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Tuesday, 9 June 2009

The PRESIDENT (Hon. R. F. Smith) took the chair at 2.04 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

Minister for Planning: conduct

Mr D. DAVIS (Southern Metropolitan) — My question is for the Minister for Planning. I refer the minister to a comment he made on the Jon Faine program last Thursday, when he said:

... Jon, but what's very important is any of these matters that —

they —

are alleged ... to have taken place outside the electoral office and in this person's private time.

He is referring to Mr Hakki Suleyman. I now refer to a copy of a statutory declaration prepared by Marilyn Canet and sworn at the Keilor Downs police station, which says:

At 4:30 p.m. on 14 March 2002 I attended the office of the Honourable Justin Madden, MLC, for a scheduled meeting. On arrival I met with Cr Apap and Cr David in the reception area ... Mr Apap's response was immediately hostile ... Mr Apap called on Cr David and Mr Hakki Suleyman to stand by his side.

Is it not a fact that Hakki Suleyman sought to inappropriately influence the council from within the minister's office and that yet again the minister has been caught out deceiving Victorians?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Davis's interest in this matter, and I welcome the fact that he has asked this question as his first question rather than his fourth question or so as to have his question ruled out of order.

First of all, can I just say that I cannot guarantee my recollections are absolutely clear because we are talking about events of more than seven years ago, I do recall having met with Ms Canet. I do not recall many of the other details, but what I do recall is having met with her, having had her raise issues with me at other times and having bumped into her from time to time. There is no doubt that she takes a very keen interest in all sorts of matters — all sorts of planning matters, all sorts of public matters — in all shapes and forms. I am very conscious of that.

I am also conscious that Mr Davis relayed in his example the other day the more than hundreds of letters

written by Ms Canet in relation to these matters. I have always said, and I remain consistent on this, that if there are issues that these people felt confronted them and were worth following up, they should have relayed those to the appropriate people — either the police or the Minister for Local Government. I stand by that and believe that is consistent with everything I have said.

Can I also say that Mr Davis has had his chance in this chamber to make these sorts of accusations about this minister and he has the chance to make all sorts of accusations about other members in this chamber. We know what he is doing is creating a distraction from the important things in Victoria and in Melbourne that people want answers to from either the government or the opposition. We know there are matters that are particularly important: matters like drought, matters like water and matters like planning for the increase in population. All those sorts of matters are important to the people of Victoria. Yet in those spaces, what do we hear from the opposition? Absolutely nothing in relation to any policy initiatives. In exchange, what we get from members of the opposition are rank and vile allegations in this place under the protection of parliamentary privilege.

Honourable members interjecting.

Hon. J. M. MADDEN — I have always said and I say consistently to you, Mr Finn: if you have evidence of these matters, present them to the police, present them to local government and have them followed through.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — I note the minister did not seek to address the central issue about inappropriate influence from his office. I refer to the statutory declaration of 29 July 2002 that shows Crs Apap and David being led in their conversation about a planning application by Mr Hakki Suleyman, who has since become the subject of the Ombudsman's findings about his improper influence on the Brimbank council, and I ask: what steps did the minister take on receiving this sworn statement by Ms Canet? Is it not a fact that the minister dismissed this warning, like so many others, and allowed the corruption in his office to continue?

Hon. J. M. MADDEN (Minister for Planning) — I think Mr Davis's questioning is a bit convoluted, because, first of all, I met with Ms Canet in relation to her issues. Any of the other meetings that might have taken place certainly did not take place with me in any shape or form. Let me remind the opposition that at that

point in time, if I recall rightly, I was the Minister for Commonwealth Games and the Minister for Sport and Recreation.

I also point out that if there has been any sworn statement, I have not seen that sworn statement; it has not been presented to me. So again all I can see from the other side is the opportunistic, grandstanding, politicisation of these matters rather than the addressing of the important matters that need to be dealt with for the Victorian community. The opposition is filling the gap in its policy vacuum with constant accusations, time and again, rather than filling that vacuum with policy.

Mr D. Davis — On a point of order, President, you have consistently ruled that the minister should not attack the opposition in his response in questions — indeed, as a distraction to the corruption that he is covering up in his office.

Honourable members interjecting.

The PRESIDENT — Order! Mr Davis is correct when he reminds the house that I have consistently ruled that it is not appropriate to overtly attack the opposition or an individual. I assume the minister is finished. His attack was not quite overt, but it was not far from it, and I remind all ministers of that previous ruling. Is the minister finished?

Hon. J. M. MADDEN — Yes.

Transport: Victorian plan

Mr ELASMAR (Northern Metropolitan) — My question is to the Treasurer, the Honourable John Lenders. Can the Treasurer update the house on how the Brumby Labor government's Victorian transport plan is securing jobs and providing improved public transport services for Victoria, particularly in Melbourne's northern suburbs?

Mr LENDERS (Treasurer) — I thank Mr Elasmarr for his question and his interest in the growth of public transport in his region, the Northern Metropolitan Region and in particular the northern suburbs of Melbourne.

Mrs Coote interjected.

Mr LENDERS — Mrs Coote is referring to her subjects again, I hear.

Mr Elasmarr referred to improved transport in the northern suburbs of Melbourne, which is very

interesting. The Victorian transport plan details spending of \$38 billion over 12 years.

Mr Vogels interjected.

Mr LENDERS — Mr Vogels may not think this is a serious issue. This government is building \$38 billion worth of public transport improvements. In the dying days of the Thompson government those opposite commissioned the Loney review to close down public transport across the state, and throughout the Kennett-McNamara government it closed down rail services to Bairnsdale, South Gippsland, Maryborough and the west coast — place after place after place.

Labor is about building transport services, so on Friday in Mr Elasmarr's electorate of the northern suburbs the Premier turned the first sod at the \$36 million Coolaroo rail station: \$36 million and 30 immediate jobs, as well as rolling out the infrastructure that will improve public transport.

But there is more. In addition to that, this budget is electrifying the Sunbury line so that Sydenham to Sunbury will be electrified, which means more trains will be able to run on that line. There is more. The South Morang line, which I have mentioned in this house and of which Mr Elasmarr is a great supporter, will have a new line from Epping to South Morang, delivering much-needed services to the northern suburbs. In addition to that, in the South Morang area there will be more bus services in South Morang, Doreen, Mernda and University Hill.

Across the northern suburbs there will be a greater public transport rollout than there has been before. This Labor government delivers improved public transport to the entire state, including the northern suburbs of Melbourne, whereas the environment we inherited was one of closing services — not just during the 1990s but also during the 1980s. So those opposite have form: when in government they closed public transport.

This government has restored services and provided regional rail and fast rail to Bendigo, Ballarat, the Latrobe Valley and Geelong, and it is improving services within the metro area. It is a huge investment. These are the services that Victoria needs to make the northern suburbs and Victoria as a whole an even better place to live, work and raise a family.

Minister for Planning: conduct

Mr O'DONOHUE (Eastern Victoria) — I direct my question without notice to the Minister for Planning. I refer to the statutory declaration quoted in Mr David Davis's previous question and to the

statement the Minister for Planning made in this house on 3 June, when he said:

I certainly have never had control or influence over what Mr Suleyman may do or has done in his own time or in his capacity as a private citizen.

Is it not a fact that Mr Suleyman was conducting these activities directly from the minister's office and that he has deliberately and knowingly misled the Parliament?

Mr Lenders — On a point of order, President, in your previous ruling you said it was unacceptable for ministers, in answering questions, to categorically attack the opposition or members of the opposition. A member of the opposition is now asking a question of a minister which blatantly attacks him and questions his competence and the activities of his electorate officer. I ask you to rule on this question in the same way as you have ruled on ministerial answers that all-out attack the other side.

Mr D. Davis — On the point of order, President, this is about a matter that the minister has answered many questions about in this chamber. A motion was before this chamber last week which sought to deal with the minister's behaviour in these matters, and the house made a resolution. I put it to you that issues about the minister's own activities and the steps he took or did not take are very much in order for these types of questions.

The PRESIDENT — Order! On the original point of order, I am more interested in the question that accuses the minister of deliberately misleading the house, as opposed to a substantive motion. The term 'deliberately misleading' is unacceptable, but I will give the member the opportunity to rephrase the question and withdraw the part about deliberately misleading the house.

Mr O'DONOHUE — I withdraw 'deliberately and knowingly misled'. I direct my question to the Minister for Planning. I refer to the statutory declaration quoted in the previous question from Mr David Davis and the statement that the Minister for Planning made in this house on 3 June, when he said:

I certainly have never had control or influence over what Mr Suleyman may do or has done in his own time or in his capacity as a private citizen.

How does the minister reconcile that comment with the fact that there is evidence that Mr Suleyman was conducting activities from his own office during parliamentary business time?

Hon. J. M. MADDEN (Minister for Planning) — I stand by all the comments I have made. I have been absolutely consistent. But let me remind the opposition that its heightened sensitivity to overt criticism about it is understandable. I can understand why opposition members might be sensitive about it, because I stand here today, I come into the Parliament and I answer questions on policy, on content, on programs, on delivery and on planning initiatives — on all of those. I answer questions on the things that matter consistently, time and again. The opposition had its chance to ridicule me. It went down like a lead balloon last week in the media, because people were excited about what might happen. We will continue to deliver policy, continue to do the things that matter and continue to make Victoria the place to live, work and raise a family. I will not be distracted from my task by the rank and vile accusations of the opposition. We have got things we need to do, and we will get them done.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) — I note that the minister does not consider the issue of corruption a matter of importance in his priorities. I ask by way of supplementary: under any standards of ministerial accountability — —

Hon. J. M. Madden — On a point of order, President, I am offended by that remark. I ask the member to withdraw.

The PRESIDENT — Order! Which one?

Hon. J. M. Madden — That I do not consider corruption a matter of importance. I do, and I ask that he withdraw. I am offended by that remark.

The PRESIDENT — Order! There is no point of order.

Mr O'DONOHUE — Under any standards of ministerial accountability, under those of John Brumby and this government, the minister would have been sacked. Will the minister now restore faith in good ministerial conduct and resign?

Hon. J. M. MADDEN (Minister for Planning) — I am happy for the opposition to labour this matter every day we come into Parliament. It can raise this matter every single day. It is doing that today, it can do it tomorrow and it can do it next week. I am happy for opposition members to do that. But let me make this point very clear: I will not be distracted from the things I have to do as planning minister to improve this state and improve the lives of people in Victoria. We will continue to provide for the working families in Victoria

that need jobs and housing, which the opposition will never provide.

Point Nepean: quarantine station

Mr SCHEFFER (Eastern Victoria) — My question is to the Minister for Environment and Climate Change, Gavin Jennings. Can the minister inform the house of how the Brumby Labor government is taking action to preserve an Australian natural heritage treasure for future generations with a historic agreement made in partnership with the Rudd Labor government?

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Mr Scheffer for the opportunity to talk about the agreement which was struck yesterday between the Victorian government and the Rudd federal government which saw the Point Nepean quarantine station land title transferred from the commonwealth to the state of Victoria. It was a fantastic day for that event.

In relation to taking that action, I can say that a bill will be introduced in the Assembly later this afternoon to make sure we account for those transfers of land by adding this parcel of land to the national park at Point Nepean. We are not wasting any time in taking action to preserve this important part of the Victorian landscape for future generations and in making sure that it is managed as part of an integrated national park at Point Nepean.

Point Nepean will be an attraction for this generation and future generations of people from not only Victoria but around Australia and the world who come to see the remarkable geographic coincidence of Aboriginal heritage and archaeological significance that occurs along the point of the coast right near the mouth of the bay — people who are interested in the rich biodiversity, the windswept cliffs or the fantastic beaches, which have some degree of prominence as a Prime Minister of Australia was lost down that way not so long ago. In fact the area has a degree of notoriety, because it was the first location at which a shot was fired after the outbreak of World War I. A shot was fired across the bow — it did not actually take the ship down — of a German ship that was trying to steam out of Port Phillip Bay at the start of the First World War.

The quarantine station has a rich heritage in relation to the colonial settlement pattern of Victoria, because the 90 hectares that was transferred from the commonwealth to Victoria yesterday was the place where from 1852 those who arrived on our shores who needed to go into quarantine had to go through that process — in some cases enduring it but hopefully in

some other cases finding safe haven and refuge there. It was most recently used after the quarantine station had been formally wound down. In 1999, 400 people from Kosovo went into quarantine there as part of the resettlement program when they arrived on our shores after the troubles in Kosovo. In fact this one piece of real estate in Victoria has a recent, relevant and diverse history. We will make sure we manage this land into the future. Parks Victoria, a wonderful organisation, will manage the land for this and future generations. It will manage it with respect for the heritage, the ecological values and the cultural values of the property.

There are many friends of this location. In fact it has so many friends that they all thought they were the custodians of this parcel of land and had a bit of difficulty reconciling their view with those of other friends who might have had a slightly different view. Some people in the Liberal Party have a slightly different view about how the land should be managed, and there are some differences within the Baillieu family about how this parcel of land should be managed, but I am glad to say that Kate Baillieu was the Baillieu who prevailed. I am pleased about that.

Honourable members interjecting.

Mr JENNINGS — I am not sure whether Mr O’Donohue agrees with Mr Hunt’s aspirations for the property, but I am glad that the aspirations of the people of Victoria prevailed over those of Mr Hunt and that the aspirations of Kate Baillieu prevailed over those of Mr Baillieu, the Leader of the Opposition in the Legislative Assembly. Ultimately, all the people of Victoria can be happy that this parcel of land has returned to the state to be managed as an integrated national park for this and future generations.

Crown Casino: gaming expansion

Mr DALLA-RIVA (Eastern Metropolitan) — My question without notice is for the Treasurer. I draw the Treasurer’s attention to the comments he made in the house last week, when he said words to the effect that as Treasurer he had formed the view that it was appropriate that Crown Casino pay a tax rate that was more closely aligned to that which other organisations in the state pay on the takings of electronic gaming machines. He also said that we were left with an arrangement that saw the rate of tax on electronic gaming machines in the casino being 10 per cent less than in pubs and clubs in the state of Victoria and that the government had rectified that. I ask: is it not true that under the Treasurer’s deal with Crown Casino from

2012 the casino will be paying up to 80 per cent less tax than its competitors on electronic gaming machines?

Mr LENDERS (Treasurer) — No.

Supplementary question

Mr DALLA-RIVA (Eastern Metropolitan) — Then maybe the Treasurer will explain what the tax rate will be after 2012, if it is not 80 per cent less, because ‘more closely aligned to’ means the same or a similar tax rate. By saying the government has rectified it, he has not been quite correct. Maybe the Treasurer can explain to the house exactly what the tax on electronic gaming machines will be, compared with other competitors, rather than giving a simple ‘no’.

Mr LENDERS (Treasurer) — I thought members opposite liked succinct answers from the government. If you do a 12-minute answer you get criticised, and if you do a 12-nanosecond answer you get criticised; I guess they do not like the answers they get.

There are a couple of things I will say to Mr Dalla-Riva. Firstly, the government will be introducing legislation into the Assembly seeking to vary the taxation rate. That will make quite clear, on the public record, exactly what the government is proposing. Mr Dalla-Riva will see that when the legislation is introduced into the Assembly. We will obviously have a debate on it in this house, which is appropriate.

In Mr Dalla-Riva’s second point he draws conclusions as to what the rates of taxation are and the like. The inescapable fact is that the casino pays 10 per cent less tax on its electronic gaming machines than a pub. That is inescapable; it is just factual information. The rate of tax is 22 per cent versus 32 per cent, rounded to decimal points.

What my colleague the Minister for Gaming announced when the government originally brought down its proposal for a venue model was that the effective rate of taxation would be approximately the same — the revenue that comes from the venue model versus that of the operator model — going forward. So if what we are talking about is a system where the approximate rate of taxation the government proposes to receive from the vendor model is the same as from the operator model, and if what the government is proposing is that the rate of taxation that Crown Casino pays on electronic gaming machines be increased to the rate that pubs pay now, the two are approximately equal.

Clearly there will — correctly — be debate, discussion and analysis when this legislation comes into the

Parliament, and that is appropriate. But in terms of what Mr Dalla-Riva raises in general terms, I stand by my previous statement.

Melbourne: livability

Hon. T. C. THEOPHANOUS (Northern Metropolitan) — My question is to the Minister for Planning, Justin Madden. Members would be aware that Melbourne has a reputation as one of the world’s most livable cities, and rightly so. The government has certainly worked hard towards that. Can the minister advise the house of further evidence that identifies Melbourne as one of the world’s most livable cities and a great place to live, work and raise a family?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Theophanous’s interest in these matters. It is particularly important that we acknowledge that Melbourne is, of course, Australia’s most livable city but that it also ranks very highly when it comes to the world’s most livable cities.

Today we read the headline on the ‘Livenews’ website: ‘Australian cities among most livable in world: survey’. An *Age* article also says that:

Australian cities occupy 5 of the top 20 places in a British survey ranking the livability of 140 of the world’s major centres.

This is based, I understand, on the Economist Intelligence Unit’s 2009 livability survey, which was released today. It confirms Melbourne’s status as one of the world’s most livable cities and, of course, the most livable city in Australia. Members will be pleased to learn that we were ranked as the third most livable city in the world, just behind Vancouver and Vienna.

What is particularly important is that this is the case when you also bear in mind that not only are Victoria and Melbourne popular as a destination for tourists but they are particularly popular based on population growth, and that is reflected by the population growth that we see. The population projections detailed in our announcement last December in Melbourne @ 5 Million show that Victoria will grow by 2.3 million people between now and 2036. That is very important, because we have to plan for dealing with that population growth to ensure that Melbourne maintains its livability. But we know there are others in this chamber who have no plans to manage that sort of growth and have no vision of how to maintain livability. We know who those people are.

Let me make this point. Last week the ABS (Australian Bureau of Statistics) released its demographic data,

which showed that in 2008 Victoria grew by 102 406 persons. That is a fairly impressive amount of growth. That is almost more than 2000 people per week in terms of growth. This was the first time the state added more than 100 000 people in any year. At 1.95 per cent growth, Victoria is experiencing the fastest annual growth since records began in 1971.

That is on top of all those other things that make Melbourne a wonderful place to live. Victoria is the multicultural capital of Australia. Up to 44 per cent of individuals in our population were either born overseas or have at least one parent who was born overseas. We are the most affordable capital city on either the eastern or western seaboard for homebuyers, and Melbourne is the most affordable capital city on the eastern seaboard for renting — again, because of our good planning, our vision and our plan. We continue to develop that.

We also have a lifestyle that suits just about anyone, whether it is with the apartments at Docklands, the affordable family homes in our growth corridors or homes in our green, leafy, established suburbs. Our government is planning for this growth, ensuring it releases enough land for development on the fringe and in addition encouraging a greater diversity of housing within existing areas, because in order to maintain that livability we not only have to plan for the increased population, we also have to plan for the increase in housing needs for the existing population — the empty-nesters amongst us. Our children will need housing, and our older parents will need different sorts of housing. We are not just talking about the population pressure that comes from new population, we are talking about those in the existing population who will not necessarily live in the traditional family home they might have spent the last 20 or 30 years in.

We need to have a vision, and we have a vision for a state that provides diverse housing and diverse opportunities in a whole range of locations. I remind the opposition parties that this a critical component of Melbourne @ 5 Million and planning for the future. In order to accommodate a growing population while preserving our reputation for affordable housing, open space, ample parklands and sustainable development and environment, we are fast-tracking many of those important projects so that we can help Victorians address the global financial crisis — which does not seem to register on the opposition's radar at all. I am not sure I have heard opposition members even mention the global financial crisis. On top of that, we are fast-tracking investment to fast-track jobs. I am not even sure I have heard the word 'job' come from members of the opposition in the last month, but we remain committed.

As well as that, we are kick-starting the first 4 years of our 12-year, \$38 billion Victorian transport plan. We are building major hospital redevelopments and continuing the biggest school rebuilding program in Victoria's history. In addition to that, Victoria's crime rate is now 24.5 per cent lower than it was in 2000–01. By any measure, we are the safest state in Australia. We have a lifestyle and livability that is the envy of the world, and I am pleased to see this recognised internationally. I am determined that we will not stop there; we will continue to plan for the future and provide for those in Victoria and Melbourne and the newcomers, because we know what is important when it comes to delivering services, delivering opportunities and delivering for the future of Victoria to make sure we continue to maintain this state as the best place to live, work and raise a family.

Planning: growth areas infrastructure contribution

Mr GUY (Northern Metropolitan) — Can the Minister for Planning provide a guarantee to concerned local communities on Melbourne's urban fringes that the money taken from each growth area infrastructure fund from the new up-front infrastructure contribution will be used to fund infrastructure projects in the area the money has been taken from?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Guy's interest in these matters, and I welcome the opposition's interest in these matters. I note a substantial level of criticism on all fronts in relation to what we are seeking to implement through Melbourne @ 5 Million. I recognise that the opposition has a number of concerns and criticisms, but it is easy to be an armchair critic on anything and everything. It is easy for anyone in any sphere of life to be an armchair critic, whether you are watching the football and you are an armchair critic — and that is pretty easy — or whether you are sitting in other comfortable velvet chairs in this place and you are an armchair critic as well. It is very easy to be an armchair critic on all fronts, but at the end of the day the great test is not what you say but what you do.

What flabbergasts me in relation to the opposition is that it seeks to be all things to all people. On the one hand it says — and it might reflect a community view — 'Let's put the growth not on the fringe but in the activity centres', then on the other hand it says, 'Let's not put the growth in the activity centres, let's put it on the fringe'; 'Let's not have it here, let's not have it there'. If it were the opposition's policy, it would be: 'Let's not have growth anywhere'.

We are unashamedly a government that seeks to address the issues around growth. We also encourage growth, because growth is about opportunity; it is about providing housing and jobs for the current population and for future populations. We remain committed to that. We also remain committed to the adjustment to the urban growth boundary, and those areas are being investigated as we speak. We also remain committed to the green wedges. We also remain committed to making sure we protect high-value native vegetation in these regions.

We are committed to these things, and we are also absolutely committed to providing infrastructure. As I have said time and again, the traditional corridor suburb without any infrastructure or public transport is no longer the model we seek in this state. We intend to provide local infrastructure through the growth areas infrastructure charge. We also intend to provide transport infrastructure as part of the \$38 billion commitment by this government.

We have a plan, we have a commitment and we believe we have the answers. When it comes to others, we do not believe there is any plan, any answer or any proposition. We remain committed to the things that matter — making sure the new growth areas and any adjustments to the urban growth boundary not only maintain Melbourne's livability but make Victoria and Melbourne the best place to live, work and raise a family.

Supplementary question

Mr GUY (Northern Metropolitan) — I thank the minister for his generous answer to my yes/no question. Given that the government has stated it is still drafting the GAIC (growth areas infrastructure contribution) legislation and that it is generously prepared to make allowances to exclude family land transfers, such as in the circumstance of a parent dying, from attracting the GAIC, I ask: can the minister advise the house if it will also make exemptions for internal company land transfers, farm-to-farm transfers, private school land that is sold and property sales by people entering retirement villages, and if not, why not?

Hon. J. M. MADDEN (Minister for Planning) — I can see that the opposition does not want to fund anything. 'Let's not fund anything with any money, but let's build everything without any money' — that is the proposition of the opposition. As we have said time and again, we will introduce the legislation and we will have some exemptions to that, and we are working through these with the stakeholders. We do not seek to alarm people. The opposition might be seeking to so:

'Let's just alarm people everywhere; let's enhance all sorts of views about what may or may not happen', when they do not even know what is going to happen because as we have said, time and again, the legislation is being drafted.

I forgot to welcome Mr Guy's question, and can I make the point that obviously he now has confidence in this minister. He did not want to ask him a question last week, because he did not have confidence in him.

Honourable members interjecting.

Hon. J. M. MADDEN — The opposition asked two vitally important questions, but who was the third question to, Mr Dalla-Riva? It wasn't to me. The fourth question was about planning, because now, after 48 hours of parliamentary time, Mr Guy suddenly got confidence in the minister. Well congratulations, Mr Guy, come on down! I welcome the opposition's interest — finally — in some of these matters. But it is one thing to have an interest; what you have to have is an answer. Do some work and find some answers.

Mr Atkinson — On a point of order, President, the minister has been directing his comments at members of the chamber rather than through the Chair, which is not part of the courtesy of the house. I think he was also debating in his answer, although I think it was getting to such a dramatic point that I am not sure it qualified as debate. But certainly it was not apposite to the question.

The PRESIDENT — Order! In response to the point of order, where do I start? I have on numerous occasions raised with the minister a whole range of things he is supposed to comply with in terms of answering questions. In particular I have raised the issues of relevance, not attacking the opposition and even, to a lesser degree, asking questions through the Chair. I know this current round of questions is a little provocative in the minister's own mind, and maybe it is a little easier for him to respond in a way that he might not normally respond, but over the next few days I ask the minister to be cognisant of my previous rulings, to address his answers through the Chair and to ensure that those answers are relevant and do not overtly criticise the opposition.

I remind members of the opposition that if they want to continue to interject, they will only make the problem bigger than it needs to be. I assume the minister is finished.

Honourable members interjecting.

Mr Finn — He certainly is.

The PRESIDENT — Order! I advise Mr Finn that repetition is an issue as well.

Outworkers: workplaces

Ms TIERNEY (Western Victoria) — My question is to the Minister for Industrial Relations, Mr Pakula. Can the minister advise the house of any recent successful initiatives that demonstrate the Brumby government's commitment to fair workplaces?

Hon. M. P. PAKULA (Minister for Industrial Relations) — I thank Ms Tierney for her question and for what I know is her lifelong commitment to fair workplaces. I want — —

Mr Dalla-Riva interjected.

The PRESIDENT — Order! I advise Mr Dalla-Riva that I am particularly interested in hearing this answer. He may not be, but I am.

Hon. M. P. PAKULA — Mr Dalla-Riva still appears not to understand the difference between question time and the adjournment debate, but we will make that a matter for another day.

At the outset I want to reaffirm the government's commitment to fair workplaces. It is true to say that in Victoria there is a group of workers that we believe, and the community in general believes, still needs significant assistance to operate in a fair workplace. Of course I am referring in particular to clothing outworkers. As members might know, clothing outworkers are predominantly women from non-English-speaking backgrounds who work under very poor conditions, have long hours of work, have very low rates of pay and in effect have no job security.

In 2003 the government introduced the Outworkers (Improved Protection) Act as a way of providing increased protection to outworkers in Victoria. The aim of that act was to improve the protection of clothing outworkers, to help resolve uncertainty about their job status, to classify them as employees and to provide them with entitlement to all the protections afforded to other employees. The act provided for a review five years after it received royal assent, and that review was tabled in the Parliament in May this year. It showed that the act has been effective in ensuring that protections exist for outworkers in Victoria. Importantly it also showed that Victorian government information service officers have been absolutely invaluable in assisting Victorian outworkers and providing them with training and opportunities in other industries that they might seek to move into.

I was privileged to attend the graduation of 11 outworkers who had recently completed a child-care training course. Those 11 outworkers have had the opportunity to transform their lives from making clothes in their homes for as little as perhaps \$5 an hour to training for an occupation which offers them better conditions and better opportunities and which is also essential for their local community. Those outworkers have now graduated from a nationally recognised certificate III course in children's services that will assist in meeting the demand for child-care workers and family day care workers in the south-eastern suburbs.

Honourable members interjecting.

Hon. M. P. PAKULA — I assume Mrs Peulich would be interested in that benefit for her local community.

It is a project which was also supported by the Chisholm Institute of TAFE and by the City of Greater Dandenong. Those graduates, who had previously been making clothes in their garages or in the back rooms of their homes, will now be able to contribute to their local community in an area of endeavour which is absolutely desperate for their skills.

This group of workers is following in the footsteps of other outworkers who were recruited for retraining under a pilot program in 2004–05. Since then almost 100 outworkers have been trained to become hospitality workers, retail workers, child-care workers, pattern makers and designers under what has been a very successful job creation program. It is a very successful program, and it is just one example of how the Brumby Labor government has a commitment to ensuring that every Victorian employee has the right and the ability to expect a fair workplace and better opportunities in life.

Environment: greenhouse gas emissions

Mr BARBER (Northern Metropolitan) — My question is for the Minister for Environment and Climate Change, and it relates to the state and territory greenhouse gas inventories for 2007 that were released last week. I presume the minister has his copy there somewhere. I am asking about two particular areas where there have been some big reductions in greenhouse gas emissions and whether the minister can explain why they have occurred and if he believes those reductions are sustainable. The first is in the area of transport, where emissions have fallen by 500 000 tonnes in the last year, which would put them down to the lowest level since four years ago. The second area is that of enteric fermentation, where

emissions are down by nearly 700 000 tonnes, which is the lowest they have ever been since the 1990 base year.

Mr JENNINGS (Minister for Environment and Climate Change) — I know why Mr Barber has asked me the question. He has asked me the question to make sure I go through the esoteric entrails of the second part of his question, which I am not going to do because I am not quite sure whether they are sustainable or not.

To answer the first part of the question, in terms of sustainability the reductions in transport emissions come from a twofold effect. One concerns the cost of fuel, and we saw a significant reduction in fuel use in the reporting period because people were being very wise, prudent and frugal in the use of their motor cars — that is the biggest driver of the reduction. Beyond that, many people exercised a degree of wisdom and got on board the public transport system, so there has been a significant increase in public transport use during the reporting period. My colleague the Minister for Public Transport often talks to me about the pressures on the system caused by the massive modal shift that has occurred during the reporting period. In order of magnitude we are seeing something of the order of a 10 per cent annual increase in the combined trains, buses — —

Mr Barber interjected.

Mr JENNINGS — Mr Barber is now trying to have a go at my colleague the Treasurer by shifting tack mid-answer and referring to something else that might be in the budget papers. I am commenting on the inventories that he has in his hand. He and I might say it differently; we might emphasise it differently, but ultimately we can be grateful that there has been a significant reduction in emissions in the transport sector. We would hope that the investment of \$38 billion that was allocated to the transport plan, much of which is to support ongoing modal shift — —

Mr D. Davis interjected.

Mr JENNINGS — I thank Mr Davis for his very useful interjection. Mr Davis wants to try to emphasise the point that there is \$38 billion worth of investment, but he reminds the house that only the first tranche of investments is in the forward estimates. But there is a plan; he does recognise the \$38 billion worth of activity, so he does know it. He knows the number; he knows it exists. He knows there is a forward projection by the Brumby government to make sure we drive investment in transport into the future, and we would hope that a combination of those outcomes may lead to

an ongoing sustainable reduction in emission profiles in the years to come.

We also know there is further work we need to do to drive emissions lower in the transport sector, and my colleagues on both sides of the transport portfolio, the Minister for Roads and Ports and the Minister for Public Transport, are equally determined to try to reduce the emission profile of transport — as we all know, at the moment something of the order of 16 per cent of Victoria's emissions come from that sector — and we will try to drive those reforms further into the future.

Supplementary question

Mr BARBER (Northern Metropolitan) — In relation to the item that deals with afforestation and reforestation, given the collapse of managed investment schemes which have been responsible for a lot of that reforestation, does the minister believe that ongoing reduction will be sustainable?

Mr JENNINGS (Minister for Environment and Climate Change) — I know Mr Barber has well-developed experience and expertise in the forestry sector and has been very concerned about forestry matters for a long period of time. In terms of how we ultimately account for forestry within the CPRS (carbon pollution reduction scheme) and how that is fed into the operating conditions of the scheme, I will be grateful for the day on which that occurs so we can properly account for the swings and roundabouts in terms of carbon accounting that deals with the forest industry, and Mr Barber probably will as well. We might have a slight variation in the story of how we account for these over time and what it means for public policy matters, because they will still be fairly vexed in a number of circumstances, but ultimately we as a nation will be better off if we can account for the net gains and the net losses in terms of our forestry practices and make sure the CPRS accounts for them properly into the future.

Industry: trade missions

Mr LEANE (Eastern Metropolitan) — My question is for the Minister for Industry and Trade, Mr Pakula. Can the minister advise the house on any upcoming trade fairs and missions that will provide Victorian industry and businesses with the opportunity to boost their export and trade capacity?

Mr Finn — Another trip overseas.

Hon. M. P. PAKULA (Minister for Industry and Trade) — Not for me, Mr Finn. The Brumby government's trade fairs and missions program is a

highly successful program, and I am pleased to have the opportunity to outline some of the upcoming opportunities arising from it. In the financial year up to 31 May 2009 we, as a government, have supported 259 Victorian companies — —

Mr Lenders — How many was that?

Hon. M. P. PAKULA — Two hundred and fifty-nine, Treasurer, on 27 outbound and inbound missions. Those missions are expected to increase mature annual exports by almost \$200 million. For 2007–08 we also had very high returns, with over 540 companies, 47 missions and more than \$430 million in projected exports. The program provides businesses with export opportunities. It provides them with market intelligence, it enables them to access strategic overseas markets and it gives them the chance to showcase their technology, showcase their capability and, importantly, showcase their capacity.

The program has a number of different elements to it. People just think about overseas trade fairs or overseas missions, but there are also industry capability missions, technical presentation visits and inbound trade missions. Since 2000–01, just to take one industry alone, there have been 24 automotive industry missions that have generated predicted sales of over \$330 million. Those missions have visited markets in China, India, the Middle East, Europe and the United States of America. As a government, we think it is vitally important that we support global market access through having advanced discussions with bodies such as Austrade, particularly in regard to the potential for in-market representation in China, which, as members would know, is the fastest growing automotive market in the world.

There are two technical presentation visits to China currently being planned for this month and for July. They will assist Victorian companies to take advantage of China's growing automotive sectors. It is important to recognise that component manufacturers in Australia have recognised that the market here is not going to be sufficient to sustain them forever. They are actively pursuing opportunities with the large automotive manufacturers in the Asian region.

Just over of a month ago I was fortunate enough to visit Futuris Automotive Interiors in Port Melbourne, which is a very innovative company that designs, engineers and manufactures automotive interior systems — not just for here but for emerging markets. The company produces niche, value-added products in developed markets as well. Futuris has grown from a design and

engineering base in Port Melbourne into a company that is breaking into emerging markets in China, Thailand and South Africa. It has further growth planned both in the Asia-Pacific region and in the Americas. While I was there company representatives took great pride in telling me how important inbound trade missions have been in convincing potential customers and overseas buyers of their particular capabilities here in Australia. The company has found that being able to show those overseas buyers its workshop and design studio in Port Melbourne has been invaluable.

Next week five leading Victorian component companies and organisations, including Futuris but also including Toll Logistics, Auto CRC, Prodrive and Air International Thermal Systems, will form a strong delegation to showcase the technical capability of Victorian companies in the automotive sector to up to eight Chinese vehicle producers. When they are on that trip, their plan — and no doubt it will be carried out in full — is to meet vehicle manufacturers including Geely in Hangzhou, Dongfeng Motor Corporation in Wuhan, SAIC in Shanghai, BYD Auto in Shenzhen, GAIG in Guangzhou and Chang'an, Chang'an Ford and Lifan, all in Chongqing.

We have a long and ongoing commitment to Victorian automotive companies and a long and ongoing commitment to the automotive industry. We are determined to assist those companies to export as much as they possibly can. Through the trade fairs, missions program and other programs we will continue to support Victorian industries in their endeavours to export as much as they possibly can.

PAPERS

Laid on table by Acting Clerk:

Major Events (Crowd Management) Act 2003 — Minister's Order of 27 May 2009 in relation to land surrounding Bob Jane Stadium.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Bass Coast Planning Scheme — Amendment C99.

Baw Baw Planning Scheme — Amendments C56 Part 1 and C64 Part 1.

Bayside Planning Scheme — Amendment C44.

East Gippsland Planning Scheme — Amendment C65.

Frankston Planning Scheme — Amendment C50.

Glen Eira Planning Scheme — Amendment C79.

Golden Plains Planning Scheme — Amendment C41.
 Horsham Planning Scheme — Amendment C37.
 Moira Planning Scheme — Amendments C37 and C41.
 Pyrenees Planning Scheme — Amendment C18.
 Queenscliffe Planning Scheme — Amendment C18.
 Whitehorse Planning Scheme — Amendment C87.
 Wyndham Planning Scheme — Amendment C109.
 Yarra Ranges Planning Scheme — Amendments C71 and C84.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 57.

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

Liquor Control Reform Amendment (Enforcement) Act 2009 — Except section 8 — 2 June 2009 (*Gazette No. S163, 2 June 2009*).

BUSINESS OF THE HOUSE

General business

Mr D. DAVIS (Southern Metropolitan) — By leave, I move:

That precedence be given to the following general business on Wednesday, 10 June 2009:

- (1) notice of motion 38, standing in the name of Mr Guy, relating to the growth areas infrastructure contribution;
- (2) notice of motion 25, standing in the name of Mr Barber, relating to the production of certain documents relating to the public transport tender; and
- (3) notice of motion 29, standing in the name of Mr Hall, relating to the federal government's proposed changes to the youth allowance and the commonwealth accommodation scholarship scheme.

Mr VINEY (Eastern Victoria) — I am sorry, I was trying to understand the documents motion that Mr Davis was referring to.

Mr D. Davis — Mr Barber would seek to move his documents motion.

Mr VINEY — Number?

Mr D. Davis — Twenty-five.

Mr VINEY — Leave is not granted for that.

The PRESIDENT — Order! The question is:

That precedence be given to notices of motion 38 and 29.

Question agreed to.

MEMBERS STATEMENTS

Schools: Bendigo

Ms LOVELL (Northern Victoria) — The Brumby government should be condemned for its bullying of schools in the Bendigo region, where schools are being forced to merge or are being starved of funds. The most recent example was revealed last week, with the announcement of the merger of four primary schools including Bendigo North, Eaglehawk, Eaglehawk North and Comet Hill. Two weeks ago only three schools had agreed to the merger, with Bendigo North voting to stay a stand-alone school. However, after discussion with the regional director, the school principal, who had previously never voted on these matters, decided to vote. A further meeting was called, resulting in the school council president using his deciding vote to vote for the merger. The six council members who voted against the proposal have since resigned. They are outraged and angry about the process and say that the result is not what the community wanted. They say the little people have been stomped into the ground by the government — and their concerns are justified.

The principal of Eaglehawk Primary School, Maryanne Rooney, tried to assure me that they had not been bullied into a merger, but she also told me that if Eaglehawk stayed a stand-alone school they would not qualify for federal funding because their school was heritage listed. I am sure that will come as a surprise to other heritage-listed schools, including Camp Hill in Bendigo, Dana Street in Ballarat, Drysdale and Belmont in Geelong and Little Bendigo in Nerrina, which have all received stage 1 allocations.

The Brumby government is closing Victorian schools by stealth. Last week's announcement of these four schools merging into two brings the total number of schools Labor has closed in Bendigo to four in this term of government. Other schools in the Bendigo region are being told they will not get access to federal funding unless they merge.

The Brumby government should be ashamed of its bullyboy tactics and should not be starving Victorian schools of much-needed funding if they do not want to merge.

City of Brimbank: Cr Socratous

Hon. T. C. THEOPHANOUS (Northern Metropolitan) — The media, and Josie Taylor of the ABC in particular, continue to perpetuate the myth that I sacked Costas Socratous. I never did. I stood him down on full pay and he was subsequently transferred to the office of the member for Derrimut, Telmo Languiller, where he had been pressuring me to send him for the last two years because it was closer to his home. He is the most unsacked sacked person in Victoria.

Despite being shifted to where he always wanted to be, he has used the opportunity to now go on WorkCover stress leave and has put a claim in against the Parliament for significant compensation. But being on WorkCover did not stop him from accompanying a tour group in Parliament last week to bolster his local support.

I am also informed that he rang the Ombudsman to inquire as to whether he had the status of a whistleblower. He was told by the Ombudsman that he is not a whistleblower in Brimbank but just another one of the councillors who had been interviewed and investigated. So he was not sacked and he is not a whistleblower, but he is an opportunist seeking to present himself to the media in this way in order to seek a big payout under WorkCover. That is what he threatened to do in my office and that is what he is doing. Meanwhile I and my family are being victimised and smeared in a grossly unfair way as we struggle to find some justice.

I believe that Socratous misled the Ombudsman and is now trying to make money from it as well. The Ombudsman should have another look at the injustice done to me by this man who claimed he felt pressured by me but all the while when he worked for me, it was he who was threatening me with publicly attacking the Labor Party and the government and voting against me in internal ALP ballots.

Costas Socratous was not sacked and he is not a whistleblower and a gross injustice has been done to me and to my family.

Office of the Australian Building and Construction Commissioner: future

Ms PENNICUIK (Southern Metropolitan) — The Office of the Australian Building and Construction Commissioner has extraordinary coercive powers to compel a person to provide information, produce documents or attend an examination to answer

questions. Construction workers can face a huge fine or jail term if they do not comply with a request from the ABCC. Lawyers have a limited role, and the commission can determine its own practices with a high level of secrecy. People who have been summonsed or have attended the commission cannot even let others know they have done so.

The Greens are working to abolish the ABCC. The ABCC was a creature of the former Howard government's campaign against construction workers, following its assault on the Maritime Union of Australia. It followed the Cole royal commission, which took months and spent \$65 million of taxpayers money, but no charges were laid against building workers. Building workers are entitled to the same equal rights and responsibilities as all other workers are. They should not be subjected to the coercive powers of the Australian Building and Construction Commissioner, which acts a bit like a star chamber.

With the release of the Wilcox report the federal government has run out of excuses for not repealing the ABCC legislation and abolishing it. The Greens welcome the findings of Murray Wilcox that the Building and Construction Industry Improvement Act should be abolished and that the Fair Work Act should regulate industrial relations in the building and construction industry.

The PRESIDENT — Order! Time!

Rail: Gippsland line

Mr HALL (Eastern Victoria) — Today I join many people living in the Eastern Victoria Region electorate in their vociferous opposition to the government's plans to terminate all Gippsland rail services at Flinders Street station. Currently they terminate at Southern Cross station, as do all other country services. The change was buried in the state government's *Victorian Transport Plan*. Late last year when I followed up on the point made to me by a diligent constituent that there was going to be a change and that the trains would terminate at Flinders Street, I was told there was a misprint in the plan and that, no, the trains would continue to travel to Southern Cross. It seems this is not the case. The Minister for Public Transport, Lynne Kosky, has now revealed that all Gippsland line services will terminate at Flinders Street.

This is a significant issue for many travellers. Amenities for country travellers are located at Southern Cross, not Flinders Street. Connecting services — other train services, coach services and airport services — depart from Southern Cross, not Flinders Street. Elderly

people and young people will be most affected by this. Elderly people will now have to alight at either Caulfield or Flinders Street and then get themselves to Southern Cross, lugging their cases on a suburban train. Mum, dad and the young kids will have to put their pram on the train and travel to Flinders Street. This is outrageous. I call on the government to abandon this plan now.

National Volunteer Week

Ms PULFORD (Western Victoria) — National Volunteer Week was 10–16 May this year, and during the week it was my pleasure to join with two volunteer groups in my local community. On Monday, 11 May, I had the opportunity to be a guest presenter on Ballarat community radio station 99.9 Voice FM. Voice FM has operated for over 25 years — originally it was 3BBB — and in that time the organisation has been run predominantly by volunteers, from the board to the many presenters.

Regular morning presenter and volunteer Helen Bath and I broadcast directly from the Ballarat Volunteer Resource Centre. We interviewed volunteers from a diverse group of organisations, including Sarah Kate from Lead On; Jim Watkins, a driver from Uniting Care; Virgie Hocking and Judy Brumby from the Ballarat Regional Multicultural Council co-op; Kath Phillips from Delta Society Australia pet partners; and Reinhard Pohl from the Country Fire Authority.

On Thursday that week I also joined volunteers in serving breakfast at Anglicare. It was a wonderful opportunity to acknowledge the great work of the 34 per cent of members of our community who volunteer in school committees, sporting clubs and the CFA to assist the elderly and the young in our society in many ways. Volunteers are the fabric that binds our community. It was my great pleasure to spend some time meeting so many volunteers during the week. I am also pleased that during this National Volunteer Week the government committed \$9.3 million to a new volunteering strategy to support our existing volunteers and to encourage others to try volunteering for the first time.

Planning: growth areas infrastructure contribution

Mrs PETROVICH (Northern Victoria) — Recently at a community meeting in Beveridge this government was exposed for what it really is — an out-of-control, greedy mean machine that ignores the people it purports to represent, particularly in regional and rural Victoria. The community is quite rightly angry about the government's plan to slug landowners

who are unfortunate enough to be included in the extended urban growth boundaries. For many, their land has been in their family for a number of generations. These people are not speculative land developers but are being treated as such by this greedy government.

Despite the development of their land being possibly decades away, these people now face a monstrous tax of \$95 000 per hectare if they want to sell and move on — even if the land is only worth a fraction of that amount. As someone warned at the meeting, no-one in these areas can afford to get sick, die, retire or sell up to bail out the kids, or they will be left with a multimillion-dollar debt. This is another example of knee-jerk governance and a poorly conceived plan that has once again exposed this government's poor management skills.

Mr Brumby was caught short last week on ABC radio when he told these landowners not to jump to any conclusions. He did not seem to know the wheels had already begun to turn, with letters detailing the plan having been already sent out to affected landowners. It would seem this is another scandal that falls squarely on Minister Madden's shoulders.

Mountain District Learning Centre

Mr LEANE (Eastern Metropolitan) — I recently visited a great asset in the Ferntree Gully area, the Mountain District Learning Centre, which is an adult education centre that offers training and education to members of the community. It offers certificate courses, including the Victorian certificate of education and the Victorian certificate of applied learning in hairdressing, horticulture, computers and business. It also has some great recreational courses that include subjects such as Greek mythology. I was lucky to sit in on a class a couple of weeks ago; it is a fantastic course. The centre has been supporting the community with quality education since 1974.

JEA Technologies

Mr LEANE — On another matter, I would just like to touch on a company called JEA Technologies, which is also aligned with other companies dealing with tectonics such as TransCity. JEA Technologies invited me to come and look at its business because it is booming. Since its recent move to Scoresby it has increased its employment and production of a vast array of energy-saving technologies that are utilised in a number of different industries. It is a great story in this time of economic downturn to have a company that has put on a number of employees in recent times, and it is

growing to the extent that it is thinking about putting on an afternoon shift.

Coalition of Concerned Councillors

Mrs COOTE (Southern Metropolitan) — In this morning's *Age* there was an unprecedented full-page advertisement and open letter to Premier Brumby and the Minister for Planning, Mr Madden, from several local councils in relation to planning. The letter says:

... recent planning reforms have gone too far. In the past few months your government has —

and it lists four major issues that are cause for concern. The letter further states:

These measures demolish the cornerstone of this state's planning system — the rights of residents to have a say about their neighbourhood. These rights are at the very heart of our democratic system of governance.

I congratulate the mayors and the councillors from my area who took part. They are: the mayor of Stonnington, Claude Ullin; the mayor of Boroondara, Jack Wegman; the mayor of Bayside, James Long; and the mayor of Glen Eira, Helen Whiteside; The councillors from Boroondara are: David Bloom, Phillip Healey, Heinz Kreutz, Phillip Meggs, Dick Menting, Coral Ross and Nicholas Tragas. The councillors from Bayside are: Alex Del Porto, Felicity Frederico, Clifford Hayes, Michael Norris and Simon Russell. From Stonnington they are: John Chandler, Greg Hannan, Angus Nicholls, Anne O'Shea, Melina Sehr and Tim Smith. Paul Peulich is from Kingston; Jamie Hyams, Margaret Esakoff and Frank Penhalluriack are from Glen Eira; and John Middleton and Serge Thomann are from Port Phillip.

It is of concern to all of us that planning has been taken away from our local councils who know and understand their local areas and the challenges therein better than anyone at all. This is totally undemocratic, and it is an indictment of this government.

Victorian School Sports Awards: Northern Metropolitan Region

Ms MIKAKOS (Northern Metropolitan) — I rise today to congratulate the sporting achievements of students from my electorate who were recently recognised at the 15th annual Victorian School Sports Awards. The Brumby government encourages students to participate in sport whilst at school. It is a great way to keep fit and healthy and to avoid obesity, as well as develop confidence, friendships and general life skills.

I congratulate Michael Hurley, formerly of Viewbank College, who was presented with the Outstanding Community Contribution award for his skills in Australian Rules football. Michael was selected by Essendon Football Club as its first pick in the 2008 Australian Football League draft and has already commenced his career with the club. He was named best and fairest on the Victorian Metropolitan team and undoubtedly has a brilliant sporting future ahead of him.

Georgia Nanscawen from University High School was recognised for her skills in hockey and already has many accolades to her name. A recipient of the annual Pierre de Coubertin award from the Victorian Olympic Council, she has also been awarded a full scholarship from the Victorian Institute of Sport. Simon Soumelidis from Plenty Parklands Primary School was recognised for his success in soccer through selection for the national competition. Amy O'Neil, Dean Neofitou and Nicola Hammond, all from Apollo Parkways Primary School, were handed awards for their efforts in basketball, cross-country and hockey respectively. They are talented young athletes with all three having been victorious at district, zone and state levels. Rex Chadwick, also from Apollo Parkways, was awarded for outstanding community contribution as a volunteer. I congratulate all the students on their achievements and wish them all the very best in their future endeavours.

Ukrainian community: 60th anniversary

Mr GUY (Northern Metropolitan) — This year marks the 60th anniversary of Ukrainian settlement in Australia. As a result the Ukrainian community in Australia has spent the last week celebrating this wonderful milestone with a range of festivities and activities. It culminated in a fabulous display of theatre, song and traditional Ukrainian dance at the Melbourne town hall on Sunday night.

Sixty years ago many Ukrainians, displaced by war and facing retribution from the Stalin communist dictatorship if they returned home, chose to make Australia their new home. In droves they arrived in Sydney, Newcastle, Adelaide, Geelong, Melbourne, the Latrobe Valley, Brisbane and Canberra. Like so many other ethnic communities who came to Australia post the Second World War, Ukrainians came here with high hopes and aspirations to build a community that would remember where they came from but to celebrate and participate in the new nation in which they had been warmly welcomed.

These new Australian Ukrainians formed the Союз Українських Організацій Австралії, or CYOA as it is

known, with the Australia Federation of Ukrainian Organisations as their peak body, which is today still very active and chaired by Mr Stefan Romaniw, who was again re-elected on the weekend at the CYOA conference here in Melbourne, the start of which I was privileged to attend.

The 60th anniversary celebrations are lucky enough to coincide with the probable visit to Melbourne by His Excellency, Mr Viktor Yushchenko, the President of Ukraine, this coming Sunday and Monday. The visit by Mr Yushchenko on the anniversary of the 60th year of Ukrainians arriving in Australia is as symbolic as his presence as Ukraine's first post-war-born President. He is a President committed to democracy and transparency and to leading Ukraine to a future of better cooperation with democratic nations as welcoming as Australia.

Schools: building program

Mr TEE (Eastern Metropolitan) — As we know education is incredibly important to ensure that children can reach their full potential. If we want our children to shine and have fulfilling careers, then education is critical. A successful education system is really important to the development of adults who are well connected and engaged with their communities. Of course a modern teaching and learning environment is critical to create the educational outcomes.

I welcome the significant funding boost to the school infrastructure which has been announced today and which will have a significant impact on my electorate. Through the federal government's Primary Schools for the 21st Century program nearly 70 schools in the Eastern Metropolitan Region will share in \$140 million worth of funding. This huge funding boost will go to a range of building projects and refurbishments, including a new library at Ringwood North Primary School, a new multipurpose hall at Beverly Hills Primary School in Doncaster East and new classrooms at St Anne's Primary School in Park Orchards.

These improvements are about regenerating our local school infrastructure and creating jobs. It is an example of the wonderful things that can be achieved when state and federal governments work together for the future of our kids and our community. It stands in stark contrast to the confrontation and antagonism that were the hallmarks of the Howard government's approach to education reform.

Australian Labor Party: branch stacking

Mr O'DONOHUE (Eastern Victoria) — I read with interest reports in the media of unsolicited emails from members of the Victorian community and findings from different parties, such as the Ombudsman, that touch directly or indirectly on internal ALP affairs. From those reports it would appear that one of the parties integral to democracy in Victoria in Australia has at best some very questionable practices.

Reports of branch stacking and schemes and scams to sign up members who do not even know that they are members reflect very badly on the Labor Party. Perhaps this is partly why members of the government seem to have such contempt for Parliament and are happy to ignore its will, as we saw last week and today with the refusal of Minister Madden to resign or to abide by the will of this chamber with regard to the Barwon Heads bridge planning scheme disallowance. Labor would appear to be all about voting blocs, actions and power plays, often at the expense of ratepayers, taxpayers and constituents.

By comparison, I am proud to be a member of a political party that has recently undergone an extensive review process and subsequent reinvigoration. The Liberal Party has been made more democratic, and it gives everyday members a real say in how their party operates. This reform is reflective of the underlying liberal philosophy of respect for the individual and his or her beliefs and ideas.

China: Tibet

Mr O'DONOHUE — I note that the Chinese government recently held an exhibition in Melbourne to celebrate the 50th anniversary of supposed democratic reform in Tibet. It is regrettable that the Chinese government focuses on winning public approval for its actions in Tibet rather than engaging in meaningful dialogue on the Tibet issue. The fact that tens of thousands of people have fled Tibet to India and elsewhere in the world since its occupation and annexation by communist China makes me question very much the claim of the Chinese government that in the last 50 years it has delivered democratic reform and social and economic development. As the world reflected recently on the 20th anniversary of the Tiananmen Square massacre, China does not advance its cause, nor that of Tibet, with exhibitions like the one recently held in Melbourne.

Northern Metropolitan Region: Queen's Birthday honours

Mr ELASMAR (Northern Metropolitan) — I rise to congratulate the following members of my electorate who have received Queen's Birthday honours. Bernard and Gerarda Lamers of Plenty have been awarded Order of Australia medals for establishing the Bone Marrow Donor Institute. Timothy Daly of Lower Plenty has been awarded an OAM for his work in public administration. Reverend Roy Bradley of Heidelberg was awarded an OAM, as were Maureen Corrigan of Mill Park, Suzi Duncan of Whittlesea, Ronda Jenkins of Brunswick, Reverend Clive Lelean of Macleod and Major John Vincent of Macleod. These wonderful people are magnificent community achievers — well done!

Nillumbik Shire Council: sustainability kits

Mr ELASMAR — On another matter, I was recently briefed about Nillumbik Shire Council's introduction of a scheme whereby residents will be able to check for themselves how green their homes really are. Sustainability kits are available to borrow from Eltham and Diamond Valley libraries. These kits allow residents to conduct a simple environmental impact audit on the use of electricity and water within their homes. This is another great conservation initiative from Nillumbik Shire Council.

Lebanon: election

Mr ELASMAR — On a further matter, the election in Lebanon is over and democracy was exercised. I would like to congratulate the people of Lebanon and all the members who have been elected to the Parliament of Lebanon. I wish them all well and hope democracy will stay there forever.

Solar energy: federal government rebate

Mr D. DAVIS (Southern Metropolitan) — My 90-second statement today concerns the decision of the federal environment minister, Mr Garrett, the former rock singer, to peremptorily close the solar rebate system at a federal level. Everyone understood that the scheme would be available until 30 June — indeed, everyone will have seen in the newspapers and on electronic media advertisements about the options they have under the current system — but by stealth the minister has brought forward the closing date to today. Shame!

I have to say that the minister does not have the interests of the environment at heart. He should have

been prepared to allow the system to run at least to 30 June, the date he said it would run to. Instead of that, without warning, without proper announcement and without proper procedures, he has brought forward the closing date. This action was designed to cut people out and close down the scheme. This is a minister who does not care about the environment but is determined to cut people out from schemes designed to give them proper support for the solar systems they put on their homes or businesses.

I am very disappointed in the minister, as I think are many other people, in relation to his performance in a number of areas of his portfolio. This is just another nail in Mr Garrett's coffin.

STATE TAXATION ACTS AMENDMENT BILL

Statement of compatibility

For Mr LENDERS (Treasurer), Hon. M. P. Pakula tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities (the charter), I make this statement of compatibility with respect to the State Taxation Acts Amendment Bill 2009.

In my opinion, the State Taxation Acts Amendment Bill 2009, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the State Taxation Acts Amendment Bill 2009 is to amend the Duties Act 2000 (the Duties Act), First Home Owner Grant Act 2000 (FHOG act) and the Land Tax Act 2005 (the LTA).

In particular the bill will clarify the scope of the exemption from duty in relation to deceased estates, clarify the circumstances in which the family farm exemption from duty is to apply and clarify the operation of certain provisions in relation to the consideration for the transfer of dutiable property and to failed instruments. The bill will also provide that a policy of life insurance that is a first home saver account is exempt from life insurance duty.

Furthermore, the bill will amend the first home owner grant (FHOG), first home bonus (bonus) and first home owner boost (the boost). It will include a cap on the value of homes which qualify for the FHOG and the bonus of \$600 000. The cap in relation to the FHOG will commence on 1 January 2010. The current cap on the value of homes eligible to receive the bonus will be increased from \$500 000 to \$600 000 from 1 July 2009. The bonus, which is due to expire on 30 June 2009, will be extended to contracts signed on or before 30 June 2010.

The amount of bonus payments will change to \$2000 for the purchase of established homes, to \$11 000 for new homes purchased in Melbourne and to \$15 500 for new homes purchased in regional Victoria.

The boost will be extended in its current form from 30 June to 30 September 2009. Between 1 October and 31 December 2009 the amounts of the boost will be halved to \$3500 for established homes and \$7000 for new homes.

In addition, the bill clarifies that certain acts and regulations apply to matters that continue to apply under the Land Tax Act 1958 and are taken always to have so applied.

Human rights issues

1. *Human rights protected by the charter that are relevant to the bill*

The bill does not raise any human rights issues.

2. *Consideration of reasonable limitations — section 7(2)*

As the bill does not raise any human rights issues, it does not limit any human right, and therefore it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not raise a human rights issue.

John Lenders, MP
Treasurer

Second reading

Hon. M. P. PAKULA (Minister for Industry and Trade) — I advise the house that there was an amendment to this bill in the Legislative Assembly. The amendment became necessary as a result of measures announced in the federal government's 2009–10 budget on 12 May 2009, which was after the bill was introduced.

Specifically, the first home owner boost, which is a federal initiative administered by all states and territories, is governed in Victoria by the First Home Owner Grant Act 2000 and was originally scheduled to finish on 30 June 2009. However, the federal government announced that the scheme would be extended from 1 July to 30 September at the current rates and from 1 October to 31 December at half the current rates. The bill required amendments to accommodate these changes. The bill also required an amendment to defer the introduction of the value cap of \$600 000 for first home buyers claiming the grant until the boost scheme expires. The amendment was inserted as paragraph 7 of the second-reading speech. The statement of compatibility did not require amendment as a result of these changes.

I move:

That, pursuant to standing order 14.07, the second-reading speech be incorporated into *Hansard*.

Motion agreed to.

Hon. M. P. PAKULA (Minister for Industry and Trade) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

On 5 May 2009 the government handed down its 2009–10 budget. This budget continues the legacy of prudent fiscal management coupled with fair and sensible taxation reform established in prior budgets.

As part of this, the government will continue to provide financial assistance to first home buyers. The first home bonus was introduced as part of the 2004–05 budget and has given a significant helping hand to Victorian first home buyers affected by buoyant property prices. It is due to expire on 30 June 2009 but this government has decided to extend it to cover contracts entered into on or after 1 July 2009 and on or before 30 June 2010.

To ensure that the bonus is targeted at those who need it most, the government has increased the bonus eligibility property value cap to \$600 000 (up from \$500 000). This measure will assist an additional 1500 first home buyers. The median house price in Victoria is currently around \$320 000 so this threshold is well below that figure. As such, 38 000 first home buyers are expected to benefit from the bonus in 2009–10.

These changes will continue to assist first home buyers with an \$11 000 bonus for the purchase of a new home in Melbourne, \$15 500 for a new home in regional Victoria, and a \$2000 bonus for established home purchases. This assistance is being targeted particularly at new homes in both metropolitan Melbourne and regional areas as this will also assist in stimulating home construction during the current economic downturn.

These bonuses are additional to the current \$7000 first home owner grant and have the same eligibility criteria as the grant. They bring the total Victorian grants available to Victorian first home buyers to \$9000 for the purchase of an established home, \$18 000 for new home purchases in Melbourne and \$22 500 for new home purchases in regional Victoria.

The boost, which is administered by the states on behalf of the commonwealth, was recently extended as part of the federal government's 2009–10 budget announced on 12 May. It will remain in its current form until 30 September 2009. Between 1 October and 31 December 2009, the value of the boost payments will be halved. This extended scheme will continue to provide welcome assistance to the first home owner and construction industries. This bill makes the necessary amendments to the First Home Owner Grant Act 2000.

This bill also enacts a package of measures in relation to the Duties Act 2000. One such measure relates to the exemption from stamp duty for a transfer of primary production land between relatives. The underlying policy rationale for this exemption is to support the intergenerational transfer of

farming properties, thereby encouraging people to remain in rural areas and assisting the economic welfare in these regions. As such, one of the integral elements of the exemption is the relationship between the transferee and the transferor of the land — there must be a ‘family link’ to receive the exemption. This has been a longstanding requirement. However, a recent Supreme Court decision has meant the exemption has, potentially, a broader application than was originally intended. Accordingly, the amendment is intended to ensure the exemption applies in accordance with its original purposes, provides clarity on its application and reduces the potential for duty avoidance arrangements.

Similarly, the bill seeks to clarify the exemption available for transfers of property from deceased estates made in satisfaction of beneficiary entitlements under a will or arising from intestacy and makes a minor amendment to the ‘off-the-plan’ concessions by removing a redundant reference. The wording of the exemption for deceased estates has caused some difficulties in implementing it in accordance with the policy intent. The State Revenue Office has attempted to address this issue administratively but it is clearly preferable to put these matters beyond doubt and this amendment will achieve that certainty.

The Brumby government is extremely mindful of the ongoing need for water efficiency. Consequently, it intends to exempt from stamp duty acquisitions of property by any joint government enterprise that acquires the property for the purposes of water efficiency. This could include, for example, a transaction that will enable investment in on-farm irrigation infrastructure that will both save water and maintain the viability of property as irrigated farmland. In some cases, this investment may replace inefficient infrastructure duplicated across more than one existing farm with a single, more efficient irrigation system that saves water without reducing the amount of land under irrigation. This amendment reflects the Victorian government’s cooperative approach to federal and other multi-government projects.

With this cooperative approach in mind, the bill also introduces a new exemption from life insurance duty for first home saver accounts. These accounts are a commonwealth-introduced initiative aimed at encouraging Australians to save for and purchase their first home. A first home saver account offered by a registered life insurance company constitutes a life policy for insurance duty purposes and thus attracts duty. Providing this exemption supports the Victorian and commonwealth governments’ objective of assisting aspiring first home buyers and ensures registered life insurers that provide this product are not at a competitive disadvantage.

The Duties Act contains a general ‘failed instruments’ provision which enables a duty assessment to be ‘reassessed’ where a transaction collapses due to an instrument failing, for example if a court determines that documents giving effect to a transaction are invalid or void, or where there is a genuine mistake in documents so that the transaction cannot proceed as intended. This bill modernises certain references in that provision to bring them into alignment with the rest of the Duties Act.

Additionally, the failed instrument provision is increasingly being challenged as to its scope. It is being relied on to withdraw transfers of property after a dutiable transaction has occurred. The scenarios presented generally involve a deliberate act by parties to rescind a transfer. They are not

characteristic of an unexpected event that jeopardises the instrument and/or cancels the transaction. Further, there are no mistakes in the instruments themselves such that they fail to operate as intended; rather it is the parties’ intentions that have changed. The failed instruments provision was not designed to apply where parties to an already completed transaction seek to vary what has occurred and it is being amended to reflect that policy.

A consequential amendment to the Land Tax Act 2005 is necessary. This is to ensure that any matters arising under the Land Tax Act 1958 continue to be dealt with by the Victorian Civil and Administrative Tribunal using the simpler procedures it uses for all other state taxation matters referred to it.

I commend the bill to the house.

**Debate adjourned on motion of
Mr RICH-PHILLIPS (South Eastern
Metropolitan).**

Debate adjourned until Thursday, 11 June.

FAIR WORK (COMMONWEALTH POWERS) BILL

Second reading

**Debate resumed from 4 June; motion of
Mr JENNINGS (Minister for Environment and
Climate Change).**

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise to make some remarks on the Fair Work (Commonwealth Powers) Bill 2009. It was the coalition parties in this Parliament that 13 years ago made the first referral to the commonwealth of state industrial relations powers. We did so in the belief that a national unitary system was the best way forward for Victoria. I think the last 13 years have demonstrated the validity of that proposition. It is a position that the coalition parties continue to hold — that a single industrial relations system is the best way forward for Victoria and for Australia.

The purpose of the bill before the house this afternoon is to replace that 1996 referral with an updated referral which reflects the introduction of the commonwealth’s Fair Work legislation earlier this year. That referral will come into effect from 1 July 2009.

The bill makes three sets of referrals to the commonwealth, the first being the matters set out in the schedule, which relate to division 2A of the commonwealth Fair Work Act. It also refers to the commonwealth the referred subject matters to the extent of any express amendments in the Fair Work

Act, and it refers matters relating to the transition from either the existing Victorian industrial relations framework or the Workplace Relations Act, which was the former commonwealth industrial relations framework, to the Fair Work Act. It provides that any referral under this legislation is subject to termination by a proclamation of Governor in Council.

In terms of the matters referred under this legislation, the referred subject matters as defined in the legislation encompass matters such as terms and conditions of employment; outworker terms and conditions; and the rights and responsibilities of employees, employers, independent contractors, outworkers, outworker entities and associations of employers and employees relating to freedoms of association, employment discrimination, termination, industrial action, protection from bargaining fees, sham independent contractor arrangements, standing down employees without pay, rights of entry and rights of access to records.

It also deals with matters of compliance and enforcement with respect to matters under the Fair Work Act, with the exception of excluded matters, which are also defined under the legislation. Excluded subject matters are taken to be state subject matters, which are subsequently defined in the legislation to be matters relating to the Equal Opportunity Act, superannuation, workers compensation, occupational health and safety, outworkers, child labour, training — save for employment terms provided by the national employment standards or a so-called modern award — long service leave, leave for victims of crime, jury and emergency service duties, public holidays, emergency work directions, regulations of employee and employer associations and their members, workplace surveillance, business trading hours and enforcement of contracts of employment.

It also makes a number of other exclusions from the reference to the commonwealth, most notably matters pertaining to the number, identity or appointment of public sector employees other than law enforcement officers, excluding disciplinary matters — which is something I will come to shortly; the number, identity, appointment, probation, promotion, transfer, fitness, uniform, equipment, discipline and termination of law enforcement officers; the number and identity of public sector employees to be dismissed for redundancy; matters pertaining to ministers, MPs, judicial officers, tribunal members, Governor in Council and ministerial appointees, senior public sector managers, ministerial officers, parliamentary officers — as distinct from parliamentary staff — and departmental heads; matters pertaining to the transfer or redundancy of public sector employees as a result of a restructure by or under an

act; directions of public sector employees in emergencies or in relation to essential services; and anything that would require or allow a public sector employer to breach section 10 of the Public Sector Employment (Awards Entitlement) Act 2006 or to offer or accept a statutory industrial instrument materially different from an applicable collective agreement or award.

The bill goes on to repeal the Commonwealth Powers (Industrial Relations) Act 1996, which was the instrument that created the initial referral to the commonwealth, and it makes a number of subsequent amendments to various state acts with respect to employment matters.

The coalition has been advised that there is a need to expedite the passage of this legislation — which has been the case through the other place and is the case through this house — in order to have it in place by 1 July, when the relevant sections of the Fair Work Act come into operation, to ensure that there is coverage under the new referral, and the coalition parties have been happy to accommodate that.

We also note that one of the reasons for the change in the referral from the existing 1996 referral is the change in the basis of the legislation. The referral to the commonwealth that was made in 1996 was based on the commonwealth's various industrial relations and arbitration powers. The basis of this Fair Work legislation is the corporations power, to the extent that without this referral this legislation would be applicable to corporations established under the Corporations Act, but it would not extend to other non-corporate employers — small businesses, sole traders, partnerships and public sector agencies. So this referral is important to ensure that the commonwealth legislation framework is applicable to all employment in Victoria.

As I said, the coalition parties have been happy to facilitate the passage of this legislation. We have elected not to oppose the legislation, although we do not endorse in totality the federal Fair Work Act framework, for reasons that we have stated elsewhere and have been stated in the commonwealth jurisdiction. We do, however, support the concept of a unitary industrial relations framework.

There are a number of questions that we have raised with respect to the referral and the scope of the referral, particularly as it relates to the Public Administration Amendment Bill, which was passed last week, and issues relating to public sector discipline and the apparent contradiction between this legislation and its

referral of disciplinary matters to the commonwealth and the provisions in the legislation that was passed last week. There has not yet been a clear statement from the government as to how it is intended that that legislation and this legislation will operate.

The coalition also has concerns with respect to provisions under the Fair Work legislation as far as right of entry and the right to access and inspect documents that have been created under the Fair Work framework are concerned. We have concerns that this will be used in a manner that is not conducive to sound industrial relations practices. We have seen a number of matters on Victorian work sites in the last 12 months that have given us great cause for concern as to how industrial relations are operating in this state. We have heard the shadow Minister for Industrial Relations in the other place refer to the situation on the West Gate Bridge site and also the comments made by the Chief Commissioner of Police with respect to his concerns about what has been happening on that site.

We have also seen issues raised about the potential site for the desalination plant at Wonthaggi, with serious allegations of deals between Trades Hall and the government over coverage of that site even before a successful tenderer has been nominated to build the plant on that site. A number of things have been developing in industrial relations in Victoria which have given the coalition parties cause for concern. We do not have any confidence that the framework created under the Fair Work legislation will improve that. What is required for a more sound industrial relations environment in Victoria is leadership from the government. In our view the legislation before the house is not going to do anything to improve that situation.

As I said, we continue to support the concept of a single industrial relations system in Australia and in Victoria. We do not oppose this legislation for that reason, but our lack of opposition to this bill should be in no way interpreted as support for the Fair Work legislation.

Ms PULFORD (Western Victoria) — I am pleased to rise and speak in support of the bill. I am in furious agreement with Mr Rich-Phillips when he says that we disagree on most of the substantive questions when we talk about industrial relations. But on this occasion we agree about the merits of a single unitary system that will provide clarity and certainty to employees and employers alike.

I commence my contribution by noting the assistance of the other parties in giving leave for this legislation to be considered. Accelerated processes are required for this

legislation, and the assistance of the minor parties and the opposition is appreciated in that respect. Most of the Fair Work laws are to commence on 1 July this year, not many weeks from now. For the referral to be in operation before 1 July we have had to accelerate the passage of this legislation through the Parliament. Victoria's timing is dictated by the timing of the commonwealth bill, which will give effect to the new referral, the Fair Work (State Referral and Consequential and Other Amendments) Bill 2009. This bill we are discussing today must be passed and commenced before the commonwealth bill is passed.

I am pleased to note that this legislation passed the Legislative Assembly without opposition in the last sitting week. These issues are sometimes contentious and difficult for us to deal with. This country and this state has experienced considerable change in our industrial relations laws in recent years.

I will now make some comments about the legislation. Labor is and always has been committed to fair protection for all Victorian workers. Similarly we are committed to providing stability and certainty for employers as they go about managing their businesses. Simplicity and clarity are important for industrial relations, and a single system is an essential part of that — one that is fair, of course.

The bill refers Victoria's industrial relations power to the commonwealth and in doing so replaces the Kennett government's referral from 1996. A great deal of water has gone under the industrial relations bridge in the years since 1996. The bill provides for a new referral of workplace relations to the commonwealth to replace the 1996 referral under the Commonwealth Powers (Industrial Relations) Act. The bill will empower the commonwealth to extend the Fair Work Act to Victorian employers and employees who would not otherwise be covered. This legislation will facilitate extended award protection for TCF (textile, clothing and footwear) outworkers — some of the most vulnerable workers — and will maintain the current referral exclusions that relate to public sector employment and law enforcement officers, with limited exceptions.

There are some consequential amendments, including the repeal of the Victorian Workers' Wages Protection Act and the repeal of the unfair dismissal provisions in the Public Administration Act and the Parliamentary Administration Act. There are also consequential amendments to a range of other Victorian acts to update references to the federal laws so that the intended operations are maintained.

The new referral is text based, consistent with the recent practice where the states refer matters to the commonwealth. This will ensure that there are no gaps in the federal laws and that the Fair Work laws of the commonwealth apply seamlessly to the Victorian private sector. This is, in effect, the same as referring the text of the Fair Work Act. The referral gives effect to the Victorian government's commitment to a unitary system of industrial relations, and I am pleased that that point is one that enjoys bipartisan support. The Fair Work Act will apply to all Victorian workers and their employers with the passage of this bill and the commonwealth legislation.

The public sector exclusions are based on the 1995 High Court of Australia decision in *Re AEU* and are designed to ensure that the state can function without impairment by any commonwealth laws. Victoria will not refer matters pertaining to the number and identity of persons whom we employ, the number and identity of those who are made redundant or the terms and conditions for higher level employees and officials, executive staff and the like. In addition, Victoria will not refer a broader range of matters relating to law enforcement officers, including members of our police force.

The referral needs to be passed and commence operation before the commonwealth can pass its Fair Work (State Referral and Consequential and Other Amendments) Bill to give effect to the referral. Due to Canberra's sitting schedule, for this to occur before 1 July this legislation needs to be considered and dealt with in this place. If we are unable to successfully pass this legislation in the house, the commonwealth would then have to put in place interim arrangements for the Victorian employers who are not constitutional corporations. This involves around 30 per cent of Victoria's workforce. Otherwise there would be significant gaps in the Fair Work laws and enterprise bargaining agreements, and limited general protections against discriminatory treatment would remain. This would create confusion in our workplaces, both for employers and employees, as to entitlements and arrangements. It is important that we consider and pass this legislation today for those 30 per cent of Victorian workers who will be affected by this legislation.

Since 2007 our federal industrial relations laws have been based on the commonwealth's corporations powers. This means that the Fair Work laws will apply to private and public sector constitutional corporations independently of the referral; this covers the other 70 per cent of the workforce. The referral empowers the commonwealth to extend the Fair Work laws to Victorian employers that are not constitutional

corporations and their employees. This includes many small businesses that do not operate through companies, the non-trading community, public sector organisations and of course the state of Victoria as an employer.

The new referral is needed. The referral that it replaces — that of the Kennett government in 1996 — was a subject matter referral, and federal laws have evolved considerably since then. This means gaps have arisen in the coverage of the federal laws which have required special arrangements for Victorian employers that are not constitutional corporations and their employees. It is partly because of the nature of a subject-based referral that there are gaps, but it is mainly because of the constitutional underpinning having changed from the conciliation and arbitration power, as was the case in 1996, to the corporations power. Without a new referral, that 30 per cent of the Victorian workforce would be left without any award safety net once any transitional arrangements that continue the operation of existing awards ended.

The bill continues to provide extended award protection for vulnerable TCF outworkers. The referral allows award protection of TCF outworkers to be extended to any entities that arrange for TCF outwork to be performed, rather than being confined to entities that are constitutional corporations. Historically the difficulty in protecting outworkers has been the long chain of control and management — the outsourcing upon outsourcing upon outsourcing — that textile clothing and footwear outworkers are often at the end of, a long way from the original order of what is most commonly clothing, which provided the demand at the other end of the production cycle.

The bill provides extended application of the Fair Work Act's general protections. The general protections under the Fair Work Act protect employees, employers and others from certain kinds of adverse action based on discriminatory grounds. The referred text allows the general protections to be extended to actions taken in Victoria, rather than being confined to actions taken by or affecting constitutional corporations — that is, it provides the same protections to those people who are not employed by corporations.

The public sector referral exclusions of the bill, in contrast to those of the current referral, do not include matters pertaining to public sector discipline. This issue was not seen by the High Court in the *Re AEU* case as absolutely integral to the functioning of the state. Omitting this exclusion means that public sector employees will have the same rights to challenge disciplinary action as their private sector counterparts.

The other change in relation to public sector exclusions is the clarification of allowances and reimbursement of expenses, notice of termination of employment, and payment in lieu of notice for law enforcement officers are not excluded from the referral.

Public sector redundancy will continue to be excluded from the referral, as it has been since it was excluded from the referral in 1996. It is important for the state to retain control over the number and identity of persons made redundant. The exclusions that arise from *Re AEU* are designed to ensure that the state can continue to function without impairment from commonwealth laws in matters pertaining to the number and identity of persons employed, the matter of redundancy and the terms and conditions for executives. The public sector has of course operated under the Victorian government's redundancy, redeployment and retrenchment policy for a number of years without any major concerns.

There are additional law enforcement officer exclusions from the referral. These have been retained because of the unique responsibilities of police, the requirement for Victoria Police to respond to operational requirements and the existence of appeals processes under the Police Regulation Act which are afforded to police officers through the Police Appeals Board.

As Mr Rich-Phillips indicated, there are three main references. The text-based 'initial reference' empowers the commonwealth to apply the Fair Work Act, as originally enacted, to Victorian employers and their employees to capture those who are not employed by constitutional corporations. The 'amendment reference' empowers the commonwealth to apply amendments from time to time. The 'transition reference' underpins arrangements for the transition from the current federal laws to the new Fair Work laws.

The bill's amendment reference has its limits. It limits the power given to the commonwealth to amend the Fair Work Act in respect of state subject matters. These are, importantly, workers compensation legislation and occupational health and safety laws, and certainly any changes that the commonwealth might seek to make to its industrial relations laws that would affect Victorian workers would be the subject of discussion with Victoria.

The Fair Work Act contains a long service leave national employment standard. A new standard will be developed in conjunction with state, territory and commonwealth representatives, and Victoria is involved in those discussions. Stakeholder consultation

would occur after this process, as members could reasonably expect.

An intergovernmental agreement with the commonwealth will provide that the commonwealth extensively consults with Victoria in respect of any changes to the act. The development of the long service leave national employment standards will be covered by these consultation requirements.

The Victorian Workers' Wages Protection Act, which we have considered previously in this place, was legislation to protect employees from unauthorised payroll deductions. These include circumstances of overpayment, and when we debated that legislation in this place the example of the person working in the petrol station who has their pay deducted for the amount of any drive-offs was cited as the type of thing that that legislation sought to protect workers from. With the commonwealth Fair Work Act coming into operation, such a provision in state law is no longer required. The Victorian Workers' Wages Protection Act is repealed to ensure that there is no confusion about compliance.

Similarly the unfair dismissal provisions of the Public Administration Act which have provided unfair dismissal remedies for public sector workplaces with fewer than 100 employees are no longer required and are also repealed. This bill updates the Public Sector Employment (Award Entitlements) Act so that it can operate properly with the Fair Work Act, and technical amendments will be made to the Outworkers (Improved Protection) Act, the Long Service Leave Act, the Public Holidays Act and the Occupational Health and Safety Act so that they make references relevant to the new federal industrial relations regime.

Victoria is leading the way in creating a unitary industrial relations system. Western Australia has indicated its position is that it will not refer its powers to the commonwealth, and the other states are yet to decide what they will do. The Victorian industrial relations regime has been in the federal system predominantly for some years, so it is appropriate that Victoria leads the way in this respect. The intergovernmental agreement (IGA) with the commonwealth will provide for ongoing dialogue between the Victorian government and the commonwealth government about any proposed changes to this legislation. We imagine that ultimately it will be superseded by a multilateral IGA covering all states that choose to participate in the federal scheme.

I hope my explanation of some of the details of the legislation outlines for members the government's

position and the impact of this legislation, which will conclude a significant chapter for Victorian workers. The misadventure that was WorkChoices has been all but relegated to the history books. I will conclude my comments by quoting an article which appeared in a recent edition of *Workplace Express*. Karen Batt, the state secretary of the Community and Public Sector Union, is quoted as having said:

We're pleased that from our discussions the government appears to have taken our views into account, and we're looking forward to seeing the bill ...

David Gregory, the head of workplace relations at the Victorian Employers Chamber of Commerce and Industry, which represents a large number of employers in Victoria, has indicated that his organisation is 'broadly supportive' of the referral process and its maintenance of Victoria's 'unique position' of having almost its entire workforce covered by a single regulatory regime. Like Mr Gregory, government members consider that it makes a lot of sense to govern industrial relations in Victoria within the one framework. This bill is an important step in making that a reality for Victorian employers, so that employees can understand the rule book and have a consistent and hopefully stable set of industrial relations laws to govern their dealings. I commend the bill to the house.

Ms PENNICUIK (Southern Metropolitan) — I am pleased to speak on the Fair Work (Commonwealth Powers) Bill 2009 and indicate that the Greens will not be opposing this bill. I thank Ms Pulford for her comprehensive outline of the bill. However, I do note that the bill has come into this place with little notice and we do not have the customary week or two between sittings which would allow us to consult with the affected parties. This situation has been exacerbated by the Queen's Birthday public holiday yesterday, which has meant that people were not available for consultation. Consequently I have had little time to consult with and listen to people's views on the bill, particularly those in unions who represent Victorian workers. I have had some conversations and attended some meetings, but not to the extent to which I would wish.

I understand that this bill refers the remainder of Victoria's industrial relations regime which relates to employees who are not covered by constitutional corporations under section 51(xxxvii) in part V of the Commonwealth of Australia Constitution Act. That section is headed 'Powers of the Parliament' and provides that the commonwealth Parliament has the power to make laws with respect to:

... matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States, but so that the law shall extend only to States by whose Parliaments the matter is referred, or which afterwards adopt the law ...

The legislation before the house refers Victoria's remaining powers to the commonwealth under that section.

I have ascertained that there is general support for this referral, but some queries have been raised about its ramifications and in particular about issues which Ms Pulford mentioned. For example, I refer to redundancy provisions that are regulated at the state level. There is some question about the enforceability of those provisions once the state's industrial relations powers are referred to the commonwealth. Other questions have been asked about long service leave provisions. Certain industries have different arrangements for long service leave that are over and above the long service leave provisions that will apply in the national employment standards, which would be the default standards.

Although there are some exclusions, the passing of this bill will be a historic occasion for Victoria as Victoria will be the first state to refer its industrial relations powers fully to the commonwealth. It is important that the bill is drafted properly — this bill has been drafted in a hurry — so that no Victorian is disadvantaged by the referral.

I will list some matters on which I have sought to consult and about which I am not totally sure due to the fast turnaround time. Ms Pulford said the Fair Work Act will operate from 1 July and that therefore this bill is required to refer to the federal government powers that cover about 30 per cent of Victorian workers who do not work in constitutional corporations so that they can be covered by the Fair Work Act. In the briefing given to me by staff from the department I asked about the impact of not referring these powers to the commonwealth, particularly in light of other states not referring their industrial relations powers before 1 January 2010. As Ms Pulford pointed out, Western Australia has indicated that it will not be referring its powers at all.

I understand that Victoria is in a different position, having referred powers previously in 1996 under the Kennett government, and that in terms of the industrial relations landscape generally there are probably more people in Victoria covered by federal awards than there are in other states in any case. The government was kind enough to provide me with a list of things that would be impacted upon if this bill were not passed and the referral was not completed before 1 July. Without

going to those in total, I indicate that the government has pointed out that, in terms of the 30 per cent of workers who are not or who would not automatically be covered by the Fair Work Act, enterprise agreements could not include matters pertaining to the relationship between the employer and unions, or many types of deductions from wages; much of the regulation of freedom of association would probably not apply; it would be questionable whether union rights of entry for the purposes of discussion with employees would apply; unlawful determination protections would not apply to law enforcement officers; and it would be questionable whether regulation of deductions from wages, among other things, would apply. Obviously, we would not want 30 per cent of Victorian workers and their employers to be in that position, so it seems that we need to pass this bill.

I know that government representatives have been talking with people in unions and employers. It has been agreed that a working party will be constituted to deal with the outstanding matters, including the form of regulation for redundancy and long service leave, and the legislation will be reviewed between now and 1 July 2010. I am somewhat reassured by those undertakings of the government because obviously when we are working with this important legislation that addresses this important issue that goes to the heart of how people's working lives are governed we have to make sure we get it right.

I want to make some comments about the industrial relations regime which basically all Victorian workers will be covered by after the commonwealth Fair Work Act comes into operation and about what that means. Victorian workers will be covered by the commonwealth Fair Work Act. The Greens welcome the Fair Work Act, which replaces the discredited WorkChoices regime which we consistently and vigorously opposed. Through constructive negotiations with the government in the commonwealth Parliament, Greens senators were able to secure important improvements to the Fair Work Bill. These included expanding the right to request flexible working hours to parents and carers of children with a disability under the age of 18, the removal of contentious objection provisions in relation to right of entry, expanding the matters to be reviewed by Fair Work Australia to include the use of individual flexibility arrangements and the right to request flexible work arrangements and requests for extension of unpaid parental leave, including the circumstances and outcomes of such requests. They also include an interim review of modern awards after two years to examine whether those awards are meeting the modern awards objectives — including equal remuneration for work of

equal value — and are operating effectively. There is certainly a lot of hype and rhetoric about modern awards, but what is important is how they actually work and whether they improve and advance the conditions for working people.

The federal government also supported an amendment drafted by the Greens to extend to 14 days the time for lodgement of unfair dismissal claims, although the Greens would have preferred that to be 21 days. In the final negotiations the Greens insisted that the definition for small business remain at 15 employees and that the opposition's amendment restricting the content of agreements in relation to independent contractors not be allowed to stand.

The Greens also received a commitment from the government to continue discussions on the Small Business Fair Dismissal Code to ensure that employers will be required to prove they provided a warning to their employees before a termination of employment. In addition, the Greens moved a series of amendments, that were not supported by the government, addressing a number of serious concerns raised in the course of public debate over the bill. These included: expanding the dispute resolution powers of Fair Work Australia, removing the restrictions on the content of enterprise agreements, providing a review process for the right to request flexible work arrangements and the request for an extension of unpaid parental leave, removing the WorkChoices barriers to workers taking lawful industrial action, seeking that the bill be compliant with Australia's international labour obligations, and linking excessive salaries to the ability of employers to make employees redundant. We will continue to monitor the implementation of the fair work legislation, and we remain concerned about the consequences of the award modernisation process for many workers.

The Greens have called for the Fair Work Act as soon as practicable after commencement to be submitted to the International Labour Organisation committee of experts, for the minister to provide the ILO committee with any additional information it requires to establish compliance, for any response from the ILO to be put before the Parliament within six days of being received, and for regular reporting on measures to implement ILO conventions. Unfortunately those conditions have not been supported by the federal government. That is disappointing, because the ILO, being a tripartite organisation involving employer, employee and government representation, works on a range of industrial matters and occupational health and safety matters which I have been involved in. I have been to the ILO to work on the development of international occupational health and safety standards. What comes

out of the ILO has to be regarded as a minimum; and there have been concerns raised by the union movement and by ourselves that the Fair Work Act is not compliant with the ILO provisions and directives. That remains a concern of ours.

The Australian Labor Party has repeatedly said it would rip up WorkChoices, but it has not done so. There are many positive elements to the Fair Work Act, in particular the provisions supporting collective bargaining, including good faith bargaining provisions and the low-paid bargaining stream, as well as the general protections, new pay equity provisions and the transfer of business provisions. However, the bill also keeps many elements of the WorkChoices regime.

The bill builds on the WorkChoices architecture with the use of the corporations powers and by consigning the conciliation and arbitration powers of the Australian Industrial Relations Commission to the dustbin of history. The Greens have maintained that the ALP should have reinstated the powers of the Australian Industrial Relations Commission. I have made comments in this place before about the conciliation and arbitration system that governed Australian industrial relations for over 100 years being the reason other countries said Australia was a workers paradise. It balanced the needs of workers and their rights and fairness with things like the Harvester decision, which said that workers should be paid at what is a living wage — a fair wage to live by. It is on that foundation that we should be building our industrial relations laws.

In many ways I believe and the Greens believe that the Fair Work Act — and Senator Rachel Siewert, our industrial relations spokesperson in the federal Senate has also said this — is a missed opportunity for the ALP. As it consolidates the shift made by the Howard government to the corporations power, it is turning its back on Australia's distinct approach to labour market regulation, which was the conciliation and arbitration system. The Greens hold concerns that the Fair Work Act is primarily based on the corporations power; they are the same concerns we had with WorkChoices. We can see there being no reason why we cannot build on our history in developing a new industrial relations system.

In his dissenting judgement in the High Court's decision on the constitutional validity of the WorkChoices legislation, Justice Kirby says:

As history has repeatedly shown, there are reasons of principle for preserving the approach of our predecessors. The requirement to decide industrial relations issues through the independent processes of conciliation and arbitration has made a profound contribution to progress and fairness in the

Australian law on industrial disputes, particularly for the relatively powerless and vulnerable. To move the constitutional goalposts now and to commit such issues to be resolved directly by federal laws with respect to corporations inevitably alters the focus and subject matter of such laws. The imperative to ensure a 'fair go all round', which lay at the heart of federal industrial law (and the state systems that grew up by analogy), is destroyed in a single stroke. This change has the potential to effect a significant alteration to some of the core values that have shaped the evolution of the distinctive features of the Australian commonwealth, its economy and its society.

We believe Australia is giving up on something special in turning away from this legacy. We agree with Justice Kirby when he says:

The applicable grant of power imported a safeguard, restriction or qualification protective of all those involved in collective industrial bargaining: employer and worker alike. It provided an ultimate constitutional guarantee of fairness and reasonableness in the operation of any federal law with respect to industrial disputes, including for the economically weak and vulnerable. It afforded machinery that was specific to the concerns of the parties, relatively decentralised in operation and focused on the public interest in a way that laws with respect to constitutional corporations made in the federal Parliament need not be. These values profoundly influenced the nature and aspirations of Australian society, deriving as they did from a deep-seated constitutional prescription.

While we have supported the passing of the Fair Work Act in the commonwealth Parliament, particularly with the amendments we were able to secure, it is disappointing that the other amendments were not able to be secured. I do not think we should be under the illusion that Australian workers are somehow proceeding into a workers nirvana. In fact it is with some regret that I note that the national industrial laws based on a conciliation and arbitration system will no longer be.

Ms Lovell — Acting President, I direct your attention to the state of the house.

Quorum formed.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

**ELECTRICITY INDUSTRY AMENDMENT
(PREMIUM SOLAR FEED-IN TARIFF)
BILL**

Second reading

**Debate resumed from 4 June; motion of
Mr LENDERS (Treasurer).**

Mr P. DAVIS (Eastern Victoria) — I rise to speak on the Electricity Industry Amendment (Premium Solar Feed-in Tariff) Bill 2009. I will not recite what the bill does in detail but simply say that in my view this is another measure the government has brought in in a most ad hoc way, consistent with its general ad hoc approach to implementing a sweeping range of almost unrelated policy initiatives. This arises from the core objective of wanting to have something to say that is sweet for those who are interested in environmental outcomes, while it does not actually achieve a great deal.

Mr Barber — Piecemeal.

Mr P. DAVIS — The interjection ‘piecemeal’ from my learned colleague Mr Barber is quite on point; it is piecemeal.

Mr Lenders interjected.

Mr P. DAVIS — We are legislators after all, Treasurer, and I dare say therefore we have something to do with the legal fraternity.

The point I wish to make is essentially that this bill, amongst others the government has introduced over time, is, just as the Victorian renewable energy target scheme legislation — VRET, as we all know it — is, another capricious piece of legislation seeking to achieve the transfer of money from the pockets of electricity consumers to the pockets of wind farm developers. This has been a very successful scheme in that it has achieved that policy objective at the very least, if not achieving a great deal in terms of improving the reliability and efficiency of contributions to ameliorate greenhouse gases.

There are arguments raging on this matter. I heard them even this morning on 774 ABC radio as Jon Faine interviewed Senator Fielding, the leader of Family First in federal Parliament, on his return from the United States. The senator observed that the science is not settled in relation to man’s contribution to global warming, and while I was interested in his remarks, I was even more interested in the way that the learned gentleman with legal training went about trying to ridicule Mr Fielding’s reasoned argument, which is

essentially that we need more discussion, not less, that we should not just accept by rote the claims of one side of the debate as opposed to the alternate view and that we should distil all the information and think about it more objectively. Jon Faine was at pains to try to belittle the contribution Senator Fielding was attempting to make and, in my view, behaved outrageously in purporting that there was no other truth than the truth that Jon Faine as a broadcaster believes — which seems to be the proposition that just as once we thought the world was flat, in this case there can be no possible explanation other than that global warming is the result of certain activities of man.

It may well be the case that man is making a major contribution to global warming, but I at least am happy to declare that I do not actually know. What I do know is that the world’s resources should be better managed. A lot of the world’s resources are quite finite; they are not renewable resources, and in that basket I include all the hydrocarbons, including gas —

Mr Lenders interjected.

Mr P. DAVIS — Which the Treasurer is full of! I include oil and coal and the full suite of hydrocarbons, including derivative extractive resources such as liquefied petroleum gas and compressed natural gas or liquefied natural gas. All these hydrocarbons play a useful role, but they are all finite in terms of the resource. Australia possesses less than 2 per cent of the world’s total known quantity of natural gas, and yet we seem to be able to burn it like there is no tomorrow. We have a small proportion of the world’s known oil reserves, and again we are quite happy to burn it. We have the world’s largest deposit of brown coal, but we know that is a fuel source which emits, as a result of the need to dry it, a lot of what are referred to as greenhouse gases.

I do not argue in this debate about whether or not we have a culpability in terms of generating gases and adding to global warming and that ‘anything should go’ to reduce that footprint or impact as far as government policy is concerned. What I argue is that a lot of our resources are finite, whereas there are a lot of resources which are almost infinite — that is, they are renewable and can be sustained in a long-term way. Obviously that applies to wind, solar, geothermal and wave energy.

Mr Lenders interjected.

Mr P. DAVIS — The Treasurer throws in ‘firewood’. I will respond to the Treasurer’s interjection and say that yes, indeed, firewood is a renewable and

sustainable resource, and if only the Treasurer would take responsibility for managing the statutory authority which reports to him, VicForests, in a constructive manner, we would be able to make a great deal more of that sustainable, renewable resource available for those people who are in a disadvantageous position through lack of connection to proper reticulated gas or who have difficulties obtaining electricity. The only source of heating and cooking in their homes is firewood, and yet the Treasurer seems to take no interest in that. Along with the rest of his colleagues he seems to take no interest in what happens in country Victoria.

But moving right along, the point that I wanted to make — —

Mr Lenders interjected.

Mr P. DAVIS — The Treasurer says he is hurt. He should be. He should hang his head in shame for failing over the last two years, as we on this side have been raising the issue of his neglect of his responsibilities in respect of — —

Mr Lenders interjected.

Mr P. DAVIS — I listened carefully. I am more interested in the outcome, which is that VicForests is operating in such a shambolic way that many country people are offended by its crass disinterest in making firewood available. But I will come back to my point on the bill. I will try not to allow myself to be diverted again by the Treasurer, who seems to take delight in trying to attract my attention.

This bill does not achieve in any meaningful way the objective which the Minister for Energy and Resources sets out. By that I mean the minister — if I can verbal him — is suggesting that through this measure there will suddenly be a lot of investment in solar power at a domestic level, that householders will be jumping for joy at being able to receive a significant amelioration of their capital cost of the installation of solar power and that therefore they will be attracted to make that personal investment.

There are two issues I want to touch on. Firstly, this is again substantially a smoke and mirrors exercise. Earlier I referred to VRET and the disastrous state it is in. It involves a transfer payment scheme of \$2.6 billion from electricity consumers to wind farm developers. The scheme outlined in this legislation is similar in concept. It is not about the government providing any money to stimulate investment in domestic solar power systems; it is about transferring from ordinary electricity customers, in effect through a higher tariff, to those who are prepared to make a personal investment

in solar power at a domestic level a subsidy which is not paid for by government but clearly paid for by electricity consumers. That is the core of this bill.

The legislation introduces another one of those schemes which the Labor Party has become so expert at. It is about transferring other people's money. The Labor Party has become quite adroit at working out ways to claim some form of credit, to put in a little capital, if you like, and to put in a little credit from making transfer payment arrangements work, irrespective of the policy outcome being achieved. It means it is done at no cost to the government. It is therefore no pain to the government to make a grand announcement and implement a policy commitment such as this.

However, it means the rest of the community — that is, electricity customers — whether it be people in a high income band or in a fairly low income band, will all be poorer because they will be incurring a higher electricity cost primarily for the benefit of the government being able to tick off another policy commitment as having been implemented. Obviously there will be some benefit to electricity customers who choose to participate in this scheme, which is about guaranteeing a certain rate of reimbursement for any net electricity exported to the grid.

Conceptually we might argue there should be some incentives to encourage this level of investment. I am concerned about the benefits that accrue to the customers who are specifically part of the scheme, those who are seeking the solar feed-in tariff. I am particularly interested in the machinery of how the distribution, through retailers and distribution businesses, of the additional premium on electricity costs to customers, which will inevitably be set by the regulator, will eventually be passed through. While this is a technically complex area, it can simply be summarised by saying that at the end of the day the regulated electricity charges, as determined from time to time by the regulator — that is, the Essential Services Commission — will be passed through a series of transactions for the benefit of some small group of electricity customers and at the expense of the large group of electricity customers who will receive no benefit.

I make the point that this is a Victorian scheme. It does not form part of a national approach. It is unilaterally Victorian. It is disappointing that no serious attempt has been made to put in place an arrangement which would reflect a national uniform policy for feed-in tariffs and, more to the point, reflect a national approach to the development of the electricity regulatory framework.

If we are going to address greenhouse gas abatement, then surely we need to come back to national principles, because what can be done at a micro level on a state jurisdictional basis is conceptually pathetic compared to the impact of national and international policy-makers on greenhouse abatement. It is so small that I question the value of such small schemes other than to increase the regulatory burden and the financial costs to consumers.

If we are going to look at national schemes for greenhouse abatement and if we cannot second-guess where those national schemes are going to end up, then, bearing in mind the umbrella of that national abatement approach, Victoria should keep its approach simple. The CPRS (carbon pollution reduction scheme) and the ETS (emission trading scheme) or however you would like to define it are essentially schemes that limit emissions and need to be managed at a national level. Where appropriate, the states have a role to play in creating uniform legislation or regulatory regimes to support the decisions that are eventually made at the commonwealth level, but just as Victoria needs to fit under the commonwealth umbrella, we need to see the commonwealth fitting within the international framework as well.

This scheme seeks to do a number of things, but it leaves a number of questions unanswered. I think it is useful to tease out what those questions might be. We need a clear exposition — and I am sure this will be required during the committee stage — of the effect of the cross-subsidy arrangements and how they will impact electricity users, how they will impact distribution businesses and how they will impact retailers. We need to look at issues such as the reporting of this scheme and how the public and the Parliament will therefore be able to understand how the scheme is operating over its lifetime. Importantly, we need to know where the scheme fits within the context of other jurisdictions and the commonwealth approach to encouraging investment in solar electricity generation programs.

Mr Barber — What is the plan?

Mr P. DAVIS — My learned colleague Mr Barber says, ‘What is the plan?’. He indicates that we are unlikely to get an answer to that question. I am quite satisfied to say that I am with Mr Barber on that; I think it is most unlikely, and therefore this bill may be subject to some vigorous debate during the committee stage if the government chooses not to provide that information.

It is clear that this is a devious scheme. It is convoluted, and it has the hallmarks of the central business district parking tax and — may I say — the growth areas tax. This is just another way of finding a mechanism to tax ordinary Victorians and fleece ordinary consumers for a political objective, which is to be able to say the Labor government implemented a policy that advanced the cause of solar electricity and to get the Green lobby groups to tick the box at the next election. In my view this will not advance the cause of solar electricity at all.

Mr Barber — The Greens will not be ticking this box.

Mr P. DAVIS — Mr Barber has better information than me, and he is suggesting that the Green lobby groups will not tick the box on this one.

I might say in conclusion that it reminds me of the pathetic attempts by the Labor government over almost a decade to introduce what are colloquially known as ‘smart meters’. With respect to the Labor Party’s election promises in 1999, it went to that election promising to introduce smart meters. It is now 2009, a decade on, and as far as I can see we are still waiting. What is that about? Is it a sign of how incompetent this mob is? I find it breathtaking that it can go to election after election promising great reforms throughout a wide area of public policy, and then when you actually, objectively look at its performance and delivery, what do you find? Absolutely nothing.

In the meantime it has reverted to type, and it has blown it. It has blown all the money. There is no money left. The state is going into a black hole. The Treasurer quite happily admitted here in this house the day the budget was brought down that the only reason there is a surplus in the budget is because of the \$2 billion the federal government has injected into it. The government does not have any money; it cannot manage money, it cannot implement its election policies and it is quite happy to ignore that, put out press releases and keep trying to get the hits.

But being in government is about more than releasing press releases; it is about delivering good public policy. I suggest that there are a lot of questions to be answered about this bill. When it comes time for the committee stage I will be looking to take a constructive, responsible approach to any amendments to come forward, but at this stage I think the jury is out on what the government will do to make this bill palatable to the house.

Mrs KRONBERG (Eastern Metropolitan) — In rising to speak on the Electricity Industry Amendment

(Premium Solar Feed-in Tariff) Bill, I would like to stress that the government set out in its design of this bill to allow residential customers to earn credit from their electricity retailer for the net power they are able to feed into the grid because they have established solar power generation in their homes. It needs to be stressed that to access the credit from the retailer, the power generated can only come from their principal place of residence. This reduces the possibility of people making a further commitment by way of investment in solar power generation across a number of places of residence, perhaps at the coast, in the country or in a desert region, where it would become even more effective.

In general the coalition has concerns about the scheme because it applies only to net power generation and not to gross power generation, which would provide a greater incentive for people to apply the concept. In cobbling this legislation together and trying to be truly green in its endeavours, the government has fallen short once again, because the scheme does not satisfy anybody.

I will provide a quick definition of what 'net' means. Net power feed-in is calculated as instantaneous net, or solar power generation credited on any net electricity fed in at any time, regardless of the length of the period.

Unfortunately the bill does not factor in indexation or any other form of adjustment in the pricing regime for the life cycle of the scheme or anybody's commitment to it. As with a number of measures the government has introduced and a number of pieces of legislation of this nature, I have had quite a number of constituents come to me or telephone, email or otherwise write to me to express their concern. There is a universality to their concerns. The first point is that they had expectations.

Acting President, I draw your attention to the state of the house. There is nobody from the government present.

The ACTING PRESIDENT (Ms Pulford) — Order! The Treasurer is in the house.

Mrs KRONBERG — He is peeking around the corner. It is good to see the Treasurer here.

Deep down these constituents thought, 'If I install photovoltaic cells on my roof at considerable expense over and above the rebate, I will get some immediate form of financial recompense for this very sizeable investment and heartfelt commitment'. However, that is not the case.

Such investors are often young homemakers. They want to play their role in offsetting greenhouse gas emissions and combating climate change. Many of them feel thwarted because they can accrue credits only through this system and those credits expire every 12 months. One 30-something homeowner who wanted to install solar power generating facilities equated it to a frequent flyer system — something that is quite ephemeral. You accrue these credits and just when you want to use them — bingo, the credits have all disappeared, because in many instances they evaporate after a three-year period. That is a very important message in terms of the government's endeavours to market this concept: people out there are drawing a parallel with the ephemeral nature of these credits. They are all gone after that 12-month period. No matter how good and diligent you are, there is no way of accruing them and having them offset against future electricity use. It is not a good incentive at all.

I join Mr Philip Davis in saying that one of the fundamental concerns with this measure is that it is not a national initiative. It certainly falls short in terms of ameliorating greenhouse gas emissions. I understand that because of Victoria's reliance on coal-fired power generation from the immense deposits we have in the Latrobe Valley the government feels uncomfortable with this. It probably does not want to be first off the mark in all this so as to not receive the opprobrium for not providing initiatives. This is something that should be agreed to by the Council of Australian Governments, and it is disappointing that the government is putting this before the Parliament without it having gone through COAG.

It is interesting to note that other state governments, particularly the South Australian and Queensland governments, have developed schemes that require actual payments for credits that are unused after 12 months. I ask the state government why it did not pursue that kind of scheme, because that would clearly provide more incentive. It seems to me that the government's answer might be tied to the fact that this could impact on the agreements and contractual arrangements with power generators and power distributors in this state. I understand the commercial realities of those sorts of things. Nevertheless, this is supposed to be an incentive for individual Victorian householders to make a contribution by taking up an offer to be party to solar power generation that will be fed into a grid — it is not yet a smart grid, unfortunately — but it falls short of providing an incentive. People are accusing the government of underhandedness and trickery, and they are quite frustrated.

In addition — and this is important — this whole process will just add to the complexity and multiplicity of existing fragmented state-based schemes and their inherent compliance burdens. This is something that Labor governments, both federal and state, are very good at — that is, heaping more and more compliance burdens on individuals and businesses.

There is another area of concern: one of the disincentives — it is a disincentive, and we need to face up to disincentives when we are trying to provide an incentive; this is the alternative view — is the requirement for the customer to enter into complex contractual arrangements with the retailer. I am not across every aspect of the complexity of this, but I think it would be a great pity if the average residential consumer wanting to make such an investment on their domestic property had to incur legal expenses or seek professional advice as to whether they should proceed with these arrangements. Again we have to ask: in providing an incentive for people to use this, why does it become more and more complex?

In addition, there is more complexity because the retailers themselves will now be required to take on an additional obligation over and above what is considered a fair tariff. They will have to accommodate installations of up to 100 kilowatts. In addition, only the minister will acquire the consolidation of numbers and information about the capacity of the solar energy facilities installed. It is interesting to note that Environment Victoria has said it foresees no net increase in solar power in Victoria by 2020. That is quite ironic. We will wait to see who moves to take this on board, but it seems like we are going nowhere fast.

I would like to make a comment about the concept of a smart grid, which is what we should all aspire to. This allows large numbers of people to generate some of their own power and, in turn, to send power back into the system for others to use. Of course we do not want the use of power to be any more expensive for people who are not within this solar power feed-in tariff system, and we are always very concerned about general consumers providing cross-subsidies for other forms of renewable energy as an inducement for people in this state to invest in them. This places an unfair burden on the average consumer, who is already staggering under the weight of economic problems — the cost of water, the cost of building a house, the cost of transport, the cost of educating their children and limited access to health care. How many more crushing burdens do we want inflicted on the people of Victoria?

I will get back to the smart grid concept. Ultimately, if a large power generator goes out, the smaller islands of

distributed power that can be generated from photovoltaic cells go into energy fuel cells, which can take up the slack in a crisis. If this was a well-thought-through system, at least in an emergency such as a power crisis — and we are used to power crises in this state; brownouts and blackouts occur regularly and we prepare ourselves for all of these, particularly during summer when it is very hot and the system fails during peak loads — the power coming from inspired people who feed into these islands of distributed power could at least keep traffic lights and emergency services operating. It is worth the government investigating this. The end result is a grid that matches supply to demand, bolstering efficiency and reducing the need for more power stations.

It is worth noting that, according to the International Energy Agency's online data services as published in *National Geographic — Repowering the Planet — Energy for Tomorrow*, Australia, with annual carbon dioxide emissions from energy used in homes calculated as kilograms per capita in 2006, was ranked sixth in the world at approximately 3500 kilograms per head per annum — just behind the emissions of the United States and Estonia, which had emissions of 3900 kilograms per head.

Whilst we will not be opposing the second reading of this bill, I will say that individuals around the state are keen to make their own personal and direct contributions to the scheme. However, the provisions in the bill do not reward personal investment or, at this time, encourage the general uptake of solar power; they discourage households from becoming self-sufficient as far as energy supply is concerned and attack the heart of the concept of running a self-sufficient household. Many individuals will not appreciate that a better return on investment for their installation of photovoltaic cells is not yet available and seemingly will not be provided by this government.

Mr O'DONOHUE (Eastern Victoria) — I am pleased to also make a contribution to the debate on the Electricity Industry Amendment (Premium Solar Feed-in Tariff) Bill 2009. The bill is before us after debate was adjourned in the last sitting week, and as the lead speakers during the last sitting week, Mr Hall, Mr Barber and Ms Huppert, gave us the detail of the bill, I do not propose to go over that detail.

At the outset I would like to note the significant volume of emails, letters and other representations I have received from both constituents within Eastern Victoria Region and the broader Victorian community. The issues of solar power and people being more energy efficient and relying to a greater detail on renewables is

something many people are interested in. Many people want to be active participants in reducing their environmental footprint, and many people are looking to us as legislators for leadership on this issue.

I acknowledge the parliamentary library for the excellent briefing paper it prepared on this bill, as it always does. We are indebted to the library for the work it does, particularly members of the opposition, who have comparatively limited resources.

The issue of solar energy has been around for a long time. I recall the father of a friend of mine telling me about 25 years ago that solar energy would be the main source of our power by, I think he said, about now. Unfortunately it appears that very little in substance has actually changed since that time. We have all seen the Darwin-to-Adelaide solar car race. Many years ago that was seen as the leading light for what would happen in future years. The thrust of the discussion always seems to be: 'In future years uptake will increase', 'In future years the technology will become less expensive' and 'In future years the technology will become more available' — and that future never seems to arrive.

As I said previously, many members of the community are looking to us as legislators for leadership on this issue. Sadly and unfortunately this bill does very little to deliver for those people who have those aspirations and expectations of us, and many are disappointed with the bill currently before us. The bill has many limitations, including the very limited scale of the scheme, the fact that it applies only to net generation, the lack of indexation or other adjustment of the 60-cent tariff, and the fact that customers who participate can never earn a payment, only a credit, and the credit expires after 12 months. As someone said to me, it is akin to a frequent flyer program; it is one of those things you never get a return from. As Mrs Kronberg said in her contribution, Energy Victoria has stated the bill will produce no net increase in power by 2020.

This debate touches on a broader issue. Ms Lovell, as part of her portfolio responsibility for housing, has often spoken about the appalling state of the public housing stock and its gross energy inefficiency. The government has many levers in its control to influence energy efficiency and the uptake of renewable energy sources. Public housing is an excellent example of where the government can demonstrate true and real leadership, but it has failed to do so; it has failed to do so with its own assets and its own housing stock.

I think of the proposed desalination plant in my electorate of Eastern Victoria Region. Here we are with a supposedly state-of-the-art desalination plant that will

be an enormous energy consumer of over 90 megawatts of power — approximately 10 Chadstone shopping centres — but what is the state government's proposal to power this plant? It is to link it up to the brown coal grid from the Latrobe Valley. Premier Brumby and the Minister for Water are fond of saying that they will offset any emissions from the desalination plant with renewables as if they will just magically disappear, as if the consumption of energy will never occur in the first place. What would be a preferable solution is for real alternatives for renewable energy to be used by the government as a leader in developing alternative energy sources.

As you travel through my electorate, through growth towns and growth areas such as Bairnsdale, the Gippsland Lakes communities, Mornington East, Osborne, Officer, Pakenham, Berwick, Traralgon and elsewhere, you see few solar panels on the new housing stock being generated, and you see few water tanks as well. During the construction phase of the housing boom we have seen over the last decade we have lost a fantastic opportunity to fit new housing with solar panels, a source of renewable energy, and with water tanks to reduce our reliance on the water grid and to make ourselves more self-sufficient. That is a great pity. I understand from sources that the proposed solar plant in Mildura is currently awaiting direction from Minister Madden. It is another example of where the government has failed and is failing to deliver leadership in this sector. This piece of legislation will have very little impact on the overall market share of solar energy or the growth of solar energy, and it will not deliver real leadership to the people of Victoria. With those few remarks, the opposition will not oppose the motion to read the bill a second time. However, the opposition reserves its position subject to debate in committee.

Mr KAVANAGH (Western Victoria) — I want to make a few brief remarks about solar energy before more detailed comments to be made during the committee stage of this bill. We understand solar energy is a very popular option for many people. There is a lot of support through the community, especially among younger people and maybe those who are on the green side of things. There is a lot of hope in our community for solar energy. It has been around for a long time. I recall in the late 1970s, even the mid-1970s, universities were plastered with signs that read, 'Nuclear, no thanks; solar for me', and the signs had a picture of a smiling sun and so on. That has not changed much. We are still hoping for breakthroughs in solar technology. The point is that we are still in need of these breakthroughs. The limitations on solar technology are still profound and severe. It takes a large

surface area of solar panels to produce even a very small amount of solar electricity.

One member recently told me that on his farm he needed to run an antenna at the other end of the farm, which required a minuscule amount of electricity. He had a solar panel, but the solar panel could not produce enough electricity to run even this antenna. Contrary to the feelings of many people, the problem is not the mean-spirited politicians or people of ill will running the state, or the people without the intelligence or vision to see into the future. The problem is still the limitation on the technology itself. Furthermore, when we are considering the potential of the existing technology we should be aware of the energy demands of producing solar panels. If we do not take that into the equation, we might end up doing more harm than good.

In the last sitting week Mr Barber spoke about the need to gain economies of scale and suggested it would make all the difference in terms of the viability of solar energy. I respectfully disagree with Mr Barber. It seems to me that the Germans, for example, have famously put huge amounts of resources into solar energy. A large percentage of Germany's energy is produced from solar panels. Germany is hardly one of the world's minor economies; in fact, it is one of the world's major economies. If after all that we still do not have economies of scale with solar panels, I doubt we are going to achieve it any time in the near future. I would like to make some more comments during the committee stage of the bill. I will leave my contribution here for the moment.

Mrs PETROVICH (Northern Victoria) — I rise to speak on the Electricity Industry Amendment (Premium Solar Feed-in Tariff) Bill. I say from the onset that the coalition will not oppose the motion to read this bill a second time, but it reserves its position for further consideration during the committee stage.

This government needs to come clean; it needs to come clean and green. We need no more spin, no more diatribe, but real solutions that provide sustainability and energy solutions. We want some real reductions in carbon emissions and incentives for wide participation throughout the community. Believe or not, sustainability is not about wacky alternative lifestyles taking an opportunity to appease an impractical philosophy. It is about a community view that we all should be looking after the place we live in. It is about the economy. It is about the villages and towns we live in. It is about being responsible for ourselves.

This legislation is an opportunity for mainstream, middle Victorian mums and dads to join in the

environmentally passionate pursuit of looking after our planet. There are a number of people who are already involved in this in the electorate of Northern Victoria Region, which I represent, through sustainability groups that have growing memberships. They are mums and dads; they are people who care for the planet; they are people who care for their communities; and they want to demonstrate that.

This legislation, if given some real teeth, could provide alternative energies. A clean and green electrical industry, with the capacity to employ apprentices, could create jobs and add to the economy in rural and regional Victoria. It could make a significant contribution to the economy of rural Victoria, which has a desire for every job it can get its hands on.

Ten years of drought and a decline in our economy are real considerations for the communities that I represent. There are some people out there doing some very great things in Mildura and Bridgewater. There are already some trials happening in the northern region, and they are being acclaimed as state of the art. I think we should get behind those.

The question I would like to ask is: why has the Minister for Energy and Resources, Peter Batchelor, from an industry perspective been so reluctant to provide a piece of legislation which would deliver real outcomes in clean, green transferable energy?

The development of low-emission energy sources, including renewable energy, is vital for Australia to achieve substantial emission reductions without massive reductions in our standard of living. Members of the Nationals-Liberal coalition support the widest practical use of low-emission energy sources that contribute efficiently and effectively to reducing greenhouse gas emissions. We have always supported preliminary and pioneering work on solar power plants that has taken place in Victoria. The previous federal government introduced the highly successful solar panel rebate scheme, which is due to be taken away in July this year, I think, by the current federal government, the Rudd government.

Mr Barber — They did it today.

Mrs PETROVICH — It is imminent.

Mr Drum — They brought it forward.

Mrs PETROVICH — That is very mean-spirited, Mr Drum. The timing on this is terrible, I would think.

What Victoria does not need as part of global action against the dangers of climate change is schemes that

are dishonest and ineffectual and have no real net effect on industry. This government crows loud and long about its green credentials and how much it supports clean, green energy but it is all feelgood stuff; there is no substance to the smoke and mirrors. Labor members have once again been shown to be total frauds. It has been shown that they have no environmental credentials when it comes to what they have done to take positive action on climate change, and that is a great shame.

One of the things we can actually take from reading this bill is that Labor members cannot be trusted. Once again they have committed environmental fraud. It is very sad that, when we have people genuinely committed to helping the environment, the central message to be taken from this bill is that Labor members simply cannot be trusted.

It is all very well to laugh, Mr Pakula — —

Hon. M. P. Pakula — I am laughing at the Acting President.

Mrs PETROVICH — It is a serious matter for the communities of the Northern Victoria Region and for Victoria as a whole.

This government has postured long and extensively on its environmental credentials but it seems to be more interested in the headlines than in providing real solutions. That is a great disappointment to communities I work with whose members have taken steps to try to address some of these issues in their own bailiwick.

We need to look at some of the provisions of the bill and the issues they raise. The bill requires retailers other than small retailers who sell to less than 5000 customers to offer to purchase from a qualifying customer solar-generated electricity that the customer does not use for a credit of not less than 60 cents per kilowatt hour. This amount of 60 cents per kilowatt hour compares with a standard retail tariff of around 14 cents per kilowatt hour. The bill requires that to be credited by the retailer against the customer's bill, with unused credit being carried forward for up to 12 months before being extinguished. Credits are also extinguished if the customer changes retailer.

The bill is pretty well encapsulated in a letter by a community member, a Mr Norbert Stampfer of Kyneton, that was published in the *Midland Express*. Mr Stampfer is very upset with this piece of legislation and his letter I think clearly articulates and reflects the view of many people in my community on the feed-in tariff (FIT) scheme. He says:

Instead of refraining from insulting our intelligence, Minister Batchelor continues defending an FIT scheme which has gone from bad to worse, and in its current form can only be described as sheer idiocy ...

...

The same would apply if someone is changing their electricity retailer. Our 2.5 kilowatt system is going to generate around 10 kilowatt hours per day, but as we're energy conscious we only use 8 kilowatt hours. At the end of the year we will then have generated a surplus of some 750 kilowatt hours ...

... of clean, green electricity into the grid for no return. To add insult to injury, the state government is claiming this 'use it or lose it' scheme would promote energy conservation!

He goes on to speak internationally about photovoltaic (PV) cells:

The German gross FIT pays PV solar owners 78 cents per kilowatt hour for a guaranteed 20 years.

In addition, every household has access to a low-interest loan of up to euro 50 000 ... which can be used to purchase a PV solar system ...

...

Renewable technology is booming worldwide while at the same time the visionless Brumby government is asleep at the wheel, incapable of seeing the long-term benefit a proper feed-in tariff would create for our state.

Good work, Mr Stampfer!

Members of community sustainability groups in Woodend, Castlemaine and Bendigo have put enormous amounts of energy into providing alternative energy solutions, and there is a growing commitment in middle Australia to work towards finding sustainability solutions. It is within our grasp to make a real and tangible difference to this outcome, but unfortunately Minister Batchelor has chosen to vote down a real change to this legislation. We are now forced to amend this faulty legislation to make it more workable and real, or have no feed-in tariff and no legislation. That is what we are dealing with.

Minister Batchelor and others within the Labor government have claimed that a gross feed-in tariff would cost the average household \$100 extra a year on its electricity bill. Environment Victoria has proved this claim to be false. The problem lies with the inputs and the way the calculation is then carried out. The government has indicated that a 250 megawatt solar capacity would be included in the scheme, and yet it is committed to capping the scheme at 100 megawatts. I note the government has stated it will not increase the scheme to 250 megawatts. It has calculated the cost of the feed-in tariff on the 60 cents per kilowatt hour payable to eligible system owners; however, the real cost of a feed-in tariff needs to be calculated on the

60 cents of the gross tariff — not the net tariff — minus the real value of electricity at 17 cents per kilowatt hour, meaning the real cost of the feed-in tariff per kilowatt hour is 43 cents.

The minister's calculations refer to solar photovoltaic electricity supplying 18.3 per cent of electricity capacity, and yet the figure he has used is based on what could be produced at Alice Springs, not Melbourne. The solar photovoltaic capacity factor for Melbourne is 13.5 per cent. The government can make figures say anything it wants to say, as we have seen with the figures used for the north-south pipeline. The calculation of how much water the pipeline would supply were based on the higher-than-normal rainfall yield figure for 2001, and now this government is using figures valid for Alice Springs and not Melbourne.

There are 2.4 million energy customers, but the cost of a feed-in tariff to any customer is based on their consumption, not a flat rate, otherwise a large company operating factories in Melbourne's outer east would pay exactly the same as a person in a single-person flat. Where is the incentive for businesses to get behind this scheme? If we were fair dinkum about encouraging some of our larger energy users to participate in this scheme, we certainly would give them some incentives. The government has assured us that in practice the costs of the feed-in tariff will be calculated on consumption and not the flat rate indicated in its costs. The government has calculated the cost of the feed-in tariff at the full capacity of the scheme. In this case it is 250 megawatts, although in real life this would be only 100 megawatts; however, installations will occur over time and will not all be in the first year.

Taking those things into account we can conclude that the claim made by Minister Batchelor and others in the Labor Party that the gross feed-in tariff will cost households \$100 extra per person per year is false. That is supported by a range of documents from the Department of Sustainability and Environment and the Department of Primary Industries, both of which have made submissions to the ALP's environment cabinet committee that the real cost of a gross feed-in tariff to Victorian households would be considerably less, as was reported in the *Age*. I highlight that that information came from Labor's environment cabinet committee.

Let me also highlight that a gross feed-in tariff has been shown across the world to be the best mechanism to drive the uptake of renewable energy. If we were fair dinkum about looking after our environment, surely that is what we would be doing. There are costs to

taking that step, but I do not think at this stage we have seen a clear and true picture of what they would be.

When talking with people in our community, it is clear that there is a fear of climate change, and most Victorians acknowledge there is an imperative. A recent poll showed that 84 per cent of people think that the effects of climate change are not too far away in the future and they worry about that, and 75 per cent of people are feeling growing pressure to make changes in their lifestyle to reduce the impacts of climate change. Some two-thirds of those people feel that, despite wanting to do more to make their homes more environmentally friendly, the cost involved is a barrier to doing so.

From those sorts of statistics it is obvious to see that if the pathway to making homes more energy efficient and more sustainable was made easier, then people would take action and there would be a greater take-up rate. It concerns me from an industry perspective that there are some real effects on our solar industry in Victoria, where — surprise, surprise! — there is no certainty of take-up because of the lack of programs. Today the federal government announced that it has axed its \$8000 solar panel rebate program, so why would private industry invest in, employ or train people for this industry?

This poorly drafted piece of legislation sets back opportunities for young people to seek employment in the field of alternative solar energy and technology. The net effect will be a loss of skill base. The fact is that such a measure creates a skill deficit. If a positive change were made, then in the short term we would be able to use the skills and technologies that would enable us to meet those demands.

It is a shame that this legislation is not more realistic. It does not reward investment by individuals and companies, and it does not fully appreciate the real contribution that solar electricity feed can make to an overall electricity supply. Increased demand and extraordinarily hot summers are causing brownouts and blackouts, so we should be encouraging the take-up of this technology. However, this bill does little to assist people who may have taken the opportunity to produce their own electricity and feed it into the grid. Solar energy is a freely available, clean and easy-to-harvest energy source.

Mr DRUM (Northern Victoria) — It is with great interest that I take this opportunity to speak on the Electricity Industry Amendment (Premium Solar Feed-in Tariff) Bill. What really interests me about the photovoltaic energy industry is the way in which

Victorians will be remunerated by investing in this industry going forward. Solar energy is tailor made for this great country. We receive so much sunshine in Australia, especially in the northern parts of Victoria, where we have clear day after clear day. This industry seems to be tailor made for the roofs of people in northern and central Victoria.

A number of years ago I was lucky enough to travel to Freiberg in northern Germany, which boasts that it is the most sustainable city in the world. Freiberg has more photovoltaic panels on its roofs per capita than any other city in the world. As Mrs Petrovich said, the German government has in place a feed-in tariff system, which means that if you produce renewable energy, then the German government will accept your input. The German government spreads the costs across the sector to ensure that everybody pays the same rate for their electricity. Germans do not see it as an impost on other, cheaper forms of electricity; they simply see it as a necessity going forward. It makes you wonder that if people in the Northern Hemisphere are able to create a viable industry from photovoltaic energy, then what are we doing here? We seem to be mixing up our policies, putting them on the floor and then drafting them and cutting them. It is no wonder that the sector has been staggering from one catastrophe to another.

It is interesting to note that in this chamber of the Victorian Parliament alone we have spent years during former Prime Minister Howard's term in office being ridiculed by this government about our relationship with our coalition partners in the federal government. We saw former Minister Theophanous getting to his feet, trying to make us feel pain over our ministers for energy not being more proactive in relation to the MRET (mandatory renewable energy target) scheme. It is quite amazing to think of all the criticism that members on this side of the house received from the government because our colleagues in Canberra were supposedly not doing enough. The constant call was, 'Why don't you coalition people over there, Liberals and Nationals, get on the phone, get in touch with your mates in Canberra and tell them to get behind renewable energy?'. We got that time and again. They said, 'Go on, pick up the phone, get in touch with Canberra and grow some strength amongst yourselves', or similar terminology.

An honourable member — Get some courage.

Mr DRUM — Grow some courage. We were belittled because the Howard government supposedly did not do enough to engender the renewable energy sector to the degree that the Labor Party in Victoria would have liked.

Fast-forward to now, when we have had 18 months of the Kevin Rudd era, and we find the laughable situation in which the Labor government in Victoria seems to have lost its voice. All of a sudden we now have a viable photovoltaic energy sector in Victoria, and it is about to have its knees nobbled. It is about to have a gunman walk up behind it and shoot its knees out so that it will never walk properly again. What is the government in Victoria doing? It is rolling on its back, lifting its shirt and getting a nice little tummy rub. That is what it is doing; it is getting a nice little tummy rub. Government members are kicking their legs a little bit and shaking their arms, saying, 'It is just beautiful'. But are they standing up for Victorians? Are they standing up for the industry? Absolutely not. We have not heard boo from one of the pathetic ministers in this chamber. We have not heard one skerrick of protest from the Prime Minister, and the highly credible Minister for the Environment, Heritage and the Arts — I should not joke, because Hansard does not get the jokes — sorry, Minister Garrett, has decided to scrap the rebate on photovoltaic units across the nation.

I was formerly a member of the Environment and Natural Resources Committee, and I was able to take members of the committee to a house in Bendigo whose owners had had the foresight and environmental conscience to install photovoltaic units on its roof. They took us through the investment, they explained the rebate they were able to receive from the Howard government and they explained the payback process, the amount of energy they used, how it is fed into the grid, how they have that money returned to them and the payback period associated with that investment. This family was working on an approximately 11-year payback period. They thought that was pretty tough, and if it was not for the fact that as a household they were earning reasonable money in the medical sector, they would not have been able to invest in that energy. It was an enlightening hour that we shared with this family, who invited the members of the committee into their house and showed them how the system works.

We now have a federal government that has looked at this rebate system and in effect scrapped it. It has said to the industry and the retailers, 'It is now your responsibility. You can come up with a payment scheme that will take money from some people within the energy sector — the retailers, the users. You can generate the funds, and you can then pay back some sort of rebate on the initial capital investment in households around Victoria, but the government is not going to put in any more once we have scrapped this thing'.

Late last year the government put in place a deadline of 30 June this year, so the new system will be in effect as of July. What do we see today? The federal government, in its usual manner, tries to put a positive spin on this. It puts out an ad saying, 'You have two days now' — two days! There are literally thousands of people around Australia who believed they had two and a half weeks to beat the deadline, and what does the deceitful Rudd government do? It brings the deadline forward by two and a half weeks, in effect giving Australians a day and a half to get their orders in.

What do we hear from the Victorian government? Absolutely nothing. Not one member of this chamber has had the courage to make a statement akin to those they were making two years ago. It is the typical attitude of 'Labor Party first, Victorian members of Parliament second'. We see example after example of this. They call it cooperative federalism. It is just pathetic to see the number of people in this chamber, now that they have a federal government of the same persuasion as them, who have become compromised in their inability to stand up and stay consistent with what they were saying two years ago.

We had a situation under the Howard coalition government where we had federal government rebates which in effect put these mum-and-dad investors — or as Kevin Rudd would call them, 'the working families' — on track for an approximately 10-year payback system. Had that 10-year payback, with the healthy rebate that was in place, been coupled with a normal or a generous feed-in rebate tariff from the state government, we would have had an energy system installed on the roof of a house with enough power to generate the daily power needs of a family and a system which would have provided approximately a four-year to five-year payback system. That would have been attractive and would have enabled a lot of mums and dads to become involved. That is in effect the type of investment profile that people who are installing hot-water services on their roof are looking at — that is, five-year and six-year payback systems for the increased capital investment in those solar hot-water services.

We could have had a growing sector within the energy industry. It could have thrived. What would that have given us? Mrs Petrovich went through this in her contribution. We would have investment in a new industry. We would have seen further investment in photovoltaic cells. That would have meant more jobs and more expenditure on research and development. We would have seen an expansion in clean energy production, minimising our reliance on brown coal. The continuing increase in our energy use would result in a

slight reduction in our reliance on brown coal. That would have to have been a positive outcome for the government.

Then we would have had the trade jobs, these same jobs from an industry that has now just had its throat cut with today's announcement. That industry also could have been given a further boost with a little bit of security and surety going forward for apprenticeships. These are high-end jobs within the electrical trades industry and have the potential to really put some high-end dollars back into the electrical trades. But no, that is not going to be the case. The five-year paybacks that we could have been looking at have now blown out to over 20 years as a result of the demolition of the federal government rebate and this model of feed-in tariff that the state government has come up with.

Under the Brumby and Rudd partnership — this cooperative federalism — this emerging industry has been vandalised. These two self-acclaimed leaders have set back this industry. Why can we not have what the sustainability groups around the state are calling for? Why can we not have a gross feed-in tariff as opposed to a net tariff? Why can we not have larger units involved in this sector rather than the smaller units the state government has prescribed? All community groups should have the opportunity to get involved in this, including football clubs and sports organisations, Rotary clubs and all other types of community groups that have roof space available. Why can we not organise a fair and reasonable price for this energy that is to be fed back into the grid?

If you believe Minister Batchelor — not that many people do — he will tell you that the cost to the average family will be around \$100 per annum. There have been some critiques on his figures published by some of the leading journalists in this field. They have quickly discredited the minister and his figures, saying he has got it wrong by a minimum of 60 per cent, and that he has probably got it wrong by about 90 per cent. The experts who are looking now at this system say at most it will cost Victorian families in the vicinity of \$15 per year, if we accept what the vast majority of sustainability groups around this state are calling for.

I will leave members with something to think about. Prior to the 2006 election campaign, former Premier Steve Bracks — the Premier we actually elected — made the claim that people who installed this technology and generated the power should receive a fair price. That simple claim appears in an Environment Victoria document titled 'Strengthening Victoria's new solar laws'. Premier Bracks made it clear during the 2006 election campaign that small businesses would be

included in the scheme, and that he would ensure that households and small businesses which generated their power through solar and/or other methods could feed any excess power back into the power grid and receive a fair price for it. With this government it is always different after an election. It does not matter what it said beforehand; after an election this Labor government will do whatever it wants to do. Keeping its promises is not necessarily what it will do.

Mrs Petrovich has described this bill as poorly written and a bit of a mess. I tend to disagree with her. I think this bill has been perfectly written and carefully crafted; it has been meticulously drafted. This secretive Labor government has drafted this bill to give it exactly what it wants — that is, the government is going to shoot the knees out of this photovoltaic energy industry, cut its throat, put a couple of daggers in its back and make sure that it is dead forever.

Ms LOVELL (Northern Victoria) — I rise to speak on the Electricity Industry Amendment (Premium Solar Feed-in Tariff) Bill. This scheme was born begrudgingly out of the budget announcement last year, and ever since it has been marred by divisive and internal bickering between members of the two factions within the government. According to media leaks, the energy minister wanted a net scheme and the environment minister wanted a gross scheme, but it was the energy minister who won the day and what we have is a bill that enshrines a net scheme.

I tend to agree with Mr Drum that this is a bill very carefully crafted by the government to get exactly what it wants. It wants to be seen to be introducing a premium solar feed-in tariff, but the bill is going only part of the way towards doing that and is not providing the best benefit for Victorians.

The government has failed to announce a clear starting date for the scheme, but the legislation provides that it must be implemented by no later than 1 July 2011. The scheme will operate in addition to the existing general feed-in scheme. However, customers already on the existing tariff or those eligible for both will have to choose between one of the schemes, as they will not be able to double dip into both schemes.

The scheme will run for 15 years or until a total generating capacity of 100 megawatts is achieved or, like the Holden car warranty ad says, whichever one is reached first. Obviously this means that customers entering in the first year of the scheme will reap the full benefit of accumulating 15 years worth of credit in the scheme, but those entering in the 14th year of the

scheme will be able to gain the benefit of only one year and so on.

To be eligible for the scheme, the customer will have to purchase electricity from the relevant energy retailer and engage in a generation of electricity at their principal place of residence using a photovoltaic generating facility that has an installed generating capacity of 3.2 kilowatts or less and is connected to the distribution system. The 3.2 kilowatt limit has been the subject of great contention. A number of people from my region have contacted me about the 3.2 kilowatt limit. They are particularly people who have already installed larger systems and they say they would prefer that limit to be lifted.

The premium scheme is a net scheme as opposed to a gross feed-in scheme. That means that households with small-scale solar power systems will be credited on a premium of no less than 60 cents for every unused kilowatt hour of power fed back into the grid. Under the legislation, the premium solar feed-in scheme can be taken up by a customer only at their primary place of residence. This means that customers on the premium feed-in scheme cannot use their holiday home to connect, but bizarrely would be able to do so if they were on their current general scheme.

The government has not considered how it will enforce the principal place of residence requirement for entry into the premium scheme. The Victorian Farmers Federation has made some comments about this. It would like to see a scheme that enables farmers to put panels on the roofs of all their farming sheds, which you would think would be beneficial to the generation of renewable energy in this state but, because of the primary place of residence requirement, that will not be allowed under this legislation. Regardless of the merits either way, the scheme must be taken up at only a principal place of residence. If the government feels strongly enough about this requirement to include it in this legislation, it should put some thought into how it will be enforced.

The legislation provides that energy retailers have an obligation to make a premium solar feed-in offer in addition to the existing market and standing energy offers that they have available to customers. The premium solar feed-in scheme made available by retailers must include fair and reasonable terms and conditions that at a minimum provide for 60 cents per kilowatt hour credited against the charges payable to the retailer for electricity fed back into the grid. The credit must appear on the customer's electricity bill, and any credit that exceeds the amount owed to the retailer by the customer on their electricity bill will be applied

to the customer's next bill and be extinguished after 12 months, with no requirement on the retailer to pay the customer any money for electricity fed into the grid. What this really means is that the obligation on the retailer is only to credit the customer's electricity bill, but not to pay the customer cash for the electricity they feed back into the grid.

The government has responded to industry concerns about the issue of customer crediting by saying that under the commonwealth constitution customers could not be paid directly for their unused energy fed back into the grid and so their accounts must be credited instead. I would welcome the minister in his summing up being able to point out the exact section of the commonwealth constitution that prevents a customer being paid for the electricity they feed back into the grid and where it requires for that to be done by crediting the customer's account.

This brings us to implementing the requirement that retailers will give a customer only credit towards their next bill rather than the customer receiving a cash payment for their solar energy. This will create a number of additional business-to-business transactions between retail and distribution businesses, because distribution businesses will credit retail business what is owed in credit to the customer and eventually the government will reimburse the distributor. While Victoria has the most competitive energy market in the world it is also the most heavily regulated, and this requirement certainly does not ease any of that stranglehold on regulation. On top of this, distribution businesses, the energy networks, will have annual reporting requirements about the number and generating capacity of qualifying solar energy generating facilities.

Despite being in its final stages of the legislative process, the bill raises a number of outstanding issues of concern that the government has to date failed to address properly. One is a notification process between retail business and distribution business — that is, how do the two different types of businesses go about informing one another about how many customers in each energy region have taken up the offer and how much money needs to be credited and to whom? There is also significant concern about how distribution network systems will be able to cope with multiple metered sites. The implementation of the premium solar feed-in scheme may mean that a large investment will be required to be made by distributors to service only a few sites. There has been no clear direction by the government as to how this issue can be resolved. The lack of policy certainty for members of the energy

industry who will bear the brunt of piecing together this government invention is of serious concern.

Additional to the problem presented from the method of crediting is the 12-month expiration date placed on crediting customers. For customers who churn or change energy retailers, it is unclear how, after 12 months, they will be able to claim any credit they may have accrued from the solar feed-in scheme provided by their previous energy retailer.

While the opposition is broadly supportive of a solar feed-in tariff, parts of the policy detail and implementation process clearly have not been thought through. I urge the government to clean up its own mess before imposing it on consumers, energy businesses and the rest of Victoria.

Mr D. DAVIS (Southern Metropolitan) — I am pleased to rise to make a contribution to the debate on the Electricity Industry Amendment (Premium Solar Feed-in Tariff) Bill. There has been a lot said about this in the chamber over the last few hours, and over the last few months there has been a lot said across the community. I and many members of the coalition and other members of this chamber have had discussions with environmental groups, solar industry groups and other members of this chamber, seeking a better scheme than the one proposed by the Brumby government in Victoria.

It is clear that prior to the last election the Brumby government promised a gross scheme and a strong scheme that would drive investment in solar energy in the state and would reward Victorians who were conscious of the need to look to the future and who were prepared to make personal investment in solar energy by putting their hands in their pockets to achieve some sensible sorts of arrangements.

In the policy set out by Steve Bracks dated 4 November 2006, he said he would ensure that households and small businesses that feed solar and other renewable energy back into the grid would receive a fair price. Is what is proposed in this bill a fair price? That is the question. The scheme is marginally better than nothing. But will it achieve what is required?

There is some dispute about the cost impacts of different solar support schemes on communities and on individual tariff payers, particularly households and small businesses. Mr Batchelor, the Minister for Energy and Resources, has spoken long and loud about how the gross feed-in tariff system would impact on those paying electricity bills through a cross-subsidy. Let us be clear here: the proposal put in this bill for a net tariff

is a mild, low-level cross-subsidy that on all examinations would not drive solid investment in solar energy in this state — and I will say something about that shortly.

Different schemes, particularly gross schemes, would in all likelihood drive a stronger and more profound investment in solar energy in a much shorter period. There is a view that has been put strongly by many environmentalists and by those interested in renewable energy that there would be a significant advantage to the state, both in terms of its attempt to increase its greenhouse abatement efforts and in its attempt to improve the solar industries in this state, if we were to have a scheme that was sufficiently robust.

As I have said, this dispute as to the true costs and impacts of a solar feed-in tariff is a significant one. In many respects it goes to the heart of how this chamber is best placed to deal with the bill. Minister Batchelor, as I have said, has indicated that the approach in this area, which is advocated by groups like Environment Victoria, would cost up to \$100 a year per household in cross-subsidy. He maintained that figure for a lengthy period. The calculations on which that is based are fairly woolly. The questions I asked him at the bill briefing far from satisfied me that he had a robust basis on which to claim that figure. It is correct to say that he has more recently revised that figure, given the scale of the precise scheme, down to \$40 in cross-subsidy.

One of the things that members of this chamber have become recently focused on is obtaining documentary information from government and analyses the government undertakes. One of the recent motions I put on the notice paper regarding solar energy and the government's documents was to seek a tranche of documents containing the analyses and the calculations on which a lot of the government's changes and schemes were based.

I have to put on record — and in one sense I have already done that — my disappointment with the documents we received back. I draw members' attention to notice of motion 32 on page 10 of the notice paper. It is a long motion that deals with a series of documents we were refused. We were supplied, as a result of that request, with a large tranche of documents, but an even larger tranche of documents was blocked and refused. The government claimed executive privilege, in a range of ways, or public interest immunity regarding those documents. I have to say they are not exactly the same thing. The government uses those words interchangeably. A large number of those documents were not provided to the chamber, so the chamber does not have the benefit of some of the

deeper analyses undertaken by the government. In that circumstance it is quite difficult for the chamber to come to a fully and completely informed view of a number of these matters.

The documents that have been refused include in many cases simple briefs to ministers. In my view they should not attract the level of executive privilege that the government has sought to attach to them. I understand a number of documents in the list are clearly cabinet documents. In response to that, we have not sought those documents under the further documents motion that I put on the notice paper in the last sitting week and will, in all probability, move in this chamber in the next sitting week after this.

My strong view is that many of these documents should be available. Let me just give some of the flavour of these documents. The document listed as no. 42 is described as 'Brief to Premier' and is dated 16 October 2007; the document listed as no. 63 — and I am choosing these at random — is described as 'Brief to Treasurer' and is dated 6 February 2008. There is a request for resource documents, assessments and analysis used in the preparation of a document listed as no. 6, which is described as 'Business impact assessment prepared for and considered by cabinet'. In this amended document motion we have not sought the cabinet document; we have sought only the calculation documents that were used in its preparation. In my view these analysis documents ought not be documents that are beyond the scope of this chamber.

It is important to note the legal opinion of Bret Walker, SC, which was obtained by the chamber through the President at the request of Mr Viney in 2007, if I am not mistaken, which looked at the issue of documents and which documents should and should not be obtainable by the chamber through documents motions. It did not give absolute protection to even certain cabinet documents. It is a brief that indicates on many occasions that this is contingent on circumstances. In general it indicates quite strongly, and a fair reading of it would lead to the conclusion, that many of the documents listed in this documents motion ought properly to be in the public domain through the documents motion in this chamber, and there ought not be a gag or a restriction applied by the government in failing to provide those documents to the chamber.

In my view members of the chamber need to be quite clear about this with the government. We need to make it clear that we see these sorts of documents as important bases for decision making. In the committee stage I will be seeking some of those documents through the minister. I will also be seeking further

explanation as to the government's methods of calculation.

I want to particularly draw the chamber's attention to one of the documents we did obtain through process of the documents motion on the solar energy issue. It is the final report to the Victorian Department of Primary Industries on the benefits and costs of the Victorian feed-in tariff scheme by McLennan Magasanik Associates, dated 17 November 2008. This document is very interesting because it is prepared for Minister Batchelor's department, and it tells a story very different from the one he has been telling around the countryside. I will not work my way through every aspect of this document, but I will single out a number of key charts and draw them to the attention of members of the chamber. If anyone in the chamber would like a copy, I am happy to provide one to them.

The pages are not numbered precisely, so I will just go by the heading of the chart. One measures generation in gigawatt hours. The chart reports on the different models and the willingness to pay. It is very clear that the gross feed-in tariff model would see lower capital costs.

On the abatement of megatons of carbon dioxide achieved, if you look at the stated policy — the 60 cent per kilowatt hour gross feed-in tariff — compared to other models examined, including net tariff and status quo, would significantly drive more abatement of carbon dioxide megatons.

There is another important graph in this document which measures the different ways of abating carbon dioxide and the impost per year. It shows that under the stated policy of 60 cents per kilowatt hour gross feed-in tariff the impost per year would be just shy of \$8 per consumer per year. That is on the paper presented to the Department of Primary Industries for the minister's consideration.

As I said, if you look at the abatement of megatons of carbon dioxide, the gross feed-in tariff is far more successful than a net tariff of 44 cents per kilowatt hour. It shows a net feed-in tariff abating far less than one-quarter of a megaton of carbon dioxide equivalent, but a gross tariff abating around 2.5 megatons. These are significant differences. The examination has been made by a reputable firm that would be hard to criticise and one whose work the community would find persuasive. There are a couple of very important key issues here: what system will work well in terms of abating carbon dioxide and what system will provide that abatement at a reasonable cost and impost, in particular per residential consumer?

One of the flaws with the government's scheme is that it is so narrow in its construction. One of the flaws is the failure of the government to include farms, businesses, and the community sector in any realistic way. Why has the government done this? It is very hard to understand. If you wanted to drive carbon dioxide abatement you would be looking for more opportunities, not less, and you would seek to do that in a way that is reasonably costed and would bring in as many people as it could. In regard to the principal place of residence requirement, why does it matter about the individual residence in the way that the bill lays out? It is very hard to explain why the solar energy is different and why the outcomes are different.

People have talked in the chamber at length about other deficiencies in this particular scheme. I do not know that I need to revisit all those matters at great length. I want to say that the opposition is working with the minor parties, the DLP and the Greens, to try to find a workable solution that will lead to better outcomes for the community — for better abatement options on the one hand but at a reasonable cost on the other. I will not detail that at length, but I indicate that it is the opposition's intention, and I believe the intention of the minor parties, that the bill not be debated beyond the end of the second-reading debate today and that the committee stage proceed later this week or at a convenient time once amendments have been drafted that can be tested in committee. I want to reiterate my point made earlier, that when we return to consider this bill in committee I will be seeking some clarifications at length from the minister. I think Minister Batchelor is not being fully honest and frank with the community. The issues to be considered with this are legion.

I want to say something else as part of this debate. The state scheme cannot be looked at in isolation from other schemes around the country. We saw how the \$8000 rebate under the Howard federal government drove a massive expansion of the solar industry around the country. I know this was the case in my electorate of Southern Metropolitan Region, but it was also the case in regional cities such as Ballarat, Geelong and Bendigo as well as smaller towns across the state. I pay tribute to the many small groups of environmentalists who have come up with plans for implementing the installation of either solar hot water or photovoltaic cells at a local level through bulk-buying deals and arrangements with electricians, plumbers and others. In very clever ways they have provided packages that have cut the costs and reduced the difficulty of installing solar systems.

I am aware of examples of councils not being as helpful as they could be in assisting people in the process of installing solar hot water or photovoltaic systems on

their properties. I am aware of one case of this in the city of Port Phillip, where I am working with an individual at the moment. It is clear that councils have a responsibility to try to facilitate good policy in this area rather than putting up barriers that block individuals who might seek to take this step, often by putting their hands in their own pockets and expending significant sums of money. I would have thought it was the responsibility of local councils to work with those sorts of individuals.

Equally, the federal government has a responsibility to work with the state government. That is the point I made in my 90-second statement this morning. It is so disappointing to see Mr Garrett, the federal Minister for the Environment, Heritage and the Arts, pulling the rug on significant rebates peremptorily today. Without announcement he pulled the rug on schemes that support people who are trying to take some sensible environmental steps.

Mrs Peulich — He prefers to burn the midnight oil!

Mr D. DAVIS — He may prefer to burn the midnight oil, but I think his environmental credentials are very weak these days. The steps he has taken in terms of cutting environmental funding to Victoria — I see that the Minister for Environment and Climate Change is listening to this — through catchment management authorities have been nothing short of scandalous. He is an environmental vandal in that respect, and I am far from happy with his performance today in slicing the federal scheme.

One thing I have called for is for the minister to put the interaction between the federal and state schemes onto the next ministerial council agenda. It would be a great disappointment to the Victorian community if the Victorian government were too weak or toady-like to do that. The government needs to stand up and say to Prime Minister Rudd, ‘No, we will not allow your environment minister to peremptorily cut programs’.

The fact is that for people putting in solar hot-water systems — or photovoltaic cell systems, in the context of this bill — what matters is the overall price and the barriers to them doing that. A significant federal subsidy and a robust and encouraging state scheme fit together very neatly, facilitating capital expenditure on the one hand and an ongoing revenue stream on the other. If you pull one side of the equation out, you weaken the overall system. They have to be dovetailed.

I urge the minister — and I have said this publicly today — to put on the agenda for the next environment ministers meeting the peremptory moves of Mr Garrett

in scuttling the current support for photovoltaic cell systems that he has announced today. I am disappointed in him, and I hope the minister is prepared to take up this matter.

Mr Viney interjected.

Mr D. DAVIS — Mr Viney, I for one was prepared to criticise my federal colleagues on some matters. I could give you chapter and verse on that, but instead I will give you one example — that is, funding for the ABC in Victoria. I was very strong in criticising federal decisions on that issue and was successful in getting some change in policy.

Mr Viney interjected.

Mr D. DAVIS — No, you said ‘federal-state interaction’, and I am giving you some classic examples of that. I welcomed John Howard’s enormous rebate, which drove the solar industry in Victoria and elsewhere around the country. I hope there will be some step back on these matters by the federal government and that the state government will be prepared to negotiate sensibly with parties in this chamber to improve this scheme as we go forward. It is an important scheme. The environment community around the state — not just the peak environment bodies but also groups on the ground — will be seeking a better system. I encourage the government to be prepared to genuinely engage on that.

Mr VOGELS (Western Victoria) — I would like to make a few comments on the Electricity Industry Amendment (Premium Solar Feed-in Tariff) Bill 2009. I have had practical experience with solar panels on a farm — I do not think there are many other people in this place who could say that — and at this stage I can say they are a waste of space. That needs to be said, because people spend many thousands of dollars putting in solar panels in an attempt to save energy and generate green energy, but unless they are heavily subsidised, which they were not when we were putting in our solar panel, the figures do not add up. I am sorry to say it, but it is true.

I also need to say that, in my experience, anything that is built on subsidies fails in the long run. I can go back to agricultural subsidies when I was a farmer; they eventually all failed. If subsidies worked, the richest farmers in the world would be living in Europe, the USA and Canada, where there are enormous subsidies, yet they are probably the poorest farmers in the world. In my opinion, subsidies do not work. We have just seen another example with the blue gum industry, which was built on subsidies and tax breaks. At times

like these, when a global economic crisis is happening, things are getting tough and governments cannot afford to prop up the subsidies any more, all these things fall over.

I would like to share my experience of installing a solar panel. When we moved to another house on our property we were down the side of a hill and there was no TV reception. Not getting TV reception is probably not the end of the world, but we thought we would not mind a bit of TV reception. The only place we could get reception was right on top of a hill on the farm — there was beautiful reception there — but the problem was that there was no power there. So we talked to the television technician, and he said, ‘If you put a solar panel up there, we can catch that energy and put it into a 12-volt battery, and that battery will drive a converter that will send a signal to your house’. I asked him how much power we would need, and he said, ‘About a watt’, which to me is not much power.

We spent many thousands of dollars setting all this up — with solar panels, a battery and a converter et cetera — but it did not work. We would be in the middle of a great movie at about 10 o’clock at night when the battery would go flat, because the solar panel had not been able to keep the battery charged over the day or whenever it was. I remember that it was always right in the middle of the best part of the movie when — bang! — we were out of energy. We got up there and looked at the battery to see if we could get it charged. Obviously we have come a long way since then.

Sitting suspended 6.30 p.m. until 8.03 p.m.

Mr VOGELS — Before the break I was talking about the number of solar panels needed to produce energy on our farm. The energy fed into a battery, but we did not have enough power to feed our farm. We had a solar panel for power to run a television, but it could not manage to garner enough power to keep the reception up to scratch. As I said, halfway through a movie we would run out of power — that is, halfway through the *Titanic* we had to stop watching because we ran out of power! I was just saying that when the President said I had run out of power because we were going to dinner, so here I am back again.

I have listened to the debate fairly carefully. I am a sceptic on renewable power. I find it amazing that once upon a time Victoria was the manufacturing state because we had some of the best and cheapest energy in the world. I am speaking here on my own behalf, not that of the Liberal Party. I can do that because I am not standing again. I can say what I like.

I have no doubt that the Liberal Party has some great policies on this issue. However, what I find surprising is that we in Australia export our coal to China, which is opening a new coal-fired power station every week. We are happy to export all our coal over there and say, ‘You keep on sending CO₂ into the atmosphere, but we will be different; we are going renewable’. We are happy to export our uranium all over the world. If you go to France, you see it is 80 per cent nuclear powered. Where does most of the uranium in the world come from? The answer is: Australia. We are hypocrites. We are prepared to export our minerals, our coal and uranium, all over the world. I do not think it makes any difference to the atmosphere where those greenhouse gas emissions come from. Whether the emissions come from China or from any other part of the world, our resources are damaging the environment. We are happy to do that while we are saying to Australian manufacturers that they have to use the most expensive energy in the world to make their product and then compete on the world stage — with China and the other nations that we are exporting our minerals to.

All I want to say on this bill is: yes, we should look at renewable energies if they are viable, feasible and cost effective. Of course we should do that, and we need to keep working at that. On a lot of these issues we are trying to tell the world that we are the best in the world, but, if we were really genuine, we would say we will not export our coal or our uranium because we believe they are dangerous to the world. If we are prepared to do that, we also have to say to our own manufacturing industry that it has to do the hard yards. While I will support the bill — we are not opposed to it — let us see what amendments come up later on. I just wanted to put in my two bob’s worth.

Debate adjourned for Mrs PEULICH (South Eastern Metropolitan) on motion of Mr Koch.

Debate adjourned until next day.

**ENERGY LEGISLATION AMENDMENT
(AUSTRALIAN ENERGY MARKET
OPERATOR) BILL**

Second reading

**Debate resumed from 4 June; motion of
Mr JENNINGS (Minister for Environment and
Climate Change).**

Mr HALL (Eastern Victoria) — I am pleased to have the opportunity this evening to speak on the Energy Legislation Amendment (Australian Energy

Market Operator) Bill 2009. What we have seen presented for debate in this chamber over a number of years now are many acts which, step by step, provided various regulatory arrangements for the electricity and gas systems in Victoria and Australia. Recent acts have moved our systems from state-based regulatory systems to national regulatory systems. They have not been easy debates because this is a complex matter, and this bill is no exception tonight. It is a further step in terms of the progress that we have made in achieving national regulatory systems for electricity and gas in Australia.

Adding to the complexity is the fact that the framework for moving towards these national systems is created by national electricity law and national gas law. Both these laws are set out in schedules to the National Electricity (South Australia) Act and the National Gas (South Australia) Act, and the legislation in this Parliament, which is required for Victoria to be part of that national uniform framework, adopts the provisions of what I term the 'parent laws'. If that sounds complicated, I think it is. It has been a challenge for all members to come to grips with the complexity of the changes that have been made in respect of energy systems in Victoria.

What does this bill do? It establishes the new Australian Energy Market Operator. It transfers the roles, assets and liabilities of VENCORP to AEMO. What is the Australian Energy Market Operator? It was a creature that came out of a Council of Australian Governments meeting of 13 April 2007. At that meeting the ministers responsible for energy in each of the states agreed to establish this particular framework and agreed to establish AEMO. The details of its establishment and its functions are spelt out in the minutes of the ministerial council convened on that date.

This bill amends a number of acts. It amends the National Electricity (Victoria) Act 2005, the National Gas (Victoria) Act 2008, the Electricity Industry Act 2000 and the Gas Industry Act 2001 to enable AEMO to take over the functions currently performed by the Victorian company VENCORP, including the gas market 'retailer of last resort' scheme. It also allows AEMO to operate the Victorian gas industry using current Victorian market-based pricing and centralised transmission planning. That is unique to the state of Victoria. Other states have not had a system in terms of a competitive gas market to the extent Victoria has. It will provide the opportunity for those states to opt into a regulatory system for gas such as we have here in Victoria. That will now be reformed by the Australian Energy Market Operator. The bill will also allow the minister to delegate to AEMO the appointment of a responsible officer to liaise with on the use of electricity

emergency management powers in Victoria. I will comment a little bit later on those emergency management powers.

This bill abolishes VENCORP and transfers its assets and liabilities to the Australian Energy Market Operator. It also repeals the power of the essential services commissioner to make guidelines about access to land for the purpose of augmentations to the Victorian electricity transmission system. It is an important bill that performs a number of functions and brings about a number of changes to the way the energy markets of electricity and gas are regulated here in Victoria. Henceforth we should be aware of those changes to functions and the implications of those changes.

VENCORP was established in Victoria to look after, to a large extent, the regulatory functions in the electricity and gas markets. If one were to look at the VENCORP website, one would notice that in respect of electricity VENCORP is the Victorian network service provider responsible for planning, expanding and improving connections to the Victorian high-voltage electricity transmission system and directing expansion of that network. VENCORP also provides important information, support and advice to the Victorian government on matters related particularly to the transmission of electricity in this state but also on wider issues in respect of the electricity industry.

In respect of gas, VENCORP has a leading role in the regulation of that industry in Victoria. It has a range of roles which are essential to the supply of gas, including as an independent system operator for the Victorian gas transmission network. It is a manager and developer of the Victorian wholesale gas market. It also facilitates for gas full retail contestability and a number of other matters related to the transmission and distribution of natural gas in Victoria. In part this bill abolishes VENCORP and transfers those functions to the Australian Energy Market Operator.

It is in respect of the transfer of some of those functions that concerns have been voiced to the opposition. Firstly, with the emergency energy supply agreements we have in Victoria, one of the main responses used by government in respect of emergency situations is the arrangements we have in place for load shedding. The issue of load shedding and of meeting our electricity and gas needs is of concern to many people in Victoria, and rightfully so, particularly when we look at the baseload capacity of electricity generation in Victoria.

By about 2014 we expect in Victoria to be fully utilising that baseload capacity and to be looking for

additions to that. The first addition will obviously be the peak generation of, predominantly, gas. Not long after 2014, according to the long-term forecast made by organisations like VENCORP, we will require much of that peak load electricity generation predominantly supplied by gas to become part of the baseload generation. Our capacity for further interstate sharing of electricity is also going to be stretched by about the year 2014, so some real problems in respect of demand capacity will be faced by Victoria as a state over the next few years.

It is interesting to note that the generation capacity Victoria has at the moment is a bit less than 8000 megawatts of baseload, which is again predominantly provided by the coal-fired power stations in Victoria. Some 8000 megawatts of generation capacity multiplied by 24 hours per day indicates that at best Victoria has a capacity to produce about 190 000 megawatt hours of electricity per day, if those generators are operating at full capacity. On an average winter's weekday Victoria uses 160 000 megawatt hours of electricity per day. I would suggest that on a cold day like today Victoria's electricity consumption would be in excess of 160 000 megawatt hours, with the demand increasing over the years. With an absolute total capacity of base generation of about 190 000 megawatt hours, you can see that in the not-too-distant future Victoria is going to be short of baseload capacity.

I mention all those figures because it is of some concern that if we transfer responsibilities for such matters from a Victorian regulator to a national regulator, we would want to ensure that Victorian needs are kept in perspective by the national regulator. I know that some within the industry share this concern that the move towards nationalisation of regulation in the energy sector takes those decisions further away from us. We will need to be vigilant and alert in relation to what our ongoing needs will be.

It is the same with gas consumption in Victoria. It is interesting, but not surprising, that the maximum usage of gas peaks in the winter period rather than the summer period, which has different energy usage patterns to winter. Our electricity needs are greatest in summer when we use it for cooling purposes. Gas is used primarily for heating and cooking, and consequently our dependence on gas is much greater in the winter months than in the summer months. We have similar concerns about gas supply. If my memory is correct, there are 1.4 million gas customers in Victoria — I cannot find that figure at the moment, but it is a significant number — and there are many communities in Victoria that do not have access to

natural gas, which is a concern for us who represent country electorates. I mention as an example the people of Lakes Entrance who can probably see the gas fields of Bass Strait through a set of binoculars, but that town does not have access to natural gas.

Mr Barber — There is something wrong with the system.

Mr HALL — There is something wrong with the system. Governments need to invest to make sure infrastructure is continually expanded, so that all Victorians share the economic benefits of the supply of natural gas. From the coalition's perspective we will continue to make sure the government looks to invest in expansion and assists some of the gas distributors to expand their systems of natural gas reticulation. There is some concern that these decisions may be taken further away from the local level.

On the subject of electricity, only recently I was talking to some of the good people in the area of Genoa and Mallacoota in far eastern Gippsland. One of the biggest issues they raised with us during the course of our visit was reliability of electricity supply to those towns. It was almost a daily occurrence that for a period of time — sometimes only for seconds — power went down. A lapse in electricity supply can cause great disruptions to computer systems and the like. I take this opportunity to again emphasise that in making any changes to the regulation of electricity and gas supply and to providing for the transmission of electricity and the supply of gas, we must be cognisant of the needs of local communities in Victoria. We must have a system in place which recognises those needs and is prepared to accommodate them into the future.

Although the coalition is happy to support this legislation, because we see some common sense in having uniform regulations and uniformity of regulatory bodies across Australia to achieve a reliable and appropriate distribution of electricity and gas throughout the country, we must not lose sight of the needs of local communities. I think it will be a challenge for governments, both present and future, to make sure those needs continue to be recognised. We are prepared to support the bill at this point in time, but we will not forget the local needs that must be observed as part of any national system.

Mr BARBER (Northern Metropolitan) — As Mr Hall asked, who would have thought it would require so much ongoing regulation to run a deregulated electricity system? And, as Mr Davis asked in a contribution on a different bill tonight, is any of this getting us closer to the smart grid that we need, in

contrast with the big, centralised grid we have had forever? The centralised grid may have served our needs in the past, but it is certainly past its use-by date.

I would have thought a smart grid would facilitate and automatically deliver the sort of efficient load shedding that Mr Hall expressed concern about. There would be a mechanism in a smart grid for load shedding to occur, not by random shedding of different parts of the state at any given moment but by individuals and businesses being voluntarily turned off or down so as to address the demand side of the equation. While load shedding is occurring with a number of very large users of energy, it is happening at a very unsophisticated level.

Mr Hall claimed that our baseload capacity will soon be used up and that those gas plants that have been installed, driven in many cases by peaking power needs, will soon become the baseload. Would not an efficiently functioning free market take care of that for us? How is it that Mr Hall can make that prediction? If he thinks it is an accurate prediction, why is he not an electricity futures trader as opposed to being a member of Parliament — because he would make a killing. If Mr Hall knew where this market was going in a few years time, he could get there before it and make an absolute killing. Mr Hall's example of natural gas supply bypassing Lakes Entrance on its way to other obviously more economically viable consumers was most telling of all. Through this system you would think we would have the best of both worlds, but those examples indicate we actually have the worst.

If we are headed towards a smart grid, we are not heading there very fast — at least under these reforms or anything else the state government has come up with in the last 10 years. The fact is that the smart grid is not so smart. It has been held back at school for several years while it does a few more remedial classes. It is not smart from the point of view of safety. Workers in the electricity industry will attest to the lack of investment in safety.

It is not smart in terms of efficiency, because if it were, there would be no such thing as baseload. The only thing that can be a cause of baseload is an individual appliance that is running permanently, and there are not too many of those. What we mean by 'baseload' or 'base demand' is inefficiency. It is the demand for electricity in buildings that occurs all day and all night, which, generally speaking, is wasted electricity. If electricity is being used for 12 hours of a day when no-one is in a building, then it is not providing much of a service and is therefore wasted.

It is not smart in terms of reliability, because a few wisps of smoke blowing up around the sensors of a thick transmission cable can send the state into drama and have the Premier out there in effect blaming God for the losses. It would not happen in a distributed system, but it frequently happens in a system where there are one or two key connections.

It is certainly not smart in terms of climate friendliness, and we do not need to argue any more about that. For that reason, this minimalist tinkering with name changes but with no overall changes to the dynamics of this market or system, whatever you want to call it, while the responsibilities are shuffled around, leaves us pretty cold, but that is no particular reason to oppose it. It is just a reason to demand of governments and alternative governments that they tell us what their plan is for a smart system.

Mr LEANE (Eastern Metropolitan) — It is a pleasure to rise to speak on the Energy Legislation Amendment (Australian Energy Market Operator) Bill. I do not intend to go over the mechanics which have been comprehensively covered by Mr Hall. I just want to say that this bill will support the government's commitment to ensuring an efficient and secure energy system, reliable and safe delivery of energy services and access to energy at affordable prices, which has been pivotal to the government's energy policy since it has been in government.

It is common sense to go to a national authority, because our system, which is interconnected from state to state, makes it a national network, particularly when you take into account important interconnectors which this government supported, such as Basslink. It is common sense to adopt these proposals for electricity and for gas. I see them complementing each other, especially when you consider how important the natural gas system is to us as a clean energy supply.

A number of large buildings have invested in cogenerations. These are gas-fired electricity generators which use the by-product of the heat from gas-heating turbines to heat the building. There are also tri-generators that can use heat and turn it into refrigerated air in the cooling system. I see those two energy supplies as complementary to each other. The previous debate in the chamber was about solar energy and renewable energy, and natural gas could also be the answer to having a cleaner energy supply. With those few words I commend this bill to the house.

Mr DALLA-RIVA (Eastern Metropolitan) — I will make a brief contribution to the debate on the Energy Legislation Amendment (Australian Energy Market

Operator) Bill, which is an important bill. I heard the contributions from Mr Hall, Mr Barber and Mr Leane, and obviously they had diverse views. Mr Hall raised some important issues, because when these things become national the capacity of local involvement seems to fall out of the air. What you are left with is a piece of legislation that is managed nationally without local input. That was the crux of Mr Hall's concern. He supported the bill, but he raised a legitimate issue about ensuring consistency of electricity and gas supply.

Another contribution I was interested in came from Mr Barber, who made an interesting observation about a deregulated industry and how much regulation there was.

Mr Barber interjected.

Mr DALLA-RIVA — In response to Mr Barber's interjection, the banks are deregulated to an extent. Thank God there is some regulation and the banks have not been allowed to run free, as they did in the United States. Imagine the position we would be in now and the position the Prime Minister, Mr Rudd, would be in if a stable banking system had not been left behind by the federal coalition. Whilst on the one hand you can have a deregulated market, there needs to be some form of regulation so that issues, such as what happened in the banking industry, are not taken for granted. Whether you have a monopoly, a duopoly or an oligopoly, you need to ensure that you are not in a situation where you have an unfettering or unleashing of particular industries without some measure of oversight. This bill allows for that.

I understand the concerns Mr Barber has, but in the end I think it is a fair bill.

Mr Barber interjected.

Mr DALLA-RIVA — Mr Barber interjects to ask if we will get the balance right. Obviously that is something we will have to wait to see. What we need to be concerned about is this government's commitment. During election campaigns it makes promises about gas supply to country and regional Victoria to win seats, and then it just ignores those country towns. I remember when the Honourable Theo Theophanous was the Minister for Energy and Resources we would have a go at him about the gas supply to those towns, but that seems to have fallen off the list. Obviously Labor does not care about country towns any more. We know that because we hear in this chamber consistently that ministers opposite really do hate country Victoria. It is a sad indictment of the way that they hate country Victoria and ignore the needs of country Victoria. The

gas supply situation is a classic example of where they promised to deliver but failed to do so.

I made some notes about the Council of Australian Governments. Obviously COAG is an important part of cross-state and territory cooperation. Despite the concerns of Mr Barber, some other operations have been put in place in the last decade. Certainly law enforcement is a good example, with corporations law now extending across state and territory issues, because it is easy for individuals to cross boundaries and not be held to account in other jurisdictions. This is about establishing a better situation under the Australian Energy Market Operator (AEMO). It is important. This bill abolishes the Victorian Energy Networks Corporation (VENCorp) and transfers its assets and liabilities to the new operator, and there is a whole range of things it does.

The risk obviously will be the increase in bureaucracy and the loss of direction with the move to a federal regulatory scheme. Membership of the AEMO board will be recommended to the Ministerial Council for Energy by a panel of two MCE representatives and two industry representatives. The MCE can accept or reject the recommended appointees as a group, not individually.

The load-shedding arrangements within the state, which are the responsibility of the Minister for Energy and Resources, have worked poorly to date. We have seen that with widespread, poorly planned blackouts. I guess the national rules do not provide a policy for discretionary sharing of load shedding between jurisdictions.

It is interesting to note that Victoria will receive no payment for VENCORP assets that have been transferred, as I mentioned earlier. They are worth about \$22 million, as is set out in budget paper 4 at page 154.

Overall it is an important industry. It is an industry that we support. It is legislation that we support. It is consistent with our longstanding support for a national energy market. We know there is strong support across the board from industry for this bill to be passed. However, we should flag the risk of the increased level of bureaucracy and with that the bogging down of situations that may need some quick solutions. We call for a better load-shedding arrangement, but, as Mr Barber points out, we will review this in due course.

Motion agreed to.

Read second time.

Third reading

Mr JENNINGS (Minister for Environment and Climate Change) — By leave, I move:

That the bill be now read a third time.

I thank members for their contributions to the debate.

Motion agreed to.

Read third time.

JUSTICE LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 7 May; motion of Mr JENNINGS (Minister for Environment and Climate Change).

Ms PENNICUIK (Southern Metropolitan) — We have before us the Justice Legislation Amendment Bill. I begin by saying it is something of an omnibus bill even though I would not have put it amongst the largest of our omnibus bills. However, it covers some quite unrelated matters. The problem with omnibus bills is that you might well be in favour of some of the provisions but you may not be so much in favour of or have queries about others. When they are bundled into the same package it makes things a bit difficult. I note that in 1996, the Premier, Mr Brumby, who was then the Leader of the Opposition, in speaking on the Parliament House Completion Authority Bill complained that that bill was:

... part of the trend to omnibus legislation, and although that has its place and can be effective in discharging the responsibilities of Parliament more efficiently and effectively, we must also be mindful of the need for proper parliamentary scrutiny.

This bill does a number of things. It extends the search warrant powers relating to a particular vehicle in a public place; it lifts prohibitions on advertising by interstate bookmakers or wagering service providers, as they are called; it relaxes some of the rules on advertising for wagering service providers; and it also repeals the sunset provisions of the Children's Koori Court division. As members can see, there are three unrelated provisions in the bill.

Clauses 3, 4 and 5 of the bill amend sections 92, 317 and 465 of the Crimes Act to extend existing search warrant powers for searching vehicles, in particular in public places, with regard to explosive substances.

Clause 5 extends the relevant powers to search to include a particular vehicle in a public place.

We asked some questions of the government's advisers regarding clause 6. Clause 6 of the bill amends section 81 of the Drugs, Poisons and Controlled Substances Act regarding searches under warrant and extends powers to cover a vehicle in a public place, enabling any member of the police force to execute the warrant rather than just the member named on the warrant.

I was concerned about this clause in the bill extending warrant provisions in that we have had a number of bills come into this house which extend search warrant provisions, and, while they may seem rather small and innocuous, members would remember that we were also very concerned about the extension to search warrant provisions under the Sheriff Bill — it does add up to incremental increases in the search warrant powers available to police.

I asked the government's advisers whether this particular clause maintained the current provision under the Drugs, Poisons and Controlled Substances Act that the original application for the warrant could only be made by a member of the police force of the rank of sergeant or above, and I was reassured that that is in fact the case. It also provides that a member other than the member who is named in the warrant may execute the warrant — that is, any member of the police force. I queried the government about that provision as well and was told that this mirrors provisions for warrants that are currently provided for in the Magistrates' Court Act, so again I am reasonably reassured regarding that provision as well. I asked the question as to why the provision was originally like that, and it seems the reasons have been lost somewhere in the mists of time.

Regarding the changes to the Gambling Regulation Act which are in the Justice Legislation Amendment Bill, the clause I have some concerns about is clause 41. Clause 41(3) will expand the provisions regarding what a wagering service provider may advertise. It seeks to replace what is currently under section 2.5.16(3) of the Gambling Regulation Act, which currently provides that:

A registered bookmaker who is authorised under Part 5 of Chapter 4 to accept bets on a particular betting contingency may advertise the odds the bookmaker is offering in respect of that betting contingency.

That is proposed to be replaced with a new provision which would say that:

A wagering service provider may advertise —

- (a) details that identify the wagering service provider as a wagering service provider;
- (b) details that specify how the wagering service provider can be contacted;
- (c) the services offered by the wagering service provider; and
- (d) the odds the wagering service provider is offering in respect of a particular betting contingency.

It could be said that part (d) is very similar to the existing part. Parts (a) and (b), relating to identification and contact details, could be said to be rather innocuous additions. However, proposed clause 41(3)(c) — the services offered by the wagering service provider — is a very broad statement and can pretty much allow the wagering service provider to include anything — any service or description of that service — that the wagering service provider may choose.

In the second-reading speech it was explained that the rationale behind the changes made here was that these changes to the provisions under the Gambling Regulation Act are to lift prohibitions on advertising by interstate bookmakers. This is done through various mechanisms, including by changing the definition of wagering service provider to include operators from within Victoria or elsewhere, and this is ostensibly in line with a 2008 High Court decision, *Betfair Pty Ltd and Anor v. Western Australia*. In the second-reading speech, that was the rationale given for this provision. The second-reading speech did not mention anything about broadening the range of things a wagering service provider may be able to advertise, and yet clause 41(3)(c) allows for, in my reading of it, a very broad definition of what a wagering service provider may advertise.

I had an email conversation about that with the government advisers, who drew my attention to part of the Gambling Regulation Act that already exists, which spells out that that particularly means whether it is a horse race, a greyhound race or some other sporting event. However, that is not what the clause says. Under a different part of the Gambling Regulation Act it specifies that, whereas here we have a broadening of the definition. We have just spent a long time in the previous week and in the weeks leading up to discussing that in relation to the Gambling Regulation Act, licensing and problem gambling. This may seem like an innocuous clause in terms of people who perhaps do not have a lot to do with gambling, but when it is looked at in the context of people who are problem gamblers and who are accessing this type of information, I do not believe this clause is tight enough.

I have prepared an amendment which I will move if the government speakers and the minister are unable to convince me that this phrase in clause 41(3)(c) limits what can be advertised by a wagering service provider and does not in fact give them *carte blanche*, which is what it could be read to mean.

The bill also repeals the sunset clause to allow the Koori Court to continue operating, which we support. I would like to say a few words about the Koori Court. If you look at the 'Youth central', website which talks about the Koori Court, it states that:

In recent years, there has been a significant drop in the rate of crime amongst Victorian indigenous offenders.

Since 2002, the level of repeat offending has reduced by over half and the source of this astonishing result is arguably the introduction of the Koori Court.

A collaborative effort of the Victorian government and a number of key indigenous representatives in the community, the Koori Court is argued to make justice more culturally accessible to Victorian indigenous offenders.

I take the opportunity to congratulate the government, particularly the Attorney-General, on the introduction of the Koori Court.

This website goes on to note that:

A two-year study conducted by Dr Mark Harris at La Trobe University Law School saw significant drops in the rate of reoffending amongst Koori offenders.

For the period of 2004, the Shepparton Koori Court reported a reoffending rate of 12.5 per cent, whilst the Broadmeadows Koori Court reported a rate of 15.5 per cent. This can be contrasted with the earlier overall reoffending rate of almost 30 per cent ...

There have also been reports that the introduction of — the Koori Court —

has also had an effect on community relationships.

The town of Warrnambool, which is the setting for the third regional Koori Court, has reported a significant improvement in relationships between indigenous people and the ... police.

We support the removal of that sunset clause to enable the Koori Court to continue. When we get to the committee stage I will be interested in what the minister has to say. I will also be listening intently to what the government speakers preceding him have to say about clause 41 in terms of what appears to be the broadening of the allowable matters that wagering service providers can advertise.

Ms MIKAKOS (Northern Metropolitan) — I am pleased to speak in support of the Justice Legislation Amendment Bill. The bill aims to introduce several

comprehensive amendments that cover a range of areas that seek to modernise and reform our legislation to reflect current practices.

The first part of the bill that I wish to touch upon relates to amendments to search warrant powers in a number of acts. The amendments will enable police to conduct searches of vehicles that are located in a public place, such as in a street or a public car park. The bill amends the following acts to provide for this power: the Crimes Act, the Drugs, Poisons and Controlled Substances Act, the Firearms Act, the Gambling Regulation Act, the Magistrates' Court Act, the Police Integrity Act, the Police Regulation Act, the Prostitution Control Act and the Surveillance Devices Act.

The existing search warrant powers under all these pieces of legislation are currently confined to searching places, premises or land specified in the warrant. It has become apparent that these powers are limited to a vehicle that may be specified as the object of the warrant when the vehicle is located in a public place. In effect the bill seeks to extend the search warrant powers in these different acts of Parliament to enable a specified vehicle to be searched under warrant at any public place where it is found.

This particular provision was a recommendation of the Victorian parliamentary Law Reform Committee in its 2005 final report on its inquiry into warrant powers and procedures. The powers contained in the bill in relation to search warrants are of course subject to the normal safeguards that apply to search warrants in that they must be issued by a court to enable the search to take place. The search warrant must specify and identify a specific vehicle. It does not apply to any vehicle that happens to be located in a public place. The search warrant needs to relate to an investigation of a relevant criminal offence. Normal safeguards that would apply to the extension of these search powers would apply to any search warrant. I am grateful for the fact that the department has clearly provided Ms Pennicuik with a range of advice about these issues that appears to have satisfied her concerns about the operation of these new provisions.

Another aspect I want to touch upon quickly relates to part 4 of the bill, which removes the current restrictions on advertising in Victoria by wagering service providers located in other jurisdictions. It introduces appropriate advertising standards. Members might be aware that this whole issue has come about as a result of a national competition policy review of racing and betting legislation conducted in 1998 that recommended Victoria remove its prohibition on advertising by non-Victorian registered bookmakers.

The Victorian government agreed in principle to lift its restrictions; however, it declined to do so in the absence of similar regulatory reform in other jurisdictions. We got to the point in October 2008 where the Victorian and New South Wales governments jointly announced their intention to legislate to remove the current restrictions on advertising by bookmakers licensed in other Australian jurisdictions. Similarly a recent decision by the High Court has also highlighted the need for legislative action in this area to ensure that the Victorian legislation does not unreasonably discriminate against wagering service providers located in other states and territories of the commonwealth.

Part 4 of the bill seeks to amend the Gambling Regulation Act to remove the current restrictions on advertising in Victoria by wagering service providers located in other Australian jurisdictions. It will introduce appropriate advertising standards in relation to gambling advertising by wagering service providers and also require the holder of a Victorian bookmaker registration to have a responsible gambling code of conduct approved by the Victorian Commission of Gambling Regulation.

The final aspect of the bill that I want to speak about and indicate my strong support for relates to the Koori Court of the Children's Court. The Koori Court (Criminal Division) was established in Melbourne's Children's Court in October 2005 initially as a pilot program which was to conclude on 1 July of this year, thereby setting up a sunset clause.

The bill repeals the sunset clause to enable the ongoing operation of the highly successful Children's Koori Court in the future. I am very supportive of this step because I have had some dealings with the Children's Koori Court in the past in my role as the previous chair of the Aboriginal Justice Forum. I was very pleased to visit Mildura in September 2007 when the second Children's Koori Court opened. I recall that I was very moved by the huge support that was shown by the local indigenous community members who were present at that Children's Koori Court opening. It has been pleasing to see the Koori courts, both children's and adult courts, roll out across Victoria in the last few years driven by our Attorney-General, Rob Hulls, who has been very passionate in his commitment to reducing the overrepresentation of indigenous people in our criminal justice system.

The reason that the Koori court program has been such a success in reducing recidivism rates is that it is seen as an initiative that was driven by the Koori community itself. It was something that the community asked for as part of our partnership approach under the Victorian

Aboriginal justice agreement. The court is very inclusive in nature and in how it operates. It seeks to engage with young indigenous offenders by having them participate in a court that involves Koori elders and respected persons. The way the court operates is less formal and therefore less frightening to young people who may not have had any involvement with the criminal justice system before. It is also a program and a court that links into Koori-specific services and programs through the Koori workers attached to the court and the referral and ongoing work that is done with the offender as part of the rehabilitation process. All these things are proving to be a great success in terms of having fewer repeat offenders, which of course is something that we all want to see, in that we want to see young offenders put their past negative behaviour behind them and participate in the community in a positive manner.

The sunset clause which was extended back in 2007 is set to expire on 1 July. The repeal of this provision will enable the continued operation of the Children's Koori Court on an ongoing basis. I know this is strongly supported by the Aboriginal Justice Forum and by Judge Paul Grant, the president of the Children's Court.

I want to put on record my congratulations to the presiding magistrates who have been involved in the operation of the Children's Koori Court and also all the indigenous workers and the elders and respected persons who have helped to make these courts the success they are today.

I certainly hope that I will be able to come into this Parliament in the future and remark upon the significant decline in the involvement of indigenous people in our criminal justice system. I know that the levels of involvement are still unacceptably high, but the government has a very strong commitment to continue working to address this issue. Together in partnership with the Aboriginal community in Victoria, I am certain that we can have some success in this area. With those words, I commend the bill to the house.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to make a few remarks on the Justice Legislation Amendment Bill which, as Ms Pennicuik said, is an omnibus bill covering a very wide range of justice-related matters.

The first key provision of the bill relates to amending the search warrant powers for searching vehicles to enable a specified vehicle in a public place to be searched under a search warrant. That requires amendments to the Crimes Act, the Drugs, Poisons and Controlled Substances Act, the Firearms Act, the

Gambling Regulation Act, the Police Integrity Act, the Police Regulation Act, the Prostitution Control Act and the Surveillance Devices Act 1999. The bill also makes other amendments to the Drugs, Poisons and Controlled Substances Act with respect to search warrant powers to empower any police member to execute a warrant issued under that act instead of just the member specified in the warrant. So it broadens the pool of officers who will be able to execute a warrant pursuant to the Drugs, Poisons and Controlled Substances Act.

The bill makes changes to the reporting time frame for the Chief Commissioner of Police to present a report to Parliament under the Terrorism (Community Protection) Act where covert search powers have been used.

The bill repeals the sunset provisions in respect of the Children's Koori Court (Criminal Division). We have seen the expansion of the Koori Court over a number of years now in Victoria. It was set up originally as a pilot, from memory in the Magistrates Court. That sunset was subsequently removed, and the jurisdiction of the Koori Court has been expanded into other jurisdictions since then. This is the latest removal of a sunset provision in order to make the Children's Koori Court an ongoing Koori Court.

The bill makes a number of amendments in respect of gambling by amending the Gambling Regulation Act. One of these amendments removes the existing restriction on, and introduces guidelines for, the advertising of wagering services. The coalition parties note that this advertising has already been occurring. Victorian legislation is basically catching up with what has been the practice for a not-inconsiderable period. The provisions of the Gambling Regulation Act that dealt with advertising of wagering services that were based interstate were unenforceable. Rather than attempt to enforce the existing law, it seems to have been easier for the government to change the law and allow for the advertising of interstate wagering services.

It will be a requirement for the holder of a Victorian bookmakers licence at the point of registration to produce a responsible gambling code of conduct, which is consistent with the requirements for a lot of other types of gaming operators in the state. They are required to have a range of responsible gambling codes, and that requirement is being extended to bookmakers.

The bill also introduces a prohibition on the offering of an inducement to open a betting account. We note that this is a limited provision, because while it applies to the opening of a betting account, it does not apply to the operation of a betting account. This legislation will

therefore prohibit the offering of an inducement for opening an account, but it will not prohibit the offering of an inducement for the use of an account. It seems to the coalition that it is an anomaly in the legislation that it will apply only to the opening rather than to the ongoing operation of such an account. Clearly there will be scope for inducements to be offered to people to use their betting accounts, once opened.

We also have concerns about the way in which 'vehicle' has been defined in respect of the first provision of the bill, which expands search warrant powers to search vehicles. We note that the definition of 'vehicle' is different in a number of acts. Some include references to caravans and trailers, while others do not. There is no apparent reason for the inconsistent manner in which 'vehicle' is defined across the relevant acts that are being amended.

We also have concerns about the definition of 'wagering service provider'. It would appear from the definition in the bill that it could include a professional punter, which presumably is not the intention of the legislation. Nonetheless, the definition appears to be sufficiently broad to include professional punters.

We note that although the bill will require Victorian bookmakers to introduce a responsible gambling code of conduct and make it available to their customers, this will not apply to interstate bookmaking operators. Given that advertising restrictions will be lifted, we will in effect have different requirements on bookmakers operating in Victoria depending upon whether they are based interstate or in Victoria. One group will have responsible gambling codes, and the other will not.

We also have some concerns about the effectiveness of restrictions on advertising, along with other forms of entertainment, if you like, that is sexually explicit or that links gambling with alcohol, and how they will operate.

While the coalition will not oppose this legislation, it notes that there are some weaknesses in the framework it establishes, particularly in respect of the gambling amendments it introduces. We believe there are a number of matters across the bill that need to be addressed and tidied up. While we accept the intent of the government, in many respects the bill is a sloppy piece of legislation and there are a number of loopholes and inconsistencies that will need to be addressed.

Mr TEE (Eastern Metropolitan) — I will briefly refer to an issue that Ms Pennicuik raised in relation to the impact, effect or scope of clause 41(3) of the bill. This clause deals with the exception that is provided for

bookmakers or wagering service providers, as they are defined in the bill. It deals with the scope of the advertising that is allowed for bookmakers. The issue that Ms Pennicuik raised was whether this was really an extension of the current arrangements or practices in terms of the advertising that bookmakers can undertake. The answer is that this provision is very much consistent with the existing provisions as they apply to Victorian bookmakers. The provision is an extension of the existing practice and legal arrangements from registered Victorian bookmakers to interstate bookmakers. It expands current practice from Victorian bookmakers to Australian bookmakers.

It is worth considering the application of clause 41 and the way that that provision will work. Clause 41 provides a very limited capacity for wagering service providers or bookmakers to let people know the services they provide. It is framed in the context of clause 49, which has already been mentioned in the debate as putting some restrictions on what can be advertised and how matters can be advertised. Clause 49 deals with the appropriate advertising standards required, and clause 41 needs to be read in the context of that provision. Clause 41 limits any advertising so that it does not encourage a breach of the act. It prohibits the depiction of children wagering or being involved in any other form of gambling, and so it restricts the advertising in that sense. It prohibits any suggestion that winning will be a definite outcome or that participation in betting activities is likely to improve a person's financial prospects. It also prohibits the promotion of the consumption of alcohol and prohibits any advertising which is in any way offensive.

The prohibitions are seen in clause 49, and clause 41 provides for the exceptions. It provides for a limited capacity for the bookmaker or the wagering service provider to inform the public about the services they provide. That information is limited to the fact that the bookmaker is in fact a bookmaker, to how the bookmaker can be contacted and, in subclause 41(3)(c), to the services offered by that bookmaker. That clause is limited to information about whether or not the services relate to sport, be it tennis, football, dogs or harness or thoroughbred racing. The clause is very much limited to the service in that context. It is limited to the services offered as a wagering service provider, and it is read in the context of the first sentence in that clause — so it is limited to a factual description. If that clause was not there, the wagering service provider would be in the difficult position of not being able to inform the public as to which activity the bookmaker was involved in — whether it be racing, football or any other activity. Without that clause, without that alternative and without that differentiation, the clause

would not make much sense; it is an important ingredient.

The other wagering information that may be advertised is the odds being offered by the bookmaker. It is a very limited clause; it is very much limited in terms of its scope and its application, and it is very much consistent with the rest of the bill.

The other area that I briefly want to touch on is the issue of Koori courts and the repeal of the sunset provision in relation to the application of Koori courts. The Koori courts have proven to be an important initiative as we try to address the overrepresentation of the Koori community in our jails. We know that the Koori population represents 0.5 or 0.6 per cent of the population in Victoria, and yet they comprise 12 per cent of our adult prison population. Victoria has a great record of reducing imprisonment, but we need to do more in terms of the Koori population, and the Koori courts have proven to be a valuable tool for reaching out to Koori community members and providing them with a culturally appropriate court in which the member of the Koori community is held accountable not only to Victorian law but to their community and their elders. It has been a very effective tool in turning around the disastrous rate of Koori imprisonment in Victoria. With those words I urge the house to support the bill.

Mr KAVANAGH (Western Victoria) — I rise to make some comments on the Justice Legislation Amendment Bill, but I will confine my remarks to particular aspects of the bill — mostly the abolition of the sunset clause on the Koori Court. I rise to comment on that, because in my view a racially based court is wrong in principle.

In our culture for over thousands of years we have been struggling towards equality. For example, that has been expressed in the United States Bill of Rights, in which Thomas Jefferson wrote that all men are created equal. Thomas Jefferson was a slave owner himself, and the comment literally only applied to men. Nevertheless, he expressed an important ideal — equality before the law. That is what he meant by equality. He was not saying people were equally good looking, equally intelligent or of equal moral value but that they deserved to be treated equally before the law.

We have heard some comments tonight, and I have heard from other people, about the fact that the Koori Court has achieved some things — principally a reduction in recidivism. That is a very good and desirable outcome. I would like to say first that although I guess most people would regard me as a social conservative, one aspect of conservative opinion

that has never appealed to me is the desire to see people in jail. It is not in our interests, and it is really not in the interests of the imprisoned person to be in jail either.

It is not a desirable thing to put lots of people in jail; indeed, it is a much more desirable thing that people are not in jail, wherever possible. Every defendant, regardless of their race, deserves sentencing to begin from that proposition: that only in the worst cases should a convicted person be sentenced to jail. Wherever possible, a judge or a court should look for reasons not to send them to jail, and that applies whether the prisoner is black, white, yellow or brown. If there are good things about the Koori Court, and apparently there are, then it seems to me that what we should do is use those desirable aspects of the Koori Court and incorporate them into our legal system generally.

One feature of the Koori Court, from what I have heard, is that there is an extraordinary rate of resourcing through the Koori courts. Although magistrates courts might hear 50 or 60 cases a day on average, Koori courts normally consider about 6 to 12. It would be desirable, because of the danger of people — young people especially — getting into a life of crime, for resources to be put into deterring them from a life of crime so that they do not pursue that lifestyle. If it requires much longer hearings and more resources for court cases, then that should apply regardless of the race of the defendant.

I am concerned that in the future Australians will regard what we are doing now in establishing racially based courts as a mistake. They might well regard it as a mistake, especially when there are growing demands for courts for particular religions. I am confident demands for such courts will increase, as will demands for courts for other races and ethnic groups.

I would like some amendments to be circulated in my name, if possible, without my actually moving them at the present time. The amendments are all directed towards removing the abolition of the sunset clause in the bill.

Democratic Labor Party amendments circulated by Mr KAVANAGH (Western Victoria) pursuant to standing orders.

Motion agreed to.

Read second time.

Committed.

*Committee***Clause 1**

Mr KAVANAGH (Western Victoria) — I move:

1. Clause 1, lines 21 to 24, omit all words and expressions on these lines.

This amendment would have the effect of abolishing the removal of the sunset clause and, therefore, the discontinuation of the Koori Court, which I regard as improper in principle as a racially based court.

Hon. J. M. MADDEN (Minister for Planning) — I recognise that Mr Kavanagh is eager to delete the sunset clause, but sunset clauses are used in many bills, certainly in amendment bills, to put a time frame on reform and also to ensure that prior to the sunsetting there is consideration or a review — if not a formal review an informal consideration or review — of whether or not what has been sought has been achieved. It is in many ways a prompt to ensure that the matter is given thorough and full consideration in order for it to be renewed, re-established, recommenced or even adjusted in the future. I recognise that Mr Kavanagh is keen to have that sunset clause omitted, but we believe it is an appropriate mechanism going into the future.

Mr KAVANAGH (Western Victoria) — If the minister feels that the courts are incapable of dealing with full sympathy and understanding with indigenous offenders after they are convicted, which other ethnic, religious or racial groups does he feel that the courts are also incapable of dealing with with proper and due understanding? Therefore which racial courts are we going to see in the future?

Hon. J. M. MADDEN (Minister for Planning) — I ask Mr Kavanagh to repeat the question, as there were a couple of words I did not quite pick up. It was not completely clear.

Mr KAVANAGH (Western Victoria) — I was asking the minister, if the government feels that our courts are incapable of giving due and proper sympathy or consideration to indigenous offenders after they are convicted, which other racial groups, ethnic groups or religious groups are our courts incapable of dealing with, with a proper level of understanding and sympathy? Therefore which new courts are we going to see in the future to deal with particular racial, religious or ethnic groups?

Hon. J. M. MADDEN (Minister for Planning) — I just want to clear up the question: did Mr Kavanagh say ‘incapable’?

The DEPUTY PRESIDENT — Order! The essence of the question is that the government is making an exception for indigenous people on the basis of a particular need for sensitivity towards their needs. Mr Kavanagh’s question is: are there any other groups in the community that are likely to require that same sort of sensitivity in the future and different treatment in terms of the court processes?

Hon. J. M. MADDEN (Minister for Planning) — Thank you, Chair. That is how I understood the question; I was just not sure it was clearly expressed at the time.

The DEPUTY PRESIDENT — Order! We both understood it, so it must have been.

Hon. J. M. MADDEN (Minister for Planning) — The advice I have just received is that basically members of the Koori community are 12 times more likely to be incarcerated than those of any other group in the community. I understand there are other groups, although I am not sure who they are, whose members might be four times more likely to be incarcerated than the average. There is a significant difference between members of the Koori community and other demographic or cultural groups that might be seen as more likely to be incarcerated. On that basis, at this point in time the focus is on the Koori community. Because of the dramatic contrast in terms of incarceration, it is anticipated that in the future the focus will still be on the Koori community. At this point in time it is not considered that we would need to immediately or even in the short term give consideration to other cultural groups. That is not to say that if indicators or figures change, that might not be the case. It is not to rule it out in perpetuity.

Ms PENNICUIK (Southern Metropolitan) — I wanted to ask a question on a different part of clause 1, which is clause 1(c)(i). Given that in my view a clause that appears later in the bill, clause 41, broadens what wagering service providers can advertise, in what way does the government say that under clause 1(c)(i) the Gambling Regulation Act has been amended to provide for further restrictions and exemptions in relation to gambling advertising?

Hon. J. M. MADDEN (Minister for Planning) — I get the gist of Ms Pennicuik’s question, but could she just make it a bit shorter? It is a long question, and I am not sure which bit of it she wants me to focus my answer on.

Ms PENNICUIK (Southern Metropolitan) — I want the minister to outline for the committee in broad

terms how he considers this bill further restricts advertising in terms of gambling.

Hon. J. M. MADDEN (Minister for Planning) — I hate to come back with other questions, but is Ms Pennicuik saying ‘restricts’ or ‘further restricts’, in contrast to the status quo?

Ms PENNICUIK (Southern Metropolitan) — I am reading from the clause, which says:

... to provide for further restrictions and exemptions in relation to gambling advertising ...

I am asking the minister to explain to the committee how the bill does that, because I consider that in certain parts the bill relaxes the restrictions.

Hon. J. M. MADDEN (Minister for Planning) — I think this was highlighted in the debate. Ms Pennicuik needs to go to clause 49, which needs to be read in conjunction with clause 41. Clause 41 might seem to provide liberty to wagering service providers in how they might provide information to the public, but it should be considered in light of clause 49. Clause 49 is far more prescriptive in terms of what cannot be done. It does not leave it open to interpretation; it is fairly prescriptive, whether it is in subsections (a), (b), (c), (d), (e) or even (f). While (f) is a somewhat obscure description, each is fairly prescriptive as to what is unacceptable. We have in a sense prescribed, in clause 49, what is unacceptable and indicated, in clause 41, the limited scope of what is acceptable.

Basically clause 41 provides that that is just the immediate details of the service provider, the service they are providing and the odds. It is not much more than that. It is the most minimal amount of information that a service provider can provide in any public way. Whereas any advertising campaign or advertising material we might see in relation to any sort of commercial product out there in the market uses a fair bit of poetic licence, I suppose, clause 49 certainly negates the ability to use any poetic licence that might be seen as marketing or trying to make the product attractive over and above what is just the immediate service.

Ms PENNICUIK (Southern Metropolitan) — Is the minister telling me that the government is relying basically on clause 49 in terms of its claim that this bill further restricts gambling advertising?

Hon. J. M. MADDEN (Minister for Planning) — I am informed that basically clause 49 informs the extent of the restrictions, and of course the exemptions are in clause 41, and they are the minimal or most basic

information that the service provider is able to provide or in a sense publish or advertise.

Ms PENNICUIK (Southern Metropolitan) — Would the minister agree that clause 49 is about standards, not services?

Hon. J. M. MADDEN (Minister for Planning) — I am not quite sure of the response Ms Pennicuik wants. It is not for me to form a specific opinion or to give an interpretation of legislation. I am happy to provide Ms Pennicuik with the technical advice, but I ask her not to ask me for my personal view. If Ms Pennicuik wants information in relation to the technical interpretation of the clause, I am happy to provide it to her, but let us not get into value judgements about what I think the bill is about. Ms Pennicuik should be asking what the bill says or does not say.

Ms PENNICUIK (Southern Metropolitan) — I thank the minister for his answer. I will rephrase the question: is it the government’s view that clause 49 is about standards that apply when a wagering service provider advertises its services? So clause 49 would be about the standards that apply to that advertising. What is the government’s view on that?

Hon. J. M. MADDEN (Minister for Planning) — I ask Ms Pennicuik to try to condense the question, because it is not clear. I am trying to give her a clear answer.

Ms PENNICUIK (Southern Metropolitan) — Clause 41 talks about broadening the services that can be advertised and clause 49 talks about standards — that is, advertising must not involve children or imply that people are always going to win. They are standards, not services. I am asking for the government’s view on the relationship between those clauses.

Hon. J. M. MADDEN (Minister for Planning) — I am not trying to make Ms Pennicuik’s life difficult, but I am still not sure what she is getting at. I am trying to provide her with an answer, but I am not sure what she is getting at with the question.

The DEPUTY PRESIDENT — Order! The minister is making my life difficult, because the question is fairly clear. He has drawn a parallel between clause 49 and clause 41, and clause 41 talks about services provided. Clause 49, as Ms Pennicuik describes it — and I agree with her description — is about standards of advertising. In other words, children cannot be used in advertising and it cannot be suggested that people are automatically going to be winners. That is about standards of advertising, not about services.

The minister has drawn a parallel between the clauses, and Ms Pennicuik wants to understand how clause 49 applies to the services and not just the standards.

Hon. J. M. MADDEN (Minister for Planning) — Thank you, Chair, for providing clarity around — —

The DEPUTY PRESIDENT — Order!
Ms Pennicuik was fairly clear as well.

Hon. J. M. MADDEN (Minister for Planning) — I am not entirely sure it was phrased in a clear way, even though I now understand what Ms Pennicuik was seeking from me. Clause 41 is about the minimum amount of information. Clause 49 is about standards, but it is also about the marketing licence that one is not entitled to use and what one cannot do. It is about standards, but it also gives prescription between the two. Under clause 41 you are allowed to provide basic information about the service, while clause 49 provides that information cannot be extended over and above the basic information in any form of marketing. That gives clarity around the format of how the information in clause 41 can be provided; it cannot be elaborated on any further than provided for in clause 49. In many ways clause 41 provides clarity, and clause 49 basically reinforces that so that there is no ability to extend it, elaborate on it or use any poetic licence or exaggeration in any sense or form over what is provided for in clause 41.

Ms PENNICUIK (Southern Metropolitan) — I think I heard the minister say that clause 41 outlines the services that a wagering service provider can advertise and clause 49 applies standards as to how they can do that, so I understand that clause 49 does not provide a restriction in relation to gambling advertising in terms of the number or type of services, it only restricts how they can be advertised and in what way.

Hon. J. M. MADDEN (Minister for Planning) — Yes, in the sense that clause 41 is about the information and clause 49 is about the packaging of that information in terms of imagery, photographs and presentation. It is very much around that.

The DEPUTY PRESIDENT — Order!
Mr Kavanagh has moved his amendment 1. It is my view that it is a test for his amendments 2 to 8.

Committee divided on amendment:

Ayes, 1

Kavanagh, Mr (*Teller*)
(Assistant Clerk and Usher of the Black Rod appointed as second teller)

Noes, 39

Atkinson, Mr	Lenders, Mr
Barber, Mr	Lovell, Ms
Broad, Ms	Madden, Mr
Coote, Mrs	Mikakos, Ms (<i>Teller</i>)
Dalla-Riva, Mr	O'Donohue, Mr
Darveniza, Ms	Pakula, Mr
Davis, Mr D.	Pennicuik, Ms
Davis, Mr P.	Petrovich, Mrs
Drum, Mr	Peulich, Mrs
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Rich-Phillips, Mr
Finn, Mr	Scheffer, Mr
Guy, Mr	Smith, Mr
Hall, Mr	Somyurek, Mr
Hartland, Ms	Tee, Mr
Huppert, Ms	Theophanous, Mr
Jennings, Mr	Tierney, Ms
Koch, Mr	Viney, Mr
Kronberg, Mrs	Vogels, Mr (<i>Teller</i>)
Leane, Mr	

Amendment negatived.

Clause agreed to; clauses 2 to 40 agreed to.

Clause 41

Ms PENNICUIK (Southern Metropolitan) — Clause 41(3) replaces section 2.5.16(3) of the Gambling Regulation Act. That subsection in the current act says:

A registered bookmaker who is authorised under part 5 of chapter 4 to accept bets on a particular betting contingency may advertise the odds the bookmaker is offering in respect of that betting contingency.

I put it to the minister that clause 41(3)(d) would mirror the existing clause in the Gambling Regulation Act.

Hon. J. M. MADDEN (Minister for Planning) — I am advised that these clauses just bring us into line with other jurisdictions, particularly New South Wales, so in a sense the intent is to bring us into line with or to complement what exists in other jurisdictions.

Ms PENNICUIK (Southern Metropolitan) — That is a little disturbing to hear, because the second-reading speech outlines the rationale for this clause as being that it would bring us into line with the High Court decision, known as the Betfair decision. It concerns me that this clause broadens what a wagering service provider may advertise. In my view clause 41(3)(d) replaces what was originally in the Gambling Regulation Act. Paragraphs (a) and (b) add small changes in terms of contacts, but paragraph (c) states:

(c) the services offered by the wagering service provider ...

That is very broad. I want to know how the government, once this clause becomes law, could prevent a wagering service provider from advertising

other services such as payment options, the hours they are open or any number of different services apart from the odds in respect of a particular betting contingency. How could that be prevented?

Hon. J. M. MADDEN (Minister for Planning) — I am informed that (c) basically is about the services offered and — —

Business interrupted pursuant to standing orders.

SUPERANNUATION LEGISLATION AMENDMENT BILL

Introduction and first reading

Received from Assembly.

Read first time for Mr LENDERS (Treasurer) on motion of Hon. J. M. Madden.

ADJOURNMENT

The DEPUTY PRESIDENT — Order! The question is:

That the house do now adjourn.

Swine flu: control

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Tourism and Major Events relating to the impact of the swine flu epidemic on Victoria's international reputation. This is an issue which is becoming of increasing concern to us here in Victoria. This morning I received an email from one of the foreign consulates based in Sydney. The officer from that consulate had sent an email indicating that they had deferred all travel to Victoria as a consequence of the swine flu outbreak. This is a serious concern to the Victorian people and the Victorian economy when a foreign diplomat based in Sydney is deferring travel to Melbourne because of supposed concerns about swine flu.

One need only look at some of the international media, online media, online newspapers and blog sites, not to mention the travel advice that has been issued by the Singaporean government to avoid non-essential travel to Victoria, to understand that this is now a significant issue that will be impacting on visitation to Victoria from both interstate and international destinations. I had a look at the 'Visit Victoria' website run by Tourism Victoria, and on its international website there is very limited reference to the swine flu situation in Victoria.

What little information there is is very out of date. There is nothing to indicate to potential visitors to this state that it is safe to travel to Victoria.

I call on the Minister for Tourism and Major Events to immediately initiate action, either through a campaign or through some other form of publicity in our key tourism markets, both interstate and international, to reassure visitors to Victoria that Victoria remains a safe destination to travel to. Clearly, based on the way this issue has been received interstate and internationally, there is a real risk that Victoria's tourism operators will be harmed by the unreasonable perceived concerns about swine flu in this state. The tourism minister needs to act immediately to ensure that this damage is averted.

Fluorescent lamps: disposal

Mr ELASMAR (Northern Metropolitan) — I raise an issue for the attention of the Minister for Environment and Climate Change. The action I seek is that the minister provide information to the public to dispel myths regarding mercury and the safety of compact fluorescent lamps. On 11 March 2008 the Minister for Environment and Climate Change addressed the house about the recycling of fluorescent lamps. He had just officially opened Australia's first Environment Protection Authority licensed recycling facility for compact fluorescent lights at Campbellfield, just north-west of my electorate.

The principal purpose of the facility is to recover the small amounts of mercury contained in fluorescent lamps, but what if the lamp is broken before it can be recycled? There have been reports published online and which are circulating via email that if a compact fluorescent lamp is broken in the home, it is necessary to bring in an expensive environmental crew to remove the mercury released. Modern compact fluorescent lamps (CFLs) contain an average of 4 milligrams of mercury. By comparison, older style fluorescent tubes have something of the order of 20 milligrams to 70 milligrams of mercury in them while many thermometers contain about 500 milligrams of mercury.

The amount of mercury in CFLs is being reduced, with the mercury content now as low as 1.5 milligrams per lamp. My understanding is that this level of mercury would be unlikely to result in any harm if the lamp was broken. I call upon the Minister for Environment and Climate Change to reassure the public that CFLs are not an environmental hazard and to explain the safest way to dispose of CFLs and how to clean up if one is accidentally broken.

Environment: St Helena development

Mrs KRONBERG (Eastern Metropolitan) — My matter is directed to the Minister for Environment and Climate Change. It concerns the development site known as 1 Evelyn Way, St Helena. The land was previously used as a quarry and as a piggery. During the 1970s one of quarries was contaminated with a host of wastes that were regarded as having been illegally dumped. The site was headline news in May 2007 when soil testing in the part of the development allotment now known as lot B, in the south-west, unearthed a malodorous cocktail of toxic substances. The act of uncovering this toxic mix had an immediate and deleterious impact on people working on and living in the vicinity of the test site.

After an environmental audit was completed in February 2008 on lot A in the northern part of the development site, it was deemed suitable for the proposed residential land use. A second environmental audit was due for completion by mid-2009. We are in the middle of 2009, and there is no sign of the report of that audit.

No development can take place until the audit findings are known. Remediation plans are required. Such plans would obviously be expected to include ensuring the safety of any prospective residents living adjacent to lot B of the development site, no matter what use is deemed fit for lot B, and indeed guaranteeing that no contamination by way of leachates, which are likely to contain heavy metals, hydrocarbons and other forms of toxic and/or malodorous emissions, would affect the existing neighbourhood that abuts the development site.

Many people are anxious to know what lies ahead at 1 Evelyn Way, so I ask that the minister ensure that a copy of the audit report is released immediately and is made available to this house or that he advise on the expected date of completion of the audit if it is not yet available and give a full account of the reasons for any delay or inability to release the audit findings.

Sport: drug use

Ms DARVENIZA (Northern Victoria) — I wish to raise a matter for the attention of the Minister for Sport, Recreation and Youth Affairs, James Merlino. The matter concerns the use of performance-enhancing drugs particularly by young males who might be involved in athletics, a sports team or club or a gym culture where building your body with the assistance of drugs might be considered acceptable.

I am not trying to suggest here that every person who is interested in lifting heavy weights at a gym is interested in taking performance-enhancing drugs or even drugs that might lead to what they think is image enhancing. But we do know that sports participants of all ages and abilities, including those who are involved in elite or professional athletics, can be vulnerable to the temptation of performance-enhancing as well as image-enhancing drugs. It is particularly important that these young people are educated about and know about the dangers of drugs that can be used in this way. What we need to do is create an anti-drug culture by educating them. We can do this by providing information for athletes, parents, coaches, teachers and sports clubs on the dangers of drug use while at the same time promoting healthy alternatives for enhancing sports performance. It is particularly important that we encourage people to use healthy alternatives.

I know the minister recently launched a new website called CleanEdge, which is aimed at young people and addresses the dangers of performance-enhancing drugs, and I want to congratulate him on that initiative. However, my specific request to the minister is that he and his department get this very important information and message out to young people, particularly young males, in rural and regional Victoria. I ask that this important information, which is vital to the health and wellbeing of young people living in rural and regional Victoria, be actively promoted to coaches and in all sports clubs and gyms throughout Victoria, particularly in my electorate of Northern Victoria Region and throughout rural and regional Victoria.

Regional and rural Victoria: health professionals

Mrs PETROVICH (Northern Victoria) — My adjournment matter tonight is for the Minister for Health. It concerns the hiring of paramedics at the Kyneton hospital because the Victorian health system has failed to provide adequate doctors in rural and regional Victoria.

If this government ever decided to look beyond the boundaries of Melbourne, it would see that the ambulance service is in crisis, with little or no support for our overworked, overstressed paramedics. Paramedics are operating emergency departments, and that takes the paramedics out of the system. They are unable to do the job they are paid to do; instead they are covering for a failing health-care system. Already the average waiting time for an ambulance is unacceptable and dangerous, through no fault of the service. The fact is there are not enough paramedics in Victoria and, in particular in country Victoria.

So what does this government do? Does it fix the system? Does it strive to provide better services to regional Victoria? No, it moves the goal posts. It does nothing to address the doctor shortages, particularly in northern Victoria. The benchmark for response times is no longer 10 minutes but has blown out to 15 minutes, and now in most instances even this is not being met. In fact if you have an accident or a health crisis, you had better hope you are not in country Victoria, where 1 in every 10 emergency cases has a waiting time of 25 minutes or longer.

Ms Lovell interjected.

Mrs PETROVICH — It is a shame, Ms Lovell. According to one paramedic:

The fatigue in this job is cumulative. You never really leave work and you don't sleep properly. It builds up and then it hits you.

The service is understaffed across the state, but particularly in country areas. We're working long hours and coming in on our days off.

The levels of paramedic fatigue are a scandal.

This is unfair to these officers in the country.

For the first time in 36 years we are facing industrial action by ambulance officers, who currently have the dubious honour of working under the worst conditions of any paramedics in Australia. Yet country hospitals are willing to give a paramedic who earns around \$25 an hour the responsibility of caring for any patients who may present at their emergency departments. There seems to be a huge mismatch between pay and responsibilities. There is also a huge mismatch in supply and demand of medical professionals in country Victoria.

The action I seek of the minister is: can he come clean and, as a matter of transparency and honesty, provide accurate — not fudged — details of how many emergency departments in country Victoria are being propped up by paramedics rather than doctors?

The DEPUTY PRESIDENT — Order! I will allow the matter on the basis that the member asked for figures, but I think it is important to understand that in the adjournment debate questions should not be mixed up with the political adjectives, if you like. The meshing of some of the conjecture with the actual request I think was probably unfortunate and not helpful, but I will let it stand.

Bendigo Secondary College: redevelopment

Ms LOVELL (Northern Victoria) — The issue I raise for the attention of the Minister for Education is the Labor government's broken promises with regard to the redevelopment of Bendigo Senior Secondary College. My request is that the minister immediately honour past commitments for funding and advise the Bendigo community of time lines and any other plans the government has, including any possible relocation of the Bendigo Senior Secondary College campus.

Bendigo Senior Secondary College is the largest provider of the Victorian certificate of education, vocational education and training and the Victorian certificate of applied learning in Victoria. As the only public provider of senior secondary level education in Bendigo, Bendigo Senior Secondary College services a student population of around 1800 students. Principal Dale Pearce and his staff are dedicated to delivering a high level of education but are doing so under very difficult circumstances due to a decade of neglect by Labor to invest in the school's ageing infrastructure.

The school is part of the Rosalind Park education precinct, and amongst its buildings are some of the oldest buildings in Bendigo, including the former Supreme Court, which was built in the 1850s, and G block, which was built in 1913. Unfortunately the school also has 25 portable classrooms, some of which date back to the 1950s. The school also has amongst its buildings a building known as E block, which is one of the best arts and technical wings I have ever seen. E block was built during the 1990s by the Kennett government.

Nine years ago, in its first term of government, the Bracks government promised \$1.5 million to get rid of the school's 25 portables. Nine years later and with the government more than halfway through its third term, the school is still waiting for this funding.

In 2005, when the neighbouring Bendigo jail was decommissioned, the government promised \$4 million to allow the school to expand into the exercise yard and some of the more modern buildings in the jail. Four years on and two master plans later the school is still waiting. The master plan sits in a cupboard, and the jail has not even been transferred to the education department.

The community has a right to question why the two local Labor members in the other place, the Minister for Regional and Rural Development, Jacinta Allan, and the Minister for Police and Emergency Services, Bob Cameron, have not done anything to assure the

promised funding is delivered to Bendigo Senior Secondary College. The community is also aware that Bob Cameron and Jacinta Allan have recently had their hands full facilitating the closure of one junior secondary college and three primary schools in Bendigo.

The Bendigo community has been very patient, but that patience is fast running out. Speculation is also mounting in the community that the government is planning to move Bendigo Senior Secondary College from its historic location to a greenfield site. If this is true, the government must consult the school and the community before making any decisions. Bendigo senior students deserve better facilities to assist with their learning. The Bendigo community deserves an answer now. So far there have been two broken promises for funding from this government, and another election-year announcement will be seen as just more empty rhetoric from this do-nothing government.

I request the minister to immediately honour his past commitments for funding and advise the Bendigo community of the time lines and any other plans that the government has, including for any possible relocation of the Bendigo Senior Secondary College campus.

Crime: western Victoria

Mr KOCH (Western Victoria) — My matter is for the Minister for Police and Emergency Services and concerns the escalating violence and crime which has become entrenched throughout western Victoria, particularly around Geelong, the Surf Coast and further out to Hamilton. Despite rising crime, the Labor government has continually failed to invest in policing in these parts of the state. The 2009 state budget shows no signs of relieving a system suffering from years of accumulated stress and will not deliver one extra on-the-beat policeman or policewoman.

Recently released crime figures reveal that for the 12 months to March 2009 assaults in these three regions increasing dramatically: Geelong recorded a 12.7 per cent increase and the Surf Coast a 10.5 per cent increase. Hamilton was the most dramatically hit by violence with a 20 per cent increase in the number of assaults. An increase in violent assault numbers speaks louder than words and spin. This is an alarming trend in western Victoria, and it needs to be addressed.

There are some great community-generated initiatives being run to reduce violence, particularly alcohol-related violence. The Just Think campaign by the *Geelong Advertiser* is an example of this. However,

these initiatives are being let down by a Labor government unwilling to invest the resources that would allow greater policing resources and front-line police numbers.

Property damage in Geelong and on the Surf Coast increased by 10.2 per cent and 21.1 per cent respectively at a time when, due to increasing regional unemployment, it has become increasingly hard for residents to replace items damaged through vandalism. Not having police on duty at Torquay or Corio gives crooks a run-up start and undermines community faith in law and order. Certain types of burglary and theft have increased around Geelong, the Surf Coast and the Southern Grampians by 28.6 per cent, 25 per cent and 27.9 per cent respectively.

Recently a lady in Aireys Inlet phoned 000 and reported that she could hear gunfire outside her home. Despite the seriousness of the report, not one police officer attended the scene. An hour later the concerned resident was rung back by police in Geelong, who told her they were struggling to meet demand. The officer informed the woman that there were no police available from Geelong, the Surf Coast or Bellarine Peninsula to investigate her report. This incident highlights the serious lack of police funding and resources in western Victoria.

My request of the minister is: when will the minister's government get serious about providing police stations with the adequate resources to properly police the western region of this state, offering communities the security and confidence they expect and richly deserve?

The DEPUTY PRESIDENT — Order! I wonder if the member could reword the action he requires of the minister, as that request was more like a question time question than an adjournment item seeking an action from the minister.

Mr KOCH — The action I request is in relation to the government providing more resources at police stations to allow for proper policing and growth in police numbers in the western region of this state.

Police: red-light cameras

Mrs COOTE (Southern Metropolitan) — My issue tonight is for the Minister for Police and Emergency Services. It has been brought to my attention by a person who works in my electorate, and it is to do with speeding infringements. I am particularly interested in a number of elements of the reply he received from the Minister for Police and Emergency Services. This person wrote to the minister and came up with quite an

innovative line about people who are being fined but have had no previous traffic infringements. He said that good, safe drivers with no previous fines are being caught by these revenue-raising red-light cameras. These people may only be travelling at a few kilometres over the speed limit and may have not had a speeding fine for at least three years, and they are fined for speeding 5 kilometres over the limit. He suggests they should be given a warning notice.

I am interested in the minister's reply. He said he took exception to the fact that this person talked about road safety cameras as being a means of revenue raising. Therefore, it was particularly interesting today to hear Terry Mulder, the member for Polwarth in the other place, say that Minister Cameron ramped up mobile speed camera revenue raisers between January and March 2009 — as revealed through FOI. There were 4160 mobile speed camera fines issued in the Stonnington and Yarra police division in that period. This is up by 80.4 per cent on the March quarter of 2008. That is huge. It is the greatest increase in the 22 police divisions where mobile speed camera fines were issued. It is extremely high, and it is untenable.

Going back to this person who suggested that a warning notice should be given, the minister asserted that this eminently sensible suggestion was quite a good one and said that:

Drivers with good driving records who have received speeding fines can apply for official warnings provided they meet specific criteria:

hold a current drivers licence, including probationary, or current learners permit;

have not been issued with a speeding or other traffic fine or official warning in the previous two years;

were caught doing less than 10 kilometres per hour over the speed limit;

do not deny they committed the offence.

These criteria are published on both the Victoria Police and the Department of Justice websites.

There are hundreds of elderly and other people in my electorate and right across this state who do not have access to the internet, so the action I seek tonight is for the minister to ensure that these official warnings are published in hard copy, in languages other than English, in the pamphlets and newsletters of senior Victorians and in other newsletters and public documents as appropriate. If these cameras are not revenue raisers, this government should tell the people of Victoria who are doing the right thing and are not speeding on a regular basis how to get out of having to pay their fines.

Rail: Gippsland line

Mr P. DAVIS (Eastern Victoria) — I raise a matter for the attention of the Minister for Public Transport. Gippslanders have been stunned by the minister's announcement that trains from Gippsland will terminate at Flinders Street station, whereas all other country rail services operate from Southern Cross station, and until this stage so have the Gippsland trains.

The issues about which people are concerned include the inconvenience of interconnections with interstate rail, with intrastate rail and with interstate and international air links — that is, connections to Avalon and Tullamarine airports by the Skybus. There is also the issue of the storage of luggage. There are proper storage facilities at Southern Cross station, but there is nothing at Flinders Street.

The minister at the table, the Minister for Planning, will be interested in the consequences for Gippslanders visiting Melbourne for football matches, particularly matches at Docklands football stadium, and the logistics of getting to Docklands from Gippsland. There will be significant inconvenience as a result of this measure being introduced by the government. The disaster of people trying to get away from Docklands after a match at night and having to compete against those using suburban rail will be manifold. In fact it is likely it will end up with Gippslanders being unable to get home.

There is also the issue of Travellers Aid assistance being available to country travellers who are visiting major metropolitan hospitals in Melbourne and arriving at Southern Cross. That will no longer be available because there is no Travellers Aid at Flinders Street. Therefore I ask the minister to ensure that Gippsland rail passengers are not inconvenienced but are provided with a rail service from Bairnsdale, Sale and Traralgon to Southern Cross station through Flinders Street.

Productivity Commission: publishing rule

Mr VOGELS (Western Victoria) — I raise a matter for the Minister for Small Business, the Honourable Joe Helper. It concerns the future of McPherson's, a printing company in Maryborough, whose 300 employees are potentially facing a grim future. Due to changes to the Australian copyright parallel importation 30/90-day rule, McPherson's may have to lay off staff. Under the current rules, if a book is printed overseas Australian publishers have 30 days to have it printed in Australia. If the publishers take no action during the 30-day period, books can be parallel imported from overseas. If the book is published in Australia, the publisher then

has 90 days after the book's release date to replenish stocks,

It appears that the Productivity Commission report, which will be handed to the federal government shortly, recommends the removal of the 30/90-day rule. I am informed that if this occurs, it will cost jobs at McPherson's in Maryborough and obviously many other firms across Victoria where printing is done. The action I seek from the minister is to lobby his federal counterpart in Canberra to strongly oppose the Productivity Commission's proposed changes. The loss of hundreds of jobs in Maryborough and the regions would have a disastrous impact on country Victoria.

Ms Pulford — On a point of order, Deputy President, on a number of previous occasions a request to a minister to lobby their federal counterpart has been ruled out. I seek some clarification.

The DEPUTY PRESIDENT — Order! I am at a bit of a loss because I think the rulings by the Chair are inconsistent on this. There have been occasions when the President has indicated that this does not constitute an action, but particularly in the frenzy of the lead-up to the last election when a number of matters were raised in the context of political point-scoring the lobbying was associated with trying to get across political points. I am aware that on a number of occasions points of order were taken in that regard. There may well have been some rulings that did bring some of those matters to heel, as Ms Pulford has rightly said.

My recollection of rulings by the Chair is that on other occasions there have been some areas where a call for some lobbying of a minister has been allowed to stand. In this respect I am drawn to the issue raised by Mr Vogels. As I said, I believe there has been some inconsistency in the rulings.

Mr Vogels has raised an important point about a company that is important to Victoria. It has a significant reputation, and its view is that it will be affected by this change. In that context there are likely to be some job losses, as has been suggested. In this context Mr Vogels has requested that the Minister for Small Business intervene. I guess he has used the word 'lobby'. He might well have chosen a different word to get the minister to take up this matter with his federal colleagues. Mr Vogels also referred more broadly to the impacts on the industry.

Book publishing has been an important industry in Victoria. To the extent that Mr Vogels has raised this issue, I think it is apposite for him to ask a minister of the Victorian government to bring to the attention of the

federal minister who is likely to be considering recommendations of the Productivity Commission the fact that this is an important industry and that the decision may well have some serious adverse impacts for Victoria. On that basis I am prepared to allow Mr Vogels's adjournment matter to stand.

Police: taser guns

Mr FINN (Western Metropolitan) — I raise a matter for the attention of the Minister for Police and Emergency Services. It concerns the enforcement of law and order in the state. On Sunday morning I was appalled when I heard on the radio an interview with the Chief Commissioner of Police, Simon Overland. While listening to this interview I came very quickly to the conclusion that — quite unbelievably — the government has found a chief commissioner who is even more out of touch with practical policing than the previous Chief Commissioner of Police, Christine Nixon. Just a few short months ago I would never have thought I would say that, but that is the view I have come to from hearing that interview and from a number of other comments the chief commissioner has made over recent times. This might surprise some, because I have been accused in this house of being critical of Ms Nixon because of her gender. I reiterate that it was not her gender that I objected to but her agenda. Unfortunately that agenda lives on with the new chief commissioner, who many are calling Son of Christine.

This goes to the issue I raise tonight — that is, the refusal by the Chief Commissioner of Police to distribute taser guns to police and the inference that he has made during recent interviews that they will not be distributed to front-line police because they cannot be trusted to use them. The inference was very clear, and I must say I was disgusted. How the chief commissioner can make those sorts of comments about his front-line troops quite astounds me. He seems to be far more interested in the views of the international civil liberties lobby than in the safety of his men and women on the streets. If the police are not allowed to protect themselves, how can they possibly be expected to protect us?

I ask the minister to intervene, perhaps for the first time, and direct the chief commissioner to issue taser guns to all front-line police for their safety and, perhaps most importantly, for ours. I represent the western suburbs of Melbourne, where violent crime is totally out of control. This is an issue that goes to the very heart of the protection of the community and the enforcement of law and order. I ask the minister to intervene at the earliest possible time to ensure that our police are

properly protected with the appropriate equipment — and in this case that means taser guns.

Planning: Mornington Peninsula

Mr O'DONOHUE (Eastern Victoria) — I raise a matter for the Minister for Planning. It relates to amendment C87 to the Mornington Peninsula Shire Council's planning scheme. That affects the Woodland area of Mount Eliza, an area bounded by Humphries Road, Moorooduc Road and Canadian Bay Road. It relates to approximately 1694 blocks, most of which are of significant size — around 2600 square metres. The area was developed several decades ago, and there is an overwhelming consensus among residents that they wish to preserve the larger blocks that the area enjoys so as to preserve the amenity and character of the area and to avoid putting undue pressure on the services to the area.

On 8 October 2007 the Mornington Peninsula Shire Council signed off on amendment C87 without dissent and with community backing. It is now 20 months since that amendment was signed by the council, and it has sought ratification by the minister. I raised the matter with the minister in the adjournment debate last year, as I hope he recalls. I received a response from the minister dated 28 October 2008. The minister told me the department was currently in discussions with the council to progress resolution of the amendment as soon as possible.

Many months have passed since that communication, and still the residents of Mount Eliza's Woodland area do not have the clarification and certainty that they seek. There is a concern that the government's plan to increase the density of existing urban areas as part of the now-defunct Melbourne 2030 policy may impact upon the area. I therefore ask the minister to provide certainty to this community by ratifying amendment C87 to the Mornington Peninsula planning scheme.

Solar energy: federal government rebate

Mr D. DAVIS (Southern Metropolitan) — My matter is for the attention of the Minister for Environment and Climate Change. It is a matter that I have already raised in this chamber today. What I seek from him is some assistance in terms of the decision announced by his federal colleague, Mr Garrett, the Minister for the Environment, Heritage and the Arts, to withdraw the federal subsidy for solar power panels.

On a number of occasions in this chamber — including in adjournment debates — I have made the point that a

successful system for domestic solar power requires the federal and state governments to work together so that the incentives for and payments to the people who install solar hot-water systems or photovoltaic cells on their roofs are dovetailed in a suitable way so that state feed-in tariffs and federal subsidies — particularly capital subsidies — maximise the incentives available.

What I have asked the minister to do on a previous occasion is to ensure that the interrelationship of state and federal solar support schemes is on the agenda for the next ministerial council meeting. This has been reinforced by Mr Garrett's decision today to strip out federal support for solar panel systems.

What I seek from the minister, with redoubled urgency, is that he insist that the next ministerial council meeting include on its agenda the item of ensuring that state and federal government support for solar systems is meshed in a way that provides maximum incentives.

The DEPUTY PRESIDENT — The whole solar system? That is a fairly big adjournment matter!

Mr D. DAVIS — The solar systems, not just one.

The DEPUTY PRESIDENT — Order! I indicate that I mentioned earlier with respect to Mrs Petrovich's item that I was a little uncomfortable with the way the final request was phrased. Mrs Petrovich has given me the courtesy of letting me read the item she raised in this adjournment debate. Having looked at it, I now invite her to reword her request for the action she was calling on from the minister for the sake of addressing my concern.

Regional and rural Victoria: health professionals

Mrs PETROVICH (Northern Victoria) — Thank you for your guidance, Deputy President. I will rephrase my request. The action I seek of the minister is to provide accurate details of how many emergency departments in country Victoria are being propped up by paramedics rather than doctors.

Responses

Hon. J. M. MADDEN (Minister for Planning) — Before I start I advise that I have written responses to two adjournment debate matters: one raised by Mr Barber on 31 March and one raised by Ms Darveniza on 7 May.

In response to inquiries tonight, Gordon Rich-Phillips raised the matter of international coverage of swine flu

and referred that coverage issue to the Minister for Tourism and Major Events.

Mr Elasmara raised the matter of compact fluorescent lamp disposal. I will refer that matter to the Minister for Environment and Climate Change.

Jan Kronberg raised the matter of lot B at St Helena and the environmental audit. I will also refer that matter to the Minister for Environment and Climate Change.

Kaye Darveniza raised the matter of younger males in rural areas and the prospect of some of those who might be athletes or gym enthusiasts being attracted to performance-enhancing drugs. I will refer that matter to the Minister for Sport, Recreation and Youth Affairs.

Donna Petrovich raised the matter of paramedics at rural hospitals — —

Mrs Petrovich — At Kyneton in particular.

Hon. J. M. MADDEN — At Kyneton in particular. I will refer that matter to the Minister for Health.

Wendy Lovell raised a matter concerning Bendigo Senior Secondary College. I will refer that matter to the Minister for Education.

David Koch raised a matter concerning police stations in Western Victoria Region. I will refer that matter to the Minister for Police and Emergency Services — —

Mr Koch — Police resources.

Hon. J. M. MADDEN — Police resources.

Andrea Coote raised the matter of speed infringement information and the format of that information. I will refer that matter to the Minister for Police and Emergency Services.

Philip Davis raised the matter of Gippsland rail lines terminating at Flinders Street station. I will refer that matter to the Minister for Public Transport.

John Vogels raised the matter of the McPherson's Printing organisation in Maryborough. I will refer that matter to the Minister for Small Business.

Bernie Finn raised the matter of taser guns and other associated issues. I will refer that matter to the Minister for Police and Emergency Services.

Edward O'Donohue raised the matter of the C87 planning scheme amendment in the Mornington Peninsula shire. Whilst I do not believe I have seen recent correspondence into that issue, I suspect — and I

will have to confirm it — that I may have written to the council in relation to some of these matters. I cannot be sure; it seems like a long time ago and a lot has happened in recent weeks to distract me from many of these things. However, I am happy to take that on notice and seek to provide the member with information in relation to that.

Normally if we have a delay in a particular planning scheme amendment, it is often not because there is a logjam in the department but more because of the complexity of some of the finer details in relation to those matters and what is or what is not acceptable to a council in order for it to progress a planning scheme amendment. Often if a council is reluctant to move to make adjustments, that might stall the process of progressing an amendment. I cannot now say that is the case in this instance, but I am happy to ask my department about the status of that planning scheme amendment. That is not to say it has or has not progressed, but I am happy to make inquiries and provide the member with a response in relation to that.

Mr O'Donohue — Thank you.

Hon. J. M. MADDEN — I do so with the qualification that often the more complex ones take a lot longer and sometimes the positions in terms of resolving them are not easy to bring together.

David Davis raised the matter of the solar panel subsidy. I will refer that matter to the Minister for Environment and Climate Change.

The DEPUTY PRESIDENT — Order! The house stands adjourned.

House adjourned 10.45 p.m.

