

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-SEVENTH PARLIAMENT**

**FIRST SESSION**

**Tuesday, 22 March 2011**

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## Tuesday, 22 March 2011

**The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.04 p.m. and read the prayer.**

### NATURAL DISASTERS: JAPAN

**Hon. D. M. DAVIS** (Minister for Health) — By leave, I move:

That this house:

- (1) offers its deepest and most sincere condolences to the government and people of Japan following the catastrophic earthquake and tsunami off Japan on 11 March 2011 and the subsequent power station crisis;
- (2) notes that the human cost of this devastating event is yet to be calculated and that the loss of life will be immense;
- (3) expresses its admiration for the work of the Japan Self-Defense Forces and other emergency service workers in their stoic response to this disaster;
- (4) supports the Australian government in offering assistance to Japan;
- (5) joins with all the people of the state of Victoria in expressing our sympathy and our strong support for the rescue, relief and recovery of Japan from this calamity; and
- (6) undertakes to assist Japan in whatever way possible.

On 11 March at 2.46 p.m. an earthquake registering 9 on the Richter scale hit about 130 kilometres off the north-east coast of Japan. The earthquake, as we all know, triggered a massive tsunami which reached up to 10 metres in height at some locations.

The earthquake was catastrophic for the people of Japan, and the scale of destruction is beyond the comprehension of many of us. Even though we have seen on television the terrible images of these disastrous events, I think perhaps we do not fully understand. The recovery process is under way, but aftershocks of significant magnitude following the earthquake and the unfolding crisis at the Fukushima nuclear plant have made those recovery efforts much more difficult. It is with great admiration that each and every one of us has seen the Japanese Self-Defense Forces working night and day through this period.

The death toll stands at more than 4000, with over 8000 people still reported as missing, and I note that that number is expected to grow significantly. Japanese police suggest that the death toll is likely to exceed 10 000 people. Bodies are being recovered slowly, and the difficult identification process is proceeding. Many towns and communities have been left without

electricity and access to food, and there are problems with water. The terribly cold conditions have added to the hardship the catastrophe has forced on people. Over 300 000 residents from towns such as Sendai, Natori and others have been decimated by this disaster, and many of them are now in evacuation centres.

This desperate situation is compounded by what has occurred at the nuclear plant. The earthquake caused a number of the generators at the plant to explode, giving rise to great concern in the community and enormous risk. The fear of dangerous levels of radiation is a very real one.

I understand that this is a very difficult time for Victorians who have family, loved ones and friends who are near this zone in Japan. Although some have been directly affected, just the fact that others are in the affected area has meant that their relatives and friends have been unable to contact them so that they can be secure as to their fate.

I know the Premier has met with the Acting Consul General of Japan and has formally extended the government's condolences on behalf of the people of Victoria. I have no doubt that everyone in this chamber will join him in extending their condolences, as I do today.

There are many Australian officials, including search and rescue officers and others, who are assisting with the relief effort, and I pay tribute to them. Consular support has also been important in assisting people to locate their loved ones.

The Japanese community in Victoria is a significant one, and we recognise the difficulties that members of that community have faced. We offer our condolences to them. Victoria has very significant ties with Japan. Aichi prefecture and the state of Victoria enjoy a very strong and longstanding sister state relationship that has been in place since 1980. A number of municipalities also share significant sister city relationships with Japan: the City of Whitehorse is sister city to Matsudo, and the City of Greater Shepparton is sister city to Oshu City. The municipality of Whitehorse has gone to great efforts to foster its links with Matsudo. Australia's relationship with Japan stretches back well into the 19th century, with links having been forged through business, entertainment and pioneering.

I am aware of the impact that the Japanese earthquake and tsunami has had on so many people in our community. My heart goes out to those in Japan who are facing this terrible situation. There are lessons to be learnt from this. It is perhaps not the time just yet to

reflect on those too much, but there are many lessons to be learnt about the way we organise things.

It seems that every time Parliament sits there has been another terrible disaster. This one, however, is on an even greater scale than the previous ones. I speak for the whole house in extending my sincere condolences to the Japanese community, both here and in Japan.

**Mr LENDERS** (Southern Metropolitan) — The Labor Party supports the comments made by the Leader of the Government and is fully supportive of this condolence motion in relation to the people of Japan.

This is the third sitting Tuesday that we have commenced our business in this house with a condolence motion. The first was for our own flood-ravaged communities in Queensland and Victoria, the second was for the earthquake-ravaged community in Christchurch, New Zealand, and the third is for Japan, which has been ravaged by an earthquake, a tsunami and now radiation. There has been an escalation in magnitude in relation to this latest disaster.

As the Leader of the Government said, thousands of people have died in Japan. We can speculate on which figures to use, but there is no doubt that thousands of people have died. For every person who has died, there are family members, friends and colleagues who will be grieving their loss.

There are also many thousands of Japanese people who are unaccounted for, and while hope has gone for many of those in the tsunami-affected areas, uncertainty remains as to whether some people were in the area or not. Families of loved ones still have hope that those unaccounted for may be alive.

The earthquake in Japan was the fourth strongest earthquake since the Richter scale enabled earthquakes to be measured. The magnitude was extraordinary. We need to try to visualise 20-metre waves breaking along our coastlines. We also need to try to visualise where we are above sea level here at Parliament House. The devastating effect of those waves on communities was extraordinary. There were parts of Japan where tidal waves came 10 kilometres inland from the coast. The entire north-eastern coast of the island of Honshu was particularly affected by the tsunami.

More broadly, the psyche of the country and the people of Japan will undoubtedly have been severely affected by this event. Not only have they faced the devastation of the tsunami but they are also now facing freezing weather conditions, which is placing those who are exposed at even more risk. As we try to comprehend the statistics we are seeing at the moment we can

compare them to what happened during the bushfires that we went through over two years ago in Victoria, when we saw thousands of people displaced and the horror and inconvenience that that caused. If you look at the figures in Japan at the moment, you see that there are more than 371 000 Japanese people in shelters. There are more than 1.25 million homes that are still without electricity a week and a half after the disaster and a larger number of homes that do not have clean water.

An added dimension to what is happening in Japan is the fear factor caused by the two reactors in Fukushima; unbelievable fear is spreading throughout Japan. There is a fear of radiation. From a world perspective we have seen what happened at Three Mile Island in the United States and at Chernobyl in Ukraine, but from the Japanese perspective there is a fear of radiation because of the aftermath of what happened at Hiroshima and Nagasaki during World War II. The fear that those events instilled in many of the Japanese is probably being equalled by what is happening in Fukushima now. There is fear because this is an unseen menace. The menace of bushfire, flood or earthquake can be easily measured and can be seen coming; radiation cannot be seen coming. We know there are more than 200 000 people in northern Honshu who have been evacuated to get them away from the radiation that is there.

As a community we will do what we can to support the Japanese from afar. In this motion we express our condolences and wish the Japanese well; we support the efforts of our national government in assisting in the international community, and we, the Victorian people, express our sympathy. We can make donations to the Red Cross or various other organisations.

As a community the Japanese have come to the assistance of much of the rest of the world during natural disasters. From my perspective one of the most telling bits of footage was a very grim and forlorn-looking Japanese contingent leaving Christchurch, where they had been part of an international relief effort following the earthquake there, and heading back on a plane into a very uncertain future in north-eastern Honshu. That sums up in many ways the commitment of the Japanese to the rest of the world and our obligation to assist them in return.

In concluding I express my condolences in particular to the large Japanese community in my own electorate of Southern Metropolitan Region, including the large Japanese community around Brighton. To that community and also to every Japanese person who has

been upset, dislocated or traumatised by these events, we give our sympathies.

**Mr BARBER** (Northern Metropolitan) — We come in here every sitting week with many words we would like to say about many topics, but in the face of tragedies from fire, flood, earthquake, wave and now radiological causes we find often that we run out of words, that superlatives evaporate and that the biggest of words become very small when seen against the reality that is brought to us by images, statistics and feelings. Finding myself in that position I reached around looking for the words of someone else who may have confronted the issue of loss, and I found them in a poem by Emily Dickinson, of which I propose to read just a small part. She wrote:

I measure every grief I meet  
 With narrow, probing, eyes  
 I wonder if it weighs like mine  
 Or has an easier size.  
 I wonder if they bore it long  
 Or did it just begin  
 I could not tell the date of mine  
 It feels so old a pain  
 I wonder if it hurts to live  
 And if they have to try  
 And whether could they choose between  
 It would not be to die  
 I note that some gone patient long  
 At length, renew their smile  
 An imitation of a light  
 That has so little oil  
 I wonder if when years have piled  
 Some thousands on the harm  
 That hurt them early such a lapse  
 Could give them any balm  
 Or would they go on aching still  
 Through centuries of nerve  
 Enlightened to a larger pain  
 In contrast with the love

That is all I have to say.

**Hon. P. R. HALL** (Minister for Higher Education and Skills) — It is a sobering fact that each of the three parliamentary sitting weeks of 2011 have been preceded by a motion expressing sympathy and condolences for people and communities around the world who have been affected by natural disasters. The event on which we reflect here today is probably the worst natural disaster I have witnessed. Although I have witnessed that event from afar, the images conveyed through the media and the scenes we have watched on our television screens have been extremely sobering. I do not think any of us can fully comprehend the magnitude of the impact of that disaster on the people of Japan. On behalf of my Nationals colleagues in this

Parliament I wish to associate The Nationals with this motion and send our sincere condolences and best wishes to the people of Japan.

As others in this debate have said, the people of Japan have been struck by many disasters, encompassing earthquakes, tsunami and now the threat of radiation. The response to those disasters from people around the world has been magnificent, and we strongly commend those who have put their lives at risk to help with that search-and-recovery effort.

I want to say a few words about the relationship that Australians and Victorians in particular have with the people of Japan, because it is true that we have a rich cultural and education program that we share with our Japanese friends. As the minister representing the Department of Education and Early Childhood Development I can say that we have a number of associations with the people of Japan. In fact 85 Japanese schools have sister school relationships with Victorian government schools, and they have been in place for some time now. Fortunately I can report to the house that we are not aware of an exchange program involving Victorian students visiting sister schools in Japan taking place right at this point in time. Nor are we aware of any official school visits taking place, apart from those sister school relationships.

All members would be well aware that we have a strong student exchange program which is run by a number of different organisations and individual schools. Currently there are exchange students in Japan, but to the best of our knowledge those exchange programs are not taking place in the worst-affected areas of this disaster, so those students are safe.

It is equally important to reflect on the number of both Japanese students and Japanese teachers who are currently working in Victorian schools. Currently there are 83 Japanese international students studying in Victorian schools, 22 teacher assistants and 7 languages-other-than-English assistants working in the area in Victorian schools. I had the fortune just recently to meet one of those Japanese assistants working at the Nossal High School in Berwick when I was out visiting that school. The Department of Education and Early Childhood Development has made every form of counselling service available to assist those people, whether they be students or teachers, who have families back in Japan and who are, of course, extremely worried.

This disaster affects us all in many ways, and I am sure the impact of it is going to last for many generations. Again I extend our condolences to the people of Japan

and give them every thought and prayer as they work their way through this absolutely horrible event that has impacted on their country, their economy and their way of life. If there is any further assistance that we can provide, either from a departmental level or at a level at which this Parliament can support, The Nationals will be behind it doing what we can to assist the people of Japan in their time of need.

**Mr JENNINGS** (South Eastern Metropolitan) — We as representatives of the Victorian people understand the sorrow, grief, pain and suffering experienced by people at times of natural disaster. As we come together and provide support and comfort to one another in this community, we may remind ourselves of the inextricable connection we have to the global community.

As has already been mentioned today, in the last sitting week we marked the occasion of the earthquake that had affected our near neighbours in the Pacific, the citizens of New Zealand. In the last sitting week we reflected on the significant dislocation and disruption to the quality of life experienced by people in our own community and the people of Queensland due to flooding events.

We should remind ourselves of not just our interconnectedness as global citizens but particularly our interconnectedness with those who live within the Pacific rim, whether it be the people affected by the recent events in New Zealand, Japan and China or the events in Haiti and Chile last year. The people of Pakistan, a country not too far removed from the Pacific rim, have also experienced great suffering due to natural disasters within the last year.

As has been mentioned today, the order of magnitude of the devastation that has been meted out on our fellow global citizens in Japan is almost beyond comprehension. At every opportunity we should try to show our compassion by providing support, encouragement and comfort to members of our global community. It is not only at this time that we should find those opportunities within our hearts and minds; we should maintain that commitment for the rest of our lives and maintain that connectivity with our fellow global citizens.

I thank the Victorian education system for first making me aware of the perils of tsunamis. There was a story in my grade 5 reader that I have just revisited, thanks to Google, entitled *Yuuki and the Tsunami*. It was part of the Victorian English curriculum when most members' parents were at school with me. That story was of a brave young boy who burned his village's rice fields.

The rice fields were at the top of a mountain, so all of the villagers rushed to the top of the mountain to put out the fire, and in so doing their lives were saved. From grade 5 up until now that story has stuck with me, because it was the first time I learned about tsunamis and the risks faced by the Japanese people, and the first time I understood the significance of natural disasters, early warning systems and courage. All of those great lessons came out of that story.

I thank the Victorian education system for having the wisdom to put that story in the grade 5 reader for the benefit of other children and myself, and I thank the Victorian people for their ongoing focus on the wellbeing of other members of the global community.

**Hon. W. A. LOVELL** (Minister for Housing) — I too rise to speak on this motion of condolence for the people of Japan. It was on the night of the earthquake when I was driving home to Shepparton that I first heard about it. The news brought back a lot of memories for me of my time in Japan on exchange and the various earthquakes that had occurred during that time; all of them were small, and some of them were not even enough to make people look up from eating their dinner, but they were enough to make me look up as things on shelves rattled around us.

The vision I was faced with when I arrived home that night was absolutely extraordinary. The television footage of the tsunami rushing across the landscape of Japan was quite horrific. Although it may sound trivial, the footage reminded me of the Skyhooks song, *Horror Movie*:

Horror movie right there on my TV

...

Horror movie, it's the 6.30 news.

These events remind us that sometimes reality is more horrific than anything man may dream up in trying to shock an audience — the reality of a tsunami or earthquake is far more horrific when you see it happen in real life.

I have a special bond with Japan. I was fortunate enough to go to the Chiba prefecture in Japan in 1982 on exchange and then again in 2007 to represent this Parliament on a delegation to Nagoya, the capital of Aichi prefecture, a sister state of Victoria. For the past four years I have co-chaired the Japan-Victoria Parliamentary Friendship Group.

It has been a great honour for me to represent our country and our Parliament in Japan, and I have formed many great and strong friendships in that time. The area

I went to in Japan, Chiba prefecture, is where the oil refinery was on fire on Friday night. I know from my very early years when my father managed the Mobil refinery at Altona just how difficult it is to contain a fire in an oil refinery. My thoughts were very much with my families in Chiba on Friday night.

Unfortunately I lost my mother a week ago today, but one of the last things I did with my mother, as we sat around our kitchen table on the Saturday afternoon after the earthquake, was to try to track down my host families and my friends in the Chiba prefecture. My mum was a great help to me, and there was a lot of joy and great relief as we tracked them down one by one.

About 6.00 p.m. on Saturday I had the good fortune to speak to Murray McLean, Australian Ambassador to Japan. I expressed my condolences and concerns directly to Murray. In fact, Murray rang me by accident, but it was timely and I was greatly relieved to be able to speak to him and hear firsthand about his handling of the situation in Japan. I congratulate him on the leadership he has shown.

My home town of Shepparton shares a special bond with Japan, as mentioned by the Minister for Health, Mr Davis. The City of Greater Shepparton has a sister city arrangement with Oshu City, formerly Esashi. Esashi was very good to Shepparton after our floods in 1993, and I know that Shepparton will return that friendship and support to Oshu City in the period post this disaster in Japan.

The area I was fortunate enough to visit in Japan was in the Chiba prefecture. My host Rotary clubs were in the cities of Chiba, Kashiwa and Funabashi. These are inland cities, to the east of Tokyo, and they all suffered to some extent from the earthquake, but not necessarily from the tsunami.

My sister also went to Japan on exchange and visited the cities of Yokaichiba, Funabashi and Tateyama. Tateyama is a fishing village to the south of the Chiba prefecture and unfortunately it suffered from some of the effects of the tsunami.

I extend my love to everyone in Japan. I know Australia will do everything it can to support the people of Japan in their time of need.

**Mr TARLAMIS** (South Eastern Metropolitan) — I also rise to express my condolences to our regional neighbours in Japan who have been devastated by earthquakes, a tsunami and the unfolding nuclear crisis at the Fukushima Daiichi nuclear plant.

In recent times in Australia and around the world there has been one disaster after another, with the severity of each event escalating. One can only hope that these natural disasters are not a recurring theme. Earlier this year we watched as our Queensland neighbours experienced significant flooding resulting in three-quarters of the state being declared a disaster zone. Regional Victoria also experienced the widespread flooding of major rivers which affected entire communities, with thousands being evacuated from their homes and whole towns being engulfed by floodwaters. More than 50 regional communities were affected by the floods on 18 January, as farms were devastated, livestock was lost and crops destroyed.

Flash flooding also occurred across parts of metropolitan Melbourne, affecting many communities in my electorate. The worst-affected local government area in my region was the city of Casey where some suburbs experienced up to 180 millimetres of rain within a 24-hour period.

On 22 February we watched as the devastating 6.3 magnitude earthquake hit our close friends and neighbours in Christchurch, New Zealand. We watched our television screens as the city crumbled, multistorey buildings collapsed and landslides destroyed homes, roads and towns. The cruelty of the quake was that it happened at lunchtime on a normal working day when office workers were going about their daily routines, as children attended school and visitors came to the city of Christchurch. There are still 166 people missing from the quake zone. The rebuilding of lives and communities will take years.

Then on 11 March we watched in disbelief as a 9.2 magnitude earthquake struck the north-eastern coast of Japan causing a tsunami which was measured at up to 20 metres high and which travelled kilometres inland. It washed away entire communities. The number of people confirmed dead or listed as missing so far has surpassed 20 000, and more than 360 000 people have been displaced from their homes and are sheltering in evacuation facilities in 15 prefectures. This has become Japan's deadliest natural disaster since 1923, when the Great Kanto Earthquake killed more than 142 000 people.

For those living near the coast, the wave of disaster was relentless: a damaging earthquake followed by a tsunami, then fires and now the unfolding nuclear crisis. Millions remain without water, electricity, fuel or even enough food. Their despair is compounded by heavy snowfalls and freezing cold and wet conditions. The anguish, fear and horror that the people of Japan are suffering in the aftermath of this disaster is

unimaginable. However, as always they remain stoic and calm in the face of adversity. Also of concern is the unfolding situation of the contamination of food and water supplies by radiation, which could lead to ramifications for decades to come. I cannot imagine the suffering and fear that is being felt by all those affected by this devastating event.

Over many years Victoria has had a close bond with the people of Japan. One of Melbourne's sister cities is Osaka. The relationship was established in 1978. In regional Victoria, Swan Hill established a sister city arrangement with Japan's Yamagata prefecture in 1980, which is where thousands of refugees from the tsunami, in particular residents of the coastal town of Sendai, have fled after being left homeless. They are also seeking refuge from potential contamination from the nuclear reactor at Fukushima. As has already been pointed out today many other municipalities have similar relationships with Japan.

Out of the devastation, however, there have been some isolated instances of hope, like the stunning rescue of 16-year-old Jin Abe and his 80-year-old grandmother, who were found alive in the rubble of their home, having being trapped underneath debris for nine days. This was a significant boost for the emergency workers, who have worked tirelessly searching for survivors and bodies under the most severe of conditions. Their achievements are all the more miraculous when you consider that they are being hampered by snowstorms and freezing temperatures as well as the destruction of roads by landslides and floods, making access extremely difficult as they search for survivors and victims.

I also wish to acknowledge the brave engineers who are working around the clock inside the evacuation zone to restore power to the reactors in order to cool the spent fuel rods and contain the unfolding nuclear crisis. There are reports that at least 25 workers and 5 members of the Japanese Self-Defense Forces have been exposed to unsafe amounts of radiation. A further 20 workers and 4 Japanese Self-Defense Forces soldiers have been injured, and 2 workers from the Fukushima nuclear power station remain missing. I pay tribute to the emergency workers and volunteers, including Australian search and rescue teams, who are working around the clock searching for survivors and assisting the injured.

Again I offer my condolences to all the people affected by these serious natural disasters and convey my deepest sympathy to the people of Japan as they come to terms with this heartbreaking disaster. My thoughts are with them, their families and their loved ones.

**Mrs PEULICH** (South Eastern Metropolitan) — I also wish to express my sincere condolences following the tragic events that have affected Japan and its people. Following the earthquake in Christchurch, the Victorian bushfires a couple of years ago, the flooding in Victoria and Queensland and the bushfires in Western Australia, one would have thought that we had seen enough death. But the tragedy that has unfolded in Japan demonstrates how insignificant we are as human beings and what small specks of insignificant dust we are in the face of the pulverising effects and devastation of Mother Nature. The tragedy has left the world gripped by disbelief. We feel not only for Japan as a nation but also for every single person who has lost their loved ones, their home, their way of life and their business. We feel for it as a nation which has suffered the devastation of its economy and the loss of civic facilities, and a nation which now faces uncertainty and fear in relation to the nuclear accident at Fukushima.

Victorians have created many formal and informal relationships with Japan, which is one of our closest Asian neighbours. Some of those have been formed through our educational institutions and through Japanese students studying here, and some have been formed by Australians teaching English overseas. My son has several friends who have spent some time teaching in Japan and who are yet to respond and be identified as not being a part of the huge death toll associated with the earthquake and tsunami.

The tragedy has created a desperate situation for Japan, but I think what has astonished all of us has been the selflessness of the Japanese people. We have nothing but admiration for their stoicism, their order in the face of chaos and the courage they show in trying to come to terms with what is ahead of them.

I can do nothing but endorse all the comments that have been made by every member in this house and urge everyone to help the people of Japan in whatever way they can, including in the enormous task of rebuilding their lives, their community and the nation. I have no doubt that the Land of the Rising Sun will rise again, but it will take a lot of help from the rest of the world to make sure that happens.

**The PRESIDENT** — Order! We deal with many things here that we think are very important. When tragedies like this come along it certainly puts those things we think are important into perspective. As has been indicated we have dealt with a number of tragedies in this year's sitting weeks so far. What surprises me is the frequency with which these major catastrophes have occurred in recent years. We can think of earthquakes in Iran, China, Chile and

Christchurch; the tsunami that affected Indonesia, Thailand and Sri Lanka so badly; and volcanic eruptions — a range of events caused by Mother Nature which have wreaked havoc on the cities, towns and communities that we, in the global community sense, have built around the world.

As some members have said, it is hard to come to grips with or comprehend the scale of some of these tragedies. What is most extraordinary about this disaster in Japan is that it is the first that has happened in a nation that is technologically very advanced, and therefore we have been able to see the whole thing played out in vicious and graphic detail. The other events I mentioned were also catastrophic — in fact some of them took more lives than this one — but, my goodness, I do not think I have seen anything as graphic and confronting as the pictures of this series of events in Japan.

As has been indicated, Japan enjoys a very special relationship with Australia today. It is a relationship that has been built out of the ashes of a war, but it has been built on firm foundations. It has been a partnership between two nations that has achieved a great deal. It has seen extraordinary friendships being forged that have been expressed in many ways, including in the parliamentary visits that have been mentioned in previous speeches and in the exchange between the two nations of teachers, students, members of community organisations and so forth.

I was booked to go to the Japanese city of Matsudo in May to celebrate the 25th anniversary of its sister city relationship with the City of Whitehorse. Sadly that event has been cancelled, as much because it would have been inappropriate to celebrate that great milestone in the relationship between the two cities as it was in recognition of the great deal of work that needs to be done in Japan. At this point, with so many of its people in such dire need, Japan cannot afford to be distracted by this sort of event.

I hope we will take up the challenge that Mrs Peulich and Mr Jennings talked about in terms of the time frame for responding to this. This ought not just be an immediate response or something we do until it slips off the news pages, as these events invariably do; rather, we should recognise that this will be a long process of recovery for Japan. Our relationship with Japan ought to ensure that we maintain our commitment to our friends in Japan just as we do for our friends in Christchurch.

This is a very sad way to start yet another week of this Parliament — and very sobering. We express our

sincere condolences to all the people who are affected by these events: the Japanese, certainly; the people from around the world who have gone to their aid in the immediate aftermath; and those, such as Ms Lovell, who have had a deep and abiding affection for Japan because of the experiences they have had of the nation.

We trust that with God's help Japan will recover quickly and that the dreadful scars that have been inflicted on so many people as a result of this escalating tragedy — as a result of the tsunami, the earthquake and the radiation aftermath — are soon healed. We trust that the people of Japan will return to the lifestyle they have enjoyed and be able to go about their business in the humble, orderly — as Mrs Peulich said — and very friendly way they have. These are a gentle people, and I think they set a great example to many people around the world in terms of how they go about their lives. I trust they will be able to resume all that as soon as possible.

In asking members to stand, I just mention that there is a condolence book in the library, and I would urge those members who have not had a chance to sign it to do so. I ask members to be upstanding in their places for 1 minute.

**Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.**

**The PRESIDENT** — I will take it upon myself to advise the Acting Consul General, Mr Kotake, in the Victorian Consulate General of the passing of this motion today.

Just before we go to question time, can I make two other quick comments. One of them is in regard to the Parliament House open day, which was on Sunday. I extend the appreciation of this house to the many members of staff who participated in open day. It was a very successful event, and it showed the Parliament in a very good light. The displays were outstanding. Members who have not attended an open day might well pencil in the next one when it comes around, because it really is a very successful demonstration of the Parliament. The work staff put into it was fantastic.

I also take this opportunity to express the deepest sympathies of this house to Wendy Lovell, the Deputy Leader of the Government, on the passing of her mother. It was a very sudden death and not expected, and we share her grief at this time. Many of us know what it is like to lose a parent, and we know Wendy was very close to her mother and comes from a close family. We extend our deepest sympathies to you on

this occasion. This week will probably not be an easy week for you, so please do not hesitate to approach any of us for support during the week if that is needed.

## QUESTIONS WITHOUT NOTICE

### Public sector: enterprise bargaining

**Mr SCHEFFER** (Eastern Victoria) — My question is to Mr Dalla-Riva, the Minister for Employment and Industrial Relations. Has the minister or his office sought or received — formally or informally, in writing or verbally — any advice regarding the potential to remove annual leave loading from the public sector's enterprise bargaining agreement as part of the current enterprise bargaining round?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — Obviously there is a process under way. Members would be aware that enterprise bargaining agreement negotiations are under way with the police, teachers and a variety of other areas. The government will be expecting all public sector and enterprise agreements to deliver fiscally sustainable outcomes, measurable improvements in service delivery and workforce productivity, and conditions that promote the various sectors as employers of choice. The coalition government intends to achieve in its wages outcome what the Victorian taxpayers can afford, especially given the budgetary pressures from commonwealth funding cuts and the blow-outs left by the former Labor government.

#### *Supplementary question*

**Mr SCHEFFER** (Eastern Victoria) — Can the minister give this house and public sector employees in this state a watertight commitment that the government will not seek to remove annual leave loading as part of its attempt to secure real bankable productivity improvements from Victoria's public sector employees?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — The current agreement covering Victorian public servants, as we know, expires on 30 June this year. The negotiations for the new enterprise agreements will commence in April 2011, and those processes will continue.

### Bowel cancer: screening program

**Mr RAMSAY** (Western Victoria) — My question is directed to the Minister for Health. Can the minister

inform the house of the importance to Victorians of bowel cancer screening?

**Hon. D. M. DAVIS** (Minister for Health) — I thank the member for his question and for his interest in health approaches to bowel cancer, and particularly bowel cancer screening. It is a very important focus in our community. A national program has been in place for a number of years — it was introduced by the Howard government — which is due to expire on 30 June. It is a very important program, and I know that the member and others in this chamber — following debate in the last sitting week — support the continuation of the bowel cancer screening program.

I note that today Cancer Council Australia has launched a campaign and issued a news release with some new data and information relating to the incidence of bowel cancer nationally. The council's statement says:

New ... data ... shows bowel cancer incidence in Australia is set to increase by 50 per cent to more than 21 000 cases a year over the next decade, adding urgency to the need for a full bowel cancer screening program.

This chamber certainly supports that program. We support the work of Cancer Council Australia in seeking to encourage the commonwealth, and we do so in a constructive and positive way. We hope the commonwealth will continue with that important screening program.

There is a debate about the frequency of screening. Ideally the council argues that screening would occur every second year after age 50 for the whole of the population. This is an important cancer not just in men but also in women, and it is an important cancer that can be prevented by early detection. Early detection through bowel cancer screening is not only a cost-effective way of approaching the issue but also a way of preventing terrible outcomes.

I encourage all members of the chamber to speak to their local federal members, to speak to members of Cancer Council Australia and to advocate strongly that the national program be continued. The national program is how it should be. It is a program that should frankly lead to a very good outcome for the community in terms of reduced numbers of deaths and reduced human misery. I thank the member for his question, and I congratulate Cancer Council Australia on the campaign that has been announced today and today's statements by Professor Ian Olver about the need for full bowel cancer screening.

**Industrial relations: minimum hours**

**Mr LEANE** (Eastern Metropolitan) — My question is to the Minister for Employment and Industrial Relations, Mr Dalla-Riva. I refer him to his decision to support an application before Fair Work Australia to reduce the minimum hours from 3 hours to 1.5 hours for casual work for certain young Victorians, and I ask the minister: how many young Victorians will have their hours of work reduced if his application is successful?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — The Victorian government will be intervening in the Fair Work Australia case on after-school working hours. In this we will be supporting the calls of national retailers for greater flexibility. This government does not believe commonwealth law should be making it harder for small business to hire students, especially in regional Victoria, and harder for students to get after-school work. We are committed to a common-sense approach, and we believe businesses should be allowed to provide less than 3 hours of work per shift for teenagers after school. We stand for upholding the tradition of Australian teenagers being able to get their first opportunity in the workplace by taking a job after school, be it at the local supermarket, newsagent, hardware store or milk bar. We stand for flexibility in the workforce and the notion that working arrangements are best negotiated at the enterprise level between the employer and the employee.

*Supplementary question*

**Mr LEANE** (Eastern Metropolitan) — If the minister cannot tell the house how many young Victorians will have their hours of work cut, can he at least tell the house whether he sought advice on this matter before he made the submission and, if so, where did this advice come from and what form did it take? If he did not take advice, why did he not?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — We have obviously made our submission. It is at Fair Work Australia. It is part of the case, intervening with the national retailers. If the member was perhaps not too lazy to look on the website, he would see what our submission contains.

**Higher education: Gippsland**

**Mr O'DONOHUE** (Eastern Victoria) — My question is for the Minister for Higher Education and Skills, who is also the Minister responsible for the

Teaching Profession. I ask: can the minister inform the house of plans to increase tertiary access, participation and attainment levels throughout regional Victoria?

**Hon. P. R. HALL** (Minister for Higher Education and Skills) — I want to thank Mr O'Donohue for his question and his interest in this matter. Of course we share the electorate of Eastern Victoria Region, along with Mr Viney and Mr Scheffer on the other side, and this is a topic of interest to all of us.

**Mr Lenders** — What about Mr Davis?

**Hon. P. R. HALL** — And Mr Davis. I will be very pleased to have everyone noted.

The year 12 destination data for the region speaks for itself. In the Gippsland region 26.4 per cent of government school students go on to higher education. If we look at the total, inclusive of non-government school students, we see that that figure rises to 31.3 per cent, but the comparative figure for Victoria as a whole is 49 per cent. So it is that in the Gippsland region we have the second-lowest participation rates going into higher education from year 12. I am determined to do something to try to lift those figures and improve the participation rates in post-secondary education across the region.

To that end what I did yesterday was to officially announce a panel, headed by Professor Kwong Lee Dow, who members of the government would be well aware of. Professor Dow assisted the previous government in tertiary planning, and I have now asked him to assist me in developing a tertiary education plan for the Gippsland region. Professor Dow, with the support of by two other people, will form an expert panel to consider this matter. One of those people is Dr Michele Allan, who is the current chair of the William Angliss Institute of TAFE Council, and the other is Mr John Mitchell, who is from within the Gippsland region and has a good local government and business background as well as industry knowledge.

Those three people will receive submissions from some of the major education providers within the region, particularly Monash University, the Central Gippsland Institute of TAFE and the East Gippsland Institute of TAFE, as well as a number of other providers in the region. Some of the community education providers, community colleges and apprenticeship training companies, and even organisations like Ballarat University and Deakin University, have limited delivery of higher education programs in the region. They and other interest groups will be invited to make submissions to the expert panel to assist the panel in

coming up with a plan to improve opportunities for Gippsland students to pursue their education beyond secondary level.

I am interested in seeing some outcomes which will improve the extent of education delivery in the region and also improve the articulation between levels of post-secondary education — in particular, articulation between vocational education training and higher education. I think it is in the interests of the whole Victorian economy that we look broadly across all regional areas and areas of metropolitan Melbourne where some of the participation rates are not so high to find ways to improve those opportunities for young Victorians.

In response to Mr O'Donohue's question, I hope that the model that arises from Gippsland might be one that has broader application across all regional Victoria. I look forward to the expert panel that I announced yesterday reporting to me in September of this year so that possible changes can be put in place in a timely fashion to provide greater opportunities for Gippsland-based students from 2012 and beyond.

### **Employment: equal opportunity**

**Mr JENNINGS** (South Eastern Metropolitan) — My question is to the Minister for Employment and Industrial Relations, Mr Dalla-Riva. Can the minister advise the house of any provisions in the Equal Opportunity Act that protect workers in circumstances where on a day of religious significance they choose to observe their religious practice and decline to work?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — I thank the member for his question, and I think he might be referring to the Shop Trading Reform Amendment (Easter Sunday) Bill that is shortly to come before the house. I will answer his question during the committee stage of that debate if he wishes.

### *Supplementary question*

**Mr JENNINGS** (South Eastern Metropolitan) — I know and the President knows that Mr Dalla-Riva does not determine whether questions are ruled in or out; that falls to the President. The question falls to Mr Dalla-Riva, as it is within his responsibilities as Minister for Employment and Industrial Relations. Can the minister provide the house with any reassurance that he will seek and share advice with Victorian workers about the protections available to them under the Equal Opportunity Act or any other act in Victoria or Australia that would enable them to confidently

decline to work on a day that is of religious significance to them so that they can observe the convictions of their faith and observe the practice that is appropriate on that day?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — I say again that this issue will be debated very heavily when we consider the bill I just mentioned, because it is a very significant issue that goes to the heart of the legislation. I look forward to Mr Jennings raising this matter of the religious aspects of particular working days.

### **Japan: trade relationship**

**Mr DRUM** (Northern Victoria) — My question is to the Minister for Manufacturing, Exports and Trade, Mr Dalla-Riva. I ask the minister to outline to the house the impact of the earthquake and tsunami in Japan and how it may affect the important trade relationship between Victoria and Japan.

**Hon. R. A. DALLA-RIVA** (Minister for Manufacturing, Exports and Trade) — I thank the member for a question that has obviously been well thought out and expresses real concerns about what is important to members of this chamber. We have just had a motion expressing the importance of Japan to Victoria, and the member's question relates to Japan as our trading partner.

I take this opportunity to express my profound sympathy to the people of Japan for the devastation they have suffered. My thoughts and prayers are with them. We need to offer our friendship and support to help them through this crisis. They will find that friendship and support here in Victoria. As has been outlined previously, and as the Premier has said, Victoria stands ready to assist and support Japan as needed in the coming weeks and months.

Victoria's relationship with Japan is strong and enduring. Japan is one of our premier partners in trade and investment, and it has been so for many years. In fact the first international minister to visit from overseas was from Japan, and that visit focused on the potential for investing in Victoria.

When I think of companies that have been in Victoria for many years, I think of Toyota. I spoke with members of Toyota's senior executive team last week, and we discussed the impact of the earthquake and tsunami. Thankfully up to that point no Toyota staff members had been lost to nature's fury. Toyota has a substantial base here, having established its Australian operations in Melbourne in 1963. Over almost half a

century it has employed many thousands of Victorians and built 2.8 million cars in Victoria. It has become well known, and it is one of the state's most respected corporate citizens.

Last week I visited the Nissan plant in Dandenong to announce Nissan Casting Australia's landmark contract to manufacture components for Nissan Japan's zero-emission all-electric vehicle, the Leaf. This \$21 million project is a great win for Victorian manufacturers and a significant win for a number of other reasons. It secures jobs in Dandenong and will potentially create up to \$160 million worth of exports.

Today there are some 140 Japanese companies operating in Victoria. These companies operate in many sectors, including not only the automotive industry but also the food and chemical industries. Mr Drum would also be aware that not only do Japanese companies directly employ over 10 000 Victorians but many more indirect jobs are also created through the operations of these companies.

Japan is Victoria's third-largest trading partner, with trade between us totalling over \$6.5 billion. Japan is one of our largest export markets. As do other members on this side of the chamber, I regard investment by Japanese companies as having been a key factor in the expansion of Victoria's industrial base. Victoria has a strong presence in Japan, with a government business office located in Tokyo to promote investment opportunities. Japan truly is one of our most valued partners, and people-to-people links built on that close trade and investment relationship are closer than ever.

For all of these reasons we in Victoria are shocked and saddened by the terrible destruction wrought by this disaster. Our thoughts and prayers are with Japan, a great trading partner with Victoria but also a close friend.

### **Industrial relations: minimum wage**

**Hon. M. P. PAKULA** (Western Metropolitan) — My question is to the Minister for Employment and Industrial Relations. The minister's submission to the national minimum wage case encourages Fair Work Australia to constrain the wage increase it awards to the lowest paid workers and includes the comment that the minimum wage should not be 'set at too high a rate'. In his families statement the Premier said:

Balancing the household budget has become a lot harder for many families. Although average earnings are up, the costs of some essentials have gone up faster ... The cost of food has risen faster than other costs, while transport and fuel costs continue to rise.

I ask the minister why that sentiment, as expressed by the Premier, did not make it into one of the 68 paragraphs in his submission?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — I thank the member; obviously he can read from the website. We have lodged a submission to the annual wage review through Fair Work Australia and we have urged Fair Work Australia to hand down a decision that promotes a strong Victorian economy conducive to sustained economic growth and the creation of Victorian jobs. As I said, this document is available on the Fair Work Australia website.

### *Supplementary question*

**Hon. M. P. PAKULA** (Western Metropolitan) — The minister is becoming adept at reading out prepared answers, but let me ask him a supplementary question. In the same families statement the Premier went on to say:

These factors have placed increased pressure on household budgets, particularly for families on low incomes. The government is working to relieve this pressure.

To convince families on low incomes that the Premier's statement actually means something, will the minister now lodge a supplementary submission with Fair Work Australia supporting a decent pay rise for the lowest paid Victorians, or was the families statement nothing but weasel words?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — All I can say to the member is, 'Well read and eyes up'. As I said earlier, we have made our submission; it is on the Fair Work Australia website. We have urged Fair Work Australia to consider a range of issues as outlined in that submission, and a decision will be handed down in due course.

### **Housing: affordability**

**Mrs PEULICH** (South Eastern Metropolitan) — My question without notice is directed to the Minister for Planning, and I ask: can the minister inform the house what action the Baillieu government has taken to combat the growing issue of housing unaffordability across Victoria?

**Hon. M. J. GUY** (Minister for Planning) — I thank Mrs Peulich for her question, which is a very important question about an issue she regards seriously in her electorate of South Eastern Metropolitan Region — that is, housing affordability. It is worthwhile looking at this in the context of the housing affordability crisis the

government faced when it came to power in November 2010, and how that affects Victoria.

It is important to remember that in 2002, when the *Melbourne 2030* document of the previous government came in, the average cost of land in a place like the city of Casey was around \$110 000; it is now around \$195 000. In Cardinia it has risen from \$70 000 to \$155 000; in Hume it has risen from \$85 000 to \$180 000. We are facing a crisis of affordability in Melbourne and also in regional Victoria, which I have articulated to this house on a number of occasions. We have a situation where the average land lot prices in places like Geelong and Traralgon exceed areas in metropolitan Melbourne.

This government takes the affordability issue very seriously. In its final budget the previous government removed from the budget affordability indexes which monitored the affordability issue — astounding! The previous government brought in the Melbourne 2030 policy, which locked up land at a time of population explosion and which saw house prices going through the roof. It had no planning policy at the last election and offered nothing in the way of affordability. This government views the farcical regime of the previous government as a joke and something which it must address.

Last week I announced the creation of the first housing affordability unit within the Department of Planning and Community Development. It is a whole-of-government approach to look at regional and metropolitan issues, at issues inside and outside the department and at a state and local government level.

It is interesting to note that people in the Labor Party and the Greens do not regard this issue as serious. Why would they regard this issue as serious? The Greens do not think anything is affordable, because they are only looking at Fitzroy, Carlton North, maybe a bit of South Melbourne and maybe a bit of Flemington. That is all they care about. They could not care less about people who want to buy a house. Members of the Labor Party could not care less about anyone who lives outside Melbourne. All they care about is their own petty interests.

This government is committed to combating housing affordability. We have been left a mess by the ideologues on the other side — the Labor Party and the Greens — who conceived an appalling document in *Melbourne 2030* and who presided over the biggest increases in land prices in Victoria's history. We have put in place a unit that will look at local and state policy, from the ground up, to target affordability and to

target the root causes of affordability in this state. We take this issue seriously. The cheap stand-up lines from the members opposite show that despite the election result, despite Victorians saying this is an issue of importance, the Australian Greens could not care less and the Australian Labor Party has not learnt those lessons.

We have heard very clearly the message from industry and the message from consumers — people who just want to get into their first place of residence and who want to live the great Australian dream — and we are putting in place the mechanisms to assist people and to ensure that government is not a hindrance to their ability to buy a home.

### **Minister for Employment and Industrial Relations: police database access**

**Mr LENDERS** (Southern Metropolitan) — My question is to Mr Dalla-Riva, in his capacity as the minister in this chamber representing the Minister for Police and Emergency Services. I refer to questions in the house during the last sitting week regarding his accessing of the Law Enforcement Assistance Program database, his answers to those questions and his further statements in this house, and I ask: has the Premier sought from him an assurance that his explanation about this matter has been full, frank and entirely accurate?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — I thank the member — well, I do not actually. The real question here is whether the leader of the Labor Party has had the honesty and decency to exercise some leadership. We have heard the member for Monbulk in the Assembly, Mr Merlino, accuse me of using information from the Law Enforcement Assistance Program database in the process of buying a house. That was a malicious lie that Labor members knew to be untrue. Since my personal explanation in Parliament three weeks ago, Labor members have known these claims to be false and defamatory.

There was a report on the ABC News website dated 3 March, which is important to quote because Mr Lenders has asked this question:

The state opposition admits it has no evidence to support allegations that Mr Dalla-Riva performed illegal background checks on his neighbours, while he was a police officer.

That same admission also appears on the Yahoo!7 website, where it says that the state opposition admits it has no evidence. Mr Daniel Andrews needs to show some leadership and apologise for these lies as he

knows he should. When I wrote to the Leader of the Opposition seeking a public apology, what was his response? He sent me a two-line reply saying:

As I understand the matter has been referred to the Office of Police Integrity, it would be inappropriate for me to canvass these issues with you.

But what is Mr Lenders doing right now? His leader says he is not going to make any more comments, and yet Mr Lenders comes into coward's castle again and raises these scurrilous accusations. What a spineless leader! What a spineless opposition! He knows his attack dogs got it wrong; he knows that Mr Merlino got it wrong — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! One at a time is bad enough. Three and a chorus are just not on. Mr Dalla-Riva to continue without assistance.

**Hon. R. A. DALLA-RIVA** — They have admitted to media outlets that they have no evidence to support these claims, and they have since gone into hiding. If Mr Andrews is too weak to do the right thing by apologising for these lies and censuring his backbenchers, the Victorian public will remind him yet again why Labor cannot be trusted and why it was voted out of office.

*Supplementary question*

**Mr LENDERS** (Southern Metropolitan) — Given that the minister's explanation changed between 3 March and 4 March, and given that the Premier, Mr Baillieu, had to remove the minister from the shadow front bench in February 2007 over another matter because he could not rely on the minister's assurances, I ask: how can anybody rely on those assurances now?

**The PRESIDENT** — Order! I will let the minister answer, but I have to say I am not very happy with the question. Apart from anything else it is not about the administration of government. It might well be appropriate at times to question a minister with respect to their competence and to seek assurances from ministers in certain respects, but I think this question is designed more for a press release than an answer, and that concerns me. I will let the minister answer on this occasion, but I do not want to see too many questions framed along these lines in the future. In any event it is almost not a question for Mr Dalla-Riva in the way that it is framed. From that point of view I am quite concerned about the question, but on this occasion I would ask Mr Dalla-Riva to respond if he wishes.

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — This is typical of Labor — all smear, no substance. First those opposite accuse me of illegally accessing the police database to buy a property — a malicious lie they know to be untrue. Then they accuse me of bragging around Parliament about accessing the database to buy a house — again a malicious lie. Then they link me to the Brotherhood, despite the Ombudsman finding in his report that I had no involvement whatsoever — again a malicious smear. Now here is another malicious smear campaign. How low, how irresponsible and how pathetic can Labor be?

### **Government: building costs**

**Mrs COOTE** (Southern Metropolitan) — My question is to the Assistant Treasurer, Mr Gordon Rich-Phillips, and I ask: can the minister update the house on initiatives to reduce utility costs and the environmental impact of government buildings?

**Hon. G. K. RICH-PHILLIPS** (Assistant Treasurer) — I thank Mrs Coote for her question and her interest in government efficiency. One of the key commitments of this government going into the election last year was to reduce the cost of government and make it more efficient, because we recognise, as those on the other side did not see, that every dollar spent by government is a cost to taxpayers. We are determined to make sure that the cost of government is reduced and that government becomes more efficient than it was under the previous administration.

The government went to the election last year with a commitment to reduce costs across government by \$1.6 billion over a four-year period. Since coming to government the imperative to deliver that cost-saving commitment has grown even more. The reason is that since the change of government, pressure has been brought to bear on the Victorian budget as a consequence of decisions made by the commonwealth, including the removal by the Gillard government of commonwealth funding for Victorian projects. We have seen a revision of both GST revenue and the GST formula by the grants commission, which will put further pressure on the Victorian budget.

Since coming to government we have also seen a plethora of black holes left by the previous government — programs that were either unfunded beyond 1 July or that were underfunded capital programs with black holes. The range is extensive. As outlined in the midyear financial report, there is now considerable pressure on the budget heading forward.

This government is committed to delivering on the cost-saving initiatives it announced prior to the election last year. One of the key ways to do that is to reduce the cost of running government buildings by reducing energy and water costs. This will ensure that the cost of running existing government buildings is reduced.

The use of energy performance contracting by the Department of Treasury and Finance is one of the key ways in which the government can reduce the operating costs of its existing buildings. The use of energy performance contracts will mean that the Department of Treasury and Finance can enter into agreements with energy and water service providers to upgrade particular government buildings in order to achieve savings, which will then flow through to the operating bottom line. It is a win-win for government. We have a commitment to infrastructure upgrades with guaranteed savings in terms of water and energy use, which will then flow through to the bottom line.

I am pleased to advise the house that the government has recently approved a reduction from eight years to seven years in the maximum payback period for projects under this program of the Department of Treasury and Finance. The purpose of approving a reduction in the maximum payback period is to increase the savings that accrue to government. I am pleased to inform the house that by reducing the maximum payback period from eight years to seven years it is estimated that cost savings will increase by \$30 million over the period to 2020, taking the total cost savings under this program to more than \$170 million. This is a major way in which the government can save costs for Victorian taxpayers, and it will make a major contribution towards delivering more efficient and cheaper government for the taxpayers of Victoria.

**QUESTIONS ON NOTICE**

**Answers**

**Hon. D. M. DAVIS** (Minister for Health) — I have answers to the following questions on notice: 97, 102–5.

**Ms PULFORD** (Western Victoria) — Pursuant to standing order 8.11 I seek an explanation from the Leader of the Government about the following unanswered questions on the notice paper: 98, 99, 100 and 101. They have been pointed in his direction as the Minister for Health.

**Hon. D. M. DAVIS** (Minister for Health) — I can assure the member that the answers are not very far away.

**PETITION**

**Following petition presented to house:**

**Autism: eastern suburbs school**

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the current uncertainty of funding for the establishment and construction of the eastern autistic school in Ferntree Gully.

The petitioners therefore request that the Legislative Council of Victoria asks that the Minister for Education provide funding in the 2011–12 Victorian state budget to complete stage 2 of the eastern autistic school to benefit the children and their families for whom this facility is urgently needed.

**By Mr LEANE** (Eastern Metropolitan) (2201 signatures).

**Laid on table.**

**Ordered to be considered next day on motion of Mr LEANE** (Eastern Metropolitan).

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE**

*Alert Digest No. 2*

**Mr O'DONOHUE** (Eastern Victoria) presented *Alert Digest No. 2 of 2011, including appendices.*

**Laid on table.**

**Ordered to be printed.**

**BUDGET SECTOR**

**Midyear financial report 2010–11**

**The Clerk, pursuant to Financial Management Act 1994, presented report.**

**EDUCATION AND TRAINING  
COMMITTEE**

**Potential for developing opportunities for  
schools to become a focus for promoting  
healthy community living**

**The Clerk, pursuant to Parliamentary Committees  
Act 2003, presented government response.**

**PUBLIC ACCOUNTS AND ESTIMATES  
COMMITTEE**

**Budget estimates 2010–11 (part 3)**

**The Clerk, pursuant to Parliamentary Committees  
Act 2003, presented government response.**

**PAPERS**

**Laid on table by Clerk:**

Australian Crime Commission — Report, 2009–10.

Legal Profession Act 2004 — Practitioner Remuneration  
Order 2011.

National Environment Protection Council — Report,  
2009–10.

Planning and Environment Act 1987 —

Notices of Approval of the following amendments to  
planning schemes:

Banyule Planning Scheme — Amendment C70  
Part 1.

Bass Coast Planning Scheme — Amendments  
C87, C98 and C118.

Boroondara Planning Scheme — Amendments  
C114, C122, C125, C127 and C129.

Brimbank Planning Scheme — Amendment C108.

Casey Planning Scheme — Amendment C149.

Darebin Planning Scheme — Amendments C81  
and C92.

Frankston Planning Scheme — Amendment C73.

Greater Bendigo Planning Scheme —  
Amendments C143 and C146.

Greater Geelong Planning Scheme —  
Amendments C127 Part 1 and C205.

Greater Shepparton Planning Scheme —  
Amendment C150.

Knox Planning Scheme — Amendment C107.

Latrobe Planning Scheme — Amendment C47.

Moira Planning Scheme — Amendment C62.

Moreland Planning Scheme — Amendment C78.

Stonnington Planning Scheme —  
Amendments C108 and C120.

Victorian Planning Provisions —  
Amendment VC78.

Whittlesea Planning Scheme —  
Amendment C155.

Wyndham Planning Scheme —  
Amendment C140.

Yarra Planning Scheme — Amendment C128.

Statutory Rules under the following Acts of Parliament:

Subordinate Legislation Act 1994 — No. 11.

Second-Hand Dealers and Pawnbrokers Act 1989 —  
No. 10.

Supreme Court Act 1986 — Nos. 7 and 8.

Supreme Court Act 1986 — Criminal Procedure Act  
2009 — No. 6.

Travel Agents Act 1986 — No. 9.

Subordinate Legislation Act 1994 — Documents under  
section 15 in respect of Statutory Rules Nos. 6 to 11.

**A proclamation of the Governor in Council fixing an  
operative date in respect of the following act:**

Consumer Affairs Legislation Amendment (Reform) Act  
2010 — Section 63 — 1 March 2011; sections 47(2) and (3),  
55 and Part 10 — 1 April 2011 (*Gazette No. S63, 1 March  
2011*).

**PRODUCTION OF DOCUMENTS**

**The Clerk** — I have received a letter dated  
21 March 2011 from the Attorney-General headed  
‘Order for documents — planning amendment C86 to  
Port Phillip planning scheme’.

*Letter and schedule at pages 97–98*

I have received a further letter dated 21 March 2011  
from the Attorney-General headed ‘Order for  
documents — Australian grand prix’.

*Letter at page 99*

**Ordered that letter from Attorney-General relating  
to Australian grand prix be considered next day on  
motion of Ms PENNICUIK (Southern  
Metropolitan).**

## NOTICES OF MOTION

### Notices of motion given.

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

**Ms Pulford** — On a point of order, President, I seek some clarification from Mr Davis about his notice of motion on the Economy and Infrastructure References Committee inquiry into the health matter. I seek an explanation as to why it is referred to that committee and not the committee that has the more formal relationship with the Department of Health, which is the Legal and Social Issues Committee.

**Hon. D. M. Davis** — On the point of order, President, I am not sure that that is the usual mechanism for seeking an explanation, but in the spirit in which it has been raised I am happy to gently respond. This is about budget and other reporting mechanisms, which is why it is targeted at that committee with a focus on reporting outcomes. It has national and state implications, so it could be in either format, but I am happy to canvass those matters at length at the time when the motion is moved.

#### Further notice of motion given.

## BUSINESS OF THE HOUSE

### General business

**Mr LENDERS** (Southern Metropolitan) — By leave, I move:

That precedence be given to the following general business on Wednesday, 23 March 2011:

- (1) the notice of motion given this day by Mr Tee relating to a reference to the standing Environment and Planning References Committee;
- (2) the notice of motion given this day by Mr Barber relating to the production of certain metropolitan train timetable documents;
- (3) the notice of motion given this day by Ms Mikakos relating to kindergarten funding;
- (4) notice of motion 33, standing in the name of Mr Barber, relating to the production of certain documents detailing the funding agreement between the state of Victoria and HRL Ltd;
- (5) the notice of motion given this day by Ms Pennicuik relating to the production of certain alpine grazing documents;
- (6) a motion to take note of the Attorney-General's letter concerning the Australian grand prix documents;

- (7) order of the day 2 to take note of the Minister for Planning's answer to a question without notice relating to wind farm policy; and
- (8) the notice of motion given this day by Mr Pakula relating to statements made by the Minister for Employment and Industrial Relations.

**The PRESIDENT** — Order! Is leave granted?

**Hon. D. M. DAVIS** (Minister for Health) — Yes, in this case, but we have not seen this particular — —

**Mr Lenders** interjected.

**Hon. D. M. DAVIS** — Yes, an hour ago in the middle of question time.

**Motion agreed to.**

## MEMBERS STATEMENTS

### International Women's Day

**Ms MIKAKOS** (Northern Metropolitan) — On 10 March 2011, I was very pleased to attend a number of events celebrating the centenary of International Women's Day. One of these events was the Whittlesea Community Connections International Women's Day awards, which recognised the women who have made significant contributions to the Whittlesea area through volunteering.

Farzaneh Dehghan, an active member of several organisations and committees, received the International Women's Day award; Siglinde Pfefferle received the personal achievement award; Celeste Mitsiou received the young achiever award; Vivian Lee received the newly arrived women's award; Patricia Barber received the rural women's award; and Glenys Southurst received the senior citizen award.

The stories of all these women were inspirational. The short time available to me will not enable me to do justice to their contributions to the community, but I take this opportunity to congratulate all of them on their awards.

On the same day I attended the Hellenic Women's Federation of Victoria International Women's Day celebration. The event celebrated and highlighted the diverse achievements and contributions of the first generation of Greek-Australian women within our community. These women have been fundamental to the success of the Greek-Australian community in Victoria. I commend the work of these women and their achievements and their contributions to their families and to our community. Congratulations to

president Sofia Mastoris and her committee on a successful event.

### Paul Simpson

**Hon. P. R. HALL** (Minister responsible for the Teaching Profession) — On Thursday, 10 March, I attended a memorial service to commemorate the life of one of Victoria's outstanding teachers, Mr Paul Simpson. Members would be well aware that Mr Simpson tragically lost his life on Thursday, 3 March, when he was supervising student activities associated with his school's camping program.

Paul Simpson was a mathematics and science teacher at Shelford Girls Grammar. He impacted on the life of many young Victorians and made an outstanding contribution to their sporting lives through his strong association with basketball, so it was appropriate that the memorial service was conducted at the Melbourne Sports and Aquatic Centre. Mr Simpson made a big impact on the many students he taught over a period of time at a number of schools around Melbourne. I felt privileged to be part of that commemorative service, which reflected on the marvellous contribution Mr Simpson made to both the teaching profession and the lives of so many young people.

This outstanding young Victorian lost his life in tragic circumstances, and I pay my sincere condolences to his wife, Nicky, his daughter, Sienna, and the family, friends and people that Paul Simpson impacted upon during his short life. As the Minister responsible for the Teaching Profession, I was proud to be at that service to commemorate the life of such an outstanding individual.

### Duck season

**Ms PENNICUIK** (Southern Metropolitan) — Last weekend I travelled to Lake Buloke Wildlife Reserve to protest the opening of the 2011 duck season. There is a cruel irony in going to a wildlife reserve to witness the state-sanctioned destruction of wildlife that at other times of the year is protected.

The season was meant to start at 7.20 a.m., but as usual many shooters started early. By 7.30 the peaceful, quiet lakeside setting was assaulted with the sounds of hundreds of shotguns and the cheers of shooters whenever a bird fell from the sky. It was very unedifying. Members know that I abhor duck shooting, as do the vast majority of the people of Victoria. It is to the ongoing shame of previous and current governments that they pander to a very small group of

people who get their kicks from shooting defenceless native birds for so-called fun.

While at the lake I heard reports of live birds being put into shooters' bags, ducklings being shot on the water just to upset rescuers, and rescuers being threatened by shooters. I encouraged rescuers to report this to police. It does not get more serious than threatening someone with a gun.

Everyone would be aware that a duck rescuer was hit by pellets from a shotgun reportedly fired by a 14-year-old boy. A shooter also badly injured his hand. What is a 14-year-old boy doing with a shotgun? It should not be possible for a child under 18 to obtain a gun licence.

Duck shooting is way past its use-by date. Victoria should ban it now, as it is banned in New South Wales, Queensland and Western Australia. I am asking all the MPs in this house and in the Assembly who oppose duck shooting to speak out before someone else is hurt and to ensure that our native waterbirds are fully protected, as they deserve to be.

### Housing: Ballarat youth service

**Mr RAMSAY** (Western Victoria) — I am pleased to advise the house of a project in Ballarat I was proud to open last week on behalf of the Minister for Housing. The foyer-like service in Gillies Street comprises self-contained one and two-bedroom units for up to 18 people aged between 16 and 25. Each person selected for the program has the opportunity to stay for two years. The service is staffed 24 hours a day. It is a joint project with the federal government under the National Partnership Agreement on Homelessness, with the state responsible for the annual support services component of nearly \$1 million.

I truly hope and believe this project will work. It is aimed at helping those young people who want to get on with their lives, yet come from an area of disadvantage that has reduced their capacity to achieve. It provides the chance to learn life skills, some of these as simple as learning how to change a light bulb, cook, manage bills or find a job. Most people take these things for granted; they are the very basic building blocks for adult life, but they have been elusive skills for those selected for this program.

I congratulate all of the parties that have been involved in this project. I wish them well, and I wish the participants every success. I hope this service becomes a shining model for others to follow.

### Harmony Day

**Mr RAMSAY** — I also offer my congratulations to the City of Ballarat on hosting a harmony festival over the weekend to mark the start of Victoria's multicultural week. I was proud to officially open the festival on behalf of the Premier and the Minister for Multicultural Affairs and Citizenship. I am proud to say that the strong cultural seeds from which the city grew in the gold rush days of the 1850s remain alive and well and flourishing today.

### Cranbourne: 150th anniversary

**Mr TARLAMIS** (South Eastern Metropolitan) — I rise to congratulate the suburb of Cranbourne on reaching its 150th birthday on 25 February. Cranbourne is located in my electorate, and it is where I have proudly established my electoral office. Cranbourne was proclaimed a town in 1861, and the Shire of Cranbourne was later established in 1868. In 1994 the shire was made a city, and it later joined the City of Berwick to form what is now known as the City of Casey.

Today Cranbourne is one of the fastest growing suburbs in Melbourne. This rapid growth is set to continue, with predictions that over 75 000 people are expected to move into the suburb over the next 25 years. Cranbourne has been chosen as a place to settle by many families and individuals due to the excellent sporting and recreational amenities, the cultural and tourist attractions, the first-class educational facilities and the vibrant and diverse community. I join the Cranbourne community in celebrating its rich past and look forward to contributing to its exciting future.

### Harmony Day

**Mr TARLAMIS** — On another matter I take the opportunity to acknowledge the importance of Harmony Day, which was celebrated yesterday. On Harmony Day all Australians celebrate our cultural diversity. It is also the United Nations International Day for the Elimination of Racial Discrimination. Harmony Day gives people the opportunity to celebrate what makes each Australian unique and to share what we have in common. All Australians are welcome in our country, regardless of their background.

Harmony Day is a time to reflect on where Australians have come from as well as to recognise the traditional owners of the land. It is about community participation, inclusiveness, respect and celebrating the different cultures that make Australia a great place to live. We must all continue to work together to encourage

participation, inclusiveness and respect for all community members.

### International Women's Day

**Mrs COOTE** (Southern Metropolitan) — I rise to contribute to the 100th celebration of International Women's Day. I have had the privilege of attending many celebrations, and today I will mention two of these. One was on 4 March, and I attended the event with Jan de Kretser, the wife of the current governor, and Jeanette Hourani, chair of the Victorian Immigrant and Refugee Women's Coalition. Mrs de Kretser and I launched the Her Storey project, which features the stories of a number of migrant woman who tell how they came to be in this country and share some of the experiences they have had. It was particularly emotive, and some of the stories were poignant and touching. I congratulate all those who were able to tell their stories, and I encourage people to look at Her Storey and the superlative work it contains. I hope it is the beginning of many stories to come.

The second celebration I attended was that of the Australia India Society of Victoria's task force on the prevention of domestic violence. The AISV was established in 1963 and works to address the issue of family violence within the Australian-Indian community of Victoria. It collaborates with other multicultural groups, including the Jewish community, and this event was an excellent way of celebrating International Women's Year. Rather than focusing on something that is a celebration for a day, the task force looks at ongoing projects which will influence Victorians into the future. I congratulate the group.

### G-Force Recruitment: Target 100 program

**Ms TIERNEY** (Western Victoria) — On 16 March G-Force Recruitment, along with its community partners, launched the Target 100 program in Corio, Geelong. Target 100 is an initiative sponsored by G-Force Recruitment and its community partners to help 100 people from Geelong's northern suburbs to become new apprentices and trainees. Statistics show that the northern suburbs of Geelong, such as Corio and Norlane, are significantly disadvantaged. There is a higher rate of unemployment, a lower level of formal education and higher ratios of mental illness in both Corio and Norlane. It is often the case that unemployment becomes hereditary — for example, there may be three generations in one family all experiencing unemployment. This program is a positive, practical step towards breaking that cycle and reducing these dire statistics.

Target 100 aims to sign up 100 people to new apprenticeships or traineeships, place them with host employers, pay their trade school fees and provide support and coaching. At present 38 per cent of first-year apprentices quit before completing their first year. As part of the Target 100 program a \$1000 scholarship will be provided at the successful completion of the first year to encourage apprentices to continue their training.

The health of a wider community can often be attributed to the success of its most disadvantaged. I would like to congratulate Sue De Gilio and the G-Force Recruitment team, as well as its community partners, for this practical grassroots initiative to help our disadvantaged communities.

### **Ian Hoare and Sandra Pearson**

**Ms TIERNEY** — On another matter, I would like to congratulate Ian Hoare of Terang and Sandra Pearson of Lismore, who been honoured with national service medals for 15 years service in the Victoria State Emergency Service. I thank them for their unstinting commitment to keeping their local communities safe.

### **Coptic Christians: Egypt**

**Mrs KRONBERG** (Eastern Metropolitan) — The monumental changes sweeping through the Middle East and North Africa have inevitably shifted the focus away from the terrorist attack at the Coptic Orthodox Saints Church in East Alexandria, Egypt. The bombing occurred just after midnight on New Year's Eve last year. The attack was amongst the deadliest on Egyptian Christians in recent memory. There were 23 Coptic worshippers slaughtered and almost 100 injured, some horrifically.

This murderous outrage has reached right into the hearts of relatives of the victims living amongst us here in Melbourne. Australia is home to 80 000 Coptic Christians from Egypt. They account for 80 per cent of Egypt's emigrants, but Christians comprise 10 per cent of the country's population.

There is worsening persecution of Christians around the globe. In Victoria we as a community must do everything possible to protect the right to freedom of thought, conscience and religion. My condolences, thoughts and prayers were extended to His Grace Bishop Suriel of the Coptic Orthodox Church and Bishop of Melbourne and Affiliated Regions, his clergy, members of the Coptic diocese and the families of the victims during this time of great tragedy, sorrow and fear.

### **Natural disasters: Japan**

**Mr ELASMAR** (Northern Metropolitan) — I place on record my sincere condolences in relation to the dreadful situation occurring in Japan — first the terrible earthquake, which was followed by a tsunami and now the awful predicament with the nuclear reactors. I hope the situation is brought under control with the least possible loss of human life and impact on civilisation. The Japanese people are in my prayers.

### **Northcote Junior Football Club: 50th anniversary**

**Mr ELASMAR** — On 6 March I attended the 50th anniversary celebrations of the Northcote Junior Football Club. I was a guest speaker in my role as a member of Parliament and as a parent. There was plenty of family entertainment provided for everyone and a tasty barbecue. I congratulate the president, Mr Mark Davies, for overseeing a great event for club members and their families.

### **Sir Magdi Yacoub**

**Mr ELASMAR** — On another matter, on 17 March I attended a ceremony hosted by the Egyptian Consul General, Mr Khairait, in honour of eminent heart transplant surgeon, Sir Magdi Yacoub. Sir Magdi is an extraordinary man with lifesaving skills. I feel honoured to have met him.

### **Darebin Community and Kite Festival**

**Mr ELASMAR** — On 27 February with other parliamentary colleagues I attended the annual launch of the Darebin kite festival. Unfortunately the weather was not kind on the day, so attendance was down from previous years. However, the colourful kites flew as usual with fantastic designs. I commend Darebin council staff for their sterling efforts on the day.

### **Indigenous natural resource management project**

**Mrs PETROVICH** (Northern Victoria) — I recently made a visit to Mildura and had the pleasure of meeting with project managers and trainees from the north-western Victoria indigenous natural resource management project. This program provides young indigenous people in the Mildura and Swan Hill regions with the opportunity to complete an 18-month traineeship in conservation and land management and gain valuable skills to prepare them for ongoing employment opportunities. The program takes a holistic approach to employment, and it is having fantastic

long-term success with the overwhelming majority of trainees going on to full-time employment or further education.

Part of the program's success lies in the bringing together of partner natural resource management agencies — with the Department of Sustainability and Environment being a major partner — to design worthwhile project work that reflects the agency's normal operations and contributes to learning outcomes. Trainees have the opportunity to complete certificates I, II and III in conservation and land management, obtain heavy machinery tickets and a host of other competencies, as well as improve their literacy and numeracy skills and gain the confidence to take on further formal education. This program is a most worthwhile investment in the futures of these young people and their broader communities. I congratulate all those involved on the many positive outcomes they have achieved so far and wish them ongoing success.

In speaking to this group last Wednesday, two of the trainees, Latoya and Germaine, told me this program had introduced them to learning a range of new skills for future employment and to the prospect of starting their own business. There was also the benefit of a new and varied group of people, including people who were assisting and mentoring the trainees. Well done to all participants. This is an exciting opportunity for all involved.

### *One Last Chance*

**Mr SCHEFFER** (Eastern Victoria) — On 4 March I had the great pleasure of attending *One Last Chance*, a wonderful theatre performance mounted by the Dreamhouse Theatre Company in Rosebud West. The production came out of the 3940 Arts Project auspiced by the Rosebud West community renewal initiative that has enabled a number of excellent projects to flower. *One Last Chance* is a moving and entertaining celebration of the Rosebud community's deep appreciation of the wetlands, its spirits and the human characters who give it life and meaning. Everyone associated with the production deserves high commendation for a truly remarkable achievement.

This was a genuine community effort with very many individuals and local groups actively involved — too many to name them all. But certainly Jo Ridgeway, the project coordinator, deserves special mention for her phenomenal creativity, as does the director, Kaarin Fairfax, for her inspiration and for bringing so much talent into public view. The creative soundscape was realised by Maddy Kelly, the lighting by Tim Namara, and Peter Swan managed the stage. The figure of the

creator, the Greek chorus, who drew out the larger meanings, was admirably played by Steve Bastoni. As I said, there were too many performers to name them all, but each and every player deserves high praise.

It was also a great privilege to attend the performance with former Premier, Joan Kirner, who, in her role as Victorian Communities Ambassador, has given considerable support to the Rosebud West community renewal program and to me as the chair of the Strategic Partners Group. I commend everyone involved in this very impressive project and wish the Dreamhouse Theatre Company many future successes.

### **Planning: western suburbs**

**Mr ELSBURY** (Western Metropolitan) — I would like to take this opportunity to reaffirm my commitment to the people of the western suburbs and to say that I will be doing everything I can to work with them in the future to ensure that the growth and redevelopment of the western suburbs goes ahead according to some sort of plan, unlike how it was under a previous government.

On Tuesday, 15 March, I visited the city of Wyndham with the Minister for Planning, Mr Guy. We were impressed to see the fantastic development in the city with regard to rejuvenating its town centre. We also went out to look at the Wyndham employment precinct, which is an area of land I know very well, because under previous governments it was touted as being designated for, firstly, a technology precinct and then as an employment precinct. Now we will be working with the council to ensure that the land is utilised.

I also joined Minister Guy at the Maribyrnong defence site, which is an area of land close to Melbourne and is about 80 per cent of the size of Melbourne's CBD. This visit demonstrates the coalition's interest in ensuring that the western suburbs get every possible opportunity. Not only are we bringing out planning measures in our growth corridors but we are also exploring opportunities for urban renewal.

### **World Water Day**

**Ms PULFORD** (Western Victoria) — Today we celebrate the world day for water. The international observance of World Water Day is an initiative that grew out of the 1992 United Nations Conference on Environment and Development in Rio de Janeiro.

*Honourable members interjecting.*

**Ms PULFORD** — I am pleased that government members are cheering in the spirit of World Water Day.

It was born from a need to focus attention on the importance of fresh water and its sustainable management. Of course fresh water is no longer a resource that we can take for granted. Globally, as our cities continue to grow at unprecedented rates, the theme for this year, 'Water for cities — responding to the urban challenge', aims to spotlight and encourage governments, organisations, communities and individuals to actively engage in addressing the challenges of urban water management.

However, the Baillieu government seems to have chosen 2011 as the year to place Victoria's water security at risk. The Bracks and Brumby governments understood the importance of securing our state's water future with the desalination plant in Wonthaggi, the north-south pipeline, the goldfields super-pipe, water restrictions and initiatives like Target 155 as part of a suite of measures put in place to ensure that Victoria could meet the water needs of a growing population. A wet summer does not solve a global water crisis or our local challenges in Victoria. Longer term planning is critical, and I only hope the government's short-term view on these issues is but a passing phase.

### Women: board participation

**Ms CROZIER** (Southern Metropolitan) — Two weeks ago 100 years of International Women's Day was celebrated. Celebrations were held across the country recognising the efforts of women who have gone before us in their fight to ensure women's independence and equality. I am proud to be part of a political party that has had many women lead the way with political firsts and endeavours.

Several comments made during the celebrations, however, have alarmed me. Federal Greens spokeswoman on the status of women, Sarah Hanson-Young, said the Corporations Act 2001 should be amended to force publicly listed companies with an annual turnover of more than \$15 million to have women hold 40 per cent of board positions. In New South Wales the Labor government announced that, if it won Saturday's election, it would implement a plan to ensure that 50 per cent of all new appointments to New South Wales government boards would be women.

I believe such measures are a slight to women and would be counterproductive for all those women who have achieved so much in their own right. I am a firm believer in freedom of choice and that reward should be based on merit and not gender. I believe women in boardrooms across Australia today are valuable in their respective positions because they are there on merit.

Their opinions are qualified because of their wealth of knowledge and experience and not because of their gender.

The women Liberal members who have been elected to this Parliament and to parliaments around Australia have been elected on their own merits and not through quotas, and so it should be for boardrooms. Businesses should be left to manage the way they see fit with little or no interference from government. More and more women every year are assuming influential roles as directors of large and small companies across Australia. Corporate Australia is taking up the challenge to promote and encourage women to participate at a higher level — —

**An honourable member** interjected.

**Ms CROZIER** — Yes it is! And for this reason quotas are unnecessary.

## RULINGS BY THE CHAIR

### Speeches: time limits

**The PRESIDENT** — Order! On 3 March 2011 Mr Barber raised a point of order in which he claimed that the Greens, rather than The Nationals, should be treated as the third party for the purposes of the time limits applying in standing order 5.03. Although the Acting President, Mr Tarlamis, was in the Chair when the point of order was raised, I have now examined the *Hansard* record of the issues raised by Mr Barber and the ensuing discussion in the house. I have also now discussed the matter with the party leaders in the house, or notified them of the statement I am making today.

The issue has arisen because The Nationals continue to be treated as the third party for the purposes of the standing order. In the matter under consideration at the time the point of order was taken — the debate on the motion for an address-in-reply to the speech of the Governor — Mr Barber, as the lead Greens speaker, was allocated 15 minutes, as Mr O'Brien, who seconded the motion, had already been allocated 45 minutes as the lead speaker for The Nationals. Mr Barber also drew attention to some other anomalies in standing order 5.03 concerning the various items of business before the Council to which time limits apply.

I have some sympathy with the arguments advanced by Mr Barber, and I therefore propose to refer this matter for consideration by the Procedure Committee when it has been appointed. In the meantime, however, following discussions with the party leaders or my notification to them, I believe the issue can be

addressed by treating the Greens as the third party for the purposes of standing order 5.03 and applying the same time limits to the proceedings in the house where there is no overall time limit for the debate but where time limits apply to individual speakers. These proceedings include the address-in-reply, government business, matters of urgent public importance, second-reading debates on government bills and the budget debate.

Therefore, in relation to business where there is no overall time limit, the time limits I propose to apply as an interim measure until the Procedure Committee has considered the matter are:

lead government speaker, 60 minutes;

lead non-government speaker, 60 minutes;

lead speaker of other non-government party, 45 minutes; and

remaining speakers, 15 minutes.

## STATUTE LAW REVISION BILL 2011

### *Second reading*

#### **Debate resumed from 1 March; motion of Hon. D. M. DAVIS (Minister for Health).**

**Hon. D. M. DAVIS** (Minister for Health) — The Statute Law Revision Bill 2011 is one of the standard housekeeping bills that come to Parliament from time to time to clean up and deal with redundant acts and other parts of legislation that are no longer applicable. In that sense I should say that it is an uncontroversial bill. The Scrutiny of Acts and Regulations Committee has looked at it, and I understand it has raised no particular questions about it.

I note that in the second-reading debate Ms Hartland raised matters concerning the Footscray Land (Amendment) Act 1990, which is referred to in an appendix to the committee's report on the bill. I understand that this is a matter of the committee being vigilant by suggesting it is another piece of legislation that ought to be considered in this category. It may well be worthy of consideration — I am not in a position to judge the precise aspects of the matter — but I point out that the Footscray Land (Amendment) Act 1990 is quite separate from the Statute Law Revision Bill 2011. I have sought advice from the department and others on that, and I am happy to make it available to Ms Hartland if she wishes.

My essential point is that the Statute Law Revision Bill 2011 does not deal with the Footscray Land (Amendment) Act 1990. There are many bills that could be considered for addition to future statute law revision bills, and that would be appropriate from time to time, but the Footscray Land (Amendment) Act 1990 is not strictly part of this bill.

**Motion agreed to.**

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

*Third reading*

**Motion agreed to.**

**Read third time.**

## SHRINE OF REMEMBRANCE AMENDMENT BILL 2011

*Second reading*

#### **Debate resumed from 3 March; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).**

**Mr LENDERS** (Southern Metropolitan) — I rise to support this piece of legislation. I use the word 'support' deliberately, because generally the opposition does not oppose bills. We support this bill primarily because it arose out of a review conducted by the State Services Authority and commissioned by former Premier Brumby in the last Parliament. The result of this work, which was essentially on governance arrangements around the shrine, was then put out as an exposure draft of the bill, and the current government has now put forward the legislation for adoption by the Parliament.

The legislation seeks to regulate the governance of the shrine. It deals with a number of technical and procedural matters, but of course what it is all about is the fact that the shrine is a great symbol of recognition of the sacrifices made by the almost half million Australians who served in the First World War and those who served in all the wars since, including the almost 900 000 Australians in uniform during the Second World War.

The Labor Party supports this legislation. We commend the government for completing the process commenced by former Premier Brumby, and we wish the bill a speedy passage.

**Mr P. DAVIS** (Eastern Victoria) — I thank the opposition for its support of this bill. In sympathy with the opposition I will abridge my remarks; we are off to a very good start this week.

I suppose it would be in order to briefly set out what the bill seeks to achieve.

**Mr Lenders** interjected.

**Mr P. DAVIS** — Mr Lenders interjects, referring to the second-reading speech. The problem with the way that legislation proceeds through the Parliament is that people turning to the *Hansard* record of a debate often do not see the connection between a speech given on one day and a speech given on another. Given that the lead speaker for the government — —

**Mr Lenders** — Opposition; you are being churlish.

**Mr P. DAVIS** — I think it costs me \$10 each time I make that mistake. The Leader of the Opposition made the point that this was a bill that was in transmission prior to the election and that therefore there is a bipartisan basis for these changes.

In any event, the changes set out to apply a contemporary view of the activities of the shrine trustees. As is requisite in terms of their charge, the shrine trustees have been communicating, educating and in a way popularising the celebration of the contribution of service and sacrifice which our forebears, in many cases, as well as contemporary Australians have made in the defence of Australia and in peacekeeping missions throughout the world. Most of us in this chamber will have some personal connection with that, and I want to speak to that momentarily.

Firstly, however, I want to indicate that this bill is the result of a 2009 States Services Authority review of the Shrine of Remembrance in relation to strengthening its institutional and governance arrangements. The bill seeks to amend the Shrine of Remembrance Act 1978; to clarify the core role and functions of the shrine; to broaden the depth and breadth of the skills available to the shrine's board of trustees, including the expansion of the number of trustees from 8 to 10; to better define the shrine's relationship with the Melbourne City Council, including the repeal of current provisions in the Melbourne Market and Park Lands Act 1933; and to provide for application of divisions 2 and 3 of part 5 of the Public Administration Act 2004 to strengthen governance and clarify the duties of the trustees and the role of subcommittees. The clarification of the shrine's educational role will support and strengthen the

ongoing work of the shrine in educating younger Victorians about the service history of veterans.

I want to speak briefly about the significance of the shrine to Victorians. My first recollections of the shrine are in the form of a photograph taken in the mists of dawn in about 1954 — I think I have the year right, but I may be corrected. It was a photograph, taken on Anzac Day, of my father bearing the Australian flag and leading his Second World War commando unit. The unit's members were on a march to the shrine for the dawn service of that year. That photograph was in our household all of my youth; it is my first memory of the shrine.

I had never attended an Anzac Day service at the shrine until last year, when I attended the dawn service in the company of — I cannot imagine how many — thousands or tens of thousands of Australians. I was — —

**Mrs Coote** — Forty thousand.

**Mr P. DAVIS** — Forty thousand. Thank you, Mrs Coote. I was staggered by the number and more particularly staggered by the number of young people. While I have attended Anzac Day services for as long as I remember, going back to my school days, this was, as I said, the first time I had attended an Anzac Day dawn service at the shrine. It was a moving moment.

I made a special effort to attend Anzac Day at the shrine last year, having been moved by a dawn service remembering the fallen veterans of the 39th battalion at Isurava on the Kokoda Trail. At the July 2009 dawn service that I attended, looking through the Kokoda Gap in the mist — this was after acclimatising to Papua New Guinea over about eight days and understanding the physical privations those veterans of the 39th would have experienced — I better understood the reverence we need to pay at that memorial on Anzac Day every year. It is not just to celebrate the anniversary of the landings at Gallipoli and commemorate the incredible loss of life and injury in that singular battle; it also relates to the First World War, the Second World War, the Korean War, the Vietnam War, the incursions in what was then Malaya and of course all the various peacekeeping activities Australia has been involved in, including our engagements in the Middle East, Afghanistan and East Timor. We also have peacekeepers serving in the south-western Pacific today. My view is that all of these contributions in the way of service are significant.

What has impressed me is the resurgence of interest on the part of young people, not in military history so

much as in service and sacrifice and the celebration of that as a part of our national character. It seems to me that young people certainly have an interest in the wartime activities of their forebears; they want to know what their grandfather was up to or know something about the history of Australia's engagement in war theatres. It is profoundly moving to see that engagement.

In recent years the trustees of the shrine have done a great job in recent years with the shrine's education program. The bill seeks in effect to endorse, reinforce and give significant authority to the trustees to expand that role on a statewide basis. I welcome the expansion of the education program, because we only really learn from our mistakes and from history. The excitement of a drama or a television show featuring dramatic events against a backdrop of war might provide momentary stimulation when sitting in front of the television or in a movie theatre, but all of those moments of drama are based on reality and on real events, and we need to understand the impact those events had on our society.

I will close by encouraging all people who have a vague connection with our military history to try to gain a better understanding of it. I visited the Australian War Memorial in Canberra a couple of years ago. I had not been there for some time, but there was a very good educational presentation about Gallipoli. On that occasion I learnt something that I had not understood before — that is, while Australians are aware that we suffered incredible losses, nothing compares to the losses of the Turks. Ten times as many Turks as Australians were killed during the Gallipoli campaign. The display explained to me why every year Turkish veterans contact members of the Victorian Parliament to encourage them to remember that it was not just Australians who were engaged in that conflict but Turks as well. Generally speaking we are invited to commemorate Anzac Day with the Turks and to understand that there are always two sides to any conflict.

We always need to understand the impact not only on our own society but also on those societies with whom we have been engaged in conflict. It is appropriate to reflect on that today, particularly given the events of the tragedy of the earthquake and tsunami in Japan, which we talked about earlier. It is now nearly 70 years ago that Australia engaged in conflict with the Japanese, who were then our enemies. Today we grieve for those Japanese people who have been lost in recent days, and I hope that when Australians visit the Shrine of Remembrance they reflect not just upon our wartime activity but also on our peacetime friendships.

**Ms HARTLAND** (Western Metropolitan) — My contribution to the debate on the Shrine of Remembrance Amendment Bill 2011 will be very brief. The last two speakers have outlined the scope of this bill and its technical nature. I too would like to make some personal reflections.

I have had the honour of attending the shrine on a number of occasions, and I have also been to the American Cemetery and Memorial near the Normandy landing beaches and to the Vietnam Veterans Memorial in Washington. Although I am someone who has read a great deal of military history, I have been fortunate not to have lost any members of my family in war. However, I think we have to remember what has happened in previous conflicts and wars and try to do everything we can to stop those conflicts and wars from happening again.

The shrine in Melbourne is a particularly beautiful building. I agree with Mr Philip Davis that when you go into the display rooms you often find amazing educational items. On several of my visits I too have learnt things about which I was not aware.

In past jobs I have cared for veterans who were on the Kokoda Trail and who served on the front line. I have also met people at Anzac Day lunches who went through the Blitz or who have worked as ambulance officers — people who have seen the worst of wartime action. I always come away from those meetings with an incredible sense of these people being the most amazing human beings. What they always say is that they would never want their children, their grandchildren or their great-grandchildren to have to suffer as they suffered.

The Greens will support this bill because the shrine is very important to Melbourne and it is important to remember history so that hopefully we do not repeat it.

**Mrs COOTE** (Southern Metropolitan) — It gives me a great deal of pleasure to contribute to the debate on the Shrine of Remembrance Amendment Bill 2011. The bill will give effect to the legislative changes recommended by the 2009 State Services Authority's review of the Shrine of Remembrance to strengthen its institutional and governance arrangements. The bill will amend the Shrine of Remembrance Act 1978 to clarify the core role and function of the shrine; broaden the depth and breadth of skills available to the shrine's board of trustees, including expanding the number of trustees from 8 to 10; better define the shrine's relationship with the Melbourne City Council, including the repeal of current provisions in the Melbourne Market and Park Lands Act 1933; and

provide for the application of divisions 2 and 3 of part 5 of the Public Administration Act 2004 to strengthen governance and clarify the duties of trustees and the role of subcommittees.

The shrine is located in the electorate I share with David Davis, John Lenders, Sue Pennicuik and you, Acting President. It is a beacon to Victorians of the past who fought to give us a better life and who on so many occasions made the ultimate sacrifice. It is important to reflect upon on the origins of the shrine and the concept behind its creation. Sir John Monash was one of our most famous soldiers, if not the most famous. During the battle of Amiens in the First World War he changed the face and nature of how battles were fought. He was awarded his knighthood in the field by King George V — the first time in 300 years that an active serving soldier had been recognised in such a way.

When Sir John Monash came back to Australia he realised that it was very important to recognise the ultimate sacrifice of so many people who had lost their lives in Europe. He organised an Anzac Day march, and he felt that there should be a commemoration and a memorial to show Victoria's and Australia's appreciation of the people who had made those sacrifices. He embarked upon the project of building a Shrine of Remembrance.

An architectural competition was held to find someone who could design an appropriate building. The project was not very clear cut. Although there was a huge push from the community to build such a memorial, the most contentious issue was where the memorial would be located. Sir John wanted the memorial to be at the end of a long avenue which could be an axis for Victorians and a focus for Anzac Day marches into the future, but the owner of the *Herald Sun*, Sir Keith Murdoch, did not want the shrine on St Kilda Road. He wanted to have it not far from the parliamentary precinct at the top of Bourke Street. There ensued a bitter public battle between a very important and influential newspaper proprietor and a well-decorated and highly respected soldier.

I refer to Roland Perry's *Monash — The Outsider Who Won a War*. I encourage those who are interested in such topics to read this enlightening book. I have heard Roland Perry speak on this issue in Queen's Hall, and he is to be commended for his knowledge and depth of understanding of Sir John Monash's life. Roland Perry's biography states:

The moment in early December 1923 seemed right to announce the winner of an architectural competition for the design of a Shrine of Remembrance. The site on St Kilda Road had been chosen a year earlier. Monash had been acting

for the state government as chairman of assessors. The winners were two ex-soldiers, architects P. B. Hudson and J. H. Wardrop. The inspiration for their effort was the mausoleum of the city of Bodrum (formerly Halicarnassus) in south-west Turkey, completed in 350 BC for King Maussollos of Caria.

There was great acceptance of this architectural design, and in fact it is the design that we see there today. However, as I indicated, there was a very bitter and public debate about the shrine and where it would be erected. The debate reached such a point that although the design had been chosen they could not settle on an appropriate site. This bitter battle continued for some time, and the Melbourne community was polarised on the issue. The whole idea was dropped and was not resurrected until Sir John Monash, in typical military fashion, said that he was not going to let it rest and that he was going to work on the issue until he found a resolution. He worked very closely with the government of the day and eventually got it to agree to the Shrine of Remembrance being built in its current location. All of us who have experienced either Remembrance Day or the Anzac Day march at the shrine understand its importance at the end of St Kilda Road as a wonderful monument to those Victorians who fought in all of the wars — not just the First World War but subsequent wars as well.

As an aside, it is interesting to note that after Sir John Monash died on Thursday, 8 October 1931, his body lay in state here in Queen's Hall. He was Jewish. After the service on Sunday, 11 October, the funeral procession marched down Swanston Street and past the steps of the shrine on the way to the cemetery in Brighton where Monash was buried. The Shrine of Remembrance is truly a memory to that wonderful soldier and very heroic Victorian, Sir John Monash. Monash has been commemorated in a number of names — for example, the Monash Freeway and Monash University. In this chamber Johan Scheffer and I had the great pleasure of being the last members for Monash Province.

The shrine has taken on a very different sort of role from just being a memorial. During the 1950s there were marches, but I think the returned soldiers, sailors and airmen from the Second World War did not have it in their hearts to commemorate what they had been through. The events were much smaller then. Anzac Day was portrayed in the play *The One Day of the Year*, which was a slight mockery of what had happened and in fact pilloried the soldiers of the day and talked about the fact that they spent a lot of time with their former mates discussing what had happened in the war and drinking far too much.

Fortunately, since that time there has been an increasing interest on the part of young people and all Victorians in Anzac Day and in the heroism of those who took part in the first and second world wars and in subsequent wars. As my colleague Philip Davis said in his contribution, nowadays at the shrine on Anzac Day there are about 40 000 people who stand together in the pre-dawn in silence. It is the silence of all of those people, many of them very young, which is the most profound thing of all. Suddenly you have Tony Charlton's magical voice coming through the mist and talking about the sacrifices people made. Then the poem about the poppies is read, which is very poignant. Not much is said at the dawn service, but the fact that so many people are there commemorating what has gone before in a time of individual reflection is very profound.

I put on record my thanks and appreciation to the current trustees of the Shrine of Remembrance and to Denis Baguley, the CEO, for the educational function of the Shrine of Remembrance, which is a keystone of what happens at the shrine today. It is the reason that so many young people take part in Anzac Day and Remembrance Day. They understand what happened, they understand the sacrifices that were made and they are there to commemorate people from the past.

I think it is important to have a look at some of the wonderful programs that the shrine offers. Its January to June calendar of events and exhibitions for this year is quite remarkable. It includes talks on the Changi Brownlow and the Great War. There are sessions entitled 'More than bombs and bandages', 'Beneath Hill 60', and '36 days — the untold story of the Anzac assault'. One event that I am particularly interested in is a presentation by Jacqueline Dinan, who has written a book called *A Woman's War*. I was at the launch of that book, which is very good and tells the story from a woman's point of view. That talk will be held on 26 May at 12.30 p.m.

The shrine's learning programs include the young ambassador program, which is for secondary school students who display exemplary enthusiasm while participating in education activities at the shrine; an 'adopt an ex-servicemen organisation' program; storytelling for children; school holiday activities — and the list goes on and on. It is a very comprehensive and interesting program. If you have just 10 minutes to have a look at it, you will find something of interest. If you have got 2 hours, you will also find something of great interest.

I was very fortunate to go to the shrine recently and, with Colonel Wertheimer and Denis Baguley see inside

the very heart of the shrine, under the crypt, which in years gone by was full of rubble. That rubble has now been cleaned out, and the space, which is really impressive, is probably three storeys high. The pylons there are brick and they have been cleaned, and the space is probably as high as this chamber. It gives you the most extraordinary feeling. I know the trustees and the CEO are very anxious to look at increasing the education space into the future. There is an opportunity to get one of the longboats in which the troops came off the ships when they landed at Gallipoli and to have an exhibition about it at the shrine.

The Shrine of Remembrance is something we can all be so proud of. The way to the future for Victorians, Australians and international visitors is to see the education program there and to have a look at the exhibitions. Hopefully the exhibition spaces can be enlarged and there will be opportunities for additional programs and exhibitions to be highlighted for the centenary of Anzac Day.

I congratulate all the trustees, both past and present, and once again I put on record my thanks to and appreciation for that remarkable soldier, Sir John Monash.

Finally, I read from a booklet I picked up at the shrine entitled *Shrine of Remembrance Melbourne — Education Programs — Keeping the Anzac Spirit Alive*, which says:

A visit to the Shrine of Remembrance is a relevant and inspiring experience. Students will not only gain valuable insights into Australian history and changing national identity, but will be encouraged to reflect on the personal qualities exemplified by Australian servicemen and women.

I conclude my contribution with that quote, and I congratulate everyone associated with the shrine. I believe the bill will enhance the education programs at the shrine.

**Mr EIDEH** (Western Metropolitan) — I also rise to speak on the Shrine of Remembrance Amendment Bill 2011. The shrine is correctly regarded as a sacred site for the people of Victoria and a special part of our heritage that commemorates all those valiant people who have given so much in times of war so that you and I can be here, in safety, today.

This year we will honour the 77th anniversary of this special building, designed on the model of the Parthenon that overlooks the great city of Athens. In his speech the minister reminded every member of the history of the shrine and what it stands to honour. In a month we will remember this when we observe one of the most sacred public days in our nation's calendar —

Anzac Day. We will remember those who have served with great pride and distinction in conflicts in which Australia has been involved. Australians have built a deserved reputation for never giving up the fight and for always acting with honour.

During the course of the previous government major restoration and redevelopment work was initiated to ensure the ongoing life of the shrine. Today, with its sparkling education centre and its colourful array of flags and remembrances of wars long past, it continues to stand as a symbol of the great men and women who gave of themselves for us. We should all be proud of how visitor numbers to the shrine have grown, with more and more younger people keen to learn about the heritage of our nation. I praise the teachers for their stewardship of those young people.

This bill is about amending the Shrine of Remembrance Act 1978 in accordance with advice from the State Services Authority and with the support of the RSL. It improves the powers of the shrine's trustees and cements the notion of the shrine as a significant feature of this nation's cultural heritage. The many elements of these amendments have been already discussed, and I commend the bill to the house.

**Hon. W. A. LOVELL** (Minister for Housing) — I thank Mr Lenders, Mr Davis, Ms Hartland, Mrs Coote and Mr Eideh for their contributions to the debate. Each of them has spoken about the very special role of the Shrine of Remembrance as a place of memorial. They have also spoken about the educational activities, programs and exhibitions that are provided by the shrine. It is important that the shrine and the activities it provides are preserved for future generations. In order to do that we need good governance arrangements to ensure that the shrine has a sound future.

The shrine deserves and enjoys bipartisan support. I acknowledge that this legislation began as an exposure draft released by the former government. I thank all speakers for their contributions to the debate today, and I commend the bill to the house.

**Motion agreed to.**

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

*Third reading*

**Motion agreed to.**

**Read third time.**

## SHOP TRADING REFORM AMENDMENT (EASTER SUNDAY) BILL 2011

*Second reading*

**Debate resumed from 3 March; motion of  
Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).**

**Mr SOMYUREK** (South Eastern Metropolitan) — I rise to speak in opposition to the Shop Trading Reform Amendment (Easter Sunday) Bill 2011. This bill amends the Shop Trading Reform Act 1996 to remove shop trading restrictions on Easter Sunday, repeals section 5A of the act, which provides special exemptions from Easter Sunday trading restrictions, and makes other amendments. At the outset I inform the house that I will be proposing amendments in committee to increase the scope of the bill.

**Opposition amendments circulated by  
Mr SOMYUREK (South Eastern Metropolitan)  
pursuant to standing orders.**

**Mr SOMYUREK** — It is highly symbolic that a party elected to office on a promise of fixing the state's problems should, not in its first but in its third piece of legislation, create a problem for significant sections of the Victorian community. Whilst the government may appease some big retailers with this legislation, it will disadvantage retail workers and their families. It will also disadvantage small business operators and their families by compelling them to work on the holiest day of the Christian calendar.

It has not taken long to crank up the spin. The very people who have sat on this side of the house for the past 11 years, whingeing, whining and moaning about government spin, are demonstrating through this piece of legislation demonstrating that they are the kings of spin. I say to you that surely even hypocrisy has its limits.

Let me take the house on a tour of this legislation to uncover the government's hypocrisy and spin. This government released its family policy a day before it introduced this antifamily legislation, and then it proceeded to promote the legislation as offering choice to everyone in the community. The notion of choice and the notion of strengthening families are not compatible with this legislation; they are actually oxymorons. These two notions are about as compatible as the notion of democracy is in the Democratic People's Republic of Korea. Just because the word 'democratic' is featured in the name of a country does not make that country a democracy. The Democratic People's Republic of Korea is a despotic regime.

Similarly, just because the Liberal Party consistently talks about choice in this legislation and releases a families statement does not mean that the government offers stakeholders any choice. It does not mean that the government gives priority to families in formulating legislation.

Let us now investigate the matter of choice in this legislation. The second-reading speech of the Minister for Innovation, Services and Small Business is littered with the word 'choice'. In her second-reading speech the minister proclaimed that this legislation will bring about freedom of choice for shop owners, consumers and retail workers. According to the minister we are all going to live in a utopia where we will have freedom of choice because of this legislation. The minister obviously hopes that the more she says something, the more people will think it is true.

The minister is being disingenuous, because in fact this legislation will do the opposite: it will compel businesses to open and retail employees to work on Easter Sunday. Business owners in shopping centres, the hub of retail activity, are compelled to open when the shopping centre in which they operate is open. In other words, this legislation will force shops in major shopping centres to be open on Easter Sunday. You cannot tell me that the Frankston, Fountain Gate, Chadstone, Southlands and Parkmore shopping centres will not open on Easter Sunday. Because of their leases, the shops within those shopping centres will be compelled to open on Easter Sunday. It is written in their leases. There are no ifs and no buts about that; those shops will be compelled to open on Easter Sunday. There goes the fallacy of freedom of choice for small businesses operating within shopping centres.

What about businesses that are not located within shopping centres? I concede that they do have more choice: either they can not open on Easter Sunday and risk their business and their custom being taken by the shops located within shopping centres that have to open on Easter Sunday or they can open and forgo celebrating Easter Sunday, the holiest day of the Christian calendar, with their family and friends.

As for freedom of choice for retail employees, I ask: what choice? If the government was genuine about giving choice to retail employees, it would have included a section in the bill making it voluntary for employees to work on Easter Sunday. That is the case in New South Wales, where section 13(1) of the Retail Trading Act 2008 says:

Any exemption granted by the Director-General under this Part is subject to the condition that, on a restricted trading day, the exempted shop is staffed only by persons who have

freely elected to work on that day, without any coercion, harassment, threat or intimidation by or on behalf of the occupier of the shop.

That is also the case in South Australia, where section 13A(3) of the Shop Trading Hours Act 1977 says:

A person who is employed to work in a shop in any shopping district is entitled to refuse to work on Sundays unless he or she has agreed with the shopkeeper to work on a particular Sunday.

The government has not bothered to insert any clause like that into this bill. One of my proposed amendments will deal with that. I hope government members will see that their government has overreached with this piece of legislation and that they will support the amendments that have been circulated in the house — —

**Mr P. Davis** interjected.

**Mr SOMYUREK** — I hope Mr Davis does too. The amendments are in line with the legislation in New South Wales and South Australia. They will allow shops to open on Easter Sunday under the condition that the shop is staffed only by persons who have freely elected to work on that day. Shop owners will not be able to bully, harass or coerce employees to work on Easter Sunday if they do not want to. These people need legislative protection. As members can see, there is as much choice in this legislation as there is democracy in the mischievously named Democratic People's Republic of Korea.

Let us now examine the impact of this legislation on families.

**Mr Lenders** — Why does the coalition hate families?

**Mr SOMYUREK** — I don't know, Mr Lenders. It really is a fascinating question. It is a very good question. Hypocrisy comes to mind.

The *2011 Victorian Families Statement* informed us that the government is serious about looking after the interests of families. The government presented the families statement to this Parliament the day before it introduced this bill. In that statement the Premier claimed — and Mr Pakula should listen to this because he will laugh — that under this government, families will be at the centre of decision making. The Premier also claimed that all decisions of cabinet would now be considered in light of the benefit of families. Either this government has a very narrow definition of families, which does not include retail workers or small business

operators, or it thinks it can spin the truth of the matter its way. Government members can spin all they like. It is hypocrisy.

**Mr Drum** interjected.

**Mr SOMYUREK** — Mr Drum has not signed up for this. I ask the members opposite, including member of The Nationals, how this proposed legislation passes the family test. Mr Davis should have a think about that. How can this government look the Victorian people in the eye and say that it legitimately cares and puts the interests of working families first when it is taking away the protection of working families on Easter Sunday, a day that lies in the middle of an extended holiday break and is the holiest day on the Christian calendar? I say once again that there is about as much choice for families in this bill as there is democracy in the Democratic People's Republic of Korea.

Another spin put on this flawed bill by the government is the argument that it wants to ensure that tourists are not prevented from visiting Victoria because of shops being shut on Easter Sunday. I have news for the government: our major competitors — that is, the mainland states and New Zealand as well — shut their shops on Easter Sunday, so where are these tourists going to go?

**Hon. M. P. Pakula** — So does London!

**Mr SOMYUREK** — I will get to that, Mr Pakula. Where else are those tourists going to go? I think it is pretty safe to assume that when tourists come to a predominantly Christian country on the holiest day on the Christian calendar they probably expect shops to be shut on that particular day. After all, in other famous and predominantly Christian cities throughout the world, such as London, Paris, Rome and Milan, shops are shut on Easter Sunday. Furthermore, all those cities are major players on the international shopping scene.

Victoria has, even before this bill is passed, the most deregulated trading hours of any mainland state of Australia, with shops being shut three and a half days of the year. Those days are Good Friday, Easter Sunday, Christmas Day and half a day on Anzac Day. New South Wales is second, with Good Friday, Easter Sunday, Christmas Day, half a day on Anzac Day and — they have a bonus — Boxing Day. The disparity between Victoria and New South Wales has now gone up to two days. After the passing of this bill Victoria will have only two and a half days of public holidays whereas New South Wales will have four and a half days, and New South Wales is our major competitor in

terms of tourist dollars. Of the other states, Queensland has five non-trading days and both Western Australia and South Australia have more than ten non-trading days. Look at the difference between Victoria, on two and a half days, and Western Australia and South Australia, both with ten non-trading days. Furthermore, every Sunday is a non-trading day in Western Australia and every Sunday is a public holiday in South Australia.

**Mr Drum** — Do you want to go back to that, do you?

**Mr SOMYUREK** — No, I don't.

**Mr Drum** — Why don't you go back there?

**Mr SOMYUREK** — Mr Drum, I do not want to go back there. Surely Mr Drum would have to admit that Easter Sunday, being the holiest day on the Christian calendar, should be retained as a non-trading day. The difference between the states is so great that it is obvious Victoria is out of step with the rest of the country. This bill will further exacerbate that disparity at a time when the objective of the Council of Australian Governments is national harmonisation and uniformity of laws.

**Mr Drum** — Finished?

**Mr SOMYUREK** — I am not finished yet, Mr Drum. There is clearly more to go.

I am not a Christian, so I cannot recount details of worship and family gatherings at Easter during my formative years. Being of Muslim faith I can tell the house that the holiest day on the Islamic calendar — that is, celebrations after the day of Ramadan, Eid-ul-Fitr — is about family and friends coming together and enjoying each other's company after worship at the mosque. It is a day when the message of peace and reconciliation, intrinsic to the celebrations of Eid-ul-Fitr, brings together friends and relatives and generally energises the community for the next day of working. For Muslims it would be absolutely unthinkable and disrespectful for Eid-ul-Fitr not to be a public holiday or for people to be compelled to work on that particular day. Surely the holiest day on the Christian calendar needs to be treated with as much respect.

Sixty-four per cent of our population regard themselves as being of Christian faith. Therefore I am sure there are a few people who agree with me. I know Bishop Huggins agrees with me. This is what he had to say in a media release dated — —

**An honourable member** interjected.

**Mr SOMYUREK** — And the New South Wales Nationals agree with us too. Just a few months ago they voted with us. The Anglican Diocese of Melbourne's media release states:

The Victorian state government's reported proposed move to lift the ban on Easter Sunday trading lacks both imagination for civilised living and sacred awareness, Bishop Philip Huggins said today.

Bishop Huggins, who is Bishop of the north-west region of the Anglican Diocese of Melbourne and chair of the Melbourne Anglican Social Responsibilities Committee, appealed to the state Parliament to leave Easter Sunday — —

**Mr Finn** interjected.

**Mr SOMYUREK** — He might not have seen Mr Finn, but Mr Finn has listened to what he had to say and I am sure he will do the right thing. I will continue to quote Bishop Huggins:

'Easter Sunday is a holy day which would only be impoverished by the sheer banality of longer shopping hours, rendering more difficult the family life of staff and small business owners', he said.

'We all need times, whether we are Christian or not, when we can just take a breath. Life for many of us is so frenetic and pressured that we must cherish days put aside for leisure, reflection or celebration. Our society does not need more busy shopping days.

'Easter Sunday is so very beautiful, woven into the fabric of our society; it is a celebration of hope and love, made vivid and powerful in the risen Jesus.

'Easter Sunday has inspired wonderful prayers, art and music — and family festivals too — from the early morning hunt for Easter eggs to the special foods of a celebratory lunch.

'It is a holy day of depth and wonder. Nothing needs to be added to it.'

I say to Mr Finn that I know that Bishop Christopher Proust agrees with me as well. This is what Bishop Proust had to say:

It is the most important religious festival for the whole year and to minimise the trading not just gives great opportunity for people to attend religious services but also to help families to reunite and also to help people to spend more time resting.

And there is more for Mr Finn. Mr Rob Ward, the Victorian state director of the Australian Christian Lobby, also agrees with me. This is what he had to say in a media release issued yesterday:

Easter Sunday is an important tradition valued by society and should not be competed with by shopping. Sixty-four per cent of Australians identify themselves as Christians and Easter

Sunday is an important Easter event that Christians remember ...

...

The bill was passed in the Legislative Assembly along party lines, but the ACL now calls on all parties to reconsider this important issue in light of its impact on families and people of faith.

**Mr Finn** ought to stick around, because there is more. The media release states:

'There is no evidence of a major community push to have even more hours to spend their money, so why the urgency for change?', Mr Ward said.

Further:

'The bill impacts on freedom of religion (as accepted by the government in its introduction of the bill) because it reduces the ability of people to practise their faith', he said.

'While there are some limits under various awards that require employers to cater for employees' religious practices, there is no doubt that pressure will be placed on Christians who would normally worship on this most important day in the Christian calendar.

'If other places around the world can set aside this day without suffering economic fallout, so can Victoria', he said.

The word 'holiday' is a compound of the words 'holy' and 'day' in reference to the original intention of the concept of holidays, which was for the purpose of worship and reflection. According to this definition, Easter Sunday should surely be the most important holiday we have on our calendar. The question then is: why is the most important holiday on the Christian calendar not a holiday? Is Easter Sunday not as important as, say, the Queen's Birthday or Moomba? With no disrespect to those holidays, I simply make the point that we need to consider whether Easter Sunday is worthy of a holiday — just as the Queen's Birthday and Moomba are.

The fact that Easter Sunday is not a holiday would come as a surprise to many members in this chamber and many people in the community. The reason for that is that most people do not work on Sundays. For most people Sunday is a day off. It is a day off for a lot of MPs, although a lot of us get around and do work on Sundays. But for the general community Sunday is a day off. The current public holiday law was passed before Sunday trading was allowed. The Public Holidays Act 1993 identified for the first time all public holidays in Victoria. At that stage shops were shut on Sundays. When the Kennett government introduced the Public Holidays Act 1993 it was assumed that shops would be shut on Sundays. In other words, it is a historical anomaly that Easter Sunday is not a public

holiday. It is obvious from what I have just said that Easter Sunday not being a public holiday is a historical anomaly which needs to be rectified urgently if this government is going to insist on pushing this draconian and unfair piece of legislation through this Parliament today.

I hope government members understand the error of the government's ways and at least advocate for the amendments. They have a couple of hours to advocate for the amendments that we have suggested to make Easter Sunday a public holiday. This will ensure that employees who turn up to work on Easter Sunday will at least get extra loading for their efforts.

Another instance of hypocrisy associated with this legislation is the lack of consultation that has gone into the formulation of this bill. Government members, when in opposition, sat here for 11 years whingeing, moaning and groaning about not being consulted and about the community not being consulted. For 11 years they sat here whingeing about there being no consultation. I put this to you, Acting President: the biggest stakeholder affected by this piece of legislation is the union, which represents 50 000 retail employees. Ms Asher, the Minister for Innovation, Services and Small Business, could not be bothered with them.

I say it is hypocrisy. They say it is choice; I say it is hypocrisy. They say it is about families; I say it is hypocrisy. They say there is consultation; I say it is hypocrisy — spin and hypocrisy. Philip Davis might think he is getting away with this, but the people of Victoria are not stupid and they will wake up to it sooner than he thinks. He will not be sitting on that side if he carries on with spin, hypocrisy and lies for too much longer.

**Ms Hartland** — They are repeating the same mistakes.

**Mr SOMYUREK** — They should listen to the Greens. Ms Hartland said they are even worse.

**Ms Hartland** — No, I said they are repeating your mistakes.

**Mr SOMYUREK** — The lack of consultation on this bill had me searching for consultation elsewhere in other jurisdictions throughout Australia, and I came across a report that was commissioned by the New South Wales government.

**Mr P. Davis** interjected.

**Mr SOMYUREK** — Mr Davis spoke too soon.

**Mr P. Davis** — Next week there will be a different government.

**Mr SOMYUREK** — That might be the case. Mr Davis has spoken too soon, because at the end of the day all the political parties adopted the recommendations of this report. The report was commissioned by the New South Wales government and is entitled *Public Holidays in NSW — Review of the Banks and Bank Holidays Act 1912*. A key component of the report's terms of reference is a recommendation to modernise the operation of legislation and other instruments that affect the creation and operation of public holidays and bank holidays in New South Wales.

The review was carried out by Professor Joellen Riley, and the report was released in October 2009. The New South Wales government made the decision to legislate for a public holiday on Easter Sunday after the release of this review. It is a shame that I have to refer to a review commissioned by the government of New South Wales, but the lack of consultation by this government leaves me no other choice.

On pages 46 to 47 of the review Professor Riley summarises some of the feedback from ordinary members of the community who are frequently absent from family celebrations at Easter because of work commitments on Easter Sunday. Professor Riley states that the review received 131 submissions and 130 of those submissions were handwritten, surely proving the bona fides of the people who made submissions to that review.

I will now quote from the report. I believe the report is relevant because the government has not bothered to engage in a consultation process on this issue. As I quote from this report I ask members opposite to listen to the number of times the word 'family' is mentioned. The report states:

The general tenor of these submissions was that people sorely missed time when the whole family could gather.

The letters received from retail workers highlight the very personal circumstances that affect individuals based on public holiday arrangements. A common theme in the submissions from retail workers related to the implications of a change in working hours for the industry. For example, Sundays have traditionally been a day of rest, with most businesses closed for trade. However, now Sunday trading is an industry standard for many retail businesses. For some retail businesses the change in working hours can extend as far as 24 hours a day, seven days a week.

Similarly, some submissions noted that retail workers are regularly required to work weekends while many other workers enjoy a standard Monday-to-Friday work week. These altered working hours can lead to less family and personal time. An examination of the letters received

indicated that 76 per cent would like Easter Sunday to become a public holiday to ensure they can enjoy a break from work on the weekend. A mother of three children in Goonellabah wrote that her husband works Monday to Friday every week and she works every Sunday. 'There is a lot of strain on my family over the four-day holiday as it restricts me and my family from going away over the four-day (Easter) period'.

For these retail workers, 62 per cent supported the significance of a public holiday being on the day it falls. A parent of a young family and a worker in the retail sector says that moving a public holiday from a weekend to a weekday 'denies retail workers the opportunities to have a two-day consecutive break'. Forty-two per cent of the letters know in the case of Easter public holidays this would mean a four-day break for the workers. A worker in Queanbeyan valued '... most of all the four-day break, giving time for families and loved ones to spend time together, especially where travel is concerned'.

Retail submissions highlighted the need for a work and family life balance in today's busy times, with 62 per cent directly in support of this. A retail employee from Artarmon wrote, 'I and my family look forward to the Easter break where the family can have a holiday together'. A worker in Minto said her workplace is open seven days a week. She argues the day the public holiday falls on should be protected. She says she will lose the 'little precious family time I have' without that protection.

Workers in tourist areas are unable to enjoy public holidays because shops in recognised tourist areas are exempt from the Shop Trading Act 2008 (NSW) restrictions. Some 23 per cent of letters proposed that workers in a tourist area should enjoy public holidays. A worker from Goonellabah told the review that being in the retail industry and in a designated tourist area means her workplace is open Easter Sunday. This takes time away from her enjoyment of a four-day Easter break. She is not able to travel to Brisbane and be with family as a working day (Sunday) is in the middle of the public holidays.

The Anglican Church argued that 'declaring Easter Sunday as a public holiday would give it the status that many people already believe it has'. It would allow retail workers — who 'have arguably paid the greatest personal cost as a result of decades of deregulating trading hours' — to choose whether to spend time with family 'or to attend church'. This submission generally supported a return to 'civic values', and resistance of the pressures of 24-hour trading pushed by 'the commercial needs and desires of merchants'.

I hope that members opposite took my advice and listened to the excerpt from the report I just read. I see that Mr Dalla-Riva is nodding his head. He would have noted that the word 'family' was mentioned a significant number of times in that substantial quote.

Mr Philip Davis should be interested in what I have to say next. The New South Wales government, with the support of all the other political parties in the Parliament of New South Wales — including the Liberals, The Nationals, the Greens and the Christian Democratic Party — supported the move to make Easter Sunday a public holiday. It was not a Labor

Party push. All parties in the New South Wales Parliament supported Easter Sunday being made a public holiday.

**Mr Leane** interjected.

**Mr SOMYUREK** — Mr Leane has asked what happened here in Victoria. Indeed, I ask: what has happened here? The libertarians have taken control; that is what has happened here.

What view did Professor Riley form on the question of Easter Sunday being a public holiday, after hearing from all stakeholders on the issue? To answer this question I again quote from the review, at page 50.

**Mr P. Davis** interjected.

**Mr SOMYUREK** — Mr Davis asks, 'Quoting from something?'. That is typical; they have no idea. Half the members on the government side probably do not know that this bill is doing away with Easter trading.

I return to the quote:

Given contemporary working patterns in many industries, it is appropriate that this particular Sunday be named as a public holiday, now that many Sundays have become ordinary working days.

To name Easter Sunday as a holiday would simply restore the recognition originally afforded to that day. There we have it from the independent academic, who is not a Labor Party apparatchik. Professor Riley is an independent, well-respected, well-regarded academic with no political or philosophical axe to grind. She is an academic who has been given a job to do, and she has done it. She said that Easter Sunday should be a public holiday. Members should bear in mind that when this report was being formulated Easter Sunday was a restricted shop day in New South Wales. A restricted shop day basically means what we have got at the moment — a non-trading day.

This bill brings about an interesting divide between the respective parties and tendencies within our Parliament. On our side we oppose the bill. Our opposition is based on our concern for the rights of workers and their families. On the government side, however, it is not that simple. It is a little more complex. On the one hand there is the conservative party of The Nationals and on the other hand there is the Liberal Party. In the Liberal Party there is the conservative wing, and the individualism of the libertarian wing which is in control at the moment. This bill ought to split the Liberal Party down its philosophical fault lines. I said it ought to split the Liberal Party down its philosophical fault lines, but so far it has not because one part of the party has

capitulated and totally caved in to the other part of the party. The libertarians are in control and the conservatives are on the run; that is what is happening at the moment.

There is uneasy fusion in the Liberal Party between the libertarians on the one hand and the conservatives on the other hand. This latent tension manifests itself occasionally when significant social issues arise. The Turnbull-Abbott schism around climate change was a perfect case in point. The libertarian Abbott had obviously overstepped the mark and — —

**Mr P. Davis** interjected.

**Mr SOMYUREK** — I have got it wrong, I concede — Mr Abbott will not be happy with me.

*Honourable members interjecting.*

**Mr SOMYUREK** — It was a test. Are you listening? That is tacit agreement.

The libertarian Turnbull had obviously overstepped the mark in terms of climate change, and the conservative Abbott was not going to let him get away with it. There was no way the conservative Tony Abbott was going to let the libertarian Malcolm Turnbull get away with it. The conservative forces actually showed some guts in the federal sphere and took Mr Turnbull out.

**An honourable member** interjected.

**Mr SOMYUREK** — You might think what you want. Mr Abbott polarises. There are a lot of people on this side of the fence in particular who do not agree with what Mr Abbott has got to say, but people respect the fact that he stands up for what he believes in. On our side of the fence we probably think that he is misguided on a number of things, but the fact is that he actually stands up. He stood up to Mr Turnbull and he stood up for what he believes in, which is not what the Victorian conservatives are doing at the moment.

Throughout Liberal Party history the conservative side of the party has acquiesced to the neoclassical economic policies of the libertarians. It did this as long as its social policy — —

**Hon. G. K. Rich-Phillips** — On a point of order, Acting President, on the question of relevance, the bill before the house is a narrow bill relating to a change in shop trading hours. The political philosophies of the federal Leader of the Opposition in Canberra are in no way relevant to this bill.

**The ACTING PRESIDENT (Mr Elasmarr)** — Order! While I understand the member is not the lead speaker for the government, members are given some room to work around.

**Mr SOMYUREK** — I thank the Acting President for an enlightened ruling. The spirit of compromise so often afforded to libertarians in economic matters is sometimes not reciprocated when the libertarians are in power. This appears to be the case in Victoria, where the conservatives in the Victorian Parliament seem to have been rolled without showing any evidence of a fight. What we see at the moment is the conservatives rolling over, letting the libertarians tickle their tummies. Where is the bellicose rhetoric? Where is the bellicose rhetoric of people like Mr Guy, Mr Finn, Mr Dalla-Riva, Mrs Kronberg and Mrs Peulich? I will tell you what has happened.

Where were they in their party's caucus when this bill was being debated? I presume it was debated in the caucus. I will tell you where they were. They were cowering in a corner in the foetal position; that is where they were. They have become the eunuchs in Ted's palace. In opposition they cried loud and thumped their chests, saying, 'We will roll back the Labor government's left-wing social policies'. That is what they said consistently. I have got news for Mr Finn, Mr Dalla-Riva, Mr Guy and Mrs Peulich. They will not roll back anything so long as the libertarian Premier does not want it. They ought to draw a line in the sand and stick up for the holiest day in the Christian calendar. They should stick up for Easter Sunday.

In relation to the new members, a number of them talked about Christianity in their inaugural speeches. I say to the new members that they should follow their hearts and their consciences. They should not listen to what unelected officials from 1 Treasury Place tell them. They should not listen to the Premier's sycophants, who will tell them that the Premier needs this legislation. They will tell them the Premier wants a united government and that a vote against the bill will look like a disunited government. None of that matters. What matters is what members think and what their consciences tell them. They should remember that Premiers come and Premiers go and party leaders come and party leaders go, but members will have to live with their consciences for the rest of their lives. With those words I say that I could not possibly support this flawed bill.

**Mr P. DAVIS** (Eastern Victoria) — After such a powerful oration I am totally bewildered about how to respond, but I will have to make a very modest attempt to respond to the rhetoric from the previous speaker,

who invited me to join a theological debate. It has been my personal practice to pursue my faith in my own time and not in the time of the Parliament — although I am incredibly tempted to do so — and I think I will adhere to that principle.

I will talk about the bill, but first I want to pick up a couple of points in response to the previous speaker. I have made a very comprehensive set of speech notes based on what Mr Somyurek had to say — —

**Hon. M. P. Pakula** — Table them!

**Mr P. DAVIS** — I would be pleased to table them, but I will just read them out. I think the word ‘hypocrisy’ was used almost more than any other word, but a close second to that was the word ‘spin’. What I heard from Mr Somyurek was both hypocrisy and spin. His whole contribution was dominated by those two angles. He denies the government has a mandate, and he denies the government has a mandate for this bill. He denies there is any capacity for the government to implement its election policies. It was after all Mr Somyurek’s leader in the Legislative Assembly who on his very first day as leader said in a press conference that he would hold the government to account and oblige it to implement every one of its policies.

This bill is the result of a policy which was announced 12 days before the election, on Monday, 15 November. The heading on the press release is ‘Coalition government will remove Labor’s Easter Sunday trading ban’. Who won the election? Who announced this policy? Who is obliged to implement it? Who is going to hold us to account for implementing it? It is Mr Somyurek’s leader. If he wants to call somebody hypocritical, he should talk about his leader. He should not talk about people on this side. We will do everything we have committed to do, and Mr Somyurek should watch.

*Honourable members interjecting.*

**The DEPUTY PRESIDENT** — Order! Members to my left should tone down their interjections, which are disorderly. I suggest that if Mr Davis does not want interjections to his contribution, he should ensure that his contribution does not invite them.

**Mr P. DAVIS** — Thank you, Deputy President, for your much-needed protection.

I would also like to take up a further point that was raised by the lead speaker for the opposition — and I got it right this time. I do not have to pay \$10 into the jar.

**Hon. M. P. Pakula** — Ten dollars! You blokes are loaded.

**Mr P. DAVIS** — We make that mistake quite a bit. Mr Somyurek made quite a feature of the issue of small businesses that have retail tenancies in shopping complexes. This is a serious point and I will respond to it in a very moderate and serious tone, because I think it is important that the house understands how uninformed Mr Somyurek is. I do not ascribe that to all members of the opposition, but clearly Mr Somyurek has not been well briefed by the organ grinder at Trades Hall because he is running a line of rhetoric on behalf of the shoppies, who are running a big campaign to try to restore something that they paid about \$250 000 to the Labor Party as a campaign donation to get in 2002.

This bill will repeal a provision that the shoppies lobbied and campaigned hard for to the point that they put money into the campaign funds of the Australian Labor Party. My point is that on this issue of businesses that have retail leases there is an act of this Parliament, the Shop Trading Reform Act 1996, which in section 7 provides for certain leases. To take the point made by Mr Somyurek that businesses would have no option but to be obliged to open on Easter Sunday even if they did not wish to do so, section 7 of the act provides for the voiding of certain lease provisions. It states:

A provision of a lease or agreement relating to retail premises within the meaning of the Retail Leases Act 2003 ... that purports to require the premises to be open between the hours of 5.00 p.m. and midnight on a Saturday or at any time on a Sunday or a public holiday where the premises are located is void.

The provision is quite clear and deals with the question raised by Mr Somyurek. There is no capacity for a retail shopping centre operator to require a business to be open at the times mentioned in the act.

*Honourable members interjecting.*

**Mr P. DAVIS** — I will take up the interjection from learned members of the opposition. The protection is in the law just as the repeal of the provisions of the trading hours legislation we have in this bill will be a matter of law. If you accept that we are making a change to the law today to give people choice, then so too you need to accept that there is protection under the same laws adopted by this Parliament. These provisions were originally adopted in 1996. They were legislative provisions, and I vaguely recall I was here for the debate on the bill. One of the reasons for the provisions was to ensure that there could not be unreasonable coercion of a small retailer, and those provisions stand.

I want to talk about the substance of the bill. The bill seeks to reinstate a provision which applied prior to 2002. The Kennett government implemented reform, and these provisions stood until 2002. In 2003, as a result of the election campaign and the donation by the shoppies, the ALP met its election commitment to them and changed the law on the basis of some money that came into the ALP campaign funds in 2002. Who is the organ grinder here?

**An honourable member** — Who's your organ grinder?

**Mr P. DAVIS** — I will tell you: it is the concept — —

**The DEPUTY PRESIDENT** — Order! I appreciate that this legislation has some degree of passion associated with it. I remind members on my left that interjections are disorderly and I remind Mr Davis that the manner of his contribution is inviting interjection. I will not be able to provide the protection that he appreciated 5 minutes ago if he continues to make his speech in that manner. I ask members on my left to cease interjecting and allow debate to proceed.

**Mr P. DAVIS** — I regret that I have been chastised, Deputy President. I will endeavour to desist from provoking members of the opposition, but the facts need to be laid before the Parliament and I will not resile from doing that. As narrow as this debate may seem — after all the bill before us is a very small one, with just 5 clauses and 2 pages — it is generating some excitement on the part of the opposition. Why is it generating such excitement? When there is a lot of interest in such things, it is always a good idea to follow the money.

Mr Somyurek led with his chin earlier. In his contribution he revealed that this is actually about penalty rates. I can talk about penalty rates. I used to work on a rotating shift. I worked in a 24/7 industry — the oil and gas industry — on a rotating shift roster. The first time I turned up to get my pay — this was in the old days, when you used to get cash in a little brown envelope at the security gate each fortnight — I had to wait until everyone else had gone home, go back to the paymaster and say, 'You have made a mistake; you have paid me three times as much as I was told I would be paid when I signed on'. He just laughed and said, 'That's all right, it is the penalty rates'. I was quite happy to accept that in those circumstances, on a 7-day, 24-hour rotating shift roster, penalties came into play. That was fine.

While Mr Somyurek has tried to dress up his contribution in terms of families and some misunderstanding about the Christian faith, he basically said the shoppies have told him that he has to argue this on the basis of penalty rates. That is another element to his contribution, as well as the hypocrisy and cant and all the other stuff I heard from him.

The bottom line is there are now many exemptions in relation to this law, introduced not by this government but by the previous Labor government over 11 years — a confusion of exemptions. Let me run through some of the areas that were made exempt: in the Surf Coast shire, the town of Torquay; in the Moira shire, the towns of Cobram and Yarrowonga; in the city of Greater Bendigo, the entire municipality; in the Gannawarra shire, the entire municipality; in the Northern Grampians shire, the town of Stawell; in the rural city of Mildura, the whole city of Mildura; in the East Gippsland shire, the town of Lakes Entrance; in the rural city of Swan Hill, the entire municipality; in the shire of Indigo, the town of Beechworth; and in the city of Greater Dandenong, the area within the boundary fence of the Sandown International Raceway — that is fair enough, I suppose.

**Mr Somyurek** — Do away with the exemptions.

**Mr P. DAVIS** — Actually we are. If you had read the bill, you would know that we are getting rid of the exemptions. There is no need for them, you dill! He is a total dill. Have you read the bill?

**Mr Leane** — On a point of order, Deputy President, Mr Davis referred to an opposition member as a dill. That is unparliamentary.

**Mr P. DAVIS** — On the point of order, Deputy President, the member is present and can defend himself if he is not a dill.

**Mr Somyurek** — On the point of order, Deputy President, I take offence at what Mr Davis called me. The moron across the chamber has no right to call me a dill.

**The DEPUTY PRESIDENT** — Order! The member has indicated that he finds the remark offensive, and I ask Mr Davis to withdraw.

**Mr P. DAVIS** — I withdraw, but perhaps I should have asked the member if he had actually read the bill.

**The DEPUTY PRESIDENT** — Order! I accept the member's withdrawal and ask him to go back to his contribution.

**Mr P. DAVIS** — I have withdrawn. If you want to join the debate, Deputy President, you may do so.

It is clear from Mr Somyurek's interjection that he has not read the bill, and hence the rhyming slang would indicate the validity of my comment.

In relation to the exemptions, further special exemptions were ordered by the member for Footscray in the Assembly, Marsha Thomson, when she was Minister for Small Business. These exemptions included a hardware shop and a plant nursery. There is a significant range of exemptions under the current act, and there is therefore a large degree of confusion. We know that the basis of this legislation is that it only restricts businesses over a certain threshold in terms of the number of employees, and businesses under that threshold are able to be open for business. Therefore we have a mix of businesses — —

**The DEPUTY PRESIDENT** — Order! I thank Mr Davis; his time has expired. I did not interrupt Mr Davis, because he had only about a minute and a half to go, but I made a ruling asking him to withdraw a statement, which he did, and I appreciated that, but Mr Davis then made a subsequent reference to the rhyming slang, which I took to be a continuation of the previous statement he had made. I ask Mr Davis not to do that in future, or I will pull him up.

**Mr P. Davis** — On a point of order, Deputy President, as a clarification, during the interruption to my contribution by the point of order — —

**The DEPUTY PRESIDENT** — Order! There is no point of order. There is nothing to debate.

**Mr P. Davis** — On the point of order, Deputy President, I am seeking clarification about time, because the clock did not stop during the point of order.

**The DEPUTY PRESIDENT** — Order! The clock does not stop during a point of order.

**Ms HARTLAND** (Western Metropolitan) — My contribution on this bill will be brief. The Greens do not support this bill. I would like to start off by saying that we owe nobody on this bill. The union obviously approached us, but I said straightaway that we did not support this bill, because we think people should have days off. We believe that people should be allowed to be paid penalty rates. Those are reasonable things.

We also do not understand why we need to have another shopping day. If this one is taken away, that means there will be two and a half days each year when shops are not open — that is, Good Friday, Christmas

Day and half of Anzac Day. When will Good Friday go? When will Christmas Day go? Are they the next ones that will be exempted? Further, why is it not reasonable to pay people penalty rates on a public holiday? If they are going to be working, why should they not be paid proper rates? I do not think that is unreasonable. Why should families not be allowed to have a block of days they can take off together? This is one of the few times during the year when families can be together in that way.

I would agree with some of the comments that were made around the government's families statement about families being able to be together, do things together and have a reasonable amount of time together, yet we are again taking away a day that people can spend together as families.

As I said, if this bill is passed, there will be two and a half days each year when people cannot go shopping. Is there not enough time for retail therapy? Is there not enough time for consumerism? Is it not time that we looked at how much we consume? Do we really need this change? I think we should be looking at things such as Buy Nothing Day — the next one is going to be on 29 November. Why do we not move towards such measures?

*Honourable members interjecting.*

**Ms HARTLAND** — As someone who is not a dedicated shopper, who does very little shopping and who avoids it like the plague, I have never quite understood the fascination of it.

The Greens therefore will not, as I said, support this bill, and we will be supporting the amendments that have come from the Labor Party, because we think they are reasonable and rational.

**Mrs COOTE** (Southern Metropolitan) — I have great pleasure in speaking on this bill. From listening to the contribution of Mr Somyurek I would have to say that the unions are back in town. Here they are back in town again! It is the same old rhetoric, the same old stuff; here we are again.

*Honourable members interjecting.*

**Mrs COOTE** — It is the same thing. You are back in town. It is the same old union line. We have had the media releases; we know what they are like.

*Honourable members interjecting.*

**Mrs COOTE** — It is you again, and basically the same old union rhetoric. You cannot get away from it.

I turn to the bill. This bill is another instance of us clearing up an absolute mess left by the Labor Party. I was around when Marsha Thomson, who was the Minister for Consumer Affairs at the time, brought the relevant legislation in, and we know what criticism there was. The Labor Party did not realise what the ramifications were going to be. The legislation was attacked and attacked again, and then it was revisited time and again. It is an absolute dog's breakfast of an act thanks to the ALP. Now is our time to fix it, which is exactly what we are doing here today.

I would like to read some of the comments that were made at the time the legislation was first brought in. There was a great deal of consternation about what was happening and what the ramifications of the bill would be in the community and on the part of specific individuals. On 11 June 2003 Darren Gray, the then state editor of the *Age* — that is a voice from the past — reported on an extensive interview with Brian Donegan, the then executive director of the Australian Retailers Association Victoria. Mr Donegan said it would be impossible for businesses to recoup the lost revenue — and so it has been.

That is the sort of comment we listened to when we went to the election. We listened to the traders and to the businesses, and that is what they were still telling us. The article went on to report Mr Donegan as saying that the key findings of research done in 2003 included that 92 per cent of businesses surveyed said the communication of the legislation's exemption rule in relation to the trading ban was inadequate. That was a hallmark of the former Labor government. There was no proper explanation; confusion reigned; the government was all over the place. People did not know what they were dealing with, and according to this research 92 per cent of people would agree with that.

Mr Donegan said the research found that 83 per cent of businesses said the Easter weekend was more important or as important as other weekends in terms of revenue. That is in terms of traders' revenue. He also said 73 per cent of businesses said they had received negative complaints or comments from customers about the Easter weekend closures.

We have been listening. Unlike the Labor Party, we went into the election listening to people, listening to traders, listening to businesses and listening to families. When you remember Mr Somyurek's contribution in terms of families, you see what a joke it was. He mentioned families time and again — in fact I think he got stuck on the families page. Let me just remind Mr Somyurek that families do many things together. Families of all religions do go to

church — there is not a shadow of doubt about that — but families can also go to the football on Easter Sunday. What is wrong with the football? There are attendants and food vendors at the football, and a whole range of things — —

**Mr Finn** interjected.

**Mrs COOTE** — As Mr Finn says, Richmond is going to be playing North Melbourne that day — an auspicious day, I hope, for Richmond. However, my point is that families want choices about what they do together. They may very well go to church, go to the football or they may want to go shopping together. Those are the sorts of things that families want to do. They want choice, and the Liberal Party is about choice. This bill will allow them to have that choice.

I remind members that I, too, read the media release issued by the Australian Christian Lobby. The media release quotes Robert Ward, the lobby's Victorian state director, as saying:

Easter Sunday is an important tradition valued by society and should not be competed with by shopping. Sixty-four per cent of Australians identify themselves as Christians and Easter Sunday is an important religious event that Christians remember ...

Let me remind members that this bill provides a choice for Mr Ward and the Christians he represents. They do not have to go shopping or do anything they do not want to do. They can go to church for the whole day if they choose to do so.

I turn to the 2006 census. It is important to note that not all Victorian families are Christians. Some 60.5 per cent of Victorians were identified as Christians in the 2006 census, with the Southern Metropolitan Region having the lowest proportion of people who identified as Christians, at 54 per cent. Across the state the electoral district with the lowest proportion of Christians is Caulfield, where Christians number 31.9 per cent of the population. Caulfield is part of my electorate of Southern Metropolitan Region. In the Prahran district Christians number 45.3 per cent, and in Albert Park 47.7 per cent. All those electorates have less than half the population identifying as Christians.

While not as numerous as Christians, a large number of people in Victoria identify as being Buddhists, Muslims — such as Mr Somyurek — Jewish, such as Mr Pakula, or simply having no religion at all. People who are Buddhists, Hindus or members of a whole range of other religions should have choice too. We are representing all Victorians here and not just a few — not just the 62 per cent who are Christians. They should all have the opportunity to do whatever they choose to

do, and that may include shopping. This bill will give them that option.

I turn to what was said in 2003, the year in which the Easter Sunday bans were first introduced. A survey was conducted of 300 Victorian businesses, the results of which indicated that an overwhelming majority of those businesses said that a government should not be able to tell retailers when to trade. That is the exact truth, and if members doubt my words, then they should have a close look at the electoral district of Prahran. If opposition members look at the clearways issue, they will see that Labor did not listen to the people or to business. They are now seeing the ramifications of not having done so.

In June 2003 businesses lost tens of millions of dollars in revenue due to the ban, and the average loss per business was \$2500. An article in the *Age* at that time states that the police minister — Andre Haermeyer, another disaster — said that stores found to be in breach of the law would not be prosecuted because the confusion surrounding the law meant that some retailers did not fully understand the law. That is what was said in 2003, and that is what has been happening.

I have been lobbied extensively by shop traders and by organisations within the electorate I represent. At lunchtime today one of the councillors from the City of Port Phillip implored that this bill must go through. He wanted an assurance that businesses in and around Acland and Fitzroy streets and in the heartland of Port Phillip would be able to remain open, as did Frank Penhalluriack. I would like to put on record some remarks about Frank Penhalluriack, who went to jail because he believed in the principle of Sunday trading. He was a leader on this issue, and he was called a rebel trader and other names.

**Hon. M. P. Pakula** interjected.

**The DEPUTY PRESIDENT** — Order! This is not a conversation; this is a debate.

**Mrs COOTE** — Mr Penhalluriack was a very effective councillor, and he led the charge for Sunday trading, which has been exceedingly successful. I would charge those members on the opposition benches to tell me whether they go shopping on Sundays with their families. I bet they do, and I bet they have been shopping on Easter Sunday when the shops were open.

During the debacle surrounding Easter Sunday trading hours in 2003 an article appeared in the *Age* of 6 March which states that Mr Penhalluriack:

... believes the government's move to enforce a public holiday on Easter Sunday will make the unions and shop employees 'the big winners', and consumes 'the big losers'. 'I will be open,' Mr Penhalluriack said yesterday. 'We open when the customers want us to, not when the government tells us we can. It will be a \$10 000 fine (but) I wouldn't pay it, so I guess it could see me back in jail.'

He did not go back to jail, but he was a leader. He was out there, listening once again to his customers. He was prepared to put his values on the line, and that is exactly what he did. I think he is to be commended for the work he did and for the way he has continued to support this issue. As I said earlier, Mr Penhalluriack has also been listening.

I believe this bill will be passed. The amendments are just a desperate attempt by the opposition to try to resurrect something that members of the Labor Party knew was wrong right from the beginning. Opposition members have been trying to patch up this problem for a significant time, and the appearance of opposition amendments indicates another feeble attempt to have another go at it. It will be extremely interesting to hear Mr Somyurek's contribution to the debate on these amendments.

I commend this bill. The Liberal Party is about choice, and this is a bill about choice. It gives Victorian families of all religions an opportunity to have a choice on Easter Sunday. I commend the bill.

**Hon. M. P. PAKULA** (Western Metropolitan) — I rise to oppose the Shop Trading Reform Amendment Bill 2011. Firstly, I would like to deal with a couple of matters raised by Mr Philip Davis during his contribution. Mr Davis seems to have a curious notion of what 'mandate' means and an interesting take on the Labor Party's pledge to hold the government to account. He seems to believe that a mandate, as he puts it, compels the opposition to vote for every piece of legislation the government puts forward. It is not enough for him that the government and government members seek to implement their mandate. He implies that opposition members are doing something improper if they do the job of an opposition and oppose those pieces of legislation that they do not support.

Mr Davis also seems to take the view that holding the government to account for its promises automatically suggests again that the opposition must vote for every bill that the government —

**Mr P. Davis** interjected.

**Hon. M. P. PAKULA** — Holding you to account, Mr Davis. Let me be clear. 'Holding to account' means holding the government to account for promises made,

but it also means pointing out where legislation and policy brought forward by the government is in our view wrong and not in the interests of the Victorian community. It means saying so and holding the government to account for that.

**Mr P. Davis** — How do we implement our commitments then?

**Hon. M. P. PAKULA** — I will tell Mr Davis how he can implement his commitments. The government has the numbers in both chambers.

*Honourable members interjecting.*

**Hon. M. P. PAKULA** — Go for your life, but we are not compelled — —

**Mr P. Davis** interjected.

**Hon. M. P. PAKULA** — The government's election victory did not herald the introduction of a one-party state. We are not compelled to vote for every bill the government brings forward.

Mr Davis also claimed that somehow Mr Somyurek's contribution was proof positive that this debate is all about penalty rates. Let me again disabuse Mr Davis of that notion. What the opposition really wants is for this bill to be defeated, and if it is, then the whole question of penalty rates goes away.

Let me also point out to Mr Davis that what he considers to be cleverly crafted logic is wrong. Mr Davis talked about the Shop, Distributive and Allied Employees Association — and I will come back to the SDA later — somehow putting it on the Labor Party for penalty rates for its members. I can tell Mr Davis that most of the SDA members who work on Sundays, by virtue of enterprise agreements, already have penalty rates. The workers who do not have penalty rates on Easter Sunday by and large are those who are not members of any union. Not only is Mr Davis's logic flawed but his basic assumption behind it is as well.

I did not read the media release of Rob Ward, the Victorian director of the Australian Christian Lobby, but I actually spoke to Mr Ward this morning. I am sure he will not mind my repeating a comment he made. He put it very neatly when he said, 'Traditions are traditions because they are important or because they were at least important once upon a time'.

I heard Mrs Coote go on a lot about choice. There is a fair bit of choice. People can shop unfettered for 361.5 out of 365 days of the year. The only times they cannot

shop are Christmas Day, Good Friday, Easter Sunday and part of Anzac Day. I have got to say that after listening to Mrs Coote's mantra about choice and listening to Mr Davis, I do not know how, by their logic, they can distinguish between Easter Sunday, Christmas Day and Good Friday. If choice is the overriding mantra, why does it only apply on Easter Sunday and not on Good Friday or Christmas Day? The fact is that what Mrs Coote and others support is choice for everyone other than retail workers who do not want to work on Easter Sunday.

**Mrs Coote** interjected.

**Hon. M. P. PAKULA** — Let me make this point to Mrs Coote. If she believes in choice as much as she says she does, then she will support the amendment moved by Mr Somyurek to make sure that shops that open on Easter Sunday are only staffed by people who freely consent to work on that day. If she really believes in choice — —

**Mrs Coote** — How many donations did you get from them?

**Hon. M. P. PAKULA** — None. If Mrs Coote really believes in choice, she will support that amendment. Shop workers are not that different to anybody else, including members of this chamber. They spend Easter Sunday at worship, they spend it at lunch with their families and they spend it with their kids on Easter egg hunts. I, like Mr Somyurek, say all of that as someone who is not of the Christian faith. My wife's family is, though, and I spend Easter Sunday with her and her family. I have done that for many years, and I know just how important it is to people to spend Easter Sunday with their families. My wife's family is Italian family and for them the colomba and everything that goes with it on Easter Sunday is very important. I am sure that each and every member of the government will spend Easter Sunday either at church or with their family at an Easter lunch, with their extended family or with their children on an Easter egg hunt, doing all of those things that people enjoy on Easter Sunday.

I know there are members, such as Mr Davis, who prefer to keep their worship to themselves. Mr Davis made a comment about that. But that is not everyone's experience in this chamber. There are some members of Parliament who proudly — and quite within their rights, I should say — wear their religious conviction on their sleeve, not just in this place but in the other place as well. I must say it surprises opposition members a great deal that those members are prepared to deny retail workers the right to enjoy their Easter

Sunday on 24 April in the same way that they will no doubt enjoy it.

I go to the issue of the SDA, and Mr Davis's fantastic conspiracy theories about it. The SDA is an organisation which represents something like 50 000 workers in the retail industry, which is many more members than the Liberal Party has got, I should say, Mrs Coote — —

*Honourable members interjecting.*

**Hon. M. P. PAKULA** — And many more members — —

**Mr Finn** interjected.

**The DEPUTY PRESIDENT** — Order! Mr Finn! I have already asked members on my left to tone down the level of interjection. I do so for members on my right, and I again advise the house that if it wishes to conduct the debate in a manner of aggression with both contributions and interjections getting to that level, I will let it go, but I suggest that in order for people to be able to hear the contributions, they might like to tone it down.

**Hon. M. P. PAKULA** — And yes, Mr Davis, many more members than the Labor Party has.

**Mrs Peulich** interjected.

**Hon. M. P. PAKULA** — Indeed they are, which is why I believe Mrs Peulich agreed to meet with representatives of that organisation — the shop workers. Whether or not she likes the SDA, many members of the SDA, I am sure, did support the government and they have a legitimate view to put about the interests of retail workers in this state. I think that organisation sought meetings with every member of the government in this place and — I give credit where credit is due — a number of government members agreed to those meetings. But a whole lot of government members refused those meetings — —

**Mr Finn** — Quite a few couldn't fit it into their diaries; their diaries are full.

**Hon. M. P. PAKULA** — Or said they were too busy. Mr Finn, I know you are in high demand, and I was not proposing to name you, but you have outed yourself. Let me say, Mr Finn — —

**Mr Finn** interjected.

**Hon. M. P. PAKULA** — Let me say, Mr Finn, that I think the most telling response — —

**The DEPUTY PRESIDENT** — Order! Mr Pakula, through the Chair! Mr Finn, that is enough.

**Hon. M. P. PAKULA** — I think the most telling response was that of the minister who brought this bill to the house, the Minister for Employment and Industrial Relations, Mr Dalla-Riva, who offered a meeting on 15 April. We are debating this bill today, the government has indicated it wants to pass the bill today, and the minister with carriage of the bill in this place offered those workers a meeting on 15 April. Mrs Coote and a lot of other government members refused to attend meetings.

**Mrs Coote** interjected.

**Hon. M. P. PAKULA** — The government's claim — —

**Mr Finn** interjected.

**Hon. M. P. PAKULA** — I think Mrs Coote said she was too busy as well.

**Mr Finn** interjected.

**Hon. M. P. PAKULA** — Let me take up Mr Finn's interjection. I will tell him why: it is because there is a bill being debated in the house today.

**Mr Finn** interjected.

**Hon. M. P. PAKULA** — If Mr Finn really wanted to gain the perspective of his constituents who wanted to meet with him before today so that they could express their views, I am sure he could have found the time.

**Mr Finn** — They were not my constituents.

**Hon. M. P. PAKULA** — I am told they were.

**The DEPUTY PRESIDENT** — Order! There are a number of members in this chamber. If Mr Pakula and Mr Finn want to have a private debate, there are other places where they can do that. In this place they will address the whole chamber.

**Hon. M. P. PAKULA** — I thank the Deputy President for his guidance. The central claim underpinning this piece of legislation is outlined in the second-reading speech:

... it is estimated that businesses in Melbourne and regional Victoria lose millions of dollars in revenue on Easter Sunday every year.

Really? Is this seriously the proposition being put forward by the government to deny retail workers the

choice of whether or not they work on Easter Sunday and to refuse an amendment to make it a public holiday? Mrs Coote talks about no explanation being given. There is no explanation and no substantiation of that claim made in the second-reading speech. Are there really that many people who could not shop on the Saturday or would not shop on the Monday if they could not shop on the Sunday? There is no evidence for that claim. It is a bald-faced claim put forward by the government and the supporters of this bill.

Let me say again, as I have said — probably by interjection — that there are many visitors in Melbourne and Victoria at Christmas time as well. There are many visitors here on Good Friday. I am sure some of those people would like to shop on those days too. If the government's mantra is truly about choice, why would it not apply the same provisions to Good Friday or Christmas Day? Of course it will not do that, because it is not really about choice at all; it is about the fact that members of the government have been lobbied and pressured by their constituencies to allow them to permit trading on Easter Sunday. There is no logical difference between Easter Sunday and Good Friday. We are talking about the same — —

**Mr Finn** — There is a difference — a huge difference.

**Hon. M. P. PAKULA** — We are talking about the same long weekend. The same people are here on Easter Sunday.

**Mr Finn** interjected.

**Hon. M. P. PAKULA** — Mr Finn, this is not a matter of theology. I am going directly to the matter raised by Mrs Coote when she said the overriding principle should be one of choice: people who want to worship should be allowed to worship and people who want to shop should be allowed to shop. If that holds good for Easter Sunday, why does it not hold good for Good Friday? The fact is that there are many visitors here at Christmas time too. There are many visitors here on Christmas Day and Good Friday — as many as there are on Easter Sunday. If it is good enough for Easter Sunday, I suppose what we are wondering is: what is next? Will unfettered trading find its way to those last two days on which people can spend some time reflecting and considering sacrifice?

Finally, I understand that the government is obviously going to support the bill, but it is perfectly reasonable for the opposition to ask government members one more time, if they are intent on keeping shops open on Easter Sunday, to at the very least support the

amendment which gives workers in those shops the right not to work if they choose not to and which gives those who have to work, particularly those who are not members of the union, appropriate recompense for the fact that — —

*Honourable members interjecting.*

**Mr Ondarchie** interjected.

**Hon. M. P. PAKULA** — They are at work when you are at home with your family.

**The DEPUTY PRESIDENT** — Order! Before I call the next speaker I would like to suggest that everyone just calm down a fraction.

**Mr DRUM** (Northern Victoria) — I am delighted to rise to contribute to the debate on the Shop Trading Reform Amendment (Easter Sunday) Bill 2011. As we know, changes to this bill were introduced in this Parliament in 2003, and the previous government has taken about three goes to try to get it right. Each year since the introduction of these new bans on retail trading the government has been inundated with a flood of complaints that have forced it to go back and pass additional legislation to ensure that the trading bans it put in place did not have the detrimental effect it was about to inadvertently inflict on Victoria.

A range of individual LGAs (local government areas) and individual towns had to present their case to the Victorian government — that is, the previous Labor government — as to why they should receive an exemption from the trading bans currently in effect in the state of Victoria. If they were successful, they were able to trade in the manner that the coalition government of today is putting forward for all of Victoria. If they were unsuccessful, they had to argue their point, sometimes on a case-by-case or a business-by-business basis. We had this hotchpotch effect because of what the Labor Party introduced. Nobody had certainty, and nobody understood how the bans were to be interpreted. Nobody knew whether their business, their town or their local government area was going to be able to trade or not.

What this government is hoping to do with this legislation is to make it easier and put some certainty into the market and into the retail sector so that all businesses across Victoria can decide whether they open and trade or stay closed. That will be their choice. As we all know, businesses will do that in conjunction with their employees and they will make their own arrangements with their employees as they do right across the sector.

Bendigo, which is my home town, has been exempt from these laws from a very early stage simply because there was an outcry when initially they were not exempt and were caught up in all of this. The long weekend is one of the biggest tourism weekends in Bendigo when the Bendigo Easter Fair is on, together with a range of other attractions. Some 100 000 people are expected to visit Bendigo in the course of that weekend. To have those people coming to Bendigo where they will not be able to access the retail sector effectively puts the whole Easter Sunday fair at risk.

The City of Greater Bendigo made a presentation to the former Labor government, it buckled and granted an exemption for that city, and then out came all the other towns. Mr Philip Davis mentioned them in his contribution: the town of Torquay, because of the Rip Curl Pro; the towns of Cobram and Yarrawonga in Moira shire, because Yarrawonga is hosting a tennis championship and a river beachfront festival and tractor pull are planned for Cobram. In the Gannawarra shire the Kerang Turf Club will host the Easter races, and so it goes in relation to Kerang and Murrabit. We also have the Stawell Gift at that time, and the town of Stawell is exempt. Mildura has a range of events that have created an exemption for that town as well. Lakes Entrance is also exempt, as is Swan Hill, which has been exempted because of the tennis and bowls tournaments. Beechworth has the Golden Horseshoes Festival, which has created an exemption for that town. Then there are the Easternats, which have created an exemption for Sandown international motor raceway in the city of Greater Dandenong.

Currently that is how the exemptions lie. Outside of those exemptions a number of other LGAs and towns have attempted to get exemptions but have been unsuccessful and they are unable to trade. This bill will put an end to the confusion that currently exists about whether special exemptions are required, because those exemptions will not be needed into the future.

This bill will give certainty to all businesses in all regions, irrespective of their size, location or the nature of their retail business. They will know what their options are and they will be able to negotiate with their employees in good faith about whether or not they will open on Easter Sunday. It will be their choice. Businesses need that certainty; it is no good when one part of the retail sector is open but a large part is closed. Tourists are not able to decipher whether or not a town or a location is open for business.

This government has put the bill forward in good faith. It is simply about enabling people in the retail sector to trade. But we now find the opposition is playing the

religious card and that sticks in my craw. I grew up in a Christian family and I grew up with a huge respect for the period of Easter and the stations of the cross on Easter Saturday night, the period of Christmas and the first Friday of every month. I have been through it all and I am very proud of my Catholicism. However, there is that selective group of Christians who, when it suits its members and when they were on this side of the chamber, all of a sudden threw their Christianity out the window when the abortion bills came before this chamber. They threw their Christian beliefs out the window and effectively voted for abortions up to 40 weeks. It suited them at that stage, and good on them. But I will not stand here and be preached at —

**Ms Hartland** — On a point of order, Deputy President, I raise the issue of relevance. This debate is not about the abortion bill and that bill did not allow abortions up to 40 weeks. Get your facts right, Mr Drum.

**The DEPUTY PRESIDENT** — Order! I did hear Mr Drum's comment and I suggest that it is a little off the topic. I take up the point made by Ms Hartland. I suggest to Mr Drum that making a passing reference to this may be okay, but perhaps he should not make an extensive contribution on a bill that has previously been considered by the house.

**Mr DRUM** — I have been sitting here for 20 minutes being preached to by members on the other side of the chamber about our Christian bona fides. I do not take lightly that anybody —

**The DEPUTY PRESIDENT** — Order! Mr Drum should move on.

**Mr DRUM** — If it is okay for opposition members to start preaching on that aspect, I will throw it back at them. I will not stand here and accept that type of debate and that argument being put forward as appropriate grounds in defence of their desire to knock over this bill. However, that being what it is I take on board the leadership of the Deputy President.

The bill will help tourism-based retail businesses and it will encourage tourists to spend the Easter holiday within Victoria. It will enhance the tourism experience for people holidaying within Victoria because the shops will be open for trading. This change is strongly supported by the Victorian Employers Chamber of Commerce and Industry, which estimates that, in its entirety, the tourism sector is valued in the vicinity of \$17 billion and the Easter period contribution is a substantial amount within that \$17 billion figure. We will be able to capture a large part of that.

The Victorian Tourism Industry Council has been hugely supportive of this bill and the removal of the trading restrictions for businesses right across Victoria will generate millions of dollars. This will create jobs. I remember the opposition when it was in government saying that its government was all about jobs, jobs, jobs. Now it is our turn to create jobs, and we are going to do it in a manner which will have Victoria open for business.

The bill will create an opportunity for Victoria to position itself as a premier tourism destination, not only for Victorians but also for our interstate and international visitors. These visitors will come into the state and be prepared to go out into regional Victoria because they know that it will be open for business.

I thank everyone who supports this bill. We know it will be good for Victoria and good for jobs. It will create jobs within the tourism sector; it will create jobs within the retail sector, and it will mean that Victoria will be open for business. We are not going to stand idly by and have ridiculous arguments put to us as to why this bill should not go ahead.

**The DEPUTY PRESIDENT** — Order! Before I suspend the sitting I advise the house that if I am back in the Chair after the dinner break, I will not allow members to impugn improper motive on either side, either by interjection or by contribution. That has occurred on a number of occasions during the course of this debate. I ask all members to be cognisant of that view.

**Sitting suspended 6.29 p.m. until 8.03 p.m.**

**Mr TEE** (Eastern Metropolitan) — I welcome the opportunity to speak on this bill. The timing of this bill is significant, as it is one of the first bills that this government has introduced. It is telling that one of the first pieces of legislation introduced in this house sets out to attack families and time spent with family. It sets a terrible precedent, which I suspect will become the tone, indeed the hallmark, of this government.

I will return to that issue but I wish to start by placing the debate in a somewhat broader context. It is telling that last week we celebrated Labour Day. Labour Day, as we all know, is the public holiday that we hold to mark the achievements of the eight-hour movement — a movement started here in Melbourne in 1856. The point about the eight-hour movement was that it was as much about leisure and sleep as it was about work. At its heart the eight-hour movement was about there being more to life than work. It was about workers and the whole community acknowledging and standing up

for the importance of time spent with friends and family. It was about making sure that we spent time with our children, partners and loved ones. It was about saying that family relationships are a core part of our society. That is why the campaign was such a success and provoked a much broader debate around the central role that families play in our community.

The movement spread because of the support for the importance of time spent with family. A public meeting was held in relation to the eight-hour day, and at that meeting a motion of support was moved by building workers and seconded by employers. More than 150 years ago, here in Melbourne, we had acknowledgement across the spectrum of the importance of time spent with family. That acknowledgement came from all quarters. Employers, unions and workers all acknowledged the central tenet of the role that families play in a community. One hundred and fifty years ago the community stood up for, fought for and gained recognition of the importance of time spent with friends and family.

What is ironic about the bill that we face today — the first wave of legislation moved by this government — is that the government wants to wind back the clock. This government wants to turn its back on the bipartisan support and recognition and the consensus within our community that families matter. This government wants to smash that consensus on the importance of allowing families to spend time together. I would have thought that 150 years after the community stood up for families every individual in this chamber would stand up to support giving mums and dads a day off to spend time with their children.

We have recently finished listening to the inaugural speeches of new members in both houses, and central to those speeches was the importance that families play in our lives. As we went through the speeches, time and again family was the emphasis, and yet — ironically, I suppose — when we get down to the business of this house and start passing legislation that matters the first thing we do is cut time with families. The ink is barely dry on the Premier's so-called Victorian families statement, and this government acts to take breadwinners away from their families.

I find that hypocrisy breathtaking, and it will come back to haunt those opposite. They will be judged by their actions. They cannot come here to this place and preach and pontificate about the importance of families and then undermine the very families they promised to support. In supporting this bill they will not be walking the talk. They will have failed in their commitment to stand up for and defend families. They cannot support

this bill and this attack on family life and then in good conscience go back to their communities and say they represented them. They cannot go back to their communities and say they have acted to help family members spend time together. They cannot say they have helped parents spend time with their children. They cannot vote to rip parents away from their children and then go back to their communities and say they came here and stood up for them. If they support this bill, they will have failed their communities, they will have failed Victorian families and they will be judged.

I note Mr Drum's very thin defence of this proposition. It is not an answer to the accusation that the government has walked away from families, and it is not an answer to the accusation that this bill is about looking after the big end of town. Instead Mr Drum says this is all about providing legislative clarity. Yes, it will provide clarity, and Victorian families will feel the cold, hard slap of clarity in the face when Mr Baillieu visits it upon them with this bill. I ask members of this house to carefully consider not just the symbolism of turning their backs on family time but also the reality of what this will mean to people in Victorian families who will have no choice but to spend a very significant day apart from each other if this bill is supported. It sets a precedent and a tone that this house should not embrace.

**Ms TIERNEY** (Western Victoria) — This debate tonight is about where we draw the line. That is the very reason that motivates me to contribute to this debate, because I sincerely and very seriously believe the line has to be drawn here tonight. We have heard from previous speakers that the number of non-trading days varies from state to state. South Australia and Western Australia have 10 days each, New South Wales and Queensland have 4½ days, and here in Victoria we have even less. In terms of any argument about comparisons we are up there on the cutting edge of deregulation of shopping hours. Why then do we have this bill before us tonight? It really does beggar belief.

The proposal we have here tonight is a very stark proposal. It is a proposal that requires workers to work on Easter Sunday. It is a proposal that requires workers not to receive compensation for working on Easter Sunday. It is a black-and-white situation; there is not even a clause within this bill that provides for an opt-in clause — that is, where a worker can voluntarily indicate a willingness or put their hand up to work on Easter Sunday and work knowing they will not be able to receive public holiday penalty rates. This bill does

not provide flexibility and does not provide for compensation.

This is not a matter of choice; there is no choice in this proposed legislation. Instead the government expects workers to reorganise their rosters if they cannot work, and this in itself indicates how out of touch the government is with retail workers. As we know, rosters tend to be a very contentious tool within the workplace. Even during non-public holiday periods on normal weekends trying to do roster swaps is often very difficult for workers and often simply impossible. There is no choice in that sort of system. We also have situations where many workers need to talk to their immediate supervisors — the manager or owner — when it comes to these sorts of things, and there needs to be an acknowledgement that there is an unequal power relationship in having to be involved in such a level of communication to secure a roster change. In the retail industry the more you push for a roster change, the more you are putting your job and your income security at risk.

I ask again: where is the simple choice in the legislation before us tonight? There is none. But it is not only workers who will be impacted on by this bill; many businesses will also be impacted on. We have heard that the minister in the other place believes businesses will have the choice open to them, but we know that in reality many businesses will not have a choice, particularly those in shopping centres which are subject to contractual agreements to be open when the larger stores are open. They have to deal with their business viability as well. I put it to the house that this is not a choice for many businesses.

I turn to the issue of the impact that this bill will have on families and on our community. I suspect that all of us in this house accept the fact that the pace of life has dramatically increased, even within our lifetime. We have all been involved in much longer working hours, and we have seen family members also participate in longer working hours. Unfortunately that has been the way the world has evolved. The increased pressures in our daily lives and the fight that families wage to maintain family cohesion and wellbeing is ongoing. Life is incredibly hectic for most people, particularly those in the workforce. When you add this to the fact that we currently have only three and a half non-trading days, the requirement under this bill for people to work on Easter Sunday will put further stress on working individuals and their families.

I consider Easter to be a significant time on the calendar both for those who are of faith and for those who are not necessarily religious. Yes, Easter Sunday is a time

for prayer, a time to attend church services and a time to follow traditional practices, but it is also seen by many as a time to spend with family. Many people take time to travel over this period to catch up with each other, and, like my family, many families see it as an opportunity for the extended family to spend time with each other, often enjoying outdoor activities before winter sets in.

I simply say to the house tonight that I oppose this bill as it will have a negative impact on many businesses, a negative impact on workers and a negative impact on their families and extended families. This bill is not a decent bill, it is not a fair bill and it is a very wrong bill. This bill is out of step with community norms, and the application of the bill will fail the reality test and therefore fail ordinary Victorians. I oppose the bill.

**Mr LEANE** (Eastern Metropolitan) — In speaking on the Shop Trading Reform Amendment (Easter Sunday) Bill 2011 I would like to take a different tack to that taken by other members as to why the opposition is opposing the bill. I want to centre my opposition to it on the fact that the bulk of the workforce in the retail sector during late-night shopping on Thursday and Friday evenings and on weekends and public holidays, particularly at the big end of the retail sector, is made up of secondary school students in years 10 and above and university students.

Every generation since day dot has gone through the rigmarole of hearing ‘Young people today are this, that and the other thing’. One of the things we bemoan is that young people today are out all hours of the night, causing or looking for trouble. It is a huge problem for our society. We need to acknowledge that this bill will involve further marginalising of this group of young people. We are saying that there is another day of the year that we expect them to work in the retail sector, even though they might already be working on Thursdays, Fridays, Saturdays and Sundays.

On Easter Sunday family groups get together for celebration in whatever form it takes. They get together on Easter Sunday for whatever reason; it might not be the traditional reason. We will be putting these young people in a position where they will not be able to attend those gatherings because their employers will require them to be at work. We will be saying, ‘Your employer requires you to be at work’, and they will be marginalised from our society again. We will be saying, ‘Even though we are going to do that to you and even though we are going to marginalise you from our society, there will not be any compensation from your place of work’.

My daughters worked at cinemas to get through university. A couple of times they volunteered to work on Christmas Day, and while there is all this oogah-boogah about penalty rates from the other side of the chamber, they actually got paid double time and a half for doing that work. They made that choice.

We are going to send this group of young people out again on Easter Sunday and say, ‘Your employers are requiring you to work, and there will be no compensation’. They will be marginalised again, and then we will go around and throw our hands up in the air and say, ‘Young people today are not part of society’. We need to think about the way we are approaching this issue.

One of the references given to the Drugs and Crime Prevention Committee during the previous Parliament was to look at assaults in the CBD. A lot of the problems centred around young people being out all hours of the night. One of the witnesses from the Geelong council whom we spoke to put the issue to us in a nutshell. When I was young you would have a chicken parma and some chips at 6 o’clock. At 8 o’clock you would go to the Glen to see Kids in the Kitchen, and then at 12 o’clock you would head home. The witness from the Geelong council explained to us — and we need to understand this — that young people today who are trying to get through secondary school or university or who just feel the need to get some more money through part-time jobs are working on Friday nights and on the weekends. They might knock off, shut up shop and get out around 9.30 to 10.00 p.m. They go home and spruce themselves up, which is fair enough, and then go out to meet their mates. Then we wonder why they hit the nightclubs in the CBD at 11.00 p.m. or 12.00 a.m. It is the reality they face.

We should never say they do not deserve to go out and have fun. We should never say they are the members of our society who we expect to man our shops so we can shop late at night or on the weekend. We should not expect that there will be no ramifications for them and the part they play in society and that they will not feel marginalised. Unfortunately in this case we are doing it again.

Let us face it: there are just a bit more than three and a half days of the calendar year that are prescribed as non-trading days. This bill, which is one and a half pages long, is going to take away a huge percentage of that three and a half days, making it two and a half days. People are saying, ‘This is a simple bill; it’s only one and a half pages. We don’t understand why people

are freaking out about it', but that is the reality we are facing.

Let us look at the non-trading days in some other jurisdictions. Western Australia — which, like Victoria, is currently governed by a conservative government — has non-trading days on New Year's Day, Australia Day, Labour Day, Good Friday, Easter Monday, Anzac Day, Foundation Day, the Queen's Birthday, Christmas Day and Boxing Day. There is government-permitted trading on Boxing Day; that is the only one in a grey area. On top of those public holidays, all Sundays are non-trading days in Western Australia. In Victoria we have one Sunday — unless Christmas Day falls on a Sunday — that has been gazetted as a non-trading day, and this lousy government is going to take it away.

The people who will be most affected by this change are the young workers. It will be the kids of university age who will be affected. It is ridiculous to say that our kids have the power to say to a big retailer, 'No, I'm not working on that day'. Anyone who has been in a position where their employer has had a large amount of power over them would understand that that is going to be the reality that young people will face in this state — they will be marginalised. However, it will be all right for the members of this conservative government; they will be sitting around eating their Easter eggs and all that sort of stuff. Now they have a bill that will allow them to say, 'We're going to eat our Easter eggs on that Sunday, and then if we want to go out and buy a Fabergé egg on that same day, we will take that right from you young people. You will be there at the jewellery store. You will be there to serve me'.

This government has not taken into account the number of non-trading days a conservative government in another state has gazetted. I do not want to count them! In Western Australia there are 10 gazetted non-trading days, plus all the Sundays. In South Australia the non-trading days include New Year's Day, Australia Day, Good Friday, Easter Sunday, Easter Monday, Anzac Day and the third Monday in May. The third Monday in May!

**An honourable member** — What is that?

**Mr LEANE** — That is the third Monday in May, on which South Australian businesses do not trade. The second Monday in June is a non-trading day, because South Australia has designated it a non-trading day. The first Monday in October is another non-trading day. It is very important for South Australia that that day is a non-trading day. The government of South Australia actually wants these young people to have a

day off. Those young people will not be asked, forced or put under pressure to work that day; they will have a day off. Obviously South Australia has non-trading days on Christmas Day and Boxing Day.

Boxing Day is a big trading day in Victoria; we have a lot of sales at which people jump over each other trying to buy the last egg beater or whatever it is that has had its price reduced by 30 per cent. As far as our state is concerned that is very important, but I can tell members that there are three other states that think it is not important for people to be jumping over each other to grab that last egg beater. Those states believe that on the day after Christmas Day these young people should have a break.

I know there has been some discussion and interjection from the other side about the comments of the opposition being union driven. The sector I have been talking about is far from unionised.

I understand that the conservative ethos, especially that of the Liberal Party, is about the individual. It is about the rights of the individual, and it is an anti-collective position. If there is any discussion of unions, they are against it. What I can never get over with the members of the Liberal Party is that they are a group of individuals who hate collectives so much that they have formed a collective that is anti-individual. It is mind blowing. You could think about that forever. It is like seeing a television playing on a television show, and thinking, 'When does that end?'. It is an endless thing that does not make sense.

**Mr Viney** — It's like that Jim Carrey movie!

**Mr LEANE** — It is like the film *The Cable Guy*. Rather than having an emotive debate about what Easter Sunday means to different individuals in this chamber, our argument is about what this legislation will mean to those individuals who will be asked, forced or cajoled to work on that day. Government members believe our young people should be out there to serve them. They say, 'Let us eat our Easter eggs. You are here to serve us'. And then they say, 'Oh, young people today! What is wrong with them? They do not feel part of society. They go out late. They are no good. They gobble their food. Blah, blah, blah'. You cannot have it each way.

In Victoria there are three and a half gazetted non-trading days in the year. What this bill is going to do is reduce that to two and a half days, when there are other states in Australia that have oodles of non-trading days. Those states survive. I am sure there are not ambulances in Western Australia hurrying to houses

where people are crying, 'I can't go to the shops!'. People are not falling over having anxiety attacks in Western Australia because of the number of days on which they cannot go out and buy Fabergé eggs. There are not that many non-trading days. We can live without these trading days.

I am old enough to remember when Victoria did not have trading on Sundays. I am sure we survived that. I am sure we got through it. I know it was hard for some people, but we got there. Now we are talking about one Sunday that has been gazetted as a non-trading day, and one of the first things the coalition has done upon coming into government is legislate to remove that.

It seems that this new government has priorities for which there has been no groundswell. I cannot remember a big groundswell for cows. I know that cows are important but I cannot remember the cows rallying. I cannot remember a big groundswell for this one Sunday to be a trading day. Here we are, and in one of its first few pieces of legislation, this measly new government takes away the one gazetted non-trading Sunday. We are appalled and we will oppose this bill.

**Ms DARVENIZA** (Northern Victoria) — I do not know whether there is anything left for me to say after that contribution by my parliamentary colleague as he has just about covered it all. I rise to make a contribution to debate on the Shop Trading Reform Amendment (Easter Sunday) Bill 2011. I oppose the bill and I support the amendment put forward by the opposition which provides that workers would have a choice about whether or not to work on Easter Sunday. The amendment also provides that workers be paid the penalty rates that apply to working on a Sunday.

As Mr Leane has already pointed out, the bill is a small bill and that is one of the things opposition members have talked about in their contributions. The purpose of the bill is to amend the Shop Trading Reform Act 1996. It will remove shop trading restrictions on Easter Sunday, repeal a section of the act which provides for Easter Sunday exemptions and make other minor amendments.

This is a very mean-spirited bill and Labor opposes it. We believe Easter Sunday should be a day families are able to spend together. We also believe retail workers should not be forced to work on Easter Sunday without receiving the loading that belongs to an ordinary Sunday rate.

This bill really comes down to the whole issue of workers rights and the power of individual workers to have a say about when they want to work. At least one

of the speakers on the government side has said that workers have a choice and that this bill is about giving them a choice. This bill does not provide a choice. Workers in the retail industry are predominantly female, but they also include very young workers. There are many part-time and casual workers in the retail sector. All those workers have the least power and least ability to speak up for themselves, to defend their rights as workers and to make sure that, in the first place, they get all the rights they are entitled to under their award conditions of employment. It is important that they be able to speak up to their employers and supervisors about the things they want and need, or perhaps about some of the demands that they are unable to meet.

Talking about a workforce that is predominantly made up of women also brings into play the whole work-family balance and mix which is something that all working women who have a family have to grapple with all the time. It is something that we see and hear about more and more. Even in Parliament it is one of the issues that we are supposed to be dealing with and have some sensitivity towards. In the last 10 years that has been something that has crystallised for us as a group of workers in Parliament because there is a much younger cohort of MPs and many of us have young families. This is something that we have grappled with and something that I have always been concerned about, even though my children are grown and long gone. I know how difficult it is to get that balance and mix right. I know the conflicts that arise, particularly for women when they have young families.

It is hard enough, even for us as a group of workers, to make sure that we get that work-family balance right, and yet we are the people who are probably some of the most powerful workers in this state. If we have difficulty with it, what hope do young women and women with responsibilities to their families have when they work in the retail sector? I say they have very little power or influence. That is why it is important that we as legislators make good laws and regulations to govern how individuals should carry out their work and what sort of remuneration they should get for working unsocial hours. Those important factors should not be easily dismissed.

For this group of workers it is not unreasonable to keep Easter Sunday as a day for people to spend with their families. For many it is a day of great religious significance and it often centres around worship with the family. For others it is a day that families have to spend together. As we have families where more often than not both parents are working, we should not underestimate the importance of the days when both

parents are able to be off work and are able to spend time with their children and their family. These are very important days, and this bill seeks to take away one of those important days that families can spend together. Those people for whom it is a day of religious significance have an opportunity to worship with their family, and yet the government has put forward a bill that will take that away.

This is a bad bill, and it will be a bad piece of legislation. It is a mean-spirited bill. As a Parliament we should not promote and pass bills that are simply mean spirited and which take away a worker's current entitlements. That is what this bill will do; it will rip away the entitlements that workers have currently.

Members on both sides of the house have talked about small business, and this raises a whole lot of issues for small business. Small businesses in large shopping centres will not be given any choice about whether they are to open. The shopping centres will open, the big traders will open and small businesses will be forced to open as well and their employees will be forced to come to work. There will be no choice. People will not be able to say, 'No, I do not want to come today'. Workers will be forced to work.

This bill will have a detrimental impact on small business owners. A lot of small business owners value Easter Sunday as much as their employees value it, and yet they will be forced to open and forced to trade, as Mr Leane pointed out so eloquently, on the one Sunday which is a gazetted non-trading day. As I said, I think this is a mean-spirited bill. I cannot support the bill, and I urge all members of this chamber to oppose it.

**Mr EIDEH** (Western Metropolitan) — I rise to speak on the Shop Trading Reform Amendment (Easter Sunday) Bill 2011. If the intent of the bill is to offend families, Christian churches and the good people of Victoria, then it will be regarded as a success by the few people who support it.

The bill highlights the government's careless attitude towards the beliefs of our Christian constituency and its celebration of Easter Sunday. This day, like many other celebratory days in other religions, is one that is shared with family. If the bill is passed, families will suffer. I cannot believe nor can I understand how the government could ever consider such a bill, other than that it helps a select few. The minister and the Premier will be at home with their families on Easter Sunday, but that will be denied to the young people who are told that they either work on this day or see far less work in the future. In effect it is blackmail. There are not many days on which we would oppose trading. If trading

must occur on Easter Sunday, then staff forced to work should rightly receive higher pay.

Easter Sunday is one of those very few special days, along with Christmas Day, Good Friday and Anzac Day, when businesses are closed until 1.00 p.m. This bill will see Victoria out of step with every other state in our nation. Where we have been leading in a positive direction in the recent past, we will now be heading in the wrong direction. I wonder what our respected church leaders say about this legislation? Certainly I cannot see them supporting it, but then I doubt they have been consulted at any stage.

And what is the next step? Allowing full gambling for the whole of Easter Sunday? Will Good Friday follow? Will Christmas Day soon become yet another day of trading? I simply cannot understand the so-called need for such changes on what we have always regarded as a very special day in Australia.

I cannot agree with the arguments put forward from those opposite, because they simply hold no substance. Tourists are not demanding that all shops are open on Easter Sunday. Consumers are not screaming to go shopping on Easter Sunday. The vast majority of consumers across our state would prefer to spend the day at home with their families.

I cannot in good conscience support a bill that I believe very firmly in my heart would be opposed by most members of my constituency. I implore those opposite to look into their hearts when they vote on this bill, and if they are in any way unsure, to speak with families, to speak with church leaders and to speak with average everyday folk, who will feel great distaste for the bill. I do not support the bill.

**Mr ELASMAR** (Northern Metropolitan) — I rise to speak on the Shop Trading Reform Amendment (Easter Sunday) Bill 2011. This is an unhappy bill, of that I have no doubt. The proposal to make Easter Sunday a normal trading day will have a huge and negative impact on the most sacred of all Christian festivals. As a Christian I know that it is an opportunity to spend quality time with family and friends and to celebrate the resurrection of our Lord Jesus Christ. I have no doubt that if there were a conscience vote on this bill, many members of the government would at least vote for the amendment put by my comrade Adem Somyurek.

Easter is a time to reflect on Christian values and on the joy of sharing this most special occasion together. Trade and commerce are important, and I agree that a strong economy is critical to the financial success of Victoria. But I also sincerely believe that this one

day — Easter Sunday — should remain as it is — a day that is a crucial part of the Easter festival celebrations.

In my view this bill seeks to belittle the importance of Christ's resurrection by placing this day with any other normal trading day in the year. It is an affront to Christian families, many of whom will be forced to work on the holiest of days in the Christian calendar. I ask why? I cannot see any overwhelming argument given by this government other than to satisfy the top end of town's greed for more profits. I do not support the bill, and I ask the coalition government to rethink it and at least to support the amendment, which would allow decent Christian families to celebrate the Easter festival without interruption just like those families in other states in Australia.

The erosion of quality family time is an attack on Christianity. If other states in Australia designate this day as a public holiday, why does Victoria have to be different? Are we less respectful of our religious traditions than the other states? No, we are not. The coalition government in its Victorian families statement made a great noise about the importance of family in the community. This bill removes the right of working families to choose whether they observe Easter in its entirety or whether they work. We note that appropriate penalty rates are not applicable under this proposal, so it is a no-brainer. The Victorian tourism industry will come in for a financial battering. Those people who simply enjoy a public holiday will be rethinking their holiday destinations.

The present situation provides for exemptions for essential businesses to open. The bill calls for open slather. The almighty dollar is always the bottom line for the coalition government. I disagree entirely with that philosophy. Community is what counts. Families should have the option to work, worship or simply enjoy this day as part of the overall Easter festival.

Before I conclude, I would like to read an email from Cecilia Mitchell to Minister Asher, the Minister for Innovation, Services and Small Business, with the subject line, 'People don't need to shop on Easter Sunday':

I write regarding the recent legislation to open shops on Easter Sunday. I work at David Jones as a permanent part-time staff and am a member of the SDA. My colleagues and I work 15 hours a week over three 5-hour shifts. This is so we don't have to be given breaks and the company can maximise on-floor time. We are under a lot of pressure given the recent climate of online spending and have suffered cutbacks in hours. Many of us can't afford to live on the \$18.20 we are paid per hour and the nature of our rosters makes it difficult to get another job. I would point out to you that the majority of workers in retail are women with low

salaries working casually or part time and this legislation has a disproportionate impact.

Easter is a very important time of year for me. For 30 years we've been going to my grandparents' house in Blackwood where the whole town celebrates Easter traditions such as the Easter parade and the woodchop. We make drop scones on Easter morning and an egg hunt, we play table tennis in the shed and the local church service is very moving. It's something we look forward to throughout the year. This will be the first year we've had a new generation of children in the family. Many of us work in retail and it would ruin the holiday. We just couldn't do it if part of the family had to work in the middle of the weekend. I don't have a car so I basically couldn't go.

I understand that essential services need to be provided; my brother, a paramedic, has missed Christmas every year for the last decade so that his colleagues in the ambulance service who have children can be with their families. We always miss out on having him there at Christmas but we know he is saving lives and that he'll be with us at Easter. Please don't make me miss out on one of the very few family traditions I get to look forward to for a 5-hour shift of selling lipstick.

She was begging the minister.

That is why I oppose the bill: it is a bully bill. It denies workers rights and does not abide by the enduring principle that men and women are worthy of their hire and accordingly should be paid the appropriate penalty rates.

The bill is mean spirited. It does nothing to enhance the quality of the average working person's life in Victoria. It is because of this that I oppose it and support the amendment moved by my colleague Adem Somyurek.

**Ms PULFORD** (Western Victoria) — I oppose the Shop Trading Reform Amendment (Easter Sunday) Bill 2011. The defining characteristic of the Baillieu government in its early days has been that it assaults the rights of working people one way or another.

Before the election the coalition said Victorian teachers would be the best paid in the country; now, after the election, it seems that they will get 2.5 per cent from the wages policy — and good luck squeezing the other 5.5 per cent out of productivity improvements. Before the election Mary Wooldridge, now the Minister for Community Services, said community sector workers would be supported in their pay equity test case; in today's newspaper we read that this is not so any more. There is also the position the government has taken on the minimum wage test case, the position it has taken on the issue of minimum casual shift hours for schoolchildren and other young workers and today during question time the refusal of the Minister for Employment and Industrial Relations to rule out changes to annual leave loading for public sector workers in industrial relations negotiations. The list

goes on, and the government is barely past the 100-day mark.

This legislation seeks to further deregulate shop trading restrictions in Victoria, a measure that will impact upon many tens of thousands of Victorians — that is, many thousands of people in my electorate and many thousands of people in the electorates of all members of this house.

Previous speakers in this debate have talked a lot about Easter traditions, choice, penalty rates and tourism, and I will address some of those issues. On the issue of choice, the bill unapologetically seeks to provide choice for owners of retail premises. The bill seeks to further reduce by one day the paltry three and a half non-trading days in the calendar year by allowing all retail outlets to trade on Easter Sunday.

Mrs Coote was concerned about people's ability to participate in their retailing activity of choice, and other speakers have also spoken about that. I suggest that anyone who struggles to keep their shopping to 362 days of the year might contemplate some of the options that are available on the internet to assist them in fuelling their obsession.

On the question of choice, it is a furphy to suggest that the vast majority of retail workers will have the same kind of choice about whether they work on that day as the shop owners will have about whether they open. On the question of whether retailers will open on Easter Sunday after the government, using its majority in both houses of Parliament, makes this legislation law later today, as I imagine it will, I indicate that lease arrangements at very large shopping centres require small operators to open alongside their far bigger competitors. I would therefore also question the notion of choice for many small retailers. Certainly the average 15-year-old or 16-year-old shop attendant will not have a whole lot of choice when the roster is presented. I would urge those opposite who are, as they argue, genuinely concerned about choice to support Mr Somyurek's amendment, which enhances a person's right to refuse to work on Easter Sunday and goes some way to enabling people to make a choice about whether they work or not.

Mr Philip Davis said this was all about penalty rates. He got very excited when talking about Trades Hall; it is always entertaining when members opposite get very excited about Trades Hall. This is actually legislation that affects many non-union members as well as union members — members of the Shop, Distributive and Allied Employees Association, known as the SDA. On the question of penalty rates, I suggest that penalty rates

were never part of the legislation when Easter Sunday trading was limited in 2003, which was an election promise of the Bracks government in 2002. If there were some elaborate Trades Hall conspiracy about penalty rates for retail workers, I would ask members opposite whether perhaps 2003 might not have been a better time to introduce and put into play issues relating to such a conspiracy.

The reality is that many of those who work in retail have their employment conditions governed by an enterprise bargaining agreement or the general retail industry award. The penalty rates of the industry award provide double time on a Sunday and double time and a half on a public holiday. The national employment standards provide certain rights in terms of having public holidays off; these are somewhat qualified, but certainly the safety net is there providing a higher standard in terms of a requirement to prove there is a commitment to true choice in relation to people working or not working. In many enterprise bargaining agreements Sunday rates are at time and a half, and public holiday rates are at double time and a half — again a massive difference — but in many of those agreements the decision to work on a public holiday is a completely voluntary matter for the worker concerned.

Again, on the question of choice, for most retail workers the great part of their choice is getting an email or a text message or checking the board to see what the roster is — and that is about as much choice as a lot of people get. If the roster says you are in on Sunday, then you are in on Sunday, but if it says you are in on a public holiday there are some other avenues to express a view about whether or not you want to work on that day.

The Labor Party has always sought to promote work and family balance in a whole lot of different ways. It is always a little ironic being in this place talking about work and family balance, but we think work and family balance is important.

Members have spoken about their Easter traditions. The Easter traditions in my family have always involved pitching a tent in the Grampians or something like that. I do not think that is unique, because if you do not book early enough you can end up being in quite an Easter camping pickle. This is a very popular way for people to spend their Easter break. Easter constitutes the only weekend in the year that is four days long. Therefore if people are denied the right to the day off on the Sunday, which is in the middle of that important four-day weekend, then their opportunity to participate in a family holiday is greatly diminished.

Many people who work in retail are young people and women who may work part time or who may have returned to the workforce after a break. The notion that three-quarters or six-eighths or whatever proportion of the family can go pitch their tent in the Grampians and the others cannot, because a couple have to work on Sunday as required by a roster, is a terrible shame. Previous speakers have talked about different types of Easter traditions. Workers being able to have that extended break is an important element of what has been for a very long time and for a very many people a four-day weekend.

In the minister's second-reading speech he talked about the importance of tourism. Melbourne's main tourism competitor is probably Sydney, and Sydney does not feel compelled to open its shops on Easter Sunday. I represent an electorate that has so many wonderful natural delights and beautiful places to visit. Acting President, I am sure you will agree with me about some of the wonderful places where people could spend a long weekend in our shared electorate —

**Mr Ramsay** — Like Torquay.

**Ms PULFORD** — Yes, and you too, Mr Ramsay, that is right. I am sure that we, together with Ms Tierney and Mr Koch — the five of us — would all be in furious agreement about the need for regional tourism to be promoted. Given flood and fire, this is all the more so. The minister indicated in the second-reading speech, that this legislation is about providing a boost to the tourism economy. I would argue that it may detract from what is a very important weekend for places all across regional Victoria as great destinations that people can go to for a four-day weekend.

In his contribution Mr Philip Davis also made some pretty outrageous claims about following the money. I am a little disappointed he is not in the chamber so that I could say something about people in glass houses throwing stones, but enough said about that.

Earlier on comments were made about the Labor Party's position on this legislation. The Labor Party's position has been consistent for many years. Our platform, which we presented to the Victorian people before the 2010 state election, states:

Labor recognises the cultural significance of a number of important days in the calendar and the need for employers and employees to have certainty about public holiday arrangements.

Labor will work to ensure —

and a number of dot points follow, one of which is:

Easter Sunday is gazetted as a public holiday (as well as a non-trading day) to ensure that all workers receive the entitlement to four consecutive public holidays over Easter ...

If there was any doubt about our position on this matter, then I would suggest that anyone who had that doubt had probably not done much preparation.

Members opposite are becoming excited again, which I always welcome. This is a straightforward bill which seeks to more narrowly define the limitations on trading in Victoria. We are already the least regulated shop trading state in the commonwealth, and I would have thought for the benefit of the regional tourism industry, for families and for people who do not have the kind of choice in their workplace discussions with their employers or their managers that some of us would like them to have in relation to the opening hours of our shoe shops — for all of these people — we should exercise great caution before we impose this regime on them.

I will conclude by quoting an email from Marleyne Bond, which was sent to Christine Fyffe, the member for Evelyn in the Assembly. Marleyne Bond summed it up nicely, writing:

As someone who voted for your party in the last state election, in the belief that the fair-minded public image of Ted Baillieu would be reflected in the policies of his party, I am doubly disenchanted.

Firstly, by learning that it is the party's policy to reintroduce Easter Sunday trading. Secondly, to find that you yourself voted for such a reintroduction!

Clearly you have little conception of the impact on retail workers and family units of yet another work-related obstacle to their cohesion and stability.

Since Easter Sunday is not a designated public holiday, your proposed legislation will immediately disempower me of my ability to choose whether to work or not. And this from the 'party of choice'!

'Choice' works for Big Money only, it seems.

Yours, not at all happily,

I urge government members to think a little harder about the impacts on the communities they represent before they vote on this bill. Easter Sunday is important to many people for a whole lot of reasons, and I would urge members to oppose the bill.

**Mr TARLAMIS** (South Eastern Metropolitan) — I rise to speak against the Shop Trading Reform Amendment (Easter Sunday) Bill 2011. Easter Sunday in Victoria is currently one of only three and a half days a year on which retail stores do not open, the others being Christmas Day, Good Friday and the morning of

Anzac Day. What all these days have in common is their importance to Christianity and, in the case of Anzac Day, an opportunity to commemorate our fallen, to pay our respects to and give thanks for the sacrifices of Australian soldiers and to honour their deeds.

Easter Sunday is a day on which those of Christian faith also pay their respects through worship, mark the end of Lent, repent and celebrate the resurrection. It is also a time when many Christians, including members of the Orthodox faith, participate in Holy Week services. Easter is the oldest Christian holiday and the most important day of the church year. However, this bill sets out to undermine the significance of Easter Sunday for those of Christian faith.

I remind the house that in the last national census 64 per cent of the Australian population described themselves as Christians. This bill undermines the rights of retail workers and their families to practise their faith on this most sacred of days. The Baillieu government claims that these changes will provide greater certainty and consistency between retailers, improve certainty for consumers and give a significant boost to the Victorian economy through increased tourism and retail spending in regional and metropolitan communities.

The government also claims that the end of Easter trading restrictions will provide freedom of choice for Victorian business. I am very pleased that members of the government have been so thoughtful about the freedoms afforded retailers and shop owners. However, that consideration and thoughtfulness regrettably does not extend to the employees of these businesses.

The government claims that businesses will have the choice of opening their shops for trade or remaining closed and that the bill gives shop owners certainty. As has been stated here by a number of other speakers, some small businesses located in shopping centres will not be afforded that opportunity or that choice. What choice will employees have when they are rostered to work on Easter Sunday? How surprised will they be when they realise they will not be compensated with public holiday penalty rates?

The Victorian government now proposes to legislate to permit all shops to open on Easter Sunday. This will be inconsistent with every other mainland state of Australia. Easter Saturday and Easter Monday are both public holidays, so why not Easter Sunday? What about permanent staff who are rostered to work each Sunday? They will enjoy Easter Saturday and Easter Monday this year as a holiday, but they will be required to work their usual hours on Easter Sunday.

The Baillieu government does not think it is important to proclaim Easter Sunday a public holiday and does not think it is important to fairly remunerate those employees who will be forced to work. Surely workers in this sector who will suffer under this imposition deserve to receive public holiday pay rates as some form of compensation. In the absence of fair rates of pay retail workers should at the very least have the right to choose whether or not they work on Easter Sunday.

The Baillieu government claims that employees can simply apply for leave should they find themselves rostered to work on Easter Sunday. If that is the case, then why not do as the New South Wales government has done and make opening on Easter Sunday conditional on it being voluntary for employees to choose whether or not they work on that day?

Those on this side of the house know, along with employees who work in the sector, that negotiating with retailers for leave or roster changes, especially over weekends when retailers enjoy their busiest days, often results in the employee seeing a reduction of shifts and hours of work and in some instances results in no shifts at all. It is not uncommon for companies to request statutory declarations as to personal circumstances when family responsibilities clash with their proposed new work rosters. They will inquire as to why family members or friends cannot care for their children when they are requesting leave or demand carers certificates from GPs. Sometimes these situations can result in arbitration in the cases where employees have an awareness of their industrial rights.

Women and students who work casual and part-time hours make up a large proportion of the retail sector workforce. Often they are mothers juggling family responsibilities and supplementing their family income or students who are starting out in the workforce and looking to gain experiences. They are not members of a workforce inclined to challenge larger employers.

Whilst representatives might be prepared to take these disputes to Fair Work Australia, the majority of retail employees — those mums and dads and young students — find the idea of going to an arbitration authority for an official hearing to be daunting, and many will settle for unsatisfactory outcomes rather than go to Fair Work Australia.

At the heart of this bill is a move to undermine the rights of workers — those workers in the retail sector, the majority of whom work to rosters and work part time, and those workers who earn low wages. Workers should be alarmed by the approach of the Baillieu government.

Let us take a look at this government's position on the National Retail Association application to Fair Work Australia to vary the retail award to allow students to agree to work after school for a minimum of 1½ hours with the permission of parents and guardians.

I quote from a media release issued by Mr Dalla-Riva dated 7 March 2011, which states:

We support the application to FWA by the National Retail Association to lower the 3 hour minimum shift length for teenagers seeking casual retail work ... We support their bid to vary the retail award to allow students to agree to work after school for a minimum of 1½ hours, with the permission of parents or guardians.

This Baillieu government claims these changes will assist students to get into the workforce. The only ones to benefit from such a backward step would be the employers. There is no thought at all for the piecemeal remuneration these students will receive and the lack of real on-the-job training.

It is ironic that the bill was introduced to the other place in the same week as the Baillieu government released the *2011 Victorian Families Statement*. I read with interest the section entitled 'Why Victoria needs a families statement', and I quote from it:

It is about the necessities of a roof over our heads and food on the table, but it is also about working in a secure job — —

**Hon. D. M. Davis** — On a point of order, the member is slavishly reading. I have watched him for some time and even made interjections across the chamber to the effect that he was reading, hoping that he would desist, but he continued. He is reading sentence by sentence. He is not quoting — —

**Mr Viney** — And your point of order is?

**Hon. D. M. Davis** — My point of order is that he is slavishly reading. His task is to deliver a speech, not to slavishly read.

**Mr Viney** — On the point of order, I have been observing Mr Tarlamis, and I believe that he is certainly referring to his copious notes. However, I remind Mr Davis, through you, Acting President, that in this house there are many people who refer to their copious notes, particularly on the other side of the house. If this is the standard that Mr Davis wants to introduce into this place — —

**An honourable member** — Mr Dalla-Riva read all his answers in question time.

**Mr Viney** — Like during question time, when ministers are slavishly reading answers to Dorothy Dix questions — —

**Hon. D. M. Davis** — On a point of order — —

**Mr Viney** — Hang on, you can't raise a point of order on my response to you. I am actually responding to your point of order.

**The ACTING PRESIDENT (Mr O'Brien)** — Order! Mr Viney has the call on the point of order.

**Mr Viney** — If Mr Davis wants to set that standard, then so be it, but I actually think there has been a long practice in this place of members referring to their detailed notes, particularly in relation to complex and detailed legislation.

**The ACTING PRESIDENT (Mr O'Brien)** — Order! The general practice, as members are aware — and it is not in the standing orders — is that members can refer to copious notes and other materials but they will deliver their contributions as speeches. In relation to the point of order, I do not think it is necessary for me to rule on it at this point. I simply remind all members of that practice. Mr Tarlamis should be advised of the objection that has been made and endeavour to refer to his notes rather than relying on them excessively. I call on him to resume his speech.

**Mr TARLAMIS** — Thank you, Acting President. I was quoting from the families statement:

It is about the necessities of a roof over our heads and food on the table, but it is also about working in a secure job that uses our skills, educating our children, feeling safe on our streets, knowing our neighbours and having a quality of life that allows us to spend time with our loved ones.

Why then is the government pursuing this antifamily legislation that undermines the rights of retail workers? How many families will forego spending quality time with their loved ones on Easter Sunday because of this bill? How many people will not be able to attend church services or celebrate with their extended families? What about the families who wish to take the advice of the Minister for Tourism and Major Events, Louise Asher, who is encouraging all Victorians 'to plan a trip over the Labour Day and Easter long weekends to regional Victoria'? How will these holiday plans be affected? What about those families that have always visited regional Victoria across the Easter weekend but now find they will be unable to because one of them will be working? How will this legislation assist tourism, as the Minister for Tourism and Major Events asserts it will? Retail workers will not be able to

take up this suggestion; a lot of them will not have the choice because they will be forced to work.

I again make the comparison with New South Wales. Figures from Tourism Research Australia show that more tourists visit Sydney than Melbourne. In 2009–10 there were 26.9 million visitors to Sydney and 22.1 million visitors to Melbourne. In 2009–10 visitors to Sydney stayed a total of 72.5 million nights, while in Melbourne visitors stayed 54.4 million nights. I wish to again make the observation that Sydney does not have deregulated shopping hours on Easter Sunday.

The Baillieu government wants a discussion between the government and the public on how best to support Victorian families — that is, an open-eyed look at what families experience, what they need and what we can do to help them. What the Baillieu government can do is ensure that all Victorians have the right to celebrate Easter Sunday with their families. Surely people can find time to shop on the remaining 361.5 days of the year.

This bill serves to do nothing other than remove the rights of workers in the retail industry. It attacks their entitlements, and in doing so it undermines the claim of the Liberal-Nationals to be great defenders of family values. It should be treated with the contempt it deserves. This is an ideological agenda for the conservative Baillieu government, which masquerades as moderate but whose actions so far demonstrate that it is honouring the old days of the anti-worker, anti-union Kennett government, which oversaw the undermining of workers' rights and conditions. I would suggest to the Baillieu government that the best thing it could do to assist Victorian families is ditch this bill.

**Mrs PEULICH** (South Eastern Metropolitan) — I wish to also —

**Mr Viney** — Looks like copious notes.

**Mrs PEULICH** — Lots of them! I rise to make a few remarks on the Shop Trading Reform Amendment (Easter Sunday) Bill 2011, and in doing so I wish to place it in context. This bill amends the Shop Trading Reform Act 1996 to remove shop trading restrictions on Easter Sunday, repealing section 5A of the act, which provides the Easter Sunday exemptions. It also seeks to enact a coalition policy that was announced in the lead-up to the 2010 state election, and as such obviously the government can claim a mandate to implement that policy for which we managed to get majority voter support.

We also know that in 2003 the former Labor government amended the legislation to make Easter

Sunday a non-trading day for businesses with more than 20 employees. Since that time there has been a series of confusing exemptions, and quite often the majority of the public have had no understanding of which businesses were operating on Easter Sunday and which were not. For example, chemist shops and petrol stations of any size were exempted from the trading bans, as were takeaway food shops, cafes, fast food restaurants of any size and shops that had fewer than 20 staff on the restricted trading day and not more than 100 staff across Victoria in the week prior to that day. Hardware shops and plant nurseries of any size were also exempt from trading bans on Easter Sunday. Clearly the arguments that have been mounted by members of the opposition about the importance of spending time with family did not apply, as a large number of employees worked in those exempt businesses as a result of the exemptions granted.

There were also regional exemptions, such as those that were granted in Bendigo. On the other hand, businesses in Ballarat and Geelong were not exempt, despite those areas having a sizeable tourism trade. It made no sense. The tourism industry in regional Victoria is particularly desperate to get some relief and support in order to make up for what has been a difficult year in view of the many economic challenges it has faced and having been directly impacted on by a range of disasters such as floods and so forth.

It was legislation that was clearly in place, and the sky did not fall in. People continued to perform their religious observances, and families still spent time with one another. In fact when we were elected in 1992 and then introduced this legislation, many Victorians would have held the view that the coalition government at that time rescued Victorian families from the economic vandalism of the former Cain-Kirner governments. In making that point I remind members of the very high levels of unemployment that existed under the former Labor government led by Joan Kirner. Families were desperate for a change of economic direction and policy.

We have to understand that the government's arguments, veiled with the pretence about standing up for families and in some instances put forward as somehow defending religious freedom, are merely Labor rhetoric. We have seen — certainly in terms of policies and in the escalation in the cost of living over the last few years through financial mismanagement and waste, especially in relation to very large projects — that the recently defeated Labor government did not really give a hoot about families. It did not really give a hoot about the fact that people were stuck on congested roads trying to make their way to and

from work, often gobbling up hours of their time and denying them time with their families. Labor did nothing. It wasted the money and it doubled the state budget, but people did not get the infrastructure they deserved.

When it comes to the Labor Party trying to defend the notion of religious freedom, I vividly remember the debates on that subject, especially in relation to some social policy areas. For example, there was the abortion debate. In particular I remember that one very small provision in that abortion bill was the removal of the right of medical practitioners to conscientious objection as a result of legislation that the Labor Party sponsored and implemented.

I was more than happy to meet with Mr Donovan, secretary of the Victorian branch of the SDA (Shop, Distributive and Allied Employees Association), and we had a very pleasant meeting. The premise was that I would support the legislation because it was forecast as part of our campaign and a mandate had been achieved. Nonetheless, I felt I owed him the courtesy of that meeting. For the government to cloak its arguments under the veil of standing up for families and religious freedom is a mockery. Essentially it is an industrial campaign and must be recognised as such. All of the posturing does not disguise or diminish the actions that many of these Labor members took and the legislation they voted for.

Mr Tarlamis spoke about the importance of respecting the rights of Christians to observe their religious holidays. He said that 64 per cent of people identified themselves as Christians on their census forms. Mr Tarlamis, who represents the same region as me, would understand that not all of those Christians celebrate Easter at the same time. For example, in my family my husband and son are of the Eastern Orthodox tradition, as is my mother and all of her family.

**An honourable member** interjected.

**Mrs PEULICH** — They celebrate Easter on the Julian calendar three years out of every four; the only exception is the leap year. They celebrate their Easter at a different time, two weeks later. In fact this year they celebrated their Christmas on 7 January and New Year on 14 January. The argument that somehow all Christians, including those of the Russian Orthodox religion, necessarily celebrate Easter at the same time is clearly inaccurate. In many ways this legislation is about standing up for families who have the right to supplement their income in order to offset the increases in the cost of living caused by Labor.

*Honourable members interjecting.*

**Mrs PEULICH** — Necessity is the mother of invention. Putting food on the table and paying the household bills, which members opposite were responsible for jacking up as a result of their absolutely appalling management of the government's finances, mean that families are under such pressure that working on Sundays, as my family did in seeking to establish economic security, is a choice that many families regrettably make. We often observed and celebrated our Easter on the day or the evening after; we celebrated Mothers Day on the day after or the day before. Families make adjustments. The most important thing is to be able to meet the economic needs of your family.

In my very multicultural electorate of South Eastern Metropolitan Region there are many people of the Islamic religion who do not celebrate the Easter holiday at all.

In terms of supporting families this legislation tries to establish a balance between those needs. Religious observance is still possible. It creates a lot of opportunities for business and greater certainty. There is a strong element of choice — —

**Mr Viney** — Like WorkChoices.

**Mrs PEULICH** — There are some who need to work, particularly as a result of the previous government's failure to manage costs. Work is a greater economic necessity now as a result of 11 years of Labor than it was previously.

With those few words I do not believe the sky is going to fall in. I do not believe people are going to stop observing their religious practices and I do not believe the arguments that have been mounted by the opposition on either religious grounds or on standing up for families. Clearly this is all about an industrial campaign, and the opposition is playing to its audience.

**Ms MIKAKOS** (Northern Metropolitan) — I rise to speak strongly against this bill and to indicate my support for Mr Somyurek's amendments. This bill is fundamentally flawed and greatly unfair. For Victorian retail workers and hospitality workers, a large majority of whom are women with children, being rostered to work on Easter Sunday will mean that they will be required to work without the benefit of appropriate public holiday penalty rates as compensation. When the Minister for Employment and Industrial Relations was asked about this issue in question time earlier today, he failed to provide the house with any advice on this issue. I look forward to Minister Dalla-Riva elaborating on this to the house perhaps later this day.

There is absolutely no doubt that people will be under pressure to work, including Christians who would normally worship on this most important day in the Christian calendar. People will be unable to go away with their families, as has been the tradition for many Victorian families on the only four-day long weekend of the year.

Victoria's current public holiday and shop trading arrangements, including the current ban on Easter Sunday trading, provide an opportunity for many business people and workers and their families to have a well-earned extended break and to spend more time with friends and family. I believe the importance of this day and weekend extends to everybody in the community. It is of great significance to not only Christians but to all Victorians who feel that this day is of significance and who greatly value the long weekend.

I too wish to refer to Premier Baillieu's *2011 Victorian Families Statement* in which he proclaimed that the new coalition government would 'ensure that families are at the centre of our decision making'. If this bill is to be the coalition's first example of that decision making, then I do not hold much hope for the legislation yet to come.

Members have already spoken about the fact that 63 per cent of Victorians identify themselves as being Christian. I myself am of the Greek Orthodox Christian faith. I understand that the particular religious and cultural significance that Easter Sunday holds for Christian families is very important. For me Easter Sunday is the most important day of the year as it represents the day my Lord and saviour rose from the dead to provide salvation for all people. Of equal importance is Good Friday, which will remain a public holiday and a non-trading day, and I believe it is of greater religious significance than Christmas Day, which paradoxically will remain a public holiday. I am not by any means wishing to advocate that there be any change to that. I am just making the point that I find it peculiar that some sectors, perhaps big business — I am not quite clear where this has come from — are seeking to argue that Christmas Day has greater significance to people of faith than Easter Sunday.

Easter Sunday also has great cultural significance to people. When I was growing up I fondly remember Easter Sunday was one of the days I most looked forward to in the year. Even now during the holy week my family observes the fast for Lent whilst preparing a lot of food for the week ahead. We prepare the red-dyed eggs, the tsourekia, the kouleria and other traditional Easter food. This is something in which all my family

participates. We will be attending church services on many nights of that week, culminating in the evening mass on Easter Saturday. We will be at mass beyond midnight as the priest comes out of the church and the candles are lit, symbolically representing Christ being risen.

As a child, waking up on Easter Sunday meant a great deal to me. It was a day on which I would get to see members of my extended family I did not ordinarily get to see at other times of the year. My immediate family — aunts, uncles and cousins — would all gather together to celebrate the feast that had required much preparation in the week leading up to Easter Sunday. I am happy that this year the Gregorian and Julian calendars coincide and that my family will be celebrating Easter Sunday with the vast majority of Australian Christians.

I would make the point to Mrs Peulich that it has never been an issue for me or for my family when Easter Sunday has fallen on a different Sunday to Catholic Australians. We have respected and observed both days. We would never dream of going shopping on Catholic Easter Sunday in those years where the day falls on a different day to the Greek Orthodox Easter Sunday. I believe this day has great religious and cultural significance to many Victorians. I look forward to Easter Sunday this year. I will be spending it with my family, and shopping will be the last thing on my mind.

We on this side of the house recognise that it is not only workers who will suffer under this legislation but small business too. As someone who previously practised as a lawyer, I know that many retail leases in major shopping centres require small businesses to open if one of the major chain stores opens. This might mean that a mum-and-dad operation will be forced to open up their store in one of the major shopping centres and probably make a loss simply because the Coles, Safeway, Myer or David Jones — one of the major department stores — has decided to open its doors on that day. I am sure many people involved in small business will be perplexed as to why it is in fact the Liberal-Nationals coalition government that has forced them to go to work on that day and has taken away their day of rest with their family. Many businesspeople, many workers and their families will suffer as a result of this legislation.

The Minister for Innovation, Services and Small Business, Ms Asher, in the portfolio she also held in the Kennett government, said in her second-reading speech:

All retail businesses throughout all of Victoria will now be able to take advantage of the high tourist numbers that stimulate valuable sales and other opportunities.

I have to query where the advantage would be for Victorian workers who will be forced to work. There seems to be a lot of focus on choice. I heard members on the other side talk about choice earlier, but where is the choice for those workers who will be compelled to work on that day?

In 1999 the then Minister for Small Business, Marsha Thomson, released a media release stating that major shopping centre owners had indicated that retailers would not be forced to open on Sundays or on public holidays. The former minister said, 'For small retailers, it is their business and their choice'. As I said before, that is now ignoring the reality of the looming situation. If you run a small business in a big shopping centre, you have no choice; your lease requirements require you to open your business. There is, in fact, no choice but to force staff to work and to indirectly take workers away from their families on one of the most important days on our religious and cultural calendar.

In conclusion, I believe the Baillieu government has looked after profit before people. That is what the government is saying to us. It is saying to us that despite the fact we have few non-trading days throughout the year, opportunities to shop are far more important than having a day of rest with our families.

I deplore this bill. I urge members opposite to reconsider their position in relation to this bill. The least they could do is support Mr Somyurek's amendments that would compensate workers if they are compelled to work on that day. We need to face the reality that a lot of young people in Victoria will be frightened about the consequences if they say no to their employer when they are rostered to work on Easter Sunday. I deplore this despicable bill before the house, and I urge members to vote against it.

**Mr FINN** (Western Metropolitan) — I rise to support this bill, and I very much welcome the opportunity to listen to members of the opposition. In doing so I have very quickly come to the view that Christianity is back in vogue. Christianity is back in town! Even those professed atheists get up in this house tonight and preach the gospel at us. Where is Julia Gillard when you need her? It must be something about the Labor Party this week. Is there something in the water making these people, who we know do not believe what they are saying, get up here and try to preach to us something that we know they do not believe?

I know there are some members of the opposition who are Christians and are very strong in their faith. I respect the point of view they have put here this evening, but when I hear, as we heard in question time today from Mr Jennings and earlier this evening from Mr Pakula, some people trying to lecture us about Christianity and religion and what we should be doing as a result of our beliefs, I feel that is a little bit too much and a little bit too hard to take. It catches in the throat, particularly when we have people on the other side of the house who, just a couple of years ago, voted to kill babies up until birth. They then come in here and tell us we are doing the wrong thing by shopping on a Sunday. I know what is worse. They should not come in here lecturing us about what we believe in or should believe in. They should have a look at what they have done.

*Honourable members interjecting.*

**Mr FINN** — I am not the self-proclaimed anything. I am just standing here tonight to tell you what I have been hearing in this chamber all day, and quite frankly it turns my stomach.

Mr Pakula did say one thing tonight that is quite on the money. He said the opposition to this bill has nothing to do with theology, and he is absolutely right. What the opposition to this bill is about is defending a shonky little deal that was made some years ago between the then Bracks government and the Shop, Distributive and Allied Employees Association. I have to say that I do not believe the SDA is the worst union around, and I see Ms Mikakos furiously agreeing. She is not very happy that I have pointed it out. The SDA did a very shonky deal with the then Bracks government whereby Easter Sunday trading was gone in some places — it is very patchy.

As a result of that deal, strangely enough, shortly thereafter a very large donation from the shoppies came into the coffers of the Australian Labor Party. If we had had an independent commission against corruption back then, a deal like this would have been looked at. Is that a bribe? Is that buying influence with the government by using cash? These are the questions that perhaps the Labor Party might answer later this year when we have an independent anticorruption commission, given that some of these matters will be examined, I assume, retrospectively.

We had the situation where the shoppies union actually bought a public holiday. It is a pretty good effort when you think about it. What this bill is doing is setting that correct. Those members who remember that first Easter Sunday after the Bracks government introduced the

public holiday will recall what a total shemozzle it was. Nobody knew who was up and who was down. Nobody knew what was going on. Nobody knew who could open, and nobody knew who could close. The minister at that time, Marsha Thomson, who is now the member for Footscray in the other place, did not know where she was. She did not have the faintest idea what was going on.

**An honourable member** — She is behind you.

**Mr FINN** — I know. She did not have the faintest idea about what she was supposed to do in overseeing that particular deal. In terms of the governance of this state, it was one of the more shambolic episodes we have seen or are likely to see in the future, particularly with a new government in power.

This bill is about equality. We hear about equality from the Labor Party and from the Greens. It is interesting that it is 9.50 p.m. and the Greens have left the building. It is interesting when we hear the Labor Party and the Greens talk about equality because this bill is about equality. It removes discrimination against certain parts of Victoria which currently are not allowed to trade. This bill will allow shopping in Bendigo and Braybrook. It will allow shopping in Torquay and Tottenham. It will allow shopping in those places; it will not force shopping in those places. It is about equality for all Victorians and about giving all Victorians, wherever they may live, the right to shop on Easter Sunday if they desire to do so.

Those members in this chamber who know me well, and people outside this chamber as well, know that I am not a theologian, but I do attempt from time to time with varying degrees of success to be a good Christian. It has to be said that is not a very easy thing to do, and whether I have succeeded in that regard will be judged by somebody much greater than me and indeed much greater than Mr Lenders, if that is possible! Is there somebody greater than Mr Lenders? In my view there is, and that is why I am a Christian, because I actually believe in Him.

**Mr Lenders** — Have you ever turned the other cheek?

**Mr FINN** — I do turn the other cheek from time to time, and I might show Mr Lenders that in a minute. Recently in the *Sunday Age* I was described as a ‘rabid religious right-winger’, or something like that. I am happy to admit to being a right-winger — I do not think anybody would argue with that — but I am not sure about the religious part because I do not know where that actually comes from. I do not know where I would

get that tag from. Certainly I have stood up in this house for the rights of unborn children, but I do not think you have to be a Mother Teresa or a candidate for the papacy to stand up for little babies. I do not know where they got that tag from. Melissa Fyfe wrote the column. I read that, and I thought to myself that it was no wonder the *Age* is about to hit the wall. With journalism like that it is little wonder that it is about to disappear down the S-bend. What a great pity that will be — not!

As we know, Christianity is a very big part of Australia. It is a big part of Australia’s history, and it is a big part of Australia’s culture. I believe, hope and pray that it will be a big part of Australia’s future. As a Christian I have to say that I do not find trading on Easter Sunday offensive. I find Easter eggs on sale on New Year’s Eve or Christmas trees on display in Kmart the day after the grand final offensive. I find that more offensive than trading on Easter Sunday because Easter Sunday is a day of great celebration. It is a great day of celebration. In my view people should be allowed to celebrate in the way they want to. If people want to get together and have a party, if they want to have a get-together with their family members — most of whom they probably cannot stand — and have a drink and a big feast, that is great; nobody is going to stop them. If they want to get up and go to church, as I will do this Easter Sunday, and then head off to the football, as I will do — —

**Mrs Coote** — Who will be playing?

**Mr FINN** — Richmond will be playing North Melbourne. I am looking forward to that; I reckon there is a fair chance we will knock them off this year.

There is nothing wrong with people celebrating in that way or people not celebrating at all, and there is an increasing number of Australians of various backgrounds who do not believe in the importance of Easter. Let us not shut down everything and inconvenience them. It is a great day of celebration. Without Easter Sunday Christianity is a waste of time; it is as simple as that. Christianity would not have happened. Without Easter Sunday, without Christ rising, Christianity would be empty; it would mean nothing. It is a great day of joy and celebration, and people should be allowed to celebrate any way they like within the terms of the law.

I should point out at this time that if anybody on this side of the house or the other side of the house were to even dream of attempting to introduce trading on Good Friday, that would be a very different kettle of fish.

**Mr Scheffer** — A slippery slope.

**Mr FINN** — Mr Scheffer would know about slippery. If that proposal were ever to be put before this house, I would be sitting on the other side of the chamber. Whoever introduces that legislation, I will be opposing it and opposing it vehemently.

In years gone by, and in fact even last year, I worked on Easter Sunday, Christmas Day and Good Friday. I do not believe that makes me any worse as a human being, and I do not believe that makes me any worse as a Christian. Just because somebody works on those days, as so many do in their profession — I am talking about emergency services workers and people working along those lines — it does not make them any worse than others, as the opposition is trying to make out. It is a nonsense to suggest that.

I seriously suggest to members of the Labor Party and to my Greens friends that when they get up in the morning they should think about my words tonight and have a good hard think about their opposition to this bill. All we are doing is going back to what we had in the years prior to the Bracks and Brumby governments. That is all we are doing; we are just going back to what we had before. It did not end the world then; why would it end the world now? It makes no sense.

I am delighted to hear the hypocrisy coming from the other side; it is good to know that nothing ever changes with that crowd over there, but I will most certainly be supporting this bill. I believe it is good for Victoria and for Victorians. It does not damage our culture or religious freedom as did legislation put through by the former Attorney-General, Rob Hulls, the member for Niddrie in the other place. I did not hear members of the Labor Party screaming blue murder about religious freedom and the importance of Christianity at that time when Christianity was under attack by Rob Hulls. That was fine! But let us try to get a bit of shopping done on Easter Sunday and it would seem that the wolf is at the door. With those few words, I urge the house to pass this bill and pass it soon.

**Mr VINEY** (Eastern Victoria) — I have to say that in my 11 years in this place that was perhaps one of the most shameful contributions I have heard in this Parliament. The position Mr Finn took was to challenge the motives of members on this side, in particular to question the Christian ethics of people on this side, and in doing so he singled out one member. The member he singled out was Mr Pakula. I sincerely hope I misunderstood Mr Finn on this matter, because for Mr Finn to question Mr Pakula's motives in the way that he did was one of the most shameful contributions I have heard in this place. He would well know the religious background of Mr Pakula and to put the

position that he did — if indeed he did so knowingly — was unquestionably the most shameful contribution that I have heard in this place. Mr Finn owes Mr Pakula and this house a very sincere apology, because that was a shameful position to put to this place. It was a shameful position that members on the other side were finding quite enjoyable.

Members on the other side should all reflect on this because what we have here tonight is another example of the position the Liberal Party consistently takes in government. It is the position it took when the Kennett government came to office, when the first legislation it introduced into this place removed the industrial relations rights of ordinary workers in this state. Now it is taking that position again in this place. It is attacking the rights of ordinary working people by changing shop trading provisions and ensuring that there is no opportunity for people who are required to work on Easter Sunday to be given extra penalty rates and making sure that people can be required to work.

What I find the most staggering from members opposite is that with this legislation they have taken a position that is anti small business. As members opposite well know, in many of our large shopping centres small businesses are required to trade if the shopping centre is open. In doing this they are requiring — —

**Hon. D. M. Davis** interjected.

**Mr VINEY** — I say to Mr Davis that it is true. He can deny it all he likes, but if he were to talk to small traders, as I have done, he will understand the circumstances that they are trading under. They are trading under circumstances in which they are required to trade if the shopping centre at which they operate is open and the big companies are trading, and their employees will be required to attend work.

The next element of Mr Finn's contribution was a suggestion that the position of the Australian Labor Party had something to do with funding arrangements. Mr Finn carefully avoided mentioning the fact that Coles-Myer gave the Liberal Party a \$1.25 million donation prior to the previous change made by the Kennett government. If he wants to start referring the things he has proposed to the independent, broadbased anticorruption commission, maybe he could go back to that donation that was made to the Kennett government as well.

What contributions were made to the Liberal Party by big business in the last election campaign? If we want to go down that path of impugning the motives of

members on either side of this debate, let us open it up. I will be happy to open it up, but what I can say is that the motives of the members of the Labor Party are simple. They are to ensure that ordinary people in this state have their entitlements protected. We will not accept the approach of the government — —

### Business interrupted pursuant to standing orders.

**Hon. D. M. DAVIS** (Minister for Health) — I move:

That the sitting be extended.

### House divided on motion:

#### *Ayes, 21*

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

#### *Noes, 19*

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

### Motion agreed to.

**Mr VINEY** (Eastern Victoria) — Thank you, President; clearly the government wants to hear more.

**Mr Finn** interjected.

**Mr VINEY** — If I were you, Mr Finn, I would not be interjecting. We have heard about enough from you during your shameful contribution. If you are considering making any more interjections, I would recommend that you just sit there quietly and eat a little bit of humble pie. That is what I would be doing.

**Mr Finn** interjected.

**Mr VINEY** — You want to defend that shameful contribution, do you?

**Hon. D. M. Davis** — On a point of order, President, I make the point that the member was pointing very

directly and not speaking through the Chair, going against standing orders.

**The PRESIDENT** — Order! I did not actually notice the pointing, but I take it that Mr Viney was adding some theatre to his remarks. The important aspect of the point of order is that remarks should be directed through the Chair. I note that much of the member's speech was taking up points raised by Mr Finn, and while it is fair to cover off those points they should be directed through the Chair rather than at Mr Finn, which only encourages him to retaliate with interjections. The noise level in the house then rises dramatically. Therefore Mr Viney should continue to speak through the Chair.

**Mr VINEY** — I am more than happy to direct my remarks through the Chair. Through you, President, I again make the point that perhaps it would be better, given the shameful contribution by Mr Finn in which he challenged the religious position of a member on this side who is of the Jewish faith, that Mr Finn think very carefully about the things he says when he wants to make a contribution in this chamber.

As I was saying before the interruption, members opposite ought to reflect on the suggestion that instead of impugning the motives of members on this side they think about the position taken in the debate and the contributions made by members on this side. If members want to have a serious consideration of legislation in the house of review, then they might like to give serious consideration to the points that members on this side have made — principally that this bill is an attack on the fundamental rights of workers.

This bill is an attack on the entitlements of workers in this state. Members of the government are proposing that someone would finish work on a Thursday afternoon or evening, have Friday off, probably have Saturday off, come back to work on Sunday, have Monday off and then come back on Tuesday and be given no extra penalty loading for going to work on that Sunday, which of course is a day off.

**Mr Ondarchie** interjected.

**Mr VINEY** — Mr Ondarchie can click his fingers all he likes, but let us put it in this context: how many members on the other side will spend Easter Sunday with their families? The contributions we have had from members like Mrs Peulich have been interesting — —

**Mr Ondarchie** interjected.

**The ACTING PRESIDENT (Ms Crozier)** — Order! I ask Mr Ondarchie not to keep interrupting.

**Mr VINEY** — It is interesting to hear the contributions from people like Mrs Peulich, who want to pass legislation that diminishes the employment entitlements and the wages of ordinary people working in the shop trading industry but who sit in this place and take double pay for the two positions they hold. They are the people on the little bench — the two-pay bench. Mr Drum, Mr O'Donohue and Mrs Peulich are all going to support legislation that diminishes the entitlements of some people while getting extra pay themselves.

**Mr Ondarchie** — On a point of order, Acting President, the member has spent the better part of the last 8 minutes banging on about the motivation that he suggests we have. He has just spent the last 8 minutes criticising this side of the chamber for exactly the same thing.

**The ACTING PRESIDENT (Ms Crozier)** — Order! What is Mr Ondarchie's point?

**Mr Ondarchie** — I find the irony ridiculous.

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

**Mr VINEY** — Mr Ondarchie is going to have to do better than that. We know he is fairly new, and I have to say it probably took me 13 attempts at raising a point of order before I got one up, but he is going to have to do a lot better than that. In his point of order, which was actually a point in debate, Mr Ondarchie was absolutely correct. I do question the motives of members on the other side and why they are proposing legislation that diminishes the entitlements of ordinary people in this state in contrast to all the rhetoric that we heard from them in their election campaign about the cost of living and wages. Why is the government now proposing this as its third piece of legislation in four months? It is proposing this piece of legislation in the dead of night. The government has extended the sitting beyond 10 o'clock — just as the Kennett government did with its industrial relations legislation. In the dead of night, after 10 o'clock, the government is pushing on to try to get this legislation through — just as the Kennett government did with its industrial relations legislation.

The Labor Party will always stand up for the entitlements of workers. The Labor Party opposed WorkChoices, and it opposed the industrial relations reforms of the Kennett government — and, by the way, they were reforms it then handed over to the federal Howard government. The Labor Party will always

stand up for these matters. It will always consider whether legislation is fair, right and reasonable. This legislation is unfair. It is motivated by a political party that is responding to the demands of its big business supporters. This legislation will disadvantage ordinary workers and, to the shame of all of the members opposite, it will disadvantage small business. It will be supported by three members who sit on the little bench down the front and who are prepared to take their parliamentary salary and two extra lots of salary as either a chair of committees or as parliamentary secretary — —

**Mr Drum** interjected.

**Mr VINEY** — And Mr Drum as the whip for a party of two. He gets 4 per cent for that, plus an extra 15 per cent as a parliamentary secretary. He is prepared to take extra pay, and Mr O'Donohue and Mrs Peulich are doing it as well. They are all prepared to take extra pay, but they want to tell ordinary workers, 'No, you are not entitled. You do not need to' — —

**Mr Finn** — On a point of order, Acting President, and on the question of relevance, I appreciate Mr Viney's ability to attack anybody who happens to be wandering past at any given time — —

**Hon. D. M. Davis** interjected.

**Mr Finn** — Anything that is breathing, indeed. But his relevance to the bill is totally lacking. I think he has mentioned the bill two or maybe three times in the last 15 minutes. I think it might be time for him to be brought back to the subject before the house.

**The ACTING PRESIDENT (Ms Crozier)** — Order! I thank Mr Finn.

**Mr Viney** — On the point of order, Acting President, I had finished, but frankly Mr Finn's contribution was a point of debate, not a point of order.

**The ACTING PRESIDENT (Ms Crozier)** — Order! Mr Viney has made his point of order.

**Mr SCHEFFER** (Eastern Victoria) — I will try to take Mr Finn's advice to Mr Viney and return to the bill. It will be no surprise to anybody that I join with my colleagues on this side of the house in opposing the Shop Trading Reform Amendment (Easter Sunday) Bill 2011 because quite frankly it is bad legislation that will be detrimental to small business as well as to its employees. The legislation will undo the act introduced by the previous Labor government and subsequently amended, as members have noted, to take into account improvements that were derived from the operation of

the legislation. This two-page amendment to the Shop Trading Reform Act 1996 seeks to remove shop trading restrictions on Easter Sunday, and its objective is to enable all shops to trade on that day without any restriction whatsoever.

Why is the government in effect removing from Victorian families one of the very few days when family members can spend time together? Why is it effectively compelling retail workers to work on Easter Sunday without receiving any additional financial compensation other than what they would receive for working on any normal Sunday? There has been a lot of discussion about the significance of Easter Sunday, and I do not want to go to the religious aspects of it. Not being a Christian I take Mr Finn's caution, and I will not make any remarks that I have not earned because of my own experience and my own commitment. But the fact is that Easter Sunday is a special day for very many Victorians, including me, and it is not particularly because they happen to be religious Christians. Many Victorians use the day as an important opportunity to have lunch with family and friends and to enjoy the mid-autumn weather. They note that as part of society Easter Sunday has social and cultural significance.

Other speakers have noted that it is ironic that this government, which only last month introduced into the Parliament its Victorian families statement, now seeks to make changes to shop trading hours that will remove an important and enjoyable benefit to many Victorians who work in the retail sector.

The second-reading speech describes the effect of these amendments as removing restrictions, as though the substantive act and the special exemptions in some way constrain people's freedom. The provisions of the substantive act are said to constitute a trading ban that was imposed by the heavy hand of the Australian Labor Party's industrial relations policy, which was riddled with anomalies. The bill is characterised as rectifying and clarifying the situation in favour of the liberty of the citizenry. Unashamedly the minister's second-reading speech states that the bill is about the freedom of big business to decide whether or not it wishes to trade and the freedom of consumers to decide whether or not they want to shop.

Everyone on this side of the house — not only with this bill but throughout the entire debate over the last eight and a bit years that I have been a member of this Parliament — has always supported and valued business and understood the contribution that the retail sector makes to the economy of this state. We have always been concerned to ensure that the conditions of

working men and women in this state are taken into account.

In my time in this Parliament I have noticed that while we on this side of this house have consistently supported the interests of both employers and employees, those on the opposite side generally have scant regard for the conditions of working people. In my recollection the conservatives have never introduced legislative or regulatory changes that have actively benefited working people, but they have been all too ready to remove such measures.

The only benefit this bill provides, according to the second-reading speech, to people in the retail sector is to give them certainty — not the certainty of spending Easter Sunday with their families, not the certainty of a fair day's pay loading, but only the certainty of working on Easter Sunday and the certainty of receiving an ordinary Sunday's pay rate. On the other hand employers — big business — are certain to benefit from a share of the significant tourist dollars if they believe it is in the interests of their businesses to trade.

The second-reading speech also indicates that Easter Sunday is a peak tourist time in regional Victoria and that it generates tens of millions of dollars in revenue. The speech applauds the opportunity for retail businesses to take advantage of high tourist numbers. This is, in the end, the purpose of the bill. No regard is given to its being detrimental to workers in the retail sector.

I acknowledge that the coalition has never agreed with Labor's position on this matter and that the bill before us is absolutely consistent with its policy. However, we oppose the bill, as speakers on this side have said, because we think it is fair that just as Good Friday, Easter Saturday and Easter Monday are public holidays, it is reasonable, with some legislated exceptions, that Easter Sunday is at least a non-trading day or, as Mr Somyurek's amendment says, a public holiday, which is probably a lot simpler.

Labor sought to find a balance between competing interests and viewpoints in the existing substantive act. Labor supports the entitlements and protection of retail workers that exist under the present arrangements. Designating Easter Sunday as a non-trading day would extend the conditions and protections that people had for that day.

The second-reading speech is couched in terms that suggest the bill straightens out a series of muddled, confusing, inconsistent and unwieldy provisions in the act and, as I said earlier, that the amendments made by

the bill make everything clear and workable. It implies that there are no detriments to anyone because retailers will not be required to open, but it is silent on the stripping back of workers conditions and their right to decide not to work on Easter Sunday.

As previous speakers have indicated, this is not a matter of just one day. If an employee were required by their employer to work on Easter Sunday — if the employee no longer had the right to refuse such work — it could effectively ruin a four-day period when many families take up the opportunity to go away together for a few days. Easter also falls during the school holiday period, which enables even those parents who do not have leave for the entire time to get a few days off in the middle of the school holidays to spend with their children, relax together and possibly go away for a few days. I daresay many people in this house have availed themselves of that opportunity. The bill takes all this away for many workers. Frankly we on this side of the house believe that is unfair, unreasonable and unnecessary.

One of the questions I have is whether the government seriously believes small family businesses can afford to keep their doors closed when large retailers in the vicinity will be open for business. The fact is that, if it is open slather, the big retailers are certain to trade and small family businesses will have to follow suit, which means requiring their employees to work, with all the disruptions to family life, wages and conditions that I have indicated. There is evidence that small retailers are pressured into opening when their larger neighbours open their doors and that in the past they have welcomed the protection provided by the legislation the previous Labor government introduced to enable small retailers and their employees to avail themselves of the Easter break.

The government should heed the voices of the smaller retailers and the union movement and the arguments that have been put forward by the opposition about this bill. The government has an obligation to speak up for workers — for employees — as well as for large business. On that basis I will oppose the bill, and I urge other members of this chamber to do so as well.

**Mr JENNINGS** (South Eastern Metropolitan) — I welcome the opportunity to discuss the Shop Trading Reform Amendment (Easter Sunday) Bill 2011 and the availability of shopping opportunities on Easter Sunday. If I were extremely well considered and comprehensive in my contribution to this debate, I would echo the tone and content of Mr Scheffer's contribution, who immediately preceded me in this

debate, and also many of the arguments mounted by my colleagues from the Labor Party.

During the course of this second-reading debate members on the government benches have questioned whether I have the right to lecture or mount a position of defending the rights and opportunities of Victorian workers in their workplaces through the protection of their working conditions. That is a right I will not abrogate or have taken from me, and I have not allowed that to happen since my entry into this Parliament. I have not missed and will not miss an opportunity to rise up and speak when appropriate to provide armoury to the position of the labour movement in terms of protecting the working conditions of ordinary men and women in this state. In particular, those who work in the retail sector are entitled to the protections that are afforded to them by their agreements, the industrial relations instruments that apply to their workplaces and the laws of the land. Whether through state laws or federal laws, those workers are entitled to protection.

In the course of some of the hysterical contributions that have preceded mine in this second-reading debate, I have detected that a raw nerve has been struck time and again when Labor Party members have drawn attention to the fact that on one parliamentary sitting day the government made a families statement purportedly protecting the interests of Victorian families and defining their interests a first order issue for the incoming government and then, on a subsequent day, it introduced a piece of legislation that will ruin the quality of life for Victorian families on Easter Sunday.

Further, in this debate many speakers both for and against this legislation have identified Easter Sunday as being one of the major days, if not the major day, in the Christian calendar in terms of its importance to the people of that faith. Indeed many members of this chamber have also reminded us that according to the census Christianity is the prevailing faith in Victoria.

Whilst I am not a Christian — that is apparent from my many public statements and the quality of my public life — I have a lot of regard and respect for Christians and members of the many religions that form the basis of our state's religious and cultural breadth. That diversity makes it a much better place and is the cornerstone of many significant community support structures and of much of the love and care that come through the name of organised religion in this state. As much as any person in this state I appreciate the values of members of the various forms of Christianity and their contribution to the state of Victoria, and I have total respect and regard for both their churches and the identification of Victorian citizens with their faith.

I would be falling short of the standards I expect of myself in relation to moral and ethical behaviour and consistency in terms of respecting fellow citizens if I failed to advocate and protect the rights and opportunities of Christians just as I would protect the rights and opportunities of any other members of our community. It cannot be maintained that I do not have a right to stand up for the aspirations of ordinary Christian families in this state who have a strong view about the significance of Easter Sunday and who want to go to church and celebrate the resurrection. Indeed in terms of my personal appreciation and understanding of Easter Sunday, even though I am not a Christian, I think the notion of the resurrection contains a very important ethical, moral and spiritual sense of enlightenment. If we do not celebrate the resurrection and the opportunity for us to find redemption and resurrection, then what can we celebrate? It is a great opportunity and a great value that all of us can tap into at some time. I would hope at some point in their lives all Victorians would be able to identify with that on Easter Sunday.

Now, I am a person who likes to shop. I can tell you that, absolutely, I like to shop. Within my means I do my best to support the retail sector and its ongoing contribution to the economy.

**Mr Lenders** — You could ask Andrea for advice on where to go.

**Mr JENNINGS** — There are many members on the government benches prepared to tell me where to go, I can assure you, of whom Mrs Coote is just one. But do I need to shop on Easter Sunday? I do not think so.

**Mrs Coote** — I've seen you shopping.

**Mr JENNINGS** — It took a long time for that line to be responded to, but thank goodness the nibble came! Whilst I love to shop, and whilst within my means I am quite prepared to shop, there is absolutely no need for me to shop on Easter Sunday. I think we should all reflect on the question of how many days in a year we need to shop.

**Mrs Coote** — Every day.

**Mr JENNINGS** — There you go! Earlier in this debate in his contribution my colleague Mr Somyurek tried to identify the schism that might exist on the government benches between those who need to shop every day and those who do not need to shop every day. Apparently those members on the government benches who have been prepared to assert their right and opportunity to shop have completely overridden those who see the prime opportunity of Easter Sunday as

being to get in touch with and maintain a connection with the spiritual basis on which Easter Sunday exists. I think Mr Somyurek hit a very raw nerve in relation to the responses generated by members on the government benches who protesteth too much.

If Mr Finn were here I am sure he would be protesting too much, because when this mirror is held up to him I think Mr Finn will see that he is having a great deal of difficulty reconciling his value system with what he is going to line up to vote for shortly; he will be guaranteeing that there be shopping in Victoria on Easter Sunday. That day, a holy of holies in this community, has not been protected.

We in the Labor movement may be accused of arguing a primary position in relation to remuneration and terms and conditions. I am not baulking from the fact that our role and responsibility within the Labor movement is to protect the remuneration and conditions of working men and women and their families within Victoria — that is a first-order issue for us — but it is joined in this instance by another first-order issue, which is the degree of choice as distinct from compulsion.

The proponents of this piece of legislation put it forward in the name of choice, but my colleagues have identified any number of reasons why choice does not exist. It is not a pure market, and not only will this legislation facilitate a change in the landscape in relation to the regulation of the commercial marketplace but it also does nothing to change the circumstances of leasing arrangements and contractual arrangements.

It also cannot predetermine whether choice can be exercised in the market. In fact choice cannot be exercised in the market, because this piece of legislation — as paltry and inadequate as it is — does not create a level playing field on which choice can be exercised equally by all players in this retail market in Victoria. There is no way in the world it can possibly do that, and on that basis there are significant winners — usually at the large corporate end of the equation as distinct from smaller businesses and workers in the workplace who are denied the opportunity for choice and who will be compelled to take action. That action may come at the cost of their personal identification with a day of holy significance to them or their families or a day that is extremely important for a variety of cultural and family-based reasons that have emerged in the way people in Victoria choose to recognise Easter Sunday.

It is very painful for those on the government benches to go through this process. While they may say I am

lecturing them, I am in touch with some of the pain that some of those people may be experiencing. It is duplicitous for government members to come into this place and suggest that they represent the pro-family, Christian-based value system — and that they are the sole custodians of that value system — yet at the same time trash it in the name of voting for this piece of legislation.

Putting forward this legislation limits the ability of government members to lecture opposition members about anything that may come up in future relating to family values, the Christian basis of our community or the value system which many people in this chamber hold dear. I have no doubt that these value system beliefs are held deeply and very sincerely by members on the government benches. However, on this occasion they have been called upon to hurl abuse at the opposition and to lose touch with their own value system in supporting this piece of antifamily legislation in the state of Victoria, and for those cumulative reasons I will join my Labor colleagues in opposing the legislation.

**Mr LENDERS** (Southern Metropolitan) — I rise to speak on the Shop Trading Reform Amendment (Easter Sunday) Bill 2011 and to speak against it.

We have had a long and interesting debate today, and it is interesting that the debate is continuing into the dead of night. The debate could just as easily have been continued on Thursday or Friday, but it is no coincidence that debating this bill until midnight at this time of the week, without any warning, is a device to have this legislation kept away from scrutiny and to make it easier for those opposite who are compelled to vote for this piece of legislation to do so without the scrutiny of their constituents.

If we look at what the legislation does, we see that on the face of it the bill, which was brought to the other place by Ms Asher and now to this place by Mr Dalla-Riva, who seeks the support of members in this place, removes some anomalies, streamlines certain things and basically, in the interests of freedom of choice, lets people shop when and where they like for one more day. On the face of it, that is what this legislation will do, but we have heard no mention whatsoever in any of the contributions to the debate made by government members of what this legislation will do for retail workers.

An assumption has been made at some point in this debate that if the Shop, Distributive and Allied Employees Association advocates on behalf of its members, somehow or other there is something sinister

about that. I cannot quite work out how 50 000 retail workers, who in almost every instance are at a disadvantage because they are employed by someone with a lot more economic power than they have, being organised into a group can be fundamentally wrong. I cannot quite work that out, but that seems to be the gist of the argument being put forward by those opposite.

There is also no acknowledgement by the conservative coalition that this legislation puts an extraordinary burden on those in small business who actually want the time off. The Friday before and the Monday after Easter Sunday are public holidays. It is an opportunity to close. For the plethora of small businesses, whether they are interested for family or religious reasons in closing over the Easter weekend — whatever the reasons may be — it means that they too have been denied a choice.

I quote from an article in the *Age* newspaper — it is dated 8 April 2004, which just goes to show how long this debate has been going on. What I found interesting is that the journalist went to the Southland shopping centre and spoke to a number of people in small businesses in this shopping centre that has just about every large retailer in it, asking what those people thought about small businesses in the context of longer trading hours. Southland is of particular interest to me, although it is not in my electorate; it is just over the border in Mr Jennings's and Mr Somyurek's electorate of South Eastern Metropolitan Region and it is also smack in the middle of the City of Kingston. The City of Kingston is of course an area of great interest to everybody in this house, and we listen very intently to what the people there think.

A number of small businesses in Southland are mentioned in the *Age* article, including a trader by the name of Dominic Todarello. The article states:

Dominic Todarello, a manager of Farm Fresh fruiterers, said that if he could turn back time he would never have worked seven days a week with his children at the back of the shop.

'Easter Sunday is a day of rest', he said. 'I regret ever doing what I did, working seven days a week with three children'.

I could list a series of other traders at Southland, and I may come back to them if time permits. The point is that there is no choice here. If you have a residential lease in a shopping centre the size of Southland and your lease agreement says that you shall open on a certain day, then you do so. If you are competing — as a small fruiterer does — against the likes of Safeway, Woolworths, Coles Myer, Colonial Fruit or any of the large corporations and you close your doors, that is it; you lose business. This whole debate in favour of

choice is a false debate. The party of Robert Menzies, the party that small businesses thought looked after them, is actually saying, 'We are giving you no choice if you want to survive, and we will force you to open'.

Returning to the subject of retail workers, it is fine for people to argue that they have choice. Someone may be rostered to work or asked to work on a certain day. That person might want to take a four-day weekend and go away with the family. That person might also be religiously observant on Sundays and wish to go to church. Such situations become very difficult when the person in control has economic power. If you are a student, a sole breadwinner or even a secondary breadwinner in a family and you are given a choice of whether you are going to work or not, then we all know the reality of what is going to happen: a number of people will feel compelled to turn up and work on Easter Sunday. If that is the end — —

*Honourable members interjecting.*

**Mr LENDERS** — Mr Ondarchie and others go on as if there were something particularly evil or sinister about the shop assistants union trying to get some more wages for people who are compelled to work on such a day. That is what penalty rates have been about for many years. On days when it is less attractive to work there has been recompense for it. We have got to remember that these workers we are talking about are not earning princely sums. It is not like the two-pay bench here, where they are on parliamentary salaries with two or three additions to them. These are people who are actually dealing with the cost-of-living pressures that Mr Baillieu said in his families statement he is particularly concerned about. What we are talking about here is a combination of retail workers and small business operators who are given very little choice under this legislation.

I find with some disappointment that the debate from some of those opposite has become almost sectarian, in that if anyone on this side of the house actually questions or seeks to advocate on behalf of families or businesses because they may wish to do something on Easter Sunday, they are portrayed as hypocrites or worse. I will make a couple of comments about that.

I was interested in Mr Finn's contribution, in which he said he would fight to the death — I am probably paraphrasing him incorrectly — if anybody tried to tamper with Good Friday, but somehow or other tampering with Easter Sunday is okay. I would also be interested in a debate on whether the government goes on to allow trading on Christmas Day. It amazes me that this government has suddenly decided that Easter

Sunday is fair go but Good Friday and Christmas Day are not, and if you move away from the religious to address the great cultural and spiritual significance of Anzac Day, no-one is talking about it.

The reality is that Easter Sunday without trading has been the tradition in Victoria for many a year. As a number of my colleagues have said, it is also a tradition pretty well in every other jurisdiction. Yet for some bizarre reason the government wishes to suddenly ram it down people's throats. What I find particularly interesting when we talk in this place about spirituality and religion is that we get lectured by a number of those opposite — not by all, but by a number — about how we dare to open our mouths and then somehow or other this is linked to the abortion debate.

We had a conscience vote on abortion in this house, and we are now having a party-line vote on shop trading hours. I think it is a bit hypocritical for the tirade against the Labor opposition on this issue to be linked to the abortion debate in 2008 when a number of speakers on this side actually exercised their conscience and voted with a number of speakers on the other side. Members from both sides of the house, on conscience votes, voted on both sides of that debate. I find it an extraordinary political argument to accuse any Labor person who wishes to defend the sanctity of Easter Sunday, regardless of how they voted on the abortion debate, of being hypocrites. If we are talking about hypocrites, we could go through all the people on the other side who in their inaugural speeches went through Christian values, family values and their partnership with God but who are now suddenly voting to basically tamper with the sanctity of Easter Sunday.

I would urge those opposite, if we are talking of a conscience vote, to actually look to what Robert Clark, as the member for Box Hill in the Assembly, has done on many occasions — which every member of the Liberal Party is entitled to do under the Liberal Party rules — and exercise a conscience vote on this. If an affinity with God and a sense of the significance of religion are important enough for members to get up and talk about them in their inaugural speech and important enough for them to be lecturing this side, perhaps the odd member or two should look to what Robert Clark has done on numerous occasions in the Assembly and exercise the freedom of choice the Liberal Party always says it stands for by actually crossing the floor — I note Mr Ondarchie is nodding his head — and protecting the sanctity of Easter Sunday.

I have touched upon a number of issues here, but I do find it quite amazing that we have had this debate time

and again about freedom of choice when a lot of vulnerable Victorians, because of their economic weakness — whether they be retail workers or whether they be small business operators in large shopping centres — are not being given much of a choice in this matter at all. In fact their choice is being taken away from them. We have also had some extraordinary defences thrown around by people in this debate. We had the defence posed by Mrs Peulich. It is probably not even worth beginning a discussion as to how somehow or other the government has to force people to work on regular Sunday rates, not penalty rates, because of cost-of-living increases. It quite passed me by how that one actually worked.

We have heard all sorts of extraordinary discussions. I find The Nationals position on this interesting. The Nationals in every other jurisdiction have resisted this, but for some reason in Victoria the Minister for Innovation, Services and Small Business, Ms Asher, has persuaded The Nationals to break ranks. If you look at where the Western Australia Nationals have stood in this debate, you see that Mr Grylls, the Deputy Premier or Leader of The Nationals in Western Australia, has stood up to Mr Barnett, the Premier, and the Liberal Party — and the Troy Buswell-Brendon Grylls debate over there has been something to behold. Shop trading hours has been an issue of principle for The Nationals, but it is one obviously that the Victorian Nationals do not seem to think is an important one on which to have the fight.

If we talk about Easter Sunday being singled out in this bit of legislation for simplicity — I would be the last to deny that our Sunday trading laws are complex; they are, and they are being tampered and tinkered with and adjusted on a number of occasions to deal with local communities — and if getting simplicity means simply exempting Easter Sunday completely, I genuinely would like to know where Mr Finn or anyone else opposite would draw the line if Ms Asher comes back next year and says, ‘It is all very complex. We need more tourists. This is an anomaly. Why is Good Friday exempt from retail trading. For the life of me I do not know how anybody opposite could mount an argument against that.

If Ms Asher comes back the following year and says, ‘This is awfully complex. We need to get a tourism advantage. There is confusion, there is uncertainty and there are people who have the right to shop’ — and I know Mrs Coote made a tongue-in-cheek comment about the right to shop 365¼ days a year — what does Ms Asher say the following year when someone says, ‘We should be able to trade on Christmas Day because we need certainty, we need to be competitive in a

tourism space and people have the right to shop’? Then if in the fourth year of this government Ms Asher comes back again and says, ‘My gosh, it is getting complicated. Western Australia might have however many days as trade-free days, but in Victoria we got rid of Easter Sunday because it was complex, we got rid of Good Friday because it was complex and we got rid of Christmas Day because it was complex. This half day on Anzac Day, is that not a bit complex and confusing?’.

It is a slippery slope that those opposite go down. Victoria has more trading days than any other jurisdiction and this legislation will give us even more trading days, so Mrs Coote’s dream will come true. She will be able to shop 365 days a year. At present there are only 2½ days when she cannot shop. The government will use its numbers in the dead of night to get this legislation through, and then there will be no choice for workers and small business.

**Ms BROAD** (Northern Victoria) — I rise to oppose the Shop Trading Reform Amendment (Easter Sunday) Bill 2011. The government has had a lot to say about the benefits to be conferred on communities by passing this bill, and I intend to spend some time in my remarks challenging those claims by the Liberal-Nationals parties.

Firstly, the Liberal-Nationals government has claimed that regional Victoria will benefit from the passing of this bill because more visitors will be attracted to regional Victoria if large retail businesses are able to trade on Easter Sunday. So far as I am aware, the Liberal-Nationals government has not advanced one skerrick of evidence to back up this claim. This is from a government that is very fond of setting up reviews to gather information before making decisions. At last count I believe it has set up more than 100 reviews since it was elected to govern, but not on this subject. For some reason this subject is deemed not worthy of gathering information before bringing this bill before the Parliament.

Speaking as someone who lives in regional Victoria and who represents regional Victoria, I find the claim that more visitors will be attracted to spend more time in regional Victoria if they can do supermarket shopping on Easter Sunday totally bizarre. It certainly comes as a shock to regional tourism bodies and businesses that the government’s plan for marketing regional Victoria is — wait for it — supermarket shopping on Easter Sunday. It is not the food, not the wine, not the festivals, not the sporting competitions; certainly not the national parks, as they are full of cattle; and not the fishing. Just supermarket shopping on

Easter Sunday is going to attract people in their throngs to visit regional Victoria.

In making this claim — not supported by any evidence — that more visitors will be attracted to spend more time in regional Victoria if they can do supermarket shopping on Easter Sunday, the government has given no consideration to the tens of thousands of retail workers who will not be visiting regional Victoria, or anywhere else for that matter, on Easter Sunday, because they will be working. Regional Victoria actually stands to be worse off if this bill is passed, because tens of thousands of retail workers and their families who have previously taken holidays together over Easter and visited regional Victoria and enjoyed many of its great attractions in the past will not be doing so in the future because they will be working.

The government has also claimed that communities will benefit and everyone will be a winner if this bill is passed because retail workers will get to choose whether or not to work on Easter Sunday and accordingly should not be entitled to any extra pay for working on Easter Sunday. Again, so far as I am aware, the Liberal-Nationals government has not advanced any evidence to back up this claim and it is certainly not proposing to give statutory rights to retail workers to choose whether or not to work on Easter Sunday. Speaking as someone who worked in the hospitality industry as a young person, the notion that it is possible to keep your job and refuse to work on an ordinary working Sunday, which is precisely what Easter Sunday will become if this bill is passed, is complete nonsense.

There are a number of possibilities here. One is that the government is completely out of touch with the realities of working life for retail workers and actually believes retail workers can decide with impunity not to work on an ordinary Sunday. Alternatively the government knows full well that this is absolute nonsense, and the only choice the government has planned for Victorian workers is WorkChoices, in the very best tradition of conservative governments.

So what's next? Christmas Day? Anzac Day? Good Friday? And why not? After all, what is the difference? If this government is prepared to deny retail workers fair rates of pay for working on Easter Sunday, why would it not do the same for Christmas Day, Anzac Day and Good Friday? After all, in its submission to Fair Work Australia the government has already turned its back on Victorian working families by arguing in favour of keeping wage increases as low as possible for workers reliant on minimum wages. Members of this government are also running away from election

promises to increase the pay rates for teachers, police officers and low-paid community sector workers as fast as their legs can carry them.

This bill is unfair and mean-spirited. It is especially unfair and mean-spirited towards low-paid retail workers who are not able to exercise the choices that well-paid members of the Liberal and Nationals parties in this Parliament can exercise. For all these reasons I urge members to vote for the interests of working families and vote against this bill.

#### House divided on motion:

##### *Ayes, 21*

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

##### *Noes, 19*

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

#### Motion agreed to.

#### Read second time.

##### *Instruction to committee*

**Mr SOMYUREK** (South Eastern Metropolitan) — I move:

That it be an instruction to the committee that they have power to consider amendments and a new clause to amend the Public Holidays Act 1993 to appoint Easter Sunday as a public holiday.

**The PRESIDENT** — Order! Does Mr Somyurek wish to make any remarks in support of that motion?

**Mr SOMYUREK** — No.

**The PRESIDENT** — Order! Is there any further discussion in respect of the motion that has been put?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — Usually the mover of such a motion would argue the case and explain to the government why he moved it, and I am curious why that was not the case. Having said that, in the context of that instruction to the committee it is interesting to note a press release issued on Sunday, 20 March, by the Leader of the Opposition in the Assembly, Daniel Andrews, in which he says:

If you work on Easter Sunday, you shouldn't be paid ordinary Sunday rates because it's no ordinary Sunday.

Staff employed by shops that have been allowed to open on a Sunday were paid Sunday rates while Labor was in government. This motion is slightly controversial in the sense that Labor had a chance to do something about it when it was in government. We are fulfilling a policy commitment that we made and Labor members are playing politics with it.

We will not be supporting this motion moved by Mr Somyurek, which has had no comments made in support of it.

**Hon. M. J. Guy** interjected.

**Hon. M. P. PAKULA** (Western Metropolitan) — I thank Mr Guy. It seems that Mr Dalla-Riva's remarks were directed to the substance of the amendment itself rather than to the motion moved by Mr Somyurek that the committee be given an instruction to consider the amendment. I would have thought it appropriate, if Mr Dalla-Riva was going to indicate that the government would oppose the motion, for him to provide the chamber with some advice about why the government would seek to deny the opposition the ability to put this amendment. It is not about the government's position on the amendment; Mr Dalla-Riva's opposition to it is in effect an opposition to the ability of this side of the chamber to debate the amendment and to have the amendment voted on.

The government has made it very clear in the debate and in the comments of its members that it will not be supporting the amendment, and that is absolutely its right. But it is a different thing altogether for the government to seek to reject the instruction to the committee to allow the committee to consider it. That is shutting down this debate. It is a complete contradiction of the government's mantra about being open, transparent and accountable. If the comments of Mr Dalla-Riva are a reflection of the position of government members, it is very disappointing indeed.

Mr Dalla-Riva made the comment that Mr Somyurek did not speak in support of his motion. Quite simply that is because it was not the opposition's understanding that the government would seek to deny the opposition's request to have this amendment considered. We did not believe it was necessary for us to make that case robustly. Given Mr Dalla-Riva's indication that the government will seek to deny the opposition the right to have this amendment considered, I need now to put on the record the reasons that Mr Somyurek has moved the motion to have the instruction given to the committee.

We have made it clear in the debate, through the contributions of a range of opposition members, that we believe the question of whether or not Easter Sunday is a public holiday is relevant to this bill and to whether or not Easter Sunday should be a trading day. The standing orders provide that amendments to a bill and proposed clauses have to be relevant to the subject matter of the bill. *Odgers' Australian Senate Practice* makes it clear that the question of relevance in relation to amendments should be interpreted liberally. As has been the case in this place on many occasions, I should quote Harry Evans. The former Clerk of the Senate has been quoted extensively in this place, and he has made it clear on many occasions and in his commentary on the Senate's standing orders that the question of relevance is determined by matters such as what the subject matter of the bill is and whether the amendment deals with that subject matter.

I think it is right to say that the long title of the bill acts as a guide for members of the chamber, but it is not determinative. Whilst the long title of the bill refers to the Shop Trading Reform Act 1996 rather than to the Public Holidays Act 1993, the subject matter of the bill is Easter Sunday and in particular shop trading on Easter Sunday. The amendments moved by Mr Somyurek, particularly the amendment seeking to make Easter Sunday a public holiday, are directly relevant to that question.

It is worth putting on the record that today members of the government have repeatedly made reference to a bill that was passed into legislation in 2003 as a consequence of a commitment that the Labor Party took to the 2002 election — that is, the Public Holidays and Shop Trading Reform Acts (Amendment) Act 2003, which dealt with both shop trading and public holidays in one bill. It was a bill that made Easter Saturday a public holiday and amended the Shop Trading Reform Act 1996 to require that shops be closed on Easter Sunday. So in 2003 this house was in no doubt that one piece of legislation could be used to deal with both shop trading and public holidays. We are

seeking to move an amendment which would allow the house to do the same.

I put to members of the government that were it the government's intention to make Easter Sunday a trading day and a public holiday, no-one could legitimately have argued that the government should have sought to do so by way of two separate bills. The government would have done that by way of a single bill, as the Labor Party did in 2003. The precedent was created in 2003, and *Odgers' Australian Senate Practice* makes it clear that the question of relevance should be treated liberally. We are not by virtue of this motion seeking to obtain the government's assent to the amendment; we are simply seeking to have the house allow it to be considered by the committee. It would be bad form indeed, and I would say it would be shutting down of debate that would do this house no credit if the government were to deny the opposition the opportunity to have this amendment considered in committee.

**Hon. D. M. DAVIS** (Minister for Health) — I will make a short contribution to the motion put forward by Mr Somyurek. It is a novel motion. It is quite unusual. In fact I can honestly say that in my time in this chamber I have never seen such a motion moved. So make no mistake, this is a novel and unusual use of the standing orders. Mr Pakula's claim that there is some precedent from 2003 and that the bill should be widened by a substantial margin to make the Shop Trading Reform Amendment (Easter Sunday) Bill 2011 also a bill to consider public holidays is a novel idea. There is no reason that the two should necessarily be in a single bill.

Mr Pakula could come to this chamber with a separate bill of his own design to bring in a holiday if he chose to. The opposition has liberal provisions for non-government business that enable it to bring forward a bill to make Easter Sunday a public holiday if that is what Mr Pakula and the Labor Party believed was appropriate. That is clearly what Mr Pakula believes. Mr Pakula could bring forward that specific bill if he chose to do so. The fact that the government does not believe the novel and unusual widening of the scope of this bill that is sought by this instruction — —

**Mr Viney** — There is nothing novel about it.

**Hon. D. M. DAVIS** — No, it is novel, it is unusual and it is a significant widening of the scope of the bill — —

**Hon. M. P. Pakula** — So vote against the motion.

**Hon. D. M. DAVIS** — No, the point here is that the government does not believe it is appropriate to widen the bill in this way. We will oppose this because we think it is a novel and unusual use of standing orders. We think members opposite have plenty of opportunities if they wish to make the other point that there should be a public holiday on Easter Sunday and there is no restriction on their bringing forward a bill of that nature. This bill deals with shop trading on Easter Sunday. It does not deal with the public holiday. For that reason we will oppose the novel and unusual widening of the scope of the bill that Mr Somyurek has sought, which is certainly a stretch of the standing orders and the procedures.

**Mr TEE** (Eastern Metropolitan) — I want to make a brief response to the contribution of Mr Davis in which he asserted that this is somehow a widening of the Shop Trading Reform Amendment (Easter Sunday) Bill 2011. In fact Mr Somyurek's motion is in substance not a widening because what the bill before the house will do is provide for Easter Sunday trading. What you then have is a vacuum. What Mr Somyurek is providing for is a middle step. Instead of going from no trading to complete trading, and therefore the loss of entitlements, this motion seeks a middle ground, a halfway point. It is entirely within the scope of the bill.

The motion provides that Easter Sunday trading is a religious day and we therefore ought not go from having no trading to open slather trading. It is completely consistent with the scope of the debate and the approach that has been taken. In fact the extreme position would be to go from having no trading to having open slather trading.

What is unusual, as it were, is the fact that we now have two separate pieces of legislation — one dealing with public holidays and one dealing with shop trading. This amendment proposes that we take the common-sense approach and have a debate around whether or not it is appropriate to effectively go from one extreme to the other, or whether there is a middle ground. What the government is doing in opposing this debate is refusing to have the debate; it is closing it down, and I urge those opposite to reconsider. Easter Sunday is an important date — that has been the consensus. These amendments have been put forward as a middle ground and a compromise. We ought to allow that debate to be considered by this chamber, rather than heading it off at the pass.

**Ms PULFORD** (Western Victoria) — This is obviously an interesting topic attracting much interest. I would like to speak in support of Mr Somyurek's motion, which seeks to instruct the committee to

consider amendments and a new clause to amend the Public Holidays Act 1993 to appoint Easter Sunday as a public holiday. We have been debating this legislation for a great many hours today, and many members have canvassed questions about the impact of the government's proposed change to make Easter Sunday a trading day. Of course for some people that is all about shoe shopping, but for others it is about having to work instead of enjoying a long weekend or observing a significant holiday. The two impacts are intrinsically linked, because the consequence of the government's legislation is that there will be a whole lot of people who will be forced to work and who will be significantly and directly impacted by way of working time and a half versus double time or double time versus double time and a half.

Considering the consequences of its actions is something the government might want to start getting its head around, because this might come up from time to time with other proposed legislation it brings to this place. Whilst I do not have the benefit of experience of some members in this house — or indeed of the President's many years of experience — I did happen to notice over the last four years that it was a common occurrence that a bill could seek to amend multiple pieces of legislation. There could be half a dozen different bills on incredibly diverse and wide-ranging subjects which at a glance might appear not to have much to do with each other, other than perhaps being generated from the same minister's office or the same department, but not a whole lot more than that. I would have thought that the question the opposition seeks to test with the government about its views on Easter Sunday being a public holiday is intimately linked with the Shop Trading Reform Amendment (Easter Sunday) Bill 2011 that we have been debating all day today.

There are tens of thousands of people in Victoria, whom we all represent in this place, who will be almost immediately affected by this legislation. We are in the chamber on this evening of 22 March, so it will be only a little over four weeks before the impact of this legislation will be directly felt by a great many people. In exercising our duties as members of Parliament it is important that we properly consider the consequences of the government's legislation regarding Easter Sunday. I urge the government to resist the temptation it is clearly presented with — that is, to gag debate on this question.

The Minister for Health, Mr Davis, in his contribution a few moments ago suggested that the opposition could introduce another piece of legislation to address the question of making Easter Sunday a public holiday on

another occasion, but there is only one more sitting week before Easter.

With all the goodwill in the world, and I do not think there is a whole lot of goodwill from the government on this question, it would be incredibly difficult for us to introduce this bill and debate it in both houses, to have it receive royal assent and to advise all the employers, workplaces and people who work in shops about whether they need to turn up or not on Easter Sunday, what rate of remuneration they would get and whether they are covered by the retail award or an enterprise or workplace agreement. It is quite disingenuous of Mr Davis to suggest that that be our course of action. There are rosters to be arranged and decisions to be made for organisations, large businesses and small businesses about whether they open or close. There are organisations that will need to consider lease requirements stating they are forced to open, and we also do not have long to get ready for those all-important boosts to the tourism industry that Minister Dalla-Riva talked about in his second-reading speech.

There is some urgency about this question. The government has the numbers in both houses of Parliament, so I am not sure what the basis is for the government's fear of going into committee so the chamber can consider the government's amendments. The question of whether Easter Sunday ought to be a public holiday or not would be the direct consequence of the government's actions to make Easter Sunday a trading day when it has been a non-trading day since 2003.

Mr Somyurek has brought a very important motion to this place. I have to say that not a week goes by when I do not learn another new and interesting thing about the quirks of our standing orders, but here we are having a whole other type of debate in some strange new place between the second-reading debate and the committee stage.

**Mr Drum** interjected.

**The PRESIDENT** — Order! I was not aware that I had called Mr Drum. I thought I had actually called Ms Pulford.

**Ms PULFORD** — You did.

*Honourable members interjecting.*

**The PRESIDENT** — Order! Ms Pulford to continue without assistance.

**Ms PULFORD** — This is an important issue — —

**Mr Drum** interjected.

**The PRESIDENT** — Order! Now I am absolutely positive that I did not call Mr Drum. Ms Pulford to continue.

**Ms PULFORD** — Mr Drum might have something to contribute to this question. Before I was rudely interrupted by Mr Drum — —

**The PRESIDENT** — Order! Not helpful.

**Ms PULFORD** — Sorry. Mr Davis's suggestion that the government bring in a separate bill is completely disingenuous given the short time frame available to resolve this question and to provide certainty in time for this Easter, when the Shop Trading Reform Amendment (Easter Sunday) Bill 2011 will take effect. It will start to affect people right across the state, and a considered discussion by members of Parliament on the question about whether Easter Sunday ought to be a public holiday or not is important and absolutely relevant to the question at hand. Thus I urge support of the motion.

**Mr LENDERS** (Southern Metropolitan) — I rise to join this debate and to make a couple of observations about what we are doing, what could happen and what, perhaps, the way through this might be. We have debated Easter Sunday trading for a day. Mr Somyurek is seeking to have the committee be instructed to consider an amendment which is beyond the scope of the bill that the executive government brought forward, but it is an amendment to let us debate the composite issue, which is whether Easter Sunday becomes a public holiday, amongst other things. We are now in this ridiculous situation where if the opposition wishes to do so, we could filibuster for 4 hours on this debate, and Mr Drum should not make it attractive to us. I am actually suggesting a way through this.

What we have before the house is a proposition to try to let this chamber consider an issue, which in the end will go down 21 to 19 or 24 to 16, or whatever the combination is, on which there is a difference of view between the parties. What is proposed is to broaden the scope of the committee so that the committee can consider Mr Somyurek's proposed amendment amidst all the other debate that will go on in the committee stage and resolve it one way or the other. I think we all know how it will be resolved.

What we are getting to is this remarkable debate over whether it should be there or whether it should be in general business or whether it should be in a separate bill, when it is a simple proposition that pretty well every one of the 30-odd speakers has spoken on as part

of the debate on this bill. It is hardly a radical proposition.

From the opposition's perspective, we will not put up 16 speakers for 15 minutes each and filibuster because I do not think that actually achieves anything other than hopefully make the government consider having a bit more of a discussion and not just ruthlessly using its numbers. The point I make is that this is unusual but it is not unheard of. I draw the attention of those 34 members who were in this house on 2 December 2008 to what happened then.

Interestingly, the house directed the committee on the Prostitution Control and Other Matters Amendment Bill 2008 to consider an amendment dealing with electricity prices, so it is not unheard of for this to happen. It happened because members of the house were pragmatic. Legislation on electricity had to come into this place before 31 December of that year. No-one wanted to come back for another week in Parliament, so pragmatically members of the house, including Mr David Davis, unanimously agreed on an instruction to the committee on the prostitution control bill committee to deal with electricity prices. I could go into an analogy between electricity price making and prostitution, but I will not do so. What I will say is that that was done as a pragmatic solution. The committee of the whole was directed to deal with an issue so that members of the chamber would not waste hours and hours.

**Mr Drum** interjected.

**Mr LENDERS** — Mr Drum obviously wants us to debate for 4 hours tonight. This is a way that the matter could be fixed. At the end of the night the government will use its numbers as it chooses on this issue. If it chooses — —

**Mr Drum** interjected.

**Mr LENDERS** — Again Mr Drum is showing the arrogance of the government having 21 votes in this house, which is the reason no-one should ever have it. When an opposition in the house of review in Victoria is saying the chamber could debate an issue of the day while a broader debate is going on and the government says, 'No, we've got the numbers and we're going to do what we like', that does not augur well for the house of review actually dealing with the issue. I do not believe this house will accept Mr Somyurek's proposed amendments, even though I think they are good amendments, but logically members of the house should debate them while we are debating all the other proposed amendments to the Easter Sunday trading bill.

We in the opposition will certainly vote for the motion that the direction be given to the committee.

Government members may well vote it down, but if they will not vote for it tonight, I would certainly urge them to at least consider this next time a similar motion comes before the house, because it gives members of a house of review the chance to debate all the issues in one bundle rather than go through procedural charades that could see us all here until dawn.

**Hon. G. K. RICH-PHILLIPS** (Assistant Treasurer) — The government will not support the motion moved by Mr Somyurek. I will pick up some of the points made by Mr Lenders in his contribution. He referred to the example of where this provision was used relatively recently. The provision has been used on only a very limited number of occasions, certainly in the last decade or more, in this Parliament. Mr Lenders referred to amendments that were required to be made to an electricity industry act needing to be agreed to in the committee stage of the Prostitution Control and Other Matters Amendment Bill 2008.

What Mr Lenders did not point out in that particular contribution was that the motion was moved by leave. He did point out that it was with the agreement of the entire house and that there was a pragmatic reason for it. It was a motion moved by leave in December 2008, and it was with the agreement of the whole house. As Mr Lenders said, it was a pragmatic solution to a difficult situation, but it was not, by any stretch of the imagination, an ideal solution to put amendments to the energy industry legislation in a bill to amend the Prostitution Control Act 1994. I do not think Mr Leane would say that was the ideal way to proceed on that occasion, and I do not think the opposition would agree that this is an ideal way to proceed this evening. The reality is the bill before the house this evening states in clause 1, the purpose clause:

The purpose of this Act is to amend the Shop Trading Reform Act 1996 —

(a) to remove shop trading restrictions on Easter Sunday;  
and

...

(c) to make other minor amendments.

The subject matter of the bill before the house is shop trading, not public holidays. I take Mr Lenders's point about the scope of the debate. We have heard through the course of the afternoon a debate which has covered shop trading issues and public holidays issues. I am sure the committee stage of this legislation will also canvass shop trading and public holiday matters, but that is not to say that the house should agree to

introduce into the legislation matters in relation to public holidays and amendments to the public holiday legislation which are beyond the scope of the principal legislation. It is not a good practice. It is regrettable that it was done for the Prostitution Control Act 1994. Not passing this motion moved by Mr Somyurek this evening does not curtail the capacity of the house to consider issues of public holidays. It is inevitable that those issues will come up in the debate, but that does not mean it is good practice to extend the scope of this legislation by way of the amendment proposed and the motion moved by Mr Somyurek this evening. For that reason the government will oppose it.

**The PRESIDENT** — Order! In the context of perhaps trying to truncate some of the debate I want to clarify the motion Mr Somyurek has moved under standing order 15.03, which states under the subheading 'Committee to consider only matters referred':

A committee of the whole will consider such matters only as have been referred to them by the Council.

In that context the way in which Mr Somyurek gave notice earlier today that he would move this motion contingent upon the second reading being passed is totally in order and in accordance with the standing orders. As the Presiding Officer, can I say that had I been in the chair at the time I would have counselled against the prostitution control legislation being used to make amendments to electricity bills. I would have looked at the powers that I might have had to reject the proposition that the bill be used as a vehicle to prosecute that particular matter at that particular time because there is an extraordinary disconnect between those two propositions. I would have been in discussions with the government about that because it would have been inappropriate.

As Presiding Officer I would have been most unhappy about it. I dare say that had it proceeded and had I been given advice to the effect that it should proceed at that time, I would have at the very least voted against it, because as a matter of balance I would not have thought that was an appropriate vehicle to deal with that matter.

I am not entering into the debate, but I suggest to members tonight that the motion moved by Mr Somyurek has a much greater connection with the legislation before the house than the previous example that was cited.

In that context I think the debate that has ensued is appropriate and canvasses the matter. As I said, I will not enter into the matter of the debate, but in my view there is a much greater connection between Mr Somyurek's proposition and his seeking to extend

the committee's power to deal with this matter than there is in the previous example that was cited. On this occasion, for the purpose of giving information to members I regard Mr Somyurek's motion to be within the province of the standing orders.

**Ms PENNICUIK** (Southern Metropolitan) — I rise to support Mr Somyurek's motion, and I do so partly for the reason the President has just outlined, which is that the motion is in order and is in accordance with standing orders. It is entirely appropriate for a member to put forward such a proposition, as I did in early 2007. The committee was going to consider the Equal Opportunity Amendment Bill 2007, which made a number of amendments to the Equal Opportunity Act 1995. I moved a motion that was very similar to Mr Somyurek's: that there be an instruction to the committee that it have the power to consider amendments and new clauses with regard to exceptions for small businesses and religious schools relating to discrimination and employment. The government of the day accepted that I was acting within the standing orders — that I was doing something that was quite appropriate and in order — even though it would subsequently not support the amendments that I wanted to put forward.

I am saying now that it is quite appropriate for Mr Somyurek to move the motion that he has, and I urge the government to support the principle that any member be able to ask the committee to consider an amendment to the bill before the committee, even if the amendment is not within the exact purpose of the bill but is very closely linked, as the President mentioned before, and is to amend the same act as the bill is seeking to amend.

We are looking at the principle that a member be able to do this within the standing orders, and I think the government should support that principle. By not supporting it the government would be saying that the standing orders are out of order, and they are not out of order. Mr Somyurek is doing only what is appropriate and in order under the standing orders, so I think the government should support the motion to instruct the committee to consider his amendments, even if at the end of the day it does not support the amendments. We are dealing with the appropriateness of the motion that Mr Somyurek has put forward.

**Mr VINEY** (Eastern Victoria) — I want to make a point which I think the President made in relation to standing order 15.03 and the capacity of the house to do this, particularly in response to some comments by David Davis, the Minister for Health. I refer the house

to standing order 14.13, entitled 'Amendments during committee of the whole', which says:

- (1) Any amendment may be moved during committee of the whole to any part of the bill, provided it is relevant to the subject matter of the bill or pursuant to an instruction to a committee of the whole to extend the scope of the bill.

The point that Mr Davis made demonstrated his lack of knowledge or his misunderstanding of the standing orders. Frankly I am surprised by that, given that he served on the Standing Orders Committee with Mr Lenders and me for four years. That he still does not understand the basics of the standing orders is somewhat surprising.

The reason we have reached this point with this proposed motion is that Mr Somyurek's proposed amendments essentially sit in a grey area — that is because the standing orders say that amendments can be put provided they are relevant to the subject matter. In my view there is an argument that the amendments Mr Somyurek has circulated are relevant to the subject matter of the bill and would not require this motion. The reason I say that is the government has opened the door on the issue of Easter Sunday trading in its legislation. Its legislation says that Easter Sunday will be dealt with in a particular way in relation to trading. Having opened that door the government is now saying that it is not prepared to allow the legislature to consider all the implications associated with the policy position it has taken. The executive is saying that the house — that is, the Parliament and the elected members — can only consider those elements of the issue of Sunday trading that it is prepared for the house to consider. That is an inappropriate restriction on the legislature. The legislature ought to be able to consider the policy implications of its policy position. To do otherwise is to say that the legislature is restricted by its own rules.

The rules of the standing orders of the Parliament exist not to provide cover to the government nor to provide opportunities for an opposition; the rules of the standing orders exist to enable smooth, effective and efficient debate in the chamber on the matters before it. That is what the standing orders are about. They are not about providing restrictions on the legislature; they are about providing appropriate rules.

The standing orders are based on common provisions of the normal meeting procedures. Normal meeting procedures would say that an amendment to any proposition before the Chair must be, one, relevant and, two, not a direct negative. In my view, Mr Somyurek's proposed amendments are relevant in the sense that the government has opened the door on the issue of Sunday trading and how it should be dealt with, and also in the

sense they say that having opened the door, we as a legislature need to consider all of the implications of that policy position.

The government is now proposing to shut that door and prevent the legislature from properly considering all the implications of its bill. My understanding of how we have got to this position is that there was likely to be some debate on that interpretation that I have put of the proposed amendments — that is, that it is reasonable for the legislature to properly consider all the implications of its bill. There are some questions as to whether the government would allow that consideration in the committee stage. Mr Somyurek has properly proposed a mechanism for the house to give clearance to the committee to consider the bill. That is all that is being asked here — that the house gives clearance to the committee of the whole to properly consider the matter.

*Honourable members interjecting.*

**Mr VINEY** — I do not think Mr Ondarchie has ever sat in the committee of the whole, because I have certainly not chaired it yet. He is across the chamber giving me advice about how this ought to be done. Just in case his point of order was actually a point of debate, he should be careful about his interjections when he is talking about the procedures of the house. Mr Ondarchie should understand that his side has just said that it is going to oppose Mr Somyurek's motion, so we will not have a commitment from the government to actually consider the matter in the committee of the whole.

What this debate is about — as a matter of clarity for Mr Ondarchie — is whether the committee of the whole will have the right to consider the amendments proposed by Mr Somyurek. The government is saying it is not going to give the committee of the whole that right. Mr David Davis has made that clear on the basis of his complete misunderstanding of the standing orders. This is a debate about ensuring that the committee of the whole, as the legislature, and the elected members of the upper house of Victoria, who were elected by the people of Victoria, have the right to consider all of the policy implications of the legislative change the government is proposing to make.

I urge members of the government to carefully consider this and give the legislature, including this house, the capacity to consider the question Mr Somyurek wants the house to consider about whether the public holiday impacts of the Easter Sunday trading arrangements proposed by the government ought to be considered in the committee of the whole. I urge members of the

government to give the committee of the whole the capacity to consider that.

If government members are not persuaded by the debate in the committee of the whole about the effects of the Easter Sunday public holiday, then so be it. It will be on their heads. But at least the government ought to be honest about its rhetoric about the proper review process of this house and not go back to the days of the Kennett government when no legislation was ever amended. The government is proposing to prevent the legislature from considering proper amendments that deal with the policy implications of its legislation.

**Mr JENNINGS** (South Eastern Metropolitan) — As you, President, know, the more legalistic this discussion becomes the more esoteric it becomes. We are clearly speaking to ourselves and have an audience that may not be listening or may not understand what this debate is about.

As the first principles, we in the upper house, the Legislative Council in Victoria, make up the chamber which is known as the chamber of parliamentary accountability and a chamber that scrutinises legislation. That is what our role is known to be within the parliamentary process.

We have got to the stage in a debate on a piece of legislation where we are about to go into the committee of the whole to discuss the relative strengths and weaknesses of that piece of legislation. There are opportunities for members of the chamber to ask the minister who is responsible for the legislation about the way the issues are going to come together and work as a cogent piece of legislation with existing acts and other laws in Victoria so that it makes sense, is able to be implemented and addresses any implementation concerns we might have. We also have the opportunity to raise matters by proposing amendments to change that piece of legislation to make it into a form that we can agree on and the other chamber can agree on. That is where we are at.

Mr Somyurek has moved a motion seeking to amend the legislation in the committee stage — which is the appropriate place to change a piece of legislation; it is the only place we can change legislation — and the question is whether we have the right to discuss the relative merits of the change that Mr Somyurek advocates and which members on the Labor benches support. The government is denying us the opportunity in this chamber and during the committee process to even debate the relative merits of that change. The government has denied this chamber the opportunity to

consider the relative merits of the argument. I have not even discussed what that issue at hand is, because I have just outlined the process. We are talking about the right to debate an amendment to a piece of legislation to get it into a form that this chamber can pass. The government is denying us that right.

The extraordinary contributions to this debate by government members, in terms of denying that opportunity, are not only ignorant of the way in which the committee stage and parliamentary procedures work, but — and it is important that you, President, and the Clerk listen to this matter — they also point to the challenge, and I am mindful that I am talking to you, that confronts us if this proposition is defeated by the government.

Both Mr David Davis, as Leader of the Government, and Mr Rich-Phillips in their arguments in this procedural debate have said they do not support this device being used to enable the consideration of this matter in the committee because they believe it is a remedy for the opposition to move a private members bill to introduce a public holiday on Easter Sunday in Victoria. Both members have said it is within the operation of this chamber to accept a private members bill to change public holidays in Victoria.

I contest that. We do not have the opportunity to move pieces of legislation as private members bills if they are money bills that affect public expenditure. The introduction of a new public holiday clearly falls into that category of pieces of legislation that are not available for us to move as private members bills. The substantive argument put forward by the Leader of the Government and supported by Mr Rich-Phillips was that the remedy available to us today — because they did not debate the substantive nature of the public holiday matter and refused to allow the committee of the whole to consider the issue of the public holiday — is to introduce a piece of legislation that either they did not know we could not introduce or they misled us into thinking that remedy would be available to us.

It has been spectacularly demonstrated yet again that the government is not aware of the appropriate scoping of legislation, and it is furthermore not prepared to allow the committee of the whole to discuss the relative merits of the argument as to whether there should be a public holiday. It lives in denial of the fact that it is not within our scope to introduce a private members bill to make Easter Sunday a public holiday.

I encourage Mr Rich-Phillips to reflect on his spectacular contribution to this debate and to recognise that the remedy he recommended to us is not available.

Perhaps on reflection he may change his intention on how to vote on this matter.

**The PRESIDENT** — Order! Before Mr Somyurek concludes I wish to comment on the point raised by Mr Jennings with regard to a private members bill. He directed some of those comments to the Chair, and my position on that proposition is that a private members bill would have financial implications for the government. I need to take advice at the appropriate time, but it is likely that a private members bill could not proceed other than by way of a suggestion to the Legislative Assembly because there would be financial implications for the government.

With regard to the amendment, I have consulted the Clerk about whether or not, if this motion by Mr Somyurek were agreed to and he was then able to prosecute the case of the public holiday issue within the committee process, that ought to be a suggested amendment to the Legislative Assembly on the same basis as has been raised by Mr Jennings. I have also sought advice about what is being queried by Mr Davis in relation to whether this would be an appropriate amendment with respect to government financial commitments and so forth.

My personal view at this point without that advice is that it ought to be a suggested amendment, because I think Mr Jennings's point in his contribution is accurate — that it is a proposition, if we were to declare an additional public holiday, that has financial implications for the government and therefore that affects our ability to pass that proposition and for it to be taken to the Legislative Assembly. There are some interesting procedural issues associated with this particular matter.

**Mr SOMYUREK** (South Eastern Metropolitan) — Thank you, President, for your guidance. I think we have found some common ground. Obviously this is the only mechanism we have to amend the Public Holidays Act 1993.

In summing up, the government indicated that it does not believe the amendments comply with our standing orders. I refer the house to page 47 of the *Legislative Council of Victoria Standing Orders*. Chapter 14.13 headed 'Amendments during committee of the whole', says:

- (1) Any amendment may be moved during committee of the whole to any part of the bill, provided it is relevant to the subject matter of the bill or pursuant to an instruction to a committee of the whole to extend the scope of the bill —

which is exactly what we foreshadowed today and what we are trying to do at the moment. I also refer the house to chapter 14.14 headed 'New clauses proposed during committee of the whole':

(1) New clauses must be relevant to the subject matter —

they are two very important pieces of terminology —

or pursuant to an instruction to a committee of the whole.

Again, I say that that is what we are trying to do at the moment.

I now refer the house to *Odgers' Australian Senate Practice* at pages 249 and 250. I quote from page 249:

An amendment must be relevant to the subject matter of the bill ... As with relevance in debate ... and in relation to amendments to the motion for the second reading ... the requirement of relevance is interpreted —

and this is a very important part for government members —

liberally, so that senators have maximum freedom to move amendments.

I will repeat that part because it is very important:

... relevance is interpreted liberally, so that senators have maximum freedom to move amendments. In determining relevance, the question is: 'What is the subject matter of the bill, and does this amendment deal with that subject matter?'. The long title of a bill can be taken as an indication —

it is an indication, not an absolute statement —

of its subject matter, but does not conclusively determine —

again that is very important —

the question.

Members have spoken about the long title of the bill, but no-one has read it into *Hansard*. It states:

A bill for an act to amend the Shop Trading Reform Act 1996 to remove shop trading restrictions on Easter Sunday, and for other purposes.

In my opinion the term 'other purposes' is pretty wide.

The subject matter of the bill is obviously shop trading on Easter Sunday, and the amendment will make Easter Sunday a public holiday. It is clear from *Odgers* that even if the long title of the bill does not expressly make reference to the subject of the amendment, the bill may still pass the relevance test. Therefore, even though the long title of the bill does not make explicit reference to public holidays, it does not mean the amendment has failed the relevance test.

I therefore submit that the amendments are relevant to the subject matter of the bill for the following reason: while the long title of the bill does not refer to the Public Holidays Act 1993 but refers to the Shop Trading Reform Act 1996, the subject of the bill is shop trading on Easter Sunday. The amendment to make Easter Sunday a public holiday is relevant because it influences the staffing of businesses and the entitlements of employees working in businesses that are open on Easter Sunday. Furthermore, the Public Holidays and Shop Trading Reform Acts (Amendment) Act 2003, which was introduced by the former government, amended the Public Holidays Act 1993 and the Shop Trading Reform Act 1996 to require shops to close on Easter Sunday. In my view the passing of this legislation confirms the interconnectedness of the subject matter and the amendment — that is, it confirms the interconnectedness between shop trading at Easter and public holidays on Easter Sunday.

I submit that the amendments before the house are relevant to the subject matter and therefore comply with the Legislative Council of Victoria's standing orders.

#### House divided on motion:

##### Ayes, 19

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

##### Noes, 21

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

#### Motion negatived.

##### Committee

#### Clause 1

**Mr SOMYUREK** (South Eastern Metropolitan) — I ask the minister: what protection is available under the Equal Opportunity Act 2010 to protect workers who do

not wish to work on Easter Sunday for religious observance reasons?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — This is a bill that goes for two pages. The opposition is trying to create a lot of issues out of a bill that simply sets out, as clause 1, the purposes clause, says:

- (a) to remove shop trading restrictions on Easter Sunday; and
- (b) to repeal section 5A of that Act which provides for Easter Sunday exemptions; and
- (c) to make other minor amendments.

The concerns that have been expressed about the Equal Opportunity Act 2010 and other issues are matters that fall outside the scope of the amendment bill before the chamber.

I make this clear: the Shop Trading Reform Amendment (Easter Sunday) Bill 2011 is about meeting the government's election commitment to remove trading restrictions that prohibit some shops from trading on Easter Sunday. The Easter Sunday trading ban was introduced in 2003 by the then Labor government in accordance with its policy. The implementation of the ban was riddled with many anomalies, which led to variations and changes being brought in. In effect the bill means that shops with more than 20 employees or retail businesses with more than 100 employees across the state will again be able to open for business on Easter Sunday, just as they could prior to 2003.

The bill also removes a provision for special exemptions for municipalities wishing to allow trading on Easter Sunday, as these exemptions will no longer be required. In regard to the issue that was brought up by the member, the removal of the Easter Sunday trading restrictions gives all businesses the choice as to whether or not to open during one of the busiest times of the year. We think businesses should make the choice as to whether they open on Easter Sunday, not the government. The issue that Mr Somyurek raised is not relevant in the context of the bill before the chamber.

**Hon. M. P. PAKULA** (Western Metropolitan) — During question time today there was a question about the protections that were potentially provided to workers who did not want to work on Easter Sunday by reason of religious observance. As I recall, the minister's response was that we would have the opportunity to address this issue during the bill's committee stage, which is what we are now seeking to

do. We are on the purposes clause of the bill. If the bill is passed, a consequence will be that many more shops will open on Easter Sunday and many more workers will therefore have to work on the day, some of whom will be willing to do so and some not. Can the minister provide the house with an assurance that if a worker declines work on Easter Sunday for reasons of religious observance, there are provisions on the Victorian statute book that would ensure that that worker's employment cannot be harmed?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — I reaffirm my initial statement, which was that this removal of the Easter Sunday trading restrictions gives businesses the choice about whether they open or not during one of the busiest times of the year. The issue the member asked about concerns the application of enterprise bargaining agreements and whether the relationship in the industrial framework applies or not.

*Honourable members interjecting.*

**Hon. R. A. DALLA-RIVA** — I hear members jumping up and down, but this bill talks about removing shop trading restrictions on Easter Sunday, and the member has asked a specific question that is not within the purview of the bill. I indicated earlier today that we would discuss this bill. We are discussing this bill. The member has asked a specific question about it, and I have given the government's response.

**The DEPUTY PRESIDENT** — Order! I would like to hear Mr Pakula's question again, because I think we might have had a mismatch in terms of the question and the response.

**Hon. M. P. PAKULA** (Western Metropolitan) — Thank you, Deputy President. In his response Mr Dalla-Riva referred to enterprise bargaining agreements and awards and other instruments that are actually federal instruments. My question went specifically to the Victorian statute book and whether or not there are provisions in the statute book in this state that would protect persons who wish, for reasons of religious observance, not to work on Easter Sunday. The response from Mr Dalla-Riva was a non-response but to the extent that it was a response it went to matters of federal jurisdiction, and that was clearly not the question.

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — As I have explained, the issue is about the removal of these trading restrictions for businesses. How businesses deal with their employees in relation to whether they open or

not will be a matter between employers and employees. The specific issue you, Deputy President, raised was about overarching discrimination or otherwise. That would be a matter between the employer and the employee in the context of this bill. That is where I see it fitting.

**The DEPUTY PRESIDENT** — Order! I remind the minister that I did not raise any issue; Mr Pakula did. I ask that the minister address his comments accordingly.

**Mr TEE** (Eastern Metropolitan) — This is an important issue, and I am just seeking some further clarification. I think there is agreement that this bill eases the restrictions on business. It could then be said that it is for the employer and employee to discuss their arrangements once those restrictions and operations are removed. But then the question is this: what rights are there in Victorian law, in this provision, for an employee and employer who disagree about whether that employee should work? What right does an employee have to say to their employer, ‘I am not going to work today because I want to observe my religious beliefs. I want to practise my religious observations, and therefore I don’t want to work.’?

The question is: what flows from the assertion, which is a true one, that this bill will make it easier for businesses to open? The question that flows from that is: what are the rights of employees to say to the employer, ‘No, I am not going to work because of my religious beliefs.’? I suppose the more specific question is: where are those provisions? Are they in this bill or elsewhere in Victorian law?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — I thank Mr Tee for his question. As I have reaffirmed with advice, the issue would be a matter between the employee and the employer. I will give one example just for Mr Tee’s information. Section 7.15 of the Woolworths National Supermarket Agreement 2010 says, under the heading ‘Easter Sunday’:

Work on Easter Sunday shall be voluntary.

As I indicated, that would be exactly how we see this. It would be a voluntary arrangement between the employee and the employer, most likely in an agreement, but it could be otherwise. It would be unusual for companies, given the provisions of this bill that would be available to them were the bill passed, to be enforcing the religious aspects Mr Tee is talking about. I think Mr Tee would find that, as I have just indicated with the example of the Woolworths

agreement, those types of arrangements would be voluntary.

**Mr TEE** (Eastern Metropolitan) — Is it therefore the minister’s assertion that in circumstances where an employer asks an employee to work, it will be in all circumstances voluntary for that employee to work? Can the employee state, ‘I don’t want to work, because I have religious observations, and therefore I will not work.’?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — That is not the assertion I am making. The assertion that you are making is that there is some arrangement that employers are going to be forcing employees to — —

**The DEPUTY PRESIDENT** — Order! I just remind Mr Dalla-Riva again to address his response through the Chair without suggesting that I am making any assertions at all. He said, ‘The assertion that you are making’; I suggest that he — —

**Hon. R. A. DALLA-RIVA** — The assertions that Mr Tee is making — —

**Mr Tee** — It is a question, not an assertion; I am asking you.

**Hon. R. A. DALLA-RIVA** — Mr Tee used the word ‘assertion’, and I am replying on the basis of him having used that word. I have indicated that that is an assertion the Labor Party may be making; it is not an assertion that we in the government are making. As I have said, this is a straightforward, simple amendment to the Shop Trading Reform Act giving choice to businesses as to whether they open or not during one of the busiest times of the year. We believe it is up to businesses to make that choice, not the government.

The specifics Mr Tee talked about in relation to assertions we might be making are incorrect. I gave the example of the Woolworths National Supermarket Agreement 2010 which makes it clear that working on Easter Sunday shall be voluntary. I put it to members opposite on that basis that if there were particular issues of a religious nature or otherwise, those matters would be between the employer and the employee.

**The DEPUTY PRESIDENT** — Order! We will have a short break of about 15 minutes at 12.30 a.m. Just before calling that break I want to clarify where we are at in relation to what the house resolved shortly before we went into a committee of the whole in relation to Mr Somyurek’s amendments.

The effect of that resolution, just as a way of clarification for all members, is that Mr Somyurek's amendment 1 and his amendment 2 cannot be considered by the committee of the whole. His amendment 3, inviting the committee to essentially omit clause 4, will be available for Mr Somyurek to put to the committee, as will part A of the new clause to be inserted by amendment 4 in relation to section 5A of the act. Part B of the new clause will not be available to the committee of the whole. Finally, Mr Somyurek's amendment 5 will also not be considered by the committee.

I also make the point that Mr Somyurek's amendment 3, inviting the committee to omit clause 4, will be regarded as a test of part A of the new clause to be inserted by his amendment 4. I am happy to discuss any further clarifications with Mr Somyurek in the course of the break, if that is required, but I thought it important to clarify these positions for the purpose of the remainder of our consideration.

#### **Sitting suspended 12.32 a.m. until 12.48 a.m.**

**Ms PULFORD** (Western Victoria) — A few moments ago the minister provided us with the wording from a clause taken from the Woolworths EBA (enterprise bargaining agreement). In providing that example he highlighted the case of employees working in retail at Woolworths who might be engaged in a discussion with their employer about whether or not they would be required to work on Easter Sunday. The clause demonstrates that the worker would have the choice between working and not working. Before the break we were getting to the question of whether or not the minister thought — and indeed whether it was the government's intention — that was the standard. Can the minister comment on that?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — I am trying to get to the gist of the question. Can I perhaps go back to the general assertions that were made by Mr Tee and indeed by Ms Pulford in terms of the context of the discussion. Apparently no shops could trade on Easter Sunday prior to this bill. The reality is that under the amendments made by the Labor government in 2003, any shop with fewer than 20 employees could open. What members opposite are now all of a sudden saying is that because of this legislation there is going to be discrimination or some other issues. Those amendments were already put in place by their government. I also make the point that under section 5A, which we will get to a bit later, nine council regions were exempt. Large or small, businesses in these regions could be open.

Are members opposite saying that under their government's exemptions, certain places were discriminating? The argument they are putting forward is nonsensical — that all of a sudden there is going to be widespread discrimination when in fact the legislation they put in place not only exempted nine council areas but also allowed any small business with fewer than 20 employees to open on Easter Sunday anyway. I am just putting that on the record so that members are aware of it.

**Ms PULFORD** (Western Victoria) — With respect to the minister, he is the minister representing the government. This is his legislation, and we are asking the questions tonight — —

**The DEPUTY PRESIDENT** — Order! I ask Ms Pulford to allow me to preside over the chamber without assistance.

**Ms PULFORD** — In the general retail industry award, which is the award that covers all workers who are not covered by the Woolworths agreement or another agreement, the 'ordinary hours of work' clause indicates a spread of hours: Monday to Friday, 7.00 a.m. to 9.00 p.m.; Saturday, 7.00 a.m. to 6.00 p.m.; and Sunday, 9.00 a.m. to 6.00 p.m. Nowhere else in the award does it state that on Sundays employees have the right to refuse to work if rostered on. My question relates to the minister's earlier comments about the voluntary nature of work on Easter Sunday and his citing of the Woolworths enterprise bargaining agreement, and I ask him to clarify if it is the government's position that once these new arrangements are in place — and they will apply to a whole new class of retail workers — working on Easter Sunday will be voluntary.

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — The current arrangements allow businesses with fewer than 20 employees to operate on Easter Sunday. There were nine shires around Victoria in which, under the former government, businesses, large or small, could open on Easter Sunday. There is an assertion being made that all of a sudden this legislation will force every employee to work on Easter Sunday, and Ms Pulford gave the Woolworths example — —

**Hon. M. P. Pakula** — No, you gave the Woolworths example.

**Hon. R. A. DALLA-RIVA** — The Woolworths example was referenced. I again refer to page 76 of the agreement, which says, 'Work on Easter Sunday shall be voluntary'.

**Hon. M. P. Pakula** — What about everyone else?

**Hon. R. A. DALLA-RIVA** — Again, you are asking a question about a particular agreement, and I have just explained that. I have explained also that the amendments that we have put forward and the purposes of the bill do not all of a sudden mean that every employee will be forced to work on Easter Sunday, because even under the current arrangements, under the former government's legislation, businesses with less than 20 employees could open on an Easter Sunday.

What you are saying is that under the former government's legislation there would have been widespread forcing of employees to work in those companies. That is not correct, as you know. And the nine regions — the Surf Coast shire, Moira shire, city of Greater Bendigo, Gannawarra shire, Northern Grampians shire, rural city of Mildura, East Gippsland shire, rural city of Swan Hill, Indigo shire and even the city of Greater Dandenong were all exempted by the former government. The assertion that all of a sudden this legislation is going to open up Pandora's box and create some area where employees are going to be forced to work is nonsensical, because even under the former government's legislation that was not the case.

**The DEPUTY PRESIDENT** — Order! I thank the minister for attempting — and I know it is difficult — to follow procedure as to the appropriate recipients of his contributions. I call Ms Pulford on the basis that I assume she is pursuing her previous point.

**Ms PULFORD** (Western Victoria) — Thank you, Chair. It concerns the minister's explanation of whether work on a Sunday ought to be voluntary for people other than those who are covered by the Woolworths enterprise bargaining agreement, people who might be in any of the 70 local government areas that he did not list or people who work for a retail organisation that employs more than 20 people. For those people who are covered by the general retail industry award, the number of whom one would hazard a guess is a vastly greater number of people than the people we represent in this place, can the minister confirm — and again a simple yes or no would be very helpful — whether it is the government's intention that work on Easter Sunday would be voluntary?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — If Ms Pulford is wishing the government to explain the hundreds, if not thousands, of agreements in terms of who should not work on a Sunday or on Easter Sunday, I do not intend to go through that. As I indicated earlier, it was never seen to be an issue when Bunnings was exempted

in 2003 under the former government. The opposition is trying to make it an issue. It is not an issue. Our view is that this will give businesses choice, as I have indicated, as to whether they open or not.

**Hon. W. A. Lovell** interjected.

**Hon. R. A. DALLA-RIVA** — As currently is the case — Ms Lovell is correct — for those businesses with less than 20 employees or those in the nine shire council areas that I indicated earlier.

**Hon. M. P. PAKULA** (Western Metropolitan) — Going to the purposes of the bill, I note the second-reading speech says that any retail business that wishes to trade on Easter Sunday will legally be able to do so. The business itself will make that choice, not the government. This bill is about the freedom of a business to decide whether to trade and the freedom of consumers to decide whether to shop. That sentiment was expressed over and over again by speakers from the government side during the second-reading debate — that this is about the freedom of businesses to decide whether to trade and the freedom of consumers to decide whether to shop. Can the minister give the committee an insight into the government's thinking as to why that sentiment and that issue of choice is appropriate on Easter Sunday but not on Good Friday?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — It was our policy position before the election. We went to the election with that policy commitment. People voted on it, and we on this side of the house stand by it.

**Hon. M. P. PAKULA** (Western Metropolitan) — If I could pursue that, the second-reading speech, in regard to the purpose of the bill, makes it clear that what is driving the government is not its policy commitment. What is driving the government is the notion of choice, the notion of giving businesses the choice whether to trade and consumers the choice whether to shop, and the government has decided to extend that choice to Easter Sunday. Obviously there is some characteristic about Easter Sunday that makes it different to Good Friday or Christmas Day or Anzac Day, and my question is, what is the particular characteristic of Easter Sunday that makes it appropriate for that choice to be provided on that day, when that choice is not appropriate on those other days I have referred to?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — The government's policy position, as I indicated, was outlined before the election. Good Friday, Christmas

Day and Anzac Day morning are traditionally and historically non-trading days. Easter Sunday has only become a non-trading day since 2003 in the case of companies that have more than 20 employees. What we are doing is bringing back Easter Sunday as a trading day, which it was prior to 2003.

**Mr SOMYUREK** (South Eastern Metropolitan) — Staying on the theme of choice for business, I have been advised that some small businesses believe they will have to open on Easter Sunday because they are required to do so by their landlords as part of their lease. Can a retail business be required to open on Easter Sunday by virtue of a leasing provision?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — Mr Somyurek knows the answer to that question. Section 7 of the Shop Trading Reform Act 1996 voids certain lease provisions. It outlines how landlords are prevented from forcing tenants to open on certain days, including the particular day the government is proposing that businesses be allowed to open.

**Mr SOMYUREK** (South Eastern Metropolitan) — I am aware of section 7 of the Shop Trading Reform Act 1996. How does this then interact with section 79(b) of the Retail Leases Act 2003, which appears to allow a new lease or renewal of a lease to include a provision about retail trading hours that are a condition of the lease?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — Again I refer to section 7(3), of the Shop Trading Reform Act 1996, which states:

If a dispute arises between the parties to a retail premises lease to which the Retail Leases Act 2003 applies as to a requirement by the landlord of a kind referred to in subsection (1) or (2), as the case requires, then part 10 of that Act applies to the dispute as if it were a retail tenancy dispute within the meaning of that Part.

My understanding is that the Minister for Innovation, Services and Small Business will be writing to the Shopping Centre Council of Australia to remind it of its obligations under this provision.

**Mr SOMYUREK** (South Eastern Metropolitan) — I just seek clarification that what the minister is saying is that section 7 of the Shop Trading Reform Act 1996 does not have primacy over section 79 of the Retail Leases Act 2003. I suggest to the minister that we have a bit of a problem there with choice.

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — As I have

outlined, if a dispute arises between the parties to the lease agreement under section 7(3), then there is a retail tenancy dispute within the meaning of that part. I have outlined that; nothing more.

**Hon. M. P. PAKULA** (Western Metropolitan) — Following on from the point raised by Mr Somyurek and the minister's reliance on the provision in the Shop Trading Reform Act 1996, is the government undertaking to act against any shopping centre owner who breaches this provision and requires a tenant to open on Easter Sunday?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — Again, the issue appears to be that this is some new creation. The reality is that even under the amendments in 2003, businesses with fewer than 20 employees could have opened or not opened. I think what the opposition is trying to do is create an issue that is not there or that was already there anyway under the former government. We are trying to find clarity around when a dispute arises as to the lease agreement, and I have outlined the provisions for avoiding certain lease provisions that are contained in section 7 of the Shop Trading Reform Act 1996.

**Mr TEE** (Eastern Metropolitan) — I am seeking a bit of clarification on that point. What has been indicated is that there is a conflict between section 7 of the Shop Trading Reform Act 1996 and the Retail Leases Act 2003, and I think that much is common ground. What the minister has indicated is that the resolution of that conflict is set out in section 7(3) of the Shop Trading Reform Act 1996, but all that section 7(3) does is refer the parties to a dispute resolution mechanism in the Retail Leases Act 2003, so it does not resolve this. My question is where does it resolve that dispute — where does it say which party has primacy or which argument has primacy — because simply referring it to a dispute resolution mechanism does not provide an outcome.

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — The protections for the small-business tenants were affirmed on 21 November 1997 by then Premier Kennett. A press release then said the government had secured an agreement with all major owners of Victoria's shopping centres to ensure that Victorian small businesses would not be forced to open on Sundays or public holidays.

**Ms Pulford** interjected.

**Hon. R. A. DALLA-RIVA** — Well may you smirk, because the then Minister for Small Business, one

Marsha Thomson, on Wednesday, 15 December 1999, today reaffirmed that agreement that small Victorian retailers in major shopping centres would not be forced to open on Sundays or public holidays. That is reaffirmed by section 7 of the Shop Trading Reform Act 1996.

**The DEPUTY PRESIDENT** — Order! We are going well, but I ask members to refrain from making comments that are going to inflame some interjections. The word ‘smirk’ is perhaps not a useful contribution in the context of the tone of the debate up until now. I remind members that I do not require them to ask the minister a question. If members wish to make a contribution or a comment on a clause or on the minister’s response, that is in order, and the minister is not required to answer or make a comment in response. I notice members seem to be making a comment or contribution and then trying to find a question. That is not necessary. Members can simply make a comment, and the minister may choose to respond or not.

**Mr SOMYUREK** (South Eastern Metropolitan) — On a point of clarification about Ms Thomson’s press release, did I correctly hear the minister say ‘today’ or ‘1999’? The minister referred to a press release by Ms Thomson, and I thought he said Ms Thomson put out a press release today. Is that what he said?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — No, it was Wednesday, 15 December 1999. I have a copy here.

**Mr SOMYUREK** (South Eastern Metropolitan) — That is fine. I ask the minister what, if any, are the legal provisions which give shop owners the choice whether or not to open on Easter Sunday.

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — I have answered that already in terms of the protection provided not only by Mr Kennett but also by the former Labor government and reaffirmed in section 7 of the Shop Trading Reform Act 1996.

I also put on the record that the small business commissioner receives about 1000 lease disputes per year. While they may not all be related to the issues the member raises, as I said before there is already an opportunity for small businesses with fewer than 20 employees to open on Easter Sunday, and nine regions were exempted by the former government under section 5A, which we are seeking to remove. I do not have exact breakdowns of those disputes in terms of whether there were any about lease agreements between landlords of large shopping centres and small

businesses, but I can say that we see that as the appropriate dispute resolution mechanism.

**Mr TEE** (Eastern Metropolitan) — I want to clarify this point. Where a small business is in this position and is required to open, the minister is saying that the government’s position is that those small businesses can rely, firstly, upon a Kennett agreement and an agreement made in 1999. Secondly, they can seek to use the dispute resolution provisions set out in section 7(3). Can the minister confirm that?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — I am starting to sound like a broken record. There was an agreement reached by the Kennett government in 1997. It was reaffirmed by the Bracks government in 1999, and it was confirmed in the legislation in 2003. That is how it was done under the Labor government and under the former Kennett government. What we are doing is removing some of the barriers that are currently in place following the 2003 amendments and, as I said, offering that freedom of choice. We do not shy away from that. It was an election promise, and we are standing by that election commitment which we will deliver on the passing of this bill.

**Hon. M. P. PAKULA** (Western Metropolitan) — The statement of compatibility indicates that this bill amounts to a limitation of the right of freedom of religion but asserts that it is a reasonable limitation. Can the minister indicate, for the benefit of the committee, the nature of the limitation on the right of freedom of religion that this bill creates?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — Again, I sound like a broken record. We have gone down that path already; that was covered in the first of the range of questions asked in relation to religious rights in terms of people being able to work on those days. As I indicated earlier, that would be an agreement between the employer and the employee, and, as I have tried to point out time and again, you would find in the example I have given before with Woolworths that there are issues about working on Easter Sunday being voluntary. I do not propose to talk about this for much longer.

**Hon. M. P. PAKULA** (Western Metropolitan) — I am grateful for Mr Dalla-Riva having indicated that he is not prepared to speak about this for much longer. I do not think that is his call, Chair.

I did not ask the minister about anything to do with the Woolworths agreement or people volunteering to work.

What I asked him was a specific question about the statement of compatibility which indicates that there is a restriction on freedom of religion, albeit a reasonable one, according to the government. I am simply asking the minister if he could outline for the house what the government says the restrictions on freedom of religion are.

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — It might be of help to Mr Pakula if he referred to the statement of compatibility, particularly the reasonable limitations paragraph (c) on the nature and extent of the limitation:

The extent to which the provisions of this bill limit any charter rights is minor. By removing the restrictions on shop trading on Easter Sunday, the provisions of the bill do not restrain persons from having or adopting religious beliefs, nor do they prevent religious practice, worship or observance of holidays.

**Hon. M. P. PAKULA** (Western Metropolitan) — I thank the minister for that, but what he has just told me is the manner in which the bill does not restrict freedom of religion. I am asking the minister if he could outline for the house the nature of the restriction. What he has just outlined is the exception; I am asking him to provide the house with some detail on what the restriction on religious freedom is, not what the restriction is not.

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — The issues here are about the relationship between the employer and the employee. The issue has been raised linking the removal of restrictions on shop trading to people having or adopting their religious beliefs, but the bill does not prevent the religious practice, worship or observance of holidays, because, as I indicated, there would be the agreement between the employer and the employee. I have given examples of some workplace agreements whereby working on Easter Sunday, because of its religious nature, would be voluntary and not forced upon individuals.

**Mr TEE** (Eastern Metropolitan) — Just on this point, on the one hand the minister is saying there is no restriction on freedom of religion and then on the other hand the statement of compatibility, which his government signed off on, says there is a restriction on freedom of religion. I am wondering which one is correct.

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — The provisions of the bill do not restrain a person from having or adopting religious beliefs, nor do they prevent religious practice, worship or observance of

holidays. The opposition has inferred that there is some restriction. I have just outlined the government's statement of compatibility, which says the bill does not restrain people.

**Hon. M. P. PAKULA** (Western Metropolitan) — The opposition is not inferring anything. The opposition is referring to the government's document, which says that there is a restriction on religious freedom. If the minister does not know what the restriction is, he should either say that or seek some advice, but we have now had two members of this Parliament seek to have the minister explain to the committee what the restriction is, yet the minister continues to tell us where the bill does not restrict religious freedom. What we are asking the minister is: what is the restriction referred to in the statement of compatibility?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — I know the member is referring to the words, 'It might be said', which appear near the top of page 2. However, again I put this under the overarching view that this issue would fall into the relationship between the employer and the employee, and that is why it says, 'It might be said that by removing the restrictions ... some shop employees may be expected to work'. Yet I have argued and I continue to argue that it would depend on the workplace arrangements, and I have given an example. I would also indicate that the amendments put forward by the previous government in 2003 mysteriously had no such issues inferred or referred to within them. That is nonsensical, because all that is happening now is that we have made it open for the state to have that freedom of choice. We have not put forward restrictions of fewer than 20 employees, as was done in 2003, nor have we restricted it to the nine shires. We have been very clear about offering choice around the state, and that was a policy commitment, as I indicated, and we went to the election on that commitment.

**Mr SOMYUREK** (South Eastern Metropolitan) — The government has stated that it is its intention to ensure that this legislation applies this Easter. Is there anything that will ensure that no retail employee can be forced to work this Easter?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — As I said, it will depend on the workplace agreement that is in place. We are offering choice to businesses across Victoria and that is what we went to the election with.

**Mr SOMYUREK** (South Eastern Metropolitan) — I have a follow-up question. If a family has booked a holiday and a couple of members of that family are working in the retail industry, what protection will the minister offer these people?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — I was waiting for the hypotheticals and they have arrived. We could have every hypothetical that anyone in this chamber could think of. I have indicated and I will continue to indicate that it would depend on the workplace agreement that exists between the employer and employee. We are offering choice to businesses across Victoria. It was an election commitment on which we said we would deliver.

**The DEPUTY PRESIDENT** — Order! Minister, I will determine whether questions are in order or not. I will allow hypothetical questions as this is the committee stage to consider a bill in detail, allowing members of the chamber to fully understand the legislation.

**Mr SOMYUREK** (South Eastern Metropolitan) — The minister might dismiss this as being a hypothetical but this is the real world. Has the government made any provision to compensate people who have booked very expensive holidays? The minister knows that family holidays overseas to Europe or elsewhere can be very expensive. Is there any provision to compensate people who will be severely financially disadvantaged by the government rushing through this legislation before Easter?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — Again, the nature of the protections that are provided would be exactly the same as those that currently exist for similar situations under the amendments made in 2003. All we are doing is widening it beyond nine shires and for businesses with more than 20 employees. The question Mr Somyurek asks would equally apply to the current provisions under the 2003 amendments. I am trying to work out where the member is coming from by opening it up and suggesting that there needs to be some sort of compensation.

**Mr SOMYUREK** (South Eastern Metropolitan) — It is actually not the same. The government has moved the goal posts. Holidays are not cheap, especially for a big family going away. The minister did not answer the question. I take it that the government has not even thought about whether people would be disadvantaged financially by its actions.

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — We thought of a policy position that we went to the election with. People voted on that, and that is what we have before the chamber tonight.

**Ms BROAD** (Northern Victoria) — I refer to the purpose clause, which is to amend the act to remove shop trading restrictions on Easter Sunday, and the minister's statement in the statement of compatibility where, amongst other things, he states:

The bill does not limit employers' obligations under the Equal Opportunity Act 2010, to make reasonable allowance for employees' religious beliefs, including in relation to requests for leave to enable employees to observe their religious holidays.

The extension to that position, which I would ask the minister to address, is the matter of what steps he as minister and his government have taken to ensure that employers meet their obligations under the Equal Opportunity Act 2010 to make reasonable allowance for employees' religious beliefs, including in relation to requests for leave? Further, on this matter, can the minister outline to the committee as a whole what steps will be taken and what steps can be taken where employers fail to meet their obligations under the Equal Opportunity Act 2010 to make reasonable allowance for employees' religious beliefs, including in relation to requests for leave?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — I am advised they are the same protections that currently exist under the 2003 amendments — for example, Bunnings employees and those who are in businesses with less than 20 employees.

**Ms BROAD** (Northern Victoria) — I thank the minister for his response. I invite him to outline to the committee as a whole what those protections are and what steps he and his government have taken to ensure that those protections are enforced?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — My advice is that nothing has changed from the current arrangements under the provisions made by the former government in its amendments in 2003 other than that the amendment will make the arrangements wider across Victoria than what they currently are.

**Ms BROAD** (Northern Victoria) — Through you, Chair, I again thank the minister for his response. Notwithstanding his observation that nothing has changed, all members are well aware that there has in fact been a major change — that is, the government has

changed and ministerial responsibilities have changed. The matter I am endeavouring to have the minister pay due regard to is what steps he as minister and his government plan to take, if any at all, in order to ensure that employers meet their obligations, which he has referred to in his statement of compatibility in support of this bill before the house?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — As the statement of compatibility rightly points out, the bill does not limit employers' obligations under the Equal Opportunity Act 2010, and those provisions currently in existence will continue to be in existence with the new provisions.

**Hon. M. P. PAKULA** (Western Metropolitan) — In the second-reading speech the claim is made that 'it is estimated that businesses in Melbourne and regional Victoria lose millions of dollars in revenue on Easter Sunday every year'. Can the minister provide the committee with any source material to substantiate that claim?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — We see the changes as promoting a more dynamic trading environment in Victoria that is responsive to consumer demand. Easter Sunday, particularly in regional areas, is a peak tourist time, and all businesses will now be able to take advantage of the high tourist numbers that bring them valuable sales and opportunities.

Specifically to the question asked, the Victorian Employers Chamber of Commerce and Industry estimates the value of tourism and major events per annum at \$17 billion, and it strongly supports the removal of the ban. VECCI described the government's decision to remove the Easter Sunday trading restrictions as a common-sense decision that benefits business. The Victorian Tourism and Industry Council also supports the removal of the Easter Sunday ban, preferring to allow businesses to choose to stay open or not.

We, as a government, see that with the removal of the Easter Sunday restrictions Victoria will now stand to stimulate millions of dollars in revenue from increased tourism and retail activity. We reaffirm our commitment to the right of Victorian businesses to make their own choices and our commitment to better ensure that Victoria is a tourist destination that meets international expectations.

**Hon. M. P. PAKULA** (Western Metropolitan) — I did not ask for an endorsement by the Victorian

Employers Chamber of Commerce and Industry, as worthy an organisation as VECCI is, and I did not ask for the annual tourism figures in Victoria either, which the minister thankfully provided me with. What I asked the minister is what source material he can provide to the committee to substantiate the claim that businesses in Melbourne and regional Victoria lose millions of dollars in revenue on Easter Sunday every year.

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — The Victorian Employers Chamber of Commerce and Industry supports the removal. As it says, it is a common-sense decision that benefits business. If it benefits business, it will generate investment opportunities and generate jobs, and that is a good thing for Victoria. We do not shy away from that.

**Hon. M. P. PAKULA** (Western Metropolitan) — I suppose we can just keep doing this all night. I will try for a third time to ask the minister whether he can provide the house with any source material — that is, raw data of any nature — to substantiate the claim that Easter Sunday being a non-trading day costs businesses millions of dollars every year. What is the raw data or the source material that caused the government to make that claim in the second-reading speech?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — The Victorian Employers Chamber of Commerce and Industry is a reputable organisation, and we see it as giving sound advice in terms of the benefits to business. If the opposition does not think that it does, then that is fine. We also see that the Victorian Tourism and Industry Council says that the removal will provide benefits to tourism, which by default would generate additional income and revenue for the state, and we do not shy away from that.

**Hon. M. P. PAKULA** (Western Metropolitan) — For a fourth time — —

**Mr Ondarchie** — You've asked it.

**Hon. M. P. PAKULA** — Mr Ondarchie, you are half right: it was asked, but it was not answered. I am quite prepared to accept that the Victorian Employers Chamber of Commerce and Industry supports the government's position. I think Mr Dalla-Riva has made that perfectly clear. I am also prepared to accept that the other organisations that the minister referred to support the government's position. I am asking the minister what the basis is for the government's claim that millions of dollars in revenue is lost every year on Easter Sunday. What is the evidence for that? What is

the data that has been collected? What is the source material that provides the foundation for the claim that millions of dollars in revenue is lost every year? I am not asking the minister to go through a list of organisations that support his position. I am asking him to provide this committee with data that backs up the claim that I suggest is one of the foundations of this bill.

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — I gather Mr Pakula is referring to the second-reading speech where it says:

Easter Sunday, particularly in regional Victoria, is a peak tourist time generating tens of millions of dollars in revenue.

Is that what he is referring to? It goes on:

All retail businesses throughout all of Victoria will now be able to take advantage ... that stimulate valuable sales and other opportunities.

**The DEPUTY PRESIDENT** — Order! Is that the reference Mr Pakula was referring to?

**Hon. M. P. PAKULA** (Western Metropolitan) — No, Chair, it is not. It is at the bottom of page 1 of the distributed second-reading speech, where it says:

... it is estimated that businesses in Melbourne and regional Victoria lose millions of dollars in revenue on Easter Sunday every year.

Perhaps it would assist if I said to the minister that if the government does not have any source or data to substantiate that claim, I would accept an answer from the minister that simply says that.

**The DEPUTY PRESIDENT** — Order! I am not sure that it is necessary to advise the minister on how to answer the question. I will put to the minister that it has been my observation, as in fact it was the observation of the previous Deputy President, now President Atkinson, that what we have tonight is a process by which a number of detailed questions have been put to the minister which are either not being fully responded to or not responded to other than in a general statement.

The minister is perfectly at liberty to maintain that position; that is his entitlement. However, consistent with the previous positions of President Atkinson, it would be helpful to the committee if the minister were able to be a little more responsive to some of the questions. I suggest that it might enable the committee to expedite its consideration a bit more quickly, particularly when we are still on clause 1, albeit that there are only five clauses in the bill. Perhaps the minister might like to take that into consideration and to take into account that the reason for this request to the

minister is that the purpose of the committee stage is to enable the chamber in its committee stage to consider the legislation and its implications in a comprehensive manner. Therefore comprehensive answers, particularly answers that are more specific, would be of assistance to expedite the process. As I say, the minister is not required to answer any question or to answer it in a particular way, but that may be of some guidance. Would the minister like to respond to the question from Mr Pakula?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — What was the question again?

**Hon. M. P. PAKULA** (Western Metropolitan) — Once more, for fun. As I indicated before the Chair provided assistance, I am not, for clarity, asking the minister to provide the committee with messages of support from the Victorian Employers Chamber of Commerce and Industry or any other organisation. As I have indicated, I accept what the minister says with regard to the support of VECCI and other organisations. What I am asking the minister is what was the data or the source material upon which the government relied to make its claim that:

... businesses in Melbourne and regional Victoria lose millions of dollars in revenue on Easter Sunday every year.

If there is no data to support that claim, perhaps the minister ought to say that to the committee.

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — I thank Mr Pakula for clarifying that. My understanding is that there would be source material in relation to getting to that particular 'lose millions of dollars in revenue on Easter Sunday every year'. Clearly I do not have that with me now, but I could take it on notice and get it back to Mr Pakula.

**Hon. M. P. PAKULA** (Western Metropolitan) — Am I to take it that the minister is undertaking to provide the chamber with that source material?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — The Victorian Employers Chamber of Commerce and Industry material that I referred to would be part of that source material. The Victorian Tourism and Industry Council (VTIC) material that I outlined would also be part of that source material. If the member wants me to provide that in due course, then I will.

**The DEPUTY PRESIDENT** — Order! As a point of clarification, the minister is giving an undertaking to provide that to the member, not to the chamber.

**Mr TEE** (Eastern Metropolitan) — I ask the minister whether there is an undertaking that that source material will be provided to the chamber. This is important material because it is the basis of the minister's bill. It ought to be something that the chamber considers before making a decision on this bill. I ask the minister again whether the material will be made available to the chamber and, if so, when?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — As I indicated, there is material from the Victorian Employers Chamber of Commerce and Industry and VTIC. I indicated that I would provide that to the member. That is where it is at, and even the Deputy President indicated that.

**Mr TEE** (Eastern Metropolitan) — This material goes to the government's assertion that millions of dollars have been lost. The undertaking given by the minister is that the material provided will go to the millions of dollars being lost. I did not get an answer to the second part of my question in relation to the time frame.

**The DEPUTY PRESIDENT** — Order! In fairness, the first part was answered by the minister, who indicated that he would provide that material to Mr Pakula. I will accept the request for the time frame. Does the minister wish to comment on the time frame?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — No.

**Mr TEE** (Eastern Metropolitan) — This is the basis of the bill. This is a fundamental part of the consideration of the matter before the chamber. I therefore suggest that we report progress until that material is provided so that this chamber can give proper consideration to the material on which the foundations of this bill are based — that is, the assertion in relation to the loss of money. Without being able to see that fundamental building block we are not able to make an assessment of the merits of the bill before this committee.

**The DEPUTY PRESIDENT** — Order! Before we proceed any further I ask whether the minister agrees with the proposition that the government will report progress to the house.

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — No.

**The DEPUTY PRESIDENT** — Order! The only option for Mr Tee is to move a motion to that effect, if he wishes to do so, given that it is the government's call to determine whether or not it wishes to report progress. Otherwise it will require a motion before the committee.

**Mr TEE** (Eastern Metropolitan) — In view of the importance of this matter, I move:

That progress be reported.

We have before us a bill to free up trading on Easter Sunday. The bill has been put to the house on the basis that millions of dollars are being lost and that we need to support it in order to stem that flow, as it were. That is the argument that has been put by the government in relation to why the house should support the bill. I think it is appropriate, since the government has made that assertion and the minister has undertaken to provide material to a member, that we adjourn so that we can consider that material — the evidence for the millions of dollars referred to — and make an informed decision about the basis on which the government asserts that this chamber ought to support the bill.

**Hon. D. M. DAVIS** (Minister for Health) — The government will not support Mr Tee's motion to report progress. It is clear that he has, in effect, tried to verbal Mr Dalla-Riva and that the government has a very good basis for indicating that there will be significant benefits to the Victorian economy. Key business organisations, including the Victorian Employers Chamber of Commerce and Industry and the Victoria Tourism Industry Council, have made it very clear that they strongly believe there will be benefits to the Victorian economy. There can be little doubt that there will be benefits to the Victorian economy.

I want to be quite clear. The fact is that Mr Tee has moved the motion simply because he is opposed to the bill in the first instance. It is another opportunity for Mr Tee to prosecute his ideological opposition to the bill and his determination to work with the Shop, Distributive and Allied Employees Association and other unions to oppose the bill. It is fundamentally an ideologically driven opposition to choices for employers, for workers and for the community.

**The DEPUTY PRESIDENT** — Order! I ask Mr Davis to stick to the strict process of the procedural debate.

**Hon. D. M. DAVIS** — I take your advice, Deputy President, to stick to the process, but I think it is important to make it clear that Mr Tee is driven by a series of ideological — —

**The DEPUTY PRESIDENT** — Order! I do not wish to have a confrontation with Mr Davis about my requesting that he stick strictly to the procedural debate and not debate other extraneous matters.

**Hon. D. M. DAVIS** — The point is that we need to move with this, because the Victorian economy and the Victorian community will benefit significantly from this bill. We will go forward with that and oppose the motion of Mr Tee.

**Mr LENDERS** (Southern Metropolitan) — The opposition is seeking to report progress because the minister has received six requests for information and data so that the committee can make an evidence-based decision. Mr Tee, Mr Pakula, Mr Somyurek and Ms Broad have sought information. It is purely about having that information.

If this is important for the government because Easter Sunday is coming, that is a fair point, but this house is sitting on Wednesday and Thursday and can sit on Friday. If the government so chooses and does not move a resolution on Friday, the house can sit on Tuesday, Wednesday, Thursday and Friday of the following week. If the government wishes an evidence-based decision to be made in the committee stage, it is not difficult and does not threaten the government's legislative agenda — it does none of those things — to support the motion to report progress.

All Mr Tee is seeking from the committee is that this debate be adjourned until Mr Dalla-Riva comes back with some evidence beyond the spin that he has presented to the chamber that was sourced from Ms Asher's second-reading speech, which was in turn based on an interpretation of information provided by both VECCI and a wholly owned subsidiary of VECCI.

What we seek is hard data from the Treasury. You would assume that in the house of review of the Victorian Parliament it would not be unreasonable to ask a minister of the Crown to provide hard data to the chamber so that an evidence-based decision can be made. In the committee stage members of this house have on six occasions asked Minister Dalla-Riva for that data and the best answer they have received is that the government has a press release from VECCI.

In the end this chamber needs to make a decision. At 10.00 p.m. the government chose to extend the sitting into the dead of night. There is no reason the committee cannot report progress now and come back during the daylight hours on Thursday, Friday or any day next week without even slightly jeopardising the government's legislative agenda. That way the house of

review could be provided with the data it seeks, which I believe our electors would expect us to act upon. I support the reporting of progress.

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — The committee stage we have had tonight has been interesting. Firstly, the opposition tried to look at the discrimination aspect of this bill, and that did not work; then it went on to look at the rights of the employees, and that did not work. It spoke about issues regarding tenants and landlords, and that did not work either, so now it has brought up a line about the loss of millions, and suddenly that has become the grab line.

Opposition members are looking for a line that they can use to say, 'There we are — we've found it!'. They have not found it. The reality is that it was a government election commitment to remove the shop trading issues. We had that commitment to amend the Shop Trading Reform Act 1996 and to remove the restrictions that prohibit shops from trading on Easter Sunday; it is pure and simple. That was our policy commitment. That was our election commitment. We got elected and now we are delivering on that, and those are the facts of the matter.

Again, the opposition is trying to find a chink in the argument. It has found a little chink and now, with this motion, it is going for it. The reality is that this is our election commitment, and we are going to stand by it.

**Ms Darveniza** interjected.

**The DEPUTY PRESIDENT** — Order! Ms Darveniza! I have called Mr Barber.

**Mr BARBER** (Northern Metropolitan) — I am not aware of the Greens having received political support from either the shop assistants union or the Victorian Employers Chamber of Commerce and Industry, so it is probably reasonable for us to ask to receive this information from Mr Dalla-Riva as well. In fact it would be consistent with requests we made of the previous government during the committee stage of the bill and motions where we moved reporting of progress, because in God we trust, but all others bring data.

It is the central claim of this legislation that millions of dollars will be lost. I am not quite sure where they would be lost to. I could speculate that as well as the revenue generated there would be costs involved in opening up an enterprise on Easter Sunday. Even on the big trading days of the year some people actually lose money. I could also speculate about whether money

might actually still be spent on the days either side of the non-trading day.

Generally these days we have a pretty high bar for making policy. In fact regulatory impact statements are conducted on measures that are meant to save millions or tens of millions of dollars, and that evidence has to be brought forward. For that reason we will support the motion.

**Mr TEE** (Eastern Metropolitan) — The procedural debate has traversed a fair number of issues, but at its heart it comes back to the issue that Mr Barber raised — that is, the assertion in relation to the lost millions. That assertion is the foundation of this bill and is set out in the second-reading speech, which states:

... it is estimated that businesses in Melbourne and regional Victoria lose millions of dollars in revenue on Easter Sunday every year.

During this committee stage the minister gave an undertaking that he will provide a member of the house with the source material, the evidence and data, that underpins that assertion. This motion says that if this is the foundation block, let us take time to peruse that material before we make a decision. This is about making an informed decision, this is about transparency and this is about accountability.

#### Committee divided on motion:

##### *Ayes, 18*

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

##### *Noes, 20*

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

##### *Pair*

Peulich, Mrs	Elasmar, Mr
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**Motion negatived.**

**Clause agreed to; clauses 2 and 3 agreed to.**

#### Clause 4

**The DEPUTY PRESIDENT** — Order! I invite Mr Somyurek to move his amendment 3 and advise the house that this will test his proposed amendment 4, part A. As I advised earlier, it was determined by the house that part B of the amendment will not be considered by the committee.

**Mr SOMYUREK** (South Eastern Metropolitan) — I invite the committee to vote against this clause. The purpose of this amendment is to ensure that retail employees are not forced to work on Easter Sunday. Notwithstanding the government's rhetoric about choice, as the bill currently stands retail employees will be forced to work on Easter Sunday, and Easter Sunday will effectively become an ordinary day. This amendment will give retail employees protection should they decide not to work on Easter Sunday. The amendment is identical to the provision in the New South Wales act, under section 13(1), and there are similar, but not identical, provisions in the South Australian act.

It is naive to assume that all employers will respect the right of retail employees to take Easter Sunday off, even if they wanted to. Employers are under pressure and cannot afford to give all their employees a break on Easter Sunday. As it is at the moment they have trouble finding people to work ordinary Sundays, and therefore employees are generally denied leave on Sundays. I speak of normal Sundays, not Easter Sundays.

I am advised by the Shop, Distributive and Allied Employees Association that the single biggest issue in the retail industry at the moment is rostering. I am advised that rostering is a very important issue. As I said, it is the single biggest issue in terms of disputation between employers and employees. It is important for employees to have legislative protection should they want to take leave on Easter Sunday.

**Ms HARTLAND** (Western Metropolitan) — For reasons that have already been outlined by Mr Somyurek, the Greens will be supporting this amendment because we think it is just a process of fairness. It is clear that unless employees are protected they will be forced to work on Easter Sunday, and why should they have to work without penalty rates?

**Committee divided on clause:**

*Ayes, 20*

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

*Noes, 18*

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

*Pair*

Peulich, Mrs	Elasmar, Mr
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**Clause agreed to.**

**The DEPUTY PRESIDENT** — Order! As I advised the house, I regarded that as a test for Mr Somyurek's amendment 4, which proposed to insert a new clause 4 if the existing clause 4 had been omitted.

**Clause 5 agreed to.****Reported to house without amendment.****Report adopted.***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, 20*

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

*Noes, 18*

Barber, Mr	Pakula, Mr
Broad, Ms	Pennicuik, Ms

Darveniza, Ms ( <i>Teller</i> )	Pulford, Ms
Eideh, Mr	Scheffer, Mr
Hartland, Ms	Somyurek, Mr
Jennings, Mr	Tarlamis, Mr ( <i>Teller</i> )
Leane, Mr	Tee, Mr
Lenders, Mr	Tierney, Ms
Mikakos, Ms	Viney, Mr

*Pair*

Peulich, Mrs	Elasmar, Mr
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**Question agreed to.****Read third time.****ADJOURNMENT**

**Hon. D. M. DAVIS** (Minister for Health) — I move:

That the house do now adjourn.

**Water: smart meters**

**Mr LENDERS** (Southern Metropolitan) — The matter I raise on the adjournment debate tonight is for the attention of the Minister for Water, Peter Walsh. It relates to the coalition's *Living Melbourne, Living Victoria* document, which was released on Friday, 11 March. The coalition promised to have this document out within 100 days of the election, and it almost made it.

I draw the minister's attention to two items in the report on which I seek action from him. The first item is in regard to smart meters. We have heard a lot from coalition members about the evils of smart meters, in particular the smart energy meters, which former Liberal Prime Minister John Howard forced upon Victoria as part of a Council of Australian Governments agreement and for which the coalition has spent a long time belittling the previous Labor state government. In particular the then shadow minister for urban water, who is now the Minister for Innovation, Services and Small Business, called for no smart meters for water. However, we now see buried on page 17 of the *Living Melbourne, Living Victoria* report a call for smart meters.

The second matter on which I seek the attention of the minister is volumetric charging for water. This was quite clearly enunciated as part of coalition policy; there is no stealth about this at all. However, in the document released by the minister there is a commitment to 60 per cent of water charges being volumetric, up from the current level of 30 per cent. That means that an average household will pay more

for water and a household that uses less than the average amount of water will pay less.

My recollection — and it is 2.30 a.m. — is that the average size of a Melbourne household is approximately 1.9 people. The average household in Narre Warren has more people, so it would pay more, whereas the average Docklands household would pay less.

The action I seek from the Minister for Water is: firstly, a clear program in terms of how the smart meters will be rolled out; and secondly, some data and details on how households with greater than the average number of people will deal with the extra cost of living resulting from this coalition policy of volumetric charges for water.

### **Seniors: organisational support grants**

**Mr KOCH** (Western Victoria) — My issue is for the Minister for Multicultural Affairs and Citizenship, the Honourable Nicholas Kotsiras, and it relates to the recent round of funding under the Victorian Multicultural Commission's senior citizens organisational support grants. The grants program aims to strengthen the capacity of individuals within senior citizens organisations to manage their own affairs and participate in their local communities. These grants assist our elderly citizens from culturally and linguistically diverse backgrounds to hold regular activities and events, providing them with friendship and support in their later years.

At the request of the minister, during the past week I met with representatives of the Greek, Polish, Croatian, Italian and Macedonian communities in Geelong that have benefited from the funding grants. Over the coming week I look forward to meeting with the Dutch, Maltese and Greek communities on the Bellarine Peninsula.

I would like to congratulate Minister Kotsiras on his personal approach to ensuring that organisations benefiting from these grants are met on site by their local members of Parliament. Unfortunately the approach used by the previous government was to hand out cheques en masse during large, impersonal gatherings. All of the groups I have had the privilege of meeting commented positively on the minister's new method, saying that no government member had ever previously met with their organisation.

I commend the minister and the Baillieu government on the attempts to correct the neglect of volunteer organisations during 11 years of Labor government.

The senior citizens organisational support grants approved for 2011 are 40 per cent larger than those granted under the previous government, something that was noted by all recipients. In addition the Liberal-Nationals coalition will provide public liability insurance to these organisations through the new senior citizens insurance scheme. These initiatives are a massive leg-up for these multicultural organisations that have struggled with the rising costs of servicing their communities over recent years.

To see the reaction on the faces of these hardworking volunteers is something that only takes place when one takes the time to meet these people on their own ground, allowing them to show their organisation's accomplishments and introduce fellow club members. I was humbled by these groups' achievements in servicing the Geelong community; in some cases this service has spanned over 50 years.

There is no doubt the Baillieu government is committed to empowering volunteer organisations. My request to the Minister for Multicultural Affairs and Citizenship is that he continue to correct the neglect of volunteer groups under the previous government and maintain his efforts to establish grassroots contact with multicultural senior citizens organisations throughout the state of Victoria.

### **William Ruthven Secondary College: funding**

**Ms MIKAKOS** (Northern Metropolitan) — My matter is for the Minister for Education. The former state government's \$1.9 billion Victorian schools plan was a commitment to fund the rebuilding, renovation or extension of every Victorian government school by 2016. During the last election Premier Baillieu gave a commitment that the coalition would complete Labor's pledge to rebuild or modernise every public school in Victoria under this plan. However, I note with extreme concern that of the hundreds of public schools in my electorate of Northern Metropolitan Region, not one is expected to receive any funding for improved or new facilities over the next four years. For an electorate covering one-fifth of Melbourne, not one public school is expecting to receive funding. It appears that the coalition was not able to identify a single school north of the Yarra in their election commitments.

The specific school issue that I wish to focus on this evening — and there are many more to come — is the major school redevelopment at William Ruthven Secondary College in Reservoir, which now faces an uncertain future. Whilst funding for planning and design works at this school was provided by the previous government with the process on track for

construction funding in this year's state budget, to date the coalition has not committed to the completion of this project. I note with alarm Minister Dixon's recent comments that the coalition's priority was only to fund the government's election commitments.

The reason this and many other projects will not proceed is that the Victorian Department of Education and Early Childhood Development is facing budget cuts of \$338 million over the next four years, with \$36 million to be slashed before the end of this financial year. I despair at how the Baillieu government can turn its back on thousands of Victorian government schoolchildren and their chance to have the opportunities that a good education can bring. I call on the Minister for Education to urgently commit the remaining funds required to enable construction at William Ruthven Secondary College to be completed this year.

#### **Disability services: Ocean Grove family**

**Ms TIERNEY** (Western Victoria) — My adjournment matter this evening is directed to the Minister for Community Services, Ms Wooldridge. It relates to a constituent in my electorate, Mrs Caroline Colby of Ocean Grove. Mrs Colby is a 33-year-old woman who became a tetraplegic almost 18 months ago. Since that time she has required 24-hour care. Caroline has no movement from her neck down and also relies on a ventilator 24 hours a day.

Subsequent to Caroline having spent an extended period in hospital and at a health accommodation facility, Caroline's husband, James, and her mother, Sally, have taken on the task of caring for Caroline so she can be at home with her family, which includes her 20-month-old daughter, Emma. Caroline currently receives a temporary support package through the Department of Human Services, which was due to expire on 4 April but has been extended until the end of June. This package is completely inadequate to meet Caroline's needs.

Caroline's individual support package, which I understand has been accepted by the Department of Human Services panel dealing with the funding needs of disabled people, shows that the temporary disability support allocation Caroline is currently receiving has a shortfall of 58 personal care hours per week. If this inadequate funding package continues, Caroline will have no choice but to return to an intensive care unit bed in hospital, which is no place for a young woman and will not assist in the developing relationship between mother and baby.

I ask the minister to urgently get involved in this case. The enormity of the situation this family finds itself in I believe requires the minister's immediate attention, and I look forward to a resolution that will alleviate these very difficult circumstances.

The family has been pursuing this matter with a number of politicians all this year. I know the family has written to the Minister for Health, Mr Davis, and that he referred her to the responsible minister, to whom the family had already written. As recently as yesterday — it is nearly 2.35 in the morning, so it was yesterday — the family still had not had a response from the responsible minister.

I ask Mr Davis to take this matter up as a matter of urgency with Minister Wooldridge. I note Ms Wooldridge is so far on the record in the other place as saying she will not take on individual cases, and I think that is abhorrent. We live in a healthy, fulsome democracy that requires ministers to get involved, especially when we have dreadful situations like this in our electorates.

#### **Bridges: Yackandandah Creek**

**Ms DARVENIZA** (Northern Victoria) — I wish to raise a matter for the attention of the Minister for Roads, Mr Terry Mulder. The matter I wish to raise concerns the flood-damaged Yackandandah Creek bridge on the Kiewa Valley Highway. In December last year the bridge was severely damaged by a storm, and there is currently a detour along Lindsay Street and the Yackandandah-Wodonga Road. There are a number of issues concerning local residents and businesses in relation to this. The intersection at Lindsay Street was never designed for the traffic volumes it is presently experiencing, and I have been informed there have been a couple of accidents and several near misses due to the volume of traffic currently using this roadway. I am also informed that the detour is having a significant impact on the number of people going to Kiewa and Tangambalanga and that trade at local businesses and the number of tourists have significantly decreased.

The damaged bridge and subsequent detour are also causing enormous inconvenience to residents and visitors alike and, as I said, having a significant impact on businesses. For example, the Murray Goulburn Cooperative, the second largest employer and manufacturer in the Indigo shire, a cooperative milk production company which employs over 160 people, is currently incurring costs associated with diverting both its employees and its B-double tankers, resulting in increased fuel costs and travel time. A number of small businesses are suffering as a result of the

diversion, and some small businesses are experiencing a reduction in turnover of up to 25 per cent, which is very significant.

It has been reported in the local press that tenders and work associated with the repair of the bridge are not likely to commence until as late as October this year, with the bridge not likely to be reinstated until June next year, and this is causing grave concern. I ask that the minister and his department, as a matter of urgency, accelerate the program of repair for the bridge so that the bridge can be reinstated and businesses, locals and tourists alike can have a bridge that is capable of dealing with the traffic and of course supporting the economy in that region.

### Responses

**Hon. D. M. DAVIS** (Minister for Health) — I have written responses to adjournment matters raised by Mr Lenders on 9 February, Ms Darveniza on 9 February, Mr Ramsay on 10 February, Mr Elsbury on 10 February, Ms Darveniza on 10 February, Ms Hartland on 1 March and Mr Tee on 2 March.

In response to the matters raised tonight, Mr Lenders raised a matter for the Minister for Water concerning the *Living Melbourne, Living Victoria* document and sought two actions — one relating to smart meters and the other relating to volumetric charging of water — and I will certainly pass those on. I do note that this is an incredible cheek from the former Treasurer, who was responsible in significant measure for the enormous costs that Victorians face not just through the smart meters but also through the desalination plant.

The former Treasurer, Mr Desal himself, is sitting over there in the corner, out of his seat. Mr Desal has to take responsibility for his actions. It is a bit rich for him to come into the chamber and complain in any manner about these things when Victorians will be paying for 27 years as a result of his mismanagement of the desalination contract. It represents an enormous hit on the living costs and standards of Victorians due to his incompetence. I will pass this on to the water minister in good faith and I look forward to his detailed response.

Mr Koch raised a matter for the attention of the Minister for Multicultural Affairs and Citizenship concerning support grants, funding grants and the matters that the minister has been dealing with involving larger grants that have been made available for community groups, which is an important point. I welcome those grants for multicultural community groups. I know that multicultural community groups in

my electorate are very pleased with the additional support that has been provided and the additional public liability insurance support. I am happy to commend that measure and to pass on to Minister Kotsiras the support of local groups that Mr Koch is raising and to encourage him, as Mr Koch has sought, to continue to engage with community groups and support them in that way.

Ms Mikakos raised a matter for the attention of the Minister for Education concerning schools, particularly in Northern Metropolitan Region. She raised a matter concerning one specific school, William Ruthven Secondary College, but she indicated that she may have more to raise in the future. She says there is a need for additional funds at that school. I do not doubt that schools are always legitimately in search of additional funding and that that is strongly supported by most people. As the member would understand, having been a parliamentary secretary in the former government, there is a budgetary cycle for these matters and the budgetary process will no doubt be operating. I will of course pass this on to the Minister for Education, but I do make the point that a budgetary process is in operation. For some reason Ms Mikakos believes governments ought not keep their election commitments. The Baillieu government intends to keep its election commitments, and that is why it is keeping its election commitments in the area of school funding, and I look forward to that response from the Minister for Education.

Ms Tierney raised a matter with me for the Minister for Community Services. I will pass that matter through. It concerns Caroline Colby, a 33-year-old woman who has no movement from the neck down, as I understand it. This certainly sounds like a very sad situation deserving of significant support. I have no doubt that Minister Wooldridge will deal with this matter. I have a recollection of this case, and I think I am correct in saying I passed the matter on to Minister Wooldridge. I think she is the correct minister to deal with it, and I will further make the point. However, I am aware that she has had some contact and has sought to provide an additional support package, and I understand that support has been provided. I do not know the details of that support — —

**Ms Tierney** interjected.

**Hon. D. M. DAVIS** — I am informed that that may be the case. I stand to be corrected on that, but my understanding is that some additional support has been provided. I will pass this matter through to Minister Wooldridge because I am not familiar with the intimate details of the case.

Ms Darveniza raised matters for me concerning roads and the Yackandandah Creek bridge, which is the responsibility of the Minister for Roads. The bridge was damaged during a storm, and apparently the damage is quite significant. Ms Darveniza relates that damage to the bridge is having an impact on residents, businesses and tourism, including some larger employers in the area. I can only state that I know Mr Mulder has been very active in repairing flood and storm damage through his departmental activities. Ms Darveniza seeks an acceleration of the repair of the bridge, and I will pass the matter to Minister Mulder for his attention.

**Ms Pulford** — On a point of order, President, during the course of what has been a fairly long day in the Legislative Council Mr David Davis has demonstrated on a number of occasions what a stickler he is for the rules, traditions and procedures of this house. I refer to standing order 4.13 and request that Mr Davis provide a response to the matter I raised in the adjournment debate on 10 February to which I have not yet had a response.

**The PRESIDENT** — Order! Has the member advised the minister in writing?

**Ms Pulford** — I am raising the matter now, in accordance with standing orders.

**Hon. D. M. DAVIS** — I am happy to take this on notice, but I can indicate that I am aware of a large number of adjournment responses that are making their way through the system and are not very far away, so Ms Pulford can rest assured of there being a response quite soon. I make the point that the general courtesy that is observed is that ministers are advised if there has not been some response, although it may not be formally required.

**Mr Tee** — On a point of order, President, in a similar vein I indicate that I raised a matter for the Minister for Planning on 10 February and I, too, have not received a response. I seek an explanation for that pursuant to standing order 4.13.

**Hon. D. M. DAVIS** — I am happy to take that on notice and seek some information on it. Again I think as a matter of courtesy ministers are normally advised through a communication.

**Ms Mikakos** — On a point of order, President, I draw to the attention of the Leader of the Government that I raised an adjournment matter on 9 February addressed to the Minister for Major Projects. The matter related to the relocation of the Melbourne Wholesale Fruit and Vegetable Market, which is a significant project that will boost employment in the

northern suburbs and which is critical to the Victorian economy. I too am seeking an explanation.

**Hon. D. M. DAVIS** — I will give the same response. I will follow that up for the member. I am not aware of the specific adjournment matter, but I am very happy to follow that up, and I note the general courtesy of a communication ahead of time.

**The PRESIDENT** — Order! I must say I wish I had had that service when I was in opposition.

I extend our appreciation to Hansard and to the attendants for their forbearance tonight with this extended sitting. It is appreciated, and we do understand that they are under some duress in terms of the late sitting, so I thank them.

The house now stands adjourned.

**House adjourned 2.45 a.m. (Wednesday).**

**Attorney-General**

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DX 210220

21 MAR 2011

Our ref: D11/50701

Mr Wayne Tunnecliffe  
Clerk of the Legislative Council  
Parliament House  
EAST MELBOURNE VIC 3002

Dear Mr Tunnecliffe

**ORDER FOR DOCUMENTS – PLANNING AMENDMENT C86 TO PORT PHILLIP  
PLANNING SCHEME**

I refer to the Legislative Council's resolution of 2 March 2011, seeking the production of:

*"a copy of all documents the Government received seeking its support for height restrictions which [the Minister for Planning] introduced as Planning Amendments."*

The planning amendment referred to in the Legislative Council's resolution is Planning Amendment C86 to the Port Phillip Planning Scheme, which was introduced by the Minister for Planning on 20 January 2011.

The Government has arranged for Departments and agencies to identify all documents relevant to the Legislative Council's resolution. Following the completion of diligent searches, no documents falling within the Council's resolution were identified. However, the Government has identified four documents relating to Planning Amendment C86 that may be of interest or assistance to the Council.

I have enclosed a copy of each of these documents with this letter.

Yours sincerely

**ROBERT CLARK MP**  
Attorney-General

**RETURN TO ORDER FOR DOCUMENTS****Documents relating to Amendment C86 to the Port Phillip Planning Scheme**

<b>NO</b>	<b>DOCUMENT</b>	<b>DATE</b>
1.	Letter from the Mayor of the City of Port Phillip.	24 January 2011
2.	Letter from the Trustees of the Shrine of Remembrance.	9 February 2011
3.	Press release by then Shadow Minister for Planning.	April 2009
4.	Victorian Liberal Nationals Coalition Plan for Veteran Affairs.	Undated

**Attorney-General**

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Our ref: D11/50772

21 MAR 2011

Mr Wayne Tunnecliffe  
Clerk of the Legislative Council  
Parliament House  
EAST MELBOURNE VIC 3002

Dear Mr Tunnecliffe

**ORDER FOR DOCUMENTS – AUSTRALIAN GRAND PRIX**

I refer to the Legislative Council's resolution of 2 March 2011, seeking the production of:

"a copy of:

- (1) *the financial arrangement/current contract between the Government of Victoria and the Australian Grand Prix Corporation (AGPC) regarding the staging of the 2010 Formula One Grand Prix event and, if not included in the above document, the rent paid by the AGPC to Parks Victoria for the use of Albert Park Reserve for the 2010 event, any subsidies in the form of sponsorships, advertising or corporate entertainment or for other services relating to the 2010 event, paid by Government Departments or agencies to the AGPC, any services provided to the AGPC by other Government Departments (e.g. Victoria Police) relating to the 2010 event;*
- (2) *the economic study performed as the basis of the five year contract extension to 2015; and*
- (3) *the most recent cost-benefit analysis of the Australian Grand Prix."*

The Government is in the process of identifying documents that may be relevant to this resolution. As part of this process, diligent searches are being undertaken by all relevant Government Departments and agencies to ensure that all documents are identified.

Regrettably, the Government is not able to respond to the Council's resolution within the time period requested by the Council. This is due, in part, to the fact that the 2011 Australian Grand Prix will be staged shortly, which will delay the identification of documents held by Government agencies involved in the staging of the Grand Prix.

The Government will continue working to identify documents relevant to the Council's resolution and will respond to the Council's resolution as soon as possible.

Yours/sincerely

  
**ROBERT CLARK MP**

Attorney-General

21/3/11

