary procedure, let alone trust it with working people's entitlements. You cannot trust it on anything.

We in this government are very proud to stand up for fair and reasonable entitlements for working people in this state. We make no bones about that. This motion has flushed out the Liberal Party — its real position has now become clear. It does not support fair and reasonable entitlements for working families in this state, and it never will. Where do you go to find out what the Liberal Party really stands for? You can look at — —

Honourable members interjecting.

Mr LUPTON — As the Leader of the Opposition skulks out of the house we know that what members of the Liberal Party have said today in this debate flushes out where they stand on industrial relations. The shadow Minister for Industrial Relations said in this debate that the Liberal Party in Victoria stands shoulder to shoulder with Prime Minister John Howard on industrial relations. The people of Victoria need to know that. As a result of this motion and seeing where members of the Liberal Party and The Nationals stand when this motion comes to a vote later today the people of Victoria will know precisely where the Liberals and Nationals stand on the issue of industrial relations and protecting the rights and entitlements of working families in this state.

Of course it is not just the debate in this house today that will let the people of Victoria know where the Liberals and Nationals stand. In this term of Parliament members of the Liberal Party and The Nationals have had the opportunity to vote on nine separate pieces of legislation which protect the rights and entitlements of working people in Victoria. On each and every one of those occasions the Liberal Party voted against the rights and entitlements of working people. It knows it does not stand for the entitlements and fair and reasonable working conditions of families in this state.

Liberal Party members have had nine opportunities to vote in relation to industrial relations legislation in this term of Parliament, and on each and every occasion they have voted against that legislation. They voted against providing an award safety net to federal employees in Victoria. They voted against updating occupational health and safety legislation. They voted against giving outworkers — the most vulnerable

workers in Victoria — decent working protection. They voted against child employment protection.

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

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Hospitals: waiting lists

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer the Premier to Mrs Dorothy Dunstone of Braybrook who has been waiting six months for her knee surgery to be corrected, Mrs Glenda Peddler of Geelong who needs both hips replaced and has been told she has to wait 21 months for an appointment, and Mr Steve Thorneycroft who is still waiting despite his case being raised in this house twice. I ask: when will these Victorians, who are on the Premier's waiting list, get the medical treatment they desperately need?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. As I indicated in the house yesterday, one of the things this government has done is make sure it keeps the waiting lists at a level with 300 000 extra places. That is effectively significantly less than what we inherited in 1999. Not only that, we will continue to invest more resources in health, as we have in the past. We have put in place a system to treat extra patients. We have opened new hospitals, we have put more resources into hospitals and we have new nurses and new doctors. In relation to any of the cases the opposition has raised, we will work very hard to ensure those people receive medical attention in a timely way. I urge the Leader of the Opposition to show that he cares by making sure we have the details immediately.

Racial and religious tolerance: legislation

Ms CAMPBELL (Pascoe Vale) — My question is to the Premier. I refer the Premier to the government's commitment to building a tolerant society and protecting people from vilification on the basis of their race or religion. I ask the Premier to update the house on how the government's Racial and Religious Tolerance Act is being received by the Victorian community.

Mr BRACKS (Premier) — I thank the member for Pascoe Vale for her question. I am pleased and proud that the commitment we made in 1999 to bring in a Racial and Religious Tolerance Act has been realised. It was realised through extensive consultation for more

than six months during 2000–01, and when the act was first put in place in 2001. Of course after the implementation of the act we listened to the community and brought amendments to this house which were passed in 2006. Those amendments were due to the consultations that I had with the many faith communities and with the council of churches, along with the recommendations of Victorian Civil and Administrative Tribunal and Justice Morris. Those inputs were received as part of the amendments to the act.

Many members of this house have supported the legislation for a long time. Members of the government and many members of the opposition have supported this — the member for Caulfield, the member for Doncaster, the member for Warrandyte and other members as well. I note that The Nationals and the Independents have had a strong position of opposition and I respect the consistency of their position. It is not a position that I or the government support, but we understand they have had a consistent, ongoing and unwavering position which they have not changed. You would have to say that is in stark contrast to the many different positions we have seen from the opposition.

Why is this important? It is important because one of the principles which has served us well in Victoria has been the bipartisanship between the government and opposition in relation to multiculturalism, tolerance and acceptance more broadly. If you like, that bipartisanship was most in evidence when we saw Pauline Hanson's One Nation party campaigning around Australia; and in Victoria, because of the leadership shown by all parties in this state — and Jeff Kennett did a good job on that, as did the leaders of other parties — we saw probably the lowest vote ever for the One Nation party in the nation. That had to do with the consensus and support which were there right across the Victorian community.

We thought we had a consensus and you would think we had a consensus over the last six and a half years here in Victoria because we have had several pieces of legislation to test it. The government and the opposition have supported the act and supported the amendments to the act — not every member of the opposition but the overwhelming majority — yet we read an extraordinary piece in the *Age* today that indicates that the Liberal Party — —

Honourable members interjecting.

Mr Cooper — On a point of order, Speaker, question time is a time for the Premier and other ministers to respond to matters in regard to government

administration. The Premier is now straying into debating the issue and is obviously about to quote from a newspaper article. I suggest that you bring the Premier back to answering the question and not debating the issue.

The SPEAKER — Order! The Premier is required to relate his comments to Victorian government business.

Mr BRACKS — Victorian government business in this state has enjoyed a bipartisan position by the government and the opposition. That appears to be broken. When I say ‘appears’, we do not know. ‘Appears’ is the word because the opposition has had four different positions in the last four days. When it says one thing — —

Honourable members interjecting.

The SPEAKER — Order! The member for Mornington! If the member for Bulleen persists in interjecting in that manner he will be removed from the chamber. The same for the member for Preston.

Mr Cooper — On a point of order, Speaker, the Premier is now attempting to be hypothetical in regard to his answer. That is clearly against the standing orders. I suggest you ask him to respond to this issue on the facts not on hypotheses or on speculation and newspapers.

The SPEAKER — Order! The Premier in responding must relate his answer to Victorian government business.

Mr BRACKS — I believe consistency of policy is going to be the thing that stands out in Victoria in relation to our policies on tolerance, acceptance and multiculturalism.

Honourable members interjecting.

The SPEAKER — Order! I advise members of the house, including the member for Carrum, that I expect them to behave in a professional and respectful manner to members who are on their feet. I ask them to be quiet to allow the Premier to answer the question. If members persist in interjecting in that loud manner I shall remove them from the chamber.

Mr BRACKS — I am very proud of the fact that we have adopted in this state groundbreaking laws in relation to racial and religious tolerance. I am very proud that we have been able to listen to the community, to the faith communities, to the ethnic communities and the peak leaders of those ethnic

communities and to make amendments to those laws which are in accord with the expectations of the wider community. I am pleased that the majority of this house supports these laws. I understand there is opposition and I expect that opposition will continue because of long-held views that certain parties have, but I cannot understand why the opposition would say one thing in Caulfield and another thing on the steps of Parliament.

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Polwarth that if he interjects again while the Speaker is on her feet I will remove him from the chamber.

Care leavers: compensation

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to the *Forgotten Australians* report. Will the government establish a compensation scheme for those Victorians who were abused while resident in out-of-home care and to whom the Parliament yesterday extended an apology?

Mr BRACKS (Premier) — I thank the Leader of The Nationals for his question. I thank all members of Parliament for the work they did in preparation for the apology which was delivered yesterday by the Parliament. I think it was a groundbreaking event in this Parliament. Whilst there was no requirement for this government or this Parliament to offer an apology for the incidents that occurred up until 1992, nevertheless I think it was our responsibility to face up to mistakes that were made, to apologise for those mistakes and to take corrective action.

The Leader of The Nationals has asked me about the corrective action that we will take in the future. I thank him for his question. I indicated yesterday, and I reiterate it today, that we will be dealing with compensation matters as we have in the last 50 compensation cases — that is, on a case-by-case basis. There will not be a specified capped compensation scheme; it will be on an emerging basis on the basis of need.

To assist on that basis of need, we will be putting more resources into the peak bodies representing those people who suffered in institutions. That will assist and support people coming forward and being able to have their cases heard better, and there will be something like an extra \$1 million going into the resourcing of those organisations, taking the total resourcing to about \$1.4 million. That will enable and assist those individuals who have a case to put, to put that case, which will be heard on a fair basis.

I give an assurance to this house and the Leader of The Nationals that we will do that fairly and reasonably on the basis of the hurt that was experienced in the past.

Environment: waste management

Mr LANGDON (Ivanhoe) — My question is to the Minister for Environment. I refer the minister to the government's approach to household and industrial waste, and I ask the minister to advise how government policies are improving waste management and to provide details of any alternative policies the government has been asked to consider.

Mr THWAITES (Minister for Environment) — When the Bracks government came to power in 1999 we had a clear set of policies to better manage household waste and industrial waste and to improve recycling. Victoria now recycles more than 50 per cent of its waste — 10 per cent more than when we came to office. We now have about 80 per cent of all our newspapers recycled — one of the best figures in the world. Around 90 per cent of Victorians now have access to household recycling.

The Bracks government is also working closely with industry to better manage industrial waste. Recycling of construction waste is now up, under our government, from around 1 million tonnes a year in 1999 to around 2.5 million tonnes.

One of the most critical areas of waste is the proper management of hazardous waste or prescribed industrial waste. The Bracks government's policy is to reduce the amount of hazardous waste and to safely store it in a long-term containment facility. Residual waste must be safely stored, and that is why we are supporting the long-term containment facility and not continuing to dump it in landfill.

Our government has made the hard policy decision. We have, as a government, selected Nowingi as the preferred site for a containment facility subject to appropriate environmental outcomes. The government has also been asked to consider alternative policies on prescribed industrial waste. We have done that. One policy is to build a long-term containment facility within 100 kilometres of Melbourne. It is an alternative policy, but the problem with the policy is that an alternative site that meets the criteria has not been identified.

There is another alternative proposal which is diametrically opposed to that policy — that is, to rule out altogether such a long-term containment facility for Victoria. The interesting thing about these two policies

is where they come from — they both come from the opposition. The first policy, to have a facility within 100 kilometres of Melbourne, was enunciated by the Deputy Leader of the Opposition last Friday. The policy to rule out any such facility was enunciated yesterday by the shadow environment minister in Ballarat.

Honourable members interjecting.

The SPEAKER — Order! I ask the Minister for Environment to relate his comments to Victorian government business.

Mr THWAITES — These are alternative policy matters that we are considering, and it is appropriate for us to consider where they come from. It is interesting to note the comments made by the opposition environment spokesman, who says that the Deputy Leader of the Opposition's comments do not reflect Liberal Party policy.

Dr Napthine — On a point of order, Speaker, clearly the minister is now debating the issue. I ask you to bring him back to the question.

Honourable members interjecting.

The SPEAKER — Order! I expect ministers on my right to show courtesy to those raising points of order and to be quiet while they do so. They are fully entitled to do so, whether ministers agree with them or not.

I uphold the point of order. The minister is debating the issue, and I ask him to return to answering the question and relating his comments to Victorian government business.

Mr Holding interjected.

The SPEAKER — Order! I warn the Minister for Police and Emergency Services.

Mr THWAITES — The Bracks government does not support either of these diametrically opposed options. We have considered them and do not support them, because they do not provide for good waste management for Victoria. Our government is prepared to make the tough decisions to ensure good waste management. We do not believe in flip-flopping from one day to another, saying one thing in one place and another thing in another place simply to try and please people. This issue is too important. The public of Victoria deserves a bit of honesty from all political parties, not the flip-flopping that we have seen from the opposition.

Ambulance services: response times

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer the Premier to the Treasurer's budget papers, which show that for every year in the past five years ambulance emergency response times for code 1 calls in metropolitan Melbourne have failed to meet Labor's targets, and to the minister's statement in the house yesterday that 'Response times are on target'. Who is telling the truth, the minister or the Treasurer?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. I will tell you what the opposition did not ask me about — that is, the record of the last government on ambulance services. That is what he did not ask me about.

The last published annual report for the ambulance services in 2004–05 noted that for the period excluding industrial action the Metropolitan Ambulance Service achieved a response time of 90 per cent of code 1 cases in 14 minutes, and the minister was referring to that. On the benchmark that is one of the best services anywhere in Australia.

Fishing: government initiatives

Mr CRUTCHFIELD (South Barwon) — My question — —

Honourable members interjecting.

The SPEAKER — Order! The member for Scoresby! The member for South-West Coast has become a persistent and irritating interjector; I ask him to keep quiet.

Mr CRUTCHFIELD — My question is to the Minister for Agriculture. Will the minister advise the house of recent work being carried out by the Bracks government to enhance recreational fishing opportunities, especially in country Victoria, and how this is helping to make Victoria a great place to live and raise a family?

Mr CAMERON (Minister for Agriculture) — I thank the honourable member for South Barwon for his question and the huge support he gives to recreational fishers. Fishing is a great pastime in this state for anglers of all ages, but it is especially important in country Victoria, because that is where a lot of fishing occurs. It is a \$400 million industry. It generates a lot of economic activity as well as a lot of pleasure for kids, families and anglers of all ages.

In looking after children, before the school holidays the government stocked 50 waterways in Victoria so the prospect of catching a fish for children was far greater. There is some very good news — that five of those sites will become premier fishing sites where fish stocking for children will occur a lot more often during the course of the year and facilities around them will also be improved for families.

There is also more good news, because when you look at the whole of the fish stocking that occurs across the state, you find that last year we had a record — 30 per cent more than the average during the seven dark years of the Kennett government. But there is even more good news. Last year Fisheries Victoria took over trout production so that it would be able to produce trout. At the moment we are midway through the stockings, and we are very hopeful that this year we will have record stockings for trout.

Honourable members interjecting.

Mr CAMERON — Mrs Flop shouldn't say those things; Mr Flip won't like it!

We have recently seen the allocation of 25 fishing grants, and they are presently being implemented. Recreational fishing zones have been very important in Victoria, and we have established those at Mallacoota and Lake Tyers. The member for Gippsland East will be able to tell you about the success of that. The management plans for those waterways are very near completion. I appreciate that the Liberal Party and The Nationals do not want it. We have a clear difference, but I can tell you, Speaker, that fishermen like what we have done.

Mr Ryan interjected.

Mr CAMERON — We know you want to put commercial fishermen back there. That is fine, and we understand the difference.

The SPEAKER — Order! The minister, through the Chair!

Mr CAMERON — As you know, Speaker, we have been very tough on fisheries crime. We have introduced tough laws, with up to 10 years imprisonment for trafficking, and enforcement has increased substantially. Recently as a result of criminal activity in the east and the west of the state when it comes to abalone, where inshore reefs have been attacked, to help smash organised crime we have — —

Mr Smith interjected.

The SPEAKER — Order! The member for Bass seems to be under the misapprehension that because I cannot see him, I cannot hear him. I can advise the member for Bass that I would recognise his voice anywhere, and I ask him to be quiet.

Mr CAMERON — Bass belong on a dinner plate! As a result of dealing with those problems with inshore reefs we have had to reduce the bag limit. Again I understand The Nationals oppose that — they are soft on crime — but nevertheless what we want to do is make sure that we have abalone for future generations.

These initiatives are part of our forward-looking program and are very important as we go forward and continue to make Victoria a great place to live, to work and to raise a family that fishes.

Hospitals: information technology system

Mrs SHARDEY (Caulfield) — My question without notice is to the Minister for Health. I refer the minister to the iSOFT company, which has been awarded a contract worth over \$20 million as part of a departmental information technology project, and the fact that iSOFT in the United Kingdom has lost more than 80 per cent of its market value this year, the chief executive officer has been removed, the commercial director suspended and iSOFT's auditors have reported irregularities in its accounts, and I ask: will the minister now table all recent advice from the department on this project and assure the house that iSOFT's contract will be delivered on time and on budget?

Ms PIKE (Minister for Health) — I thank the member for Caulfield for her question. This government has committed the most substantial amount of funding of any jurisdiction in Australia to the rollout of a very comprehensive information technology system into our public hospitals. That information technology system will see for the first time the use of common financial arrangements and a common chart of account, which of course will allow us to benchmark financial performance even more comprehensively across the system. The second component is the common client record, which will not only allow people to be treated more effectively within hospitals but allow us eventually to have a much more appropriate interface between hospitals and the primary health care sector. The third component is a patient management system, which puts into place clinical protocols and other aspects like imaging, availability of imaging resources and medication protocols, which will allow for e-prescribing et cetera. This is a very comprehensive information technology system, with

around \$326 million of funding, which will really position Victoria's public health system.

As part of the rollout of this information technology change process a number of contracts have been awarded, and each one of those contracts has been subject to probity requirements and overseen by the Minister for Finance as part of the procurement arrangements that are in place for government. I certainly have confidence that the protocols have been put in place. I answered a question on this matter at the Public Accounts and Estimates Committee, and I am quite confident that these probity arrangements have been adhered to and that this really will be a magnificent information technology regime which ultimately will assist patients in our hospitals.

Mrs Shardey interjected.

The SPEAKER — Order! Does the member for Caulfield have a point of order?

Mrs Shardey — I was attempting to raise a point of order before the minister sat down.

The SPEAKER — Order! I think the minister has concluded her answer — or I presume she has. Has the minister concluded her answer?

Ms PIKE — Yes.

Rail: regional links

Mr JENKINS (Morwell) — My question is to the Minister for Transport. I refer the minister to the government's commitment to investing in Victoria's regional railways and ask the minister to update the house on the latest example of the government's delivering on that commitment?

Mr BATCHELOR (Minister for Transport) — I thank the member for his question. The member well knows the big advances that are being made in delivering V/Line services to country Victoria. Last week the Premier announced the new V/Line timetable, which was great news for regional Victoria. It will deliver an extra 401 rail services right across the state — an extra 91 for Ballarat, an extra 98 for Bendigo, 38 more services for Geelong, 78 extra services for Traralgon and 96 for Seymour.

Mr Smith interjected.

The SPEAKER — Order! The member for Bass!

Mr BATCHELOR — I think it is fair to say that this has been received as great news right across

country Victoria, except for one group of whingers. Stand up, Ken!

Mr Smith interjected.

The SPEAKER — Order! The member for Bass will be quiet, and I ask the minister to address his comments through the Chair, however tempted he may be to do otherwise.

Mr BATCHELOR — There has been only one group of whingers that has opposed providing more rail services to regional and country Victoria. It is a great shame that these whingers have been so negative about providing extra rail services as the best form of public transport to country Victoria.

The whole aim of these new V/Line timetables is to give the people of regional Victoria more flexible transport — more services when they actually want to travel — and that is what we are going to do. So if the members of the Liberal Party, the biggest whingers in this state, want to support country Victoria, they ought to get behind these V/Line services. These new services have been getting terrific support. For example, the Ballarat *Courier* summed it up quite simply, by saying:

These improvements had to be made to our regional network.

The Victorian Council of Social Service also praised the timetable. Why? Because it said the timetable would assist low-income earners, would make them feel more connected and would reduce the impact of high petrol prices.

Local councils right across Victoria are very happy with these new services too. The chief executive officer of the Shire of Baw Baw, Glenn Patterson, said —

Mr Ryan — A good bloke.

Mr BATCHELOR — The Leader of The Nationals says he is a good bloke. He says sensible things; that is why he is a good bloke. He says that additional services on the Gippsland line are outstanding. The mayor of Ballarat, David Vendy, said that his city will benefit greatly from these additional services, especially from the 64-minute link to Melbourne.

These groups, whether they are representing disadvantaged community members like the Victorian Council of Social Service, whether they are representing local government or whether they are responsible regional newspapers, all agree that these are fantastic improvements for regional Victoria.

The reaction is really a vindication of our commitment to reconstruct Victoria's regional rail network. We

regard it as important. We do not regard it as the toenails to be cut off and disregarded. This government is not closing down rail lines. We are rebuilding the rail network. We have started. Sure, there is more to be done, but it will only be a Labor government that will deliver these improvements, which are important right across country Victoria. Other governments will close them down.

Housing: information technology system

Mr THOMPSON (Sandringham) — My question without notice is to the Premier. I refer the Premier to revelations that Labor has wasted somewhere between \$13 million and \$15 million on its botched Anite management information technology system for the department of housing, and I ask: when will the Premier come clean and advise the house as to the real extent of the loss to the Victorian taxpayer?

Mr BRACKS (Premier) — I thank the member for Sandringham for his question. All our procurement processes go through the appropriate regime. That means establishing value for money, that means ensuring probity and that means getting the best value for the taxpayers of Victoria. That will be the case while we are in government.

Economy: performance

Mr STENSHOLT (Burwood) — My question is to the Treasurer. I refer the Treasurer to the Bracks government's commitment to governing in an economically responsible manner, and I ask him to update the house on the most recent independent data that demonstrates that the Bracks government is delivering on that commitment?

Mr BRUMBY (Treasurer) — The Bracks government has put in place excellent economic and financial management since it was elected in 1999. We have obviously retained the AAA credit rating for Victoria. We have put in place solid budget surpluses. We have financed record government infrastructure — \$12.6 billion over the next three years — and of course we have managed to bring down average tax levels from above the national average to equal to or below it. All of that has given us an extraordinarily positive record on economic management.

Last week the Australian Bureau of Statistics (ABS) released the June building approval figures. They show that building approvals for June were \$1.8 billion, a record high for the state of Victoria. For the financial year 2005–06 they reached a record high of \$15.8 billion. That \$15.8 billion was the highest in

Australia, so it is above Queensland, above Western Australia and above New South Wales. If you compare that to a decade ago, you find that total building approvals for Victoria in 1996 were \$5.3 billion, one-third of what they are this year. But what is worse, we were behind New South Wales, at \$9.1 billion, and behind Queensland, at \$5.5 billion.

The question is: who was the state president of the Liberal Party back in 1996? I will open the envelope. Was it Mr Flip or Mr Flop? The answer is it was Mr Flip-Flop!

The SPEAKER — Order! I ask the Treasurer to return to answering the question.

Mr BRUMBY — The ABS today released employment data for July, and I think it is data that all members of the house can be very proud of. It shows that over the past 12 months the state with the highest increase in new jobs across Australia was Victoria.

Mr Smith interjected.

Mr BRUMBY — No, Victoria was the top. I will come to you.

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

Mr BRUMBY — This is intellectual renewal, is it?

The SPEAKER — Order! The Treasurer will continue answering the question.

Mr Baillieu — This is a serious Treasurer, is it?

Mr BRUMBY — Flip-flop, flip-flop. We are looking for a bit of serious policy.

The SPEAKER — Order! I would like question time to finish in a more serious manner. I ask members to be quiet to allow the Treasurer to answer the question.

Mr BRUMBY — Over the past 12 months the state with the biggest increase in new jobs was Victoria, which had 71 600 new jobs, and Queensland was second, with 57 800. If you go back 10 years to 1995–96, the total number of new jobs generated in Victoria was 11 900 — so it is 71 000 versus 11 000. There have been 350 000 new jobs created in Victoria since the election of the Bracks government.

Honourable members interjecting.

The SPEAKER — Order! I will not warn members on my left again, particularly the member for

Mornington. I ask them to be quiet and allow the Treasurer to conclude his answer.

Mr BRUMBY — In building approvals, Victoria now leads Australia; 10 years ago, it was behind everyone else.

An honourable member interjected.

Mr BRUMBY — Do you want to debate the ABS? You hate the truth.

The SPEAKER — Order! The Treasurer will address his comments through the Chair. I ask him to continue.

Mr BRUMBY — On all these key issues of economic performance, Victoria is leading Australia. If we look at building approvals, we will see that Victoria is leading Australia. If we look at employment growth, we will see that Victoria is leading Australia. If we look at taxes, we will see that Victoria came from above the national average to below the national average. This is a strong record of economic performance, and it is a strong record being delivered by the Bracks government — no flip-flopping around!

INDUSTRIAL RELATIONS: WORKCHOICES

Debate resumed.

Mr LUPTON (Pahran) — As I was saying before the luncheon break, the opposition has had opportunities in relation to nine separate pieces of legislation to let the people of Victoria know where they stand in protecting workers' rights and entitlements in the workplace. On each and every one of those nine occasions, the Leader of the Opposition and his Liberal Party colleagues have not supported the government, they have not supported the rights and entitlements of working families in Victoria, and they have voted against protecting the rights, entitlements and working conditions of Victorian people.

I refer in particular to the Workplace Rights Advocate Act, which provides information and support to workers who are confronting the Howard government's WorkChoices legislation. The Workplace Rights Advocate Act is important legislation here in Victoria because it provides very important information and support services to workers in Victoria who have been and will be disadvantaged by the federal government's industrial relations changes. The Liberal Party and the Leader of the Opposition here in Victoria opposed that legislation when it was debated in this house, and it is

important that the people of Victoria know that, because the record is important.

It is also very important that people employed in the Victorian public sector understand that their rights and entitlements would be seriously threatened under a Liberal government here in Victoria; the record speaks for itself. The Public Sector Employment (Award Entitlements) Act 2006, which was passed by the Bracks government to provide an award safety net and protect workers such as nurses, teachers, firefighters, police officers, ambulance drivers, paramedics and other public sector workers from the effects of the Howard government's WorkChoices legislation, was opposed by the Liberal Party in this Parliament and opposed by the Leader of the Opposition. The voting record of the Leader of the Opposition and his party shows that there would be a great threat to the entitlements, working conditions and protection of workers in Victoria if a Liberal government were ever elected in this state.

The leader of the Liberal Party is reported in the *Age* of 28 July as saying that he will protect the entitlement of workers under public sector collective bargaining agreements in this state. Given the record of the Liberal Party and the Leader of the Opposition, we know they cannot be trusted on that. They have voted against those sorts of entitlements and those sorts of protections on every occasion that these matters have come before them during the term of this Parliament. We know they like to go out into the community and try to say one thing, but when it comes to being put to the test, they say another.

That is why this motion today is very important, because it again, in addition to the other nine pieces of legislation, gives the Leader of the Opposition and all his Liberal Party colleagues an opportunity to stand up and be counted. Are they in favour of protecting fair and reasonable working conditions and entitlements for people in Victoria, or are they on the side of Prime Minister John Howard and the federal government's WorkChoices legislation?

This industrial relations motion puts that question fairly and squarely in front of the Parliament today. The people of Victoria know and can trust the fact that the Bracks Labor government is here to protect the fair and reasonable working conditions and entitlements of Victorian workers. We know that the Liberal opposition in this state will not protect those working conditions and entitlements. We know that if Victoria were ever subjected to a Liberal government, Victorian working families would be worse off and there would be nothing

at all to stand between them and the Howard government's WorkChoices legislation.

Mr MULDER (Polwarth) — I rise to speak on the motion before the house. Can I say that if ever there was an indication of the lack of commitment and the lack of support by Labor backbenchers, there was one prior to the lunch break today, when the former shop stewards and union officials had to be bullied and harassed to come into the house to support the motion moved by the Minister for Industrial Relations. Prior to the lunch break the Minister for Industrial Relations had to bolt from the chamber and start to wrestle people back into the chamber to speak on this motion and to support him. He was out there on the phone telling them to get down here and support him, because they did not want to come in. I would like to have a look for the record — —

Mr Trezise interjected.

Mr MULDER — You were one who was pulled in. The member for Geelong has been pulled in here.

The SPEAKER — Order! I ask the member to address his comments through the Chair.

Mr MULDER — Obviously there was no-one in here to support the Minister for Industrial Relations. They have all been rounded up and dragged in. The member for Prahran was first on his feet — first to get dragged in — without a note. He did not know what the debate was about, and he was obviously not ready. I would have thought the union officials and shop stewards would all have been in here supporting this motion and supporting the Minister for Industrial Relations, but they were absolutely nowhere to be seen on this issue at all.

Ms Delahunty interjected.

Mr MULDER — I will tell you where I stand on this: the whole issue in relation to the federal government's legislation is a matter of choice. I am probably somewhat different from some members on the other side of this house, because prior to entering Parliament not only did I work for an employer, I was actually an employer in my own right. At one stage I had up to 300 people working not for me but with me in the company that I operated.

I can understand where this legislation came from, and I can understand what drove this legislation in the first place. We have a changing society. We have people in the society out there today — families, husbands and wives — who all want to try to find a job that fits in with their lifestyle. Whether we like it or not, nearly

every household you come across now has both parents working. If they can be accommodated within the work force, then surely it is in their best interests for that to happen.

Time and again over the years when I have been interviewing people for employment it has come down to the question, 'Can my own home commitments and my family's situation be accommodated within the workplace?'. The first thing you do then is go back and have a look at the restrictions of the awards, and you say, 'I am sorry, but that is not able to be accommodated in the workplace as it stands'. What the community has been asking for time and again is choice.

The member for Kew raised a very simple issue, and it was one I was confronted with myself, where a father wanted to coach a junior football team. He wanted to have Tuesday night and Thursday night off. He wanted to knock off at 3.30 p.m. on those days and was happy to come in earlier — he was happy to do all of that. If you look at the restrictions in awards, you will see it is difficult to accommodate that — you simply cannot do it.

I have also had women working with me in my business. They have asked me, 'Because of school bus arrangements, is it possible for me to pick up my children after school and drive them back to the farm? I would have to do that on a day-to-day basis. It would mean splitting a shift in the afternoon, but can that be accommodated?'. But when you look at the awards that these employees are operating under, it is very difficult to accommodate that. All those employees are asking for is to be able to approach an employer, sit down and say, 'I would like to have some choice in my workplace. Can you accommodate me?'. In the current situation, employers cannot. There is choice under the federal government's legislation.

Nobody is going to force anybody into any form of agreement. The choice is there. The one thing that this government does not understand is how a workplace operates. This is simply because there is hardly any member on the other side of the house who has ever employed anybody. They are all straight from school, straight into the electorate office and straight into Parliament. That is the great difficulty with a lot of members who sit on the other side of the chamber.

The simple fact of the matter in the business world is this: if you operate a service-based company, usually somewhere around 70 to 75 per cent of everything you spend is on wages and wage-associated costs. It is your single biggest investment. Your employees are the most

important part of your business and they are the most valued part of the business. As much as Labor governments and Labor members of Parliament always like to paint employers as devils, it is simply not the case. We know and understand the value of employees and the great contribution they make to a business. They make a business tick. Employers are always happy to sit down and discuss issues with their employees to see how they can make a business run better. If there is an issue within a business, you want to be able to ensure they get more out of the business. You only have to look at the record of the current federal government and at the record of the previous Labor federal governments to see which governments have actually produced real growth in terms of wages — and it has always been Liberal governments. It has always been Liberal governments which have increased wages and conditions for workers.

The government's motion is all about trying to secure the future of the trade union movement. It is all about looking after Labor's union mates and ensuring that the union's nose is stuck in every business between employees and employers. I believe the WorkChoices legislation is groundbreaking. The legislation is going to make workplaces and homes work well. The legislation will make sure that an employer can accommodate anybody who walks through the front door and says, 'I need a working environment, work situation, working conditions and working hours that meet the expectations of my home life and social life and ensure that I can turn up at a time which suits me'. Or, 'I would like to be able to take my work home at night and have that allowed for within my agreement'. Or, 'I would like to be able to leave at 3.30 p.m. and return at 5.00 p.m.'. Or, 'On Tuesdays and Thursdays I would like to be able to coach a junior football team'. Or, 'I would like my boss to accommodate me and understand that I am a single parent who has special needs; can you do that?'

The employer can say, 'Under this arrangement, of course you can. You can sit down with us and work out an arrangement that best suits your needs'. That is what this is about. If members opposite cannot believe and understand that, they are living in the Dark Ages. There is no doubt about that. The WorkChoices legislation is about the future. It is about accommodating people who want choice. Choice is the greatest possible advantage you can offer to the work force today, because it suits the needs and expectations of the community.

Ms NEVILLE (Bellarine) — We have heard some amazing comments today from the opposition. I have heard the word 'choice' thousands of times today. Firstly, I would like to say that there is choice, but I

thought the principles and values which underpinned this country, including Victoria, were fairness and egalitarianism. I do not see choice reflected there. What is the underlying fairness? There is also a question that underlies fairness: how do we get there? How do we get to a fair and equal society?

Let me talk about choice and what members have heard today. Yes, we have choices for workers to take lower wages, and we have choices for workers to take poorer conditions — great choices! What about those workers who happen to work in businesses that have less than 100 employees? They have a great choice when they are dismissed arbitrarily. What a great choice! They do not even have a choice to take action and say, 'I have been unfairly dismissed'. They are the choices under the Howard government's legislation. Workers can be arbitrarily sacked with no recourse to anything under the law. That is choice! What about the fact that ordinary Australian workers who find their minimum conditions — which have been worked and fought for over many decades — reduced to the five minimum conditions? What about all the things that have been fought for?

I can recall our history. There was a time when people attempted to sit down and say, 'We want to work 8 hours a day. We do not want to work 12 or 16 hours a day. We do not want our children working in factories'. The reason those conditions changed was not because we had a single person sitting down and negotiating with their employer. Those conditions changed because we had collective agreements. We had workers who had a collective system and came together to negotiate with employers. What about the choice that people will have when the Australian Fair Pay Commission reduces minimum wages? It has already sent messages that it will do this. What about the choice for workers when they find their minimum wage has been reduced?

Today opposition members have said a lot about the motives of the Bracks government. They have said, 'The motives of the Bracks government are all about protecting unions'. I agree that an underpinning motive of the Howard government's legislation is all about attacking the Australian trade union movement, but that is not the greatest shame by any measure. The greatest disgrace of WorkChoices is that the people who suffer are ordinary Australian and Victorian working people and their families.

It is ordinary Victorian families who are the victims of this law. I do not know what members opposite are doing out in their constituencies, but my office has received numerous telephone calls from concerned

local people, who have rung seeking advice about what they can do if they are dismissed from small businesses.

An honourable member interjected.

Ms NEVILLE — Yes, genuinely; people are ringing. Yes, people are talking about things like petrol prices and interest rate rises, but I can tell you that the other barbecue stopper is the industrial relations laws.

I had a couple of students from one of the local schools join me in here this morning, and they raised this issue. There is concern, because these are kids are about to turn 15, when they can start looking for part-time work. I remember when I started my first part-time job in the local supermarket. I look back and I think, 'Imagine going in there and negotiating, saying "I want these hours and I want this wage"'. I worked under an award, and it enabled me to go in there and develop experience in that organisation. I was secure and my family was secure in the fact that I was receiving the basic wages and conditions enjoyed by other people.

There is choice and there is fairness, and that is at the heart of some of the issues raised in the motion. One of the significant changes made in the WorkChoices legislation is the removal of collective bargaining and its replacement with individual relationships. In most cases, as I said previously, a single employee negotiating one on one is in a position of weakness. That is the reality. Yes, there are some of us in certain jobs who are able to do that, but in most cases — and we have already seen examples of this — they are in a position of weakness.

The right to collective bargaining is at the heart of every industrial relations system in every developed country in this world. We are the only ones who have moved away from having collective bargaining as the centrepiece of our industrial relations system. It is a disgrace. But what is most disgraceful is that on the opposition benches we have members who do not stand up for Victorian families and Victorian workers. They are not standing up for them.

These people are vulnerable. They have only five minimum conditions. They are losing penalty rates, and they are losing other conditions. If you are in government it will be on your heads that Victorian families — —

The SPEAKER — Order! The member for Bellarine, through the Chair.

Ms NEVILLE — It will be on their heads — and they have form. We also have form, but we are about supporting Victorian families and workers wherever we

can. The opposition has form, which is to oppose every part of any measure to support Victorian workers and their families. I support this motion, and I would grieve for Victorian families if we had the opposition in government.

Mr JASPER (Murray Valley) — The strength of the Victorian economy lies in private enterprise, and the strength of our economy comes from businesses developing within the state of Victoria. Governments can set the parameters and employ people, and in fact the state government employs a large number of people, but the strength of the economy lies in private enterprise and in encouraging employers and people in business and industry to take on employees.

I have to say, as a person who has grown up in private enterprise, that the employers that I know in the businesses that I have been involved in respect the people who are employed within those businesses. I suggest to the house that most businesses are very concerned about maintaining a proper relationship with their employees and paying them a proper rate under award conditions.

We hear the Treasurer talking about the businesses that are being developed within Victoria. He has quoted many cases which the government has supported, and in fact he referred to one in my electorate of Murray Valley — a new abattoir at Wangaratta — only yesterday. That is being developed by a private enterprise company that will employ people. There needs to be cooperation from government to make sure that that business works.

We also need to understand that for Victoria to go forward into the future with a strong economy — and the Treasurer and Minister for State and Regional Development continues to remind us that the state is developing — we have to recognise that we are in a hugely competitive world economy. We need to have the most efficient businesses and industries we can in order to operate in that world economy.

I listened with a great deal of interest to the contributions from the Leader and Deputy Leader of The Nationals. They quoted from experience. I say to the house that you need to grow up in business to understand business. Often in this house — and I have seen this over the years that I have represented the electorate of Murray Valley — we have members speaking on issues that they have no real understanding of. They do not understand that people in business put their money into their businesses and that they want the people they employ to be satisfied and to be paid at a fair and reasonable rate for the work they are providing.

I was interested to listen to the comments that were made by members of the government in supporting the motion that has been put forward by the Attorney-General. I take issue with the comments made by the Attorney-General, but I take issue with the comments made by some of the other speakers too, because I believe we need to provide job security and we need to have a situation where employees are not exploited by employers. I again point out to the house that the employers I am involved with throughout my electorate of Murray Valley pride themselves on being able to provide jobs and job security and to live within that business arrangement. But it is a very competitive situation, and they need to understand how we work within Australia.

The new WorkChoices legislation, whilst it makes major changes, provides basic award conditions which are protected, but we need to look at having a balance in the employment of people within industry and business. We need the flexibility to be able to employ people at an appropriate time for a particular business or industry. In the past we have had too many restrictions on employers — including the obligations they have had to employees — being able to run their businesses effectively and profitably. Commonsense needs to be brought into this as well. I understand the reason for the comments being made by some members on the government side, but my belief is that there needs to be a balanced arrangement between employers and employees. As I said, commonsense often comes into this, especially in situations where you can and should have flexibility.

I am very much aware of the difficulties being faced by people in country Victoria who are operating in the tourist industry, because at weekends they have to pay penalty rates which really make their businesses not financial and not sustainable. I will quote one recent instance, when I was speaking to an employer at Yarrowonga. He and his wife operate a business in a tourist area. I asked, 'How are you handling the situation at present?', and he said, 'We are in a position' — and he is supported by his wife — 'that we cannot pay the appropriate level of wages sought by people working on the weekend'. I said, 'How are you handling it?'. He said, 'Mum and I work harder'.

They were seeking to operate that business without having the flexibility to negotiate with their employees to have them work at times when they had customers coming through the business. It may be that they would be better off working over the weekend and being able to socialise and play golf and do other things on Monday and Tuesday. That is the sort of flexibility that business needs in order to operate effectively within

Australia. So I am supportive of the arrangements that are being set up by the federal government, because I believe that, whilst there are conditions that need to be maintained — the six basic award conditions that are protected — employers need to be able to negotiate with their employees in order to utilise them at the appropriate times and to operate their businesses effectively.

I also suggest to the house that for businesses to be profitable and to work effectively within the state of Victoria they need cooperation from their employees. Employers are very keen to see that the people they are employing are paid at satisfactory, negotiated levels that provide them with protection in their jobs. If they are going to provide better service, they will need to be rewarded. Many businesses that I know of have incentives for their people. They have the basic entitlements, and if they work harder within the business, they can get benefits by way of bonuses that are paid at a later time, maybe on a 6-monthly or 12-monthly basis.

I am extremely concerned about the notice of motion brought before the house by the Minister for Industrial Relations. From my experience of growing up in a private enterprise situation I understand that businesses need to be profitable but they also need to have employees who will assist them in being profitable, so we need that balance. I see the member for Morwell smiling, but I suggest to the member that —

Mr Jenkins interjected.

Mr JASPER — Perhaps he is smiling at the member for Bass, perhaps not at my comments, because I believe the member for Morwell would be supportive of the comments that I have been making and of ensuring that there are appropriate arrangements made between employers and employees. But you do need flexibility, and that is what we have not had in years gone by. The WorkChoices legislation introduced by the federal government, in my view, provides that flexibility. It provides the ability for a business to be able to ensure that it operates effectively and profitably and that it can provide extra benefits to employees as the profitability of the business is developed. I see no reason why this federal legislation would not be effective.

I must indicate to the house my concerns about the sort of publicity coming through the television and radio. It is a campaign of fear that I believe the unions are presenting, supported by the Labor Party and the Labor government in Victoria, and I do not believe that gives balance to the situation. Information has been presented

to us that many of the claims that are being made in the television ads are not correct. If they are correct, I would say that that needs to be reviewed and there needs to be corrective action taken. No-one in business would be opposed to someone being paid at a level relative to the work that is being produced and being able to benefit from the productivity of the particular business.

Finally, I repeat again what I started with: that you need to be in business to understand business. It is unfortunate that many members in this Parliament have never been in business to be able to understand the great difficulties from an employer's point of view in making the business profitable while relying on employees to see that the business remains profitable and benefit from it.

I also want to indicate that we live in a world economy, and the world economy demands that we are as efficient as possible in what we are doing in Australia to be able to compete on the world markets. I see the sorts of things happening with companies such as Bruck Mills at Wangaratta, which is having huge problems meeting the demands of business and competing with the imports coming into Australia. Those companies also want to make sure that their employees benefit while they produce the results that they want in order to continue providing jobs into the future. But they can only provide those jobs if they operate profitably within Australia and provide benefit to all, not only to employees but to businesses operating in this state.

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

Debate interrupted.

DISTINGUISHED VISITORS

The SPEAKER — Order! I would like to welcome to the gallery a former Speaker, John Delzoppo, and his wife.

Debate resumed.

Mr JENKINS (Morwell) — It gives me a great deal of pleasure to rise in support of the motion moved by the Minister for Industrial Relations. This is a great motion for this chamber to consider, but more importantly it is an opportunity for The Nationals and the Liberal Party to declare themselves. They have tried to isolate themselves from the federal coalition government's industrial relations policy, but now they have been outed. They are being seen for what they are,

and what they are is wholehearted, 100 per cent supporters of the federal government's industrial relations policy, which is an attack on workers and an attack on families.

Mr Kotsiras interjected.

Mr JENKINS — They want to talk about old divisions. They are the ones who want to talk about unions — —

Mr Kotsiras interjected.

Mr JENKINS — Here we go again! The member opposite is talking about unions. He wants to talk about old divisions. I want to talk about — —

The SPEAKER — Order! The member for Bulleen!

Mr JENKINS — I want to talk about Victorian families and Victorian workers — people who deserve protection from state governments if they fail to get that protection from the federal government. Finally, we now have The Nationals coming out. The mealy-mouthed Leader of The Nationals talked for 20 minutes and for the first 10 minutes refused to address the question whether he supports what is going on.

Right up until the last 2 minutes the lead speaker for the opposition did not come out, but now he says, 'We stand shoulder to shoulder with John Howard and the federal industrial relations legislation'. This legislation has led to real fear. I heard the previous speaker talk about a fear campaign. The fear is real. It is being felt by Victorian workers, it is being felt by Victorian families and it is being felt by Victorian employers.

The people who have called me have not just been workers. Fortunately there have been some very good employers, some of those people who do not believe the system was broke and needed to be fixed, who believe the workers of this state and the families of this state deserve to share in the wealth created by those enterprises and who deserve to be part of the 'me' generation and get some of that profit as well as their employers. Those employers who have come to me from pretty tough industries such as the meat industry have been working cooperatively with their employees. They say, 'We do not believe in this legislation. We do not want to implement this legislation'. But the fact is that bad laws make good employers bad. Bad laws force good employers to do bad things, because they know that it is a race to the bottom.

What are the examples we have had from the opposition? The world economy. Do we talk about the smart economy? Do we talk about education and training, investing in the work force? No. We talk about driving down wages and conditions and taking away wages and conditions from deserving Victorian families, from deserving Victorian workers. It is dead right that the campaign will continue. It will not be a fear campaign, because the fear is there. The campaign will be about delivering the message that it is not just John Howard and that you do not have a Senate protecting you any more. This is the state Liberals and the state Nationals who are out after your wages and conditions, who do not want to see cooperation anymore between workers and employers. They want to see the old divisions come back. They want to restart a blue that was put to bed generations ago when most employers and employees worked together, worked in cooperation, and sometimes trade unions were involved in that.

Mr Smith interjected.

Mr JENKINS — I know the member for Bass is getting upset — the temperature is starting to rise. Here he goes. Can I do the pinko speech on his behalf so we can save that 10 minutes? The fact is some of those conditions, some of those wages, some of the reasonable wage outcomes that have driven this economy, that have delivered the profitable dairy industry that was talked about by the Leader of The Nationals, have been driven, worked and negotiated with employers and unions — with the workers' unions and the employers' unions. The dairy changes were negotiated with the Victorian Farmers Federation — that union! — and those unions which represent the workers. These changes were managed cooperatively.

The fact is the system was not broken. The fact is people, workers and Victorian families know the truth and they say so in every poll in the nation — not just the polls driven by the Labor Party or the trade union movement. The truth is the WorkChoices legislation is fully supported by the state Liberal and National parties. It will be enacted by them. They will provide no protection whatsoever for Victorian families and Victorian workers. They have indicated their full support and that it is full steam ahead with something three-quarters of the Australian population says time and again is unfair legislation. The WorkChoices legislation is unfair to workers and it is unfair to good employers. We will see good employers having to start implementing these policies.

In regional Victoria, where the employment situation has been more difficult, it will be tougher for workers.

The scales will definitely be tipped, but not in favour of those reasonable employers who are part of a community and want to pay reasonable wages. The scales will be tipped in favour of those employers who will be first with their hands up. We know they have already done it. They have already started summarily dismissing employees. They have already started taking their wages and conditions away. They have already started to take away weekend penalties and overtime. They have started to take those things away and they will drive the good employers — the ones who did not want this legislation, the majority of employers in my electorate — down. If there is wholesale change in some of those opposition-held electorates and they have employers who want to take advantage of this and want to drive the wages down, those members have a different bunch of people to the ones in my electorate who want to continue to pay people reasonably.

I congratulate the Minister for Industrial Relations for the work he has done in trying to make sure we have safeguards for Victorian workers and Victorian families. I would like to thank the minister for moving this motion today so we finally have it on the table. We have finally worked out that the state Liberals and Nationals fully support the WorkChoices legislation and simply want to drive wages, conditions and Victorian families down.

Mr SMITH (Bass) — I also would like to thank the Minister for Industrial Relations for putting this on the table. I am pleased to stand here and declare I am a supporter of Prime Minister John Howard's WorkChoices legislation. I think it is good legislation because it does the right thing for workers — that is the important thing.

It was interesting to be in the chamber before lunch and see the panicked look on the minister's face when he looked down at his list of 17 speakers and not one of them was in the house. In fact, we had to follow on one after another to allow the minister to get people into the chamber. The member for Prahran came running in to the chamber — he had got the call. The Minister for the Arts is at the table — she came running in. The member for Bentleigh came — —

Mr Lupton — On a point of order, Acting Speaker, the member for Bass has raised a very important point. He has suggested that the government did not have any speakers before lunch. That was because the Liberal Party broke an agreement that it — —

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

Mr Lupton — He ought to stick to the point.

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

Mr SMITH — It is nice that the member for Prahran tried to take up half a minute of my time and the abuse I was going to heap on him.

This is a great example of what this government is about. They are working for their pinko, commo, union mates, the troglodytes and lazy layabouts from the Trades Hall union building in Lygon Street. Here they are, speaking for that mob of ratbags up there because they are scared they will not have enough members in the unions.

Good legislation has been put forward by the federal government to give workers choice. It gives them the flexibility they want so they can sit down with the boss and talk to the boss about their conditions. It gives them the ability to do the right thing and ensure their families are protected and not be dictated to by the union. It is important to ensure that does not happen. This is what this legislation is about. This is about flexibility. This is about choice. This is about giving workers an opportunity to better themselves by enabling them to talk to their employers, to be protected by minimum award standards and to do better things for themselves.

There is nothing wrong with that. The part-time Minister for Industrial Relations, part-time Minister for Planning and part-time Attorney-General was in here — he has never had a full-time job in his life and nothing is different here. He is a paid member of Parliament and he does not have a full-time job. He comes in here trying to dictate terms to this Parliament, the people of Victoria and the workers of Victoria. The workers of Victoria do not believe a word the minister says. Why would they? He has misled them for years now. He has never done a good thing for people as the part-time Minister for Industrial Relations. He has not done one thing.

We saw the campaign run on the television. Even before the legislation was put in place we had these people on TV. They were workers from Corowa, I think it was — from the abattoir in New South Wales — complaining that — —

Mr Andrews — Cowra.

Mr SMITH — Cowra? Righto. We had these workers from Cowra saying they had lost their jobs because of this new legislation. Even before the legislation was brought in we had these office workers saying they would have to go in to work. In the end the

industrial advocates and the people who were looking at those things found out they were lying — they were not telling the truth. They had not lost their jobs because of WorkChoices, they had lost their jobs —

Honourable members interjecting.

Mr SMITH — They were not telling the truth!

Mr Jenkins interjected.

Mr SMITH — The member for Morwell or Moe or wherever he is from does not really know.

The ACTING SPEAKER (Ms Lindell) — Order! The member for Morwell will cease interjecting. The member for Bass will cease commenting on the interjections, which are unruly.

Mr SMITH — We still have the Australian Council of Trade Unions using this Parliament to try to promote anti-WorkChoices motions. It is trying to promote no choice for the worker. It is trying to promote no flexibility for the worker in the workplace to negotiate on his or her behalf, to be able to have some say in their future and that of their family and their children by saying what sort of job they want, what hours they want to work, what conditions they want. They will not have a choice with the unions — it will be dictated to them. It will be dictated to them by the unions if this minister has his way and this motion is passed.

Let us see the minister try to turn this motion into legislation. He will not. He comes in here and puts this mealy-mouthed motion to the house thinking he will walk over us. There may only be 17 members of the opposition, but we have the guts to stand up for the people. We have the guts to stand up for the workers of Victoria and give them choices and flexibility. We stand for a fair go here in this Parliament. We stand to give these people a choice. We stand to let John Howard's WorkChoices legislation work for the workers here in Victoria. We think we should. We think it is right that we stand up. We will not be bullied. We will not be bullied by the union boy who sits here, the part-time minister for whatever he is doing. We do not want to allow the workers of Victoria to be bullied by the unions any longer. We will not allow it to happen.

WorkChoices gives a worker the right, if he wants, to call his union in to dictate to him — he can do that.

An honourable member — Dictate?

Mr SMITH — That is what the unions do, they have been doing it for years. They got themselves into a powerful position once because they dictated the terms.

Mr Kotsiras interjected.

Mr SMITH — I am so pleased that my colleague sitting beside me reminded me of something I wrote down that I want to mention. In my excitement I forgot to talk about all the good things we are actually doing for the workers of Victoria. You only have to remember back to the royal commission held into the building industry. We know this government and some of the people in it support the troglodytes from Trades Hall, the ones who used to go out onto sites and bully the workers and employers. We know all about the brown paper bags that they used to get paid from, and we know about the cash so there could not be a paper trail.

The member for Bentleigh may laugh, but it is true. He would not know. He has never been in the real world and never employed anybody, so he would not know what sort of power the trade unions have on building sites. You only need see the people out the front of Parliament House who are protesting about something or another. Have a look at them all. Most of them are building union workers who have been pulled off sites around Melbourne or bussed in from building sites around other parts of Victoria to stand out the front — and they expect the employer to pay their wages. We know that is what they do.

We want to be able to give those people some choice and allow them to have work choice. That is what the legislation is all about: we are trying to protect the choice of the workers. They are not going to be bullied and should not be bullied by the unions that this government represents. The people who come from Trades Hall are the bullyboys. Members should go and have a look at them. Go onto a building site and see how they treat workers. They do not care about their conditions; they just want to have people there who are paying their union fees and who are being forced to be in the union.

The signs — 'No ticket, no start' — are still on the fences around building sites, although it is illegal to have that policy. Why are they allowing it? Because the employers are being bullied. The developers are being bullied and being told, 'If you do not do it, we are going to stop your job, and it is going to cost you money'. The unions themselves know how much profit is in any of those jobs and they know how much they can bully the developers until there is nothing left for them. That is why sites go broke. That is why we have seen a number

of developers go broke — because of the bullyboys from the union.

We are trying to bring back some choice for the workers of Victoria. We want to give them the right to sit down and discuss their future. That is what we are going to do; we are not going to have a bar of the sort of stuff that the part-time minister is trying to force on us. We are here for the workers and we will stand up for them. The government does not represent workers — we do!

Mr MERLINO (Monbulk) — On that extraordinary note, I rise to support this motion. I enjoy following the member for Bass, and it is important that we debate the opposition on this most significant of issues. It is important for this debate that we get on record what the Liberal opposition says and also what it has done. What it says shows that it is completely out of touch with the Victorian community and that it is incompetently trying to pull the wool over people's eyes. It is too gutless to say to the public what it is really about. What it has done shows it is fully supportive of the Howard government's WorkChoices legislation.

To begin I will quote comments by the Leader of the Opposition from a recent *Stateline* program. I will read a short passage. The journalist asked:

Do you detect a lot of unease, nervousness in the electorate about the government's IR shake-up?

The Leader of the Opposition responded:

I detect a lot of unease and nervousness about the state government but not about the IR issues at all.

After he was asked:

You don't detect any whatsoever?

He answered:

WorkChoices is about work and it's about choices.

That is what we get from the esteemed Leader of the Opposition. He went on to say:

I think, increasingly, people are understanding that they're not being forced to do anything.

Is that so? Tell the workers at Spotlight that a pay increase of 2 cents per hour in exchange for losing entitlements to penalty rates, rest breaks and overtime is a choice they have got. The 'choice' is to take or leave their job. In a time of increasing interest rates and high petrol prices there is concern in the community about the impact of WorkChoices and what will happen if we

have the sad situation of a federal Liberal government and a state Liberal government as well.

The spotlight is on the Leader of the Opposition, Mr Baillieu. One of the most insidious aspects of WorkChoices is the no-disadvantage test. The member for Murray Valley talks about commonsense and balance, and we hear about fairness from members of the opposition. The no-disadvantage test was the absolute key to fairness and balance. In a workplace you can negotiate an agreement, and that agreement could mean you could increase your base rate in exchange for greater flexibility in terms of working hours, rostering, penalty rates and overtime. That no-disadvantage principle has completely gone.

The only conditions that remain are the minimum hourly rate, 10 days sick leave, four weeks annual leave — two of which can be cashed out — unpaid parental leave and a maximum number of weekly hours. That can be averaged over the year, so for five or six months you could be working 50 or 60 hours a week with no overtime — that does not matter. Under the new system there is no no-disadvantage test. There is no safety net.

The member for Kew, on the Jon Faine radio program, recently said the political reality was that the public sector is probably one of the most unionised of all sectors in Victoria, and that in coming into government they did not want to create any great turmoil. The member said he recognised that they have to deal with the public sector and the unions, and that they look forward to doing so.

Jon Faine correctly pointed out that the member was shy of a fight. The opposition wants to avoid this fight over the next three and a half months, and Victorian families and the Labor Party will not let them get away with it.

What they say demonstrates how out of touch they are. They will say anything to avoid a debate on this issue. They know their intentions are unpopular, anti-Australian, and they are trying to hide. What they have done in government and in opposition clearly show how, if elected, they would work hand in glove with the Howard government to slash the rights and entitlements of working families.

The previous Liberal government, when the Leader of the Opposition was president of the party, abolished state awards and created a two-tier work force. We had workers under federal awards who had the protection of the safety net while schedule 1A workers received no penalty rates, no overtime and no rest breaks. Almost

10 years later, when this government introduced legislation to extend the award coverage to those 350 000 Victorian workers, the Liberal opposition voted against it.

The Liberals also voted against eight other pieces of legislation introduced by this government, aimed at improving the rights and entitlements of workers in this state. It is an absolute disgrace that they are not only rejecting the motion moved by the Minister for Industrial Relations but are in favour of what the Howard government is doing. We will expose the Liberal Party over the next three and a half months.

Mr LANGUILLER (Derrimut) — It gives me great pleasure to support the notice of motion moved by the Minister for Industrial Relations. I commend the minister and the government for taking additional measures which protect, as much as we can, working men and working women in Victoria.

As the member for Derrimut, which seat in the past was known as Sunshine, it is compelling that I refer to an important piece of history and tradition in the land. I refer to the Harvester judgment. Acting Speaker, you will recall that the Conciliation and Arbitration Act 1904 introduced the concept of ‘fair and reasonable’ wages, but did not define its meaning. It was up to the president of the Commonwealth Conciliation and Arbitration Court, Judge H. B. Higgins, to define the concept that referred to the conditions that Judge Higgins thought were appropriate, required and necessary for working men and working women. The judge used the argument as follows:

The provision for fair and reasonable remuneration is obviously designed for the benefit of the employees in the industry; and it must be meant to secure to them something which they cannot get by the ordinary system of individual bargaining with employers.

That is absolutely relevant to Judge Higgins at the time. I could not imagine that it would not be relevant today, in the 21st century. In referring to the judgment I feel proud that I represent an electorate where a significant judgment was brought down in the early part of the century with such vision and extraordinary meaning. It further states:

If Parliament meant that the condition shall be such as they can get by individual bargaining — if it meant that those conditions are to be fair and reasonable, which employees will accept and employers will give, in contracts of service — there would have been no need for this provision. The remuneration could safely have been left to the usual, but unequal, contest, the ‘higgling of the market’ for labour, with the pressure for bread on one side, and the pressure for profits on the other. The standard of ‘fair and reasonable’ must, therefore, be something else; and I cannot think of any other

standard appropriate than the normal needs of the average employee, regarded as a human being living in a civilised community.

It was a relevant judgment at the time and it remains relevant, particularly in this age. Many speakers today have referred to the industrial relations disaster started by the Howard government. But let me put on the record plainly and simply that my constituents, and constituents all around the state, ought to know that the Victorian opposition has rejected a range of reforms that the Bracks government has introduced, all of which have been aimed at protecting the rights and entitlements, quality of life and fair and reasonable conditions that working men and working women in Australia ought to remain entitled to arising from that wonderful judgment — the pride of not only Australia but the Western World.

The opposition rejected the Federal Awards (Uniform System) Act 2003, the Occupational Health and Safety Act 2004, the Outworkers (Improved Protection) (Amendment) Act 2005, the Child Employment Act 2003, the Owner Drivers and Forestry Contractors Act 2005, and many other bills the government introduced to ensure that the reasonable conditions of working men and working women are protected.

In conclusion, I remind my constituents and others in Victoria that it was Jeff Kennett’s government — a government that many opposite were associated with, when the Leader of the Opposition was president of the Liberal Party at that time — that in 1993 abolished comprehensive state awards and replaced them with similar minimums to those of the Howard government’s WorkChoices.

The Leader of the Opposition worked together with former Premier Jeff Kennett in doing away with the conditions of working men and working women. They ought to be ashamed of their actions. They should today support this good motion that will support the conditions of Victorians.

Dr SYKES (Benalla) — I rise to speak against the motion, and I draw on some experience going back in my working career. I see the need for what has been introduced by the federal government. It may not be perfect at the moment, but it is a hell of a step forward, and it will provide people with choice. I will give a couple of examples where absolutely crazy conditions were negotiated and productivity resulting from those conditions were appalling.

Mr Hudson — Negotiated, negotiated!

Dr SYKES — Negotiated by the standover and bullying tactics of senior union members with only their own interests at heart. I talk of the loading of sheep from the Portland port going back some years. There were situations where there was a need to load up to 100 000 sheep in one to one and a half days. The system would run like clockwork if there was a will to make it happen. You had people at the feedlot processing the animals and making sure they were fit to travel — and department of agriculture staff were involved in the process. You had contractors loading the animals onto trucks, taking them into the wharf and unloading them. Then in the chain you had the wharfies, who I will come back to, and the ship's crew, who worked extremely hard loading the sheep onto the ship. It was a very well-oiled machine.

When the wharfies wanted to cooperate, it went extremely well. Unfortunately the weak link in the chain was the wharfies. One day I watched a whole shift where the two or more members on the deck did not get off their backsides for the whole 8 hours of their shift, so they made no contribution to the productivity and the process. It got even worse than that. If they chose to obstruct, they would place themselves in the wrong position so the sheep would not load. Another crazy arrangement was that at knock-off time there was a simultaneous knock off across the whole process so that the sheep at the top of this seven-storey high ship would be left so they unloaded themselves during the smoko.

What was even worse was that, on top of serious productivity problems, this created animal welfare problems. One stinking hot day down there the wharfies refused to start up again after the lunchbreak, and sheep were left dying on the trucks due to heat exhaustion. Eventually cartage contractors who were concerned about the welfare of the sheep crossed the industrial line, unloaded the sheep and minimised the number of deaths. That is an example of where the arrangements that were in place resulted in abuses of power and low productivity. It was totally unacceptable, because there was one weak link in the chain whereas there were about five other links in the chain where the workers were working extremely hard and were concerned about achieving the outcome that was in the interest of the business and the wellbeing of the sheep.

More recently there was another example of an abuse of power. It related to a situation in my electorate in which a large business had a fire and it was necessary to put off a number of people for a number of months until the business was restarted. Three issues came up: firstly, getting people back to work in the long term;

secondly, the importance of redundancy payments in the event that some were not going to come back to work; and thirdly, and of acute importance, ensuring that the affected workers had money to put food on the table for their families.

Unfortunately a drawn-out dispute emerged, the focus of which seemed to be on the redundancy payments at the expense of the immediate wellbeing of the workers and their families. I sat down with the workers, and I was appalled at the stress that was being imposed on them by this stalemate. I managed to encourage management to incorporate redundancy payments into their thinking. I thought I had the union agreeing to that and, that being the case, that the redundancy issue could be pushed aside and separated from the here-and-now issue of food on the plate for the families affected and the removal of the emotional and financial stress. Unfortunately the union management in Melbourne renege on that deal. They refused to cooperate and, to truncate the story, the workers were put through another three or four months of emotional and financial stress because the union bullyboys in Melbourne renege on a deal that had been worked out between workers and management at the establishment.

Having made those remarks, let me say that I see the need for the WorkChoices legislation. The issues will be worked through. Workers and employers will be better off, and we will have a more prosperous national economy. Therefore I will be strongly supporting The Nationals position of voting against the motion.

Mr HUDSON (Bentleigh) — It is a great pleasure to speak briefly in support of this motion. WorkChoices is the biggest attack on the wages and conditions of workers in the last century. It is designed to completely strip away the award wages and conditions of workers and to force them onto individual contracts. That is what it is about. It is not about the issue of choice; it is about driving down wages and driving down conditions.

The Leader of the Opposition can come in here and talk about choice all he likes, but when you have a look at what is happening in businesses which employ fewer than 100 people, are the people who are dismissed going to have any legal protections or choice? They are not. They will be thrown on the scrap heap at the whim of the employer. Workers are threatened with dismissal if they do not sign Australian workplace agreements (AWAs), which remove weekend and public holiday rates. This is not a choice. Some security guards have been sacked for not signing AWAs and only got their jobs back because they finally signed the agreements. They were not given a choice. Then there is Max

Norman, who was sacked from his job as a dairy worker in regional Victoria after he refused to sign an AWA, an individual contract that would have forced him to work weekends and cut his take home pay. He was not given a choice.

Let us have a look at what is happening at Telstra, which is still in majority public ownership and one of our biggest companies, and the tactics that are being used to force people onto AWAs. New employees are offered employment only if they accept an AWA. Managers offer promotions or transfers within Telstra in AWA positions. Employees who have gone through restructuring processes are offered only AWA positions, and extensive salary packaging options on top of superannuation are offered only to AWA employees. Finally, Telstra's performance bonuses for managers are measured on the basis of the number of AWAs they sign their staff up to. This is not about choice at all. It is about, 'Take it or leave it'. That is what it is about. Losing overtime, sick leave, long service leave and penalty rates is not about choice. This is not some friendly discussion that is occurring around the table about whether or not you want to choose an award or an AWA. It is about forcing people onto AWAs and driving wages down.

As part of this, of course, the other thing that is going on is forcing people on disability support pensions and sole parents onto Newstart allowances under which they will receive \$50 a week less than what they are getting. Why is the Howard government giving them that so-called choice? It is because in order to drive down wages you also have to drive down social security payments. In order to be able to force people into these jobs, you have to say to people who are disabled or sole parents, 'You must take work, or you will lose your Newstart allowance'. That is what this is all about. It is about forcing people to take substandard jobs at substandard pay, and forcing pay down in order to reduce labour costs for employers. That is not any choice for employees; it is only a choice for the bosses and not something the community will accept.

Ms BUCHANAN (Hastings) — I rise to speak briefly in support of this motion. The core issue of this motion is about fairness in Australian workplaces, fairness in the Australian society and about the Liberal Party's attack on that very fundamental sense of fairness. It is not about a fair day's pay for a fair day's work. Australian workers and businesses want nothing more and nothing less. They want a sense of security and a sense of being protected.

I call on the Leader of the Opposition to be my guest. I invite him to come to the Hastings electorate for a

day — to the townships of Pearcedale, Hastings, Somerville, Langwarrin and Tooradin — and talk with the workers and businesses and explain to them why he supported nine bills that attack their rights at work and their occupational health and safety entitlements. He could explain to them why he does not want a workplace rights advocate. I would like him to come and see them face to face, if he is game to. I will draw him a map so he will know how to get to Hastings. I want him to come to my electorate and talk to the workers about what his support of the federal government and WorkChoices is actually doing and how it is hurting my constituents in that area. Someone else mentioned the issue of how the opposition is supporting this welfare-to-work stuff. In my electorate it is known as welfare to slavery. If you combine it with WorkChoices, that is what people will be given — no entitlement, reduced wages and no job security whatsoever. I challenge the Leader of the Opposition to come to my electorate.

Not one Liberal in my local area has supported WorkChoices publicly. They have not been game to go to the local papers and talk about it. They do not want to be associated with this nasty legislation. They know that it will hurt working families, so they think that if they say nothing it will go away. It will not. The injustice of this law that they support through their silence will condemn them. Over time they will be renowned for the introduction of two of the most insidious and feared words in the Australian workplace vocabulary: operational requirements. I support this motion.

Mr TREZISE (Geelong) — I am not only pleased but proud to be speaking in support of the motion put by the Minister for Industrial Relations earlier today. Of course this motion is in answer to the despicable so-called WorkChoices industrial relations law passed by the Howard government earlier this year. It is not surprising to hear the Liberal Party and The Nationals in Victoria wholeheartedly support this attack on workers' rights. It is not surprising that members of the Liberal Party and The Nationals are prepared to support the attack on workers' rights, because in the seven years I have been in this Parliament not once has the Liberal Party or The Nationals supported any of the legislation that was looking to support employees, their rights, conditions and welfare. Not once in the last seven years have I seen the Liberals or The Nationals stand up for workers' rights. Today we have heard the Liberals and The Nationals spruik the virtues of so-called choice.

As the father of two teenage daughters, one of whom is looking to enter the work force for the first time, I can assure this house that the only choice she has is to take

it or leave it. Like most people who are especially vulnerable, workers who are industrially weak have absolutely no power and no choice whatsoever. The only choice they have, as we have said, is to take it or leave it.

Recently a lady who had been sacked by her employer on the Surf Coast approached me. What choice did she have? She had been a very reliable and conscientious employee for many years. She was one of those employees who hardly had a sick day in the seven or eight years she was employed. But at the whim of her employer, under the supposed guise of restructuring, she was sacked without notice. She was called into the boss's office and sacked, asked to clear her desk and leave. She had no choice, and it has destroyed her and her family.

John Howard's WorkCover legislation is a disgrace. It has one goal — that is, to drive down the conditions and the rights of ordinary Australian workers. I am very pleased and proud to be supporting this motion today.

Ms BEATTIE (Yuroke) — I support this motion. I have always been under the impression that if it has four legs, barks and wags its tail, it is a dog. This is a dog of legislation; it absolutely disgraceful. There are others who want to make a brief contribution, but I have to say from where I sit that I have seen the way the shadow Minister for Industrial Relations talks with the member for Hawthorn, who is now the leader. Every time there has been a vote, they have gone to the whip, and the whip has said how many individual votes there were.

Every time legislation came into this place — it totalled nine pieces of legislation that affected workers' rights — the member for Hawthorn sat there, whispered to the member for Kew, who then whispered to his whip and said, 'I do not support that legislation'. He did that nine times, so he cannot walk away from this. There is no work choice — it is a matter of take it or leave it. Ask any 16-year-old, ask the person I know who has been told their wages are being cut by one-third. Ask them whether their bank will take two-thirds of the due mortgage payments, or whether the electricity company will take two-thirds of the amount owing on their bill. No, they will not. As I said, this is a dog of legislation. The opposition should be ashamed for its support of WorkChoices.

Ms CAMPBELL (Pascoe Vale) — I am really looking forward to the debate that is going to take place in the Pascoe Vale electorate when the election campaign gets under way, and I am ready to fight it on industrial relations. We are really proud of the state

legislation that protects workers. We abhor what is happening in the federal industrial relations system. Workers deserve the recognition that their work has human dignity.

This federal legislation undermines the dignity of the human person, and it undermines the dignity of their work. People who want to raise a family need to be protected by their industrial relations system. People who want to purchase a house need to be protected through the industrial relations system. People who are injured at work have to be protected by the industrial relations system. The federal industrial relations system does not do that.

When any legislation has been put before this house by the Bracks Labor government, the opposition has individually and significantly voted against it. Bring on the election, and bring on the industrial relations debate!

Mr NARDELLA (Melton) — I am going to be very brief and say that the subject matter of this motion is very serious, because it highlights the appalling situation that the opposition is in. One moment it says it is going to protect public servants; this motion before the house says to the Victorian community that that is not the case. The opposition is trying to pull the wool over people's eyes. They are trying to be on the left, when in actual fact they are on the extreme right, along with the Howard Liberal government in Canberra.

I pity their position, because if they were honest with themselves and honest with the Victorian community, they would just go out there and put their position very clearly and very honestly. I think it is a very sad day for the Liberal Party when it tries to straddle the fence. Members know what happens when anyone tries to straddle a barbed wire fence!

Mr KOTSIRAS (Bulleen) — I was not going to speak to the motion, but unfortunately it is very disappointing because this motion does nothing for workers. What it does is give more power and strength to the union movement.

This government is a puppet of the union movement. We have heard over many years how money has been put back into the ALP just so it can fight the next campaign. It has nothing to do with workers. These people do not care about workers. The federal legislation is about choices, but the Victorian ALP wants the unions to control workers, and it wants to control the unions.

Ms Duncan interjected.

Mr KOTSIRAS — You have no idea. As long as you get paid, you do not care about the workers. The Labor Party has never cared about workers.

The ACTING SPEAKER (Ms Lindell) — Order! The member for Bulleen will make his comments through the Chair. The member for Macedon will stop interjecting.

Mr KOTSIRAS — Without even talking about the employers, employees have a right to work, to open up a business, but members on the other side only want to provide more money and more strength to the union movement. It is disappointing and a shame that they come in here and support this motion simply to score cheap political points — nothing more! It has nothing to do with workers. It is just to score cheap political points. The people of Victoria will see this for what it is — a cheap shot.

Ms DUNCAN (Macedon) — I am pleased to support this motion. We hear from the Liberal opposition that it supports workers, which is probably right on an individual basis, but they absolutely do not support any collective action on an employee's part.

Employers can be organised and can act in a collective way, and we support that very strongly, but when it comes to workers, they are on their own — make no mistake about it. Do not listen to what the Liberal opposition in Victoria says. Look at what it does, and look at how it votes.

Mr HELPER (Ripon) — I strongly support this motion, which clearly demonstrates the difference between those opposite and the government. It does so on the basis that we stand for fairness and they stand for nothing.

Business interrupted pursuant to standing orders.

The ACTING SPEAKER (Ms Lindell) — Order! The time set down for consideration of items on the government business program has arrived.

VICTORIAN RENEWABLE ENERGY BILL

Second reading

Debate resumed from 9 August; motion of Mr THWAITES (Minister for Environment).

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

That this bill be now read a second time, that circulated government amendments 1 to 8 be agreed to and that the bill be now read a third time.

House divided on question:

Ayes, 57

Allan, Ms	Ingram, Mr
Andrews, Mr	Jenkins, Mr
Barker, Ms	Kosky, Ms
Batchelor, Mr	Langdon, Mr
Beard, Ms	Languiller, Mr
Beattie, Ms	Leighton, Mr
Bracks, Mr	Lim, Mr
Brumby, Mr	Lindell, Ms
Buchanan, Ms	Lobato, Ms
Cameron, Mr	Lockwood, Mr
Campbell, Ms	Lupton, Mr
Carli, Mr	McTaggart, Ms
Crutchfield, Mr	Marshall, Ms
D'Ambrosio, Ms	Maxfield, Mr
Delahunty, Ms	Merlino, Mr
Donnellan, Mr	Mildenhall, Mr
Duncan, Ms	Morand, Ms
Eckstein, Ms	Nardella, Mr
Garbutt, Ms	Neville, Ms
Green, Ms	Overington, Ms
Haermeyer, Mr	Pandazopoulos, Mr
Hardman, Mr	Pike, Ms
Harkness, Dr	Seitz, Mr
Helper, Mr	Stensholt, Mr
Herbert, Mr	Thwaites, Mr
Holding, Mr	Trezise, Mr
Howard, Mr	Wilson, Mr
Hudson, Mr	Wynne, Mr
Hulls, Mr	

Noes, 25

Asher, Ms	Napthine, Dr
Baillieu, Mr	Perton, Mr
Clark, Mr	Plowman, Mr
Cooper, Mr	Powell, Mrs
Delahunty, Mr	Ryan, Mr
Dixon, Mr	Savage, Mr
Doyle, Mr	Shardey, Mrs
Honeywood, Mr	Smith, Mr
Jasper, Mr	Sykes, Dr
Kotsiras, Mr	Thompson, Mr
McIntosh, Mr	Walsh, Mr
Maughan, Mr	Wells, Mr
Mulder, Mr	

Question agreed to.

Read second time.

Circulated amendments

Circulated government amendments as follows agreed to:

1. Clause 8, line 18, after "9(2)" insert "or 9(3)".
2. Clause 37, lines 23 to 25, omit all words and expressions on these lines and insert —

“No certificates can be created under —

- (a) Subdivision 1 in respect of electricity generated; or
- (b) Subdivision 2 in respect of a small generation unit installed —

on or after 1 January 2031.”.

- 3. Clause 56, omit this clause.
- 4. Heading to clause 57, omit “**Governor in Council may specify certain acquisitions of electricity to be**” and insert “**Specification of standard scheme acquisitions and notional scheme acquisitions as**”.
- 5. Clause 57, lines 30 to 31, omit “an acquisition of electricity for use in Victoria” and insert “a standard scheme acquisition or a notional scheme acquisition”.
- 6. Clause 57, page 43, line 1, omit “an acquisition of electricity” and insert “a standard scheme acquisition”.
- 7. Clause 57, page 43, after line 9 insert —
 - “() In specifying a notional scheme acquisition under an Order under sub-section (1), the Governor in Council may specify it by reference to —
 - (a) a person or body that generates electricity for use by them in Victoria; or
 - (b) a class of persons or bodies the members of which each generate electricity for use by themselves in Victoria.”.

NEW CLAUSE

- 8. Insert the following new clause to follow clause 55 —

‘AA. What is an “excluded acquisition”?’

An excluded acquisition is —

- (a) an acquisition of electricity under which the electricity that is acquired is later acquired by NEMMCO or a person or body specified by the ESC rules; or
- (b) a standard scheme acquisition or a notional scheme acquisition specified by Order under section 57.’.

Remaining stages

Passed remaining stages.

VICTIMS' CHARTER BILL

Second reading

Debate resumed from 8 August; motion of Mr HULLS (Attorney-General); and Mr McINTOSH's amendment:

That all the words after ‘That’ be omitted with the view of inserting in their place the words ‘this house refuses to read this bill a second time until victims of crime groups, the Sentencing Advisory Council and the adult parole board are consulted with a view to enabling victims of crime to be notified and have the opportunity of making a submission to the adult parole board prior to releasing any prisoner on home detention’.

The DEPUTY SPEAKER — Order! The question is:

That the words proposed to be omitted stand part of the motion.

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

Ayes, 56

- | | |
|-----------------|-------------------|
| Allan, Ms | Hulls, Mr |
| Andrews, Mr | Jenkins, Mr |
| Barker, Ms | Kosky, Ms |
| Batchelor, Mr | Langdon, Mr |
| Beard, Ms | Languiller, Mr |
| Beattie, Ms | Leighton, Mr |
| Bracks, Mr | Lim, Mr |
| Brumby, Mr | Lindell, Ms |
| Buchanan, Ms | Lobato, Ms |
| Cameron, Mr | Lockwood, Mr |
| Campbell, Ms | Lupton, Mr |
| Carli, Mr | McTaggart, Ms |
| Crutchfield, Mr | Marshall, Ms |
| D’Ambrosio, Ms | Maxfield, Mr |
| Delahunty, Ms | Merlino, Mr |
| Donnellan, Mr | Mildenhall, Mr |
| Duncan, Ms | Morand, Ms |
| Eckstein, Ms | Nardella, Mr |
| Garbutt, Ms | Neville, Ms |
| Green, Ms | Overington, Ms |
| Haermeyer, Mr | Pandazopoulos, Mr |
| Hardman, Mr | Pike, Ms |
| Harkness, Dr | Seitz, Mr |
| Helper, Mr | Stensholt, Mr |
| Herbert, Mr | Thwaites, Mr |
| Holding, Mr | Trezise, Mr |
| Howard, Mr | Wilson, Mr |
| Hudson, Mr | Wynne, Mr |

Noes, 26

- | | |
|---------------|--------------|
| Asher, Ms | Mulder, Mr |
| Baillieu, Mr | Napthine, Dr |
| Clark, Mr | Perton, Mr |
| Cooper, Mr | Plowman, Mr |
| Delahunty, Mr | Powell, Mrs |
| Dixon, Mr | Ryan, Mr |
| Doyle, Mr | Savage, Mr |
| Honeywood, Mr | Shardey, Mrs |
| Ingram, Mr | Smith, Mr |
| Jasper, Mr | Sykes, Dr |
| Kotsiras, Mr | Thompson, Mr |
| McIntosh, Mr | Walsh, Mr |
| Maughan, Mr | Wells, Mr |

Amendment defeated.

Motion agreed to.**Read second time.***Remaining stages***Passed remaining stages.****ENVIRONMENT PROTECTION
(AMENDMENT) BILL***Second reading***Debate resumed from 9 August; motion of
Mr THWAITES (Minister for Environment); and
Mr WALSH's amendment:**

That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until the government decides on long-term plans to accommodate the disposal of all forms of industrial waste'.

The DEPUTY SPEAKER — Order! The question is:

That the words proposed to be omitted stand part of the motion.

Those supporting the reasoned amendment moved by the member for Swan Hill should vote no.

House divided on omission (members in favour vote no):*Ayes, 56*

Allan, Ms	Hulls, Mr
Andrews, Mr	Jenkins, Mr
Barker, Ms	Kosky, Ms
Batchelor, Mr	Langdon, Mr
Beard, Ms	Languiller, Mr
Beattie, Ms	Leighton, Mr
Bracks, Mr	Lim, Mr
Brumby, Mr	Lindell, Ms
Buchanan, Ms	Lobato, Ms
Cameron, Mr	Lockwood, Mr
Campbell, Ms	Lupton, Mr
Carli, Mr	McTaggart, Ms
Crutchfield, Mr	Marshall, Ms
D'Ambrosio, Ms	Maxfield, Mr
Delahunty, Ms	Merlino, Mr
Donnellan, Mr	Mildenhall, Mr
Duncan, Ms	Morand, Ms
Eckstein, Ms	Nardella, Mr
Garbutt, Ms	Neville, Ms
Green, Ms	Overington, Ms
Haermeyer, Mr	Pandazopoulos, Mr
Hardman, Mr	Pike, Ms
Harkness, Dr	Seitz, Mr
Helper, Mr	Stensholt, Mr
Herbert, Mr	Thwaites, Mr
Holding, Mr	Trezise, Mr
Howard, Mr	Wilson, Mr

Hudson, Mr

Wynne, Mr

Noes, 26

Asher, Ms	Mulder, Mr
Baillieu, Mr	Naphthine, Dr
Clark, Mr	Perton, Mr
Cooper, Mr	Plowman, Mr
Delahunty, Mr	Powell, Mrs
Dixon, Mr	Ryan, Mr
Doyle, Mr	Savage, Mr
Honeywood, Mr	Shardey, Mrs
Ingram, Mr	Smith, Mr
Jasper, Mr	Sykes, Dr
Kotsiras, Mr	Thompson, Mr
McIntosh, Mr	Walsh, Mr
Maughan, Mr	Wells, Mr

Amendment defeated.**House divided on motion:***Ayes, 74*

Allan, Ms	Jenkins, Mr
Andrews, Mr	Kosky, Ms
Asher, Ms	Kotsiras, Mr
Baillieu, Mr	Langdon, Mr
Barker, Ms	Languiller, Mr
Batchelor, Mr	Leighton, Mr
Beard, Ms	Lim, Mr
Beattie, Ms	Lindell, Ms
Bracks, Mr	Lobato, Ms
Brumby, Mr	Lockwood, Mr
Buchanan, Ms	Lupton, Mr
Cameron, Mr	McIntosh, Mr
Campbell, Ms	McTaggart, Ms
Carli, Mr	Marshall, Ms
Clark, Mr	Maxfield, Mr
Cooper, Mr	Merlino, Mr
Crutchfield, Mr	Mildenhall, Mr
D'Ambrosio, Ms	Morand, Ms
Delahunty, Ms	Mulder, Mr
Dixon, Mr	Naphthine, Dr
Donnellan, Mr	Nardella, Mr
Doyle, Mr	Neville, Ms
Duncan, Ms	Overington, Ms
Eckstein, Ms	Pandazopoulos, Mr
Garbutt, Ms	Perton, Mr
Green, Ms	Pike, Ms
Haermeyer, Mr	Plowman, Mr
Hardman, Mr	Seitz, Mr
Harkness, Dr	Shardey, Mrs
Helper, Mr	Smith, Mr
Herbert, Mr	Stensholt, Mr
Holding, Mr	Thompson, Mr
Honeywood, Mr	Thwaites, Mr
Howard, Mr	Trezise, Mr
Hudson, Mr	Wells, Mr
Hulls, Mr	Wilson, Mr
Ingram, Mr	Wynne, Mr

Noes, 8

Delahunty, Mr	Ryan, Mr
Jasper, Mr	Savage, Mr
Maughan, Mr	Sykes, Dr
Powell, Mrs	Walsh, Mr

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

INDUSTRIAL RELATIONS: WORKCHOICES

Debate resumed.

Mr HULLS (Minister for Industrial Relations) — This has been a very important debate because, after months and months of prevarication, after trying to saunter through to the next election without a policy and without an idea, the Leader of the Opposition has finally been exposed on industrial relations. Today the rats have finally been flushed out from the rafters, and I have to say it is not a pretty sight!

The shadow industrial relations (IR) spokesperson has indeed finally uncovered the ruse of the Leader of the Opposition. The shadow IR spokesperson has put on the record today the position of the Liberal Party on industrial relations. As the honourable member for Prahran quite rightly said, the position of members of the opposition today — although it might change tomorrow; we are not sure — is that they stand shoulder to shoulder with the Prime Minister, John Howard, on industrial relations. That is their position, and indeed that is the message we want them to get out there in the lead-up to the campaign, and it is certainly the message we will get out there on their behalf, that they stand shoulder to shoulder with John Howard in relation to industrial relations. What a disgrace they are!

We will certainly help them sell their message; we will certainly help them put out media releases and sell the message in relation to that matter. The fact is that they have chosen wage cuts; they cannot any longer pretend to stand for Victorian workers; they cannot any longer pretend to stand up for Victorian families. They indeed cannot pretend to stand for a safety net for decent minimum wages; after today they cannot pretend to stand up for a fair go. So what do they stand for?

An honourable member interjected.

Mr HULLS — It is a good question because it is only Thursday, so who knows? But on Thursday, 10 August, what they stand for is John Howard's industrial relations nightmare. They keep saying, 'The proof is in the pudding, because 800 000 people have

signed up to AWAs', as though that is some vindication of Australian workplace agreements.

I will put that into perspective: AWAs cover less than 2.4 per cent of workers, according to Australian Bureau of Statistics data. Decent businesses — that is, the overwhelming majority of businesses — have made a choice, and they have turned their backs on AWAs. Unlike those opposite, businesses have chosen decent wages and decent employment conditions over Third World conditions. They have turned their backs on AWAs.

What WorkChoices is doing, and what those opposite are doing, is indeed encouraging those unscrupulous employers to embrace the low road of low wages. That is the reality. They are trying to force good businesses down to their level of mean-spiritedness, a dog-eat-dog world of cheap exploitation and indeed job insecurity. In their defence, the shadow minister keeps repeating the mantra of his current leader — that is, that they stand for choice. 'What's wrong with choice?', he keeps saying. Clearly, he has either not read or not understood what WorkChoices is about. The fact is he has no idea what is happening out there in the real world or about the reality for ordinary working families.

What choice does an ordinary family have when the breadwinner is sacked under WorkChoices? Can they choose to go to an independent umpire to get justice, to get some redress? The fact is there is no choice. What choice does an ordinary family have when wages and penalties and allowances are cut? Can they choose not to pay their mortgage and not to pay their bills? Can they choose not to send their kids off to school? Of course not. There is no choice!

The fact is that in about 2 minutes the Leader of the Opposition does have a choice. In his contribution today he chose, it appears, John Howard's industrial relations zealotry. It appears that he has decided to support wage cuts and job insecurity. The Leader of the Opposition appears to have told Victorian working families that they can take a job on tip-jar style wages or indeed if they do not choose to take that, they can take the unemployment queue.

My view, and the view on this side of the house, is that the Leader of the Opposition needs to choose whether he is a Liberal first or a Victorian first. That is the reality. He can either be a sycophantic Howard lapdog or a real leader who is prepared to stand up for Victorian working families. We will find out what his choice is in about 1 minute, when these bells ring. He can either show Victorians that he is a flip-flop man or

show them that he is a man of conviction and substance.

This motion is pretty straightforward. It is all about decent terms of employment, and it is all about a fair go for Victorian working families. Let us see whether the Leader of the Opposition is fair dinkum about showing that he understands ordinary working families or whether he is nothing more than a John Howard industrial relations zealot. I commend this motion to the house.

House divided on motion:

Ayes, 58

Allan, Ms	Jenkins, Mr
Andrews, Mr	Kosky, Ms
Barker, Ms	Langdon, Mr
Batchelor, Mr	Languiller, Mr
Beard, Ms	Leighton, Mr
Beattie, Ms	Lim, Mr
Bracks, Mr	Lindell, Ms
Brumby, Mr	Lobato, Ms
Buchanan, Ms	Lockwood, Mr
Cameron, Mr	Loney, Mr
Campbell, Ms	Lupton, Mr
Carli, Mr	McTaggart, Ms
Crutchfield, Mr	Marshall, Ms
D'Ambrosio, Mr	Maxfield, Mr
Delahunty, Ms	Merlino, Mr
Donnellan, Mr	Mildenhall, Mr
Duncan, Ms	Morand, Ms
Eckstein, Ms	Nardella, Mr
Garbutt, Ms	Neville, Ms
Green, Ms	Overington, Ms
Haermeyer, Mr	Pandazopoulos, Mr
Hardman, Mr	Pike, Ms
Harkness, Dr	Savage, Mr
Helper, Mr	Seitz, Mr
Herbert, Mr	Stensholt, Mr
Holding, Mr	Thwaites, Mr
Howard, Mr	Trezise, Mr
Hudson, Mr	Wilson, Mr
Hulls, Mr	Wynne, Mr

Noes, 25

Asher, Ms	Mulder, Mr
Baillieu, Mr	Naphthine, Dr
Clark, Mr	Perton, Mr
Cooper, Mr	Plowman, Mr
Delahunty, Mr	Powell, Mrs
Dixon, Mr	Ryan, Mr
Doyle, Mr	Shardey, Mrs
Honeywood, Mr	Smith, Mr
Ingram, Mr	Sykes, Dr
Jasper, Mr	Thompson, Mr
Kotsiras, Mr	Walsh, Mr
McIntosh, Mr	Wells, Mr
Maughan, Mr	

Motion agreed to.

CRIMES (SEXUAL OFFENCES) (FURTHER AMENDMENT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

This bill is the second bill to be introduced by the Bracks government in response to the hard-hitting findings of the Victoria Law Reform Commission's *Final Report — Sexual Offences Law and Procedure*. In its report the commission found that there is a high incidence of sexual assault, a low disclosure rate, serious health consequences for victims of sexual assault, relatively low prosecution and conviction rates and a criminal justice response that, in many cases, causes further trauma to victims.

The commission proposed a large number of wide-ranging recommendations in recognition of the need for a broad systemic response to the problem of dealing with sexual assault. Approximately half of the commission's recommendations were legislative, and this bill implements the majority of the outstanding legislative recommendations. These legislative changes represent one component of a broader policy initiative to make the criminal justice system respond to sexual assault in a fairer way and in a way that does not retraumatise victims.

Amendments to jury warnings regarding delay

The current law in the Crimes Act 1958 in relation to jury warnings in sexual offence cases was designed to reflect the reality that many sexual offence victims delay reporting the offence. The Crimes Act provides that a judge must not warn or suggest to the jury that the law regards complainants in sexual offence cases as an unreliable class of witness. The Crimes Act also provides that if delay in reporting the offence is raised as an issue in the trial, the judge must tell the jury that there may be good reasons for such delay.

Despite the intent of these provisions, the High Court has said that they do not prevent a trial judge from commenting that a delay in reporting a sexual assault could affect the credibility of the complainant. This was developed in the case of *Crofts v. R* and is known as a Crofts warning. This means that in certain sexual assault cases where there has been a delay in reporting, the judge may be required to give conflicting instructions to a jury. On the one hand the judge must not warn or suggest to the jury that the law regards complainants as an unreliable class of witness, yet on the other hand they are obliged by law to comment that

a delay in reporting affects the credibility of the complainant.

The High Court has also held that the law does not remove the need to warn juries about the effect of delay on the ability of the accused to put forward a defence. This law was developed in the case of *R v. Longman* and is known as a Longman warning. The warning advises the jury in sexual offence cases that by reason of delay it would be 'unsafe or dangerous' to convict on the uncorroborated evidence of the complainant alone.

The Victorian Law Reform Commission found that the purpose of the current legislative provisions is being undermined by these common-law warnings. The statutory directions and the common-law directions appear to contradict each other and consequently cause confusion for juries.

It has also been found that the widespread use of these warnings serves to perpetuate outdated assumptions surrounding female victims of sexual assault — in particular that women lie about rape and are therefore unreliable witnesses.

The new provisions will ensure that such warnings will be restricted to cases where a request has been made for such a warning by the accused and the court is satisfied that the accused has in fact suffered some significant forensic disadvantage due to a delay in reporting.

The mere passage of time will not necessarily establish a significant forensic disadvantage, and the judge may refuse to give the warning if there are good reasons for doing so.

These amendments address concerns that these warnings are being given routinely in cases involving increasingly shorter periods of delay and in circumstances where they had not been requested.

No particular form of words will need be used when giving the warning, but the judge must not suggest that it would be 'dangerous or unsafe to convict' the accused because of any demonstrated forensic disadvantage. This form of words, which has been routinely used in the past, has the potential to be interpreted by juries as a direction to acquit the accused and, ultimately, to usurp the jury's function in evaluating evidence. For these reasons this form of words will be prohibited.

Giving evidence via alternative arrangements

As the commission found, the adversarial nature of the criminal justice process makes giving evidence a difficult process for most witnesses in criminal trials,

and the experience is particularly daunting for complainants in sexual offence cases because of the nature of the offence and the intimate matters on which they are likely to be questioned. The provisions in this bill strike an appropriate balance between ensuring a fair trial for an accused and protecting the interests of complainants.

The bill will amend the Evidence Act 1958 to create a right for complainants in sexual assault cases to give their evidence to the court through alternative arrangements that do not require them to be in the same room as the accused person, instead allowing them to be seen and heard via closed-circuit television. Although these alternative arrangements for giving evidence have previously been available to victims, they are rarely used. These changes will ensure that these arrangements are available to a complainant as of right and will make the use of such arrangements more routine.

The new provision will still allow the prosecution to apply for an order that the complainant give evidence in the courtroom. However, before a court can make such an order it must be satisfied that the complainant is aware of his or her right to give evidence by way of closed-circuit television and that the complainant is able and wishes to give evidence in the courtroom.

Where a complainant does give evidence in court, the court will be required to direct that a screen be used to remove the accused from their direct line of vision unless the court is satisfied that the complainant does not wish a screen to be used for this purpose.

This legislation will also create a right for a complainant to have a person of their choice beside them for the purpose of providing emotional support while they are giving evidence, whether or not they give evidence by closed-circuit television.

The amendments will ensure that where the court is of the opinion that it is not in the interests of justice for a particular person to provide support to the complainant, that person shall not be entitled to act as a support person, but this will not prejudice the right of the complainant to have an alternative support person beside them, subject to the court's approval of the alternative support person.

Sexual offences list in the Magistrates Court

This bill will provide statutory recognition of the establishment and operation of a sexual offences list at the Magistrates Court and will ensure its perpetuity in the years to come.

The sexual offences list will be a specially managed list of all cases in the Magistrates Court that relate to a charge for a sexual offence. The list will provide a greater level of consistency in the handling of these cases and is consistent with a more specialised approach in handling sexual offence cases, recognising the unique features of such cases and the difficulties faced by complainants.

Enshrining the sexual offences list in the legislation symbolises the fact that sexual offences are taken seriously by the criminal justice system.

The operation and the administration of the sexual offences list will be at the discretion of the Chief Magistrate, who may issue practice directions, statements, or notes for the court in relation to the operation of the list. These amendments do not take away from, or limit, a discretion or power already conferred on the Chief Magistrate by or under the Magistrates' Court Act.

General

All of the amendments in this bill pertaining to the Crimes Act and the Evidence Act will apply to any proceedings that commence after the commencement of the bill.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Thursday, 24 August.

CONVEYANCERS BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

Buying a home represents the most significant transaction that the average person or family will make in their lifetime. An enormous proportion of their earnings is invested and their confidence in that investment can directly affect their sense of personal security.

Interests in real property are justifiably given the highest protection by the law in Victoria. The types of interests recognised by the law are many and varied. For these reasons, the process of transferring title to a property can be complex and usually requires professional conveyancing skills.

Conveyancing includes examining the contract of sale, drafting vendor certificates and requisitions, arranging for payment of the deposit and stamp duty and calculating adjustments for council and water rates. While conveyancing work is performed by some legal practitioners, a significant conveyancing industry has developed in Victoria independent of the legal profession.

Victoria currently operates a limited regulatory regime for conveyancers under the Legal Profession Act. While legal practitioners can perform all work necessary to effect a property transaction, the Legal Profession Act provides that non-lawyer conveyancers cannot perform the legal work associated with property transactions.

The National Competition Council has determined that the current regime is contrary to national competition policy because it allows legal practitioners to maintain a monopoly on the legal work associated with property transactions. Further, the recent collapse of a major conveyancing firm highlighted serious deficiencies in consumer protections under the Legal Profession Act in relation to non-lawyer conveyancers, particularly in relation to the handling of client moneys. While research indicates that errors and fraud in the provision of conveyancing services are relatively infrequent in Victoria, when these problems do occur, the consequences are severe.

Problems which may have occurred in the conveyancing process are unlikely to become apparent until years after the transaction. By the time the consumer becomes aware of the problem, there may be little opportunity for redress. The government commissioned a review into the regulation of conveyancing services in Victoria to determine the best way to address these issues.

The review recommended that a number of core proposals be implemented. The government response to the review indicated its agreement with the core proposals and its intention to allow conveyancers to undertake the legal work associated with property transactions under a new system of regulation and licensing established especially for them as an alternative to lawyers.

The government is cognisant of the need for balance in regulation. The National Competition Council and the review of the regulation of conveyancing services in Victoria identified the need to open up the provision of legal work associated with property transactions to persons other than lawyers. The government supports increasing competition in the conveyancing industry

but also wishes to strengthen the accountability of those involved in the provision of conveyancing services.

The government has determined that the best way of achieving these objectives is through a licensing system that imposes similar obligations and a similar level of accountability on conveyancers as are currently imposed on legal practitioners. The government considers that this level of accountability is more than justified given that for many people their home represents their most important asset.

The bill gives effect to the principles adopted in the government response and ensures that consumers will be able to enter into one of the most significant transactions of their lives with confidence. Consumers will be able to buy a home and be confident that every measure is in place to ensure that the transaction will proceed smoothly, that they will get what they pay for and that their investment will provide security for themselves, and their families, into the future.

The bill will establish a framework allowing consumers to be confident that licensed conveyancers are required to be knowledgeable and skilled. The bill seeks to protect consumers from errors and fraud by conveyancers. The bill encourages a competitive conveyancing industry that delivers high-quality services at low cost to consumers. The bill is structured to facilitate mutual recognition of conveyancers in other jurisdictions if possible in the future. I will briefly outline how the bill achieves each of these objectives.

The bill allows conveyancers to undertake the legal work associated with property transactions. However, the bill also lists a number of types of legal work that conveyancers are not permitted to undertake. This includes work such as establishing a corporation, applying for a grant of probate or letters of administration and work relating to sales of businesses. However, the bill provides that the government will review the exclusion of work relating to sales of businesses by 1 July 2009.

Once the bill is implemented, consumers will be able to be confident that conveyancers are knowledgeable and skilled because no-one will be permitted to carry on a conveyancing business in Victoria unless they have satisfied strict eligibility requirements for a conveyancer's licence. The licensing regime set out in the bill is consistent with a number of other licensing regimes already in place in Victoria and will be administered by the Business Licensing Authority.

Eligibility for a conveyancer's licence will depend on an applicant obtaining prescribed qualifications and

12 months work experience. There will be transitional arrangements for conveyancers who have already been working in the industry for at least 12 months but do not have the prescribed educational qualifications. These conveyancers may apply for a provisional licence and their practice would be regulated under the new act. However, they would be limited to doing the range of work allowed by the old Legal Profession Act regime until they completed the qualification requirements. This must be done within five years, or they will lose their right to practice. Through these measures, consumers will be confident that conveyancers have the education and practical experience to complete property transactions properly.

The bill requires conveyancers to obtain professional indemnity insurance, to help protect consumers from the financial consequences of errors. The bill provides for a ministerial order to prescribe a minimum level of cover of professional indemnity insurance.

To help protect consumers from fraudulent conduct by conveyancers involving money held on trust for consumers, the bill imposes strict obligations on conveyancers relating to the maintenance and auditing of trust accounts. The bill also allows for compensation to be claimed from the Victorian Property Fund in the event of defalcation by a licensed conveyancer. Conveyancers' licence fees and interest from conveyancers' trust accounts are to be paid into the fund to support this purpose.

Where there is potential for serious detriment to consumers, for example, where a conveyancer's licence is suspended or cancelled, the bill gives the director of Consumer Affairs Victoria ('director') the power to appoint a statutory manager to manage the conveyancer's business and gives the Supreme Court the power to appoint a receiver to take control of trust money and receivable property.

The bill also imposes on conveyancers a number of professional obligations similar to those in place for legal practitioners. These include obligations to disclose costs and conflicts of interest to clients. The bill also provides for professional conduct rules to be prescribed through regulations.

The framework of the bill is expected to increase the competitiveness of the conveyancing industry by abolishing the distinction between legal and non-legal work which previously allowed legal practitioners to maintain a monopoly on the legal work associated with property transactions. The bill does not prevent estate agents from holding conveyancers licences or the development of multidisciplinary practices which may

further increase the competitiveness of the industry. Greater competition can be expected to deliver value for money to consumers.

The bill has been structured consistently with the corresponding act of New South Wales and other jurisdictions as far as practicable. This will facilitate mutual recognition of conveyancers in other jurisdictions if possible in the future.

Regulations proposed to be made under the bill will prescribe qualification requirements based on the national financial services training package, which will provide students with some exposure to the conveyancing practices of other jurisdictions. As the conveyancing industry develops across Australia, these aspects of the bill will facilitate the recognition of conveyancers licensed in other jurisdictions and vice versa.

Victoria is home to one of the largest, most complex property markets in Australia. The bill will allow government to properly manage the risks to consumers of conveyancing services in Victoria, while still supporting a competitive industry.

I commend the bill to the house.

Debate adjourned on motion of Mr KOTSIRAS (Bulleen).

Debate adjourned until Thursday, 24 August.

CHARITIES (AMENDMENT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

Background

The philanthropic sector has played an active role in assisting charities to fulfil their charitable purposes and functions. Philanthropic donations have assisted in the important work of public institutions such as galleries, museums, libraries and hospitals, which provide a wide range of services that benefit the Victorian community.

Charitable trusts are the legal vehicles that allow individuals, families and corporations to make philanthropic donations. Charitable trusts have a range of tax benefits under commonwealth income tax law: they are exempt from income tax and donations to charitable trusts are tax deductible.

The number of charitable trusts — particularly a class of private charitable funds established by the Australian Tax Office (ATO) called prescribed private funds — is steadily increasing. By 2004, there were about 220 prescribed private funds. The number of prescribed private funds is now approaching 500, of which 200 are based in Victoria.

The value of grants by Australian charitable trusts cannot be accurately measured, as there is no public reporting requirement and such figures are not collected by the Australian Bureau of Statistics. However, it is estimated that the 220 prescribed private funds established by 2004 held around \$300 million under investment for future distribution. The entire Australian philanthropic sector (made up of over 1200 trusts and foundations) is estimated to distribute up to \$500 million a year to charities.

Charitable trusts may only give to charities

The trustees of charitable trusts may only make grants for charitable purposes or to charities in accordance with the terms and conditions of their trust deeds. Normally, trust deeds specify that charitable trusts may only give to bodies that are charitable at law. If trustees make grants to bodies that are not considered charitable at law, then the trustees are technically in breach of their trust deeds.

The law has long held that a gift to a body for the purpose of carrying out a government function or the work of government cannot be a gift for a charitable purpose, even where the body performs functions that are clearly charitable in nature. This is because the law generally regards such bodies to be carrying out its functions for a governmental, rather than a charitable, purpose.

Since the 1990s, a series of Australian court decisions have created uncertainty about the legal meaning of 'charity' or 'charitable at law' as it relates to government-linked bodies. These court decisions have very broadly interpreted the kinds of bodies that are considered to carry out a 'function of government' or the 'work of government', even if these bodies have purposes and functions that are otherwise charitable.

These decisions have led to confusion about whether a wide range of government-linked bodies are charitable at law, even if the community would perceive such bodies to clearly be charities. Public hospitals, museums and libraries are examples of such bodies.

As a consequence of these court decisions, charitable trusts are experiencing considerable uncertainty and difficulty in determining to which government linked

bodies — that are also charities at law — they may make grants. Currently, charitable trusts cannot make grants to a broad range of government-linked bodies, including government-linked public hospitals, the Royal Botanic Gardens and the National Gallery of Victoria, without the risk of breaching their trust deeds.

These restrictions are frustrating the intentions of Victorian charitable trusts to continue making grants to bodies that have long been considered charities. These restrictions have also had an adverse effect on the recipient bodies undertaking charitable work. For example, Victorian government-linked public hospitals estimate that, until recently, they received around \$15 million a year from charitable trusts, which makes up around 19 per cent of their total donations.

Objectives and features of the bill

The primary objective of this bill is to give Victorian charitable trusts the legal power to make grants to bodies with charitable purposes and functions, which are currently precluded from receiving grants from trusts only because of the bodies' connection to government.

The bill will extend the distribution powers of charitable trusts to enable them to make grants to bodies that qualify as 'eligible entities'. Bodies will qualify as 'eligible entities' if they have charitable purposes and functions, and are deductible gift recipients under the Commonwealth Income Tax Assessment Act 1997. Generally, deductible gift recipients have charitable purposes and functions, or perform work that is of benefit to the public. It is already a standard requirement of the deeds of certain types of charitable trust, including prescribed private funds, that they may only make grants to bodies that are deductible gift recipients.

The bodies that will be able to receive grants as a result of the bill must also have a connection to government. The bill provides a non-exhaustive list of factors that may be taken into account in determining whether a body may be taken to be connected to government:

- the extent to which the body is under government direction or control; or
- the extent to which a body is required to implement government policy; or
- the extent to which the government may appoint members of its governing body.

The bill lists these factors only for the purposes of assisting charitable trusts to identify the bodies to which

they are currently precluded from giving, but to which they will have the legal power to make grants after 'opting in' to the new law.

The bill will validate grants made by charitable trusts before the commencement of the bill to those eligible entities to which trusts would have been able to make grants in accordance with their trust deeds, but for the eligible entities' connection to government.

The bill will override charitable trust deeds only to the extent necessary to enable trustees to have validly made such grants in the past, and to make such grants in the future. The bill will not authorise charitable trusts to make grants that are inconsistent with specific prohibitions trust deeds on the making of grants to certain kinds of bodies.

The bill does not change the legal meaning of 'charities' or 'charitable at law' for any purpose other than to extend the distribution powers of charitable trusts, while maintaining their charitable status. The bill does not affect the capacity of bodies that may be connected to government within the meaning of this bill to be charitable at law.

The bill will extend the distribution powers of trusts in relation to grants to bodies linked with state and territory governments, local government and the commonwealth government.

Law only applies if trusts opt in

This bill will not alter the powers of charitable trusts or trust deeds without a decision of the trustees. The provisions of the bill expanding trusts' distribution powers will only apply to a trust when its trustees have executed a deed declaring the new law apply to it. This should ensure that trustees consider the tax and legal implications of 'opting in' to the new provisions.

The bill prescribes the form of such a deed to ensure the decision of the trustees is recorded with certainty. The prescribed form will also help trustees with the administrative aspects of 'opting in', as the ATO will require documentation of the decision of the trustees.

It should be noted that the bill will not, of itself, allow Victorian charitable trusts to give to these government-linked bodies. Further steps must be taken by Victorian charitable trusts and the commonwealth government for the bill to have full effect. Charitable trusts that 'opt in' to the legislation will only be able to exercise the legal power to make grants to government-linked bodies after they have obtained an appropriate tax endorsement from the ATO. It may also be necessary for the Commonwealth government to

amend the Income Tax Assessment Act 1997 (Cth) to enable, from a tax perspective, charitable trusts to exercise the full powers available under the bill.

Other provisions relating to the administration of charitable trusts

I now turn to the other features of the bill, which improve Victorian law relating to the administration of charitable trusts and the interpretation of charitable trust deeds. These amendments implement various recommendations of the parliamentary Legal and Constitutional Committee's report on the law relating to charitable trusts.

The bill repeals section 61 of the Religious Successory and Charitable Trusts Act 1958 ('RSCTA'), as it duplicates powers of the Supreme Court that already exist in the Court's common law jurisdiction and in other Acts, such as the Trustee Act 1958 and the Charities Act 1978.

The bill removes section 63 of the Religious Successory and Charitable Trusts Act 1958 and re-enacts an expanded provision based on section 63 in the Charities Act 1978. This amendment will broaden access for administrators and trustees of all charitable trusts, not just public charitable trusts, to seek leave from the Supreme Court to apply trust funds for additional purposes to achieve the purposes of the trust. This will assist trustees who are restricted in carrying out the purposes of their charitable trusts because their trust deeds provide them with only narrow powers.

The bill removes section 131 of the Property Law Act 1958 and re-enacts this section in the Charities Act 1978, thus consolidating Victoria's provisions relating to the interpretation of charitable trust deeds.

The bill provides that the proposed provisions will come into operation on the day on which the bill receives royal assent.

This bill will allow charitable trusts to make grants to bodies that are effectively charities in their purposes and functions, but which are currently restricted from receiving grants from charitable trusts only because of their connection to government.

The bill will also improve the administration of charitable trusts and the capacity of trustees to carry out the purposes of their trusts.

The bill will assist Victorian charitable trusts to continue to make valuable contributions to the good work done by organisations with charitable purposes

and functions. This initiative reflects the recognition by Victoria of the important role of charitable trusts in our community and our commitment to facilitating philanthropy.

I commend the bill to the house.

Debate adjourned on motion of Mr KOTSIRAS (Bulleen).

Debate adjourned until Thursday, 24 August.

FUNERALS BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

Arranging a funeral occurs at a difficult time for consumers. Vulnerable from the grief associated with the death of a relative or friend, consumers must arrange a funeral within a limited time frame, including purchasing of funeral goods and services that they are likely to know little about.

Many consumers who arrange a funeral will be doing so without any prior dealings with the funeral industry, or any understanding of what is involved in arranging a funeral service. As a result, consumers rely heavily and often solely on funeral directors to provide information and assistance in arranging their funeral.

Funeral providers provide an important service to the community. The majority of funeral providers operate professionally and ethically, treating the deceased and their family with dignity and respect. There are, however, examples where people have had their vulnerability and inexperience taken advantage of, and it is this type of exploitation that this bill aims to address.

The bill implements a number of the commitments made in the Victorian government's response to the Family and Community Development Committee's inquiry into the regulation of the funeral industry.

The bill aims to both empower consumers dealing with the funeral industry, and increase the government's capacity to protect consumers at a particularly vulnerable time in their lives. Nevertheless, the bill has been developed to minimise the compliance burden for businesses that operate professionally and ethically.

As a result of this bill, funeral providers will now be required to clearly disclose prices for funeral goods and services to consumers up front.

For consumers, the problem caused by having little prior experience or information can lead to the acceptance of non-price competitive funeral items or the purchase of goods and services they do not need.

Currently, there is reduced incentive for funeral directors to provide transparent and non-discriminatory information, knowing that consumers must choose their provider within a short time-frame, and often choose the first provider that they contact.

This bill requires that funeral providers produce a clear and legible funeral goods and services price list, which sets out a description and the price of funeral goods and services offered by the funeral provider, including a description and price of coffins offered for sale.

Funeral providers will be required to provide the price list to any individual who asks them in person about their funeral goods or services or on request.

These price disclosure requirements will ensure that consumers have access to information that will allow them to make more informed decisions when arranging a funeral.

The price list will be complemented by the statement of goods and services, which funeral providers must give to a customer before entering into final agreement for the provision of funeral services.

This statement will set out the individual goods and services that the customer wishes to purchase, the price of each individual item, and the total cost of the funeral. This statement will require that the funeral provider clearly disclose any service fees charged and provide a reasonable estimate for disbursements.

Vulnerable consumers are less likely to approach government agencies to make a complaint in the same way that other consumers do. As a result, consumers who are dissatisfied with the services of a funeral provider are likely to be reluctant to make a complaint to Consumer Affairs Victoria. For that reason, it is important that funeral providers have appropriate complaint handling procedures to ensure that customer complaints are handled effectively and vulnerable consumers are not deterred from seeking redress.

This bill requires funeral directors to establish and maintain written complaint-handling procedures and obliges funeral providers to notify customers of these procedures, and how to make a complaint. Complaint

handling guidelines for funeral providers will be developed to assist funeral providers create their own procedures and ensure that best-practice complaint handling techniques are adopted.

The bill provides for the establishment of a register of funeral providers in Victoria. The register has a number of benefits. The register will provide members of the public with access to a list of funeral providers in Victoria. This will allow consumers to verify the details of the funeral provider, including the physical address of their place of business, before the service of that funeral provider is engaged. The register also provides for the identification and monitoring of funeral providers in the industry. The register will improve the government's ability to communicate effectively with the funeral industry, and will provide for better targeted compliance and enforcement activity.

The parliamentary inquiry into the regulation of the funeral industry recommended the development of a register of prepaid funeral contracts to enable consumers and funeral directors to expeditiously verify details of existing contracts. The creation of a prepaid funeral register is provided for by this bill. The register will provide a way for individuals to access information about prepaid funerals where they may not have known about the specifics of a prepaid funeral contract that a relative may have entered into. The details of a prepaid funeral register, including the form of the register, will be prescribed under regulations. This will allow for the development of the register in consultation with the funeral industry. Protecting the privacy of individuals who have purchased a prepaid funeral contract will be important in the implementation of the prepaid funeral register.

Inspection powers will be enhanced by the implementation of this bill. Inspection powers are an important component of an effective compliance and enforcement program. They are necessary to ensure funeral providers comply with the requirements of this bill and the existing provisions in the Funerals (Pre-Paid Money) Act 1993. These powers include the provision for the inspection of a funeral provider's premises when an offence against this bill is believed to have occurred.

This bill is the outcome of the parliamentary inquiry, which was supported by extensive stakeholder consultation, which the government continued with during the development of the bill. The Victorian government commits to continue working with the funeral industry in the future, through this bill's creation of a Funeral Industry Ministerial Advisory Council. The council will have employee and employer

representatives from the funeral industry, representatives from the health industry and representatives of consumer interests.

The bill also provides for the development of a mandatory code of conduct for the funeral industry. This code of conduct will be implemented through regulations, and will be developed in consultation with the Funeral Industry Ministerial Advisory Council.

This bill will empower consumers at a time of vulnerability, through enhancing transparency and accountability in the funeral industry. This bill succeeds in strengthening consumer protection in the funeral industry, without imposing a significant regulatory burden on business.

I commend the bill to the house.

Debate adjourned on motion of Mr KOTSIRAS (Bulleen).

Debate adjourned until Thursday, 24 August.

HUMAN SERVICES (COMPLEX NEEDS) (AMENDMENT) BILL

Second reading

Ms PIKE (Minister for Health) — I move:

That this bill be now read a second time.

The multiple and complex needs initiative became fully operational two years ago, in August 2004.

Its focus is a small but significant group of individuals with multiple program support requirements. Typically, these individuals have combinations of mental health issues, substance abuse issues, intellectual impairment or acquired brain injury. They are high users of accident and emergency departments and many have involvement with the criminal justice system. Individuals with multiple and complex needs are frequently isolated from their family and communities. These individuals present significant risks to themselves and/or others and their needs challenge the service system.

In essence, the initiative provides multidisciplinary assessment and holistic care planning to ensure better engagement and service coordination to support the individual. It focuses on improving stability in four key areas of accommodation, health and well being, social connectedness and safety.

The multiple and complex needs service response comprises four structural components:

- (a) a regional gateway — providing a single point of access in each region;
- (b) a multiple and complex needs panel — to determine eligibility for a service response and to determine and review care plans;
- (c) a multidisciplinary assessment and care planning service; and
- (d) an intensive case management service — to provide case management and care plan coordination when this function cannot be identified in the broader system.

The Human Services (Complex Needs) Act 2003 underpins the initiative and establishes the panel and multidisciplinary assessment service.

The act also establishes eligibility criteria to target access to the initiative to only those with exceptional needs. In addition, it allows service providers to disclose information about a person in their best interests. The circumstances under which this information exchange can occur are limited to the determination of eligibility, the completion of a multidisciplinary assessment and the determination and review of care plans.

It is important to remember that participation in a multiple and complex needs service response is voluntary. The act requires that the individual be advised that, at any point in the process, they may refuse to participate. While initial profiling suggested that many of those in the target population would be resistant to engagement, it is a mark of the initiative's impact that none of those referred to date have refused to participate in a service response.

While the initiative has been informed by extensive research, it was determined that the inclusion of a sunset provision in the act would ensure that the model undergo rigorous evaluation to assess its effectiveness and provide clear direction for future service responses.

External evaluators were engaged at the establishment of the initiative to undertake an action-based evaluation of its impact.

While the evaluation's final findings and recommendations will not be known until mid-2007, early evaluation reports and initiative data provide a number of positive indicators of the initiative's influence.

These include:

appropriate targeting to those with exceptional needs. Recent data analysis indicates that in two years of operation the initiative has received approximately 300 consultations. In excess of 80 per cent of these appear to meet the eligibility criteria. To date, only 39 of these matters have gone on to be referred to the panel;

improved cross-program coordination is contributing to a relatively high proportion of matters being resolved at the regional gateway level — that is, without having to be referred through to the multiple and complex needs panel;

for individuals with care plans developed through the initiative, there are some early indicators of:

improved stabilisation in accommodation arrangements;

a decrease in accident and emergency department admissions;

better identification of health care requirements;

improved coordination and goodwill between service providers.

In light of these positive indicators, the bill does not make substantial amendments to the act. Rather, it introduces refinements that relate only to the act's time frame and the membership of the multiple and complex needs panel.

The major elements of the bill are:

Constitution of the Multiple and Complex Needs Panel

In approximately two years since the panel's establishment, demand has steadily increased. To date, the panel has:

considered 39 referrals;

determined 16 care plans; and

conducted 26 reviews of care plans.

Each of these matters requires, at minimum, a half-day panel session for consideration. Since the beginning of the year, the panel has increased the frequency of its schedule from fortnightly to weekly sessions to meet the demand for eligibility determinations, care plan determinations and care plan reviews.

The panel currently consists of seven members — a chairperson and alternative chair appointed by the Governor in Council, and five members appointed by the minister.

Experience has shown that the current pool of five members has not provided enough scheduling flexibility to allow the matching of panel member expertise to specific cases or to cover member absences.

To improve scheduling flexibility, the bill amends section 6(1) of the act to increase the overall membership of the multiple and complex needs panel from 7 to 14 members. The bill also amends section 6(1)(b) of the act to require that 12 persons be appointed by the minister.

This increase in membership will not affect the quorum for panel meetings, which will remain at 4, comprising the chairperson and 3 other members (1 of whom is the Secretary of the Department of Human Services or his or her nominee).

Extension of the sunset provision by two years

The act's three-year sunset provision is due to take effect in May 2007.

While I have outlined some indicators of the initiative's early influence, we will not have sufficient experience of the model, prior to the act's sunset, to make informed decisions about its future directions.

As the initiative involves major change management and a different way of doing business across programs, sectors and departments, significant change will take time. At the individual client level, the sustainability of change for the multiple and complex needs population will also take time to achieve.

The bill amends section 33 of the act to extend its expiry date from the third to the fifth anniversary of the establishment of the panel. As a result, the sunset provision will come into effect in mid-2009.

This will enable the Department of Human Services to establish a more robust evidence base upon which to assess the effectiveness of the initiative — both in terms of service system coordination and, most importantly, lifestyle outcomes for some of the most vulnerable individuals in the state.

In implementing the multiple and complex needs initiative, Victoria has led the way in improving service responses to a very high-needs and high-risk group. I am pleased to say that other states are now looking to

the Victorian model in the development of their own service responses.

I believe our continued support of this important initiative is extremely worthwhile.

I commend the bill to the house.

Debate adjourned on motion of Mr KOTSIRAS (Bulleen).

Debate adjourned until Thursday, 24 August.

WATER (GOVERNANCE) BILL

Second reading

Mr THWAITES (Minister for Water) — I move:

That the bill be now read a second time.

Released in June 2004, the landmark white paper — *Our Water Our Future* — provided for an extensive legislative program, which is being carried out in stages. Significant progress in regard to the government's water reform agenda has already been achieved, with the enactment of the Water Industry (Environmental Contributions) Act in September 2004 and the Water (Resource Management) Act 2005 in December 2005.

I have great pleasure in introducing the next phase of the Bracks government's water reform legislative program, namely, the Water (Governance) Bill, into the house today. The bill will introduce new governance arrangements for water authorities and bring all water authorities (other than the metropolitan licensees) under the Water Act 1989. New governance arrangements for catchment management authorities under the Catchment and Land Protection Act 1994 are also proposed. Improved governance arrangements are critical to the performance of institutions and achieving the government's objectives for sustainably managing water resources and delivering water services in the long-term interests of the community.

The bill also introduces 'on-the-spot' fines for breaches of the restrictions and prohibitions on water use provided for in permanent water savings plans and drought response plans or water restriction by-laws. This will encourage Victorians to comply with these water-saving rules and restrictions that are vital to the sustainable management of water.

Specifically, this bill will amend the Water Act 1989 and related legislation:

to require water authorities to have regard to principles of sustainable management;

to provide a stronger governance framework for water authorities;

to bring Melbourne Water under the Water Act 1989;

to establish the role of storage manager and to set out the functions of this role;

to provide consultative processes for the decommissioning of dams;

to introduce 'on-the-spot fines' for permanent water saving plans and drought response plans or water restriction by-laws; and

to provide for the protection of public land by making it clear that water authorities are exempt from adverse possession claims.

This bill will also amend the Catchment and Land Protection Act 1994 as foreshadowed in the white paper. Since the introduction of this act, the responsibilities of the 10 catchment management authorities have progressively increased. Initially responsible for the strategic coordination of land and water management in each region, most are now also the caretakers of river health. Except in the Port Phillip and Westernport region, the catchment management authorities regulate and support the management of waterways, drainage and floodplains. To these responsibilities has recently been added the management of the environmental water reserve. These changes are to be matched by strengthened governance arrangements, improved resourcing and clearer accountabilities to the government and all Victorians.

Current legislative arrangements for catchment management authorities are complex. Catchment management authorities operate under two acts — the Catchment and Land Protection Act 1994 and the Water Act 1989. The governance arrangements under these two acts are in places inconsistent, making the responsibilities and accountabilities of the catchment management authorities unclear in some aspects. The amendments in the bill address this. The amendments also apply the provisions of the Public Administration Act 2004 to catchment management authorities.

The catchment management authorities will be established under the Catchment and Land Protection Act 1994 and their governance arrangements will be clearly outlined in that act. However, in relation to their specific waterway management functions, they will

continue to have specific waterway management functions under the Water Act 1989.

The bill also amends the as yet unproclaimed Werribee South Land Act 1991. That act provided for the revocation of permanent and temporary reserves at Werribee South, the reservation of those lands and neighbouring lands for tourism and recreation and the granting of leases for a maximum term of 50 years. The bill provides for amendments to that act that will facilitate proposals for development of a marina at Werribee South by redefining the area of Crown land to be leased and extending the maximum term over which leases may be granted.

I turn now to the bill before the house.

Principles of sustainable management

In the white paper, the government acknowledges that its goal of sustainable management of water will mean everyone changing their behaviour. The Victorian community, organisations and individuals increasingly recognise that we need to change the way we use and value water to protect our precious water supplies for future generations. The government considers that water authorities have a leading role to play, and a responsibility to manage Victoria's water resources sustainably. Under current legislation, water authorities do not always have a clear mandate to take a whole water cycle approach to the management of water services. To address this, it is now proposed that water authorities have regard to 'sustainable management principles' in the exercise of their powers and performance of their functions. These sustainable management principles incorporate internationally recognised environmental concepts.

The bill will also establish a business objective for water authorities that will require a water authority to perform its functions as efficiently as possible consistent with commercial practice. This is fundamental for any well-run business and will support the water authorities in their aim to operate efficiently and effectively. The Bracks government is committed to retaining water authorities in public ownership.

Stronger governance framework for water authorities

Current legislative arrangements are complex as different governance, regulatory and operational arrangements apply to providers of water services. To standardise the current disparate arrangements, the bill provides for a single corporate form for water authorities with substantially uniform governance provisions. As companies established under the

Commonwealth Corporations Act 2001, the metropolitan licensees are unaffected by these amendments.

The Public Administration Act 2004 will apply to water corporations. Where the Water Act 1989 imposes more stringent arrangements, such as the pecuniary interest provisions, these will apply.

Melbourne Water Corporation

The Melbourne and Metropolitan Board of Works Act 1958 and the Melbourne Water Corporation Act 1992 provide a complicated legislative scheme for the Melbourne Water Corporation that is highly prescriptive and includes many provisions that are outdated. The Melbourne Water Corporation Act was introduced to facilitate the corporatisation of the Melbourne and Metropolitan Board of Works.

The Melbourne and Metropolitan Board of Works Act 1958 reflects the many previous roles and responsibilities of Melbourne Water prior to the Melbourne metropolitan water industry reforms. Accordingly, it contains many redundant sections.

The primary legislation governing Melbourne Water does not clearly spell out the functions of Melbourne Water. The case for simplifying is strong. The repeal of the framework legislation for Melbourne Water will rationalise legislative arrangements and bring Melbourne Water into the general legislative framework for water authorities.

Melbourne Water's statutory functions and powers under the Water Act 1989 will be consistent with its role as a wholesaler. This approach will not have any impact on Melbourne Water's current activities.

Storage management

Current legislation does not clearly provide for the role and functions of storage operators. The white paper identifies that water storages and the surrounding land can provide for a range of community benefits, including recreational benefits, in addition to supplying water for consumptive use. These benefits include environmental health, and recreational and aesthetic amenity.

The bill clarifies existing legislation by providing storage managers with explicit functions. In performing its functions, storage managers will be required to consider the ecological values of water systems.

The bill also provides for areas owned or controlled by authorities to be declared as environmental or

recreational areas. Explicit functions have been set out for those authorities that have the management and control of such areas.

Consultative processes for the decommissioning of major dams

In the policy document *A Fairer Victoria*, the Victorian government recognises that it is important to give people a greater say on issues affecting the local community. Water authorities are not currently required by legislation to seek any input from the community on a proposal to decommission a major dam. Whilst water authorities have in the past conducted a public consultation process, it is considered important that a consistent approach is required and adopted across the state. Given the impact that such a proposal to decommission a dam can have, the bill establishes a mandatory consultative process for the decommissioning of major dams that is transparent and equitable. It will require water authorities to advertise the proposed dam decommissioning and consider any public submissions. This will give stakeholders an opportunity to put forward their views on the dam decommissioning and engage the community in the decision-making process.

On-the-spot fines for permanent water saving plans and drought response plans

The Victorian government is committed to reducing demand for water and ensuring the efficient use of water at all times. Commonsense rules to avoid water wastage on an ongoing basis have been embodied in water authorities' permanent water savings plans. Restrictions to achieve additional short-term savings to conserve supplies in drought times are provided for in drought response plans and water restriction by-laws. Currently, individuals who breach these restrictions and prohibitions under the Plans or by-laws may be prosecuted in court.

It is now proposed that penalty infringement notices or 'on-the-spot' fines may be issued for breaches of the restrictions and prohibitions on water use provided for in permanent water saving plans and drought response plans or water restriction by-laws. 'On-the-spot' fines are an extra enforcement tool that water authorities can use to encourage people to comply with water-saving rules and restrictions. The penalties are tailored to the severity of the offence, with the penalties for breaches of the permanent water saving rules being lower than for breaches of restrictions and prohibitions under drought response plans or by-laws. In the case of breaches of restrictions and prohibitions under drought response plans or by-laws, a clear and consistent

four-staged approach with tailored penalties of increasing severity as restriction stage increases will apply across the state.

The drought response plans currently provide that restrictions and prohibitions may be made in two or more stages. The bill allows for a more tailored approach that will provide for four stages of restrictions and prohibitions with tailored penalties for each stage of increasing severity. This will provide clarity and transparency to both users, the general community and to the judiciary. It is intended that the water restriction by-laws will mirror this arrangement so that there is consistency across the state.

The provision for 'on-the-spot' fines will send a message to the community about the importance of restrictions and prohibitions on water use provided for in permanent water saving plans and drought response plans or water restriction by-laws in the sustainable management of water.

Protection of public land

Melbourne Water and the regional and rural water authorities hold large tracts of land on behalf of the public, much of which is unfenced and which individuals can easily encroach upon. Such encroachment may not be detected or may only be detected at significant cost. Although, water authorities under the Water Act 1989 may currently be protected from such claims as representatives of the Crown, to put the matter beyond doubt and to provide protection to all publicly owned water entities, it is proposed that all publicly owned water entities be protected from claims of adverse possession in respect to land held in their name. The rationale for this is to safeguard community interests by preventing the unintended loss of public land to individual claimants.

Generally improving the operation of the Water Act

The Water (Resource Management) Act 2005 instituted complex and innovative reforms to Victoria's water planning, entitlement and allocation frameworks. The bill makes a number of technical amendments to the provisions introduced by this legislation, as a result of the ongoing implementation processes to clarify those aspects which may be considered ambiguous or have unintended consequences.

Valuations

The unbundling of water rights will have an impact on local government rates because the legal tie between land and water will end and consequently the value of water will not be included in future property valuations.

To allow time for the rating impacts to be properly assessed and managed, section 73 of the Water (Resource Management) Act 2005 amended the Valuation of Land Act 1960 to provide for the value of water to be included in land valuations until 1 July 2008. Section 73 provides that until 1 July 2008, where a water share has been determined to be associated with land, “that fact is deemed to be relevant when determining the value of that land”.

Once unbundling occurs from 1 July 2007, some people may sell their water shares — either to someone who wishes to use the water to irrigate a different piece of land, or to an investor not associated with land. Moreover, even if not selling their water share, some people may ask for their share to be disassociated from their land.

The government is concerned that people may seek to disassociate their water share from land as a way of reducing their rate bill in the 2007–08 financial year. Therefore, clause 164 of the bill amends the Valuation of Land Act 1960 to stop people from simply disassociating their water share or selling it to a related party for the purpose of reducing their rate bill. Clause 164 provides that until 1 July 2008, supplementary valuations will be allowed when a genuine trade occurs (that is, when a water share is sold to a person who is not a related party whether or not it is to be associated with land, or to a related party if that person associates it with land). However, a supplementary valuation will not be allowed where a water share is disassociated under other circumstances.

Amendments to the Catchment and Land Protection Act 1994

The bill amends the Catchment and Land Protection Act 1994 to provide for stronger governance and accountability arrangements for catchment management authorities.

The bill ensures that the functions of these authorities and the operation of their boards are clearly defined. The requirements for corporate planning have been strengthened and the accountabilities of the authorities have been improved.

The structure of catchment management authority boards will be improved by reducing the maximum number of members from fifteen to nine and all appointments will be based on skills and experience rather than organisational representation. The required skills of board members will now include strategic, business and financial management.

At the same time the requirement for more than half the members of the boards to be involved in primary production is being retained. This recognises that primary producers represent the major land and water users in most catchments, and that strong regional leadership will facilitate beneficial changes in land and water management practices. The one exception to this requirement for a majority of primary producers will be in the Port Phillip and Western Port Region, which includes metropolitan Melbourne.

Other specific provisions of the bill to enhance the governance of catchment management authorities include the potential for the minister to issue formal statements of obligations, as for water authorities. The statements of obligations will allow government to specify obligations relating to the performance of catchment management authorities functions and the exercise of its powers. Specific obligations could include standards of performance, community engagement and corporate and business planning.

The bill also includes other amendments to improve the operation of the Catchment and Land Protection Act 1994. These relate to the incorporation of documents, lodgement of regional maps and submission of annual reports.

Amendments to other acts

The bill includes a number of technical amendments to other acts. These amendments are required as a consequence of the amendments to the Water Act 1989, and the repeal of the Melbourne Water Corporation Act 1992 and the Melbourne and Metropolitan Board of Works Act 1958, contained in the bill.

Amendments to the Werribee South Land Act 1991

The Victorian Coastal Strategy 2002 identifies Werribee South as a potential safe harbour and major regional boating destination that is suitable for a protected harbour, marina, waterfront activities and provision of marina services.

Wyndham Cove Marina Pty Ltd has responded to this need and proposes to develop an integrated residential, commercial and marina complex at Werribee South. The marina component (on Crown land) comprises a marina and safe harbour of up to 1000 wet berths, dry boat storage, berthing facilities for the aquaculture industry and a marine servicing area. The residential component (not on Crown land) comprises 164 houses and 60 apartments.

The site development proposal has recently been subject to an environmental effects statement process.

The Minister for Planning has supported the recommendations of the independent panel under the Environment Effects Act 1978 and Planning and Environment Act 1987 in relation to the development. As a result, Planning Scheme Amendment C71 of the Wyndham Planning Scheme will be brought to Parliament to be ratified. The bill before the house will formalise the area under development and allow consideration of the appropriate lease term.

The Department of Sustainability and Environment has advice that capital-intensive projects such as hotels, marinas and alpine resort accommodation require lease terms of at least 50 years in order to encourage development and provide viable economic returns on investment.

Development of the site may be jeopardised by a failure to provide the option of a lease greater than 50 years. This bill extends the maximum term over which leases may be granted to 99 years.

The proposed amendment is of an enabling nature only and will allow consideration of an appropriate lease term which may or may not exceed 50 years. It will provide the flexibility required to meet the investment requirements of any significant development of the site.

Any lease over the site can be subject to any terms and conditions the government seeks to impose. The government is able to terminate any lease over the site if conditions are breached.

The Werribee South Land Act 1991 also provides for the revocation of permanent and temporary reserves at Werribee South and the reservation of those reserves and neighbouring lands for recreation and tourism purposes. The proposed amendment varies the plan shown in schedule 2 of that act to change the extent of the land proposed for reservation and lease under the development proposal. The reservation of the lands will protect public access to the foreshore, which will undergo significant rehabilitation as part of the project development.

Conclusion

In conclusion, the bill represents a critical step towards achieving the government's objective of a water sector which is capable, innovative and accountable to the Victorian community. It establishes the foundations of good governance for the water industry. The bill also makes timely and important reforms to the governance arrangements for the catchment management authorities that will provide a sound basis for their future responsibilities and facilitate the development of a marina at Werribee South.

I commend the bill to the house.

Debate adjourned on motion of Dr NAPTHINE (South-West Coast).

Mr THWAITES (Minister for Water) — I move:

That the debate be adjourned for two weeks.

Dr NAPTHINE (South-West Coast) — On the matter of time, Acting Speaker, the second-reading speech has some 15 pages and the bill itself has 227 pages covering an enormous range of things involving water authorities, catchment management authorities, local government and developments in Werribee South. There is a significant number of stakeholders, including the Victorian Farmers Federation, residents in and around the Werribee South area, people throughout regional and rural Victoria and indeed metropolitan Melbourne, and of course water users throughout the length and breadth of Victoria.

This is a very complex and a very comprehensive piece of legislation that covers a wide range of issues, and I would ask the minister to consider advising the house that rather than dealing with this bill in two weeks, it will not be dealt with in the next sitting week of the house. If the minister were to give that advice, then I do not think there would be any necessity to put forward an amendment to his motion; but if the minister is not able to give that assurance to the house, then we on this side may need to consider an amendment to the motion.

I seek two things from the minister. Firstly, I seek advice that when we contact the minister's office to seek a briefing — I must say his office and his chief of staff, Travis Dowling, have been consistently cooperative in terms of providing briefings and advice — cooperation will be provided with regard to that briefing, given the comprehensive nature of the bill and the need to get a briefing as quickly as possible.

Secondly, I seek from the minister advice that the government does not intend to put this bill on the government business program for the next week of sitting, and therefore we would have perhaps three or four weeks before this bill is to be considered by the house. It would seem to me that that would be a fairly reasonable thing to do, given the broad range of organisations that need to be consulted and the wide range of the bill itself, so I seek those assurances from the minister.

Mr WALSH (Swan Hill) — I also raise the issue of time. As members know, there are some quite substantial changes in the bill before the house, not least of which are the impact on local government and

the issues around rating, as well as issues for farmers on the separation of land and water as we go forward. From a quick reading of the bill, in particular there will be some substantive changes in how catchment management authorities will work in the future. The Nationals would like time to be able to consult with those various people throughout country Victoria so we have a very good understanding of what the bill will mean for them and so we can make a more meaningful contribution to the debate when it comes back to the house in the future.

I ask the minister to extend the two-week adjournment so we can do justice to the substantial changes that are being put forward in the bill.

Mr SMITH (Bass) — I move:

That the word 'two' be omitted with the view of inserting in its place the word 'four'.

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

Ayes, 44

Allan, Ms	Howard, Mr
Andrews, Mr	Hulls, Mr
Barker, Ms	Jenkins, Mr
Batchelor, Mr	Kosky, Ms
Beard, Ms	Langdon, Mr
Brumby, Mr	Languiller, Mr
Buchanan, Ms	Leighton, Mr
Cameron, Mr	Lim, Mr
Campbell, Ms	Lockwood, Mr
Carli, Mr	Lupton, Mr
Crutchfield, Mr	McTaggart, Ms
D'Ambrosio, Ms	Marshall, Ms
Delahunty, Ms	Maxfield, Mr
Donnellan, Mr	Mildenhall, Mr
Duncan, Ms	Nardella, Mr
Eckstein, Ms	Neville, Ms
Garbutt, Ms	Pandazopoulos, Mr
Green, Ms	Pike, Ms
Haermeyer, Mr	Seitz, Mr
Hardman, Mr	Stensholt, Mr
Harkness, Dr	Thwaites, Mr
Helper, Mr	Trezise, Mr

Noes, 13

Clark, Mr	Plowman, Mr
Honeywood, Mr	Powell, Mrs
Jasper, Mr	Shardey, Mrs
Kotsiras, Mr	Smith, Mr
McIntosh, Mr	Thompson, Mr
Maughan, Mr	Walsh, Mr
Napthine, Dr	

Amendment defeated.

Motion agreed to and debate adjourned until Thursday, 24 August.

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

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Rail: Gippsland line

Mr SMITH (Bass) — The issue I raise today is for the Minister for Consumer Affairs in the other place to investigate the fraudulent misrepresentation by this government of the over-budget and over-time farce train service that is proposed to run across Victoria, particularly on the Gippsland line from Traralgon to Melbourne. This line was closed for about 12 months because of construction work. It was opened for about three months and it has now closed again. Who could forget the Premier and the Minister for Transport on the very farce train on its first farce run when bits and pieces of the train fell off and landed all over the place? It was lucky that nobody was killed.

Recently the department has sent out a new timetable. There is a notation on the side that says, 'New timetable begins operation later in 2006'. One would have to take a bet on whether the Premier and the Minister for Transport will get on the train before 25 November and run up and down on the line. But let me return to the timetable. This farce train service has been sold on the basis of time savings, yet you only have to look at the timetable to see the falseness of that claim. This new service on the timetable is marked in blue as being the flagship service.

You would expect that this service would run all day and provide a service to the commuters of Gippsland. But no, the premium flagship service runs twice a day — once up to Melbourne and once back to Traralgon. We know why these services are supposed to be fast — they do not stop at most of the stations! The trains miss 10 of the 17 stations that they travel through. People who live between the stations of Longwarry and Pakenham have to catch earlier trains that leave between 5.45 a.m. and 6.00 a.m. and arrive in Melbourne at 7.00 a.m. — this is a bit early for an 8 or 9 o'clock start. The next train after that one gets to Melbourne at 8.18 a.m., which is too late for an 8 o'clock start.

It is worse for workers at night-time. One train leaves Melbourne at 4.15 p.m., which is a little early for the 5 o'clock knock-off. The only flagship service does not

stop at Pakenham, Nar Nar Goon, Tynong, Garfield, Bunyip or Longwarry stations. The next train leaves at 5.40 p.m. and gets workers home at around 7.00 p.m. That is a long time to be away from home. This has to be the biggest government lie since the Scoresby to Frankston freeway. It has cost a fortune and provides a poorer and less responsive service. I again ask the Minister for Consumer Affairs to investigate this giant fraud on the people of Gippsland.

Poliomyelitis: reporting

Mr LANGUILLER (Derrimut) — I raise a matter for the attention of the Minister for Community Services. This government has done a great deal to modernise and humanise the ways in which we support people with disabilities. I am proud to be part of a government that understands people with disabilities as individual human beings with individual diverse needs and aspirations.

In my capacity as Parliamentary Secretary for Community Services, I have recently become aware, through the good and strong representations made to me by the honourable member for Hastings, of the specific needs of people whose disabilities have been acquired as a result of polio. Speaking with people affected by polio, I have become aware of how very important it is that our disability work force is well trained in the needs of this group so they can provide people with the services and support they need.

I would therefore ask the Minister for Community Services to act to ensure that this matter is examined and updated with a view to ensuring that services and staff caring for people with disabilities arising from polio are properly trained and supported to provide the right sort of care and services to their clients.

It is very important to note that in Australia the peak incidence of poliomyelitis was 39.1 out of 100 000 people in 1938. The last notifications to state and territory health authorities was in 1978 — in fact there were two cases — and in 1986 there was one case. In countries such as Australia where cases are rare, laboratory isolation of the virus is important for the purpose of confirming diagnosis.

It was brought to my attention by a number of groups I met through the good representations made to me by the member for Hastings that there is anecdotal evidence that suggests we need to look into the potential numbers of people with polio we may or may not have detected. It is particularly important to note that there are countries where this disease has not been totally eradicated — namely, India, Sri Lanka, Nigeria

and other African nations. Given that we have had migration from these countries over the last few years, it is incumbent upon us to ensure that the data in the status reports that are now provided is up to date.

I ask the minister to examine these issues, to ensure that we are absolutely on top of this potential anecdotal reporting of polio, if that is the case, and to provide an answer.

Housing: Shepparton electorate

Mrs POWELL (Shepparton) — I raise a matter for the Minister for Housing in the other place, and it concerns the lack of affordable social and emergency housing in the Shepparton district, resulting in this region having the highest rate of homelessness in Victoria.

The action I seek from the minister is that she address these issues and provide appropriate accommodation for people in need. I have raised the issue of public housing waiting lists and access to affordable social and emergency housing in this place over many years. Over the past seven years the Bracks government has continually made funding announcements for public housing in the Shepparton district, and I now call on the minister to spend that money and fix the problem.

I received a letter on 17 July this year from the Rural Housing Network, which says:

I am chief executive of Rural Housing Network Ltd ... an organisation that is addressing homelessness and fostering housing stability. We are a leading not-for-profit provider of social and community housing services in the Hume planning region (spanning Wodonga, Wangaratta, Shepparton and Seymour). I am writing to inform you about our work with local groups and businesses to increase the availability of affordable housing in regional Victoria.

Ms Upcher, the chief executive, goes on to give some facts about homelessness and affordable housing and says:

There are many compelling reasons why we need to take urgent action to address this important social issue. During the 1990s:

average house prices relative to income almost doubled;

the proportion of first home buyers fell by about 30 per cent;

average monthly payments on new loans increased by about 50 per cent (to \$500);

the proportion of low-rent homes fell by about 15 per cent;

the availability of public rental housing fell by about 20 per cent due to funding cuts;

more than 100 families with children are turned away each night from emergency refuges across Australia.

She goes on to say:

The Hume planning region has the highest rates of homelessness in the state as well as the highest number of homeless in regional Victoria.

After receiving the letter I spoke to the media about the crisis in public and emergency housing. Last week the minister came to Shepparton and met with family violence support agencies and again announced funding for the Rural Housing Network for after-hours women's and men's services. But the minister did not let my office know she was coming. If she had, I would have made an appointment with some Office of Housing clients who would have loved to speak to her, along with some agencies who deal with people who are homeless or at risk of being homeless or who are on public housing waiting lists.

I refer to an article in the *Shepparton News* of 28 July by David Wood, headed 'In need of a home':

The national census figures for homelessness show that Greater Shepparton has one of the highest levels in country Victoria.

Council to Homeless Persons policy officer David Wright Howie said the most reliable figures for counting homelessness came from census figures, last completed in 2001.

He said on the night in Greater Shepparton 339 people said they were homeless ...

In fact the correct figure is 399. I call on the minister to fix this problem and to allow people to have appropriate, affordable homes.

Lower Plenty Road, Rosanna: pedestrian crossing

Mr LANGDON (Ivanhoe) — I call on the Minister for Transport to take action to install a second pedestrian crossing at the Rosanna shopping centre on Lower Plenty Road. The Rosanna shopping centre currently has a pedestrian crossing at the railroad end of the main road, which is Lower Plenty Road, but within the last couple of years the post office has been relocated from a side street to the very western side of the shopping centre. That has created an enormous pedestrian traffic flow from one side of the road to the other — that is, from the Commonwealth Bank to the post office, back and forth.

The need for this pedestrian crossing has been highlighted to me time and again by the Rosanna Shopping Centre Traders Association, and I would like

to take this time to personally thank Robyn Dewar-Oldis for all her support. She has certainly been on the ball. Any time there have been accidents or near misses, she has recorded them and kept the council and me fully informed. The centre coordinator, Noella Jacobs, has also been working very closely with Robyn, and I know that the councillor for the Ibbott ward, Tom Melican, has through the council connection also agreed to put money into a second potential pedestrian crossing.

I am asking the minister to take action so that after many months of campaigning on their behalf and the sending of many letters on my behalf, a second pedestrian crossing is installed as a matter of priority. As I said, the need for a pedestrian crossing has certainly changed over the years with the post office moving up to that end of the shopping centre. Clearly there have been unfortunate near misses, accidents and what have you. On one day in particular there were three near misses at the shopping centre. That highlighted the need for this action to be taken.

I encourage the minister to act quickly to install the crossing. As I said, it would be a second pedestrian crossing in the centre, and clearly the signals at the two sets of lights would need to be coordinated so as not to unduly slow traffic through the shopping centre. I ask the minister to take action to not only install the second pedestrian crossing but to make sure that its operation is lined with the current pedestrian crossing. The minister's department has already announced that major signals will go in on the other side of the railway line, so clearly the centre is a very busy area with traffic. As I said, the amount of pedestrian traffic has increased dramatically in that area opposite the relocated post office. I call on the minister to take action as a matter of priority and get the second pedestrian crossing installed.

Kew courthouse: preservation

Mr McINTOSH (Kew) — The issue I again draw to the attention of the Minister for Finance is the condition of the Kew courthouse and police complex. The action I seek from the minister is to immediately make an application to Heritage Victoria to secure the necessary funding for the repair and restoration of the Kew courthouse under Victoria's heritage grants program.

The latest round of heritage grants was advertised in the *Herald Sun* of 5 August. I am sure the ads have been replicated in a number of different media outlets around the state. As advertised, there is approximately \$20.5 million up for grabs under the current round of Victoria's heritage grants, whose purpose is to enable

urgent repairs, restoration and conservation of heritage places and objects. The grants are designed to support communities in saving heritage-listed places, to build a partnership and shared responsibility for protecting heritage, to provide public access as well as to provide financial assistance to restore the buildings.

The Kew courthouse fits the heritage grants criteria perfectly. First, as I have previously articulated, the Victorian government has let the Kew courthouse fall into an appalling state of disrepair over the last four years. Second, my community and groups like the Kew Historical Society, the Boroondara council and many community leaders, like Professor Peter McIntyre, are totally dedicated to restoring this significant heritage-listed building. Third, the idea is to have the building owned and managed by the Boroondara council but be accessible to the community and all members of the public.

The Bracks government, like any other land-holder, is bound by the Heritage Act and as such, irrespective of any potential or eventual sale, it must protect the parts of Victoria's heritage for which it is responsible. If the Bracks government will not provide the necessary funds up front, as I have previously asked for, at least it can apply to Heritage Victoria to obtain the necessary heritage grant to protect this significant part of Victoria's heritage. I again urge the Minister for Finance to make the application to Heritage Victoria to protect the Kew courthouse so future generations of Victorians can access this magnificent building.

Rail: Thomastown station

Ms D'AMBROSIO (Mill Park) — I seek the action of the Minister for Transport to investigate the possibility of establishing a park-and-ride facility on the east side of the Thomastown railway station in my electorate. The Thomastown station is very well patronised; it is a premium station. The existing reserve of land on the east side of the line has sufficient space for the provision of a properly built park-and-ride, which would encourage more people to travel on public transport. Convenience and accessibility are essential conditions for a well-patronised public transport system. I know this government is committed to continuing the accessibility, convenience and reliability of our metropolitan transport system.

I congratulate this government on the recently announced \$10.5 million Meeting Our Transport Challenges plan to build a metropolitan public transport system for the future. This plan will result in record investment in infrastructure and services in the suburbs in my electorate and many others. I would like to see a

park-and-ride facility at Thomastown station as one of the many benefits to be gained by the people in my electorate. The plan will also see funding from the recently announced budget to commence work on track duplication between Clifton Hill and Westgarth to fix the serious bottleneck there and will enable more trains to run on the Epping line. Our trains are now cleaner, newer and safer. Patronage has steadily increased, indicating a vote of confidence in our rail system in the time of the Labor government. Two local bus services in my area, routes 577 and 563, will have extensions to their operating hours within the next few months, making these services more responsive to the changing needs of my community.

I look forward to my community receiving some of the benefits of the massive \$858 million of investment in new bus routes and rail projects over the next four years. I have already mentioned track duplication, and I would like to add that trains will provide services for longer periods and rail safety will be improved, to mention just a few key features. My electorate, especially the new and growing housing estates, has received many benefits since the Labor government came to power, and I commend the terrific and solid record of growing our metropolitan public transport system that this government has been committed to. It is nowhere near completion, and there is a big agenda before us and a big plan before us, but money will be put aside in a trust fund to ensure that those key features of improving our public transport system for the next generation are able to be fulfilled under the Labor government.

Schools: Bellarine electorate

Ms NEVILLE (Bellarine) — I raise a matter for the Minister for Education Services, and the action I seek is for the minister to ensure that all schools in my electorate receive the Schoolyard Blitz funding. Over the last three years schools across my electorate have received a \$5500 Schoolyard Blitz grant. So far Drysdale Primary School, St Leonard's Primary School, Portarlinton Primary School, Newcomb Park Primary School, Moolap Primary School, Wallington Primary School, Ocean Grove Primary School, Surfside Primary School, Point Lonsdale Primary School and Clifton Springs Primary School have received this grant and made fantastic use of the money.

The schools have been able to undertake a whole variety of projects. Some have improved student safety, some have put in sunshade protection, some have built gardens or beautified existing gardens, and some have improved their playgrounds and put in place water-saving initiatives. In all cases the schools have

worked closely with parents, students and local communities as part of their normal working bee programs to develop and implement these projects. The focus has been on building a greater sense of school pride. Wallington Primary School, which is a completely rebuilt school in my electorate, has been able to use the money to add value to its landscaping works that needed to be done after the construction works were completed.

At the moment four schools have not received the Schoolyard Blitz funding. They are Leopold Primary School, Queenscliff Primary School, Newcomb Secondary College and Bellarine Secondary College. Leopold Primary School was newly built in a \$5 million project and has done some great landscaping works following the construction. The school has also built an Indonesian garden to fit in with its language program. It has school safety programs in place and would like to use the money to both enhance the garden and improve some of the safety issues that the students have identified around the grounds of the school.

Bellarine Secondary College will need to receive two \$5500 grants as it has a campus at Drysdale and a completely rebuilt \$5 million school at Ocean Grove. Although we have funded a new oval there, the school wants to use this grant as an opportunity to enhance some of the landscaping that needs to be done to beautify this brand new school. Staff at Newcomb Secondary College, which is also undergoing an \$8 million reconstruction, are very excited to be able to do some landscaping around the first stage which is under way at the moment. I again ask the minister to ensure that the four schools in my electorate which are yet to receive this money receive it as a matter of priority.

Schools: Bayswater electorate

Mr LOCKWOOD (Bayswater) — My adjournment matter tonight is for the Minister for Education Services and the action I seek is that she provide funding for schools to improve their schoolyards under the Schoolyard Blitz program. Some schools have already received funding under this program — namely, Wantirna Primary School, Bayswater Primary School, Yawarra Primary School, Great Ryrie Primary School, Heathmont East Primary School and Boronia West Primary School.

They are all excellent schools, and they have done a great job with the funding. For example, Bayswater Primary School has built a multipurpose hall on its grounds recently, and it used the Schoolyard Blitz money for landscaping around the new hall. It has done

a great job. It got hold of trees and all the relevant materials, and it got the kids involved in some of the planting and deciding how it would be set up. They had a great day doing all that work.

Schools can involve their school communities and other community groups in their areas to revive or spruce up playgrounds. They can use money to improve student safety, provide sunshade protection, make environmental improvements, save water, beautify gardens and improve playgrounds, for example. Projects like these make schools more inviting and comfortable places and foster a sense of pride. Students benefit from seeing parents and other volunteers join in working bees to help their schools, as well as by participating themselves. Students gain a sense of ownership and pride when they get the opportunity to make some of the decisions around the schoolyard work and to play a role in getting it done. I have great schools in my electorate.

Schools in my electorate which have not yet received Schoolyard Blitz funding are Bayswater Secondary College, Bayswater South Primary School, Bayswater West Primary School, Heathmont College, Marlborough Primary School, Ringwood Secondary College, Fairhills High School, Regency Park Primary School, Templeton Primary School, Wantirna College and Wantirna Heights School. I am sure all these schools will benefit from Schoolyard Blitz. They all have keen school communities — keen to involve students, have great looking schools and provide a great education.

The Bracks government has education as its no. 1 priority. It has invested a great deal of money in education — over \$6 billion, I think — over its term in government since 1999. It will continue to invest in education to ensure it is the best it can possibly be. That is certainly the result in my electorate, where these schools provide the best for their students. They provide great outcomes and great programs for their students. Their students always seem keen and eager. They seem to enjoy their education as much as school students ever do. It is always good to get around to schools and see how they are getting on. Hopefully they will get funding for their schoolyard blitzes and improve their school playgrounds.

Yarra Ranges: Paying Attention to Self program

Mr HONEYWOOD (Warrandyte) — The matter I wish to raise is for the attention of the Minister for Health. I request that she take urgent action to restore state government funding to the Yarra Ranges Shire

Council's Paying Attention to Self program, otherwise known as the PATS program. I know from representations made to me by constituents in the outer east of Melbourne that this program has done a superb job in assisting 12 to 18-year-old young people learn how to cope with and assist parents with a mental illness.

I am informed that approximately \$30 000 of state government funding for the PATS program has been redirected to an institution-based program to be operated out of Maroondah Hospital. The important point that I request the minister consider is that a Centre for Adolescent Health evaluation recently indicated that the PATS program had been successful largely because of its emphasis on delivering the program in a youth-specific community setting, not a hospital — in other words, in a manner and venue in which young people felt comfortable discussing their situation with their parents and expressing their emotions.

I note that the former mayor of Yarra Ranges Shire Council, Mr David Hodgett, has already made strong representations in support of the PATS program to the minister. He requested that the minister retain state government funding for PATS, arguing that young people do not want to use a clinical setting attached to a hospital for such a sensitive social issue, and I fully agree. Peer support is a crucial aspect of this program's delivery, and that is not easily achieved in a sterile, hospital environment.

I understand that more than 100 local young people have already been assisted by participating in the PATS program. By way of evidence, these participants have reported significant decreases in depressive symptoms, from 60 per cent down to 38 per cent; lower rates of being at risk of homelessness, from 44 per cent down to 17 per cent; and far less stigma about being associated with a peer support mental health program. At the macro level I am informed that three similar programs offered in other parts of the state have already folded, allegedly because of the withdrawal of state government funding.

I am sure the minister would agree that \$30 000 is not a great deal of money in the scheme of things. However, depending on how it is delivered, it could make a great deal of difference to the lives of these young people.

Schools: Schoolyard Blitz

Mr MAXFIELD (Narracan) — This afternoon I ask the Minister for Education Services to take action to ensure our school communities are well supported in their endeavours to maintain school grounds. One of the

hallmarks of the Bracks government has been its great support for education and specifically its great support for country schools and schools right across regional Victoria. This is in stark contrast to the sacking of thousands of teachers and the closing of schools right across regional Victoria.

We have seen with the Schoolyard Blitz a campaign designed to assist all our schools right across regional Victoria. Something that makes me very proud to be a member of the Bracks government is the fact that in this case we have had a fixed amount of \$5500 for each of our schools. Our smaller schools find fundraising a lot harder. For a larger school \$5000 might be raised relatively easily, but for a small country school \$5000 is a lot of money. In some cases there is no supermarket they can stand outside of and sell raffle tickets. In a lot of communities in country Victoria the school is the centre of the community and there are not a lot of other fundraising opportunities. With the \$5500 the Bracks government has been making available to all those country schools we have found that they can value add that funding. The \$5500 might buy materials and with the working bees those rural communities can set up you might end up with \$10 000 or even \$15 000 or \$20 000 projects as a result of the Bracks government making \$5500 available to that community.

This is an example of the Bracks government working closely with our school communities and our regional communities to develop and grow education in our state. I regularly visit my smaller outlying country schools and they have spoken highly of a range of initiatives the government has put in place to support country schools and specifically the Schoolyard Blitz. This program has been welcomed right across the board. Even our larger schools which have more students have spoken glowingly of the opportunities Schoolyard Blitz has provided to value add to the projects they have had in place in terms of their school grounds and supporting their school communities.

In the short time I have left I want to say how pleased I am with the way the schools have embraced Schoolyard Blitz. They have gotten together with their communities to build better school environments, better education environments which really support our schools and our students. Gone are the days when we slashed and cut spending on our school communities. Our children are our future, and I am proud to be part of a government that supports them.

Responses

Mr HAERMEYER (Minister for Manufacturing and Export) — The member for Derrimut raised a

matter for the Minister for Community Services relating to care services for people with polio, particularly relating to people from countries where polio is still relatively prevalent, coming to live in Australia. I will make sure that is passed on to the Minister for Community Services.

The member for Shepparton raised an issue about the availability of appropriate and affordable emergency housing. I will make sure that is passed on to the Minister for Housing in another place.

The member for Ivanhoe raised a matter for the Minister for Transport seeking a second pedestrian crossing at the Rosanna shopping centre in Lower Plenty Road. I will make sure that is passed on.

The member for Kew raised a matter relating to the Kew courthouse and police complex. I understand he is seeking a heritage grant for that complex. I will ensure that is passed on to the Minister for Finance in another place.

The member for Mill Park asked for the establishment of a park-and-ride facility opposite the Thomastown railway station. I will ensure that is passed on to the Minister for Transport.

The members for Bellarine, Bayswater and Narracan raised matters for the Minister for Education Services. I think they are all well aware of the excellent Schoolyard Blitz program this government has put in place. All three members are doing an excellent job of making sure their schools are able to take advantage of this wonderful program.

The member for Warrandyte raised a matter for the Minister for Health relating to funding for the Paying Attention to Self program, and I will make sure that is passed on to the minister.

Finally, the member for Bass raised a matter for the Minister for Consumer Affairs in the other place. I was a little confused because he was talking about trains and transport services, so I think the matter should have been raised with the Minister for Transport. He certainly directed it to the wrong minister.

The member for Bass was part of the cheer squad when his party was sitting on this side of the house and closing railway lines all across country Victoria, and here he is complaining. This government is reopening railway lines, it is investing heavily in rail infrastructure and putting on extra services, and suddenly here he is whingeing about it.

I find it quite amazing that at the same time a candidate for the seat of Narracan has asked for an express service that completely bypasses the electorate of Narracan. These people are absolutely amazing. The depth of talent is breathtaking. The depth of talent on the other side of the house is about 2 millimetres, and it looks like the candidates they have preselected would not raise the level if they were to be elected.

This government is proud of the fact that it has reinstated rail services and invested heavily in improving infrastructure and rail services in country Victoria. We have the member for Bass who thought it was just a wonderful thing — —

Mr McIntosh interjected.

Mr HAERMEYER — He thought it was wonderful that the Kennett government was closing rail services to Gippsland. Now here he is complaining about the services we are putting into place. What absolutely breathtaking hypocrisy!

I am glad the member for Kew stood up because I neglected to mention the Kew courthouse and police complex. If his party had still been on this side of the house that old police station would still be operating as a police station, but it would not have many police in it.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 6.17 p.m. until Tuesday, 22 August.