

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL  
FIFTY-SIXTH PARLIAMENT  
FIRST SESSION**

**Tuesday, 5 February 2008**

**(Extract from book 1)**

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**Privileges Committee** — Ms Darveniza, Mr D. Davis, Mr Drum, Mr Jennings, Ms Mikakos, Ms Pennicuik and Mr Rich-Phillips.

**Select Committee on Gaming Licensing** — Mr Barber, Mr Drum, Mr Guy, Mr Kavanagh, Mr Pakula, Mr Rich-Phillips and Mr Viney.

**Select Committee on Public Land Development** — Mr D. Davis, Mr Hall, Mr Kavanagh, Mr O'Donohue, Ms Pennicuik, Mr Tee and Mr Thornley.

**Standing Orders Committee** — The President, Mr Dalla-Riva, Mr P. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney.

## Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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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-SIXTH PARLIAMENT — FIRST SESSION**

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Mr DAMIAN DRUM

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Davis, Mr David McLean	Southern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
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Elasmarr, Mr Nazih	Northern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
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Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vogels, Mr John Adrian	Western Victoria	LP



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**Tuesday, 5 February 2008**

**The PRESIDENT (Hon. R. F. Smith) took the chair at 3.01 p.m. and read the prayer.**

### ROYAL ASSENT

**Message read advising royal assent to:**

**11 December 2007**

**Agent-General and Commissioners for Victoria Act**  
**Animals Legislation Amendment (Animal Care) Act**  
**National Electricity (Victoria) Amendment Act**  
**Police Regulation Amendment Act**  
**State Taxation and Accident Compensation Acts Amendment Act**  
**Transport Legislation Amendment Act**  
**Victorian Energy Efficiency Target Act**  
**Victorian Workers' Wages Protection Act**

**18 December 2007**

**Gambling Legislation Amendment (Problem Gambling and Other Measures) Act**  
**Liquor Control Reform Amendment Act**  
**Road Legislation Further Amendment Act.**

### OPPOSITION LEADERSHIP

**Mr D. DAVIS** (Southern Metropolitan) — I am pleased to advise the house that at a meeting of our party recently I was elected Leader of the Opposition in this chamber. Ms Lovell was elected Deputy Leader of the Opposition. I also advise the house that I am acting in the capacity as shadow environment minister. Mr Rich-Phillips is acting shadow minister for finance and trade. I would also like to state very clearly that the party and the community owe a debt to Philip Davis and Andrea Coote for their period as leader and deputy leader in this chamber.

**Mr P. DAVIS** (Eastern Victoria) — I would like to congratulate Mr Davis and Ms Lovell on their election as Leader and Deputy Leader of the Opposition respectively, and wish them well and great satisfaction in the discharge of those higher offices in this chamber on behalf of the people of Victoria.

I would also like to simply say thank you to all members present for the courtesy shown to me over the last five years as Leader of the Opposition, and in

particular to thank the party leaders and other representatives, as the case may be, particularly the Leader of the Government, Mr Lenders; the Leader of The Nationals, Mr Hall; and more recently — in the last 15 months — Ms Pennicuik and Mr Kavanagh for their contribution to what has been, I think, the orderly management of the business of the house and the cooperation that has evolved between all the parties. Even the Leader of the Government would acknowledge to some degree that that has been the case.

I would particularly like to thank Andrea Coote for being a Trojan as a deputy leader and for doing all of those things that deputies tend to do after their leaders delegate. I put on the public record what a great deal of gratitude I have for her participation in our partnership for over five years. I thank you, President, for your courtesy over the last 15 months.

### RETENTION OF TITLE 'HONOURABLE'

**The PRESIDENT** — Order! I wish to advise the Legislative Council that I have received advice that the Governor has approved the retention of the title 'Honourable' for Barry Wilfred Bishop, Ronald Henry Bowden, Andrew Ronald Brideson, William Forwood, Sang Minh Nguyen, Eadley Graeme Stoney and Christopher Arthur Strong, each of whom served as a member of the Legislative Council for a continuous period of not less than 10 years.

### STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION

#### Membership

**The PRESIDENT** — Order! I wish to advise the Council that I have received from the party leaders and the Australian Greens whip within the time set by a resolution of the Council on 21 November 2007 advice in which Mr Barber, Ms Broad, Mr Guy, Mr Hall, Mr Rich-Phillips and Mr Viney were nominated as members of the Standing Committee on Finance and Public Administration, in addition to Mr Kavanagh, who was appointed as a member of the committee pursuant to the resolution.

### ABSENCE OF MINISTER

**Mr LENDERS** (Treasurer) — I rise to advise the house, as I advised party leaders earlier today, that the

Minister for Planning will be absent for most of this week for personal reasons.

## QUESTIONS WITHOUT NOTICE

### Port Phillip Bay: channel deepening

**Mr D. DAVIS** (Southern Metropolitan) — I direct my question to the Minister for Environment and Climate Change. Will the government immediately release the channel deepening project environment management plan as provided to the federal Minister for Environment, Heritage and the Arts, Peter Garrett, last week? If not, will the minister advise why this vital plan has been and continues to be a secret?

**Mr JENNINGS** (Minister for Environment and Climate Change) — I thank David Davis for his first question. I am very pleased to be able to indicate to him that my answer is in the affirmative and in the positive. We will be releasing through the auspices of the port of Melbourne authority the full details of the environment management plan. When I gave my conditional approvals on 14 December — —

**Mr D. Davis** interjected.

**Mr JENNINGS** — No, on 14 December. I indicated that subject to the consideration of my federal colleague, the Minister for Environment, Heritage and the Arts, Peter Garrett, and his sign-off on the environment management plan, my approvals were subject to the full disclosure of the details of the environment management plan being made available by the port authority before any channel deepening activities were to commence.

I stand by that commitment. When the federal minister, Peter Garrett — if and when — gives his final approval, which I anticipate will occur shortly, there will be subsequent consideration by the secretary of my department, who has delegated responsibilities for the matters which are my responsibility. Once those approvals have been given — and I believe they will be given imminently — then the environment management plan will be disclosed in detail on the port of Melbourne authority website and made available prior to the commencement of the work.

#### *Supplementary question*

**Mr D. DAVIS** (Southern Metropolitan) — I hope we do not have too long to wait. Given the failure to release the plan to date, will the minister advise the house of other locations where large volumes of contaminated toxic sediment have been successfully

dumped close to a large urban population using the capping and bunding system proposed under the project?

**Mr JENNINGS** (Minister for Environment and Climate Change) — First of all, the member is actually seeking my assurance that I will comply with the statements I made on 14 December and which I have reiterated in the Parliament today. It is my full intention to make sure that there is a proper disclosure of these matters. When I gave my conditional approval in December I indicated that the environment management plan was comprehensive in establishing environmental benchmark standards that are of the highest order in terms of trying to make sure that we comply with international best practice.

The environment management plan not only covers those benchmarking standards of environmental performance but also covers certain contingencies that are outlined in terms of various — —

**Mr D. Davis** — So, the locations?

**Mr JENNINGS** — I will address that in a minute. There are issues about ensuring that in terms of various contingencies relating to environmental performance — what might be matters of concern in terms of environmental monitoring — a number of scenarios are embedded within the environment management plan to try to ensure that any adverse effects are contained and limited and that there is compliance with environmental standards contained in the report.

Regarding the technical details which relate to the containment and capping procedure contained in the report, the member is quite right to indicate that this is one of the areas on which great concern has been expressed in the community. Great examination has been undertaken by the port and those who advised it in relation to this issue. This issue is an area whereby continual environmental monitoring will have to be of the highest order to ensure a degree of confidence in our community that no adverse impact upon the bay will occur. The member is quite right to indicate that this is a significant issue which we should draw particular attention to.

Having said that and while being mindful of the environmental standards and the environmental monitoring which is required to maintain that degree of confidence, I am somewhat embarrassed to say that I do not know off the top of my head of other situations where this has occurred throughout the world. I will certainly know by the end of the day, and I will be able to answer the member's question.

### Land tax: rates

**Mr THORNLEY** (Southern Metropolitan) — My question is to the Treasurer. Can the Treasurer inform the house of changes to the 2008 land tax rates and how they will affect Victorians who will receive a land tax assessment?

**Mr Finn** interjected.

**Mr LENDERS** (Treasurer) — I thank Mr Thornley for his question, and in doing so I will take up Mr Finn's interjection. The land tax rate at the top of the range in this state was 3 per cent. During the Kennett government's time in office that rate was increased to 5 per cent. Mr Finn was one of the shameful five in this house who voted to increase land tax from 3 per cent to 5 per cent.

In response to Mr Thornley's question, on Friday I had the pleasure of reminding Victorians of the changes to land tax rates that were passed in the budget last year. We are now seeing fewer Victorians pay land tax than would have been the case had we not changed the law, and less money is being received from land tax than if we had not changed the law. For the fourth time during the life of this government, land tax has been cut in Victoria.

We have seen the top rate go down from the 5 per cent that David Davis, Philip Davis, Bruce Atkinson, Peter Hall, Inga Peulich and Bernie Finn voted to increase the rate to during the Kennett government years. It has gone down from 5 per cent to 2.5 per cent under this government through the fourth series of land tax cuts. Not only that but we are seeing in Victoria today that when land tax notices go out, 80 per cent — that is, 8 out of 10 — of Victorian land taxpayers will either pay the same land tax or less than they paid last year.

I say to Mr Thornley that this government will deliver services to Victorians. We will deliver targeted services in health, education, community safety and the environment. We will deliver targeted infrastructure, but we will also be responsible for tax — —

**Mr Guy** interjected.

**Mr LENDERS** — I will take up Mr Guy's interjection. On about 15 occasions the opposition has wanted to spend the state government's surplus on different projects but without any accountability for a bottom-line or targeted service delivery. This government will continue to deliver services and tax cuts. This government will continue to manage the economy well.

Again, to put it into perspective, as a result of the regime we inherited from the Kennett government, if we had not intervened four times, \$800 million extra a year would be coming from Victorian land tax payers. I call on the opposition to look at page 3 of the *Age* of two days ago to see what the Property Council of Australia thinks about this: it thinks we are doing the right thing and going in the right direction. It would like more, but it acknowledges what we are doing.

This is just part of getting an economy in place which will deliver jobs, jobs and more jobs to Victorians. That is a core Labor value — a strong economy which delivers jobs and which makes Victoria an even better place to live, work and raise a family.

### Gippsland Lakes: algal bloom

**Mr HALL** (Eastern Victoria) — My question without notice is directed to the Minister for Environment and Climate Change. I refer the minister to the algal bloom that affected much of the Gippsland Lakes over the summer period and which is continuing to do so. Has the minister visited the region to inspect the algal bloom and to assess its short-term and long-term impact on the region?

**Mr JENNINGS** (Minister for Environment and Climate Change) — The member is quite right to indicate that the algal bloom situation in the Gippsland Lakes is one of significance. I visited the region on a number of occasions prior to the arrival of the algal bloom. Indeed, I was in Gippsland when the algal bloom was visited upon the lakes. Although I did not specifically go to the lakes at the time, I was in Gippsland and I was aware of it. In fact I have dealt with the officers of the Department of Sustainability and Environment and the various agencies in relation to this matter.

I am acutely aware of the nature of the nutrient load that is carried by the lakes and the impact it has on the lakes themselves and the ability of members of the community to enjoy the lakes and the difficulties it creates for economic and social activity within that region. I certainly know that the relevant agencies have been working assiduously to try to contain the proliferation of the bloom and to make sure that people in the community are well informed about the nature of the risk that may be generated in the short term.

I certainly know of the work that needs to be done by all of us in trying to encourage those within the catchments of the river streams that feed into the lakes to try to make sure people are more aware of the circumstances by which the nutrient load may

accumulate in the catchments and how it can contaminate the quality of the water within the lakes themselves. That is an ongoing issue in respect of which all of us will need to play a role to try to ensure that the community upstream of the lakes is well informed about the load which may come downstream to the lakes and which may add to this degree of difficulty.

As members of this chamber presumably are aware and as other members of the community may understand, there is a limited life to algal blooms in the sense that the growth of the organisms ultimately leads to their own destruction because they accumulate at a rate that leads to their demise. That is not something that we take any great comfort from, but in terms of the interventions that we can apply, if it is in a small location, turbulence may be sufficient to address this problem. Otherwise the remedies that are available to us are fairly unattractive in terms of the chemical load which we may be adding to the lake system and which is ultimately not productive. On that basis we are adopting minimal intervention in not trying to reduce the water quality over a longer period.

But I acknowledge this is a significant issue, and while I may be theoretically pinged on the fact that I have not been in Gippsland for the last three weeks — and I will be able to account to the Parliament for what I have been doing for the last three weeks — I have been acutely aware of, have been advised about and have been engaged in information flows and decisions by the relevant agencies in dealing with this important matter.

*Supplementary question*

**Mr HALL** (Eastern Victoria) — Given the minister's concession that the nutrient load carried by the lakes is a significant factor in promoting the algal bloom, how does the minister justify the decision by the government to reduce the amount of funding for the nutrient reduction program from an average of \$3.2 million per annum to \$2 million per annum, considering the enormous social, economic and environmental value of the Gippsland Lakes?

**Mr JENNINGS** (Minister for Environment and Climate Change) — I am very happy to engage with Mr Hall and his community and with other members of the community about the appropriate level of government support now and into the future in relation to this matter.

All of us would be acutely aware that last year a very unfortunate series of environmental factors flowed from the cumulative effect of the drought, the fires and then

the floods. In fact from the time of the floods early last year the potential for the algal bloom was effectively a biological time bomb in relation to the lakes. As to the efforts that could have been made subsequent to the floods, there was probably very little action in terms of resources that could have been thrown at the problem to prevent it. In fact it was largely driven by the flood factors and the environmental factors that flowed from the floods. But I take Mr Hall's point that the government should be alert to the degree of resources and support that is provided to that catchment and to other communities that deal with algal blooms.

**Innovation: government initiatives**

**Mr SCHEFFER** (Eastern Victoria) — My question is for the Minister for Innovation. Can the minister outline for the house how the government's commitment to innovation will take on a broader focus in 2008?

**Mr JENNINGS** (Minister for Innovation) — I thank Mr Scheffer for his question and for the opportunity to talk to the house today about an important part of the government's agenda to support innovation. Not for the first time in this chamber I am very pleased to talk about our support of innovation and of research and development for the scientific capacity of the community. Indeed the Premier has just finished making a statement in the other place about the importance of a range of government programs and initiatives in 2008, of which innovation and supporting scientific endeavour and the industrial capacity of Victoria is a prominent feature of that priority of the government.

During the life of our government we have invested more than \$2 billion in supporting the innovation agenda within the program of the science and technology initiative (STI), which is a \$620 million aspect of that program. We have already seen significant benefits accrue to the Victorian economy. The Allen Consulting Group, which undertook a piece of work to appraise the effect of that program, has indicated that as much as \$1.3 billion worth of private investment has flowed from the stimulus and the support provided by the STI grants program. As much as \$3.9 billion worth of economic activity and an increase in gross state product will be contributed up until the period of 2014 from the cumulative effects of that investment.

As we can see, there will be great scientific endeavours during the life of the STI program: 600 discoveries have been made that warrant some form of IT protection and 52 patents have been applied for and

granted within the American jurisdiction. That is quite a significant breakthrough for the commercialisation of great scientific endeavour in Victoria.

I am pleased also to say to the house that this year, as part of the government's priorities, we will see a renewing of the Victorian innovation strategy. That is in our jurisdiction, but very importantly there is an opportunity to establish a national innovation agenda, because for the first time in recent memory the incoming Labor government — the Rudd government —

**Mr Lenders** — Say it again; that sounds nice.

**Mr JENNINGS** — The Rudd government has indicated a degree of support for the innovation sector and for the innovation agenda. It has announced a number of funding programs that will support an innovation agenda. They include the \$240 million clean business program, the \$150 million energy innovation program, the \$50 million geothermal program, and, of course, the most famous of those programs is the \$500 million green car innovation initiative.

Hopefully that initiative will underpin a breakthrough in design in relation to that important part of Australian industry. This will be a collaborative effort between the state and the commonwealth, and that degree of collaboration will be evident and on show as early as Friday week, when all ministers around the country responsible for innovation will join together to take the national innovation agenda further. This is a major priority of the Brumby government and something we are very keen to support in 2008.

### **Economy: performance**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — My question is to the Treasurer. Does the government share the commonwealth's concern at the increase in the underlying rate of inflation?

**Mr LENDERS** (Treasurer) — I thank Mr Rich-Phillips for his question. The state government, like the commonwealth government, is very conscious that the Reserve Bank of Australia has set a target of an inflation rate in the range of 2 to 3 per cent. The bank's announcement that the cash rate has gone up by another quarter of a per cent, which was made while we were listening to the Premier's statement in the Assembly, shows that it is keen to keep inflation within that range.

It is interesting to note that the Reserve Bank in its commentary on the underlying causes of inflation and ways to deal with it included things like skill shortages

and infrastructure bottlenecks, the addressing of which has been a hallmark of this Labor government over the last eight years. I share the view of the commonwealth government that these are issues that need to be addressed. The appropriate bodies to address them are the independent Reserve Bank and the commonwealth government. That government is leading the way in addressing those issues of infrastructure bottlenecks and skills. I might say that Victoria pointed out those issues to the previous commonwealth government, which had its ears blocked.

I thank Mr Rich-Phillips for his question. We all share a common goal: to keep this economy strong. That is the sort of thing that creates jobs — the jobs that are necessary if those in the next generation of Victorians are to have the opportunities we all want them to have. I look forward to his supplementary question.

### *Supplementary question*

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I thank the Treasurer for his answer. Given the government's concern about the rising rate of inflation, will the Treasurer now rein in state expenditure, which has grown by an average of 7 per cent per annum over the life of this government?

**Mr LENDERS** (Treasurer) — I welcome Mr Rich-Phillips's question. I also draw his and the house's attention to what has been funded by state expenditure. Since this Labor government came to power we have seen a fairly stark transformation —

**Mr Atkinson** interjected.

*Honourable members interjecting.*

**Mr LENDERS** — I am really pleased that Mr Atkinson is concerned for my welfare and is asking me to find a page for him, because I have good news in this folder. On the issue that Mr Rich-Phillips has raised about reining in expenditure, I would say to him that there are a couple of things about Victoria now that are different from what was the case eight years ago.

Expenditure under the Labor government has seen us employ 8000 new nurses and over 1000 new doctors as opposed to the cut of 3500 under the previous government. We are seeing 1.3 million patients a year treated in our public hospitals versus 1 million eight years ago — a 30 per cent increase in the number of patients being treated. We have seen the employment of 7300 extra staff in government schools as opposed to a cut of 9000 under the alternative government. We have seen the employment of 1600 new police officers under Labor as opposed to a cut of 800 under the previous

government. It is no wonder crime has come down — there are more police on the beat.

Mr Barber will be interested in the social policy indicators. We have seen the incidence of problem gambling come down from 2.14 per cent to 1.12 per cent. We have seen the creation of 412 000 new jobs as opposed to 260 000 in the previous eight years. We have seen the average unemployment rate at 5.7 per cent versus 9.1 per cent. We have seen 128 000 new regional jobs versus 41 000. We have seen an average regional unemployment rate of 6.3 per cent instead of a rate of 9.8 per cent. I could go on and on and on.

But in response to Mr Rich-Phillips, this government believes in fiscal rectitude. We have a AAA rating from Moody's and Standard and Poor's. This government spends resources on service delivery and infrastructure growth within the framework of a budget in the black. This government has increased investment in infrastructure from less than \$1 billion to \$4 billion to do exactly the things that the Reserve Bank says are necessary to bring down inflation — dealing with skills and infrastructure bottlenecks. If Mr Rich-Phillips, under this bright new era of Liberal leadership — he is weighed down with the multiple portfolios — is talking about cutting, then he needs to reconcile that with everybody else who is promising to spend the government's surplus: David Davis; the Leader of the Opposition in the other place, Mr Baillieu; the member for Scoresby in the other place, Mr Wells; and Mr Vogels. He needs to reconcile what he wants to cut with what he is going to bring in to do the things he wants to do.

This government will continue to drive the economy to bring growth and jobs to this state because that is what we need to make Victoria an even better place to live, work and raise a family. This state also probably needs more chiropractors. I am delighted that David Davis is now the Leader of the Opposition — and it is good that he is a chiropractor, because he will need to twist his neck a lot to watch his back.

**Climate change: government initiatives**

**Ms TIERNEY** (Western Victoria) — My question is to the Minister for Environment and Climate Change. Can the minister outline for the house some of the ways in which the Brumby government will build on its leadership role in the effort to tackle climate change during 2008?

**Mr JENNINGS** (Minister for Environment and Climate Change) — I thank Ms Tierney for the opportunity to talk about an important part of the

government's commitment to dealing with climate change matters — with the adverse potential impacts of climate change and mitigating against those, adapting to changed circumstances that may require an ongoing change of practice in infrastructure investment and providing opportunities for economic activity to underpin the confidence in Victoria's future in a time of climate change. That is a very significant undertaking on an important issue, which the Premier has reiterated as recently as within the last hour.

I am very pleased to say that it is a commitment I and other members of the government share to make sure that 2008 — the year in which Australia will do the detailed work of establishing a national emissions trading scheme and the year in which this nation will finally grapple with the issue of the price of carbon in terms of the energy sector and other industry sectors which contribute to greenhouse gas emissions — will be the year in which the major regulatory environment, the major leapers and the major market mechanisms will need to be established. Victoria has demonstrated its commitment to be at the cutting edge of this thinking in Australia, and it will continue do so within the national scheme that will be established during the course of this year. We want to ensure that we drive the standards and the expectations for the reduction of greenhouse gas emissions and that we are at the leading edge of Australia's response on this issue.

During the course of the introduction to my answer to this question members on the other side tried to give me a bit of flak about the fact that I travelled overseas during the month of January and engaged with many leading academics and regulators at both the federal and state levels in the United States of America. I met with many representatives of energy generators and those who are responsible for regulating the energy sector in both the state and federal jurisdictions. People who invest in the energy sector will be very interested to know what investment opportunities there may be for a shift from their current profile of energy generation in Australia towards renewable energy.

Indeed I am very pleased to say that through a series of very productive discussions I shared Victoria's vantage point, I learned from the experts and those who are engaged in the sector, and I think there will be very productive outcomes from those series of discussions.

The day that I arrived back in Victoria — 29 January — the Premier, along with me, the Minister for Energy and Resources and the Minister for Water, convened a round table of major stakeholders within the energy sector in particular and those who are concerned with greenhouse gas emissions. Those

groups ranged from Environment Victoria and the various environmental groups through to the Victorian Council of Social Service, which is concerned about the social and equity questions of the introduction of a price of carbon, and included those that are involved in the potential renewable energy sector and those that are going to be translating their current brown coal generating capacity and that are looking at the ways in which they can technically improve their performance and take opportunities with a price for carbon this year. They were very productive and constructive conversations.

During the course of that round table, which was very engaging for those stakeholders, the Premier announced that it is the intention of our government to hold a summit to engage more broadly with the Victorian community about these issues and to provide opportunities for other stakeholders to comment on these matters and to drive Victorian policy further. In fact 23 April is the date allocated for this summit, which will create the opportunity for us to take the policy to the next stage.

We are not resting on our laurels in relation to specific programs that underpin our drive in energy and in this sector in 2008. Whether it be through the energy and resource efficiency program that is trying to encourage Victorian industry to reduce its environmental footprint; whether it be driven through household reforms such as the Victorian energy efficiency target program, which will be designed to increase the efficiency of households; whether it be to continue the drive through the renewable energy target, in which Victoria has always been a leader; whether it be through the energy technology innovation strategy scheme, which looks at the ways in which we drive research and development into technical solutions to deal with reducing the carbon load of the energy sector; or whether it be in relation to reducing our resource use further towards zero-waste policies, we will be having a series of concerted and dedicated programs to drive this agenda whilst we are establishing the architecture of the new national emissions trading scheme and introducing the price of carbon. The Brumby government wants to be at the leading edge of these developments right across this nation and internationally.

### **Police: country residences**

**Ms LOVELL** (Northern Victoria) — I direct my question to the Treasurer. Given the recent recommitment to public safety by the Chief Commissioner of Police and the Brumby government, will the Treasurer stop the sale of 45 country police residences?

**Mr LENDERS** (Treasurer) — I thank Ms Lovell for her question and congratulate her on her elevation to the role of Deputy Leader of the Opposition in this place. In doing so I would also like to pay tribute to her predecessor, Mrs Coote, for her fine stewardship in that role. On behalf of the government I express congratulations to both David Davis and Ms Lovell, and also to Philip Davis and Mrs Coote on the roles they have played, which are great and important roles in a Parliament and in a house of review.

Ms Lovell asked about the sale of country police houses. I say to Ms Lovell that, firstly, this government has, as I outlined in an earlier response to a question from Mr Rich-Phillips, appointed or established 1600 extra police across this state, after it inherited a regime — and I do not use the word lightly — that dismissed 800 police, as a broken promise, and then wondered why we had a growing number of instances of crime across the state.

Secondly, this government has opened more country police stations — I could for the benefit of Ms Lovell get the exact number — than probably any other government in this state.

**Ms Darveniza** interjected.

**Mr LENDERS** — And, as Ms Darveniza said, plenty of them are in the Northern Victoria Region. I say to Ms Lovell that this government is about putting more police on the beat, more resources for the police force — —

**Mr D. Davis** interjected.

**Mr LENDERS** — It is mind-boggling to hear David Davis talking about flogging off assets. This was a regime we inherited. David Davis voted for a budget that closed 300 schools, closed police stations, closed country hospitals, flogged off railway lines and flogged off anything that moved in the state of Victoria.

What I say to Ms Lovell is that this government is delivering community safety like no government before it. We will continue to focus on important service delivery issues. If she wishes to make a particular budget bid, I am not going to break the tradition of 156 years, or whatever it is, of treasurers in this state on ruling things in or out of the budget. What I will say to Ms Lovell is: judge us on our deeds, which include 1600 more police versus 800 slashed by the Kennett government and more country police stations, with the result that crime is coming down in Victoria. The Bracks and Brumby Labor governments have acted to make Victoria a better place to live, work and raise a family.

*Supplementary question*

**Ms LOVELL** (Northern Victoria) — I ask the Treasurer: to whom or to which project will the windfall money raised by the sale of police residences in 45 country communities go? Those communities include Heywood, Dimboola, Timboon, Halls Gap, Portarlington, Buninyong, Ballan, Wallan, Kyabram, Beechworth, Alexandra, Korumburra and Orbost.

**Mr LENDERS** (Treasurer) — I had the great pleasure of being education minister in this Labor government for eight months, and in that time I had the joy of going to pretty well most of those communities Ms Lovell has talked about. In many of those communities we saw new police stations, and in most of those communities we saw a greater police presence on the beat than we had seen before. We also saw in most of those communities schools being rebuilt. We actually saw in many of those communities access to reticulated natural gas being extended. We also saw in the largest infrastructure spend on railways in country Victoria since the gold rush.

If Ms Lovell wants to know where the windfall, as she says, is being spent, I would say to her that we are seeing 8000 more nurses in Victoria, including in regional Victoria, we are seeing 300 000 more patients being treated than were treated during the Kennett years and we are seeing 7300 new teaching staff in schools. Ms Lovell can ask as many questions as she likes, and I am delighted to oblige by showing her the services that this Labor government is delivering across not just Melbourne but the whole of Victoria.

It is amazing how memories are short. There was a Premier of this state who described Melbourne as the beating heart of the state and country Victoria as the toenails. Ms Lovell, who comes from country Victoria, should be apologising to people in country Victoria for Jeff Kennett calling them the toenails. This government will deliver services to the whole state in budget after budget, because we believe in governing for the whole state and making Victoria a much better place to live, work and raise a family.

**Port Phillip Bay: channel deepening**

**Ms BROAD** (Northern Victoria) — My question is to the Minister for Industry and Trade. Can the minister inform the house of the benefits to Victorian industry and trade, especially industry and trade that provides jobs for working families in regional Victoria, of channel deepening in Port Phillip Bay?

**Hon. T. C. THEOPHANOUS** (Minister for Industry and Trade) — I thank the member for her question. I acknowledge the new Leader of the Opposition, David Davis. I also acknowledge his deputy, Wendy Lovell. I also want to say that we in this house are all thankful for the role played by their predecessors, Philip Davis and Andrea Coote. We hope that David Davis follows in their footsteps and learns to be a leader.

I am very pleased to answer the question — —

**Mr Guy** interjected.

**Hon. T. C. THEOPHANOUS** — I just hope that David Davis will not be treacherous and untrustworthy, that is all.

I do want to answer this question, because it is a very important question in relation to channel deepening. The Brumby government has made channel deepening one of its important infrastructure projects for the state. This is because the port of Melbourne is vital not just for Melbourne but also for regional Victoria. People throughout Victoria need to understand how important the operations of the port of Melbourne are to our economy, and I want to give members of the house some information about that.

The port of Melbourne is central to the Victorian and national economies as well as our regional economy. First of all, it is Australia's largest container and general cargo port. It handles around \$75 billion of trade each year, with \$142 000 worth of trade going through the port every minute. That is the importance of this port to this state and to this nation. It handles on average \$100 million worth of exports every single day. It handled around 38 per cent of Australia's container trade as of June 2007, which is more than the combined total handled by Adelaide, Brisbane and Fremantle and around 25 per cent more than Sydney. The port of Melbourne is hugely important for regional Victoria, for Victoria and for Australia.

Using conservative estimates, an independent report by PricewaterhouseCoopers showed that the channel deepening project will have a net economic impact of \$2.2 billion on the Victorian economy. It will have a positive effect on investment, including in regional Victoria.

**Mr D. Davis** interjected.

**Hon. T. C. THEOPHANOUS** — I would be happy to have David Davis on the record talking about how he does not support it. He ought to come out and support it

unequivocally, unlike his leader in another house who waxes and wanes on it.

This project will create 2200 jobs, particularly in manufacturing, logistics — and it will create jobs in the Central Highlands-Wimmera region. I say that because cereal and wine production are two of our important exports that go through the port of Melbourne. This project will create jobs in regional Victoria, not just in the port of Melbourne. It will have flow-on effects for thousands of other jobs across the state.

In the December quarter 44.3 per cent of container ships visiting our port could not get here with a full load because the channel is not deep enough. I want to repeat that for those people who do not understand the importance and the magnitude of the problem: 44 per cent of the ships could not go into our port with a full load because of the depth of the channel. That is what we are trying to deal with in this state. If members of the Greens political party are going to bag this important project, they ought to at least acknowledge the huge economic impact there will be if we do not proceed with it.

It is estimated that the cost per ship that does not go out in a fully loaded fashion is \$400 000. That is \$400 000 that has to be passed on to consumers. It has to be passed on to consumers because the depth in our channel is not adequate. Unfortunately the people involved in this debate have not been prepared to put up or understand all of these issues. Larger cargo ships being allowed into the port will reduce emissions because they will be able to transport a greater amount with fewer emissions going out. In fact it is estimated that they will reduce emissions by 1.5 million tonnes. Failure to deepen the channel would add extra costs for Melbourne shippers, from around \$100 million per year in the early years to around \$450 million in 2035, if we were to do nothing.

Let me say this: dredging is not something that is currently unique to this state; it is occurring in the ports around the country. It occurs in the port of Brisbane and in Dampier, Port Kembla, Newcastle and Adelaide, which have all dredged, and in Gladstone and Fremantle, which are planning to dredge. This is not anything new. This is something that has to be done to maintain the economic health of this state. It is the responsible thing to do. Just because the *Age* newspaper wants to run a campaign about this does not make it correct. The economic future of the state is more important than a campaign by a particular newspaper.

It is a bit much for the Leader of the Opposition in another place to be running around, on the one hand

trying to pretend that he somehow supports this project and on the other hand wanting to have it both ways by putting in place legislative requirements and other things that would make it impossible for the project to go ahead. That is what the Liberal Party is on about: having 2 bob each way. At least with the Greens you know on which side they stand; with the Liberal Party no-one has any idea on which side they stand.

### **Energy: low-income concessions**

**Mr BARBER** (Northern Metropolitan) — My question is for the Treasurer. Can he tell us what will be the estimated impact for the remainder of this financial year on the state budget of the double-digit increases in water and electricity bills as they impact on the state budget low-income concessions line item for low-income people?

**Mr LENDERS** (Treasurer) — Mr Barber has asked a question. I will get back to him with the specific details; I will take that part of the question on notice.

There are clearly two aspects to this. One is the impact on low-income families. This government is clearly concerned about that, and regarding water the Premier has already announced that in this current year there will be — —

**Mr Guy** — They don't want your concern; they want your action.

**Mr LENDERS** — Mr Guy says they are wanting action. Mr Barber has asked a reasonable question and he is getting a reasoned response. I am quite prepared, if I do not fully understand detail, to take a question on notice, unlike an opposition member opposite, who on 15 January 2001 said that the Victorian government should be spending resources in Albury! That was David Davis, at the time thinking Albury is in Victoria. If I do not know the answer to a question, I am not ashamed to say I do not know about that part of the question, take it on notice and come back. David Davis thinks Albury is part of Victoria. I certainly know it is not, but if I did not know, I would keep my mouth closed. My grandmother gave this advice: it is better to keep your mouth closed and let people think you are stupid than to open it and remove all doubt.

Mr Barber asked a specific question. I will take the detailed part of his question on notice, and I think I have answered the other part of his question in general terms.

*Supplementary question*

**Mr BARBER** (Northern Metropolitan) — It is a quarter of a billion dollar line item, so I am kind of surprised that the Treasurer does not have that estimate at his fingertips. Given the federal government's new-found enthusiasm for being the saviour of the household budget and cost-price inflation, can the Treasurer assure us that there will not be any changes in the future in eligibility for or the percentage amount of those low-income concessions that protect some of the most vulnerable people in Victoria as a way of propping up a future stream of budget surpluses?

**Mr LENDERS** (Treasurer) — Firstly, the sting at the end of Mr Barber's question is one that I cannot go past. He talked about budget surpluses. As Mr Barber, who is a member of the Public Accounts and Estimates Committee, well knows, every cent of this government's surplus has gone to things such as reducing debt in areas like the unfunded liabilities in the area of pensions of Victorians or, more significantly, into critical infrastructure like the construction of schools and water infrastructure to actually provide water for those consumers that Mr Barber talks about.

**Ms Lovell** interjected.

**Mr LENDERS** — I take up Ms Lovell's interjection, 'What do you build?'. I would have thought that someone who comes from the town of Shepparton would know that the government went and listened to the community there and was requested to make a major infrastructure boost to that community that would mean we would deal with the 800 gegalitres of water lost in the Goulburn system and put some of that water back into farms, some into keeping rivers clean to remove the algal bloom that Mr Hall was talking about before and some into dealing with consumers in Victoria, many of whom are in Ms Lovell's electorate.

Ms Lovell might not particularly care for consumers in the southern part of the Seymour electorate, she may not care for consumers in the Macedon electorate, she may not care for consumers in Bendigo — she may not care for these people for whom this government has been investing in water infrastructure — but I remind her that those consumers are actually in her electorate. She represents them, and their legitimate aspirations to have security of water supply are something she should perhaps address her mind to.

Particularly in response to Mr Barber's question on the issue of where these surpluses are going, they are going into the critical infrastructure necessary to deliver

health services, education services, water and all the other important infrastructure areas that this state requires to deliver services. This government has done more to deal with those issues for all Victorians. We have broadened the concessions for low-income Victorians in a range of areas in our eight years in government. We will continue to focus on targeted service delivery, and we will be judged on our actions.

As Mr Barber well knows, in the community services area this government restored funding that was slashed by the previous government.

**Mrs Peulich** interjected.

**Mr LENDERS** — Mrs Peulich in mock horror says, 'No!'. She was one of the members who sat there and voted to heartlessly slash the funding for the Grey Sisters, who were dealing with the most vulnerable of women in the eastern suburbs. Mr Barber has the answer: this government will continue to have targeted service delivery. I am not going to rule any particular budget item in or out. I can assure Mr Barber that in concessions we have delivered to vulnerable consumers, and we will continue to make Victoria a better place to live, work and raise a family.

**Defence industry: technology centre**

**Mr PAKULA** (Western Metropolitan) — My question is to the Minister for Industry and Trade. Can the minister update the house on the progress of the Victorian defence industry and any recent investments that will benefit Victoria?

**Hon. T. C. THEOPHANOUS** (Minister for Industry and Trade) — I thank the member for his question. The defence industry is one of those industries that is not talked about a great deal as an industry in terms of jobs and its importance in Victoria. Victoria is of course the heart of manufacturing industry, but it is also the heart of much of the defence industry.

Members might be interested to know that it is estimated that 10 500 people work in this industry in Victoria, and it has a gross revenue of \$1.7 billion. Victoria produces about two-thirds of Australia's overall defence exports every year, and defence exports alone accounted for \$310 million in the last year.

This is an important industry in terms of both jobs and its contribution to national defence. I might say that it was very pleasing therefore from a Victorian point of view when Victoria was chosen as the site for the new defence future capability technology centre. This very important new centre will look at new technologies that

can be applied in the defence industry. In particular it will concentrate on new materials technology, which will be a big part — in fact, the centrepiece — of the research in this centre. I know, President, with your background, how much you are interested in the defence industry and the development of new technologies for the Australian defence forces. They will be in areas such as air platforms, armour applications, marine platforms and propulsion systems, all of which are important in maintaining a modern defence capability. If Victoria is also going to be part of the production of these applications, then it is important that we have the technology, and that is what this technology centre is all about.

This technology centre is an \$82 million investment. It will be based in Melbourne at Fishermans Bend. It will involve 38 new local jobs, and it will help ensure that Victoria maintains its position of having 60 per cent of Australia's defence technology research and development activity and that we play our part in maintaining this very important industry going forward. We have had some very important successes recently, including the recent success of Tenix Marine in securing the contract for the amphibious ships against very stiff competition from other states. That project will involve the assembly of those ships at Williamstown and will add about \$500 million to our economy.

The project for the development of the Bushmaster contract, involving a further 250 Bushmasters at a cost of \$300 million, will be made by Thales. I met with representatives of Thales recently. It is a very important company from the point of view of our defence forces. It is also a company which is situated in and provides jobs in regional Victoria. But I might also say that the Bushmaster has built a reputation in theatres of war, in particular in Iraq, as being a product which is capable of saving lives because of the quality of that product relative to comparable products elsewhere.

Gaining this defence future capability technology centre is another success story for Victoria, and it will add to our defence capability as well as adding to our economy.

## QUESTIONS ON NOTICE

### Answers

**Mr LENDERS** (Treasurer) — I have answers to the following questions on notice: 122, 512–13, 569, 571, 596, 599, 601, 623–30, 639, 680, 729–33, 755, 786, 803, 813, 848, 872–3, 894, 917, 938, 941, 952, 956,

995, 1015, 1017, 1045–7, 1059–61, 1069–73, 1076, 1079–80, 1082–3, 1089, 1093, 1096, 1099, 1123, 1134–5, 1158, 1163, 1195, 1202, 1204–7, 1209, 1244, 1257, 1267, 1380, 1385, 1575–7.

**The PRESIDENT** — Order! David Davis has written to me seeking my ruling in relation to a number of answers to questions on notice. In relation to questions 64, 69, 797, 801 and 810, in my opinion the questions have not been answered, and I therefore direct that they be reinstated to the notice paper.

In relation to questions 68 and 70, I am of the opinion that parts 1 and 2 of each of those questions have not been answered and therefore direct that both parts of those questions be reinstated to the notice paper.

In relation to questions 77 and 114, I am of the view that the questions have been answered in the minister's response.

Mr Dalla-Riva has also written to me seeking my ruling in relation to answers to questions 814 and 844, and 874 and 879. In my view the minister's answers satisfy the requirements under the standing orders. The questions have therefore been answered.

## PETITION

Following petition presented to house:

### Buses: Emerald, Cockatoo, Gembrook and Pakenham

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that better transport options for the hills communities of Emerald, Cockatoo and Gembrook are needed.

Residents in the hills communities often rely on a range of services (including medical, disabled and services for the aged) and educational opportunities available in Pakenham and its surrounds. Greater public transport options will link these communities reducing the isolation of the most needy in our community. It is imperative that a bus service is provided that links the towns of Emerald, Cockatoo and Gembrook to the township of Pakenham.

The petitioners therefore request that the state government of Victoria establish better public transport alternatives for the hills communities, including a bus service that will link Emerald, Cockatoo and Gembrook to the township of Pakenham.

**By Mr O'DONOHUE (Eastern Victoria)**  
**(749 signatures)**

**Laid on table.**

**SCRUTINY OF ACTS AND REGULATIONS  
COMMITTEE**

***Alert Digest No. 1***

**Mr EIDEH (Western Metropolitan) presented *Alert Digest No. 1 of 2008, including appendices.***

**Laid on table.**

**Ordered to be printed.**

**BUDGET UPDATE**

**Report 2007-08**

**The Clerk, pursuant to Financial Management Act, presented report.**

**PAPERS**

**Laid on table by Clerk:**

Crown Land (Reserves) Act 1978 —

Minister's order of 20 November 2007 giving approval to the granting of a lease at Elsternwick Park Reserve.

Minister's order of 27 November 2007 giving approval to the granting of a lease at Albert Park Reserve.

Minister's order of 27 November 2007 giving approval to the granting of a lease at Brighton Beach Reserve.

Minister's order of 28 November 2007 giving approval to the granting of a lease at Wombat Hill Botanic Gardens Reserves.

Minister's order of 8 December 2007 giving approval to the granting of a lease at Lake Wallace Caravan Park Reserve.

Minister's order of 14 December 2007 giving approval to the granting of a lease at Torquay public purposes reserves.

Health Services Act 1988 — Report of Community Visitors for 2006–07 (*in lieu of that tabled on 5 December 2007*).

Legal Profession Act 2004 — Practitioner Remuneration Order 2008.

Major Events (Crowd Management) Act 2003 — Minister's order of 19 December 2007 in relation to Junction Oval and surrounding parkland.

Medical Practitioners Board of Victoria — Report for the year ended 30 September 2007.

Murray Darling Basin Act 1993 — Revised Schedule G — Effect of the Snowy Scheme, pursuant to section 28(b) of the Act.

Planning and Environment Act 1987 — notices of approval of the following amendments to planning schemes:

Alpine planning scheme — amendment C16.

Banyule planning scheme — amendment C58.

Bass Coast Planning Scheme — Amendment C80.

Boroondara Planning Scheme — Amendments C63 and C82.

Brimbank Planning Scheme — Amendment C95 Part 1.

Central Goldfields Planning Scheme — Amendment C15.

Corangamite Planning Scheme — Amendment C12.

Darebin Planning Scheme — Amendments C70, C82 and C89.

Glen Eira Planning Scheme — Amendment C57.

Greater Bendigo Planning Scheme — Amendment C99.

Greater Geelong Planning Scheme — Amendments C123 and C157.

Hobsons Bay Planning Scheme — Amendment C64.

Horsham Planning Scheme — Amendment C35.

Kingston Planning Scheme — Amendments C59, C60, C72 and C97.

Knox Planning Scheme — Amendment C65.

Loddon Planning Scheme — Amendment C21.

Manningham Planning Scheme — Amendment C73.

Maribymong Planning Scheme — Amendment C68.

Maroondah Planning Scheme — Amendment C66.

Melbourne Planning Scheme — Amendment C127.

Mitchell Planning Scheme — Amendment C35.

Monash Planning Scheme — Amendments C72 and C78.

Moreland Planning Scheme — Amendments C42, C62 and C74.

Moyne Planning Scheme — Amendment C29.

Murrindindi Planning Scheme — Amendment C20.

Nillumbik Planning Scheme — Amendments C13 Part 2 and C50.

Port of Melbourne Planning Scheme — Amendment NPS1.

Port Phillip Planning Scheme — Amendments C63 and C67.

Stonnington Planning Scheme — Amendments C68 and C72.

- Towong Planning Scheme — Amendment C14.
- Victoria Planning Provision — Amendment V6.
- Wellington Planning Scheme — Amendments C36 and C48.
- Whitehorse Planning Scheme — Amendments C81, C86 and C88.
- Wyndham Planning Scheme — Amendments C104, C105 and C107.
- Yarra Planning Scheme — Amendments C52, C94 and C120.
- Yarra Ranges Planning Scheme — Amendments C56 and C59.
- Yarriambiack Planning Scheme — Amendment C14.
- Project development and Construction Management Act 1994 — Nomination order and application order, 18 December 2007 and a statement of reasons for making a nomination order, 31 December 2007 (three papers).
- Professional Standards Act 2003 — Institute of Chartered Accountants in Australia (Victoria) Scheme, 27 December 2007.
- State Services Authority — The State of the Public Sector in Victoria, 2006–07.
- Statutory rules under the following acts of Parliament:
- Charter of Human Rights and Responsibilities Act 2006 — nos. 135 and 145/2007.
- Dangerous Goods Act 1985 — no. 140/2007.
- Environment Protection Act 1970 — no. 138/2007.
- Fisheries Act 1995 — no. 143/2007.
- Gene Technology Act 2001 — no. 147/2007.
- Health Act 1958 — no. 146/2007.
- Health Professions Registration Act 2005 — no. 132/2007.
- Legal Profession Act 2004 — no. 134/2007.
- Magistrates' Court Act 1989 — no. 142/2007.
- Mineral Resources (Sustainable Development) Act 1990 — no. 131/2007.
- National Parks Act 1975 — no. 139/2007.
- Owners Corporations Act 2006 — no. 130/2007.
- Prevention of Cruelty to Animals Act 1986 — no. 144/2007.
- Radiation Act 2005 — no. 148/2007.
- Road Management Act 2004 — no. 154/2007.
- Road Safety Act 1986 — nos. 151, 152, 153, 155 and 156/2007 and 2/2008.
- Subordinate Legislation Act 1994 — nos. 129, 136 and 141/2007 and no. 1/2008.
- Transport Act 1983 — nos. 149 and 150/2007.
- Travel Agents Act 1986 — no. 137/2007.
- Victorian Civil and Administrative Tribunal Act 1998 — no. 133/2007.
- Subordinate Legislation Act 1994 —
- Minister's infringements offence consultation certificate under section 6A(3) in respect of statutory rule nos. 151, 152, 153/2007.
- Minister's exception certificates under section 8(4) in respect of statutory rule nos. 129, 136, 139, 141, 142, 143 and 144/2007.
- Ministers' exemption certificates under section 9(6) in respect of statutory rule nos. 132, 135, 139, 140, 145, 146, 147, 148, 150, 154, 155 and 156/2007 and 1/2008.
- Water Act 1989 —
- Olinda Creek Water Supply Protection Area Stream Flow Management Plan 2007.
- Steels, Pauls and Dixons Creeks Water Supply Protection Area Stream Flow Management Plan 2007.
- Stringybark Creek Water Supply Protection Area Stream Flow Management Plan 2007.
- Proclamations of the Governor in Council fixing operative dates in respect of the following acts:
- Gambling Legislation Amendment (Problem Gambling and Other Measures) Act 2007 — part 1 and sections 7, 16, 17, 18, 51 and 56, 30 January 2008 (*Gazette no. G5, 31 January 2008*).
- Justice and Road Legislation Amendment (Law Enforcement) Act 2007 — part 2, sections 11 and 12 and part 5 except sections 14, 15 and 20 — 28 February 2008 (*Gazette no. G5, 31 January 2008*).
- Liquor Control Reform Amendment Act 2007 — except sections 11, 13, 16, 17(1), 19, 20, 21, 22 and 23, 19 December 2007 (*Gazette no. S342, 18 December 2007*).
- National Electricity (Victoria) Amendment Act 2007 — except section 5 and 6, 1 January 2008 (*Gazette no. G51, 20 December 2007*).
- Port Services Amendment Act 2007 — 1 January 2008 (*Gazette no. G51, 20 December 2007*).

## NOTICES OF MOTION

### Mr D. DAVIS having given notice of motion:

**Mr D. DAVIS** — I seek leave to have this notice listed as item 1 on tomorrow's notice paper for general business.

**Leave granted.****Further notices of motion given.****Ms PENNICUIK having given notice of motion:**

**Ms PENNICUIK** — I seek leave for my notice regarding reference to the Standing Committee on Finance and Public Administration to be listed as item 2, general business, on tomorrow's notice paper.

**Leave refused.****Mr D. DAVIS having given notice of motion:**

**Mr D. DAVIS** — I seek leave to have this notice listed as item 2, general business, on tomorrow's notice paper.

**Leave refused.****Further notices of motion given.****STATEMENTS ON REPORTS AND PAPERS****Notices****Mrs COOTE having given notice:**

**The DEPUTY PRESIDENT** — Order! Mrs Coote has already given one notice. Is today's notice in lieu of the notice already listed on the notice paper?

**Mrs COOTE** — Yes.

**Further notice given.****MEMBERS STATEMENTS****Government: protests**

**Ms LOVELL** (Northern Victoria) — Today on the steps of Parliament groups from all over Victoria gathered to protest against the Brumby government. These groups represent a variety of issues, including the north-south pipeline, the Blue Wedges Coalition, clean oceans, red gum forest users and other causes. Many of those protesting on the steps of Parliament today are not necessarily advocates for each other's causes, but the one thing they do agree on is that the Brumby government is not listening to country communities.

Further evidence that the government is not listening to country communities has been in local papers over the past couple of weeks. On 25 January a letter to the editor appeared in the *Shepparton News* from Alison Bassed under the heading 'MP's poor form', outlining

that Alison and other members of the community have been unable to get an appointment with Kaye Darveniza. In the *Northern Times* on the same day under the heading 'They just haven't fought for us ...' Andrew Leahy from Plug the Pipe outlines how his group has been unable to get an appointment with either Kaye Darveniza or Candy Broad.

To coincide with today's protest at Parliament a series of protests was also held throughout country communities, including one at the office of Kaye Darveniza and one at the Department of Sustainability and Environment office in Benalla. Country communities have had enough of the arrogance of Premier Brumby and the Labor Party. Just a couple of weeks ago Mr Brumby said Portland and Warrnambool were too far away — too far away to care. It is time the Brumby government realised the importance of country Victoria, and it is time Labor's upper house representatives started to speak with their communities.

**Water: Melbourne supply**

**Mr HALL** (Eastern Victoria) — Members would know that I have always taken a keen interest in matters in this chamber related to water, so I was rather astonished to read in the *Sunday Age* of 16 December last year a front-page article headed 'Secret plan to sell our water'. The article started with these comments:

Pure drinking water would be used on parched sportsgrounds under a secret plan put to Melbourne councils last week.

Under the plan, councils would buy the potable water at highly inflated prices and the profits would be used to fund water-saving projects. Councils were asked to indicate how much they would be prepared to pay for extra water.

I can tell the house that people in my electorate and other country Victorians are absolutely outraged that while this government is prepared to take water from the country regions of Victoria via a north-south pipeline and via a desalination plant in West Gippsland, it plans to profit from obviously excess water supplies that it has in Melbourne. By all means water sportsgrounds in Melbourne, but use recycled water. There is no need to use good potable water for such purposes. Today I call on the government to inform Victorians as to whether it has profited by selling excess water to local councils while keeping Melburnians on stage 3a water restrictions, and by robbing country Victorians of precious needed water while failing to implement any projects that utilise significant amounts of recycled water.

### Port Phillip Bay: channel deepening

**Ms PENNICUIK** (Southern Metropolitan) — My Greens colleagues — Mr Barber and Ms Hartland — and I are all wearing red today. Red is the colour of marine distress, and it is the colour adopted by the Blue Wedges coalition in its opposition to the channel deepening project in Port Phillip Bay. We are wearing this colour today in support of that coalition and because of our distress at the arrival of the *Queen of the Netherlands* in our bay last week.

We do not need channel deepening. The Port of Melbourne Corporation used to claim that 27 to 30 per cent of ships could not enter the bay fully loaded. It has even used a figure as high as 43 per cent, and I think the Minister for Industry and Trade today said it was 44 per cent. No credible evidence has ever been advanced for these assertions. Instead the port's own supplementary environment effects statement states that only 3.8 per cent of ships leaving or entering the port need any sort of tidal assistance. That means that 96 per cent of ships do not require any assistance or deeper channels to enter or leave the bay.

We have also read in the press lately calls for the development of the port of Hastings. That is not a viable action either. The port of Hastings has even more ecological issues than the port of Melbourne and developing it would not provide a solution to the problems of freight. We need a nationally coordinated approach to moving freight around Australia.

### Opposition leadership

**Mr VINEY** (Eastern Victoria) — I wish to take this opportunity to acknowledge the contribution to this house of Philip Davis and Mrs Coote in their respective former positions of Leader of the Opposition and Deputy Leader of the Opposition. As Government Whip for the last year or so I have perhaps had more to do with them than I had had previously in this house, and I found that, while we may not have always agreed, our discussions and negotiations were conducted in a good spirit of cooperation and mutual respect.

I also wish to congratulate David Davis on his election as Leader of the Opposition in this house. It is a fine achievement to be elected to that position. I might say that he has not only achieved political success here but has also created a new mathematical formula, almost at the level of Albert Einstein, who changed physics and mathematics with the equation  $E = mc^2$ . David Davis has managed to make 8 out of 38 equal 50 per cent plus 1.

### Land tax: increases

**Mrs COOTE** (Southern Metropolitan) — I would like very sincerely to thank members of the government for their gracious comments. I too enjoyed working in a professional way with the ministers and the non-government parties. I would like to put on the record my thanks to everyone in this chamber for the support they gave me in my position as deputy leader.

Today I would like to talk about land tax. The Brumby government has gone back on its 2006 promise to Victorians to cap land tax increases, and we can expect dire effects for suburban communities such as those of Oakleigh, Bentleigh and Caulfield. I remind members that when the Kennett government left office \$400 million a year was being collected in land tax and that now, under the Brumby government, the figure is approaching \$1 billion. The high-taxing regime implemented by this government will threaten the livelihood of many Victorians.

I fear for the small business owners. I fear for the butcher shop owner, the cafe owner, the shoe repairer and all of the other small business owners who will be confronted with financial disaster as a result of this decision. Oakleigh, Bentleigh and Caulfield residents will be among the many Victorians who will see local shopping villages deteriorate before their very eyes as business owners surrender to the relentless financial pressures placed on them by government taxes.

I fear for the residential rental market, where we will see significant increases in weekly rent as owners pass on the added financial burden to occupants, who are already paying exorbitant amounts for accommodation. I also fear for property owners who are striving to make mortgage payments and save for retirement in the volatile financial climate in which we are living. They are caught between a share portfolio that is there one day and gone the next and an investment property that is controlled by a government which will tax with no bounds. All these people, and many more, are the victims of this government's unabating high — —

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

### Australia Day: Mansfield and Tolmie

**Ms BROAD** (Northern Victoria) — On Australia Day I was privileged to participate in Australia Day ceremonies and award presentations at Mansfield and Tolmie. The day commenced with the traditional firing of the cannon, followed by recognition that indigenous people have been custodians of the area for generations,

and an acknowledgement of the living culture and unique role of Taungurung people in the region.

Recently Premier John Brumby talked about Australia Day as providing an opportunity to reflect on the things that have made Victoria strong and that he believes will sustain us into the future — ideas and enterprise, our generous community spirit and our unique cultural diversity. These characteristics were very much in evidence this Australia Day at Mansfield and Tolmie, which were thankfully free of bushfires.

I wish to acknowledge and thank all of the participants in the ceremonies for their contributions to the community, including Cr Marg Attley, mayor of Mansfield Shire Council — Mansfield's first woman mayor; councillors, officers and staff; Gus Mercurio, Australia Day ambassador; Mansfield Colonial Re-enactment Society and High Country Horsemen; Representatives from the Rotary, Apex, and Lions clubs and Safeway; John Owen, citizen of the year; Justin Meadows, young citizen of the year; Graham and Joan Tie, representing Mansfield Bushmarket, event of the year; and Ronnie O'Dwyer and Robyn Britton from Tolmie Tavern. Finally, I wish to congratulate the members of the community who showed their commitment and loyalty to our country by becoming Australian citizens at Mansfield and Tolmie on the day.

### **Celebrating Parents Thank You Day**

**Mr O'DONOHUE** (Eastern Victoria) — The best start one can have in life is to be afforded a good education and a loving and caring environment in which to grow and reach one's full potential. At a political level and indeed at a broader community level there is much debate about the need for more and better child-care facilities, and these are needed so that we can make the most of our human capital through allowing parents to re-enter the work force. However, not all parents want to return to work soon after the birth of a child. Some parents make the conscious choice to stay at home for a period of time, whether that be 1, 5 or 10 years after a child is born. Anecdotal feedback I have received suggests more men are making that decision to stay at home. These people will often give up much by way of lost income, career progression and social recognition by choosing caring over career.

In that context I wish to congratulate and support Natalie Adams, Kellie Stone and the other founders of the Celebrating Parents Thank You Day that is being held on 25 February this year, and which will include a range of activities to celebrate the work, love and care given by parents and caregivers in the home. I congratulate them and wish them well for 25 February

and for their wish to make this day an annual day of celebration, not just throughout Victoria but throughout all of Australia.

### **Government: statement of intentions**

**Ms MIKAKOS** (Northern Metropolitan) — I rise to congratulate Premier John Brumby on today's statement of government intentions. This innovation is to become an annual event. It is a further step in strengthening our democracy, which has already benefited from the reforms made to this house and the restoration of the powers of the Auditor-General. The Premier has outlined plans to introduce 60 new bills and to give members of the community advance knowledge of upcoming legislation and an opportunity to have their say. I encourage my local constituents to take up an opportunity to comment on this important statement through the dedicated website [www.yoursay.dpc.vic.gov.au](http://www.yoursay.dpc.vic.gov.au). Today's statement by the Premier gives a clear indication of the Brumby Labor government's plan of action, which will benefit Victorian working families. This is in contrast to the Liberals, who do not know what they stand for.

### **Australian Labor Party: donations**

**Mr D. DAVIS** (Southern Metropolitan) — Today I want to draw attention to the political donations made in the previous financial year, which were publicly declared last Friday. Some of the most extraordinary donations concern the activities of a member of this house, Mr Thornley, who donated \$232 000 to the Labor Party.

**Hon. T. C. Theophanous** — On a point of order, Deputy President, David Davis has only just become the Leader of the Opposition, but he has been in the house long enough to know that he cannot during a 90-second statement or at any other time, except by a substantive motion, make comments in relation to a member of the house which may in any way be seen by that member to be a criticism of him or her. I believe that Mr Davis is embarking on a criticism of a member of this house and is not doing so by substantive motion. I ask, Deputy President, that you bring him to account and ask him to desist.

**Mr D. Davis** — On the point of order, Deputy President, I have reflected on and put on the public record in this chamber during a 90-second statement matters which are on the public record. These are matters have been declared to the Australian Electoral Commission. I have indicated my surprise; I have not made a criticism. It was a statement of observation.

**Mrs Peulich** — On the point of order, President — —

**An honourable member** interjected.

**Mrs Peulich** — On the point of order, Deputy President — I am sorry; I am having a hard time today because I had only 2 hours sleep — I believe that Mr Theophanous has erred. The rules pertaining to members statements are very loose and general. There are no restrictive rules apart from those which apply generally to this chamber and which prevent reflections being made against members. Whilst Mr Theophanous was right concerning the moving of a substantive motion, Mr Davis is correct in saying that he was merely repeating information which is factual and publicly available.

**The DEPUTY PRESIDENT** — Order! Mrs Peulich is debating a point of order rather than making one.

**Mr Viney** — On the point of order that was recently raised by David Davis, Deputy President, it does not make any effective difference whether criticisms or allegations are on the public record or not. What matters is that there are protections for members of this house that require that if a member wishes to raise matters about another member, the appropriate form for doing that is by substantive motion. There are good reasons for that. A substantive motion allows those matters to be put and to be responded to. That is the reason we continually have rulings on this issue. I think it is absolutely inappropriate for Mr Davis to raise during members statements a matter that ought to be put by substantive motion, which would entitle the member concerned to respond.

**The DEPUTY PRESIDENT** — Order! What Mr Theophanous said in raising his point of order regarding allegations against a member or comments which reflect on a member's conduct — that is, that such matters need to be raised by way of substantive motion — is correct. I will stick with his point of order as the determinant of that matter.

In regard to this point of order on the matter raised by Mr Davis, I refer to a decision made by the then President, Monica Gould, on 18 September 2003 and I draw on that precedent in suggesting that Mr Davis be allowed to continue with his item, but I warn him that he will be ruled out of order if he casts aspersions on any member of this house. In other words, I accept that to this point I do not believe he has made allegations or effectively criticised the member but has referred to matters of public record. If he proceeds further, as was

raised by point of order, to cast aspersions or to make allegations, then he will be ruled out of order. Mr Davis to continue.

**Mr D. DAVIS** — Thank you for your ruling, Deputy President. I make the point very strongly that I think the list of donations was a shock to many Victorians. They were surprised at donations that were made by individuals and by a number of particular groups. Let me make the point that the Walker Corporation made a massive donation to the Labor Party; in fact a much more massive donation to that party. I know at the moment there is a determination under way by the Minister for Planning on the Kew Cottages site and planning matters surrounding it. I also make the point that the group GetUp!, a so-called community group, was provided with funding, as the public record will suggest, by Mr Thornley, and I suggest that people be very careful of community groups — —

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

### **Good Shepherd Youth and Family Service**

**Mr SCHEFFER** (Eastern Victoria) — I would like to commend the important work of Good Shepherd Youth and Family Service. Late last year I had the great pleasure of attending Good Shepherd's annual general meeting held at the Fitzroy Town Hall. Admittedly, Fitzroy and Collingwood are a fair distance from Eastern Victoria Region, but the reason for my attendance was to acknowledge the great work that Good Shepherd does on the Mornington Peninsula.

The 2006–07 Good Shepherd annual report presents an overview of the enormous range of ways in which the many people who work under the banner of Good Shepherd promote social justice and provide practical, no-nonsense help to people living on the peninsula as well as in Collingwood, St Kilda, and St Albans and in the many adjacent communities. Good Shepherd is engaged with a range of communities in practical policy development and research that informs and strengthens the many programs it operates in the areas of microfinance, foster care, counselling, health and wellbeing, volunteering, community and neighbourhood building and working with women and children experiencing domestic violence.

Last week I had the great pleasure of meeting Iain Ritchie, the manager of Good Shepherd Peninsula, and Leanne Farnsworth, the community programs manager, at the Good Shepherd Community House in Hastings to discuss the proposal to co-locate the community house

with the newly refurbished Wallaroo Child and Family Centre to create an integrated community centre within Westpark. I congratulate the Westpark community and Good Shepherd on this initiative, and I wish them every success.

### **United Nations Holocaust Memorial Day**

**Mrs KRONBERG** (Eastern Metropolitan) — Unfortunately for Australians, at the 10-week mark our Prime Minister has run out of ideas, thus contracting the malaise of his Victorian Labor counterparts. Now he seeks the input of the wisest in the land to prop him up. But with his organisational zeal he has completely overlooked the availability of the members of the Jewish community, many of whom are our wisest citizens. His talkfest will be held over Pesach or Passover. Sometimes such affronts cut a people very deeply.

For me it is even more important than ever to remind all members that on Sunday, 27 January, while so many were still celebrating Australia Day, Melbourne's Jewish community and others commemorated the United Nations Holocaust Memorial Day. Jews and Christians alike were visibly moved by the testimonies of survivors. During the commemoration students from Bialik College launched their button appeal. They aim to collect 1.5 million buttons to symbolise the number of children who were murdered in the Holocaust. We gazed upon their growing collection of 170 000 buttons of all shapes, sizes and colours, which provided us with a poignant representation of the diversity of those who perished. I recommend that all who have not been to visit the Jewish Holocaust memorial in Selwyn Street, Elsternwick do so very soon.

### **Australia Day: Moreland**

**Mr ELASMAR** (Northern Metropolitan) — I was invited to attend the Australia Day citizenship ceremony held at the Coburg Town Hall by the Moreland City Council. The mayor, Cr Joe Caputo, and his fellow councillors made us all most welcome. Later we were able to talk with our new Australian citizens over a cup of tea and some light refreshments. The one thing common to all our new citizens was their excitement and enthusiasm for their new country, Australia. The fact that the day was Australia Day made the ceremony more moving than usual for all of us. I congratulate the mayor, his fellow councillors, and the officers of Moreland council for making this day so very memorable.

### **Youth: Lebanese awards**

**Mr ELASMAR** — On another matter, on the following Sunday I attended the Lebanese youth awards. This event was held at the Brunswick town hall. The theme of the award ceremony was 'Our youth, our future', a sentiment I fully agree with and support. I was very proud to see these marvellous young people receive their awards for community service, academia and sport and recreation. There were many important dignitaries present, but to my mind the most important of all were those young men and women who I am sure will make a splendid contribution to the future of Victoria.

### **Rail: Seymour line**

**Mrs PETROVICH** (Northern Victoria) — Last October I spoke about the absolutely disgraceful service V/Line is providing to country commuters, in particular to those travelling on the Seymour line. I urged the member for Seymour in the other place to experience the problems first hand. It appears that these complaints, raised not only by myself in the house but also by customers and local media outlets, have fallen on deaf ears. V/Line has done nothing, the minister has done nothing and certainly the member for Seymour, Ben Hardman, has done nothing. Instead of the service being improved it has descended into a shambles. Unfortunately, it is another example of this government's atrocious record of neglect of country Victoria.

On Monday of this week the 10.00 a.m. train stopped at Wallan. The reported reason was that it had run out of fuel. All of the passengers were stranded: too bad if you had an important meeting in town. On Tuesday, one of my constituents rang to complain about the train she had caught from Seymour to Melbourne on Saturday — as instructed by the station master at Seymour. She got into the fourth carriage only to be told by a young lady that it had no air conditioning. Bearing in mind the temperature on Saturday was over 30 degrees this is worse than Third World conditions; the carriage was unbearable. When she asked the conductor why the air conditioning was not working, his reply was that no maintenance had been done for six months. What a disgrace!

Is this Labor government once again ignoring Seymour — the forgotten electorate — or is this another example of country Victoria being too far away, which seems to be the prevailing view of the Brumby government on a range of important issues?

### Gaming: Gippsland

**Mr P. DAVIS** (Eastern Victoria) — I wish to comment today about the impact of gaming on people, particularly those in rural communities. We have a major problem in that the contribution to the state coffers of gaming revenue is increasingly progressing each year. This is a consequence not only of those people who have a gaming addiction and just cannot get enough of it but also simply of the increasing use of discretionary expenditure as entertainment. But the net effect on small rural communities particularly is adverse because not only is there an impact on individuals, but the fact that the state is taking so much out in terms of taxation and gaming machine operators in profits is impacting on the way that small rural communities can function. Every dollar is important and creates a job.

I wish to remind the house that this year we have seen a significant increase in Gippsland. Across four of the eastern Victorian shires there has been a 7 per cent increase in expenditure on gaming. The effect is that more than \$50 million has gone out of the region and as a result Gippsland communities are all the poorer for it and so are the families of those — —

**The DEPUTY PRESIDENT** — Order! The member's time has expired. The time for members statements has expired.

### EQUAL OPPORTUNITY AMENDMENT (FAMILY RESPONSIBILITIES) BILL

#### *Second reading*

**Debate resumed from 6 December 2007; motion of Hon. J. M. MADDEN (Minister for Planning).**

**Ms PENNICUIK** (Southern Metropolitan) — I am pleased to speak today on the Equal Opportunity Amendment (Family Responsibilities) Bill, the main purpose of which is to amend the Equal Opportunity Act 1995 by making it a requirement to not unreasonably refuse to accommodate the parental or carer responsibilities of a person offered employment. That will be in new section 13A(1). New section 14A(1) reiterates this provision for current employees, new section 15A(1) for contract workers, and new section 31A(1) for persons invited to be partners or existing partners. A remedy for the contravention of this requirement is provided by lodgement of complaint with the Victorian Equal Opportunity and Human Rights Commission.

The bill also requires all the facts and circumstances to be considered in deciding if a refusal is unreasonable. They include matters such as the extent and nature of the employee's family and carer responsibilities, the costs of accommodating these in the workplace, the financial circumstances, the size and nature of the business environment and the consequences of making the accommodation to the person and of not making the accommodation. So there is a lot to take into account in deciding whether it is reasonable and practicable for a workplace to accommodate the family and carer responsibilities.

The Greens are supportive of these provisions because, as we know, the balance between work and family life is a topic that is of growing importance to the community as we see working hours and the spread of working hours increasing. More and more people are working odd and non-traditional hours. The number of people working the traditional 9.00 a.m. to 5.00 p.m., Monday to Friday working arrangement is falling, and the number of people working outside of those hours and for longer spans of working hours is increasing. With that situation happening in Australia, there is obviously an impact on people's family responsibilities and commitments. Usually that involves their commitments to children, to elderly parents, and to sick members of their family — who may be sick temporarily but who need care. It is important that workplaces do their best to accommodate workers in meeting these commitments.

The Greens are supportive of these measures. I noticed that there have been some reports in the press on this issue, in which the Liberal Party raised the objection that discrimination against workers on the grounds of parental or carer responsibilities is already illegal, which is true. But I think this is slightly different. That is really a broad provision to not discriminate against people who may have a family or a caring commitment responsibility. This provision is slightly different in that it brings into play where the employer has unreasonably refused to accommodate such a responsibility or commitment.

That implies that the worker has made it known to the employer that there is either a temporary or an ongoing responsibility and commitment in caring for a family member and has made a request that that be accommodated, which is a slightly different provision. This bill then provides a remedy if a person has made that request but that request has been unreasonably refused.

Last year another amendment to the Equal Opportunity Act was introduced into Parliament to add new

employment attributes whereby employees could not be discriminated against if they queried their employment conditions. I said then that that was not a perfect remedy to that situation, but it was a remedy, and any remedy which we can provide in industrial law or in the Equal Opportunity Act that assists workers, who often are not in a very good bargaining position, to balance their family and work commitments is something that should be supported, even though it may not be the perfect remedy. But it does provide a remedy if a person has been so discriminated against. The bill clarifies that, to provide that discrimination exists where an employer unreasonably refuses to accommodate those commitments.

I have mentioned it before, and I am sure that the whole issue of work-family and work-life balance is at the forefront of conversations about work in Australia. The reason we have these conversations is that it is happening, it is an important issue and it needs to be addressed so as to assist workers. Because it is such a topical issue I presume that most employers try to assist their employees in this regard, but we need appropriate laws because there are always employers who do not offer assistance.

The employers who do their best and do not unreasonably refuse to accommodate have nothing to worry about; if they are reasonably accommodating their employees, either on a temporary or an ongoing basis as the case may require, there is nothing for them to worry about. We need a remedy for employees whose employers do not reasonably accommodate the needs of their employees in this regard.

During the debate on the amendments last year I requested that the house grant leave for the Greens to move some amendments that were outside the actual purpose of that bill. They went to the provisions which exist in the Equal Opportunity Act and which allow for discrimination against persons in employment in small business. Section 21 of the act states:

An employer may discriminate in determining who should be offered employment —

under any of the attributes listed in part 3 of the act —

if the employer employs no more than the equivalent of 5 people on a full-time basis ...

A similar provision exists to exempt religious schools in matters of employment. I expressed concern then that that effectively meant workers in religious schools and workers in small business have less rights to protection from discrimination than other workers, and they have no remedy under the act, because the act exempts small

businesses and religious schools under the attributes listed in part 3 — and to those attributes will be added this one. Again I say that that is a deficiency with the Equal Opportunity Act that needs to be fixed.

Many months have passed since we had that debate. I look forward to the review of the Equal Opportunity Act, and I hope that that review will come forward with a recommendation to remove those discriminatory provisions from that act.

This afternoon I gave notice that I would introduce a bill to amend the act to remove those discriminatory provisions. Therefore I will not now duplicate the process by trying to amend the act through this bill today. I will seek to make amendments to the act, outside of the purpose of this bill, to remove the discriminatory provisions which I have just outlined and which the Greens oppose. Most members of the community, I am sure, do not even know those provisions are there. If members were to go outside the house to Spring Street and stop the first 10 people and ask them if they knew that workers in small business could be discriminated against under the Equal Opportunity Act, I am sure that they would say they did not know that. If you were to ask them if they agreed with that, they would say they did not agree, and the same applies to the issue in relation to religious schools.

With those comments, the Greens are supportive of the intent of this bill, but still point out the deficiencies of the Equal Opportunity Act with regard to workers in small businesses and workers in religious schools. The Greens will be supporting the bill.

**Mr TEE** (Eastern Metropolitan) — This bill is about getting the balance between work and family right. This is an important goal, not only for parents, obviously, but also for their employers and for businesses. All the evidence in relation to work-life balance is that we have got the balance wrong. Parents are not seeing their children as much as they want to, and the relationships between parents are increasingly under pressure. The evidence is that there is a lot more stress for working families.

As I said, the problem is not just a problem for workers and their families; it is a problem for employers. Time and time again surveys show that the no. 1 problem for employers is a lack of skilled workers. Business simply cannot get the skilled staff that they need to continue to grow and expand. This well-documented shortage in terms of skills is in stark contrast to the reality that we have a massive pool of underutilised workers. We have an untapped supply of potential workers, ready and willing to go. Among Organisation for Economic

Cooperation and Development countries Australia has the eighth lowest participation rate of women between the ages of 25 and 44 years old. On the one hand we have a skill shortage and on the other hand we have low participation rates. This bill is part of the endeavour to correct that imbalance.

The Human Rights and Equal Opportunity Commission looked at this issue when it put out a discussion paper entitled *Striking the Balance — Women, Men, Work and Family*. In the foreword to its final paper entitled *It's About Time — Women, Men, Work and Family* it states it was found women were:

... frustrated and disheartened by the struggle to combine paid work and care.

Many parents are forced to, in essence, turn their backs on paid work in the workforce, thereby depriving the country of their much-needed skills. This bill is an attempt to remedy that deficiency, and in so doing it is in stark contrast to the approach that we have had until recently from the commonwealth government and, of course, its Victorian cheer squad, which had sought a different way to respond to this challenge.

The former Howard government's approach to helping business to address the skill shortage, WorkChoices, was a disaster, bearing in mind that a skill shortage is a recipe for increased inflation and a recipe for increased interest rates. That was not a response that made workplaces more attractive to young mothers in particular, those who were thinking of returning to work, because the only answer that WorkChoices provided was a plan to cut wages, overtime and family time. Instead of helping businesses to attract and retain staff, the WorkChoices model suggested that the workplace was a family-unfriendly jungle.

The issue is that businesses have had difficulty attracting and retaining staff. It is a difficulty measured by the fact that this sort of churn costs money. We know that the cost of recruiting and retaining a worker has been estimated to be over \$17 000, which is 38 per cent of an annual salary of \$45 000. This is the real cost to business when young parents are unable to return to work because of inflexibilities in the workplace. As we know, the electorate and indeed many businesses have already turned their backs on the approach advocated by WorkChoices. We know, for example, that banks such as the ANZ where 60 per cent of the workforce are women, and accounting firms such as Ernst & Young, have family-friendly arrangements such as time-share arrangements, including things like telecommuting. We also know that not all businesses have the luxury of having large human resources

departments dedicated to developing policies to attract and retain the best and the brightest staff.

Many small and medium-size businesses look to others, including the government, for guidance and support in attracting and retaining the best and brightest staff. This bill provides that support. It sends a signal to the community, it sends a signal to those contemplating a return to work. The message is that the workplace is not an anti-family jungle, that it is understood in the workplace that parents have competing demands. Children do become sick and children do have to be dropped off and picked up from school. This bill mirrors the best practices of businesses that have become leaders in recruiting and training staff in a very careful and balanced way. It mandates that the needs of the parents should be accommodated but only in a balanced way which is complementary to the objectives and the needs of the business.

In so doing, the bill provides for genuine flexibility. The bill is not about WorkChoices flexibility, where flexibility means that the boss decides your working conditions and how much you get paid. This bill is about allowing employers and employees the opportunity to sit down and work out what is in their collective best interests — in the best interests of the employee and the best interests of the business. It is about creating an environment in which the employee can be a loyal and dedicated worker and a successful parent. It is about ensuring that businesses, particularly small businesses, can access more skills so that they can compete. I commend the bill to the house.

**Mr O'DONOHUE** (Eastern Victoria) — I am pleased to rise and make a brief contribution to the debate on this bill. Mr Rich-Phillips outlined very succinctly late last year the mechanics of the bill and the main reasons for its introduction. I say at the start that this bill is flawed. It is flawed for many reasons, one of which is that it attaches another head of discrimination to the Equal Opportunity Act. It is a head of discrimination that is probably not broadly accepted or recognised by the community, and it is one which in my opinion undermines the very worthy and legitimate heads of discrimination that exist in the Equal Opportunity Act 1995. These include heads such as race or gender and others which are broadly accepted and understood by the community. The Equal Opportunity Act has served a very positive purpose and function in the community over time. Sadly this amending bill goes too far, and consequently the opposition will be opposing it.

I would like to start by picking up on some of the comments made by Mr Tee, who referred to a Human

Rights and Equal Opportunity Commission report, which states that women struggle with paid work and care. Mr Tee failed to make any connection between that statement and the bill before us today. If he were to elaborate properly on the issue of paid work and care, he would probably analyse his own government's failure to provide families in Victoria with adequate child care so that mothers or fathers who wished to could return to work soon after their child was born. To me, that is the largest underlying issue that affects the participation rate of such people. I agree with Mr Tee — I referred to this in my 90-second statement — that a high participation rate leads to better skills utilisation, which leads to more economic growth. But one of the keys to that is making an employment arrangement that is attractive and flexible for both employer and employee. This amending bill reduces that flexibility. It adds another complication to the employee-employer relationship.

Mr Tee also cited some larger companies, such as the ANZ Bank and others, that have set up family-friendly environments. I commend those companies. It has been my experience when dealing with lots of small businesses that many of them also have family-friendly environments, perhaps not with such a structured system but with a flexible system that respects and understands that people have different needs and commitments in their lives and need some flexibility. The information technology age has given us the tools to have that flexibility. You can imagine that if you were in charge of human resources at the ANZ bank and were responsible for staff across Australia and internationally, you would now have another factor to consider when employing staff in Victoria.

It is interesting that Mr Tee made reference to WorkChoices and what the Howard government did through its industrial relations changes, because it appears that the new Prime Minister and the new federal minister responsible for industrial relations agree with the previous government on more things than they would like to admit. The Prime Minister and Ms Gillard have been talking recently about the need for a single system throughout Australia to deal with industrial relations, so it would appear that only a few short weeks into the term of the new federal government, with this legislation progressing through the Parliament, we have an example of a state Labor government's actions being in direct conflict with statements made by the federal government. The state government is adding further complexity to the industrial relations system and despite the referral of power by the Kennett government to the commonwealth is further entrenching separate employment arrangements for workers in Victoria, not

just public sector workers but both private and public sector workers.

Ms Gillard and the Prime Minister received a report from a constitutional lawyer, Professor George Williams, who, incidentally, addressed members of Parliament when he was in Victoria late last year and who, I might add, was a would-be candidate for Labor at the last state election. He recommended that we have a single system for private sector employees. There has been some debate among industrial relations ministers at state and commonwealth levels about whether that should be extended to public sector employees.

Clearly the government introduced this bill late last year for political purposes, to gain a few cheap points before the federal election, but it is now continuing to try to pass this bill despite it being in direct contradiction with what the Prime Minister and the new federal Minister for Employment and Workplace Relations are suggesting. It is a very interesting situation. I was very surprised to see this bill still on the notice paper, because it demonstrates that there is no new era of understanding and agreement between the federal and state governments.

Mr Tee also made reference to skill shortages in Australia. It never ceases to amaze me that state Labor members continue to press this point when one of the greatest travesties, among many, many failures and blunders, of Joan Kirner's time as Premier was the abolition of technical schools. They were a great training facility for people who did not necessarily wish to have an academic education. These schools gave those people clear direction and clear career paths, which are now very well remunerated and increasingly respected in this country as bricklayers, electricians and other tradespeople slowly retire.

We have a diminishing workforce because of that decision made 20 years ago by a government that did not understand the need for trades or for skills. We are now paying the price for that. I congratulate the former federal government for trying to address that problem by introducing Australian technical schools, which will be rolled out in coming years.

With those few, short words, the opposition will be opposing this bill. It has been a political stunt from the start. It was put forward to serve the campaign of the then federal opposition. As I said, it will add increasing complexity to employment relationships. I am very surprised we are debating this bill today, and the only conclusion I can draw for our doing so is because of a strong difference of opinion between the Victorian Minister for Industrial Relations in another place,

Mr Hulls, and the federal Minister for Employment and Workplace Relations, Ms Gillard. That does not bode well for Victoria's future.

**Ms DARVENIZA** (Northern Victoria) — I am pleased to rise and speak in support of what I believe is a very good bill. It builds on legislation the government introduced previously to support workers and working families in this state. I absolutely refute the proposition Mr O'Donohue put forward, that the introduction of this bill was some sort of political stunt by this government prior to the recent federal election. That is simply untrue. If you look at our government's position on protection of workers and working families, we stand very much on our record. All members of this chamber would be well aware of the pieces of legislation we have introduced.

This bill represents an appropriate balance between legitimate business considerations — what an employer needs to conduct its business — and the need for greater support for workers who have family or carer responsibilities. It is one of the things we talk about all the time, particularly in this place. Many demands are put on us as members of Parliament, with long working hours and many work commitments.

We are always striving to get the right balance between our commitments to work and to our families. That is highlighted and brought into very sharp focus when we have small children, when someone in our family is sick, or if we have ageing parents. We are not alone as members of Parliament; all workers are striving, whether they are working part time, casually or extremely long hours in a full-time capacity, to get that family and work balance right. This bill looks at getting that balance right.

To pick up on some of the criticisms Mr O'Donohue made in his contribution, we consulted very widely when forming this bill. Consultation was undertaken with a whole range of stakeholders including business and worker representatives. We consulted legal stakeholders such as the Victorian Equal Opportunity and Human Rights Commission, the Victorian Civil and Administrative Tribunal, the Law Institute of Victoria and the Victorian bar. We consulted with employer representatives in the Australian Hotels Association Victoria, the Australian Industry Group, the Victorian Employers Chamber of Commerce and Industry and the Australian Retailers Association.

The government consulted employee representatives such as the Australian Council of Trade Unions and the Victorian Trades Hall Council, as well as government and other organisations such as the Office of the

Victorian Small Business Commissioner and Business Victoria, as well as the Working Families Council. A range of stakeholders from a very broad spectrum were talked to and involved in forming this piece of legislation. It is simply outrageous for the opposition to come in here and say this was some kind of stunt in the lead-up to a federal election.

We did oppose, and we still oppose, the WorkChoices legislation. At the federal election people spoke through their votes on how they felt about that legislation as it caused a lot of fear for people. It took a lot of power away from working people, particularly women and people who were working casually or part time. They were fearful about raising their concerns about their work and family responsibilities, and their concerns about their responsibilities as carers wanting to work.

What were they fearful of? They were fearful that they would not get the job, that their conditions of employment would be changed or that they would be dismissed from their employment. That is just a small part of my criticism of WorkChoices; there is not enough time in the debate on this bill for me to go through all my grievances with that legislation. However, the Victorian government did not shy away from voicing its concerns about that legislation or about the fear and anxiety it had created among many in the community. As I said, it particularly affected women, people who have English as a second language and people who have had to take on casual or part-time work.

As I said, this bill is about balance. It expands the range of what constitutes discrimination against a parent or carer in employment and employment-related areas. It is about getting the balance right for working parents and carers so that they are not discriminated against for trying to find that balance or in seeking some flexibility in their working arrangements, whether it be that they work from home for some time, be allowed to reduce their hours to part time or have some flexibility in their hours across a working day or week.

Employers have a responsibility. They must not refuse to accommodate the parental or carer responsibilities of an employee, whether that is a person to whom they are offering employment, a person who is currently employed, including as a contract worker, or a person who is invited to become a partner or is a partner in a firm. In determining whether a refusal to accommodate a worker's family responsibilities was unreasonable, all relevant facts and circumstances, including the needs of the employer's business, must be considered.

As I said, the bill is about reaching that balance between the needs of the employer — that is, the needs of the business to be able to operate and continue to operate and deliver its service, to produce whatever it is producing, to make a profit — and the needs of a worker. The bill is a genuine effort to try to accommodate workers' family and carer responsibilities along with the employers' responsibilities.

In most cases employers are very aware of the need to accommodate a workforce. Good employers will always look to what will be the needs of their workforce, because if they are going to recruit and retain employees and are going to be spending money on training and bringing a new employee up to speed, they will not be wanting to lose that employee because they have a child, their child is sick or that employee might face some other need or carer responsibility. A good employer will want to accommodate an employee and will do the right things to come to an arrangement that suits both the employer and the employee.

Generally speaking, that is able to be worked out between an employee and employer. But that is not always so. Members know that there are some bad employers out there, and over the years I have come across a few of them. They are not prepared to entertain that sort of flexibility or to take into consideration the need for work and family balance.

The proposed legislation ensures that there is a balance and that an employee cannot be discriminated against if they seek to reach a work and family balance in a reasonable way and can work that out with their employer. This is good legislation, and I am surprised that members of the opposition are opposing it. It is sensible legislation that will achieve that balance, and it enhances all the objectives set out in the Equal Opportunity Act to promote recognition and acceptance of everybody's right to equality of opportunity and to eliminate discrimination against workers. As I said, it is good legislation. I commend it to the house and wish it a speedy passage.

**Mr ATKINSON** (Eastern Metropolitan) — This piece of legislation troubles me a great deal in the context that it has been introduced into this place with the aim of achieving — and government speakers have covered this in the remarks they have made — some very positive and important social reforms, which indeed we as a community should all be aspiring to achieve. I am referring to a greater work and family balance. The problem is that the legislation has been so framed that it sheets home to employers the cost of achieving a broader social goal in a way that I am not

sure will be effective. Indeed, I can see that there may well be some significant downsides to this legislative reform, innocuous as it might seem.

I am concerned also that on the premise of non-discrimination this legislation extends the provisions of an important act that was supported by all members of this house and passed by this Parliament in a move towards a more structured or regulated workforce or a more prescriptive approach to the employment of people. The workforce needs anything but that sort of result given international competition and the demands that are placed on workers and their families and on employers who are trying to remain competitive in a global economy and meet their tax obligations, which it would seem this government continues to increase on an almost weekly basis.

I am satisfied that the Equal Opportunity Act as it stands already protects people who have apparent and clear instances of discrimination, where an employer acts against them where they have exercised proper judgement in terms of their needs and how they ought to behave as employees, only to find punitive measures are taken in response to the accommodations they might have sought.

In terms of its amendments to the principal act, this is a very different piece of legislation. I wonder about the view of the Minister for Small Business in the other place on this legislation. I also wonder about the view of the former Minister for Small Business, who I think was far better informed on some of the workplace management issues and their impacts on small business owners than many of his colleagues. I think he would share some of the concerns if this legislation were to result in a significant impost on many small business employers by way of cost, time and disruption to their businesses.

I accept and understand that no doubt government speakers will rally to the word 'unreasonable', which is a significant part of the second-reading speech explanation of what is sought to be achieved by this legislation. In other words, the second-reading speech points out that the test made of workplace arrangements and the needs of an individual employee that it will be whether the accommodation they require is reasonable in the circumstances of the business. A range of characteristics of the business workplace are described in the second-reading speech. Indeed, in a rather fascinating exercise, the government has continued to entertain the concept of merging guidelines and descriptors, including second-reading speech descriptors, into legislation. Contained within the bill are examples of how the legislation will work.

The concern I have about this approach is that employers are going to have to go to an inordinate amount of work to in fact establish their case to prove that they are unable to accede to some of the requests of a worker, and they are going to have to justify the reasonableness of that to an independent party who really has no understanding of the dynamics of that workplace, of the personalities of that workplace, of the inter-relationships of that workplace, of the needs and the expectations of its customers, of the function of its competitors and indeed even of the performance of individual members of that team. It has been my experience that in many cases where an employer has had difficulty in accommodating the requests of a particular employee in meeting their personal needs it is very often the other employees within the enterprise who express concerns about the arrangements that are to be agreed to because many of them see that there is a considerably greater impost upon them as part of those arrangements.

I wonder about a whole range of employment situations and whether or not the government has actually considered them — for instance, the Department of Education and Childhood Development and schools, particularly small primary schools. Has the government considered the circumstances of a primary school where one of the employees says, 'Look, I need to take time off to meet my personal needs and the Equal Opportunity Act says that I can. I am allowed some time to do reports and this, that and the other thing, and I have decided that I will do them at home on a Wednesday'? The reality is that those schools do not just function on a rostering system that ensures that the classrooms are manned. They in fact function on a roster that ensures that they have a duty of care to all of their students, and that there is a range of other responsibilities that are undertaken in those schools across the staff complement, not simply by those who happen to be in front of the blackboard or, as we all know today, in front of the electronic whiteboard.

The reality is that even in some of the government's own undertakings I think that this legislation could cause havoc. But, more importantly, for many small businesses I think that it will be an absolute nightmare. I can certainly foresee situations where many employers will simply throw up their hands in horror and say, 'Look, we are out of the business, it is just too hard to employ people'. Or indeed in cases of disputes they will simply throw money at the dispute and ask it to go away. People will say, 'Oh well, that does not really happen'. But most members who have actually had access to or experience of unfair dismissal claims will know that employers were always told by their legal advisers that if it is up to \$15 000 just pay it

because it will be cheaper than going to Victorian Civil and Administrative Tribunal to try and resolve the matter even if they win the case.

The reality is that for an employer to establish their position, to defend their position through the systems that we have in place and particularly going all the way to VCAT, it is going to require a level of administration that most small business employers simply do not have. The suggestion that has been put here is that because the ANZ Bank or the National Bank or the Commonwealth Bank has a human resources department and they have developed these best practice models, we should impose those best practice models by way of this legislation. To me it is an extraordinary step by the government and it defies any understanding of the workplace.

I agree with those members who have said that most good employers — indeed most employers full stop — will try to accommodate the needs of their staff because they recognise the retraining costs; they recognise the significant costs of trying to recruit new staff and of trying to train those new staff up in their enterprise. Most employers recognise that happy employees are the best employees; that people who are not coming to work worried and anxious about their family environments are going to make far more productive employees in the time that they are in the workplace. So most employers will do their darnedest to try and ensure that their employees have an opportunity to address their responsibilities within their families and that they do not come to work under some sort of strain.

But there is a limit to how far we can go in terms of imposing some of these conditions on employers and expecting employers to pick up what is essentially a societal aspiration. There are things that governments ought to do to try and address the work-family balance such as taking some of the cost pressures off families. One of the reasons why there are so many pressures on people going out into the workforce and why so many people are working longer hours than they should — indeed working excessive levels of overtime — is that they need to make the money to meet their commitments, particularly on the basis of rising housing costs, with higher interest rates, a range of increases in taxation and additional costs in areas like transport and health and education services that people need to access. The reality is that if we are serious about this debate then we ought to be having a debate in a whole context.

We ought to be looking at all the issues, and we ought not to be looking at trying to make employers and the workplace deliver all the social benefits that we as

policy-makers might like to see. We have to recognise that there are other players who also need to play a part in that.

It is interesting that France introduced a compulsory shorter working week — 35 hours — and said, ‘You are not allowed to work overtime’. Overtime has been outlawed there. I dare say there would be considerably more people in the streets than there were today on the steps of Parliament House if you were to outlaw overtime here, because the reality is that most people depend on their overtime earnings to make ends meet and keep afloat. I have noted in some claims made recently in the industrial relations area attempts to have overtime taken into account in terms of other entitlements, like long service leave, so that the extra money that people have come to rely on in their weekly pay packets is continued at times when they perhaps have other leave entitlements that do not include overtime.

We have a lot of work to do in addressing these issues in a more wholesome way. I appreciate that the government has probably had good intentions in this, but I dare say the bill has some very serious implications for workplaces and employers, and I believe it will cause a considerable amount of disruption. I am not an alarmist. I do not run around all over the place talking about loss of jobs and closure of businesses, because I do not think that is at all a sensible war cry; but we all know there are employers — I am sure they have spoken to members of the government as they speak to us — who express concerns about the costs associated with employing people. I know some very good business managers and owners who have deliberately downsized their businesses to shed some of the problems associated with simply employing and managing a heavy labour force. That obviously applies to small businesses as well.

The bill attempts to apply a measurement process so that its provisions do not come down heavily on employers and say, in effect, ‘You absolutely must’. Rather, it says, ‘You must have a look again at this series of tests. If an accommodation for the employees simply does not pass muster, obviously you will be right’. But will the employers be right? No, they will not, because they will probably end up before the Victorian Civil and Administrative Tribunal with somebody else deciding whether the ticks they put in the boxes were in the right spots and were realistic in the function of their business, notwithstanding that the other person would have no specific understanding of that business.

The opposition as a whole is opposing this legislation, and I oppose it on the basis that it would have been a lot better to approach this whole issue of work-family relationships and balance in our working lives and family lives in a more collaborative way with employers across the board, working on the basis of producing the guidelines first and working with them rather than producing the sledgehammer of the legislation and then the guidelines afterwards.

In other words, I think it would be much better to rely on the substantive act, which I believe already affords protection against evident discrimination, and I would have preferred it had the government tried to achieve a broader goal through a more collaborative approach. Frankly, had that approach been taken by the government, it would have had much greater support in the community. The legislation would have been much more effective and had fewer adverse consequences.

**Ms MIKAKOS** (Northern Metropolitan) — I am pleased to rise to make a brief contribution, indicating to the house my support for this bill. The reason I believe this bill is significant is that we have seen increasingly in recent decades a greater proportion of working families where both parents are in paid employment, an increase in the number of hours people are working and increasing levels of separation, divorce and mental illness. I believe these factors need to be seen as being in direct correlation, because we see people increasingly under stress.

All the research that has been done in this area clearly demonstrates that many Australians are not living the kinds of lives they ideally want. They want to spend more time with their children, they want to spend more time with their partners, and they want to spend more time in recreation and other activities. That is not to say that they do not take their work seriously; of course they do, but we all know the barbecue stopper amongst our friends and colleagues is how to achieve the ideal of striking a balance between work, life issues and commitments. That is what this bill is about.

It is about seeking to expand the range of what constitutes discrimination against parents or carers in employment and employment-related areas and seeking to protect working families and carers from discrimination against their attempts to find a decent balance between work and parental and carer responsibilities.

In my previous life I worked in the legal profession. Next to that of a politician I cannot think of an example of a profession with a worse work-life balance. In an article that appeared in the *Australian* on 19 October

last year Chris Merritt, legal affairs editor, wrote about interviewing Elizabeth Broderick, a former partner at Blake Dawson Waldron, who is the current federal Sex Discrimination Commissioner. That article was particularly insightful in terms of the problems that currently beset the legal profession, as an example, where less than 20 per cent of partners at big law firms are female. There is a huge drop-out rate among women lawyers. They leave legal practice to go into other areas of paid employment, despite the fact that they constitute the majority of law graduates these days.

Certainly when I was working in the law it was very common to see women leave the legal profession after about five years because they were getting to an age where they wanted to start a family and were finding it virtually impossible to get part-time work or any kind of flexible working hours in a law firm. One of the solutions that Ms Broderick suggests in this article to try to redress that issue is for male lawyers to take a leadership role. She encourages male lawyers to access paid parental leave and seek to push the issue of family-friendly work policies, because it may well take more male lawyers going down that path to open the door for women lawyers.

It is disappointing that the Liberal Party is opposing this bill. The issue of the achievement of a work-life balance is raised consistently with me as I go out in the community and talk to women. The issue has been raised at women's summit after women's summit, hosted by the Premier every year to give Victorian women a forum in which to raise issues of importance. I note in particular that the former sex discrimination commissioner, Pru Goward, who now happens to be a New South Wales Liberal MP, handed down a report in June 2005 called *Striking the Balance* in which she recommended a range of reforms, including a right to request flexible work arrangements. It is interesting to note that Pru Goward, a Liberal colleague of members of the other side, supports a right to request flexible working arrangements but that Liberal Party members here do not support that right. I am sure that the women of Victoria would be extremely disappointed to hear what the Liberal Party position is.

I think we need to ensure that women, and also men, have opportunities to spend more time with their families, including with sick family members for whom they might be carers. We know that nationally there are over 2.6 million people caring for elderly, ill and disabled people. Most of these carers are women. So this is not an issue that is just about children; it is also about carers looking after ageing parents or disabled members of their extended family. There have been many reports on this issue. I will not go into any of

these in detail. I will just note that in August of last year the Office of the Workplace Rights Advocate released a report entitled *Hard Labour? Pregnancy, Discrimination and Workplace Rights*, which found that a wide range of discrimination was being experienced amongst women, including part-time work not being given due consideration, no provisions for breastfeeding in the workplace and women being excluded from activities such as staff meetings or strategic planning.

Essentially what this bill is seeking to do is ensure that women, carers and men with parental responsibilities can stay in the workplace. We are seeing in this country an increasing skill shortage. If we are serious about keeping people in paid employment and participating in the workplace and our economy, we need to ensure that they have the vehicle to allow them to do that. That means all of us, including members of Parliament — we are employers — need to set an example. We need to be prepared to look at how we can accommodate our employees' wishes and various responsibilities by looking at arrangements such as job sharing. All the staff in my office job share. It is a terrific arrangement that works for them and works for me. It encompasses things like allowing staff to work from home, extending unpaid leave where paid leave entitlements have been exhausted, allowing employees to work additional daily hours to provide for a shorter working week or to make up a period of time taken for family reasons at another time.

We all need to take this responsibility seriously. It is an issue that will benefit business. Business operators will be able to retain skilled and high-performing employees, reduce staff turnover and the subsequent cost to their businesses and reduce recruitment and training costs. And happier families and happier employees lead to reduced absenteeism, improved employee health, reduced stress and reduced levels of workplace injuries and illnesses. Ultimately for workers and their families it will lead to greater job satisfaction and better relationships with their employers, less stress and better health. I commend the bill to the house and urge all members to support it.

**Mr EIDEH** (Western Metropolitan) — When this bill was first considered in the other house, WorkChoices was in full swing under the Howard government. Now that Australia has a decent and caring administration under Prime Minister Kevin Rudd, I sincerely believe that we are all in for better times. The federal government will make changes to WorkChoices, a policy that has been unfair to working Australians and their families to a considerable extent, but the Brumby Labor government is not going to wait

for those legislative reforms, which is the reason for the introduction of this bill.

The bill strengthens the Equal Opportunity Act, which is something this government is absolutely committed to achieving. These reforms are important regardless of what occurs in Canberra. The bill strengthens every Victorian's right to equal opportunity, regardless of race, creed, colour, religion, gender or the many other features that should be irrelevant to a person being treated fairly and equally with others at all times. Having equal opportunity is part of the Australian character, part of the Australian identity; it is part of who we are and is why this nation, including Victoria, is so great.

Employers will not be permitted to discriminate against workers on family grounds. The responsibilities that workers have towards their families as parents or carers will not be allowed to be used against them. Aggrieved persons will be able to lodge complaints with the Victorian Equal Opportunity and Human Rights Commission. It is the sincere hope of the government though that the good and decent employers of this state — people, in the main, who also have families — will understand and follow these guidelines. I commend the bill to the house.

**Mr KAVANAGH** (Western Victoria) — It seems to me that the bill seeks to alleviate the problem of obstacles that working people face in the course of employment, and that is a reasonable objective. However, my party, the Democratic Labor Party, sees the main problem of discrimination in Australia is discrimination against one-wage families and that that discrimination is not imposed on one-wage families by employers but by governments in Australia, including through our income tax system. Under that system a one-wage family which receives a certain income is taxed at a much higher rate than a family that is receiving the same income when two people are earning it. The Democratic Labor Party would like to see the removal of a lot of the discrimination against one-wage families — families in which typically the mother chooses to stay at home and raise children — as a higher priority than catering to those in the workforce.

The legislation may have been introduced with WorkChoices in mind — a problem that, from the ALP perspective, is likely to disappear quite soon. I think that the Liberal Party, especially Mr Atkinson, raised very genuine concerns about the effect of this legislation. I hope that if the bill is passed, it will not have a detrimental effect on employment by deterring employers from employing new people. However, I

think the government has a mandate for this bill, and on that basis I am prepared to vote for it.

**Mr THORNLEY** (Southern Metropolitan) — I rise in support of the Equal Opportunity Amendment (Family Responsibilities) Bill. The bill is really just codified common sense. We have had some thoughtful discussion about it from both sides, and I can understand the concerns that some on the other side, including Mr Atkinson, have expressed. I do not agree with them, but they have been rational. I have to say though that I have been staggered by the vitriolic response we have seen from some of those opposite, both in this house and in the other house. I think it points to the central challenge that the Liberal Party has in trying to define what it believes in. When you listen to some of the allegations that have been made about this really fairly commonplace piece of legislation, you would think we were nationalising the banks or doing some other radical or revolutionary thing.

The member for Mornington in the other place said:

It indeed fails every test. It is mad, bad and very, very dangerous legislation.

I am not quite sure what could possibly make this legislation 'mad'. We can debate whether it is good or bad, but what makes it 'very, very dangerous'? That is just indicative of a mindset that is so caught up in a 30-year-old ideological battle that it is completely out of touch with the ordinary lives of working people in this country.

The member for Sandringham in the other place and I have had much meaningful dialogue during my time in this place about matters of faith, politics, the William Wilberforce Society and other things. He is a gentleman whom I respect in many ways, but his response to this legislation would make you think we were nationalising the banks. He said:

... someone might tell the Attorney-General that the Iron Curtain has come down, the Berlin Wall has fallen and the Soviet Union is no longer. This legislation appears to have been dreamt up in Carlton, Northcote or South Melbourne by chardonnay-drinking, latte-sipping socialists who have little comprehension of life in the real world.

I am sorry to say that that is not the case. This legislation has been dreamed up by people who live the lives of ordinary working people in Pakenham, Cranbourne, Epping and all around this state who understand the challenges that people face. It is not some mad sort of ideological crusade, and it does not need a mad ideological crusade as a response.

Like all sensible pieces of industrial relations legislation, this bill is not about bosses versus workers or workers versus bosses. The purpose of industrial relations is to deal with the problems created by a small minority of employers who are hell-bent on doing the wrong thing and to deal with the situation when, on occasion, some very tiny minority of workers may be doing the wrong thing and letting their colleagues down. That is the purpose of industrial relations legislation — to deal with those outliers at both ends of the spectrum. It is not about any mad ideological class war between one group and another group. The bill will let the other 95 per cent of us get on with our business and move forward in a sensible way. That is all that this legislation seeks to do — to deal with that tiny proportion of employers who were doing the wrong thing and who make life unreasonably difficult for their employees.

The vast majority of employers are like any other sensible human beings. They try to make sure that they can help someone out in a time of trouble. The most likely response from most employers to a situation where someone has a family difficulty is not to debate whether the employee can take time off; it is usually quite the opposite. Any normal sane person in this situation says, ‘Do what you have to do to look after the family in this situation. If there is anything we can do to help, let us know and we will all try to pitch in; work colleagues will pitch in and we will try to make it easy for you’ because we all know that at another time and in another place, another one of us will be in the same position. That is the sort of organisation that most of us expect to work for; it is the type of organisation that most people work for. Sadly there are small number of people who do not have that approach. This legislation simply seeks to hold them to the same standard that any other common or decent person would arrive at.

Again, some of the opponents of this bill have used the most extraordinary language in speaking about it. I notice that when Mr Rich-Phillips spoke on this legislation — and I interjected quite frequently because I was surprised by the strength of his conviction that this bill was a terrible piece of legislation — he referred to family obligations as ‘baggage’. We had a bit of a tête-à-tête about this issue across the chamber, but I noticed when I read *Hansard* — —

**Mr Rich-Phillips** interjected.

**Mr THORNLEY** — When I read *Hansard*, suddenly it seemed like the baggage disappeared. I do not know how that happened between when his comments were originally stated and what landed in the

final version of *Hansard*. But there was no sign of this baggage.

**Mr Rich-Phillips** — On a point of order, President, Mr Thornley is insinuating that I somehow had *Hansard* changed. I find that objectionable; I ask him to withdraw.

**The PRESIDENT** — Order! I agree with Gordon Rich-Phillips. There was certainly an inference made that Mr Rich-Phillips tried to influence *Hansard*. He finds that offensive. I ask the member to withdraw his comment.

**Mr THORNLEY** — I withdraw. I will keep looking for the baggage. *Hansard* reads:

Mr Thornley says they are not private interests, they are family interests. I would suggest to Mr Thornley and to the house that the family interests, as he chooses to term them, are a matter for the employee and not a matter for the employer.

This is a false dichotomy. This is not the real world; in the real world we are just humans. If we are humans with a family and something happens, then somebody needs to take care of that family. They do not need to take care of it as an employee or as the employer, they just need to do what needs to be done. Most sane people in this world understand that; almost all employers understand that. As I have said, they would do everything they could to help. There is a mad ideological assertion that creates a false dichotomy between family interests, private interests and employee interests. These are interesting legal distinctions but they are not the real world. This is the real world where we all live, which means we are all in this together. When we are all in this together, the success of the enterprise is tied to the success of the people.

The final argument where I find the last vestige of scoundrels in these debates is, ‘If you did this, what would actually happen is that people would stop employing people in this situation’. I think it is going to be difficult to stop employing people with families because there are a lot of them. But if you believe that argument, then of course you would be saying that we should roll back all antidiscrimination legislation.

Presumably if legislating against discrimination might lead to people not being employed then all of our existing antidiscrimination on the basis of gender or sexual orientation, or race or religion or other matters, must be leading — according to the logic outlined in that argument — to those people being less employed. Presumably you would argue then for the repeal of all of those other forms of antidiscrimination legislation. I notice that nobody has had the gall to do that because it

would completely violate the standards of decent people in this community, and this piece of legislation simply seeks to ensure that in addition to those concerns people are not discriminated against by any small vestige of folk in the employer community who do not understand those basic standards on the basis of their family situation and obligations.

It is a common-sense piece of legislation; it is perfectly sensible. The people of Australia spoke loud and clear last November in the referendum on work-family balance, but if the opposition wants to keep debating it then we will be happy to keep doing it. I support the bill.

**Ms PULFORD** (Western Victoria) — This bill is the consequence of a 2006 election commitment. We said then that we would amend the act to ensure that Victorian workers could not be discriminated against at work for trying to balance their work and family responsibilities. As it stands the Equal Opportunity Act prohibits discrimination on the basis of a person's parental or carer status. This amendment seeks to expand the range of what constitutes discrimination against parents or carers in employment. I suppose it is of note that time has moved on considerably since this debate commenced.

The last day on which we discussed this bill in this Parliament was the day the federal member for Menzies, Kevin Andrews, was dumped from the front bench of the federal Liberal Party, which was a pretty good day, really, in a pretty good couple of weeks, and when the federal member for North Sydney, Joe Hockey, finally declared WorkChoices dead and buried. That is the context in which this debate started, and so it is not entirely irrelevant, but thankfully WorkChoices and its ideological flag-bearers soon will be.

In seeking to oppose this bill, members opposite are fighting class wars from last year. Further evidence of that is their opposition to the bill to protect workers from unauthorised deductions, which we debated during the last sitting week of 2007. Members opposite seem to live in a slightly parallel universe where a government providing mechanisms giving decent protection and good minimum standards is some sort of conspiracy theory, as Mr Thornley suggested, cooked up in some cafe latte joint in North Fitzroy.

The amendment to the Equal Opportunity Act is necessary to help further balance work and family for Victorians. Of course no employee should be discriminated against. Other speakers have indicated, and certainly it is my experience, that the vast majority

of employers do the right thing by their employees. They understand that in an environment where we are dealing with a skill shortage it is madness not to look after staff as well as possible and make it easy for them to balance the realities of their work and their family.

The bill will provide that employers need to make a genuine effort to accommodate their employees' family or carer responsibilities unless it is unreasonable. The Brumby Labor government has a well-demonstrated commitment to working families, and this is a part of that. The objective of the Equal Opportunity Act is to recognise and accept everyone's right to equality of opportunity and to eliminate discrimination so far as is possible. This amendment enhances equality in the workplace, particularly towards women, and as members know this act is an important part of our legislative framework in Victoria. Balance in the workplace is important, and we hope this amendment will further help not only to enshrine workers rights but also to assist employers to keep staff in an environment where staff retention is very important to them.

The context in which this debate commenced was one in which WorkChoices had ripped away every shred of decency in the industrial relations system and heralded an appalling climate of fear in the workplace. This amendment was developed in that context and aims to protect those who need the most protection. We know that in most cases the people most severely impacted by WorkChoices were women and young people in the industries where workers are most vulnerable. The figures were starting to show up pretty clearly in retail, hospitality and child care, and it's no surprise that a really aggressive, bullying style of an industrial relations system was impacting on the most vulnerable workers — and what lousy politics that was! It was nice to see that the former federal Liberal government got what it had had coming to it for a long time.

In March last year the Human Rights and Equal Opportunity Commission released a report entitled *It's About Time — Women, Men, Work and Family*. The report found that Australians believe they are struggling to meet time demands with work and family. The Australian Bureau of Statistics also reported last year that women represent the largest proportion of those who want a job or more hours. Almost half of all the women not in the workforce who were seeking employment were not able to work due to a combination of child care, pregnancy or home duties.

I would like to remind members of something said by Mr Rich-Phillips during his contribution to this debate. In something that really illuminates to me why opposition members take the positions they do on these

kinds of issues he said, 'We certainly do not have examples of people being turfed out of work and disadvantaged by their employers because of their family and carer responsibilities'. I wonder if the opposition was not looking. I wonder if perhaps workers who had been disadvantaged in their workplace thought, 'Dracula in the blood bank?' or 'No, I might talk to my union or the Labor Party about this because they exist in the same universe that I do'. Mr Thornley was equally concerned about Mr Rich-Phillips and his disconnection from the real world where people go to work.

As we know, retaining staff is a great challenge for many employers, and workers, particularly women, need flexible working arrangements to allow good work and family balance. It makes good economic sense for the great proportion of employers that do the right thing by their staff because it costs around \$17 000 to recruit and train a new employee. This is in a context where the average annual salary is \$45 000, so it is obviously in an employer's best interests to get good employees and to keep them. This amendment encourages that.

I would like to comment briefly on Mr O'Donohue's contribution to this debate. He suggested there was some enormous disconnect between the Victorian Minister for Industrial Relations in the other place and the Deputy Prime Minister, Julia Gillard, with respect to these issues and industrial relations more generally. The federal Labor Party went to the last election with a number of policy proposals that seek to help working families balance their responsibilities, and these proposals are underpinned by a complementary policy objective in this bill, which is the promotion of family-friendly practices.

Federal Labor policy includes legislating to establish a safety net of 10 national employment standards that will, among other things, give employees the right to request up to 24 months of unpaid parental leave and other flexible work arrangements until their child reaches school age. Last Friday the Victorian Minister for Industrial Relations, the Deputy Prime Minister and all of the other industrial relations ministers from around the commonwealth met on what was a pretty historic occasion. That meeting resolved to renounce WorkChoices and then further determined that there would be high-level discussions about a cooperative and decent approach to industrial relations in this country going forward because the Labor view of an industrial relations system is one that is fair and decent.

Mr O'Donohue similarly subscribes to the conspiracy theories and so on that Mr Rich-Phillips does, but it is

my view that they are still fighting last year's battles, and frankly it is time to move on.

**House divided on motion:**

*Ayes, 22*

Barber, Mr	Pakula, Mr
Broad, Ms ( <i>Teller</i> )	Pennicuik, Ms
Darveniza, Ms ( <i>Teller</i> )	Pulford, Ms
Eideh, Mr	Scheffer, Mr
Elasmar, Mr	Smith, Mr
Hartland, Ms	Somyurek, Mr
Jennings, Mr	Tee, Mr
Kavanagh, Mr	Theophanous, Mr
Leane, Mr	Thornley, Mr
Lenders, Mr	Tierney, Ms
Mikakos, Ms	Viney, Mr

*Noes, 16*

Atkinson, Mr	Hall, Mr
Coote, Mrs ( <i>Teller</i> )	Koch, Mr
Dalla-Riva, Mr ( <i>Teller</i> )	Kronberg, Mrs
Davis, Mr D.	Lovell, Ms
Davis, Mr P.	O'Donohue, Mr
Drum, Mr	Petrovich, Mrs
Finn, Mr	Rich-Phillips, Mr
Guy, Mr	Vogels, Mr

*Pair*

Madden, Mr	Peulich, Mrs
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**Motion agreed to.**

**Read second time.**

*Third reading*

**The PRESIDENT** — Order! The question is:

That the bill be now read a third time and that the bill do pass.

**House divided on question:**

*Ayes, 22*

Barber, Mr	Pakula, Mr
Broad, Ms	Pennicuik, Ms
Darveniza, Ms	Pulford, Ms
Eideh, Mr ( <i>Teller</i> )	Scheffer, Mr
Elasmar, Mr ( <i>Teller</i> )	Smith, Mr
Hartland, Ms	Somyurek, Mr
Jennings, Mr	Tee, Mr
Kavanagh, Mr	Theophanous, Mr
Leane, Mr	Thornley, Mr
Lenders, Mr	Tierney, Ms
Mikakos, Ms	Viney, Mr

*Noes, 16*

Atkinson, Mr	Hall, Mr
Coote, Mrs	Koch, Mr
Dalla-Riva, Mr	Kronberg, Mrs
Davis, Mr D.	Lovell, Ms
Davis, Mr P. ( <i>Teller</i> )	O'Donohue, Mr
Drum, Mr	Petrovich, Mrs

Finn, Mr (*Teller*)  
Guy, Mr

Rich-Phillips, Mr  
Vogels, Mr

*Pair*

Madden, Mr

Peulich, Mrs

**Question agreed to.**

**Read third time.**

## ADJOURNMENT

**Mr LENDERS** (Treasurer) — I move:

That the house do now adjourn.

### Rail: Gippsland line

**Mr P. DAVIS** (Eastern Victoria) — I raise a matter for the attention of the Minister for Public Transport in the other place. I refer to the disgraceful performance in relation to rail travel for passengers travelling from Melbourne to Gippsland over what is getting on to be a couple of months from prior to Christmas. As a result of difficulties with the signalling faults on the lines run by Connex in the metropolitan rail network, the Gippsland V/Line trains were not allowed to run beyond Pakenham. Passengers have been inconvenienced for many weeks by having to take a train from Melbourne to Pakenham, sit on the station awaiting a connecting train — or, in some cases, a coach — to Gippsland, getting as far as Sale and often having to change coaches again or to change from rail to coach to go on to Bairnsdale.

With the great forbearance that country people are known for, they have put up with this problem for many weeks. It has been terribly inconvenient for travellers, with uncertainty about travel times and arrival times, making it impossible to maintain appointments for medical or business requirements. Tourists have been inconvenienced, and in my experience a tourist from Belgium who came to stay with us was inconvenienced when it took 24 hours to travel from Melbourne to Sale. Members of my family and friends of my family have been rudely inconvenienced by all of this.

With great fanfare it was announced that, as of Tuesday of last week, the rail timetable would return to normal. However, the trains have been consistently running somewhere between half an hour to 40 minutes late, which means that friends or family meeting a train have been inconvenienced. There seems to be no end to the problem in sight.

It seems to me that the Minister for Public Transport has failed in her obligations to make sure that Connex and V/Line management ensure there is a proper timetable, and that the work to repair and replace the signalling equipment is undertaken in accordance with the needs of maintaining a proper schedule that is reliable and comprehensible.

People will lose faith in the rail service, which is a key service to maintain social infrastructure in the Gippsland community. I ask the Minister for Public Transport to intervene and ensure that communities in Gippsland learn of the outcome of those rail repairs.

### Wind energy: planning guidelines

**Mr HALL** (Eastern Victoria) — My adjournment matter is for the Minister for Planning and concerns deficiencies in planning guidelines for wind farms. The action I seek from the minister is attention to the urgent need to put in place mechanisms to alert intending property purchasers of prospective wind farm developments on land adjoining or nearby to the property they are interested in purchasing.

This matter was raised with me by my constituents, Anne and Allan Schafer of Rye, who looked at purchasing a 100-acre property in Berrybank, Western Victoria. In preparation for the purchase of that property they checked property titles and all local planning schemes with the local council and undertook every reasonably expected level of diligence that one would expect of prospective property purchasers. In all the checking they did there was no indication of a wind farm being proposed in the vicinity of the property which they were intending to purchase. The council had no indication of such a wind farm.

It was only after the purchase was complete that they literally stumbled on the fact that a 100-turbine wind farm was planned for property immediately adjoining that which they had recently purchased. I say ‘stumbled’ because literally during an internet search on soil types for that area they came across an internet site that indicated a particular company was planning to build a 100-turbine wind farm on the adjoining property.

When they searched further, they actually found the particular proposal mentioned on the Department of Primary Industries website. The site lists a whole range of wind energy projects and the status of each of those projects in Victoria. Under the heading ‘Referred to the Minister for Planning for a decision on the need for an EES permit — application yet to be lodged with minister’ they discovered the presence of this wind

farm and its exact location. It seemed to me that no authority, except for the Department of Primary Industries, had any idea that this was the proposed location for a wind farm.

It puts property purchasers at a great disadvantage. They should be able to find out if a planning permit or a wind farm is being proposed for adjoining property. I therefore come to the conclusion that there needs to be an amendment to the planning guidelines for wind farms in Victoria. Mechanisms need to be put in place for alerting intending property purchasers of prospective wind farm developments on land adjoining or nearby the land they are proposing to purchase. I ask the minister to act with a sense of urgency on this matter.

### **Ovarian cancer: awareness**

**Ms HARTLAND** (Western Metropolitan) — My adjournment matter is for the attention of the Minister for Health in the other place, Daniel Andrews. In Australia about 1 in 20 women will develop ovarian cancer during their lifetime. It is the most serious and life-threatening of all gynaecological cancers because there is no early detection test or screening for ovarian cancer. Contrary to perceptions in the Australian community, the Pap smear test does not detect ovarian cancer.

Ovarian cancer is the sixth most common cause of cancer death in women. It is now more common than cervical cancer, and it kills many more women. Tragically every year 800 women will lose their battle and die from ovarian cancer. One woman will die every 11 hours. If the disease is detected at an early stage, a 90 per cent survival rate can be achieved. Currently 1400 cases of ovarian cancer are diagnosed each year, 75 per cent are detected at an advanced stage, and the survival rate is only 42 per cent.

There is only one consumer group in Australia for any of the gynaecological cancers. It is an activist group and is based here in Melbourne. OvCa Australia, the national ovarian cancer network, is working to raise awareness of the symptoms of ovarian cancer and advocating for patient services and resources.

February is national awareness month for ovarian cancer, and one of the things that this group does is empower women to learn the symptoms and make sure that they can ask the right questions of their GPs. The action I seek is for the minister to consider how the government can work to assist OvCa Australia to continue its great work.

### **Williamstown Cricket Ground: redevelopment**

**Mr PAKULA** (Western Metropolitan) — My adjournment matter is directed to the Minister for Sport, Recreation and Youth Affairs in the other place, Mr Merlino, and it concerns the Williamstown Cricket Ground. Because it is the home ground of the Victorian Football League club, Williamstown Seagulls, it is commonly known as the Williamstown football ground, but I think its correct title is the Williamstown Cricket Ground. The ground is ideally sited at beautiful Point Gellibrand and is probably the most stunningly situated VFL ground in Victoria.

Unfortunately the facilities at the Williamstown Cricket Ground are no longer up to scratch. This ground was used by some 23 000 people over the 2005–06 year. A study commissioned by the Hobsons Bay City Council reported that the facilities do not have the necessary flexibility to enhance community usage, do not meet contemporary standards for a VFL venue, do not provide suitable disability access and are generally run down. A redeveloped Williamstown Cricket Ground integrated into Point Gellibrand Park, with improved administration facilities inside the redeveloped Floyd pavilion, with better spectator amenities and potentially a function facility incorporated into the pavilion, would be an asset that would provide far greater utility for the local community and have far greater community usage.

I have met with Trevor Monti, president of the Williamstown Football Club, and with Bill Jaboor, the chief executive of Hobsons Bay City Council, who are serious about developing a wonderful community facility at the site. Both the Hobsons Bay City Council and the Williamstown Football Club are prepared to contribute to the redevelopment of the ground, but it will be very difficult for the project to get off the ground in anywhere near the form those bodies desire without a contribution from the state government.

I am aware this is a difficult request because I am sure every VFL club would like a contribution to redevelop their facilities, but I believe any money spent at the Williamstown Cricket Ground would be money well spent. I am asking the minister to examine the possibility of making a state government contribution to the redevelopment of the Williamstown Cricket Ground.

### **Bridges: Yarrawonga–Mulwala**

**Ms LOVELL** (Northern Victoria) — The adjournment matter I wish to raise tonight is for the Minister for Roads and Ports in the other place and it

concerns the need for a new bridge between the Yarrowonga and Mulwala communities. Before a bridge can be built we need to establish the location it is going to be built on. An options study conducted a few years ago identified six possible locations, but further work now needs to be done to establish which is the best option so that land that may need to be acquired can be identified and this project can progress. The action I seek from the minister tonight is for the government to fund in this year's budget a planning study to establish the location of the new bridge.

Currently in Yarrowonga and Mulwala we have two bridges. There is what we call the Mulwala bridge across the lake to Mulwala and there is also the Yarrowonga Weir bridge, which is a single-lane bridge crossing the Murray-Darling Basin Commission and Goulburn-Murray Water structure that is the weir. The need to consider future crossings has been driven by a number of issues in recent years. The first issue is that it has been announced that the weir bridge will close in 2020. That is because the Murray-Darling Basin Commission and Goulburn-Murray Water are concerned about occupational health and safety risks and they also want to improve the long-term sustainability of the weir structure.

There are also some problems with the Mulwala bridge. It is a very old bridge that was built in 1924, and to anyone who has been to Yarrowonga in recent times it will be quite evident that there is a significant dip in the bridge. It is very narrow with two 2.5-metre lanes. A lane of 2.5 metres is extremely narrow when you consider that any truck today is 2.9 metres wide from mirror to mirror. We often hear of mirrors being knocked off vehicles as they pass along the bridge. As I said, it is a very narrow crossing.

The two bridges combined currently carry a traffic load of 7700 vehicles per day, and it is estimated that by 2020 when the weir bridge closes they will be carrying about 16 000 vehicles. It is most imperative for this community that we identify the site for a new bridge immediately so that we can get on with the planning and government can look towards the construction of a new bridge for this community.

### **Murray River: police divers**

**Mr DRUM** (Northern Victoria) — I have a very sad adjournment matter to bring to the attention of the house and the Minister for Police and Emergency Services in the other place. It relates to the death of young Josh Borchard, who drowned at Echuca. Josh fell out of a houseboat on Sunday evening and the New South Wales police were called in, firstly, to look for

Josh to see if he could be hopefully found and saved; however, it eventually became a body retrieval exercise.

Because New South Wales police have jurisdiction over the river they, and only they, are allowed to look for people they assume have drowned. At a certain time in this episode a superintendent or someone in charge makes a call and says, 'We are no longer involved in a rescue, we are involved in a body retrieval'. At that point only New South Wales dive squad members are allowed into the water. So we have a grieving family on a houseboat who are probably starting to accept that they may have lost their son but they want everybody who is qualified and is available to be in the water searching for that child. To have the New South Wales police force only allow New South Wales dive squad members in the water trying to find the body is absolutely absurd. We have heard that some progress has been made on this issue

I have raised this issue twice before in this chamber, and we still had this ridiculous situation where a whole raft of members of the Echuca-Moama search and rescue squad who are qualified as dive instructors were ordered not to go into the water to help retrieve this boy.

I ask the minister to immediately speak with his New South Wales counterpart now that this has happened for a third time. It was not until the next day that they were able to find the body of the three-year-old boy only 25 metres away. I hope the minister can work with his New South Wales counterpart to get this ridiculous situation resolved, so that in the event of a further tragedy we can have all hands on deck and so that everybody who is qualified to dive in what is called dark water or black water, such as exists in the Murray River, and to deal with the currents can be in there to potentially rescue people or to retrieve the bodies of those who have died.

### **Albert Park, Warrnambool: trail network**

**Ms TIERNEY** (Western Victoria) — My adjournment matter is for the Minister for Sport, Recreation and Youth Affairs in the other place. It relates to a grant application made by the Warrnambool City Council for the Albert Park trail network. I understand stage 1 has been submitted to the minister's office. The proposal is to create a passive trail network in the reserve, and stage 1 involves a 2-kilometre section of the trail.

Those who are familiar with Albert Park in Warrnambool will recognise that it is used around the

year, regardless of season. It is used by a range of community members. It is used for cricket matches, walking, jogging, cycling, football and netball. A number of sporting clubs that use the reserve strongly support and are key stakeholders in this proposal. However, this proposal will not only be beneficial to those who participate in the many sports and who are on the committees of the various sporting clubs, but will also be advantageous to the students who walk through the park to go to Warrnambool College or who ride their bikes to school. It will also assist parents with children in prams, aged residents and people who use wheelchairs and other walking aids.

I strongly urge the minister to support this very important application, which will benefit very directly the citizens of Warrnambool and people involved in the sporting and recreational clubs that use the reserve. I believe it will also aid tourism in Warrnambool and the surrounding area.

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

**Mr KOCH** (Western Victoria) — My matter is for the Premier. It concerns his failure to release information on the viability of an emergency rescue helicopter for western Victoria. Prior to the 2002 state election the Bracks government promised that western Victoria would get a rescue helicopter. After years of us calling on the government to keep its promise, the Premier now says he has information that a rescue helicopter based in western Victoria is not viable. Although the Premier made a commitment at the Coleraine races on 30 September 2007 to share this information, he now refuses to do so. Locals deserve to know on what information the Premier based his decision, and they will not let him forget his recent statement that ‘Portland and Warrnambool are just too far away’.

In response, a poster campaign alerting people to the Premier’s snubbing was launched last month. The signs are intended to remind the Premier of his promise to take a personal interest in this issue, and to inform residents and visitors that he has turned his back on them. The campaign involves erecting signs in prominent locations across the region. It follows an incredible effort by Keith Meerbach of Portland and Geoff Downes of Hamilton, who collected over 17 000 signatures on petitions tabled in Parliament late last year. Another petition is ongoing and is now circulating through the Wimmera region. Hundreds of signs have been placed in front yards and paddocks and on fences. Despite a directive from the Brumby government to stifle mounting community awareness

by instructing VicRoads to remove signs from roadsides, the campaign for a western Victoria emergency and rescue helicopter continues to grow. This is a community issue and the community is strongly behind it.

Last week the fight went online with the creation of a Facebook group. Hundreds of supporters have already added their names to the campaign, including a local doctor who has worked in the emergency department at the Warrnambool hospital for the last four years. He says that there is no doubt that delays in getting patients to Melbourne have the potential to be life threatening. The doctor has gone on to say, and the community agrees that:

It is not a matter of money, it is a moral obligation that the state government have to provide the same level of health care to everybody in Victoria, no matter where they live. They could find the money, they just don’t want to!

My request is for the Premier to immediately divulge his hidden details that undermine the viability of this initiative and to make this urgent, lifesaving rotary air rescue transport available to all western Victorians.

### **Government: statement of intentions**

**Ms BROAD** (Northern Victoria) — My adjournment matter is for the Premier. Today the Premier presented to the Parliament *Delivering for Victoria — February 2008 Annual Statement of Government Intentions*. The Premier’s statement for 2008 is a first for any Victorian government. It outlines the Labor government’s priorities for the year ahead and the legislation to be developed to implement its policy agenda. Major initiatives outlined by the Premier will improve children’s services, streamline the planning system, modernise the governance of universities, tackle alcohol abuse and increase the efficiency of public administration and financial reporting.

Of particular interest to regional and rural Victoria are the biosecurity measures outlined by the Premier to strengthen the laws for the control of livestock and plant diseases. As the Premier’s statement reminds us, Victoria is the largest food and fibre exporting Australian state, with more than \$7 billion worth of agricultural products exported in 2006. Measures to control livestock and plant diseases are especially important to working families in regional and rural Victoria whose jobs depend on horticultural and agricultural industries. These working families are vitally interested in playing a role in increasing Victoria’s capacity to monitor, detect and respond to livestock and plant disease threats.

The action I seek from the Premier is to provide me with information about how farmers and industry can be involved in developing measures to protect our agricultural and horticultural industries and their livelihoods. Finally I wish to congratulate the Premier and contributors to the 2008 statement of government intentions on their ongoing efforts to provide new ways for Victorians to engage with their government.

### **Police: St Kilda triangle development**

**Mrs COOTE** (Southern Metropolitan) — My issue is for the Minister for Police and Emergency Services in the other place and relates to the proposed St Kilda triangle development. Just for the interest of members, I would like to put on the record what is to be built in the St Kilda triangle so that they understand exactly what we are talking about. It is a very small area of land. I encourage members to have a look at it. If they do, they will see that the proposed development is outrageously large. The proponents are expecting to have six music venues, including nightclubs; restaurants with seating for 1800 and a 540-seat food court; a multiscreen cinema complex; a 90-room hotel and convention centre; 1200 car spaces; and 140 shops spread over two floors. That is a lot of development in a very small space. I am sure that members have heard about the St Kilda triangle without stopping to think what the proposed development will actually mean.

My concern is about the increasing number of assaults against the person in the city of Port Phillip — that is, violent assaults and rape — and a number of other issues. For example, in 2003–04 there were 582 assaults and in 2006–07 there were 744 assaults. That is a large jump, and it is very concerning. The increase in the number of rapes was even worse, jumping from 31 in 2003–04 to 43 in 2006–07. Property damage increased also, as did violence and antisocial behaviour.

I also have some major concerns about such behaviour in other parts of my electorate, notably Chapel Street and Commercial Road, where there is a large number of nightclubs. The clubs operate all day and all night, with increased violence and assaults, largely fuelled by an increase in the use of the drug ice. My concern is about the proposals for additional nightclubs and all-night venues in the St Kilda triangle. I ask the Minister for Police and Emergency Services how many extra police will be allocated specifically to protect Port Phillip residents and people attending the St Kilda triangle and other nearby venues if this development goes ahead in its current form.

### **Horsham: youth park**

**Ms PULFORD** (Western Victoria) — My adjournment matter this evening is for the Minister for Sport, Recreation and Youth Affairs in the other place. As I have said many times in this chamber, one of the greatest challenges facing regional and rural Victoria is keeping young people in Victoria's small towns and larger regional centres.

A key factor in keeping them in regional Victoria is giving them social outlets to make them want to stay. It is important that young people are engaged in their communities and have an opportunity to participate in activities that are safe and enjoyable, no matter where they live.

The creation of Horsham youth park is an idea generated by young people in the Horsham area. Already a dynamic group of young people has formed a committee to work with designers to assist with a conceptual layout. Their idea is that there be a park incorporating a skate park and areas for young people to socialise. This park would be located on the corner of Natimuk Road and Park Drive in Horsham. They are seeking \$60 000 from the state government, with other contributions from the Horsham Rural City Council and community organisations, to build the first stage of the skate park. It seems to me a small price to pay for a project that increases opportunities for young people in western Victoria, an area I am very proud to say this government has worked very hard in since coming to office in 1999.

I ask the Minister for Sport, Recreation and Youth Affairs to do his utmost to ensure the Horsham youth park is funded and that the government continue to assist regional Victoria to keep their young people involved in all our regional centres and small towns through sport and recreational activities.

### **WorkCover: audiology claims**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — My adjournment matter is for the Minister for Finance, WorkCover and the Transport Accident Commission in the other place. It relates to the decision by the Victorian WorkCover Authority to introduce, from 1 February, new arrangements with respect to handling claims from audiologists particularly for the provision of hearing aids.

On 19 December the VWA wrote to audiologists, outlining the new mechanism for payment that it proposed to put in place. I have been advised by a number of audiologists who have contacted me that

although the letter was dated 19 December, they certainly did not receive it before Christmas, and many of them did not receive it until well into January when they returned from leave and subsequently had only two weeks, or less, in which to become aware of the VWA's proposals before they were introduced on 1 February.

The VWA proposed to require audiologists to provide it with invoices on the cost of hearing aids — it has indicated it will pay only the cost price plus \$50 to audiologists for supplying hearing aids to VWA clients — and also greatly increase disclosure with respect to billing of audiology fees for VWA clients. The audiologists are concerned at the lack of consultation they have had with the VWA concerning this issue. They have advised me that there has been no consultation between the VWA and audiologists. Their concern is so great that they may withdraw their services from VWA clients — that is to say, they will not provide audiology services to VWA clients. Obviously that would have a very significant impact on people who require hearing aids and medical services from audiologists.

I ask the Minister for Finance, WorkCover and the Transport Accident Commission to delay the implementation of this new invoicing regime, to undertake consultation with the peak bodies including the Audiological Society of Australia, the Australian College of Audiology and the Hearing Aid Audiometrist Society of Australia, and to review the recommendations from those peak bodies before proceeding to have the VWA put any new mechanism in place.

### **Gaming: Cardinia**

**Mr O'DONOHUE** (Eastern Victoria) — My adjournment matter this evening is for the Minister for Gaming in the other place, Mr Robinson. When Joan Kirner introduced poker machines to Victoria in one of the last throws of the dice for her as Premier there were competing views within the community about whether poker machines would attract investment in Victoria, whether they would stop people going interstate to gamble and whether they would have a good impact on our society.

As time has gone on it has become clearer that there are significant social side-effects from poker machines and from gambling more generally. As time has gone on more and more people have experienced the break-up of families whose members they know because of the addiction of individuals to gambling. Unfortunately the state government appears to be addicted to the revenue

that gaming delivers to it. It is blind to these issues, to the social side-effects and to the consequences of gaming in the community.

In the shire of Cardinia in the six months to December last year approximately \$9 million was lost as a result of gambling. This figure was up approximately 4 per cent on the year before, and the shire and Victoria are set to crack a record as far as gambling losses go.

As a result of the caps policy that the state government has introduced, up to 10 gaming machines per 1000 residents are permitted in shires such as Cardinia. Currently the shire of Cardinia is underweight in this government cap, with only approximately 4.6 machines per 1000 residents. The consequence is that the Shire of Cardinia currently has before it three applications for an additional 200 machines to be introduced into the townships of Officer and Beaconsfield. The people of these townships do not want the machines.

The township of Officer currently has only approximately 3000 residents, and although it is growing, there is no appetite within that community, nor within Beaconsfield, for introducing electronic gaming machines. But as a result of the government's policies and the laws it has introduced, gaming machines will be allowed in that community unless the government changes its policy and its attitude towards listening to communities and what they want.

The action I seek from the minister is to listen to the communities of Officer and Beaconsfield and to change the government's erroneous policies that allow machines to be foisted on to local communities.

### **Fruit fly: control**

**Mr VOGELS** (Western Victoria) — The issue I raise for the Minister for Agriculture, Joe Helper, in the other place concerns the discovery of fruit fly in Melbourne.

I would like to quote from an article written by Glenn Mitchell in the *Herald Sun* of Saturday, 2 February 2008. He said:

Queensland fruit fly has been found in an Ascot Vale garden, forcing government officers to set up a 15-km suspension zone for at least three months.

A pest eradication program has been set up in the area.

'This will include the removal of fruit from selected trees and the application of baiting treatments to attract and eradicate the pest', Department of Primary Industries spokesman Gary D'Arcy said last night.

Householders in the zone have been urged not to remove home-grown fruit from their properties.

Fruit constitutes the largest horticultural production in Victoria. It is worth about \$1 billion. Exotic pests and diseases are a major threat to that industry. Quarantine restrictions, internationally and domestically, are vitally important to fruit growers in Victoria in addressing the advance of fruit fly and other diseases. Some of us still remember the old fruit fly roadblocks as we came across the border from New South Wales, where you had to unload all your fruit into a bin. I notice the odd sign is still around, but I am really not sure whether much is being done to make people aware of the importance of the horticultural industry to Victoria. This fruit fly outbreak is of concern.

The action I seek from the minister is for that he make available the quality controls that are imposed to protect our horticultural industry from exotic pests like fruit fly. Perhaps it is time for the Department of Primary Industries to mount a public education program to once again make people aware of the importance to Victoria of the horticulture industry. I would like the minister to make available details of exactly what processes are in place at present to prevent this sort of thing recurring.

### **Aboriginals: Gateways to Justice calendar**

**Mr FINN** (Western Metropolitan) — I wish to raise a matter for the attention of the Attorney-General in another place. This is the second of a series of complaints on this subject. After my comments on this issue in this house last year it staggered me to receive in the mail over the summer the 2008 Gateways to Justice calendar produced by the Koori Recruitment and Career Development Strategy, which is, as it says on the front cover, an initiative of the Victorian Aboriginal Justice Agreement.

As glossy, expensive and, need I say, wasteful publications go, this wins a gold medal. This calendar is a masterful production, outglossing some of this government's glossiest efforts. It is a double A3 sheet in size. It features in full colour two photos of the police minister — just to let us know he is still around, I suppose — two photos of the Attorney-General, a cheery shot of Mr Tee and even one of a rather startled-looking Chief Commissioner of Police.

It highlights a number of important programs assisting Aboriginal Australians, which is obviously where its value can be seen. But as someone who has been concerned about the plight of Aboriginal Australians for many years, this is where my concern lies: is it possible that the money spent on this lavish production could have been better spent on the programs it seeks to

promote? Many of the people who need the sort of money that was spent on this calendar live in my area of the western suburbs. The cost of postage on my copy alone was \$6, and I doubt very much if I was the only recipient.

I ask the Attorney-General to investigate and make public the production and delivery costs of this calendar. I further ask him to re-evaluate his department's priorities and put Aboriginal health, education and other interests ahead of the glossy public relations productions we have seen and to ensure that funds are expended to provide proper help for Aboriginal Australians.

### **Australian Power and Gas: consumer contract**

**Mr ATKINSON** (Eastern Metropolitan) — I wish to direct a matter to the Minister for Energy and Resources, but I am sure some of his other colleagues might well have an interest in the same matter. It concerns a constituent who has raised with me the practices of Australian Power and Gas in respect of its offers to consumers.

On 18 January this year a representative of Australian Power and Gas contacted this constituent and offered her a three-year contract at a considerable discount, as opposed to the peak payments she was currently paying with AGL, her existing supplier. My constituent was attracted to the fact that Australian Power and Gas was an Australian company. Wherever possible she tries to support Australian enterprises. She got to the point of signing up and, when she had to show her drivers licence, was told that she was too old to sign up, as the age limit imposed by the company was 75 years. She was not impressed, as it seemed to her that people most in need of beneficial financial agreements were being disadvantaged. She thought, as I did, that this was an offence under the equal opportunity and human rights legislation.

On Wednesday, 23 January, she contacted the customer care section of Australian Power and Gas and spoke to a person who advised her that it was not really company policy but government legislation that prevented persons over the age of 75 years from signing a contract without a witness to say that the participant was fully aware of the contract content they were signing. My constituent said that it appeared to her as yet another obstacle that vulnerable people in society have to overcome. She found it not only offensive but a violation of her human rights. Just to check that it was not general policy, she phoned AGL and was assured there was no age limit. The only proviso that related to

age was that you should be over the age of 16 years to enter into an agreement with these companies.

My request to the minister is that he investigate this matter with Australian Power and Gas and clarify that there is no legislative obstacle to somebody over 75 years of age entering into an agreement with the company and availing themselves of the discounts that are apparently offered to younger citizens.

### **Mitsubishi Motors Australia: Adelaide plant**

**Mr D. DAVIS** (Southern Metropolitan) — My adjournment matter is for the attention of the Minister for Industry and Trade. It concerns the announcement today by Mitsubishi Motors Australia that it will pursue a ‘full import strategy’ and close its plant in Adelaide. Its car assembly plant will see the loss of 930 jobs in South Australia. The chief executive of Mitsubishi said:

We can see no path for a return to viable production levels of the 380 sedan, or a commercial case for developing any replacement production.

He alluded to the ‘inescapable fact’ that buyers were not buying large cars. This firm has faced difficulties recently, but my point is that the Victorian car industry is also closely involved. Whilst the assembly happens in South Australia, many of the suppliers are based in Victoria. I am asking the Minister for Industry and Trade to work with federal colleagues to take the steps that are required to help ensure that there is a proper transition and the Victorian car industry is not slugged too hard by this process.

I note the announcement by the federal industry minister that there would be a support package involving the federal and South Australian governments and Mitsubishi. I am certainly supportive of the concept of a support package to assist those workers who face the loss of their livelihood and the impact that will have on particular families. But my point is that it is not simply South Australia, it is also Victoria, and Victoria is the home of many of the parts and components suppliers. Denso in Croydon is an example, and I could go on with a very long list. In Mr Finn’s electorate many suppliers will be impacted by Mitsubishi’s decision.

At a deeper level there will be an impact on the industry overall due to critical mass. Many will potentially be affected by this change, because component suppliers in Victoria supply to many companies, including Mitsubishi, Holden, Ford and Toyota. I am concerned about the knock-on effect, and I am particularly concerned that the Minister for Industry and Trade take the necessary action to put in place proper adjustment

packages to smooth the impact on individuals, families and small businesses and ensure that the long-term effects on Victorian industry are not too strong.

**The PRESIDENT** — Order! Before calling the minister I will rule one adjournment matter out of order on the basis that it was raised within the last six months. That is the matter raised by Mr Koch seeking funding be delivered for an emergency helicopter in western Victoria. Mr Koch is entitled to raise that matter again on 21 March.

### **Responses**

**Mr LENDERS** (Treasurer) — Sixteen members raised adjournment matters for other ministers, and I will forward them to those ministers.

**The PRESIDENT** — Order! The house now stands adjourned.

**House adjourned 7.05 p.m.**

