

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

22 March 2005

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By authority of the Victorian Government Printer

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Tuesday, 22 March 2005

The SPEAKER (Hon. Judy Maddigan) took the chair at 2.02 p.m. and read the prayer.

RULINGS BY THE CHAIR**Members: conduct**

The SPEAKER — Order! Prior to calling for questions without notice I want to make a couple of comments about the behaviour of members in the house. I feel that in the last sitting week the house did not do itself a service in terms of its public perspective. I remind the house that the role of the Speaker is to interpret the standing orders and the standards of the house.

The Speaker is not here to try and impose good manners upon members. They are senior members of our community who have been elected to this house to represent their constituents, and they should know how to behave without the Speaker having to constantly intervene. In particular, when members are on their feet, either asking questions or taking points of order, or when ministers are answering questions, they should be able to do so without a continual barrage of interjections, which could be seen as intimidatory.

I ask members to be more careful of their behaviour and to show courtesy to members on the floor. It is a disgrace to be ejected from this Parliament for bad behaviour, and it is not my wish to do so, but if members continue to behave in a manner which makes it impossible for all members to be heard correctly and have equal fairness in terms of their treatment in this house, I shall remove them from the chamber, and I will continue to do so until they behave in a manner which is appropriate.

QUESTIONS WITHOUT NOTICE**Taxation: commonwealth-state arrangements**

Mr DOYLE (Leader of the Opposition) — My question is to the Premier. I refer the Premier to the claim of the federal shadow Treasurer, Wayne Swan, today that under a Labor government there would be no change in the allocation of commonwealth money to the states, with the possible exception that Western Australia would get more, because Labor leader, Kim Beazley, has promised more money to his home state, and I ask: given the Premier's comments this morning on radio that the current state and commonwealth

funding arrangements are unfair, who is wrong — Kim Beazley, Wayne Swan or the Premier?

The SPEAKER — Order! The Premier, insofar as it relates to Victorian government business.

Mr BRACKS (Premier) — I thank the opposition leader for his question. As I articulated this morning, the system which we inherited from Federation in 1901 and developed needs updating and changing. This system has had a built-in cross-subsidy to some of the bigger geographic states on the basis of communication problems and difficulties on the basis of their development as a state and their geographic isolation. Those things have changed. We now find with modern communication systems the economies of those states are much more developed than they were. For example, because of the resources boom which is currently going on around the world, particularly because of the demand from China, we can see that economies, particularly in resource-rich Western Australia and Queensland, are booming.

So it is time to visit the funding formula. Let me express it simply so that all Victorians understand: the goods and services tax that is collected in Victoria is something like \$9.4 billion. That is paid out by Victorians in GST; we get back some \$7.8 billion. In fact \$1.6 billion a year is given to other states such as Queensland and Western Australia, both of which have a significant resources boom, do not have the communication problems they had previously and do not now require that cross-subsidy. That system needs to be changed. It is self-evident that when Victorians are paying \$1 of GST but getting back just over 80 cents there is something crook and wrong, and that is exactly what we want to change.

Questions interrupted.

ABSENCE OF MINISTER

The SPEAKER — Order! Before I call the next question I should apologise to the house. I was asked to advise the house that the Attorney-General is absent today. Questions relating to industrial relations and planning should be addressed to the Treasurer, and questions relating to his responsibilities as Attorney-General should be addressed to the Minister for Agriculture.

Questions resumed.

Infrastructure: funding

Mr MILDENHALL (Footscray) — My question is to the Premier. Can the Premier outline how the government's program of infrastructure renewal will contribute to the removal of bottlenecks for Victorian exporters and what hurdles remain to be cleared?

Mr BRACKS (Premier) — I thank the member for Footscray for his question. Representing the seat in the area of Victoria that he does, he understands how important and crucial the port of Melbourne is to our economic future — and how important it is to have good and effective transport links, including both domestic and interstate freight links.

We currently have in Victoria the largest infrastructure spending in Victoria's history. We have something like \$15 billion in economic benefits flowing from our infrastructure spending, which is the highest level that Victoria has ever seen from any government. We are implementing better links with our ports and airports with our interstate routes. We are building the Mitcham–Frankston project, which will contribute some \$6.8 billion to gross state product. We have completed more recently the Hallam bypass, and if any member of this house has had a chance to use it they will know how that cuts travel times and how beneficial — —

Mr Smith interjected.

The SPEAKER — Order! The interjections currently being made by the member for Bass are exactly the ones I was referring to before. I ask him to stop interjecting in that constant manner.

Mr BRACKS — We have completed the Hallam bypass and the Geelong freeway extension with the extra lane in place, which has been a significant boon for manufacturers and also for population growth. We are embarking on new projects in cooperation with the federal government — including the Pakenham bypass, \$121 million, and the Geelong bypass, \$190 million — and we have Linking Victoria projects, including the fast rail — —

Mr Smith interjected.

The SPEAKER — Order!

Mr BRACKS — The reopening of the rail lines to Ararat and Bairnsdale, which were closed by the previous government, including more rail lines to be opened in the future as well, and Spencer Street station, which will — —

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster!

Mr BRACKS — There is no question that Spencer Street station will become one of the best railway stations in the world. Look at the structure, look at the design and look at the activity that will be in that part of Melbourne — it will be the shopping precinct and commercial centre for the Docklands. It will be like an airport concourse, and the design is exceptional. It will be among the world's best railway stations when it is finished.

In Linking Victoria, in freight movements to our ports, our airports and interstate, we are taking action to remove some of the key bottlenecks. Of course there are some further bottlenecks, and the member for Footscray asked me about them. If we had the full funding applied from the federal government, as it should be under its AusLink project, we would be able to progress further the Goulburn Valley highway, the Deer Park bypass — which is now on the never-never until some time in the future — and the Calder Highway duplication. Those three major and significant projects would be able to be progressed more quickly.

Today we learnt that the federal government has some \$542 million in its forward estimates but which it is withholding because of the proposed tolls on the Mitcham–Frankston project. We also learnt today that the same government is encouraging and supporting tolls on the Princes Highway in New South Wales — it is being pushed by the federal transport minister.

I will conclude by saying I believe an editorial in today's *Herald Sun* was dead right when it said:

The Howard government is considering the use of tolls to help pay for upgrading the Pacific Highway in New South Wales.

Hey, wait a minute! Isn't this the same government that refuses to come up with the promised \$550 million contribution to the Mitcham–Frankston freeway because it will be tolled?

It goes on further to say:

Mr Anderson wants greater involvement of private companies.

A good idea, Mr Anderson. But no thanks to Canberra, Victoria is already trying that here.

Hypocrisy of the first order.

Mr Honeywood interjected.

The SPEAKER — Order! The Deputy Leader of the Opposition will cease behaving in that manner!

Mr BRACKS — In its forward estimates the federal government has the capacity to remove bottlenecks in Victoria, to progress the Deer Park bypass, to advance the Goulburn Valley Highway and to advance the Calder Highway duplication. That is possible; it is in the forward estimates. We are spending a record amount on infrastructure. We have lifted our spending on outlays from 10.8 per cent to 14 per cent. At the same time the commonwealth has increased its spending on infrastructure by a measly 1 per cent. If there are any bottlenecks, they are because of the federal government's refusal to give us a fair share of funding in this state.

Harness racing: country meetings

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Racing. I refer to claims by Harness Racing Victoria chairman, Neil Busse, that the decision to abandon TAB meetings at seven country clubs has the full support of the government, and I ask: will the minister ensure that those race meetings are reinstated while the consultation that is required under the Racing Act is undertaken?

Mr PANDAZOPOULOS (Minister for Racing) — I thank the Leader of The Nationals for his question. He would be aware that under the 1958 Racing Act the minister does not have the power to direct Harness Racing Victoria in what it does. So what he is seeking is not allowable under the act. I also notice that when the other side was in government it amended the Racing Act in order to allow for the transfer of race meetings from one club to another. So clubs like Robinvale now have their harness race meetings out of Mildura.

Consultation about the future of the industry has been done through Harness Racing Victoria for a number of years. The opposition might recall that back in 1998 harness racing was making losses. In the last five years under the leadership of Neil Busse harness racing has seen huge growth in attendance and in off-course and on-course turnover. I also recall that the 'Go for Growth' strategy that has seen this record growth was being criticised by both The Nationals and the Liberal Party only a few years ago. We have now seen record growth and here they are again complaining without taking the issues as seriously as they should.

I have been briefed by Harness Racing Victoria and I have advised them that we have an open mind about their plan. We do expect them to consult with clubs, but

the act that this Parliament and many governments now have requires the statutory body to make the decisions in the best interests of the industry. These are not necessarily easy issues when for the future benefit of the industry changes may have to take place. We do expect them to consult and I note that there is a significant number of supporters of this plan in the harness racing industry — amongst breeders, amongst trainers and amongst a whole lot of other clubs.

I will certainly also be getting feedback from the industry itself, separate from Harness Racing Victoria, but as I said, I expect Harness Racing Victoria to consult and do what is in the best interest of the racing industry in the future. It is a very competitive industry, the whole racing product and the whole gambling product, and they have been doing well so far. I will seek their advice about what the consultation process is and I will meet separately with the community groups who want to meet with me.

Infrastructure: funding

Ms BEATTIE (Yuroke) — My question without notice is to the Treasurer and I ask: given the federal government's attacks on state budgets and its contribution to infrastructure investment, can the Treasurer update the house on the government's delivery of such infrastructure and the conditions necessary to ensure that this investment continues in the future?

Mr BRUMBY (Treasurer) — I thank the member for Yuroke for her question and remind the house again, as the Premier said a few moments ago, that over the next four years the Bracks government will be spending more than \$10 billion on capital works in Victoria and all of that is fully funded in the budget forward estimates. To put that in perspective: in the next four years \$10 billion will be spent, whereas in the last four years of the former Kennett government \$4 billion was spent. The government will spend two and a half times what was spent under the former Kennett government. We are spending almost as much this year — \$2.6 billion — as was spent in the last three years of the former Kennett government. Another way of thinking of this is that since the Bracks government has been in office we have shifted 3 percentage points of outlays from recurrent expenditure to capital expenditure. We have done that because there was an appalling capital backlog in Victoria and across Australia and we are addressing that.

Just last week, on Sunday — with the Minister for Major Projects in another place, John Lenders — I

attended the open day of the Australian Synchrotron. It is an amazing thing — —

Honourable members interjecting.

Mr BRUMBY — We are happy to give you — —

The SPEAKER — Order! The Treasurer, through the Chair.

Mr BRUMBY — We have come too late for the Shadow Minister for Major Projects but I hope not too late for the Leader of the Opposition. There were more than 1000 people through the synchrotron before 10.00 a.m. and there were more than 12 000 people through during the day. It just shows the vision behind the Bracks government's decision to invest in infrastructure. This is the most important piece of scientific infrastructure that Australia has seen in three decades.

More broadly, we have made this investment in infrastructure — more than doubled funding — while at the same time maintaining a budget surplus, cutting taxes, paying down debt and investing in vital health and education.

If you look at the health area, it is a great example of the extraordinary change we have made to the infrastructure landscape. Last year the Premier opened the new Casey Hospital — the first new greenfield site hospital in Victoria for 20 years. Soon we will see the opening of the Austin Hospital, which is the largest public hospital project in Australia. Work will start this year on the Royal Women's Hospital. This is a transformation of the public hospital system in Victoria, making our state a much better place to live. We have done all those things.

We cannot say the same for the federal government. We have a federal government sitting on a budget surplus of almost \$10 billion, not investing in infrastructure and not cutting taxes. We get these pious lectures from the federal government about investing in infrastructure and about cutting taxes — —

Mr Plowman — On a point of order, Speaker, the Treasurer is clearly debating the questing. I ask you to bring him back to the question and to government business.

The SPEAKER — Order! As I understood it, the Treasurer in his answer was discussing how federal government financial policy was affecting Victoria, in which case I will allow it.

Mr BRUMBY — I was specifically asked that, actually. We have been getting on with the job. We have been managing the state, we have been cutting taxes, we have been paying down debt and we have been investing in infrastructure. We have a federal government with a surplus of \$10 billion. Every time you fly with the airlines now, often on the discounted tickets, you pay more in John Howard's airline taxes than you pay in the cost of a ticket. We have child-care fees. Income tax is crippling families.

This week we have the treasurers conference. What we want from the federal government is a fair go under horizontal fiscal equalisation, a fair break-up of the way the GST money is distributed across Australia. We want the federal government to invest more in infrastructure and we want the federal government to use its \$10 billion surplus to cut taxes and get off the backs of ordinary Victorians and ordinary Australians who are subsidising other states.

Land tax: caravan parks

Mr CLARK (Box Hill) — I refer the Premier to his government's emergency relief package for caravan park owners who faced closure due to soaring land tax. Given that the land tax crisis has continued to worsen and that many businesses are on the brink of closure because they cannot afford to pay their land tax bills, will the government now put together and announce a similar rescue package for other businesses before the state budget in May?

Mr BRACKS (Premier) — I thank the member for Box Hill for his question. The member for Box Hill, as this house will know, was the parliamentary secretary to the Treasurer in the last Kennett administration and played a crucial and key role in ensuring that we had a land tax system that was unworkable. That is what he did! What we have been doing since then — —

Honourable members interjecting.

The SPEAKER — Order! There is too much audible interjection. I ask members to be quiet.

Mr BRACKS — Since then we have been having some major surgery to improve the system. We have increased the threshold on several occasions, we have taken \$1 billion off the forward estimates to reduce the rate and to change some of the scales, and we have also taken off the land tax requirement for caravan parks. We have done that because of the deficient policy we inherited from the Kennett government. Therefore for the former parliamentary secretary to the Treasurer to get up in this house and preach about land tax when he

was the architect of the problems and difficulties is a bit rich.

Mitcham–Frankston project: funding

Mr ROBINSON (Mitcham) — My question is to the Minister for Transport. Can the minister describe the funding model for the Mitcham–Frankston project and explain how it is consistent with the commonwealth government’s AusLink program?

Mr BATCHELOR (Minister for Transport) — I thank the member for Mitcham for his question. He would know, as most members in this chamber and most Victorians would know, that the Victorian government recently signed a legally binding contract with ConnectEast — —

An honourable member interjected.

Mr BATCHELOR — It was me, actually. It was for the delivery of the Mitcham–Frankston project. This will be the largest urban road project in Australia and will be privately funded. This will enable construction to be completed by 2008.

Dr Napthine — On a point of order, Speaker, I seek your advice on the rule of anticipation. The Mitcham-Frankston Project (Amendment) Bill before the house has been second read. On the issue of anticipation, I put it to you, Speaker, that the question is leading the minister into anticipating debate on the bill currently before the house.

Mr BATCHELOR — On the point of order, Speaker, the question was about a funding arrangement where there is already a signed contract. It has already been delivered. The bill before the house deals with additional infrastructure elements and has nothing to do with the funding model that underlies the contract that has already been entered into.

The SPEAKER — Order! The minister is entitled to answer the question in relation to the matter that the question relates to, which is the funding model, but he may not discuss issues which may be in the bill which will be discussed later in the house. The minister, to continue.

Mr BATCHELOR — You can understand why the opposition is so sensitive on this. Its policy is an absolute disgrace. As I was explaining to the house, this new contract will enable the freeway to be completed by 2008. This follows years of procrastination and policy failure by the Liberal Party at both a state and a federal level.

The government made the decision to fund this massive project through tolls for a range of economic and financial reasons. The reasons include the \$1 billion black hole that was left behind by the Liberal Party — —

Honourable members interjecting.

The SPEAKER — Order! I have warned the member for Scoresby before about using unparliamentary language. If he does it again, I will remove him from the house. The minister to continue, without assistance.

Mr BATCHELOR — As I was saying, the reasons include the \$1 billion black hole left behind in public transport and the failed privatisation program which led to the collapse of National Express. Other reasons include the size of the project. It is a \$2.5 billion construction program — Australia’s largest ever urban road project. Another reason is that funding it in this way could enable the project to be delivered much faster — over 4 years rather than 20 years if budget funding were used as the financial model.

It also enables the freeing up of budget capacity so other road projects and important social infrastructure such as hospitals, which the Treasurer just referred to, education and schools — the sorts of services that are important to the people of Victoria — can now be funded because there is that budget capacity. Another reason is the spreading of the cost of this large infrastructure project over several generations. It will enable the generations of people who will use this road to fund it rather than current taxpayers meeting the entire bill.

All these reasons are sound and reasonable. They should be very familiar to people in this chamber, because they are the same reasons that the commonwealth government is now using to support the funding of the Pacific Highway in New South Wales as a toll road. All the reasons that are being used by the commonwealth are the same as those that were pertinent to the rationale behind the decision which we made here, in addition to the failed privatisation. Large projects like this are to be funded under the AusLink program, the commonwealth’s own funding model.

Both the Prime Minister and the Deputy Prime Minister are happy to put hundreds of millions of dollars into tollway projects in their home state, but not into Victoria, apparently. The only reason why the Howard government is withholding the \$540 million worth of funds that has been identified and earmarked for the Mitcham–Frankston project — the Scoresby project as the commonwealth government still calls it — is that

the Victorian opposition leader has told it to withhold those funds from Victoria. This behaviour is treacherous. It is a treacherous policy, and it is treacherous behaviour.

Mr Perton — On a point of order, Speaker, the minister is clearly debating the question. I ask you to bring him back to matters of government administration and, as you said, the finance or funding model.

The SPEAKER — Order! I uphold the point of order. I ask the minister to return to answering the question.

Mr BATCHELOR — The Victorian government is in a serious battle with the commonwealth government to get the right and due funds that the state should receive. We want those road funds that were promised by the federal government to be directed to other road projects in Victoria, and we want the Leader of the Opposition to lift the veto he has placed on those funds coming to Victoria. We want them to go to the sorts of projects the Premier outlined in his contribution here today. This will enable us to build the sorts of social infrastructure that the Treasurer mentioned. We want the Leader of the Opposition to become a Victorian first rather than a Liberal first.

Rochester and Elmore District Health Service: operating theatre

Mrs SHARDEY (Caulfield) — My question without notice is to the Minister for Health. I refer the minister to a letter dated 21 March from solicitors Russell Kennedy to the Rochester hospital community group, and I ask: does the minister condone the threat of legal action against the residents of Rochester and the attempt to gag them from speaking against her closure of the Rochester operating theatre at tonight's public meeting?

Ms PIKE (Minister for Health) — I thank the member for Caulfield for her question. As usual we wonder about the accuracy of the questions the member for Caulfield asks, and we note there are some errors in the question. In fact it is well known that the board of the Rochester and Elmore District Health Service some time ago made the decision to suspend services in the operating theatre at the Rochester hospital because it did not comply with all the standards that are required for the safe continuation of theatre services there. Since that time I have had the opportunity to meet with the board and representatives of the community and I have again reiterated that it is the government's long-term objective to upgrade facilities at the Rochester hospital. In the interim we want to look at the existing operating

theatre and assess the feasibility of updating that theatre so it can continue to provide services for the people of Rochester. Working very closely with members of the community — —

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster will not interject in that loud and continual manner.

Ms PIKE — I was very pleased to meet with representatives from the community and make a commitment to work closely with them. We have agreed on terms of reference and in fact appointed a consultant, who has already undertaken work to assess the Rochester hospital, the theatre, to look at the feasibility of updating the existing theatre and how that work might sit alongside the broader issue of refurbishing and rebuilding other parts of the hospital.

On top of that I have also agreed with members of the community that we will fast-track the service planning and the master-planning process so that the people of Rochester can continue to be assured that they will have high-quality health services.

I note that the member for Rodney has been working very closely with people in the community and has strongly represented their views to the government. That is a helpful and constructive process, and it stands in sharp contrast to members of the Liberal Party, who have in a very misleading — —

Honourable members interjecting.

Mr Perton — On a point of order, Speaker, on the question of relevance, the question specifically directed the minister's attention to a letter sent by Russell Kennedy threatening local citizens of Rochester at a public meeting. She has not addressed that at all and I ask you to direct her to answer the question in a relevant manner.

The SPEAKER — Order! It is not for the Speaker to put words into the mouths of ministers, but I ask the minister to conclude her answer in relation to the question asked of her by the member for Caulfield.

Ms PIKE — Our efforts have been turned to working constructively with the board of the Rochester and Elmore District Health Service and members of the local community who have an interest in finding solutions to this problem, rather than working with those whose only interest is to create fear and division within the community.

Hospitals: funding

Ms BARKER (Oakleigh) — My question is to the Minister for Health. Can the minister outline to the house how the government's commitment to investment in health infrastructure is promoting better health care for all Victorians and what is required to continue this commitment?

Ms PIKE (Minister for Health) — I thank the member for Oakleigh for her question. Unlike the opposition, which closed 12 hospitals when it was in government, the Bracks government is in fact growing our health service system. We have invested an additional \$1.5 billion in recurrent funding over the last five years which means we are treating around 200 000 additional patients every year in our public hospital system.

This is a good occasion to talk about a very special — —

Mr Smith interjected.

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

Ms PIKE — It is an occasion to talk about a very special member of our community who is currently in our public hospital system, and that is baby Taesha Joy, who was born to the proud parents Orien and Daniel Westendorp and is the first baby born at the brand-new Casey Hospital — born just 3 hours ago. There are lots of reasons to celebrate the achievements of this government and its contribution to the care of families in this community.

Mr Ryan — On a point of order, Speaker, on the question of relevance, I wonder if the minister is having Russell Kennedy write a letter of congratulations.

The SPEAKER — Order! The Leader of The Nationals is abusing the parliamentary processes by making such a comment.

Mr Honeywood interjected.

The SPEAKER — Order! The Chair does not require the assistance of the Deputy Leader of the Opposition, and I ask him to be quiet.

Ms PIKE — To continue this very high standard of care we have to continue to invest in health infrastructure. We know that the escalating cost of equipment is a challenge for health systems right around the world, and Victoria is no different. But we are working, investing and making sure that we do have state-of-the-art medical equipment within our hospitals,

and we have been providing additional funding for that every single year.

In fact in 2003 the Auditor-General noted that in the previous three years the Bracks government had spent \$178.5 million on medical equipment. That is around \$40 million more than the Kennett government spent in its last five years in office. So we know how important medical equipment is to the kind of care and service that we are able to provide for the community.

I am pleased to announce today an additional \$17 million package for new medical equipment right around the state. Over the last five years we have provided around \$26 million of additional funding for medical equipment in rural Victoria alone. Now the lion's share of this additional \$17 million will add to that, and we will see some very important state-of-the-art equipment being delivered in country Victoria.

The Swan Hill District Hospital will have a new \$340 000 ultrasound unit; there will be \$190 000 for Echuca Regional Health for a new endoscope. The member for Lowan will appreciate the \$325 000 grant towards the cost of a new CT scanner for the Wimmera Health Care Group. The member for South-West Coast will be delighted with the \$100 000 for new ventilators and the \$112 000 for Southwest Healthcare for a new arthroscope and new endoscopic equipment at Portland District Health. Metropolitan hospitals will also benefit from brand new, state-of-the-art equipment to support the kind of care we are offering.

All of this adds up to better care for Victorian families — with one very happy family today at the brand new Casey Hospital — with more people being supported through better care in the public health system in this state under the Bracks government.

Planning: Melbourne 2030

Mr BAILLIEU (Hawthorn) — My question is to the Premier. Did the Premier realise that Melbourne 2030 was flawed when he sacked the member for Albert Park as minister or when 60 resident groups protested on the steps of Parliament House last year or when twin high-rise towers were approved in Mitcham or when he sacked — —

Honourable members interjecting.

The SPEAKER — Order! I ask government members to be quiet and allow the member for Hawthorn to ask his question in silence.

Mr BAILLIEU — Did the Premier realise that Melbourne 2030 was flawed when he sacked the member for Albert Park as minister or when 60 resident groups protested on the steps of Parliament House last year or when twin high-rise towers were approved in Mitcham or when he sacked the member for Northcote as minister or today when four senior academics and planning experts released their independent analysis of the strategy, which concluded with ‘Melbourne 2030 is not going to work.’?

Mr BRACKS (Premier) — I guess the answer to that is no, but I should go on. I take it from that question from the shadow Minister for Planning that the opposition is robustly against Melbourne 2030 — I take it that that is its position. That is useful to know. At least we know what they stand against. We stand for better planning in Melbourne, better livability in Melbourne and catering for an increased population around key hubs, transport and activity centres. It is a very good policy; it has been internationally recognised.

At least we know the Liberal Party stands against something, and we know what it is. They are against Melbourne 2030. You would hate to think what former Liberal leaders in the state would think about that. Alan Hunt, Sir Rupert Hamer and other key people were architects of issues like the green wedges and protecting Melbourne. They would be horrified at the abandonment by the Liberal Party of any principles of good urban planning — that is what they are doing.

Schools: funding

Ms MUNT (Mordialloc) — My question is to the Minister for Education and Training. Can the minister advise the house of the impact of the Bracks government’s unprecedented investment in Victoria’s education and training system and the impact of alternative policy positions on these outcomes?

Ms KOSKY (Minister for Education and Training) — I thank the member for Mordialloc for her question and her interest in education. As everyone in this house knows, education is the no. 1 priority of the Bracks government, and since 1999 we have put funding behind that commitment. We have invested an additional \$4.36 billion on top of what was previously being spent. Since we came to office we have seen \$1.7 billion go into improving the physical facilities in our schools. In the 2004–05 budget the government committed \$342 million to major renovations in our schools.

Mr Perton interjected.

The SPEAKER — Order! I warn the member for Doncaster!

Ms KOSKY — It was the biggest spend ever on schools by a state government in Victoria, and something of which we are very proud.

We have renovated well over 300 schools since coming to office — major renovations. Because of the investment we have made, not only have we been able to do the major renovations on our schools but we have also been able to invest in some very exciting building projects that really assist education. Many in this house will be aware of the commitment to the Gippsland precinct project. The previous government talked a lot about this project but was unable to deliver it. We have done it. We have spent \$12.5 million developing that educational precinct. It is all about improving educational outcomes in that precinct. Likewise, we are building the Maryborough education precinct; we have invested \$9.8 million in that project so far. It is all about improving educational outcomes for our students.

In addition we have invested in some very interesting projects around science; I am sure the member for Doncaster would be interested in this. The gene technology access centre at University High School cost \$4.2 million. It is not only about delivering for the students at University High but also delivering knowledge about gene technology to all students around the state. The science and information and communications technology facility at St Helena Secondary College cost \$4.27 million. In addition we have the rural learning centres which we are establishing — we have invested \$2.5 million in the rural learning campus at Marlo. This is about new opportunities for students in our government schools across Victoria.

We have also opened 36 new and replacement schools across the state. In addition, unlike the previous government, when schools have been destroyed by fire we have been able to act immediately to ensure those facilities are reinstated. Mount Waverley Secondary College cost \$5 million. I was very pleased to be part of the opening, along with the member for Mount Waverley.

We have put \$800 000 into the Flying Fruit Fly Circus school to reinstate that facility after a fire which was quite devastating. We have been able to do this because we have made an incredible investment in capital infrastructure within our schools — an investment which was never even thought of or dreamt of by the previous government. We have done it because we want to make sure Victoria is a great place to raise

children and to raise a family, and we are making that investment. To put in place a \$7 billion cut would take us right back to the previous days, where we know that education would be devastated in this state.

Honourable members interjecting.

Mr Plowman — On a point of order, Speaker, the rules of this house say that questions should not seek a solution to a hypothetical proposition. I believe the minister is dealing with what is a hypothetical proposition. Therefore I think she should come back to answering the question that was put before her about infrastructure and funding for schools.

Mr Stensholt — On the point of order, Speaker, in fact the minister was responding to a question regarding what alternatives there were. The member for Benambra may well think that it was hypothetical, but the minister was answering an actual question.

Honourable members interjecting.

The SPEAKER — Order! In relation to the point of order, the minister was responding to a question that related to the impact of the Bracks government's unprecedented investment in Victoria's education and training system and the impact of alternative policy positions on these outcomes. In responding to the question I ask the minister to relate her comments to policies that the state government has considered and the effect they may have. I ask her to constrain her answer to that area.

Ms KOSKY — As I have indicated to the house, we have been able to make these major investments in our schooling facilities because, as a government, we are committed to education. It has been an incredible investment of extra funding. It is very clear that if, as it wants us to do, we cut tolls, the opposition would also cut schools.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I wish to advise the house that under standing order 144 notices of motion 197 to 227 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

NOTICES OF MOTION

Notices of motion given.

Mr DELAHUNTY having given notice of motion:

The SPEAKER — Order! I think the last part of that motion is out of order. I will get the Clerk to have a look at it.

Further notices of motion given.

Mr WALSH having given notice of motion.

The SPEAKER — Order! I remind members that giving notice of motions is not an opportunity for members to make extra statements that do not relate to their notices, as the member for Swan Hill was just doing. I point out to the member for Swan Hill that he should not take this opportunity to make general comments about his notice of motion.

Further notices of motion given.

Ms CAMPBELL having given notice of motion:

The SPEAKER — Order! I think the last part of that notice is out of order as well.

PARLIAMENTARY ADMINISTRATION BILL

Introduction and first reading

Mr BRACKS (Premier) introduced a bill to provide a framework for good governance in the administration of the Parliament of Victoria, to repeal the Parliamentary Officers Act 1975, to amend the Constitution Act 1975, the Long Service Leave Act 1992, the Parliamentary Committees Act 2003, the Public Administration Act 2004, the Terrorism (Community Protection) Act 2003 and certain other acts and for other purposes.

Read first time.

SENTENCING (FURTHER AMENDMENT) BILL

Introduction and first reading

For Mr HULLS (Attorney-General), Mr Cameron introduced a bill to promote the recognition of victims in court processes, to amend the Sentencing Act 1991, the Children and Young Persons Act

1989, the Evidence Act 1958 and the Magistrates' Court Act 1989 and for other purposes.

Read first time.

JUSTICE LEGISLATION (AMENDMENT) BILL

Introduction and first reading

Mr CAMERON (Minister for Agriculture) — On behalf of the Attorney-General I move:

That I have leave to bring in a bill to amend the Legal Aid Act 1978 to facilitate the provision of alternative dispute resolution programs by VLA, to amend the Summer Time Act 1972 and the Supreme Court Act 1986 to change standard time in Victoria from Greenwich mean time to coordinated universal time, to amend the Victorian Law Reform Commission Act 2000 and for other purposes.

Mr PERTON (Doncaster) — May I ask for a brief explanation of the contents of the bill?

Mr CAMERON (Minister for Agriculture) — In relation to the confidentiality provisions surrounding alternative dispute resolution in the Victorian Legal Aid Commission, there needs to be a freeing up so that Victoria Legal Aid can go about its business. Another part of the bill changes the standard time in Victoria from Greenwich mean time to coordinated universal time, but my understanding is that time will continue, notwithstanding the change!

Motion agreed to.

Read first time.

PETITIONS

Following petitions presented to house:

Wonthaggi State Coal Mine: future

To the Legislative Assembly of Victoria:

The petition of Friends of the State Coal Mine, residents of Wonthaggi, residents of Bass Coast Shire in the state of Victoria, draw to the attention of the house that Parks Victoria has ceased underground tours at the Wonthaggi State Coal Mine Tourist Attraction after advice from engineering consultants that haulage and electrical equipment is no longer in line with the new regulations. This means that all underground workings, operations and maintenance done by volunteers have stopped. All tourist mines must now operate to working mine standards.

The petitioners therefore request that the Legislative Assembly of Victoria provide Parks Victoria, Bass Coast Shire Council and Friends of the State Coal Mine with the

means to carry out major upgrades to bring all underground operations and equipment up to the same standard as a working mine. We, the undersigned, will gratefully accept every possible assistance you can offer us to have this valuable tourist attraction in working order so that underground tours can resume.

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

By Mr SMITH (Bass) (988 signatures)

Schools: physical education

To the Legislative Assembly of Victoria:

The petition of residents of Victoria, who support excellence in physical education for children in Victorian schools, draws to the attention of the house the fact that the Minister for Education has directed the Victorian Curriculum and Assessment Authority to undertake a curriculum reform and as part of this reform the Victorian Curriculum and Assessment Authority is proposing to implement a curriculum model that will marginalise physical education in schools and diminish its status as a discipline, costing children the opportunity to develop the skills, experience and knowledge to develop healthy living behaviours.

The petitioners therefore request that the Legislative Assembly of Victoria act to require that the government restore physical education to a discipline and position it in the discipline core area in the Victorian Curriculum Reform being undertaken for the Minister for Education.

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

By Mr PERTON (Doncaster) (134 signatures)

Seymour Technical High School: principal

To the Legislative Assembly of Victoria:

The petition of residents of Seymour and Seymour Technical High School draws to the attention of the house the unfair dismissal of the school's principal, Bill Brearley, by the Victorian education minister who has ignored the unanimous support for Mr Brearley by the school council and community.

The petitioners therefore request that the Legislative Assembly of Victoria require the Victorian government put back Bill Brearley as principal of Seymour Technical High School.

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

By Mr PERTON (Doncaster) (364 signatures)

Planning: Anderson Inlet development

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

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly the following matter.

We the undersigned oppose the two proposed residential canal and lake developments at Maher's Landing/Pound Creek, Inverloch, and Venus Bay. Both proposals are located on the protected sensitive estuarine wetland of Anderson Inlet, Victoria.

We oppose them on the following grounds:

impact on coastal systems and biodiversity;

potential of acid sulphate soils;

Anderson Inlet is an internationally recognised wader bird habitat;

increasing urbanisation will destroy the values of Anderson Inlet;

both proposals are in conflict with Victorian coastal strategy.

Your petitioners therefore request the proposed developments at Maher's Landing and Venus Bay on Anderson Inlet or any form of large scale development or canal-type estates be prohibited.

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

By Mr RYAN (Gippsland South) (37 signatures)

**Baxter-Tooradin-Fultons-Hawkins roads,
Baxter: safety**

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

The humble petition of the undersigned citizens of Victoria sheweth that we are gravely concerned about the extreme danger of the intersection of Baxter-Tooradin Road, Fultons Road with Hawkins Road in Baxter.

Your petitioners therefore pray that urgent action be taken to make this black spot intersection safer before any lives are lost or serious injury occurs at this location.

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

By Ms BUCHANAN (Hastings) (58 signatures)

Peninsula Aero Club: expansion

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

The humble petition of the Tyabb Ratepayers Business and Environmental Group Inc. and the undersigned citizens of the State of Victoria sheweth that the Peninsula Aero Club has presented a plan to the Mornington Peninsula Shire Council for the expansion of the certified landing area at Tyabb. This includes the relocation of the Peninsula Aero Club, redevelopment for full commercial helicopter operations, lifting of all current restrictions allowing operation of aircraft currently excluded, plus full 24-hour unrestricted operations.

Your petitioners therefore pray that permission will not be granted for this expansion.

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

By Ms BUCHANAN (Hastings) (328 signatures)

Cats: desexing

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the indiscriminate breeding of cats leading to thousands of cats and kittens tragically being destroyed by Victorian animal welfare shelters annually.

The petitioners therefore request that the Legislative Assembly of Victoria enact legislation to require that all cats over the age of 12 weeks are desexed unless registered to a licensed breeder and require that all cats and kittens offered for sale or acquired be desexed.

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

By Mr LANGDON (Ivanhoe) (11 signatures)

Tabcorp: employees

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

The petition of the undersigned citizens of the state of Victoria expresses grave concerns that 500 jobs at Tabcorp account sales are in jeopardy from Tabcorp's decision to rationalise their call centres and possibly relocate jobs to New South Wales.

Your petitioners therefore pray that the state government will seek commitments from Tabcorp with regards to the continued employment and jobs security of operators at account sales in Victoria, approximately 500 positions and do all within its powers to ensure that longstanding Victorians jobs remain in Victoria.

Having given Tabcorp a combined total of 5850 years of loyal service Tabcorp employees now find themselves in the unenviable position of having no job security, with the possibility of their jobs disappearing to New South Wales as a result of Tabcorp's recent acquisition of NSW TAB.

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

By Mr LANGDON (Ivanhoe) (352 signatures)

Roads: tolls

To the Legislative Assembly of Victoria

The petition of residents of Victoria draws to the attention of the house the urgent need for the state government to extend its concessions to enable all pensioners and self-funded superannuants to access CityLink and other toll roads in Victoria at an affordable cost.

The petitioners therefore request that the Legislative Assembly of Victoria call on the government to initiate immediate action to extend concessions to those who use toll roads.

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

By Mr COOPER (Mornington) (229 signatures)

Medical Practitioners Board of Victoria: powers

To the Legislative Assembly of Victoria:

The petition of Hugh Doherty, resident of the Oakleigh electorate in Victoria draws attention to the house:

The Medical Practitioners Board of Victoria by invoking section 25(1)(a) of the Medical Practice Act 1994 which states: 'That the investigation into the matter should not proceed further' is able to terminate any complaint against any doctor or surgeon at a preliminary stage of an investigation and by doing so automatically:

1. denies complainants the right of a formal hearing;
2. denies complainants the right of appeal to the Victorian Civil and Administrative Tribunal (VCAT);
3. avoid scrutiny, accountability and veracity.

This constitutes a denial of natural justice and makes a complete mockery of the justice system. The Minister for Health is committed to ensuring that practices and processes of the Medical Practitioners Board of Victoria are open, transparent and fair, this is not possible under the current composition of the board, the current legislation and the board's practices and procedures.

Prayer

The Bracks Labor Government act immediately to repeal Section 25(1)(a) of the Medical Practice Act 1994, 'That the investigation into the matter should not proceed further' and establish a truly independent body, free of any conflict of interest to investigate, hear and judge complaints against doctors and surgeons.

By Ms BARKER (Oakleigh) (1 signature)

Port Phillip Bay: channel deepening

To the Legislative Assembly of Victoria.

The petition of the citizens of Victoria points out to the house that:

The economic rationale for deepening shipping channels is inadequately justified against the environmental costs. The vast majority of benefits will stay with overseas shipping lines and shippers, and a PoMC witness admits that financial benefits to individual consumers will be 'immeasurably minor'.

Port Phillip Bay Heads area outranks the Great Barrier Reef for diversity of reef life, colour and interest. Dredging will cause turbidity and sedimentation; smothering of marine species, and re-release of toxicity from Yarra sediments — all of which will seriously threaten our recently created marine parks, RAMSAR wetlands, dolphins, seals, penguins, recreational and

commercial fisheries, residents around the bay and tourism industries.

The petitioners request that the Legislative Assembly of Victoria ensure that the proposal to deepen shipping channels is rejected, and that alternative solutions making better use of a mix of interstate rail from existing deep water ports and sea transport are engaged. We also request that the Minister for Planning makes public the findings of the EES independent panel, due for release in February 2005, as soon as the panel provides its report to government.

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

By Mr LUPTON (Prahran) (45 signatures)

Land tax: Tulip Street Tennis Centre

To the Legislative Assembly of Victoria:

The petition of the proprietors and tennis players of the Tulip Street Tennis Centre, Cheltenham, and taxpayers in the state of Victoria draws to the attention of the house the exorbitant increase in the payment of land tax which has risen 1940 per cent in seven years.

Prayer

The petitioners therefore request that the Bracks government immediately instigate a full review of the system which is currently unjust and imposing massive hardship on Victorian taxpayers.

By Mr THOMPSON (Sandringham) (2 signatures)

Planning: Diamond Creek land

To the Legislative Assembly of Victoria:

We materially affected stakeholders of 175–199 Ironbark Road, Diamond Creek (Adjungbilly Pty), 201–219 Ironbark Road, Diamond Creek (M. Freeman) and 40–60 Pioneer Road, Yarrambat (Schnapp) draw to the attention of the house that we are suffering immense anguish and major losses and damages with our unique retirement/aged care land use applications, lodged at Nillumbik Shire Council. Please note these applications were lodged prior to the release of new government legislation including prior to the release of Melbourne metropolitan strategy, Melbourne 2030, new urban growth boundary, new green wedge conservation zone and now new rural conservation zone. Despite our protests our planning applications were not allowed to progress to full planning process by previous Nillumbik Shire Council. They were not sent for advertising or referred to service providers by council. Now our appeal rights at the Victorian Civil and Administrative Tribunal (VCAT) are being unexpectedly restricted and limited to having to meet state and local 'policies' first. If they are not considered to meet 'policies' by VCAT they will support council's refusal of our planning applications. We will then not be allowed to have a full and complete hearing at VCAT on all issues that we had believed that we were entitled to be heard on, including the planning merits of our applications. We believe this is unconscionable and we should not be penalised by the new local and state policies, many of which should not be applicable to our applications. Please note 'retirement village' was an allowable use in our then environmental rural zone (ERZ)

when our applications were lodged at council. We also believe we are being denied natural justice over these matters.

Our retirement villages on Ironbark Road, Diamond Creek, are unique and enable utilisation of the urban reticulated infrastructure, which the Freeman family paid for compulsorily approximately 30 years ago (for the future urban land use and development of their land). Retirement village is also a long-term financial planning for retirement of family members. We did not sacrifice heavy payments (enormous capital and ongoing costs, special charges and associated urban rate values based on future subdivision potential) so that others in Shire of Nillumbik and neighbouring Shire of Whittlesea would benefit (directly or indirectly) and utilise instead. We must be included as well in new planning and servicing strategy.

The family are continuing to contest the serious planning and infrastructure irregularities in equities, anomalies and what they believe to be errors in the wrong closest fit translation of their (and their neighbours') urban land into environmental rural land (ERZ) with the new Nillumbik planning scheme (gazetted in year 2000). This zoning of this land has now snowballed into inappropriate, inequitable rural conservation zone (allowing the benefit of the families' payments for the financial gain of other parties, to their serious detriment, who did not have urban infrastructure).

Prayer

We thereby petition the Legislative Assembly to urge the new Planning Minister, Honourable Mr Hulls to meet with us urgently, and immediately call in all three of our Retirement Village Applications from VCAT so that he can use his ministerial powers to make fair decisions on these applications, and investigate our planning and associated infrastructure history with our consultation, and what we consider to be very unfair and discriminatory treatment of us personally and our unique retirement village planning applications by council, and now VCAT directions hearing.

By Mrs POWELL (Shepparton) (3 signatures)

Planning: Diamond Creek land

To the Legislative Assembly of Victoria:

We materially affected stakeholders of 175–199 Ironbark Road, Diamond Creek (Adjungbilly Pty) 201–210 Ironbark Road, Diamond Creek (M. Freeman) and 40–60 Pioneer Road, Yarrambat (Schnapp) 217–233 Pioneer Road, Yarrambat (C & D Bennett) and in our opinion and support of other landowners of Ironbark Road, Diamond Creek, and Pioneer Road, Yarrambat, who have continually submitted with us and whose lands were also an extension of the previously known Plenty and Yarrambat gazetted urban district and its associated urban waterworks trust, draw to urgent attention of the house that they are still contesting the serious previous urban planning and urban infrastructure irregularities inequities, anomalies and what they believe to be errors in the 'wrong' closest fit translation of their previously urban land into environmental rural land (ERZ), with the amalgamation of the shires and the consequent new Nillumbik planning scheme (gazetted year 2000). This has resulted in further snowballing back zoning into unfair, inappropriate, inequitable rural conservation zone.

It is not conscionable to back zone valuable high capability protected urban land with privately (not government) prepaid for urban reticulated infrastructure capable to supply the total area of their large acreages (for the future residential subdivision and land use) to rural conservation zone (where the infrastructure they paid for cannot be utilised). This will instead allow the benefit of their long-term financial payments for the amenity and financial gain to other parties.

Prayer

We hereby petition Legislative Assembly to urge the minister of conservation, the Honourable John Thwaites, to meet to consult with the below signed petitioners to investigate the above matters, and to immediately intervene to protect the urban reticulated infrastructure (and its capacity) paid for by the abovementioned parties (directly and/or indirectly with infrastructure intact as with new owners, e.g. D. L. Schnapp). This refers to all urban infrastructure (electricity, water) and associated urban infrastructure engineered strategies such as drainage and sewerage, planned by the Plenty Yarrambat Water Trust and Melbourne metropolitan board of works.

By Mrs POWELL (Shepparton) (5 signatures)

Planning: Diamond Creek land

To the Legislative Assembly of Victoria:

We materially affected stakeholders of 175–199 Ironbark Road, Diamond Creek (Adjungbilly Pty), 201–210 Ironbark Road, Diamond Creek (M. Freeman) and 40–60 Pioneer Road, Yarrambat (Schnapp) 217–233 Pioneer Road Yarrambat (C. & D. Bennett) and in our opinion and support of other landowners of Ironbark Road, Diamond Creek, and Pioneer Road, Yarrambat, who have continually submitted with us and whose lands were also an extension of the previously known Plenty and Yarrambat gazetted urban district and its associated urban waterworks trust, draw to urgent attention of the house that they are still contesting the serious previous urban planning and urban infrastructure irregularities, inequities, anomalies and what they believe to be errors in the 'wrong' closest fit translation of their previously urban land into environmental rural land (ERZ), with the amalgamation of the shires and the consequent new Nillumbik planning scheme (gazetted year 2000). This has resulted in further snowballing back zoning into unfair, inappropriate, inequitable rural conservation zone.

It is not conscionable to back zone valuable high capability protected urban land with privately (not government) prepaid for urban reticulated infrastructure to the total area of their large acreages (for the future residential subdivision and land use) to rural conservation zone (where the infrastructure they paid for cannot be utilised). This will instead allow the benefit of their long-term financial payments for the amenity and financial gain to other parties.

If new planning directions and community aspirations wish to change this previously legislated urban land into green wedge for conservation purposes, then this can still be achieved, by including this land as such in the overall development plans of the residential land that is to benefit (including, from the infrastructure redirection).

Alternatively remuneration for losses and damages including loss of infrastructure and development rights can be

negotiated with affected landowners according to what the legislation had provided for at the time.

Please note that the petitioners signed below are not part of the panel B (known as the fringe or urban growth boundary supported by previous Nillumbik Shire Council.

Prayer

We hereby petition Legislative Assembly to urge the Minister of Planning, the Honourable Mr Hulls, to meet to consult with the below-signed petitioners to enable thorough investigation of the above planning and infrastructure irregularities anomalies and what appears to be errors, and to immediately intervene and correct to the appropriate urban zoning (understood by petitioners to be that of residential one) and reinstate these lands in the new urban growth boundary (UGB).

This needs to be corrected urgently before it is too late and the urban infrastructure (privately prepaid for) is redirected for the benefit of the other parties and not economically feasible to be able to be returned. This refers to all urban infrastructure (electricity, water) and associated urban infrastructure engineered strategies such as drainage and sewerage, planned by the Plenty Yarrambat Water Trust and Melbourne metropolitan board of works.

By Mrs POWELL (Shepparton) (5 signatures)

Tabled.

Ordered that petitions presented by honourable member for Doncaster be considered next day on motion of Mr PERTON (Doncaster).

Ordered that petition presented by honourable member for Sandringham be considered next day on motion of Mr THOMPSON (Sandringham).

Ordered that petitions presented by honourable member for Hastings be considered next day on motion of Ms BUCHANAN (Hastings).

Ordered that petition presented by honourable member for Mornington be considered next day on motion of Mr COOPER (Mornington).

Ordered that petition presented by honourable member for Bass be considered next day on motion of Mr SMITH (Bass).

Ordered that petition presented by honourable member for Prahran be considered next day on motion of Mr COOPER (Mornington).

ROAD SAFETY COMMITTEE

Crashes involving roadside objects

Mr TREZISE (Geelong) presented report, together with appendices and minutes of evidence.

Tabled.

Ordered that report and appendices be printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Auditor-General: services for people with intellectual disability

Ms CAMPBELL (Pascoe Vale) presented minutes of evidence of review of Auditor-General's performance audit.

Tabled.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 3

Ms D'AMBROSIO (Mill Park) presented *Alert Digest No. 3 of 2005* on:

**Charities (Amendment) Bill
Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill
Courts Legislation (Judicial Conduct) Bill
Health (Compulsory Testing) Bill
Legal Profession (Consequential Amendments) Bill
Mitcham-Frankston Project (Amendment) Bill
National Electricity (Victoria) Bill
Outworkers (Improved Protection) (Amendment) Bill**

together with appendices, extract of proceedings and minority report.

Tabled.

Ordered to be printed.

COUNCIL OF MAGISTRATES

Report 2003-04

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

Tabled.

DOCUMENTS

Tabled by Clerk:

Commonwealth Games Arrangements Act 2001 — Orders under s. 18 (three orders)

Financial Management Act 1994 — Budget Sector — Mid-Year Financial Report for the year 2004–05 incorporating the Quarterly Financial Report for the period ended 31 December 2004

Financial Management Act 1994 — Report from the Minister for Agriculture that he had received the 2003–04 annual report of the Greater Victoria Wine Grape Industry Development Committee

Interpretation of Legislation Act 1984 — Notice under s. 32(3)(a)(iii) in relation to Statutory Rule No 183

Murray-Darling Basin Commission — Report for the year 2003–04

Ombudsman Act 1973 — Report of the Ombudsman on the investigation into the Conduct of Council Officers in the Administration of the Shire of Melton — Ordered to be printed

Parliamentary Committees Act 2003:

Education and Training Committee — Report on the Inquiry into Pre-Service Teacher Training together with appendices and minutes of evidence

Report and appendices ordered to be printed

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

- Cardinia Planning Scheme — No C24
- Gannawarra Planning Scheme — No C8
- Golden Plains Planning Scheme — No C22
- Greater Shepparton Planning Scheme — Nos C58, C62
- Hobsons Bay Planning Scheme — No C65
- Maroondah Planning Scheme — Nos C38, C40
- Monash Planning Scheme — No C61
- Port of Melbourne Planning Scheme — No L37
- Stonnington Planning Scheme — No C6 Part 2B
- Surf Coast Planning Scheme — No C14 Part 1
- Whittlesea Planning Scheme — No C5
- Wodonga Planning Scheme — Nos C33, C43
- Yarra Ranges Planning Scheme — No C47

Statutory Rules under the following Acts:

- Crimes Act 1958* — SR No 7
- Supreme Court Act 1986* — SR No 7
- Surveying Act 2004* — SR No 8

Subordinate Legislation Act 1994:

Minister's exception certificate in relation to Statutory Rule No 7

Wildlife Act 1975 — Wildlife (Control of Hunting) — Notice No 1/2005.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the house dated 26 February 2003:

Construction Industry Long Service Leave (Amendment) Act 2004 — Whole Act on 1 March 2005 (*Gazette G8*, 24 February 2005).

ROYAL ASSENT

Message received advising royal assent to Serious Sex Offenders Monitoring Bill.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

**Courts Legislation (Judicial Conduct) Bill
Health (Compulsory Testing) Bill
Mitcham-Frankston Project (Amendment) Bill.**

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Transport) — I move:

That, pursuant to standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 24 March 2005:

- Charities Amendment Bill
- Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill
- Geothermal Energy Resources Bill
- Health (Compulsory Testing) Bill
- Mitcham-Frankston Project (Amendment) Bill
- National Electricity (Victoria) Bill
- Outworkers (Improved Protection) (Amendment) Bill

This program identifies seven bills for the house to deal with in this parliamentary week. We have acknowledged a request from the opposition to make time available for debate, particularly on the Mitcham-Frankston Project (Amendment) Bill. The opposition advises that it is keen

to have extra time to fully debate that bill. I can assure you, Speaker, that the government is also keen to ensure that it has sufficient time to debate it.

This amends earlier advice to the other parties whereby we thought we might deal with eight bills this week. That has been revised to seven, which will enable us not only to deal with the other bills but to accommodate the desires of the opposition for an extended period of debate on the Mitcham–Frankston project. Accordingly I commend the bill to the house.

Dr NAPTHINE (South-West Coast) — I know the minister commended the bill to the house, but I presume he was commending the government business program to the house! The Leader of the House has been somewhat confused about the government business program, because it has been chopped and changed considerably over the last three or four days. The opposition does not oppose the business program that has finally been presented to the house.

The opposition recognises that the government has offered to provide adequate time for debate on the Mitcham-Frankston Project (Amendment) Bill. We certainly want considerable time to debate this bill, particularly as it relates to a significant broken promise by the Bracks Labor government to the people of Victoria with respect to tollways on what was promised as a freeway. That certainly warrants the time of this house.

A number of other bills also warrant consideration. I want to place on record on behalf of the opposition a concern at the way in which the number of bills being debated seems to chop and change in the lead up to the parliamentary week. Indeed it was only late yesterday that the opposition was advised that the Health (Compulsory Testing) Bill was being added to the program, and some other bills relating, I believe, to court legislation and the legal profession were being deleted. Channel deepening is a bit like the slow train project: it is getting slower and longer and more expensive every month that goes past.

While I am on my feet I would like to make passing reference to the lack of sittings of the house. We are now in the third week of March, yet this house has sat for only three days in February and will sit for only three days in March. I think the upper house will have sat for 4½ hours to the end of March — —

The SPEAKER — Order! The member for South-West Coast knows quite well that he is breaching the guidelines of the house. Has he completed his statement?

Dr NAPTHINE — No.

The SPEAKER — Order! I ask him to return to the government business program.

Dr NAPTHINE — The opposition does not oppose the government business program but again raises its concerns about the lack of managerial ability within the government to get its business program right. It cannot get a major project right; it cannot get the management of Victoria right. I anticipate that towards the end of this sitting, whether it be in June or July, there will be a large number of bills jammed in the Parliament — —

The SPEAKER — Order! I have already asked the member for South-West Coast to return to discussing the government business program for this week. If he wishes to discuss the number of sitting days, he can do it in a member's statement.

Dr NAPTHINE — The opposition does not oppose the government business program.

Mr MAUGHAN (Rodney) — The Nationals will not oppose the government business program, although we express our concern about the chopping and changing. Originally eight bills were set down for this week. We were then advised that that would be dropped and that we would have six bills. We were prepared for that, but 10 minutes before I came into the house we were then told there would be seven bills. I support the statement made by the member for South-West Coast that we need to do better. I have already spoken with the Government Whip, and hopefully he, the Liberal Party whip and I will be talking shortly with a view to trying to get a better arrangement in coming weeks so we know which speakers want to speak on particular pieces of legislation.

The way it has been this week and last week, with the government chopping and changing all the time, people have not been able to adequately plan their time in this place. It is difficult enough anyway, so we have to be able to settle on a government business program at the start of the week that enables people to know where they are so they can make arrangements and stick to them.

We will not oppose the government business program. We will have the very important debate on the Mitcham–Frankston project, and I look forward to that, as will many members. It will be interesting. Apart from that, there is nothing of any major consequence in the business program. We are coming up to Easter, and members will be keen to get through the business

program this week and exit this place on Thursday in reasonable time. You can be assured, Speaker, that The Nationals will not cause any difficulty to the government business program this week.

The SPEAKER — Order! I am sure we will all be very grateful.

Mr COOPER (Mornington) — I want to support the remarks made by the member for South-West Coast regarding the way in which the business program is being messed up and constantly changed by this government. In particular I draw the attention of the house to the fact that we have 11 orders of the day under government business, one of which is a petition presented by the education minister. It is still sitting there, and I wonder why the government does not try to have that put in the proper place on the notice paper or removed in some way.

But the particular matter that draws my interest and attention is the fact that the Channel Deepening (Facilitation) Bill seems to be getting deeper in regard to its number on the notice paper. Members will recall that when they came back this year the first item of business that the house was going to debate in the one sitting week in February was the Channel Deepening (Facilitation) Bill. It is a bill that has drawn a lot of attention from the community, and it continues to do so. There are many people in my electorate and in many other electorates particularly around Port Phillip Bay who are waiting keenly to see this debate occur. I know I am not the only pebble on the beach — pardon the pun — in regard to getting lots of emails, letters and phone calls. I am not the only person who has had contact from people asking about this bill and when the Parliament is going to debate it.

On the eve of our first sitting week this year when the bill was removed from the government's intended business program for that week I think most members of the opposition and most people in the community who have an interest assumed — and obviously assumed incorrectly — that it would be up for debate this week, which is the only sitting week in March. Now we see it is no. 10 on the notice paper and the government is avoiding the debate once again. It is a matter of interest — and I am sure it should be a matter of interest — to every member and to a large number of people in the community as to when we are actually going to see this bill before the house so that it can be debated.

I would like to put to the Leader of the House that when the government does get around to having enough guts to debate this bill, it should not include it in a program

of 9, 10 or 12 bills and then try to truncate the debate, because that is the sort of trick that this government gets up to and that is the way in which it avoids the scrutiny of this Parliament and avoids the scrutiny of the community through its members of Parliament. I want to strongly support the views that were expressed by the member for South-West Coast, and which were supported by the member for Rodney, and to say that this government — it is not the first time I have done so — should get its act together and start trying to act competently in managing the business of this house. Right at this moment it is grossly incompetent.

Motion agreed to.

MEMBERS STATEMENTS

Northcote electorate: coffee distributors

Ms DELAHUNTY (Minister for the Arts) — I wish to place on the record the unassailable fact that Northcote is now the coffee capital of Victoria. Lygon Street has always laid claim to this title, but it can move over because my electorate in Northcote is now the epicentre of the manufacturing and blending of Victoria's popular coffees. Westgarth has Beraldo Coffee, South Preston has Mocopan Coffee and Thornbury has Coffee Mio. All of these companies represent the familiar names that we welcome at our favourite coffee houses and cafes. Here in Northcote we are ensuring that supplies are maintained.

Mr Smith interjected.

The SPEAKER — Order! The member for Bass is outrageous!

Ms DELAHUNTY — There is a particular connection with Melbourne's coffee-consuming history at Coffee Mio, in High Street. Back in the 1960s Coffee Mio's founders, brothers Franco and Mario Berra, were among the first to introduce, blend and roast their own fine coffee for their fellow Italian new arrivals, but they recognised the need for proper coffee machines and became the sole distributors of the stylish Italian Gaggia coffee machines. In fact the Berra family claims it introduced this machine to Lygon Street.

Now here is the arts connection: in 2003 film director Jan Sardi, an old schoolmate of Frank Berra, Mario's son, came looking for an appropriate vintage Gaggia to star in his Daylesford-based film *Love's Brother* — a beautiful story and a lovely film — and now that magnificent Gaggia has pride of place at the High Street showroom of Coffee Mio. If we think of Carlton

as the place for coffee, think again. We now think of Northcote as the epicentre for coffee.

Harness racing: country meetings

Dr NAPHTHINE (South-West Coast) — I call on the Bracks Labor government to stand up for harness racing in country Victoria. I call on the government to totally reject the proposal to close eight country harness racing tracks. If this is a government that really cares about jobs, economic development and quality of life in country Victoria, it will immediately step in and put a halt to the wholesale destruction of harness racing across regional and rural Victoria.

The tracks earmarked for closure this year are Hamilton, Wangaratta, Gunbower, Boort, Ouyen, St Arnaud and Wedderburn, with either Stawell or Ararat to be closed by 2008. Harness racing in these communities provides jobs for trainers, feed suppliers, stable hands, veterinarians, track managers and staff on race days, as well as providing many opportunities for local charities to raise funds during their race meetings. The race meetings bring dollars into these local communities and help to put these towns on the map across Australia and Victoria. Loss of these tracks will lead to the loss of the clubs and will really hurt these local economies. These proposed closures will undermine the grassroots of harness racing.

The closures will hurt harness racing, it will hurt local trainers, it will hurt local jobs and it will hurt local rural communities. Therefore I call on the Bracks Labor government to listen to country Victoria and act to stop these closures and keep harness racing strong in country Victoria.

Victorian School of Languages: achievements

Ms BEATTIE (Yuroke) — I recently had the honour of attending and presenting awards at the Victorian School of Languages Victorian certificate of education top scorers awards night on the occasion of the school's 70th birthday. The VSL does a fantastic job and the dedicated teachers and school community should be commended for their role in ensuring that Victorian students have access to education in a wide range of languages. In 2005 the VSL will teach 44 languages to over 15 000 primary and secondary students in 38 centres across Victoria.

The Bracks government continues to invest in language education for our children and has this year funded an additional five VSL centres across country Victoria, bringing the total of regional centres to 12. I congratulate the Victorian School of Languages'

principal, Frank Merlino, and vice-president, Bruno Mascitelli, the students, teachers and school community for their ongoing commitment to enhancing Victoria's rich cultural and linguistic heritage. This week is Harmony Week, and the ability to communicate in more than one language enhances mutual respect, understanding and tolerance.

I wish the Victorian School of Languages all the very best for the year ahead as it continues its journey dedicated to the development of the linguistic abilities of Victorian students.

Public liability: community events

Mr DELAHUNTY (Lowan) — This city-centric government stands condemned for creating more red tape and extra paperwork for volunteers and putting at risk the viability of many community events across rural and regional Victoria. This was recently highlighted by the Horsham fishing competition, which has been run successfully for 32 years on the long weekend in March. This year, two and a half weeks before the event, the organisers were informed by the police that they could be up for \$40 000, but most likely about \$10 000, but if they filled out a five-page waiver form and sent it with supporting documentation to their revenue manager it could cost about \$500.

This event, like many in country Victoria, has a volunteer committee of 12 and over 100 voluntary stewards, includes \$75 000 in prizes and has an entry fee of \$40. Country events such as the Casterton Kelpie Festival, the Beaut Blokes weekend, the Wimmera German Fest in Dimboola and art events are very important to our country communities. Events like these are the heart and soul of regional life and make an enormous contribution to the social and economic wellbeing of a region. They run on shoestring budgets with little if any profit.

Regional communities have lost events because of public liability costs and they are worried by the possible impact of the legislation on working with children and the revenue raising by this government. Volunteers do not want to work their backsides off just to raise funds for the state government. Victoria is bigger than Melbourne, and I call on the minister to give guarantees and greater understanding of these police charges, exemptions and waivers to regional communities. Police do a great job, but our communities are worried that this revenue-raising exercise is undermining community confidence.

Mitcham–Frankston project: funding

Mr LOCKWOOD (Bayswater) — As many members of the house are aware, the Mitcham–Frankston freeway will pass right through my electorate, delivering dramatic decreases in travel times for people throughout the outer east. The beneficial side effect of the creation of this new road is that existing roads will see significant reductions in traffic flow. Those road users who do not wish to use the freeway can travel on existing roads and enjoy reductions in traffic flow in excess of 30 per cent in some instances. The member for Polwarth might like to take note of that point — there will be no rat runs as a result of the creation of the freeway.

Since the Aston by-election in 2001 the Liberal Party, both here in Victoria and federally, has willingly and deliberately played politics with Victoria's road funding. Seemingly without the faintest semblance of loyalty to the state, Liberal politicians here and in Canberra have willingly neglected Victoria for the sake of petty party politics. Currently — and apparently at the insistence of the Leader of the Opposition — the federal government is withholding from Victoria \$560 million in AusLink road funding. The federal government would have it that the state can just tear up a binding contract it has made with ConnectEast. That is the sort of reckless, disappointingly populist and economically unsound behaviour that this government will have no part of. We leave that to the opposition.

The federal member for Aston, Mr Chris Pearce, has recently landed the role of parliamentary secretary to the Treasurer. As a federal Liberal who has earned the reputation as the minister for stickers it remains to be seen if he can use his position to work for the release of these funds for the good of all Victorians or whether he continues to play pointless politics with Victoria's road funding.

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

Innovation, Industry and Regional Development: cookbook

Mr KOTSIRAS (Bulleen) — Last month I raised in the house the fact that the Department of Innovation, Industry and Regional Development had employed thousands of public servants who cost millions of dollars and provide no service to Victorians. Following this large influx of cardigan-wearing, folder-holding, corridor-coffee-drinking public servants, DIIRD requested them to ask their children to draw what mum and dad do at work so that their work colleagues will be aware of their role in the department.

As if this were not enough, more information has come to my attention. As I said, DIIRD has been saturated with extra public servants. These public servants have been given special, highly complex and confidential tasks to undertake to ensure that they are kept busy during the day and to give some meaning to their employment. A recent email to DIIRD staff advised:

DIIRD is compiling a cookbook for recipes celebrating the diversity of our employees and their favourite recipes. Your participation in this is encouraged to ensure that we have a collection of yummy recipes to include in the cookbook.

While I enjoy a good meal, I do not believe that public servants should spend their time compiling a cookbook simply to provide themselves with work. The money could be spent on extra nurses, extra teachers and extra police.

I am happy to submit the Kotsiras kalamata keftedes recipe — served with kalamata olives — or perhaps fakkas, which is lentil soup, or the Kotsiras kotosoupa — —

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

Point Lonsdale Tennis Club: upgrade

Ms NEVILLE (Bellarine) — On Sunday I was very pleased to officially open the upgraded tennis courts at the Point Lonsdale Tennis Club. The Bracks government provided \$50 000 towards this \$100 000 project, which saw the resurfacing of four tennis courts with a synthetic grass surface and provided new lighting. The project was a partnership with the Borough of Queenscliffe, which contributed \$25 000, and the club, which provided an extraordinary \$25 000. This was an incredible amount for the club to raise and is a tribute to its vision and commitment to securing its future. The club currently has 300 members and continues to grow with the upgrade of the facilities.

The new surface has enabled the establishment of a senior team, the lighting has enabled extra night teams and all up the club has had more casual and team players in the last six months. This is a great effort. The club has a strong and growing junior competition, and I was thrilled to assist in the presentation of trophies to the junior tournament winners.

Congratulations to all club committee members, past and present, particularly Anthony Wilson, the current president, and club members on all their hard work to build one of the best facilities on the peninsula. I thank them for their commitment to building a healthier and

more active community on the Bellarine Peninsula down at Point Lonsdale.

Lethbridge Primary School: relocation

Mr MULDER (Polwarth) — I draw to the attention of the house the need for the relocation and rebuilding of the Lethbridge Primary School. In September 2000 I attended a meeting with the school council and representatives from Golden Plains Shire to discuss this issue. The school building is on the northern side of the Midlands Highway, but the township is on the southern side, so 90 per cent of the students live on the southern side and have to cross the highway to get to school. Even with flashing lights installed at either end of the school precinct this is far from an ideal situation. Golden Plains Shire has asked the department to look at a master plan for relocation.

In March 2001 I wrote to the then regional director asking the department to support the council's desire for a rebuild. In August 2002 I wrote to the minister reiterating the poor facilities at the school and the traffic safety issue and asked that a feasibility study be undertaken as a matter of urgency. In July 2003 I was advised by Golden Plains Shire that negotiations to purchase land for the relocation of the school had fallen through and an alternative site would have to be found. It is now March 2005, and I note the shire is proceeding with the recreation centre, which is to be built on the oval in the centre of town, where it is envisaged a new school would be situated.

There is a sense of frustration and disillusionment in the school community as it has been told in the past that it is a high priority for funding and it believes that the children and staff at the school should not be subject to the significant risk which continues to be posed to students, indeed the entire school community, who are required to cross a very busy highway on a daily basis.

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

Forest Hill electorate: office

Ms MARSHALL (Forest Hill) — It is with great pride that I inform the house that following a relocation I no longer reside in the office that I had inherited, upon my election in 2002, from the previous member of 30 years.

My office was officially opened last week by the Premier, and the event was attended by my colleagues the member for Mitcham, Tony Robinson, and the member for Koonung Province in the other place,

Helen Buckingham, as well as by the Mayor of the City of Whitehorse, George Droutsas, along with many local supporters whose efforts are greatly appreciated.

I am now situated at 4 Lawrence Street, Blackburn South, which is just off Canterbury Road. After my election I set out to find my then new office but did not realise the amount of time I needed to locate it. I had its address, but it was unmarked and very hard to get to. It was at the back of a bland building, on the second floor and with no disabled access. Also, I was unable to place any signage to allow my constituents to find me with ease.

The previous member had enjoyed his privacy right up until his last day, but as a consequence he was rarely seen or heard. The Bracks government has set an incredible precedent of being visible, audible and transparent locally, and in many ways this has not been seen before.

With a steadily increasing elderly population, and Forest Hill being no exception to that, it is more important than ever that anyone who wishes to see me and speak to me has as little difficulty as possible in finding me. This office provides them with the capacity to do that and more so, to fulfil my desired obligation to be as active a member as possible and to be accessible. I thank everyone involved with my move, particularly the many businesses — —

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

Harness racing: Ouyen

Mr SAVAGE (Mildura) — I wish to place on record the total community opposition to the recent announcement by Harness Racing Victoria to gut a number of country harness racing clubs. The Ouyen Harness Racing Club has been dealt a death blow by Harness Racing Victoria in the announcement that they will lose their eight meetings to Mildura. The Mildura Rural City Council has indicated that due to the multi-use of the Mildura harness racing track they will not permit any further scheduled meetings. Harness Racing Victoria is reported to have said that the meetings can therefore be held at Nyah. This is a shameful outcome.

Ouyen has generated over \$60 million in betting turnover and club assets are at about \$1.25 million. The club has been in existence for nearly 50 years. Contrary to the act, there was no consultation, merely a notification to close as of June.

Harness racing in Ouyen, as in other country areas, is part of the community fabric and its proposed closure puts the slogan 'Growing the whole of Victoria' in jeopardy. This decision is a disgrace and needs to be overturned.

**Roberts McCubbin Primary School:
International Women's Day dinner**

Mr STENSHOLT (Burwood) — Today I pay tribute to Roberts McCubbin Primary School for holding a very successful International Women's Day dinner which I attended at Arlington, the historic chalet at Wattle Park. Over 120 people heard Sarah Foster and Julie Small give inspirational talks about their experience as resilient women overcoming adversity. Master of ceremonies Sandra Davis did a wonderful job.

Special guests and attendees included Cheryl Judd from the regional office, Caroline Chisholm awardee Adrienne Hardy and eight senior secondary girls, all sponsored by W. D. Rose Funerals and Green Traditions. Other attendees included mayor George Droutsas, Cr Sharon Ellis, Coralee Pratt, Stella Grarreffa and Maree Abonyi.

Special thanks go to the organising committee of Tess Brooks, Edwina Faithfull-Farmer, Helen Forge and Kylie Warner for all their hard work to make it a wonderful dinner. Thanks go also to the acting principal Margaret Pickburn, Belinda Treseder and Ron Brown and all the fabulous parents from Roberts McCubbin who attended.

Thanks also to Andrew and Susie Connard and their staff for their generous assistance in running the event. Many local organisations were represented, including Albany Rise, Bell, Bellevue, Great Ryrie, Greythorn, Hawthorn West, Kew and Mooroolbark East primary schools, Holy Redeemer and Our Lady's primary schools, Surrey Hills children's centre and Surrey Hills Uniting Church.

Thanks also to the many sponsors: Bread Street Bakery; Angel Wings; Flowers with Style; Hohndorf Fine Chocolates; Kawsa Hair; Acqualink, Surrey Hills; Bennettswood Fitness; BDC Dance Studios; Penguin Books; Taste D'vine; Tom and Fred's Kitchen; and Head Above. A great dinner was had by all.

Peninsula Community Health Service: chief executive officer

Mr COOPER (Mornington) — Police at Mornington have recently charged the chief executive

officer of the Peninsula Community Health Service with deception and the use of false documents. These charges relate to a large amount of money, estimated to be between \$400 000 and \$500 000, stolen from the organisation. I have been advised that the chief executive officer has admitted the offences and that she will be appearing at a committal hearing in May.

This is an episode that has shocked many people on the Mornington Peninsula. The shock is not only because the offences have been admitted to by this highly regarded individual, but what has also shocked a great many Mornington Peninsula residents is how this series of thefts was committed without the suspicions of the board of management being aroused.

Stealing up to \$500 000 over three years or so from a community health service would certainly have an effect on the capacity of that service to deliver its programs to the community. It seems, however, that this particular board of management was asleep at the wheel and certainly not meeting its responsibilities.

The Minister for Health must now explain why she has failed to ensure that the Labor Party-controlled board of management of the health service carried out its fiscal responsibilities in a competent manner, and why she has not sacked this grossly incompetent group of individuals that has been masquerading as a board of management.

Erwin Kastenberger

Ms LOBATO (Gembrook) — Today I pay tribute to one of my constituents who tragically lost his life earlier this month. Erwin Kastenberger of Cockatoo was gunned down by an unknown assailant while working as a security guard for Chubb. It has been hard for his family, friends and colleagues to come to terms with the senseless circumstances of his death. No-one expects a family member to die at work while undertaking normal workplace duties.

Mr Kastenberger's story had been one of triumph. He was a migrant who found a home on the other side of the world — in Australia — and built a life focused on family, community and work. Some years ago he moved to the idyllic township of Cockatoo in the picturesque Dandenong Ranges. Mr Kastenberger even had the good sense to become a Collingwood supporter. I attended his memorial service last week where over 200 mourners from all walks of life were united in their grief for him and struggled to come to grips with the reality of their loss. Erwin's work colleagues from Chubb displayed their grief by driving a convoy of Chubb vans to the memorial service. Erwin's son Mark

spoke of his father as his best mate and stated that he believed history will teach us that we had the privilege of being associated with a great man. I extend deepest sympathy to his wife, Robyn, and son, Mark.

Children: protection reform

Dr SYKES (Benalla) — I wish to draw to the Parliament's attention the mounting community concern regarding the proposed working with children legislation. It is another case of using a sledgehammer to crack a nut. It does not make sense to require 100 000 to 200 000 volunteers who work with children to undergo police checks to identify the 1000 or so people with known police records for sex crimes against children. Why not target those with police records by a more proactive use of the sex offenders registration file?

Checking the 100 000 to 200 000 volunteers will still not identify sex predators who do not have police records. Many of these predators are family members or are known to the victims, and the bill will not protect children against these people. What about the practicalities of the proposed bill: who is going to pay the \$50 to \$120 per police check? In schools volunteers are checked at no cost. To be consistent, the government should meet all costs of police checks on all volunteers. I am also told that a police check for a scout volunteer helper is not acceptable as a check for the same person volunteering to help at a primary school. Surely one police check should meet all needs.

My colleagues in The Nationals and I support all reasonable measures to protect our children, but as even the Chief Commissioner of Police, Christine Nixon, and Victoria's Privacy Commissioner, Paul Chadwick, believe, the government has got it wrong in this case. Please listen to the people and reopen community consultation so that a more practical commonsense approach can be developed.

Michael Cocks

Ms GREEN (Yan Yean) — To snare a hat-trick is the dream of any bowler and to be the victim of one, a nightmare for all batsmen. Michael Cocks will no doubt be now dreaming of state selection as his opponents have nightmares for the rest of their playing days, being victims of Michael's triple hat-trick. Finishing the session with figures of 7 for 14, Michael, playing for Epping seconds in the Diamond Valley Cricket Association, devastated the Mill Park line-up. Cricket is an extremely popular sport in Yan Yean and the Diamond Valley Cricket Association has many vibrant

clubs which I have enthusiastically supported since being elected.

So far this year I have had the pleasure of attending two superb sport days, firstly at the Diamond Creek Cricket Club, thanks to president John Davis, and also at the Epping Cricket Club, with no. 1 ticket-holder Cr Pam McLeod, and thanks to Russell and Deb it was a very enjoyable and profitable day for us both. Bad luck to Epping, which lost the Barclay Shield to Plenty last weekend, and well done to Plenty.

Inasmuch as the government has issued the challenge to Victorians to 'Go for Your Life', I know that cricket enthusiasts will step up to the crease and take control of the test of life. Even though those new cricketers risk coming up against Michael Cocks, I am sure they will enjoy the positives that participating in team sports and being actively involved in the community bring to people of all ages.

Michael turns 18 today, and successfully got his drivers licence. I am sure he will have to get something pretty impressive to top the feeling he must have had on 26 February as his team-mate helped him claim his fifth scalp and a place forever in the Diamond Valley Cricket Association's history.

Peninsula Community Health Service: board

Mr DIXON (Nepean) — For two terms now the local Labor Party on the peninsula has manipulated the board elections at the Peninsula Community Health Service, resulting in the election, amongst others, of local Labor identity Frank Thompson as chairman and the former Labor candidate for the seat of Nepean, Carole Ford. This board of management has neglected its responsibilities to the Department of Human Services, to the employees of the Peninsula Community Health Service, and also to the clients of the community health service. This incompetent board has overseen a period of false documentation and the loss of hundreds of thousands of dollars. This incompetent board has furnished signed blank cheques for four years to the former chief executive officer, who has then stolen that money and has been charged for that.

Week after week, month after month and year after year the board has continued its slack mismanagement of the Peninsula Community Health Service. The legacy of this board includes buildings which are falling down, particularly in Rosebud, cuts in service and financial losses. If these people have any decency, they should resign now. If not, they should be sacked by the Minister for Health. Fresh elections should take place to ensure that board members with basic business skills

and commonsense are elected — not because they have stacked the voters roll but because they are the best equipped people to lead the Peninsula Community Health Service out of its current morass and into a brighter future for the people who should — —

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

Schools: reading challenge

Mr HARKNESS (Frankston) — The year 2005 is very special as it is the centenary of the first government school in Victoria. This millennium started in 2000, and the 2005 cohort of preparatory students are the first of this new millennium — the millennium babies. I have had a great deal of pleasure in visiting each primary school in my electorate over recent weeks to present certificates to all preparatory children.

The education system today is vastly different from when I attended school, which is not all that long ago. Education is changing. For instance, the reliance on information technology as a learning tool, in fact as a learning necessity, did not exist 20 years ago. One thing, however, does not change. One particular tool still exists after 20 years, or indeed 100 years after the first government school was established here in Victoria, and that is reading. The Premier has issued a special challenge to all students from grade 3 to year 9. The challenge is to read 12 books from a list of books before the middle of August. That equates to two books a month for the next six months; that, in turn, across the Victorian education system, equates to 45 000 students reading 12 books, or 540 000 books to be read across the state.

Reading is vitally and fundamentally important. I was very excited last week to visit Overport Primary School in my electorate. The students at this school are taking up the challenge. The aim is to foster a real love of reading in the community. Parents can also be active in the competition by reading aloud with their children and participating in the reading challenge. I was accompanied at Overport primary by local award-winning author and illustrator, Terry Denton, who is an ambassador for the challenge. Mr Denton delighted grade 3 and 4 students with his madcap illustrations and stories of what he loves about books. He said, 'Books are just like movies, except you are producing all the pictures inside your head', and 'When you read a book, you can see the world through someone else's — —

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

RSL Village, Cheltenham

Ms MUNT (Mordialloc) — I always enjoy visiting the RSL Village in Cheltenham, and on 2 March I was pleased to present to the village a new flag. After a moving ceremony the residents were kind enough to share a lovely home-baked afternoon tea. They always go to great effort to make me feel at home. Of particular note to me was the reading of an original poem by one of the RSL's residents, Jean Payne. I would like to take this opportunity to share some parts of her original poetry:

Full forty thousand years ago
The Kooris filled the sandscape.
They lived in tribes in Dreamtime
On hill, on plain, in valley.
From north to south, from east to west,
In forest, scrub and mallee.
They're going still, but joined by
Some European white folk

...

They flooded in from England,
From Scotland, Ireland, Wales.
When gold was found in Aussie ground,
The Chinese came — all males!
When two world wars were over,
The immigration started —
Italians first, and then the Greeks —
All from their families parted.

...

In came the Czechs and Germans,
The Dutch, the Slavs, the Balts.
They came from Europe's war-torn parts,
The Middle East and Malta.

...

And now the door is opened
To Asia and Pacific,
Vietnam, Laos, and the East,
Result is quite terrific.
This potpourri of peoples
Most came by invitation —
The mix it makes has what it takes
To build a solid nation.

I think that is a wonderful poem on inclusion from Jean Payne.

Glenroy Primary School: achievements

Ms CAMPBELL (Pascoe Vale) — This morning at the Glenroy Primary School assembly I had the privilege of congratulating the school and house captains and presenting their badges. Congratulations from this Parliament to the four school captains for 2005, Matt Gilliland, Beau Barker, Seyda Yilmaz and Janelle Kelso; the house captains of Banksia, Sarah Moss and Gokhan Yorur, and vice-captains, Logan

Ramage and Carly Lloyd; to the Acacia team, captains Seyda Yilmaz and Gavan Mott and vice-captains Rebecca Budge and Kerim Emer; to the Wheatshaf captains, Janelle Kelso and Matt Gilliland, and vice-captains, Tamara Travis and Robert Gilfillan; to the Jacaranda captains, Kayla Lehmann and Stebin Sam, and vice-captains, Shannen Carlton and Matthew Hillsdon.

Congratulations also to the acting principal, David Randall, who has promoted greater involvement in student leadership. Through his stewardship at the school more children are given the opportunity to take on responsibilities. The entire school community this morning was very proud of these children.

Also at this morning's assembly we heard about the Great Sleep Over on Friday night. The children were effusive in their praise of that wonderful event. The assembly also acknowledged the fundraising efforts of the school community through their Easter egg and chocolate drives. I also want to pay tribute to the parents who are so greatly involved.

Weerama Festival

Ms GILLETT (Tarnet) — It is with great pleasure that I report to the house that on Saturday and Sunday of last weekend I had the absolute delight of attending my 10th Weerama Festival in the city of Wyndham. The Weerama Festival is held every year and is a celebration of who we are as a community in Wyndham and the things we hold dear.

I take this opportunity to thank the sponsors of the festival, without whom we simply could not hold the festival. They are: Wyndham City Council; Werribee Chamber of Commerce; K-Rock, Geelong; Werribee Plaza management; Telstra Country Wide; WestPoint Ford; Manor Lakes; the Weerama Mercy Debutante Ball committee; Westwood First National real estate; the Australian National Credit Union; Werribee Mazda; City West Water; Melbourne Water; and EcoRecycle.

I would also like to give a hearty vote of thanks to some remarkably dedicated committee members, chaired by Jeff Solomano and including the artistic director, Heather Marcus, and the director, Gerry Greenwood, who, I would declare, over this weekend put together the best of the 10 Weerama festivals that I have seen. It is such an important opportunity for our community to get together to celebrate who we are and what we believe in, with the focus being on sustainability in our environment.

The ACTING SPEAKER (Mr Delahunty) — Order! The member for Bass has 23 seconds.

Koo Wee Rup Regional Health Service: operating theatre

Mr SMITH (Bass) — That is all I need. I condemn the Minister for Health and the minister's parliamentary secretary for the damage they have done to the Koo Wee Rup community by forcing the hospital there to close its operating theatre. It is a disgrace. They poached surgeons — —

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

OUTWORKERS (IMPROVED PROTECTION) (AMENDMENT) BILL

Second reading

Debate resumed from 24 February; motion of Mr HULLS (Minister for Industrial Relations).

Mr McINTOSH (Kew) — I will be reasonably brief on this bill. The Outworkers (Improved Protection) (Amendment) Bill is an extension of a bill passed in this place just on two years ago. According to the minister's second-reading speech, because of the implementation of the federal awards system of common-rule orders that came into operation on 1 January, it purports largely to import those now into the relationship between outworkers, their actual employer or their apparent employer or principal employer. Indeed it is probably principally on that basis that the opposition will oppose the legislation. We are opposed to the idea of the federal award mechanisms, the common-rule orders, that have come into force in Victoria. That would be consistent with our position in relation to those matters for almost the last two and a half years, having opposed the original federal awards bill back in 2002.

I also wish to deal with an amendment that provides for the extension of the definition of 'clothing industry'. It certainly has greatly expanded the potential ambit and impact of the legislation from what was in the original legislation. A third matter which causes the opposition a great deal of concern and is certainly a second reason why the opposition will be opposing this legislation relates to the ability to lift the corporate veil. Under the legislation even if an outworker is operating under a business, incorporated business or a business name — or more importantly operating as a company, for whatever reason — then that corporate veil can be

removed in relation to recovery of any unpaid remuneration. With the operation of the federal awards or common-rule system, remuneration will now include all the aspects that would be part of a relationship under a common-rule system here in Victoria.

As I said, I am going to deal with the definition of 'clothing industry'. I raise this matter simply because the new definition is much more extensive than that in the original legislation, which, to my recollection, ran to some four to five lines. It now runs to nearly 20 lines in the definition in clause 4, and basically it could cover potentially anything that touched on or concerned the clothing industry. I would certainly like some indication from the minister that:

... wholly or partly designing, preparing, manufacturing, processing or finishing, or wholly or partly controlling, managing or supervising the designing, preparing, manufacturing, processing or finishing of any type of garment —

as contained in the provision would not include ancillary parts of the industry such as delivery, couriers, those sorts of things, and indeed potentially the manufacture of yarn or otherwise that are clearly not within the original scope of the legislation. The original legislation was meant to deal with those people working in their own homes or otherwise who were completely outside the normal workplace. We were told at the time that people were working under appalling conditions for appalling wages and salaries. Indeed I re-emphasise at this time that the Liberal Party is opposed to any form of exploitation and would certainly be prepared to discuss mechanisms that could properly protect outworkers if they were exploited.

I am also aware that there is a lot of controversy about the size of the industry, but as I indicated some two and a half years ago, and subsequently when this law went through two years ago, the opposition certainly would be supportive of the government's removing any forms of exploitation against outworkers.

While we did not oppose the original legislation, there are matters of real concern that this necessarily involves. The original legislation was about the ability of outworkers to recover unpaid remuneration, and one of the principal concerns there was that even if an arrangement was entered into that was not enforceable or otherwise, that particular matter could not be recovered because the employer was a fly-by-night company or a person who had just disappeared and left the outworker without any ability to recover what was owed.

The opposition had a great deal of sympathy for that. We received a large number of representations from church groups, from unions, even from business people, and we certainly took those on board. But that was the nature of that legislation, and while we did not oppose it at that time, what has been transformed now because of federal awards is that it has substantially increased the potential ambit of recovery. Certainly we never opposed the idea that everybody should be given fair remuneration and that there should not be any form of exploitation that could otherwise amount to or be deemed to be slave labour, whether it is in this sort of industry or another.

We are certainly familiar with the legislation and are supportive of the government's moves to protect people involved in the sex industry — the so-called sex slaves — and those sorts of things. The whole of this Parliament would consider those sorts of matters anathema and would be completely opposed to them, and we would certainly support the government in dealing with those matters. However, in relation to the federal awards system what is now happening, as we know, is that there are issues about whether or not the current legislation should be as broad as it stands, but currently the law in this state is that under a federal award there are 20 allowable items that can cover not only the hourly rates of pay but certainly long service leave right through to sick leave, overtime allowances, penalty rates and all of those sorts of matters that can be taken into account in an award.

It is a matter of profound concern that notwithstanding the fact that there may be an arrangement — the concerns addressed in the original bill were non-payment and the ability of outworkers to recover from their actual employer, their apparent employer or their principal employer — this will adopt the common-rule system and impose it in a relationship that is quite different from the employment relationship as we have come to understand it. It is certainly different from the employment relationship as defined in the Workplace Relations Act. It is different on the basis that in many respects there are independent contractors in a number of industries, and this is more akin to the independent contractor relationship.

To take the sort of award conditions that would apply in a classic employer-employee relationship existing under the federal award through the common-rule system which is now in operation here in Victoria and impose them in an outworker situation that could relate to an actual employer — I can understand that — and have them transposed to an apparent employer and then, under the conditions of the original bill, have them transposed to a principal employer when, as we know, a

principal employer is a person who engages a subcontractor to do the work and the subcontractor is then free to engage other subcontractors, if he likes, is so alien to our notion of the employment arrangement that it is a matter of profound concern. You are imposing all of the complexity of a federal award system with 20 allowable items onto a relationship where there may not be any discussions between the relevant parties and they may not be parties to any proceedings in the Australian Industrial Relations Commission or otherwise.

That is taking the step a substantial amount further from what was originally intended some two years ago. While the opposition supported the idea that you could recover unpaid remuneration from an apparent or principal employer notwithstanding the non-existence of a contractual arrangement or relationship, this is starting to draw a long bow. However, the principal concern the opposition has — —

Mr Wynne interjected.

The ACTING SPEAKER (Mr Delahunty) — Order! Through the Chair! Members can have their conversations later. The member for Kew has the call.

Mr McIntosh — Thank you, Acting Speaker. I apologise because I was just distracted by a very important man, the secretary to cabinet, who seems to want to ask me some questions.

The third and principal concern the opposition has, for the benefit of the member for Richmond, is the way this legislation goes about lifting the corporate veil. Clauses 5 and 6 relate to both an apparent employer and a principal employer. Notwithstanding the fact that the outworker may own or manage a business or body corporate, the government is quite happy to go about entitling the outworker to lift the corporate veil to establish a relationship between another person — an apparent employer or an actual employer — and a principal employer and deem them to be an actual, apparent or principal employer. That means that notwithstanding the fact that a quite sophisticated arrangement could exist in the hands of the outworker, it could also be a complete sham. I understand the government's intention in relation to a complete sham but it is a case of one size fits all.

When this legislation was being discussed I gave an example. I spoke to a number of people about this. I was never able to put complete flesh on the bones and I hypothesised to some extent, but I gave an example of a man and a woman who lived in my constituency. These people were active in the community — they had sent

their two children to a local school and they participated in that school's activities. The man was employed at middle-management level in a government department; I have no idea what his income was but he was a public servant. His wife sewed shirts. They were telling me that they had got it down to a fine art. They could do a lot of work in about 4 or 5 hours at night and that enabled them to send their children to private schools in my electorate and to live in my electorate.

That is where the facts ended but I hypothesised that they could have a company and they could be employed by the company and quite legitimately under the current arrangements avail themselves of the substantially lower tax rate. If the company owned their home, there could potentially be deductions for rent and accommodation, and there could be deductions available for the salaries paid to them. In addition, deductions would be available for a proportion of the telephone bill. They could even run a family car through the company. These are all legitimate practices but they could be struck down in this particular arrangement if they sought to avail themselves of the common-rule system.

Going back to the factual situation, they were both very happy with the arrangement. It enabled them to fully participate in the Australian way of life — that is, to work hard, to derive an income and to make choices as to where you live, where you send your children to school and how you live your life. What concerns me about these matters is the government is now taking the ball a little bit further than it did two years ago. Striking down that relationship between an outworker and a company which he or she manages or owns and may have set up for whatever legitimate purpose he or she wanted may strike at the heart of that arrangement. There is no apparent reason for a sophisticated arrangement to be struck down. It is a case of one size fits all.

Rather than taking into account that there is a difference, that there is diversity and people will structure their affairs in legitimate ways to make use of the laws to maximise their opportunity of participating in our community, this says we should forget all of that because we can identify 1, 2 or 100 000 examples where people are being ripped off. I can understand the government's motivation in saying that, but whether it is 1, 2 or 100 000, we should be on about preventing that degree of exploitation. We should not be undermining a legitimate, credible mechanism.

I am concerned that incorporating a company, and owning and managing that corporation, costs a lot of money. It is clearly something you have to make a

choice about. You have the incorporation fees and probably the purchase of a shelf company, of potentially changing the name and lodging the returns in relation to the current directors and the company office — all of those normal returns. I do not have any up-to-date knowledge but five years ago annual returns cost of the order of \$1000 a year and one would expect that they have gone up. Maintaining a company is not cheap, you have to make conscious decisions.

Accordingly it would seem to me that somebody who has structured their affairs through a corporation or even a business name which requires certain lodgment of legal documentation, if those particular aspects were being set up and conducted, then probably 9 times out of 10 they are quite legitimate, quite productive, quite credible bodies and conscious decisions have been made to set them up and structure people's affairs in these circumstances. They should not be blithely cast aside — and the corporate veil should not be blithely cast aside — simply because the government can identify 1, 2, 10 or 100 000 examples where people have been ripped off.

What this is doing is preventing people from structuring their affairs as it suits them. It is preventing an individual — or two or three individuals or whatever — from structuring their affairs as they see fit to enable them to participate to the fullest extent in what we would consider to be normal Australian life, such as making choices about where they live, where they educate their kids, what they do on their holidays, what sorts of houses they have and what sorts of cars they drive. They are matters for those individuals and should not be dictated by the government or otherwise — and the government should not dictate how they structure their legal affairs.

This is the fundamental difference between the Labor Party and the Liberal Party. We believe in the sanctity of the contract in these circumstances — that is, people should be free from any form of government interference, no matter what platitudes the government may put out there. People should not have their contractual arrangements interfered with simply because the government chooses to do so. We know perfectly well that there is a real issue between the Labor Party in government and the Liberal Party in opposition, both here and federally, and that is the independence of contractors. The idea is that somebody should be free and able to structure their affairs as it suits them. You cannot pick out examples of where it may have gone wrong and use them to prevent somebody from entering into an arrangement that may suit them. That is absolutely reprehensible and should not be supported. Accordingly, having made those

remarks I indicate that the opposition will be opposing this legislation.

Mr RYAN (Leader of The Nationals) — It is my pleasure to join the debate, albeit a little earlier than I anticipated, on the Outworkers (Improved Protection) (Amendment) Bill. This important legislation promises far-reaching consequences not only within the sphere of outworkers, to which this legislation is nominally directed, but far beyond that relatively limited purview. In addressing the bill I say from the start that The Nationals are very conscious of the risk that exists to a greater and lesser degree for those people who are involved in the work which is intended to be accommodated by this legislation. Much of that work is done in the areas that we represent in non-metropolitan Victoria, but I recognise equally that a lot of it is done within the suburbs of this great city of Melbourne.

Wherever it may be done we understand that, as is the case with any form of enterprise, there are shysters and tricksters out there. Those who want to take from others less fortunate are always out there. Accordingly as a general rule we are supportive of initiatives which are intended to accommodate the needs of those who are vulnerable and less fortunate and who do not have the capacity to look after their own interests as one might like to think should be the case. Unfortunately this legislation goes well beyond the pale, and The Nationals are opposed to it. We support the broad principle of having a structure which offers a balance between the different factors which are of influence, but we think that in this instance the legislation has simply gone too far.

The bill represents an amendment to the legislation which was passed by this place in 2003. The Nationals opposed that legislation, and we did so for a variety of reasons, not the least of which was that we saw the extent of the legislation as being an attack on free enterprise and the capacity of people to do business as they thought appropriate to their respective needs. I must say that nothing has changed given the way in which this bill has come before the house. To see that one need only have regard to some of the basic elements of the legislation — for example, the definitions of 'outworker' and 'clothing industry', which I will come back to and address in more detail.

Our basic worry is that this bill has its genesis in two fundamental areas. The first is the unions' absolute distaste of private contractors, which is self-evident from the terms of this legislation. One of our concerns is that that aspect is now under debate, because we see it as the thin end of the wedge. There is the prospect of this style of legislation being extended to other areas

where private contractors are presently engaged in providing people from different walks of life with goods and services through different types of enterprises. That is the first issue of concern to us.

Another issue is the fact that the unions have a great fear of what the federal government is intending to do with regard to underpinning private contractors after the Senate majority is delivered to it on 1 July this year. In that regard I refer to the 12-month report of the Ethical Clothing Trades Council of Victoria, which was established under the principal act. In the course of summarising developments in various aspects of community and enterprise policy which are pertinent to the issue, on page 16 it states, under the heading 'Federal government policy':

On 26 September 2004 the federal government announced a new industrial relations policy concerning independent contractors that it would pursue if re-elected. The federal government intends to introduce the Independent Contractors Act to 'prevent the workplace relations system being used to undermine the status of independent contractors'.

The stated reasons for the policy include 'that the courts have gone too far in developing common-law tests that distinguish sham contractors and treat them as employees, and that the honest intentions of the parties are being disregarded'. Further, the federal government considers that state legislation deeming groups of contractors to be employees 'drags them back into the rigid workplace relations system'.

The next paragraph goes on to express sentiments of a similar nature to those which I have quoted. The end result is that the union movement sees the prospect after July at a federal level of legislation being enacted which damages its prospective position at the state level, so it is getting in first. The unions are going to throw the first punch per favour of this legislation — and in that, once again, they are being aided and abetted by this government. In its structure this bill is intended to give legitimacy to the second of the recommendations that came out of the report from which I have just quoted. On page 26 the second recommendation has four dot points, the first of which states that this legislation will give full effect to the deeming provisions of the Outworkers (Improved Protection) Act to ensure that, whether classified as an independent contractor or an outworker, a worker is entitled to identical terms and conditions of employment and has the capacity to recover money and that the same obligations of transparency and record keeping apply to all companies giving out work.

I will not go through the next two dot points. The last one is also relevant because it is intended to expand the capacity of information services officers to inspect and enforce compliance. Of course this was one of the points we spoke of when the primary legislation was

before the house — that is, the notion that information services officers were really engaged in the issue of compliance. From a union perspective there is also the issue of former union members and hacks being employed in the role of information services officers. Under this legislation they would have an expanded capacity to ensure compliance, not only under the primary legislation but also with that which is intended to take effect under this bill. All those elements are wrapped up in this legislation.

On other matters, the Ethical Clothing Trades Council of Victoria engaged the Textile, Clothing and Footwear Union to conduct a compliance survey of the Outworkers (Improved Protection) Act 2003. That appears in the document that I have before me, and this is akin to putting Dracula in with the blood bank! The notion was to obtain plenty of self-serving material which would sustain the sort of material we now have incorporated into this legislation.

There are some particular elements of the bill that are pertinent and of interest in the context of the commentary I am making here. The first of these is that the bill sets out to ensure that all outworkers are treated as employees. You will see in the legislation the deletion of some words and the inclusion of others. I turn particularly to the definition of 'outworker' as it appears in the primary act. I quote from page 4:

'Outworker' means a person engaged, for someone else's business —

and I emphasise the words 'for someone else's business' —

in or about a private residence or other premises that are not necessarily business or commercial premises, to perform clothing work.

In clause 4(1)(b) of the bill the words 'for someone else's business' will be deleted, so the section would read that an outworker is defined as meaning 'a person engaged in or about a private residence or other premises that are not necessarily business or commercial premises to perform clothing work'. We have this huge net being cast across the market place to capture anybody who comes within this now extraordinarily wide definition of an 'outworker'.

The other major change is the insertion into the principal act of a definition of 'clothing industry'. This definition appears in the award. Paragraph 1 of the Clothing Trades Victorian Common Rule Award 2005 contains under 'this declaration', as it is termed, the definition of 'the industry'. The terms used in that

award are identical to those used in the definition of 'clothing industry' in the bill now before the house.

I will not read it out as it is 24 lines long; the only thing missing is 'socks and undies', and 'singlets' are there also; but otherwise you just about have the whole gamut of what anybody could ever make or fabricate within the clothing industry. Again we see that the intention of the union movement, aided and abetted by the government, is to extend the net and the application of this legislation with enormous breadth. It is another reason why we have great concern that here the government is using a sledgehammer to crack a nut.

We recognise, as I have already said, that there are those who take advantage of those who are less fortunate, and they may be less fortunate for a variety of reasons; but the fact is that introducing this legislation with its enormously wide compass is simply not the way to deal with the matters that the government is seeking to accommodate.

Another element of the bill is the insertion by clause 7 of new section 14A. That again is an absolute belt-and-braces provision and has enormous breadth. Proposed section 14A(1) imposes certain benefits that an outworker will enjoy; 14A(2) provides a series of conditions that will apply in relation to the employment of outworkers, and 14A(3) is a catch-all that accommodates the situation where the federal awards may otherwise be in place so there is not to be a clash between the two provisions to which I have already referred — again, a very wide provision which is drawn far beyond the needs, we believe, of what this legislation is looking to accommodate.

In addition to this, and as a third element to which we take objection, the regulation-making powers within clause 9 are extraordinarily wide — they are far wider than is necessary in all the circumstances. It comes back to the fact that we will end up with a product that is extraordinarily bad and will have a very significant impact upon the businesses that it is apparently seeking to assist.

The house should bear in mind also that the textile clothing and footwear sector is in an extraordinarily competitive environment not only in Australia but, as we all know, from a global perspective. It has been put to members of The Nationals that people are fearful that the imposition of the initiatives which are intended to take effect under this legislation will unfortunately cost a lot of people their jobs. I say again — and I am extremely conscious of the fact that no-one wants anybody to be taken advantage of in the way in which their work environment is structured — that we are

very fearful from what has been put to us that the application of this legislation is going to cost people jobs.

One of the things that is often bound up in this discussion is the confusion that extends between piecework rates and the payments applicable to them as opposed to hourly rates of employment. That often gives rise to a commentary which is simply false in the sense of the apparent fairness or the injustice that is being done to the people who are involved.

By way of an example of how the government's intentions in this regard can run right off the tracks, I refer to correspondence I have received from my constituents Gil and Karen Trease who operate G. K. and K. M. Trease Builders in Meeniyan. Their correspondence was directed to the Minister for Industrial Relations and WorkCover. They wrote to the minister on 23 February this year. This is reflective of the sorts of outcomes which are likely to be the result of the application of this legislation before the house.

The two situations are entirely analogous. I might say before referring to this letter that Gil and Karen Trease operate a building company which is extremely successful. In 2004 it won the Housing Industry Association award for the Australian home of the year. In that same year it won the award for the custom-built home of the year. In 2003 they won the award for the overall custom-built home of the year; in 2003 they again won the award for a custom-built home to the value of \$350 000 to \$500 000. There are other tributes which I could read to the house that are reflective of the extraordinarily successful business which is operated by these people.

What Gil Trease wrote to Minister Hulls on 23 February this year is very pertinent in the context of this piece of legislation. He was talking about the general changes that took place on 1 January as a result of this government's legislation which was passed last year. He says in his letter:

Dear minister,

'Thank you' for the total contempt that you have shown for small businesses and Victorians by your government's recent introduction of workplace changes, that is, massive and unjust fines on business owners and the outrageous union right of entry to our sites! And now the implementation of the National Building and Construction Industry Award.

To calculate the impact of a full-time staff member on the new award from the Victorian award I have added the following on a weekly basis ...

Gil proceeds to set up the various figures which total up to \$260 a week. He goes on:

That is \$260 or nearly 47 per cent increase in our employment costs per week per a full-time employee. That adds over \$50 000 of extra costs to my small business with no trade off or benefits whatsoever!

He then goes on to talk about having to cop:

... the impost of a 17.5 per cent holiday loading and redundancy payments on small business ...

And:

... the privilege of paying travelling allowance of \$69 a week to carpenters to arrive at our registered business address where I supply transport at no cost to the work sites.

The point of all this is that The Nationals are fearful that the sort of scenario painted by Gil Trease on behalf of himself and his wife Karen about the operation of their business is going to be reflected in precisely the same way in the application of this legislation before the house. You are going to have all these unintended consequences, even putting the government's case at its highest and with the best will in the world. They include the imposition on a raft of businesses throughout Victoria of additional costs, regulatory regimes, compliance obligations and so on — all the sorts of things which a very practical bloke like Gil Trease sets out in his letter as having arisen under that other form of legislation insofar as his business is concerned. We are going to see the same thing being translated in the application of the legislation now before the house. It is why members of The Nationals are very concerned about this.

There is no doubt that some outworkers are exploited, but despite all the rhetoric that accompanied the introduction of this bill, it is not what this is all about. We believe the long-term objective here is to establish some sort of a precedent that can be applied in other forms of enterprise throughout the state with an end view of undermining the capacity of tradespeople to operate as private contractors. Unfortunately we think that it is going to have a very deleterious effect on employment levels here in Victoria. Rather than doing the sorts of things which it is nominally said to be aiming to achieve, this legislation is going to result in precisely the opposite. A lot of people are going to find themselves out of work simply because the structures now being imposed upon them by this nanny state have gone to a new level.

Mr WYNNE (Richmond) — I rise to support this important piece of legislation. It is deeply regrettable that the opposition parties cannot see fit to stand with the government in supporting some of the most vulnerable workers in our community. You know you are on a pretty good proposition when opposition

speakers argue from the most extreme position possible to support their case. Both the member for Kew and the Leader of The Nationals have taken a very extreme view in seeking to mount an argument that this lifting of the corporate veil in some way seeks to undermine the basic integrity of the economic system which operates in this state.

Put simply, by any measure this legislation is about protecting the most vulnerable workers in our community. We know that outworkers work long hours, often sewing from home, in the clothing, textile and footwear industry. Interestingly some Australian Capital Territory research done in 2003 reveals that the majority of outworkers are from non-English-speaking backgrounds and have arrived in Australia as relatively recent migrants — that is, within the last five years. It is estimated that approximately 330 000 people are employed as outworkers in Australia, so it is a very large work force. They typically work an average of 14 to 18 hours a day, often up to seven days a week. They are often isolated and unaware of their entitlements. They are left out in the marketplace, open to exploitation and abuse.

Clothing outworkers particularly have considerably worse occupational health and safety outcomes than factory-based workers and report three times the number of injuries of factory-based workers. The level of occupational violence, predominantly from middlemen, was also very high, and children were often found to be involved in the work as women struggled to meet often extremely onerous time lines. Employers benefited through this exploitation by not providing a basic safety net for these workers, including such things as paid overtime, sick leave, maternity leave and holiday or redundancy pay. Any form of safety net that is commonly available to the work force generally has been denied to this group of workers.

To protect outworkers against exploitation the government introduced the Outworkers (Improved Protection) Bill, which was enacted on 1 November 2003. That act provides for increased protection for outworkers, ensuring that a safety net exists as a minimum entitlement for all outworkers. Interestingly the Howard federal government has also recognised the particular vulnerabilities of outworkers. It has amended relevant federal legislation to give contract workers the same rate of pay as employee workers. Indeed the Industrial Relations Commission is now empowered to make common-rule awards in Victoria, and the clothing trades award took effect as a common rule from 1 January.

It has emerged, however, that there are deficiencies in the way this award applies to Victorian outworkers, because the new award does not cover some contract outworkers. The bill before the house amends the Victorian legislation to provide all Victorian outworkers with a safety net of basic conditions very much in line with the standard federal award. I reiterate that that is the Howard government's award. The bill addresses deficiencies in the new federal award which applies to contract outworkers and ensures that all Victorian outworkers receive an equal entitlement. In my view it has always been the Bracks government's intention that outworkers, whether independent contractors or employees, should be entitled to the same safety net of wages and conditions. It was a commitment at the last election, and the government has delivered it in full. This amendment is a sign that the government not only cares about outworkers but generally seeks to send a clear message to employers that we will not support those who seek to exploit the most vulnerable in the community.

In the contributions made by previous speakers there seemed to be a concern, particularly as raised by the member for Kew, that this is essentially an ideologically driven piece of legislation. If ideology is to be seen as a hallmark of this government, then I stand fairly and squarely in the corner of those who seek to support the most vulnerable workers in our community. At the heart of the argument from the opposition parties is the proposition that private enterprise should be free of government interference. If the suggestion is that this legislation seeks to do nothing more than protect the basic right of workers to a fair day's pay for a fair day's work, then that is a level of interference I would have thought ought be supported by both sides of the house.

As I indicated earlier, you know you have a proposition that is uncomfortable for the opposition when it seeks to argue from the most extreme position. Opposition members have sought to argue that there are honourable and well-meaning employers in the textile, clothing and footwear industry who through no fault of their own might find themselves in a position where some people might inadvertently be exploited. We do not seek through this legislation to do anything more than have this Parliament recognise that in a systematic way the exploitation of people working in the outworker industries is shameful.

It really behoves the opposition parties to go out and actually consult with the people who are working in those industries, particularly with migrant groups and those who seek to support recently arrived migrants, and to understand what it means to be locked into the

gruelling situations these people find themselves in when they are doing piecework for less than minimum wages and being fundamentally exploited in their homes. The nature of these contracts is such that virtually the whole family is an enterprise, trying to keep up with the contractual arrangements these people find themselves forced into without any sick leave, without any holiday pay and without any workers compensation — that is, with none of the fundamental rights and safety net provisions that we as a Parliament ought to be out there saying every worker ought to enjoy in this community.

It is really shameful that both the Liberal Party and The Nationals cannot support this legislation today. Frankly I was surprised that the member for Kew indicated the Liberal Party's opposition to this piece of legislation. It does both the Liberal Party and The Nationals no good as far as their standing in the community goes that they are not prepared to stand with the government in a bipartisan way and say to those rogue operators who are well established particularly in the textile, clothing and footwear industry that we will not support this exploitation of decent working people — by any measure the most exploited group of people in our community — and that we will ensure that, whether they are employees or contractors, their rights will be protected and that a decent standard of living and a decent quality of life are available to them in an industry that across Australia is still employing 330 000. This is a very large work force. The leadership of this government is exemplary in this area, and I commend the bill to the house.

Mr HONEYWOOD (Warrandyte) — In listening to the contribution from the honourable member for Richmond, who talked about the most exploited members of the community — those people who are most vulnerable in society and who are most open to exploitation by bad elements — I thought he was talking about the Labor Party branch stacking going on at the moment. I thought he was going on about the misuse of ethnic communities in this state by a Labor Party that buses ALP branch members in to any branch it cares to help with preselections. The Minister for Police and Emergency Services, who is at the table, is an expert at this. We know what he did to poor Eddie Micallef — —

Mr Wynne — On a point of order, Speaker, the Deputy Leader of the Liberal Party knows very well that he has not yet commenced his contribution in any way, shape or form on the bill itself. I ask you to bring him back to the bill before the house.

The SPEAKER — Order! I think the Deputy Leader of the Opposition was trying to make a point before he turned to the bill. I am sure that he is about to do that now.

Mr HONEYWOOD — We all regret what happened to poor old Eddie Micallef, the former member for Springvale and one of the more colourful members of this chamber. He was exploited by the Minister for Police and Emergency Services; he was branch stacked out of this place through the misuse of ethnic communities, the most vulnerable people in our society, by the ALP in Victoria.

Having said that, this legislation is opposed by the opposition. It is opposed because it is all about redefining and creating a precedent when it comes to the definition of ‘an employee’. We know that the Bracks government is having it both ways. On the one hand it wants to use the camouflage of federal award coverage to get itself out of a number of sticky industrial relations situations it finds itself in with Victorian employees, and on the other hand it goes bleating to the federal government to say it wants to use federal award coverage to protect it from civil warfare in the industrial relations system in Victoria — and it wants to redefine the definition of ‘an employee’ when it comes to federal government jurisdiction.

This is all about the thin end of the wedge. This is about using the textile industry, in which admittedly over a number of years, particularly in the dim, dark ages, there was exploitation of outworkers — nobody can deny that — to create a domino effect that rolls over into other industries such as the courier industry and the like. Why is this so? As a former minister for multicultural affairs I would like to think that the ALP in Victoria is coming to this legislation with clean hands and in a genuine attempt to assist the most exploited and the most vulnerable, as the member for Richmond pointed out in his contribution. This is one of those win-win situations for the government of this state, because what it means is that these outworkers — who in many cases are geographically and socially isolated from the trade unions trying to recruit them — will be easier for the ALP to recruit as new members once they are covered by federal awards and the ALP knows where it can find them.

This is also one of left-wing Labor’s pet projects. It is something that would have come out of the Brunswick branch or the Coburg branch over a glass of wine at one of those chardonnay socialist events. It is one of those left-wing pet projects that the Labor Party has to deliver on. We know that, but at the end of the day what message does this send to the employers of outworkers

in this state? I am sure, Speaker, that given your gender you would appreciate that particularly for female workers, more so than for males in most cases, although in modern families of course it is an issue for both people involved in parenting, the spread of hours outside the normal federal framework is very important. The spread of hours may mean that in some industries workers, be they male or female, would like to be able to finish their jobs in time to be able to pick up the children from school.

Equally, the spread of hours would assist some parents if they wanted to be able to drop the children off at school and then commence their working day. If we move away from the spread of hours currently available to contractor workers that will be a discouragement — or financial penalty — for many families. There are implications in jumping into the federal award system from the current arrangements.

Equally, there is the whole issue of flexibility — for example, the absence, unfortunately, of any crèche in many workplaces. There has been a longstanding custom and practice for contractor workers in the textile industry doing their work from home being able to do some of their work with preschool-aged children with them or in a setting more conducive to assisting with child care than in a formal factory arrangement and the like. There are some negative implications for workers involved in rushing into the federal award system, and I am sure members opposite are well aware of that.

When it comes to all the carry-on by members opposite about the most exploited members of our society as being vulnerable and so on, as a former minister for multicultural affairs I absolutely agree that there have been cases of severe exploitation in the past — but we have come a long way. Existing government regulations surely are very different today from what they were 10, 15 and 20 years ago. Whether it be existing government regulations, occupational health and safety regulations or the media as the third estate acting as a vigilant monitor of what is going on in some workplaces, in this country they are very quick to expose bad employers and those who are being taken advantage of in our society.

I would like to think that this is not a case of this government attempting to hide the fact that it is not enforcing its own occupational health and safety regulations and existing contract employment regulations. I would like to think it is not relying on the good old federal government to bail it out because it is not putting enough financial resources into backing up its rhetoric with action for the inspection of workplaces

and looking properly into occupational health and safety regulations.

Unfortunately we cannot support the government on this particular occasion, as much as members opposite would like us to, because of the flow-on effects and the fact that this government just cannot say 'No' to its trade union masters when it comes to finding new recruits to join the trade union movement. At the end of the day contractors are not employees under the commonwealth Workplace Relations Act and therefore they do not fall under an award.

As I said, if we are going to take away the spread of hours and the flexibility that contractor employees in Australia need because of their particular family situations — if this is going to have a domino effect into the courier profession, for example, we could well find that because they do not fit within the normal spread of hours or the normal federal award arrangements many couriers are without a job — this legislation is going to exacerbate the situation. Legislation like this underlines the fact that in the figures on national employment released last week Victoria is back to having the worst employment rate in Australia. In other words, we have the lowest number of new jobs being generated in Australia and we have the equal highest unemployment rate in the country.

It is legislation like this that takes jobs away from families — from many parents who are trying to have additional income coming into their household. Unfortunately whether we like it or not this legislation is leading to Victoria getting a reputation as having a state economy that is no good for employment, a state economy from which on a national basis employers are tending to move their factories and relocate into other states where employment conditions are much fairer to all parties.

Mr LONEY (Lara) — I welcome the opportunity to speak briefly about this piece of legislation. Might I say at the outset that decency is at the heart of this legislation — decent treatment of a particular group of workers. We hear a lot from the other side, but whenever there is a piece of legislation brought into this place which seeks to improve or hold the conditions of workers the opposition's argument is that the sky is going to fall. The crux of its argument seems to be that to treat workers in this state decently is wrong and the only way you can have a decent economy is if you exploit workers. On this side of the house we reject that.

As has been said, this bill is about the protection of one of the most vulnerable groups of workers in our

community — namely, those employed in outwork. A large part of my electorate traditionally has been involved with the textile industry and historically the conditions of many of those people have been atrocious — the conditions they work under and the wages they receive. Wonderful things happen at fashion shows and people pay thousands of dollars for fashion clothing. However, the workers who have worked on the garments have been exploited to the extent of being paid basically cents for the value that they have put into the garments. The argument we are getting seems to be that that is all right.

Prior to the last election this government promised those workers that they would get safety net protection, and we have delivered on that. Unfortunately there is now some confusion.

When we say 'safety net' what we are talking about is these workers receiving their lawful entitlements. We are not talking about outlandish conditions or huge salaries. We are not talking about giving them the sort of packages that people who have failed in running banks might get when they walk away from their employment. It is not that sort of thing we are bringing in here — the sort of package that the other side does support. This is about minimal — in fact, exceedingly minimal — entitlements for people.

The confusion about this bill arises over whether these people are independent contractors or employee outworkers. Depending on the definition, they are employed differently. I have to say from having some experience with textile trades around my electorate and elsewhere that they can no more really be defined as independent contractors than I can. If you want to call them independent, they certainly do not have the independence of financial status to be able to walk away from the work they are doing and go to another job where they may be paid at the rate to which they are entitled.

The changes in this bill will ensure equality in minimal entitlements, whether they are classified as independent contractors or employee outworkers. They are minimal things. The entitlements will allow them to recover moneys owed to them. We believe that is a minimal entitlement for a worker. I do not understand how people on the other side can oppose that. How does the opposition also oppose some minimum standards about transparency in record keeping on the part of the employer? How does seeking that put our economy at risk? These are things that should be done in every workplace.

In response to the Deputy Leader of the Opposition saying, ‘These are the sort of things that come out of the Brunswick and Coburg branches’, I would expect them to come out of the Brunswick and Coburg branches of the Australian Labor Party, given the tradition that many of these outworkers have been based in those areas. It is where in the past the problems have often been. He also asked what message this legislation sends to employers. I will tell members opposite what message this piece of legislation sends to employers: it says to employers that every worker in this state is entitled to a fair go. That is the message a piece of legislation like this sends out. It is a pity that those on the other side do not subscribe to the fair go for every employee in this state. Be that on their heads.

Finally, there has been some talk about the federal government and its commitment. In my area, with a lot of textile activity, protection by the federal government is almost laughable. A short while ago the federal government closed the office of the federal arbitrator in Geelong. The federal employees who were there, who could go out and inspect workplaces and record books and recover moneys, have had their office closed. So much for federal protection under this act — it simply does not exist. What we know is that on the other side of the house, whether in this state or federally, there is no commitment to protecting vulnerable workers. This is a decent piece of legislation. It is about decency and should be supported by both sides.

Mr COOPER (Mornington) — The government does not seem to understand that this bill is the thin edge of the wedge. Whilst I hear the member for Lara talking about this bill sending a message to employers, what the member needs to understand is that it also sends a message to the army of self-employed contractors throughout this state and this nation. This bill, while it concentrates on the clothing trades, is the thin edge of the wedge. It sends a message to everyone in every industry in this state that this government has them in the firing line, in the cross hairs, and when this bill passes — which it will because there is no doubt the government will use its numbers to crunch the bill through — it will be the forerunner of other legislation aimed at self-employed contractors throughout this state.

That is something that the people of Victoria need to understand, especially the thousands and thousands of people who enjoy the status of being self-employed but working specifically or solely for one company or two companies as self-employed subcontractors. They jealously guard that right. They jealously guard that status and privilege that they have of being such a person who may be working exclusively for one

company or spreading their working time over two companies or more but are still self-employed and have the right to self-determination and the right to be not an employee but a subcontractor.

The member for Lara talked about the protection of workers. Who would argue about the protection of workers? The fact is that philosophically this side of the house says you can do all you like to protect workers but one thing you should not be doing is removing from people who are self-employed subcontractors the right to that self-determination — the right to decide how they will be employed, whether they are employed under a contract, on subcontract rates or whatever. That decision is the right of the individual, not the right of this government and certainly not the right of the Labor Party. What we see today is another piece of ideological legislation by this government. It is something that strikes deep at the heart of so many people throughout this state.

My background, as you well know, Acting Speaker, is in the building industry — as yours was, too. There are thousands and thousands of people who are still employed as subcontractors in the building industry, despite the efforts of the Labor Party and the Trades Hall Council to try to knock them off and have them made employees of building companies, despite the fact that they know full well that in doing that they will push up the employment costs of those people, so that at the end of the day consumers will pay more and more for products that they will not then be able to afford. In the case of the building industry, prices are high enough without the government taking that kind of step.

It is not restricted to the building industry. It goes right through every aspect of industry. One of the things that will be created by this is that we will end up with labour being paid a fair price and with the contractors being happy with their lot — and I am talking about people like carpenters, plumbers, electricians, plasterers, bricklayers and so on. They are happy; they do not want to be employees — —

The ACTING SPEAKER (Mr Smith) —
Concreters!

Mr COOPER — Concreters, Acting Speaker — you are right. They do not want to be employees. They want to run their own businesses. Whilst they may work for one company or two companies or spread their work around a number of companies, they will strongly resist the efforts of government to make them by legislation employees. Whilst the bill is looking at one aspect of employment in this state — the clothing

industry — it is sending out a signal to everyone who is self-employed that this government has them in their sights and will legislate to deal with them if it gets half an opportunity. I assume most members in this place would be contacted from time to time by the Independent Contractors of Australia. This organisation is based in South Australia but was created simply to defend this particular institution which has done so much for Australia and Australians.

What the Independent Contractors of Australia say to governments throughout this country, state governments in particular, is, 'Keep your cotton-picking fingers off the independent contractors — stay away from them'. Why would you want to interfere? Why would anyone want to interfere with a system that has worked so well? Why would anyone want to do it? That is a rhetorical question, and the answer is that it is a piece of ideology so beloved of the Labor Party. Its members want to control everything from cradle to grave. This is another instance of how they are going about it. They look at the independent contractors and say 'Here is a small example of an area where independent contractors are not getting a fair go'.

They then broad-brush the entire system by saying that if a small section of independent contractors are not getting a fair go, every independent contractor is not getting a fair go. That is the way the Labor Party thinks. It then uses that as an excuse to move in and, in this particular instance, legislate, while giving a very clear signal that it will expand this type of legislation into other areas.

Like every member in this house, I have many people in my electorate who are independent contractors. Because I have worked with them and know them socially and through sporting and other organisations, I know full well that this government does this sort of thing to them at its peril. There will be thousands and thousands of subcontractors throughout this state who will say, 'No, thank you very much. We may have voted Labor in the past, but we are going to protect ourselves and we won't be voting Labor in the future'.

As far as the subcontractors in my electorate are concerned, they are going to hear loud and clear about this legislation from me. I have them all on my database, and I am sure Labor members have subcontractors on their databases too. If Labor members would like to send me their databases, I will make sure that the subcontractors in their electorates hear about it as well. Labor members should clearly understand that they are doing damage to themselves politically by supporting this legislation. Far more

importantly, they are doing enormous damage to the economy of this state.

They are doing enormous damage to employment in this state, because these people will not take it lying down. We have tradesmen who are working well in this state under the subcontract system. If this government wants to attack the subcontract system, it is going to drive those people interstate, drive them off to Queensland. Queensland Premier Peter Beattie would not be worried about this kind of legislation. He would be saying, 'Thank you very much. Come to Queensland, where we will give you the freedom to operate. We will look after those who are not getting a fair shake, but we will certainly not attack the subcontract system'.

A pragmatist like Premier Bob Carr in New South Wales would not be attacking the subcontract system either. Why is it that this government is so blinkered, so blind, so ideologically warped that it wants to produce this kind of legislation? It is legislation about which government members should be very wary. It will come back to haunt them. I warn the government that if it expands on this legislation in future months and years, it will be doing so at its electoral peril. This is a rotten piece of legislation and one that we philosophically oppose, and we will be opposing it on a division in this house.

Ms BUCHANAN (Hastings) — It gives me infinitely great pleasure to speak in support of the outworkers bill before the house. It is very interesting that in the diatribe this house was just subjected to, not once did the member for Mornington talk about the issue of women working as outworkers. Not once did he mention the issue of the exploitation of women as outworkers. I think that is disgusting. Believe me, when I go back to my database, and I write to all the women's groups in the area, I will be making sure they all know that his attentions were certainly not directed towards their ongoing welfare and benefit.

I certainly support this bill. The intent of this bill is exceptionally clear. The principal purpose of this bill is to improve the protection of outworkers by ensuring that outworkers who are not covered by the federal award are entitled to award terms and conditions. That is about supporting, respecting and protecting the most vulnerable of our workers in Victoria, the outworkers.

This government is committed to giving all outworkers protection against exploitation. A key plank of this commitment is giving all outworkers, whether they are independent contractors or employers, a safety net of basic conditions and protections at the standard of the

federal award. We are not asking for the moon. We are asking for equal pay and fair pay for a fair day's work. No-one in their right mind, philosophically or otherwise, can negate or argue against that premise. That is what it is all about — a fair day's wage for a fair day's work.

I thought it was quite pertinent that the member for Warrandyte in his closing used a very interesting word; he said, 'unfortunately we will not support this bill'. I thought that was a very telling word for him to use — 'unfortunately'. That tells me that a lot of opposition members actually do support this bill, but strings are being pulled from elsewhere. It certainly consolidates the premise that the opposition is again Liberal first and Victorian second, particularly when it comes to outworkers.

I am not going to turn my cotton-picking back on the women outworkers of this state. If anything, I am going to certainly stand up and support the premise that they should have basic entitlements to wages and conditions under the federal award. It is there in legislation and it is what this bill seeks to address. It is addressing those issues where there have been a few discrepancies. As I said, we are not asking for the moon. We are asking that the women who predominantly make up the outworker population who are low paid and working in low-skilled backgrounds — they are the cornerstone and backbone of the Australian economy — get their fair conditions and award rates. There is nothing at all wrong with that.

This bill is supporting the most exploited. We are looking at the most overworked and underpaid. The industrial revolution spawned lots of instances of exploitation in relation to child labour and women entering the work force and working terrible hours. We do not want that scenario to continue in Victoria. That is why I fully endorse this bill to the house.

Mrs POWELL (Shepparton) — I am going to speak very briefly on this piece of legislation, but I feel it is important that I do. I was on the Family and Community Development Committee which looked at the issues of outworkers and their conditions. In fact we were part of the inquiry into the conditions of clothing outworkers in Victoria. I was also part of a minority report that had to be put on the record because we felt so strongly about some of the issues that were raised in the main report.

The Nationals will be opposing this bill. We do not oppose the fact that outworkers, other workers and contractors should be entitled to decent wages. We need to say that at the outset. But I do not believe this bill

will be the legislation that will protect outworkers and those people who are working for themselves. Of course we always support people getting a proper day's pay for a proper day's work, but I believe this bill will in fact see a lot of those outworkers, who as the second-reading speech says are usually migrant women with poor English and probably a lot of family commitments, actually being moved out of the industry. They are the ones who are doing most of the work in their homes. They will lose their jobs. In fact I believe the clothing industry will not be competitive and it may source garments and some trade offshore.

As a member of the parliamentary committee in 2002 I travelled to three outworker homes. We looked at where young women were doing work in their homes. There was absolutely no evidence that those women were being dealt in any way a bad deal or were being exploited. One of the young women was of ethnic origin. Her language was not very good. She had two young children and in fact said to us as a committee that when she came to Australia there was no way known she could get a job. She had a small family, she could not speak English and she had low skills. She felt the only way to get a job was to work in the clothing industry. She actually worked the hours she wanted around her family commitments when her children went to bed. Often the committee heard that some women were working at 12 o'clock at night, but what the report did not say was that often that was the women's choice.

They chose to work at that hour because their children were in bed. I have been in small business and I know that often you work strange hours because of family commitments. Often some of these women were looking after elderly parents and they were able to work at home and around the parents' caring processes. There were often very few childminding centres for these women to put their children into because of the costs, so they felt that their one and only chance was working from home. They actually felt very proud of what they were doing. They had machines that they owned themselves, and they did not see themselves as working for other people. They felt very much that they were working for themselves.

In the minority report — and I will talk very briefly about why we felt we had the need for it — we asked for an interpreter because of the low language skills these three families had. In fact we asked for an independent interpreter. We were provided with an interpreter from the Textile, Clothing and Footwear Union of Australia rather than an independent one. I was very concerned by the fact that one of the young girls we visited had some English skills, but the

interpreter was there purely to put words into her mouth. We asked the interpreter not to answer the questions we asked. I felt as a member of that committee that she was going to give us an honest answer to some of the questions we asked, but the union representative cut into her a number of times and was putting her spin on it. I felt that that did not give us the right answers we needed and in fact we felt she was being led by the person who was supposed to be just interpreting.

The inquiry was truncated. We felt there was not enough evidence. There was an election coming on. In September the decision was made that we adopt the report. We felt there was more evidence needed. A discussion paper and a questionnaire were put out. The responses we received were not enough for us to be able to make the recommendations the committee made. We felt very strongly there needed to be a minority report put in place. We told the Parliament that not enough evidence was gathered by that committee. I had also asked that we visit people in rural areas. We were not given that opportunity. I asked a number of times, and I have to say that is recorded in the minority report.

One of the other issues that I would like to talk about is the issue of evidence about excessive hours of work and the lack of money. We were not given evidence of that. We asked for it in the surveys. We were not given quantitative evidence. We actually looked at some of the wage packages which made us aware that in some of those cases they were dealt with quite fairly.

That is all I would like to put on the record due to time constraints. I think it is important that we get the facts straight. We want to make sure that working women, particularly, are not exploited — nobody wants to see exploitation — but the evidence that we found as a committee certainly did not substantiate that.

Ms MUNT (Mordialloc) — I rise today to speak in firm support of the Outworkers (Improved Protection) (Amendment) Bill, and I will give some background to it. The federal government recognised the vulnerability of outworkers and legislated to provide both contract and employee outworkers with the same rate of pay. Since January 2005 all employee outworkers have been covered by the federal clothing trades award, but there are gaps in the award for contract workers, and those gaps are being dealt with in this particular piece of legislation.

These gaps are recognised by the Ethical Clothing Trades Council of Victoria which represents community, industry and outworkers groups, and the

ECTCV has recommended to the government that the outworkers act be amended to ensure that, whether workers are classified as independent contractors or employees, all outworkers are entitled to the same terms and conditions. I find it interesting that the federal government has recognised the particular vulnerabilities of these workers, yet as I listened to the contributions from the opposition members here today I thought that opposition members do not have the same recognition of the vulnerabilities of these workers and the need to take action to protect them.

These workers are some of the most vulnerable in our community. As has been said here today, they are often migrant women or workers who have few skills. They are at the bottom of the economic pack. I think that workers who are at the very bottom of the economic pack need the protection of this legislation to help them out.

I have been an outworker — not in the clothing trade but in another trade. I put together parts for aerosol cans way back when I was very young. As has been mentioned with other examples, we did this work at night around the kitchen table as a family to try and make ends meet. It is hard work; it is low-paid work and it is work that is not particularly pleasant for anyone, but we did it for many, many years.

I also used to go around and see the other outworkers who worked in this trade putting the parts together for aerosol cans. They were mainly, as has been said, people who could not get jobs anywhere else, who lacked skills and experience, language skills or whatever. This legislation will move to protect those workers. I cannot see why a paid employee should have any different protection from a contract employee who is doing the same work; if it is the same work, it should have the same rate of pay.

I also worked in factories with migrant women who were never given a break. They worked long hours but were never given a morning tea or lunch break — they were just required to work all the way through. Eventually I said to these women, ‘Why don’t you speak to the union or the owner of the factory and say you really do need some break during the day, because I am sure you are entitled to have a break?’. But they were too frightened to speak to anyone about these things. They thought they would lose their jobs, their families would suffer, and they would be in big trouble with their husbands, because they were expected to go out and work.

So these people are vulnerable and disenfranchised, and if the federal government can recognise that they need

protection and the state government can recognise that they need protection, for goodness sake why does the opposition not recognise that they need protection? I made a note to myself, to say to the house, 'Exploitation is never acceptable'. It does not matter what argument you put: exploitation is never, ever acceptable for any reason at all.

These people need our protection. I support this bill. I am proud to stand up and support these workers. I commend the bill to the house.

Mr THOMPSON (Sandringham) — The opposition opposes this bill. While it supports fair working conditions for all Australian workers, there is concern that the bill may represent the thin end of the wedge, and that rather than assisting the role of workers in the workplace it might lead to a diminution of work opportunities in Victoria and Australia with work being moved interstate or overseas.

Victoria has seen a large take-up of skilled migration in the past few years, largely because this state has been a land of opportunity. It is magnificent to see the people who have come from the Horn of Africa and from South-East Asia and the general Asian region who have taken up work opportunities in many different areas. However, of major concern, and reflected in some of my conversations in the last week as part of Harmony Day and the range of multicultural activities convened by the federal and state governments, is the high level of unemployment among more recent arrivals in this country. If people can gain some opportunities in the work force and get some job skilling, as opposed to being on unemployment benefits, it represents a great chance to work productively and constructively.

When work forces become too heavily unionised, at the end of the day it leads to losses of opportunity. One example I would advance would be the words of Daniel Grollo who said the costs of constructing a building in Victoria are some 30 per cent higher than on equivalent projects interstate. That leads to a loss of investment capital in Victoria and the transfer of jobs elsewhere.

There is the example of Saizeriya out in Melton. This project involved \$400 million worth of capital investment but it faltered at the end of stage 1. It remains to be seen what the outcome will be. The last time I checked, the matter was before the courts. There was a massive dispute between the Japanese company, the Victorian government and a number of other enterprises about the industrial disputation that was taking place between the Australian Manufacturing Workers Union and the National Union of Workers as

to who had rights on site in relation to that project. It has been estimated that some 2000 jobs are on the line.

This project had the potential to provide great employment opportunities to people in the Melton district and across Victoria — given the state's productive base of being the food production capital of the world — and this would have been a world-class facility. This company distributes product into the Asian region, and it has now put on hold the latter stages of this most valuable project because of a dispute about union demarcation.

There is another project in Victoria where a union stepped in and applied industrial thuggery. The people against whom this was applied were not prepared to have their names put forward in case they were kneecapped and their livelihoods were placed at risk on other fronts. This is an absolute disgrace. Hardworking Victorians who simply want to have a go and to make a go of their enterprise are being jeopardised.

Not one member in this chamber would be prepared to see people work in sweatshop circumstances. There is a great sense of a fair go in Australia but at the same time it is important that there is not overregulation of the workplace to the extent that it leads to a loss of investment and in turn, a loss of employment. There have been examples in relation to undue union interference in the construction industry — in relation to the Saizeriya project and another project — where people felt unduly intimidated by matters which should have been put before the building royal commission a number of years ago.

These concerns were magnificently articulated by the shadow Attorney-General earlier in this debate. The position of the opposition is to oppose the bill before the house.

Mr HARDMAN (Seymour) — I am pleased to speak on the Outworkers (Improved Protection) (Amendment) Bill. In 2002 I was a member of the Family and Community Development Committee which travelled around the metropolitan area — mostly around the Clayton–Springvale area — and up to Sydney to speak to outworkers in the Cabramatta area. We also spoke to members of different bodies such as the Ethical Clothing Trades Council and to people in the industrial relations department in New South Wales about the issue of outworkers.

I think it is fair to say that the people this bill is trying to protect come from very disadvantaged backgrounds. Many of them do not speak English very well. They often need to stay and work at home in order to satisfy

their cultural values and meet the needs of their families. We visited the homes of a couple of outworkers. We found that people were doing this piecework in their homes or their garages and that as a rule they were not extraordinarily well off. They were earning very little money for their work — in some cases perhaps \$2 an hour. That was because the type of work they were doing, such as sewing school clothes, did not have a high value and they had to complete a lot of work to make any money from the contracts they had taken up.

The people we visited and heard about were, in general, powerless. They were not able to negotiate a fair and reasonable price with the manufacturers or the people who outsourced the work to them. It is a highly competitive industry given that in China and other countries they are able to make clothing at extremely cheap prices. One example is a factory we visited in Sydney. It imported clothes from Thailand and was able to get finished products for \$2.36 apiece, or something along those lines. That is probably reflected when we go shopping and we buy a shirt for \$10. We wonder how it could be put together for that price and profit still be made, but it is.

The federal legislation has made this particular bill necessary so we can continue to improve conditions for outworkers in Victoria and ensure that everybody in Victoria is treated decently and fairly.

Mr SMITH (Bass) — It does not give me any pleasure to get up and speak on this bill. It is called the Outworkers (Improved Protection) (Amendment) Bill but the truth of the matter is it should be called the Outworkers (Further Union Control) Bill. This bill is all about union control of an industry that is struggling to stand on its feet and compete with overseas workers who are able to put together good quality clothing at a reasonable price for Australian people.

I do not believe in exploitation of the workers — not at all; never would I support that sort of thing — but this government is going out of its way to support its union mates. We know why this is coming up; it is all about preselection in the Labor Party and getting the support of the unions that run the textile, clothing and footwear (TCF) industry. This will be the last nail in the coffin of the TCF industry. I will demonstrate exactly why I have said what I have just said.

I buy reasonable clothes, not expensive clothes. I am not a Labor minister, so I cannot support the Zegna suits and the rest of it. The Minister for Police and Emergency Services is seated opposite me. I bet if he took his clothes off we would see by the labels on those

clothes exactly where he bought them and who actually made them. I bet you they are not made in Australia.

Let me say to you, Acting Speaker, that my suit — blow me down! — is made in Turkey, yet I bought it at David Jones and it cost me about \$900. It is not a cheap suit. Those are probably being sold at Myer, Target or somewhere like that. Why should I be buying cheap suits like that? The label on my tie says, 'Made in China'. Why should I have to buy ties at Myer that are made in China? My shirt — —

Honourable members interjecting.

Mr Holding — On a point of order, Acting Speaker, we all seek your protection from the extraordinary display to which we are about to be subjected. We ask that the dignity of the chamber be protected from whatever the member for Bass has in mind.

Mr SMITH — On the point of order, Acting Speaker, this is a frivolous point of order. I am not likely to strip off completely. I will at least be decent about it. The shirt I am wearing is a Bretoni and Pierce shirt — a good shirt bought recently.

Ms Beattie — On a point of order, Acting Speaker — —

Mr SMITH — Not another frivolous point of order!

Ms Beattie — On a point of order, Acting Speaker, a member disrobing in the house is not a frivolous point of order. I ask that you instruct the member for Bass to desist immediately.

The ACTING SPEAKER (Mr Thompson) — Order! The member for Bass is providing some colour and practical illustration of the points he is making in the chamber, but he is also aware of the protocols of the house. I am sure he will keep his shoes on.

Mr SMITH — I will keep my shoes on because the smell may permeate around the chamber. My shoes are also made in China, yet bought here in Melbourne. Why? It is because this government is ruining a very good industry, and because people here cannot compete against the people overseas. We have independent contractors in this country who wish to be able to produce goods for the people of Australia to buy at a reasonable figure, yet this government is going out of its way to introduce stupid bills into this house. The bills are not for the protection of workers, but for the protection of the government's union mates. As I said before, this is to do with Labor Party preselections and with garnering the support of the left or right wings of the party, and it is wrong.

The member for Richmond has said he is surprised that we do not support this bill. How could we possibly support a bill that is going to put people in industries across Victoria out of business? As the member for Mornington said, they will be racing up to Queensland and New South Wales where governments are probably more enlightened than this one. I am surprised the Minister for Police and Emergency Services — the former Minister for Manufacturing and Export — is not too embarrassed to be sitting here. He should be leaving the chamber because the legislation is about an industry in his former portfolio. This legislation affects the people you should be supporting, and you are not doing so. You worry about rogue operators.

The ACTING SPEAKER (Mr Ingram) — Order! Through the Chair!

Mr SMITH — I am more worried about the government and the way it is getting its rogue unions involved in this industry. You have got them into the workshops now. You are forcing people in those workshops to work for more money — forcing them to! — and forcing the prices of Australian goods up so that the people of Australia cannot afford to buy them. That is the stupidity of this whole system. People want to work. We heard the member for Mordialloc say she had worked as an outworker. She was doing this sort of work — that is, putting bits and pieces together with her family — at midnight! She was able to work for a period of time, and she did. Why did she want to do it? It was because she wanted to earn some money.

She had the opportunity, the right and the time to be able to do it. She had a young family and her husband was working.

She wanted to be able to take the opportunity to do that sort of work at a time and place that suited her, like every other independent contractor in the TCF industry wants to do in their own time, in their own place of work and at their pace. They want to have the opportunity to make some money, and this government is going to deny the Janice Munts of Victoria and Australia the opportunity to be able to make some money for themselves and for their families. It is a disgrace that this government is doing it, and going out of its way to do it. Walk through any store — Country Road, Myer, David Jones, Target, Big W — and any of the specialty clothing stores across Australia and have a look.

I see the shadow Attorney-General is looking at his own suit. Where was it made?

Mr McIntosh interjected.

Mr SMITH — China! Yes, I could believe it, too! Why? We should be able to go into our Australian stores. We should be able to buy Australian-made goods at a reasonable price, but these people will not allow it. My socks come from China — very basic socks. What happened to the Red Robin store out in Brunswick? It was closed down under this government. It is wrong that this should happen, and it is going to happen to industries right across Victoria. Not a shirt is manufactured here in Victoria. They have all moved out. Pelaco — —

Mr Holding interjected.

The ACTING SPEAKER (Mr Ingram) — Order! The Minister for Police and Emergency Services will cease interjecting.

Mr SMITH — Name one! You cannot. The truth of the matter is this government should be ashamed to be wheeling this sort of disgusting legislation into this house. It is wrong, it is a farce and it should not be allowed, so I can tell you that we are not supporting it. We are opposing it. Yes, government members will win on the numbers, but I can tell you that they are going to lose out in the electorate because of the number of contractors who will be put out of work because of this. When government members go to the election on 25 or 26 November next year those contractors are going to say, ‘Labor put us out of business. We are going to put them out of government, and we will put in a government that respects small businesses and respects the rights of independent contractors to be able to get out and make a quid and do the right thing for Victoria by looking after the welfare of Victorians and putting jobs into Victoria, not driving them out’. We oppose this bill.

Mr HOLDING (Minister for Police and Emergency Services) — I was very disappointed to hear the diatribe from the member for Bass — more disappointed than usual. Despite his threat to disrobe, what he actually revealed is his fundamental misunderstanding of what are the economic drivers of our textile, clothing and footwear industry. His implication was that if we do not have basic apparel made in this state — ‘unimproved’, if that is the right term to use about garments — then we do not have a textile, clothing and footwear industry. If the lessons of the last 15 years are worth anything to us, they are that the future of our textile, clothing and footwear industry lies in our ability to value add. It is value adding that is generating new employment growth and investment. To give some examples, the member for Bass asked if any shirts and clothes are made in this state. The answer

is, 'Yes, there are'. Australian Defence Apparel makes clothes.

Mr Smith interjected.

Mr HOLDING — Australian Defence Apparel is based in Bendigo. Bruck Textiles in Wangaratta also makes clothing, but it makes them for niche markets. To give another example, there is a company called Textor based in Tullamarine. It used to make shirt underlinings for the garment industry. The company was going out backwards because there was no future in making a simple, unimproved product like shirt underlinings for the garment industry in a country like Australia. What they did was change the basis of the business. Instead they make non-woven textiles for medical and surgical applications. The company has been revitalised. The entire manufacturing work force have kept their jobs and the company is expanding.

Mr McIntosh interjected.

Mr HOLDING — The member for Kew interjects about companies in the Geelong region. There is a company called Melba Industries which makes ultra-lightweight synthetic fibres for bullet-proof vests. It exports these fibres right around the world — to Pakistan, to India and to China. These ultra-lightweight fibres, which are textile, clothing and footwear products, are manufactured in Geelong in regional Victoria and are exported around the world — to countries which are world-renowned for their ability to produce cheap textile, clothing and footwear products themselves. That is the future of the textile, clothing and footwear industry in Australia.

Going back to the original proposition behind this bill, we asked honourable members to support this bill because we believe that people who work in the textile, clothing and footwear industry should be able to enjoy the same award protections and entitlements as other award workers throughout Victoria and throughout Australia. We do not believe that is an outrageous proposition; we think that is about common human decency and common basic human rights. That is the reason why we introduced the original outworkers legislation in this Parliament, and, not surprisingly, that is why the federal government supported our attempts to apply common award standards to outworkers throughout Victoria.

This bill that is being considered by the house today is a logical extension of that original proposition — that is, the bill will provide protection for those workers who fall through the gaps and who, because of their independent contracting status, would otherwise not

have been able to enjoy the common protections that other outworkers enjoy. That is why we support it.

One of the honourable members — I think it was the member for Kew — made the claim that the legislation before the house today extends the definition of 'clothing workers'. It does not do so. It is built around the original definition that was introduced in this Parliament back when the original legislation was introduced. We believe it is worthy of support; we believe these workers are worthy of the same award protections and entitlements that other workers in other industries — and, indeed, other workers in the textile, clothing and footwear industry — enjoy.

This is a logical extension of the work that is being done for us by the Ethical Clothing Trades Council of Victoria, and we therefore commend this legislation to the house. I thank the member for Kew, the Leader of The Nationals, and the members for Richmond, Warrandyte, Lara, Mornington, Hastings, Shepparton, Mordialloc, Sandringham, Seymour and Bass for their contributions.

House divided on motion:

Ayes, 56

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

Noes, 25

Asher, Ms	Mulder, Mr
Baillieu, Mr	Naphthine, Dr
Clark, Mr	Perton, Mr
Cooper, Mr	Plowman, Mr
Delahunty, Mr	Powell, Mrs

Dixon, Mr
Doyle, Mr
Honeywood, Mr
Ingram, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Maughan, Mr

Ryan, Mr
Shardey, Mrs
Smith, Mr
Sykes, Dr
Thompson, Mr
Walsh, Mr
Wells, Mr

money for a purpose. You can leave it to a person and you can leave it for a charitable purpose, but you cannot otherwise, with a number of other limited exceptions, generally leave it for a purpose. For example, you could not leave it to the Melbourne Football Club to have an annual event celebrating the last time we won a grand final!

Motion agreed to.

An honourable member interjected.

Read second time.

Mr McINTOSH — In many respects being a supporter of the Melbourne Football Club, and having waited a very long time for the next premiership, one could almost see it as a charitable purpose. However, it would probably not be! Traditionally a charitable purpose, as the Attorney-General identified in his second-reading speech, involves money that is left for the relief of widows of coal miners or for the institutional care of children or for a scholarship for a boarder at a school or for some sort of educational scholarship at whatever institution. It could also include moneys left for homeless men, and indeed in one case that I am familiar with moneys were left to Ursula College, my old college at the Australian National University, as long as they continued to operate a college at the ANU. It does not necessarily directly apply, because the Ursuline nuns no longer operate that particular college.

Remaining stages

Passed remaining stages.

STATUTE LAW REVISION BILL

Introduction and first reading

Received from Council.

Read first time on motion of Mr HULLS (Attorney-General).

CHARITIES (AMENDMENT) BILL

Second reading

Debate resumed from 24 February; motion of Mr HULLS (Attorney-General).

Unfortunately because of the lack of nuns coming through the system the Ursuline order allowed the college to be remitted to the Australian National University to be run as a university hall of residence rather than as an affiliated college. It is run as an independent business, if you like; it is run as part of the business of the university. It still provides exactly the same facilities by way of accommodation and by way of tutorials, as I understand it, and it offers the same sorts of sporting opportunities and all the other parts of college life that many others in this place would remember with some degree of happy recollection — and in many case it is a happy recollection long gone!

Mr McINTOSH (Kew) — This bill involves a clear facilitation for dealing with moneys that have been left for a charitable purpose.

Honourable members interjecting.

The ACTING SPEAKER (Mr Ingram) — Order! There is too much audible conversation. If members would like to continue their discussions would they please exit the chamber.

Mr McINTOSH — As I was saying, this bill facilitates the ability to use the money left by people through whatever means for a charitable purpose in a flexible way when that charitable purpose expires, or alternatively it allows for the facilitated use of those funds in a more appropriate and modern way.

Having said that, clearly the purpose was to support the accommodation of students at the university. Now that the Ursuline nuns are no longer running the college, the charitable purpose directly attributed under the will has evaporated. However, there is the French doctrine of cy pres, which has been imported into the common law under equity. Cy pres means that the proceeds of that trust can be applied to a very similar charitable purpose, so the fact that the nuns are perhaps no longer conducting the business at Ursula College is probably irrelevant. The primary purpose — to provide accommodation for students — is something that this bill facilitates.

Trusts are a matter of ancient development in the common law, and many of the old common-law rules of equity apply to trust investments. One of those is the doctrine of cy pres, whereby moneys are left for a charitable purpose. I should indicate that there is a rule of equity applying to charitable trusts that is an exception to the general rule that you cannot leave

The current regime was set up in 1986. It means that where the corpus of a particular charitable purpose needs to be applied *cy pres*, or where it is below a particular monetary threshold, other than applying to the Supreme Court, which to some extent is a very turgid process, an application can be made directly to the Attorney-General. It is one of the residual powers of the Attorney-General that is provided for under this act. Where the charitable purpose has failed or has partially failed the Attorney-General can approve the application of those charitable funds *cy pres* to some other, similar type of charitable purpose.

In 1986 those particular limits were set at \$50 000 — and in the case where it had wholly failed, it was \$1000. Nothing has changed in the interim, except that through inflation and otherwise the monetary values are no longer appropriate in the modern world. This legislation increases those amounts to \$500 000 and to \$50 000 in the case where the charitable purpose has wholly failed. The most important thing is that there does not appear to be any difficulty with that.

Secondly, it facilitates the making of an application to either the court or the Attorney-General, and it also facilitates the application of an investment in a common fund — that is, a trustee having a common fund whereby a number of funds may be applied. Of course at common law that is illegal. Now you can make an application to the Supreme Court or to the Attorney-General to intermingle those trusts funds in a common fund operated by a trustee, and the same monetary limits apply. Finally, there is a provision that enables an Attorney-General to appoint an inspector where it is necessary.

I make two comments in conclusion. The first is that my personal view is that it is anachronistic to maintain the Attorney-General, whose position is now very much a political position in a political environment, as the appropriate person to make that application to. It has to be someone who is completely independent from this process. Someone like the registrar of probates, who operates through the Supreme Court — certainly an independent person — may be a far better and far more worthwhile person. I call upon the government to consider the prospect of the Attorney-General devolving this power to a more independent person or independent body. In the case of small funds under \$500 000, rather than dissipating those funds in making a turgid and long application to the Supreme Court, it may be better to give that power to the registrar of trusts or registrar of probates. Whether that person is attached to the court or otherwise does not really matter. It seems to me that that may be something worth while.

The final thing I would ask is that the minister read the last paragraph of the Attorney-General's second-reading speech, where it refers to the use of private bills to resolve the difficulties faced by charitable trusts and goes on to say that this should be widely available to charitable organisations and that remedies ought to be equally available to all charitable organisations without distinction.

I am talking about the private bills. We have gone through the process of amending, for example, the Scotch College Common Funds Act, when the Scots Church needed to deal with the proceeds of land. I am concerned that I can find no reference to the power to seek a private bill in this place and how it would be applicable to the particular charities that we are discussing, so perhaps the Minister for Education Services, who is at the table, could inform us as to what the Attorney-General is getting at when he talks about private bills when there does not appear to be any reference in this particular bill to private bills.

Mr RYAN (Leader of The Nationals) — The Nationals support this bill. At the present time there are two particular difficulties faced by trustees administering charitable trusts. The first of these has two parts to it; the other stands alone.

As to the first matter, changes in circumstances sometimes make it impossible or at least very difficult to carry out the purposes of the trust. The member for Kew has given a series of very good examples that exemplify that point, so I need not expand on those. The Supreme Court has the capacity under the principal act to approve a *cy pres* scheme and in effect what that does is allow the court to vary the original trust in appropriate circumstances.

Under this bill the existing power which rests with the Attorney-General to seek a *cy pres* scheme will be varied so that the trust for the corpus of less than \$500 000, which figure replaces the \$50 000 which is there now, or those that have wholly failed and have a value of \$50 000, which figure replaces the existing amount of \$1000, will be able to be the subject of an application by the Attorney-General. So the existing structure in effect remains while the actual financial limitations have been changed. The further aspect of this first point is that in future the \$500 000 and \$50 000 limits respectively will be able to be increased by order in council subject to disallowance by the Parliament. That seems to me to be a practical way to deal with these issues in the future.

As to the second matter, one of the difficulties faced by trustees administering a number of charitable trusts is

the common law rule which prevents the mixing of funds of two or more of those trusts. That process thereby prevents the investments occurring through a common fund. This legislation will set that common law rule aside and those forms of investment will now be permitted.

The third aspect of this legislation is that there is a relatively minor amendment which allows the Attorney-General to request information from the trustee of a charity before deciding or not to proceed with the actual appointment of an inspector. It is a good interim step and one that I am sure will also be welcome because it is a very sensible way of making inquiry rather than simply barging in and taking a pretty drastic step. At the present time of having a concern that intervention power is limited to the appointment of an inspector, this will be a sensible, preliminary step. The Nationals support this bill.

Mr HUDSON (Bentleigh) — It is a great pleasure to speak in support of the Charities (Amendment) Bill. Charities and related not-for-profit organisations play a really important part in our community. Almost everywhere you look they are providing services such as emergency relief, education, health, accommodation, employment and training, and counselling. In the state of Victoria we have a very strong tradition of charitable work. We have organisations that are providing assistance to older and younger people, to people who are poor, those who are unemployed or disadvantaged, people with a disability and other groups. I have had the pleasure of working with many of these organisations over 20 years in the community sector. The thing that most impressed me about the people working in these organisations was that they are so passionate about making a difference in their community or with a particular group.

Victoria is home to the vast majority of large philanthropic trusts in Australia. Great trusts like the Myer Foundation, the Stegley Foundation, the Melbourne Community Foundation, the Pratt Foundation, Perpetual Trustees and ANZ Charitable Trusts all have their base in Melbourne and many of them had their base in the time of the gold rush, when they were set up by their founders. I would like to put on record my appreciation for the work they have done in the community because in many instances they have played a key role in seeding projects or programs which have not initially been recognised by government but which have been innovations in service delivery, and which have eventually been picked up by government. Great innovations such as Ross House, which is the centre for self-help groups in Flinders Lane, was developed by the Victorian Council of Social Service

and the collective of self-help groups with funding from the Ross trust and also from ANZ Executor Trustees and now supports over 200 individual community organisations.

We are talking about a very large sector. According to the commonwealth government inquiry into charitable and related organisations, the not-for-profit and charitable sector is a very substantial one. In June 1996 there were nearly 32 000 not-for-profit entities and about 18 000 charities. The sector is a very significant employer, again employing around 580 000 people in the community sector and a further 400 000 working with charities, which represents about 12 per cent of the total work force. So members can see that it is a very significant sector indeed. These figures probably underestimate the contribution that charitable and not-for-profit organisations make because they do not include the impact of voluntary work which is undertaken by around 2.3 million people in addition to the paid staff.

So the not-for-profit and charitable sector is huge, as is the range of charitable trusts. I am proud to be chair of the Balibo House Trust, which has restored the Australian Flag House in memory of the five Australian-based journalists who were killed in 1975. The house now provides a vibrant community learning centre for the people of Balibo providing literacy and numeracy classes, sewing and computer classes, a creche and activities for young people.

The extraordinary thing is that we have no register of this vast array of trusts. Whilst Philanthropy Australia has around 250 members, 70 per cent of whom are based in Victoria, there are literally thousands of small charitable trusts of which we know very little. This bill is basically designed to assist in the administration of these small charitable trusts. I think all members of the house would in some way have had contact with some of these trusts in their local community.

Indeed, so often we see a trust set up in memory of someone who has died tragically or who has left money in their will for particular charitable purposes. These trusts often deal with small amounts of money in perpetuity. There are trusts in memory of policemen and women who have died on active duty — I refer, for example, to the Angela Taylor Memorial Trust in memory of the first policewoman killed on active duty as a result of the Russell Street police station bombings in 1986 — also of young people who have been killed in tragic circumstances, such as the foundation named in memory of Alannah and Madeleine Mikac, who were killed with their mother at Port Arthur in 1996. Often acts of heroism or tragic deaths galvanise a

community into perpetuating their memory and trying to make a difference in some way, as those individuals did while they were alive.

However, we also know that circumstances change or funds diminish to the extent where it is not possible to fulfil the original purposes of a trust. This bill is designed to address those circumstances. Charitable trusts can become impossible to carry on because of the changed circumstances since the creation of that trust. This bill provides the procedure for the review of outdated trusts by the Supreme Court, or in the case of smaller trusts by way of cy pres application to the Attorney-General. Those kinds of procedures through the Supreme Court can be prohibitively expensive for small trusts, and this bill allows for a variation to the trust property to be applied to a charitable purpose which fulfils as nearly as possible the charitable intent of the donor.

Currently, the Attorney-General's power is restricted to quite small trusts with a corpus of less than \$50 000, and \$1000 in the case of a trust that has wholly failed. Those limits were set by the original act and are now far too low. This bill increases them to \$500 000 and \$50 000 respectively. It also provides for increases in the limits by order in council subject to disallowance by this Parliament. So the increase in the limits and the provision for review of those limits will ensure that small trusts will have access to a cost-effective cy pres procedure through the Attorney-General.

The second difficulty faced by trustees who administer a number of charitable trusts is the common-law rule against mixing the funds of two or more trusts. This rule effectively prevents them investing in a common fund. Often trustees administering a small number of charitable trusts want the efficiencies and advantages of being able to invest in common funds. That simply cannot be done unless there is a statutory provision permitting them to make those investments. This bill will allow for the approval of schemes for the investment of charitable funds in common funds. It will be similar in application to the variation of charitable trusts and will assist trustees to maximise the return on their capital. In being able to do that they will have more funds available for their regular distributions to the community.

Finally, the bill improves the supervision of charities, which is appropriate. We all know that charities have a special status under the Charities Act. They attract tax concessions and any donations to charitable trusts are in themselves tax deductible. Many charities are given foundation grants and indeed operating grants by government — which are taxpayers funds.

Currently the Charities Act provides for an inquiry into the operations of a charity, but only if the Attorney-General appoints an inspector for that purpose. That is quite an intrusive procedure. The amendments in this bill allow the Attorney-General to request information from the trustees before deciding whether to proceed to the appointment of an inspector. That is a sensible provision. It makes it an offence if trustees fail to provide that information to the Attorney-General and it will allow the Attorney-General to make a proper assessment as to whether an inspector is warranted. It will strengthen the public accountability of trusts while ensuring that they are not subject to unnecessary intrusion or interference.

With the other amendments, the bill will assist in the operation of the small trusts which play such a valuable role in the community and will mean that they will be able to operate more effectively. They will be able to make more effective investments and apply for variations to the purposes of the trust where those purposes are no longer relevant or cannot be implemented. They are sensible measures. I commend the bill to the house.

Mr THOMPSON (Sandringham) — The Charities (Amendment) Bill makes a number of practical changes to the principal act, and the opposition does not oppose it.

The Sandringham electorate has a number of organisations which are the beneficiaries of a wide number of charitable agencies. The principal agencies which have actively sought funding for their constructive works include Moira Child and Family Support and Southern Family Life. These two agencies have seen extensive renovations. In the case of Moira, there was the recent opening of a new home in Cheltenham for a group of people who require 24-hour attendant care. The Helen McPherson Smith Trust has provided ongoing support to this agency to meet its diverse range of client needs and the dwelling that has been constructed as a residential home for people with profound care needs aligns with international best practice.

I wish to acknowledge the outstanding contributions of some of the long-term workers there. Two physiotherapists have dedicated a large part of their working life to the care of disabled children. Judy McIntyre and Judy Challenger have provided great skills, expertise and understanding as they have dealt with families of children who have severe disabilities and they have endeavoured to make things much better for both the individuals concerned and their families. The agency has prospered under the leadership of

Warwick Cavanagh, who has provided considerable administrative acumen. He has been a leader not only in children's disability services but nationally with a range of agencies and organisations including ACROD, where he served as convenor for a period.

The other agency in my electorate is Southern Family Life, which is headed by social worker Jo Cavanagh. She has engaged international best practice in service delivery as part of the modus operandi for the range of programs delivered through Southern Family Life. The premises have been extended on multiple occasions and again the Helen McPherson Smith Trust has been instrumental in providing funding for the ongoing work of the organisation.

At the end of their life a number of people contemplate their will. Helen McPherson Smith was married to a Victorian judge and saw out her days in Scotland. She made a will setting up a trust to provide ongoing benefit to people in Victoria. The other trust which has had some considerable benefit for Victorians is the R. E. Ross Trust, which provides ongoing benefit. In Sandringham a former resident bequeathed her home to a local agency and that corpus will be invested to serve the interests of the local entity.

The shadow Attorney-General alluded to one of the key provisions of the bill which relates to cy pres schemes. This practical amendment gives certain powers to the Attorney-General and provides an increase in the monetary limit. Where the original purpose of the scheme may have evaporated there is provision to redirect funds to a more or less aligned charitable purpose. In relation to the role of the incorporated associations, there are wind-up provisions in those corporations that have been established so that funds can be distributed to like trusts and agencies.

Robert Wright is one of the leading lawyers in Melbourne. He is a resident of the electorate of Kew and has steered wisely the activities of many incorporated associations in Victoria over the last 23 years or thereabouts.

Other members would like to speak on the bill, but the opposition supports it. It notes the outstanding work undertaken by many agencies and trusts that have underpinned great community work at a very innovative level of service delivery. Both Moira Child and Family Support and Southern Family Life Service are two agencies that are in many ways not just local or state leaders, but national and international leaders in the field of their service delivery. I acknowledge the excellent efforts of the staff and voluntary members of

the committees of management of both those organisations.

Ms D'AMBROSIO (Mill Park) — I am pleased to say a few short words in support of the Charities (Amendment) Bill. All previous speakers have indicated support for the bill, and I, too, have a great admiration for the work of charitable organisations in Victoria. It is something that governments need to encourage, and they need to assist these organisations, however much possible, in ensuring that their purposes are able to be fulfilled for the social benefit and the social good. That also means that where the purposes of charitable organisations are no longer relevant or viable in any modern sense, government, through the Attorney-General in particular, should be able to allow the alteration of or deviation from the original purposes so that the trusts can continue to operate in a way that is not too far away from the original intentions of those trusts. That ensures they remain viable and are translated into a modern sense to be able to continue to benefit the social good.

Like all members of Parliament, I have come across many very worthwhile organisations in my time as a member of Parliament, and also before that, and anything that governments and attorneys-general can do will certainly add value to the good work of charitable organisations.

The bill does a number of things, including increasing the value of a trust, and the Attorney-General can present a cy pres scheme to allow for alterations to the purposes of a particular charitable organisation. I certainly therefore commend the bill to the house, and in so doing continue to display a commitment to organisations, many of which are able to further the community's benefit through their voluntary commitment to particular trusts.

May I share with the house the news that just today I had the pleasure of hosting here at Parliament House a delegation of representatives from the Sri Lankan community. They explained to me, among other things, the difficulties in their tsunami-ravaged homeland of Sri Lanka, and the difficulty for the international world to be able to continue to imagine the long-term ramifications of such a natural disaster. The representatives filling the room were very much professional people. One is a very well-renowned cardiac surgeon who was able to give his free time simply to discuss the social good that his organisation attempts to provide, in this instance to Sri Lanka because of the natural disaster of the tsunami.

There are hundreds and thousands of these people throughout Australia who operate in their own ways on a voluntary basis and for purely good motives and we need to encourage them. Of course the government — and, I am pleased to say, all parties here today, I think — is very keen to make the continuation of charitable trusts as easy as possible and to enable them to operate in a way that serves the very important and noble social good that they provide, which they have provided for many years in Victoria and certainly will continue to provide in the future.

Sitting suspended 6.29 p.m. until 8.02 p.m.

Mr STENSHOLT (Burwood) — I wish to speak briefly on the Charities (Amendment) Bill, which seeks to make a variation to the current scheme. In other words, trustees of charitable trusts can apply to the Attorney-General. There are many charitable trusts here in Victoria. A lot of them have property which they have to use and they have to make sure they make the most effective use of this property. Sometimes the value of the property is not very large and sometimes the purposes change.

Indeed, as members would know, from time to time we have had some private members bills dealing with charitable trusts in which we seek to make changes for them. Similarly, this bill seeks to increase the limits for other charitable trusts, and indeed for charitable trusts that currently exist, in terms of the values of properties to which changes can be made. Of course there are lower limits where the charities or trusts have failed altogether, so provision is made in the bill for the approval of the investment of their money in common funds. The idea is to make sure that the trustees do not mix their money with other purposes and indeed keep these moneys separate, as has been intended in the original trust.

They sometimes have to ensure that the funds are properly invested and it is suggested here that they be invested in common funds. The bill provides for the approval of particular schemes to ensure that particular investment. This is obviously very sensible, updating legislation that has been brought forward, and I commend the bill to the house.

Mr CAMERON (Minister for Agriculture) — On behalf of the government may I thank the honourable members for Kew, Gippsland South, Sandringham, Burwood, Bentleigh and Mill Park for their contributions and also for the support of this legislation by the Liberal Party and The Nationals.

As we go about making Victoria a great place to bring up families what we need is legislation that helps underpin that process. Part of a good society is having good charities, and from time to time changes need to be made in their structure so that may occur, and that is what this bill is all about. I wish the bill a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

**GEOTHERMAL ENERGY RESOURCES
BILL**

Second reading

**Debate resumed from 1 December 2004; motion of
Mr CAMERON (Minister for Agriculture).**

Mr CLARK (Box Hill) — The Geothermal Energy Resources Bill is, as its name implies, a bill to regulate the extraction of geothermal energy within Victoria. Geothermal energy is defined by the bill to mean heat energy contained or stored in rock, geothermal water or any other material occurring naturally within the earth.

I understand that there are a variety of technologies that are being explored as technologies that can potentially be used for the extraction of geothermal energy. The one which has made a degree of progress already within Australia is based on extracting energy from hot rocks and that, as I understand it, involves the pumping of water down to considerable depths within the earth into rock formations which are themselves very hot, allowing those rock formations to heat the water and then the water is extracted from the rocks, back up to the surface where the heated water is passed through an energy exchange and the heat energy that is freed up from that is used either to generate electricity or to be used directly as a source of heat within a factory or production facility of some sort.

The situation in terms of the development of the technology within Australia, and indeed around the world, is still quite early. I should acknowledge my indebtedness to a web site established by the Australian National University — <http://hotrock.anu.edu.au>, which sets out a brief history of geothermal energy within Australia. According to that web site, no-one has yet built a fully commercial hot rock energy power plant. However, a number of projects are under way in

Australia, one in particular in the Cooper Basin which is designed to establish the economic and technical feasibility of this form of extraction of geothermal energy.

This technology is relatively new. According to the web site to which I referred, the first extraction licence within Australia for geothermal energy was granted in the Hunter Valley in New South Wales in February 1999, with extraction rights for the Cooper Basin being granted subsequently. I understand from another Internet source — namely, an account published on the web site of the Australian Nuclear Association, reporting on a meeting that was addressed by a Dr Doone Wyborn, the executive director of Geodynamics Ltd, the company which holds the tenements in the Cooper Basin and the Hunter Valley to which I referred — that as of that meeting on 23 February 2005 a proof-of-concept phase involving the drilling of two wells was under way. The use and deployment of the technology was being examined.

The next stage of the investigation was to be the development of a 13-megawatt-capacity pilot plant scheduled for completion in June 2006. Following that a 300-megawatt-capacity plant was to be constructed. The hope is that the use of these geothermal energy resources would lead to a major greenhouse-friendly source of electricity. We are at a very early stage with this technology, hopefully one that will prove fruitful for the benefit of not only Australia but many other places in the world.

The bill therefore intends even at this early stage to set up a regime under which the extraction of geothermal energy can be regulated in Victoria. It is perhaps worth making the point, based on what I have referred to about the current state of geothermal extraction technology, that some of the statements made by the minister in the second-reading speech are somewhat premature. The minister said, I quote:

This natural heat energy can be harnessed and used in a wide range of applications. It can either be used directly for heating, or it can be used indirectly by converting it into another form of energy such as electricity.

The minister used the word ‘can’ in a theoretical sense. It is more accurate, as the minister went on to say, that geothermal energy resources have the potential to provide clean, reliable and renewable energy capable of a wide range of uses. We certainly hope that that potential is proven to be practically achievable.

The regime established by the bill is said by the government to be based closely on the model set out in the Petroleum Act 1998. On behalf of the opposition I

must thank the officers of the department for the very comprehensive briefing they provided to the opposition, during the course of which they took us in some detail through the structure of the proposed legislation.

The core of the legislation sets up a three-stage regime granting various forms of permission in relation to geothermal energy. The first of the stages grants expiration permits. The second grant is what is referred to as a retention licence, where a source of energy is identified as a result of exploration as having the possibility at some future stage of being suitable for extraction but where that energy is not practically or economically extractable at the current time. In that case a licence can be granted to a party to retain its rights over that energy source. The final stage is that of an extraction licence, where a party is given permission to actually extract the geothermal energy concerned.

There are provisions in the bill for the payment of royalties to the government. There are provisions for the letting of expiration rights either by tender or on application by various parties.

A large part of the proper and due operation of the legislation depends on its proper administration by the government and the proper exercise by the minister of the various discretions the minister is given within the bill. The minister is asking to be entrusted with a great deal of power. Many similar powers are already possessed by the minister in relation to other forms of minerals and energy. Nonetheless, if the minister were to abuse the powers that are conferred on the minister by the legislation, that could do a considerable amount of damage to the rights and expectations of various parties and to the credibility and reputation of Victoria. We have to hope that in exercising his powers under this legislation the minister will act properly with regard to natural justice and the various rights and legitimate expectations that various parties may have.

It goes without saying that in a field such as mineral exploration and extraction a large amount of upfront cost is involved. Long-term commitments are required by the parties who will undertake these projects. Uncertainty or unpredictability on the part of the government can be fatal to confidence in those respects and therefore fatal to investment and commitment in Victoria. One only needs to draw the analogy with the uncertainty that is currently been created by the government through its talk and proposals about the introduction of a unilateral carbon credit regime to see the consequences of a lack of certainty on the part of the state of Victoria.

It has been put to the opposition that that is the single biggest impediment to parties making commitments at this stage to the construction of new base-load generating capacity in Victoria. This is because parties do not know whether, at the time they get their plan completed, they will be complying with the law as it then stands or whether it will be able to continue on the basis of whatever new laws the government may introduce between the time the party makes a commitment and the time the plan is completed and becomes operational. Certainty, stability and predictability are vital in these areas.

This bill creates a framework for the potential future use of a form of energy. If it can be proven to be technologically feasible and economically viable, it has a considerable amount of potential. According to the indications available so far, this type of energy is likely to be clean and environmentally friendly and not raise issues of contamination. We must all hope that other problems with it do not emerge and that it proves to be economically viable to extract it. Given all those considerations, the opposition supports the legislation because it will establish a framework under which those parties who believe there is potential in this energy source can operate to seek it and hopefully develop it within Victoria.

As an aside, it is notable that, by virtue of the regime it is establishing for this form of energy, the government is implicitly endorsing the private sector, open-market-based approach to the energy industry that was established under the previous government and that current government members condemned and opposed so vigorously when they were in opposition. It is pleasing that over the intervening period the minister, and hopefully the bulk of his colleagues, have seen the light on that account and are prepared to entrust the private sector within a properly regulated, administered and supervised regime to add value to the economy and to Victoria's economic potential, while behaving in an environmentally responsible manner.

For all of those reasons the opposition supports the bill and wishes the legislation and the potential for further effective harnessing and development of geothermal energy in Victoria every success.

Mr JASPER (Murray Valley) — In addressing myself on behalf of The Nationals to the legislation before the Parliament, I am reminded that we are looking for alternative methods for producing electricity. We need to find more efficient methods that are pollution-free and environmentally friendly, as the member for Box Hill just mentioned. When I thought about the legislation I remembered the mid-1980s

proposal to dam the Franklin River in Tasmania for a massive hydro-electric scheme.

This became a huge issue at the time and there was immense opposition from protectionists and people concerned about the preservation of the wilderness. In fact it became such a big issue that it was eventually taken to the High Court of Australia for a decision. Justice Lionel Murphy, a former federal Labor minister, had been appointed to the High Court and there was a general belief, despite the discussions that took place and the assessment of the High Court, that it would be a 4–3 decision against building the Franklin Dam for the proposed massive hydro-electric scheme.

When I was thinking about the legislation I was reminded of something I heard on Ian McNamara's program *Australia All Over*, which is broadcast on ABC radio on Sunday mornings. He received a telephone call from a listener who talked about the production of electricity, pollution and other issues. The caller said that it might not be the best comment to make on his radio program but the greatest mistake we made was not building the Franklin Dam and looking at the production of electricity in an environmentally friendly way through this massive hydro-electric scheme, which would have produced enough electricity to send back to Victoria. It would have allowed many of us, who might not have wanted to trek for five days to get to the Franklin River, to have had a high-class road to take us into the area. People could then have visited the area knowing that the road was constructed during the building of an environmentally friendly method of electricity production through the hydro-electric scheme.

The legislation before us is a further move in looking at how we can produce electricity within the state of Victoria in an efficient manner. I note that in his second-reading speech the minister indicates that:

The purpose of the bill is to create an enabling framework to facilitate and regulate the exploration and extraction of geothermal energy resources in Victoria.

I understand that the thrust of the legislation is to enable a framework for the production of power from extensive deep drilling so that this hot water can be brought to the surface for the production of electricity.

I read with a great deal of interest the second-reading notes provided by the minister. The Nationals, as they do with all legislation that comes before the Parliament, investigated the legislation. The Honourable Peter Hall in another place undertook extensive investigation on behalf of The Nationals and reported back to us. It was

interesting to hear his presentation on the results of this investigation.

In looking at the second-reading speech, it is worth while noting that the minister indicates this is a clear example of the Bracks government's commitment to the sustainable development of Victoria. He indicates the investment would be in a new emerging energy industry, enabling the use of a clean, renewable and reliable energy source which has a 'small eco-footprint' — now that is a term I would like to get more explanation about — but I presume it is not going to have such a big impact on the environment in Victoria and Australia. The minister's speech goes on to note the bill will further develop rural and regional Victoria, adding a further secure source of energy to the state's increasingly diverse energy supplies. I support and applaud the comments of the minister, but I remind him that the large portion of electricity produced in Victoria is in the Latrobe Valley.

Mr Jenkins — Hear, hear!

Mr JASPER — The member who may follow me will indicate his support for the production of electricity in the Latrobe Valley.

It was interesting to hear the minister say that electricity supply in Victoria would be reliant on Yallourn and the power stations in that area for a long time to come and that there is huge pollution caused by those power stations in the Latrobe Valley. There was a recognition that the majority of electricity is produced in this area. There was something of a dilemma in the comments of the minister, who is presumably trying to reduce greenhouse effects within Victoria while also recognising the importance of Yallourn and this massive supply of brown coal, which is estimated to be enough for the production of electricity for the next 80 years. I was interested to note the minister's comments in relation to that.

The bill provides three different titles as far as exploration is concerned: firstly, an exploration permit; secondly, a retention lease where resources have been discovered but cannot as yet be commercially extracted; and thirdly, an extraction licence. This would be the track that would be taken by the government in seeking to develop this new form of electricity and it would be of assistance to the state of Victoria and in electricity production generally. The bill is enabling legislation. As the minister indicates, it provides flexibility as to the duration, size and conditions associated with the permits, leases and licences, and provides for an allocation of the resource. The minister goes on to indicate how the resource would be allocated.

I note particularly that the bill provides an outright ban on geothermal activity in wilderness reference areas, marine national parks and marine sanctuaries with high conservation values. Additional consent would be needed from the minister if geothermal production activities were being considered in a national park.

The minister goes on to indicate other areas where there would need to be consideration and compliance with the Archaeological and Aboriginal Relics Preservation Act 1972 and the commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act 1984. The minister would have to give approval for access where it is restricted on Crown lands. There would need to be consent of private landowners for geothermal activities on private land and compensation would need to be assessed in that area. There would be dispute resolution and the ability to appeal to the Victorian Civil and Administrative Tribunal in matters of compensation.

The minister has indicated quite clearly the ground rules and how these developments would proceed. The minister also mentioned rehabilitation, and, of course, this would be an issue of great concern to many people, particularly where these operations were being undertaken in a national park or on private land. There would need to be protection for the landowners. The minister gives a comprehensive review of how the legislation is to work and how this would be enabling legislation for this type of development to take place.

I also note that in the latter part of his contribution the minister said there would need to be not only a relationship to the heat energy that would be produced but also a right to water. This is a huge issue for us in Victoria, as it relates to the use of water in the state.

I also note, in talking about the various forms of energy production in this state, the move to and development of wind farms. However, production to date is only small compared to the usage of electricity and that which is being produced in the Latrobe Valley.

The minister sent a letter to the Honourable Peter Hall in another place, who sought information on wind farms and their location. The house would be very much aware of the concerns of the Leader of The Nationals about the development of wind farms in inappropriate places. There probably has not been an appropriate consideration by the government of where some of these wind farms are being developed and where they should be better controlled. In his reply to Mr Hall the minister indicated that there are four areas in Victoria where wind farms are operating, producing 184 megawatts of power. An additional four sites,

which will provide 730 megawatts of power, have been approved for development. The minister's letter says:

In addition, there are over 800 megawatts of wind facilities at preplanning or inquiry stage across Victoria.

We can see that the government is very much aware of the importance of seeking to produce electricity from the most efficient methods which have the least effect as far as greenhouse gases are concerned in the state of Victoria. So this is groundbreaking, important legislation. But I recognise and mention again the importance of the Latrobe Valley to the production of electricity in Victoria and the need for us to be conservation minded in our use of electricity, in the same way that the government is at present promoting the need to conserve water and energy where we can.

I want to refer to an article in the *Age* of Monday, 14 February 2005, which says:

Victoria's abundant reserves of brown coal once seemed such a blessing. Now with scientists warning of the impact of global warming that's not so clear.

The article is by Liz Minchin, and it is headed 'The dirty state we're in'. It provides extensive details in relation to the production of electricity in Victoria and our reliance on the electricity produced in the Latrobe Valley. I would like to read some extracts from her article, because it puts into perspective the fact that we are so reliant in this state on electricity produced in the Latrobe Valley, despite the pressure from the government — and I support the government's moves — to look at other methods of generating energy through wind power and hydro-electricity. Given the legislation that is before us this evening, that reliance is still there. I note again the comments by the minister that we will be reliant on the production of electricity from brown coal in the Latrobe Valley for many years to come. Perhaps they need to be looking at ways by which they can reduce the obvious effects of electricity production on the environment. I want to read two or three paragraphs from the article:

Victoria likes to promote itself as a clean, green state, leading the way on environmental initiatives. But the truth is much grubbier.

In fact Victorians are among the worst greenhouse gas polluters on the planet. Every year each of us is responsible for producing an average 24 tonnes of greenhouse gas emissions; to put that in a global perspective, even the average American produces fewer emissions — 21 tonnes — than we do.

So we produce an average of 24 tonnes of greenhouse gas emissions in Victoria compared to 21 tonnes in America. She goes on to talk about the production of electricity in the Latrobe Valley:

It's the first glimpse of Hazelwood, the oldest of the valley's five coal-burning power stations, where conveyor belts rumble day and night to feed Victorians' appetite for energy.

Every time you flick on a switch this is where your electricity is coming from.

She goes on to talk about the power stations. Further on in the article there is something worth quoting:

According to the state energy minister, Theo Theophanous, the government has managed to strike a balance between the two positions with its *Greenhouse Challenge for Energy* paper, which was released two months ago and is open for public comment until Friday.

The paper sets out a four-pronged strategy to reduce Victoria's huge greenhouse gas emissions through greater energy efficiency, renewable energy sources, technology to make brown coal 'cleaner' to burn and a national emissions trading scheme.

No doubt there is pressure on the government not only to recognise the need for the power stations in the Latrobe Valley to continue with the massive production from brown coal but to then support the production of electricity from other avenues such as hydro-electricity and wind power, which is getting huge support across Victoria but indeed is only a small amount of the power we require for Victoria.

Now we have interstate trading on power, and we need to buy power into the state to supplement supplies from other areas. This legislation, which as the minister indicated is an enabling framework to facilitate and regulate the exploration and extraction of geothermal energy resources in Victoria, sets the parameters. There is no doubt you need to set the parameters as to how this production will take place into the future.

We have assessed the bill and its contents. Under part 13, headed 'Administration', and its division 1, headed 'Geothermal Energy Register', clauses 152 to 159 provide that the minister will cause a register to be established and maintained for those who are interested in moving into this area of geothermal energy production.

The Nationals will not be opposing the legislation and will be interested to see how it moves through the house, and how this legislation can be handled in the future, to look at alternative forms of energy supply so that we are able to reduce our reliance on the Latrobe Valley and a reduction in the effects of greenhouse gases within the state.

Ms LINDELL (Carrum) — It gives me great pleasure to rise tonight to speak on the Geothermal Energy Resources Bill which is a major plank in the Bracks government's commitment to renewable energy

and the growth of the renewable energy industry. Geothermal energy is a very clean and renewable energy source that is low in greenhouse gas emissions and is created quite naturally within the earth. The bill establishes, as the member for Murray Valley has just said, a stand-alone legislative framework to encourage exploration for geothermal energy in Victoria and to promote geothermal energy extraction for the benefit of all Victorians.

The areas in Victoria to which this legislation is most applicable are the Otway Basin, the Gippsland Basin and areas that have experienced historic volcanic activity, such as south-west Victoria. We need new green, clean and renewable energy sources because of the effects of global warming and greenhouse gas emissions. Speaker, the member for Murray Valley has pointed to Victoria's emphasis and reliance upon coal and coal reserves. The International Energy Agency's report on renewable energy, market and policy trends in IEA countries tells us that electricity generation in Australia increased by 3.1 per cent per year from 1990–2001.

Generation in Australia is predominantly coal fired. It accounted for 78 per cent of total generation in 2001, reflecting the abundant supply and low price of coal; gas generation and hydro-power generation accounted for 12 per cent and 7.7 per cent respectively. The perhaps disappointing statement from the IEA is that the share of renewable energy sources in total electricity generation experienced a slight decline over the past decade, from 9.6 per cent in 1990 to 8.3 per cent in 2001. Given that our country as a citizen of the world must address itself to the reduction of greenhouse gases, it is a very disappointing fact that our proportion of energy supplied by renewable resources is going backwards.

The Bracks government has a policy of a renewable energy target of 10 per cent by 2010. I compare that with Germany, which is the leading country for geothermal energy and has some quite amazing targets. By 2020 it wishes to reach a target of 20 per cent of all energy obtained from renewable sources. It will have no nuclear power and 25 per cent will be coal-derived. Germany is undergoing a massive change to its energy sector, wishing to cut electricity consumption by half by 2050 and to reduce its greenhouse gas emissions by 80 per cent. When we look at what is happening in Australia as a whole we can but wish to look at better examples, at countries that are facing the tough task of reorganising their reliance on greenhouse gas and fossil fuels for their energy production.

There are three types of geothermal power plants. The kind which is built depends on the temperatures and

pressures of the reservoir. A dry-steam reservoir produces steam but very little water and the steam is piped directly into a dry-steam power plant to provide the force to spin the turbine generator. A geothermal reservoir that produces mainly hot water is called a hot-water reservoir and is used in a flash-power plant. Water ranging in temperature from 300 degrees to 700 degrees Fahrenheit is brought up to the surface through the production well where, upon being released from the pressure of the deep reservoir, some of the water flashes into steam in a separator. The steam then powers the turbines.

The third type of power plant is a binary power plant. In this system the temperatures are lower, from 250 degrees to 360 degrees Fahrenheit. That is not hot enough to flash enough steam but it can be used to produce electricity. The geothermal water is passed through a heat exchanger where its heat is transferred into a second liquid such as isopentane, which has a lower boiling point than water. When heated, the binary liquid flashes to vapour which, like steam, expands across and spins the turbine blades.

The most pertinent point about geothermal energy is, of course, that it has five excellent recommendations. Firstly, it is clean. There are no greenhouse gas emissions. Very much like wind and solar power, it does not burn fuel to manufacture steam to turn the turbines. It is easy on the land. In fact the land required for geothermal power plants is smaller per megawatt than for almost every other type of power plant. Geothermal installations do not require the damming of rivers or the harvesting of forests. There are no mine shafts, tunnels, open pits, waste heaps or oil spills. Of course, it is very reliable. Geothermal power plants are designed to run 24 hours a day all year. They are flexible and can have modular designs with additional units installed in increments as needed to fit the growing demand for electricity.

In many senses they keep dollars at home, in that money does not have to be spent importing fuel for geothermal power plants. Of course, one of the main benefits of geothermal energy is in developing countries. Geothermal projects can offer all sorts of benefits to help developing countries grow their economies without adding to pollution. These installations can be placed in remote locations and raise the standard of living and quality of life by bringing electricity to people living very far from electrified populations.

The Bracks government understands that Victoria needs clean brown coal, gas and renewable energy sources into the medium and long-term future. It also

understands that the longstanding policy of simply growing our energy demand is not sufficient and that measures will need to be taken in regard to energy efficiency. Our energy consumption continues to grow. We continue to use far too many of the world's natural resources. In every sense environmentally we are living beyond our means and the means of the planet on which we live.

We have other renewable resources such as the proposed Basslink project to be connected to the hydro scheme in Tasmania. As the member for Murray Valley said, we also have a growing number of wind farms. This geothermal energy resources legislation is but the next step in further developing our natural resources. We have already received expressions of interest from companies keen to explore geothermal energy. I commend the bill to the house.

Mr HONEYWOOD (Warrandyte) — In rising to join the debate on this bill this evening I will begin by saying that I had the pleasure of attending the official briefing on the Geothermal Energy Resources Bill. I would like to raise a few concerns emanating from that briefing by the department.

This is all about catch-up politics. States such as New South Wales, South Australia and Western Australia are way advanced compared to Victoria when it comes to geothermal energy source extraction. Therefore, it is worth mentioning that in the full range of options available to state governments when it comes to renewable energy this government lags the field. It lags the field on solar power, it lags the field on gas power and it certainly lags the field on geothermal energy. This should never have been.

As I understand it, Portland was the first city of any size in Australia to make use of geothermal energy. It has been doing so for many years and could have been used as a model to bring forward legislation much earlier than this. A full five and a half years into this government's period in office we find finally, lackadaisically, it has come into the Parliament with a Geothermal Energy Resources Bill.

Of course, the devil is always in the detail for this government. While we support the overall thrust of having full utilisation of different energy options, I should point out that some of the concerns about the legislation include a special permit being provided to firstly explore an area, and that then the industry players involved will be able to seek a permit for a larger area of exploration if they find a geothermal energy source. The difficulty is that once a private sector corporation, for example, actually goes to the

expense and the trial and tribulation of ascertaining whether there is a geothermal energy source in a particular location, after all of the expense has been put on the line, it is then up to the minister to invite applications through tender and the company which had the right to explore the area could be left behind when it comes to being given some equity, given the risk it has already taken.

Again, from the briefing that was provided to the opposition there does not appear to be much incentive for the private sector to really embrace this energy option, given that we have a problem with certainty of title and tenure when companies have already gone to the expense of the exploration side of the equation. The issue of the rights of those who take the risks to try to discover a geothermal energy source needs to be explored in greater detail.

This bill also deals with the powers of the minister. We are told that they are no greater than the minister's powers contained in the equivalent petroleum act, but one concern that comes to mind is the poor wording in the second-reading speech regarding wilderness area exemptions. As the shadow Minister for Environment, I point out that there are some genuine concerns about the issue. I refer specifically to clause 79 titled 'Operations on wilderness land barred'. It requires the consent of the relevant minister in order to explore wilderness areas, but the wording is ambiguous when it comes to the extent to which wilderness areas are protected from exploration and extraction.

They are just some of small concerns that the opposition brings to the table when it comes to the way in which this bill has been framed. One of the overarching concerns is that because the government is playing catch-up politics, because it is so far behind the other states when it comes to this type of energy source, this legislation has been rushed through and is still being thought through within the department. Based on the briefing we had, it is still a long way short of implementation — for example the wind power legislation last year provided special rights to wind power generating companies to connect to the overarching energy grid in terms of discounts and costs. However, this legislation does not provide any special rights.

Again, we will have to revisit this area once geothermal energy permits start to be issued. Why should wind power generators get a special deal from this government? Well might we ask that. Why are certain friends of this government given special deals when it comes to wind power? The minister at the table, the Minister for the Arts, would as the former Minister for

Planning have a few secrets when it comes to that particular answer, which she probably will not be imparting. This government is all about picking favourites; it is all about giving special deals to special friends. That is probably the nub of the issue when it comes to why wind power is given such preferential treatment over other legitimate forms of renewable energy sourcing and development.

We have an interesting problem with this government. When it comes to renewable energy, for example, this government went out to the hot water service companies — Rheem Australia, for example — to convince them to retool their factories to gear up for Solahart hot water services on the basis that the government supposedly had a commitment to reducing greenhouse gas emissions, which is what this legislation is all about.

Ms Duncan interjected.

The SPEAKER — Order! The member for Macedon!

Mr HONEYWOOD — When it comes to having to pay for a Solahart hot water service or any type of hot water service, the average family in the urban fringes — often a working-class family in a new development — is going to spend about \$2700, compared to about \$900 for an electric hot water service. This was the message that was sent to the private sector by the government by way of regulation, and Rheem Australia is one company that took the government at its word — which is always a dangerous thing with this government — and retooled its factories accordingly.

But now what do we find? We find that when it suits, this government is willing to trade off its greenhouse gas policy for water conservation so other developers are being told that it is an ‘either/or’ equation. If the developer agrees to put in a third-pipe system involving grey water and the provision of recycled water for gardening purposes and so on, then — lo and behold! — you are no longer required to have a solar hot water service.

On the one hand government members have tried to win the support of green organisations that gave it second preferences in the last election. Government members have gone out and said, ‘We have this wonderful renewable energy policy, this wonderful greenhouse policy to cut down on greenhouse gas emissions, and we are going to have world best practice on this’, but now they are saying, ‘By the way, water conservation is also important, so forget about

greenhouse gas emissions and renewable energy. If you can commit to a third-pipe system, then we wash our hands of any requirement for’ — —

Ms Duncan interjected.

The SPEAKER — Order! The member for Macedon will cease interjecting in that manner.

Mr HONEYWOOD — In my school that was called having a bet both ways, but government members have been caught out. The fact remains that you should not be trading off greenhouse gas policy for other policy goals. It should not be an ‘either/or’ equation. Some of the key players in the renewable energy industry have been duped by this government and by the Minister for the Arts, who has been doing her shonky deals all over town for too long. Eventually reality caught up with her and she had to be moved out of the portfolio — yet another portfolio that she was so pathetic in when it came to — —

The SPEAKER — Order! The bill relates to geothermal energy. I ask the member to return to that.

Mr HONEYWOOD — We may get to debate the performance of the former planning and education minister at another time. At the end of the day geothermal energy resources legislation is a laudable object, but this government can never get its act right when it comes to dealing with the private sector. That is why there are no real incentives in this legislation for genuine exploration and genuine follow-through when it comes to implementation, and that is why this government again is going to be caught out providing the rhetoric and doing the window-dressing, but providing no follow-through and no genuine ability for the private sector to take up their offer — —

Ms Delahunty interjected.

The SPEAKER — Order! The minister will cease interjecting.

Mr HONEYWOOD — Government members provide no genuine means for the private sector to be able to take up their hollow offer in this legislation.

Mr LONEY (Lara) — It is very good to enter the debate on this bill which is about the future. In this case the bill attempts to ensure a clean and sustainable future for all Victorians.

At the outset I might say that one of the things that never ceases to disappoint about opposition contributions on energy is that they are totally confused. We have just heard yet another example from the

Deputy Leader of the Opposition. The inconsistencies in their policy stances over many years are fairly legendary in the energy area. It is interesting to hear what the Deputy Leader of the Opposition has to say in here, because I suspect that if you wandered across Queen's Hall, went into the other chamber and listened to debate on the same bill, you would probably find the Leader of the Opposition there taking a completely different and contradictory stance over the issue of renewable energy. Perhaps there are two opposition parties involved — that is, the upper house party and the lower house party — and they have different policies, because they certainly seem to enunciate them differently.

We can agree with the Deputy Leader of the Opposition when he says opposition members had a consistent policy on renewables. They certainly did! In their seven years in government they supported none. It was a very consistent policy. In fact they even did things like sell off the State Electricity Commission. The SEC was a world leader in research into clean-coal technologies. Their government sold off the Hermann Research Laboratories and allowed that research simply to wither on the vine. Opposition members should not come in here and tell us about their commitment to renewables and about how good things were when they were about; in fact they set up a whole structure which encouraged the use of non-renewables.

As I said, this bill is about the future — a clean and sustainable future for Victoria — and it extends the framework this government is putting in place in energy and across a whole series of policy provisions — from wind energy, which we have seen being rolled out over the last few years; solar energy, another very important part of the strategy and one which the opposition, if it had been serious, could have picked up when in government in a much greater way.

If we look at the European Union during the time the opposition was in government, we see there were huge advances in the rollout of solar energy. It sent a delegation to this country to talk to us about it, yet the opposition did not even talk to that European delegation on solar energy when it was here. We should not talk about this great myth that somehow opposition members are interested in renewable energy. They have never been, and they are now talking about greenhouse gases. Of course, the party that opposed participation in the Kyoto agreement was its party. Members opposite present a confused and contradictory policy line on all these things every time they get up to speak.

This bill is part of a framework for the development of renewable energy in the state and will help us into the

future. Whether we like to admit it or not, we are a very high energy use society. The traditional forms of energy generation are no longer sustainable to underpin our energy use. We need to find alternative forms of doing so, and geothermal energy is one of them.

The Otway Basin in my region is one of the areas that hopefully can participate because it is adjacent to south-west Victoria's largest volcanic plain. By way of a geography lesson, I am advised it is the third largest volcanic plain in the world running from south-west Victoria into South Australia.

These are important initiatives for government to take up and send a signal to industry that we want it to invest in these forms of energy and to participate in bringing forward forms of energy which we will be able to rely on in the future but which will not lock us into the high greenhouse, non-renewable generation of electricity that in the past we have relied on.

This is about planning for the future and ensuring we have sufficient power. It is about planning and ensuring that all Victorian industry and residential users can rely on a secure supply into the future, whether they are doing it on or off the grid. This will allow them to make choices about whether they participate on or off the grid as an individual user, be it solar energy where you can set yourself up to reduce your own energy costs — that is, your own draw on the grid — or other forms of renewable energy. This is something we should encourage in Victoria. The way to encourage it is to make such forms of energy available and accessible to Victorians. What comes first is investment in exploration and development.

I wish to pick up one thing the Deputy Leader of the Opposition said. He seemed to be saying that those who invest in exploration should get some sort of automatic and preferred treatment for development. I would have thought that the difficulties with writing that into legislation are issues of probity and integrity, the correct pricing of Victoria's natural resources and ensuring the correct return to Victorians from any resource pricing regime. I would have thought that a group of people who continually want to tell us about economic management would have factored those issues into their thinking on this, rather than coming in with some glib line about investment having an automatic return.

The regimes that are set up for development must in fact reflect the best possible use of those resources for Victorians and the best possible return for Victorians out of those resources. Too often in the past we have not correctly priced them and so Victorians have not

been the beneficiaries of the development of their own resources. This government does not intend to set up a regime whereby Victorians will once again be duded on their own resource development. If the opposition wants to do that, let it and let it say plainly and clearly that that is what its policy is. Certainly we on this side of the house do not support that. We support a regime whereby our resources are developed with probity and with the best interests of Victorians in mind.

This is a good piece of legislation for the future. It is one that will help our overall energy regime and that, in spite of some of the rhetoric on the other side, I am pleased to see is being supported.

Mr COOPER (Mornington) — The member for Lara is quite correct — I am in heated agreement with him in regard to the need to be seeking alternative energy sources. This is one of those areas where we should be proceeding and we are proceeding, through this enabling legislation, and that is why the Liberal Party is supporting the bill.

The main provisions of the bill are to regulate the exploration and development of geothermal resources and to provide security of title to explorers and developers, because currently there is no security of title to Victorian geothermal energy, although there is in both South Australia and Queensland, where exploration and development is already under way. As I understand it, the bill applies only to the exploration and extraction of the resource and other laws will apply post the wellhead. So it is a sensible piece of legislation that deserves the support of the house.

As the member for Lara said quite eloquently, it is necessary that we look beyond the traditional power sources in this state that we have seen for so many years, and this is one of those areas where it appears there will be a significant advantage to the state. That is certainly seen to be so in South Australia and Queensland, and it should be no different here in Victoria. I must say that that makes me wonder why this government has over the past few years thrown so much weight and support behind wind energy, when alternative sources of energy are available that have either significant potential or proven potential. When you look at wind energy — on which this government has really thrown its hat into the ring in no uncertain manner — and at its ability to provide the kind of alternative energy this state is rightly seeking, it not only has a huge question mark over it but I would suggest it has now been judged by many places throughout the rest of the world where wind energy has been in vogue for a long time as nothing more than a dud.

For evidence of that statement I turn to a number of examples. One is an article that appeared in the *Australian Financial Review* of 6 November 2004 which quotes a report by E.ON Netz at GmgH, the owner of the grid system that includes 44 per cent of Germany's installed wind farm capacity. Incidentally, that equates to more wind power than is installed on the entire American continent. The article states:

Any system that can generate only an average 11 per cent of capacity is hardly worth having.

Wind power is of little practical use, judging by a recent report from Germany.

The report should carry some weight among environmentalists in Australia, because Germany is the world leader in wind farms.

The article goes on to state:

The report says conventional grid power —

I emphasise 'conventional wind power' —

is needed to back 80 per cent of the installed capacity of wind farms, which casts doubt upon their necessity.

It continues:

The report says the increased use of wind power in Germany meant that more conventional power also had to be installed as a backup, resulting in rising grid costs.

This implies that wind farms could not have reduced greenhouse gas emissions much, if at all, in Germany, because old-fashioned hydrocarbon-fired power stations must have had to keep chuffing away in reserve for anywhere between 50 and 80 per cent of wind farm capacity.

That report from Germany should on its own sound warning bells for people who believe that the answer to alternative energy is wind power. The answer to alternative energy in my view and in the view of many people now throughout the world is not wind power, it is hydro power. What we are dealing with here — geothermal energy — has the potential to develop a significant power capacity that clearly wind power cannot. But of course the many people who support wind power as the only reasonable source of alternative energy will quote innumerable instances of its success throughout Europe. They ignore the experience in Germany; they ignore what is happening elsewhere. For example, a paper which is available on the net and which was written by Eric Rosenbloom, who I believe is a Canadian, states in quite comprehensive terms:

A little research reveals that wind power does not live up to the claims made by its advocates ... that its impact on the environment and people's lives is far from benign ... and that with such a dismal record the money spent on it could be much more effectively directed.

That is something that this government and other governments throughout Australia that see wind power as some kind of a panacea for the energy problems of this country or as the golden bullet of energy resources should take into account. They should look at these matters and take note of what has happened elsewhere in the world.

In 1998 Norway commissioned a study of wind power in Denmark. That was nice of them: as they are neighbours they thought they would have a look at it! They concluded that it has serious environmental effects, generates insufficient production and results in high production costs. Denmark, with a population of 5.3 million, has over 6000 wind turbines that produce electricity equal to 19 per cent of what the country used in 2002. Yet no conventional power plant in Denmark has ever been closed down, because Denmark, like Germany, has found that it needs conventional plants to back up what wind power cannot provide. Therefore there has been no reduction in greenhouse emissions and no advantage to the communities of Denmark. And the disadvantage has been higher energy costs, because not only do they have a conventional power system but they also have to pay for the bolting on of a wind power system that does not deliver.

This report by Eric Rosenbloom goes on to say:

Denmark is just dependent enough on wind power that when the wind is not blowing right they must import electricity. In 2000 they imported more electricity than they exported. And added to the Danish electric bill is the subsidy that supports the private companies building the wind towers. Danish electricity costs for the consumer are the highest in Europe.

Is this the scenario that this government wants to have for Victoria? By its backing of wind power to the extent that it has, it is in fact sentencing Victorians to exactly the same scenario that is now happening in Denmark. That is why I struggle to understand why this government is so committed. Here it has introduced legislation which wants to set out and explore geothermal energy resources. We believe this legislation is intelligent and supportable and should be supported by the entire community, but at the same time this government has not backed away from the blind insistence that it has had now for some years — that somehow or another with a fair breeze and with God on our side wind energy will do something good for this state. Wind energy is a dud. It has been shown to be a dud elsewhere in the world and the government should pull away from it and put more of its energies into what we are debating here tonight — that is, the exploration and extension of geothermal energy resources to back up conventional power sources properly in this state of Victoria.

Mr WILSON (Narre Warren South) — I am very pleased to support the Geothermal Energy Resources Bill, as it increases the capacity of our state to produce clean renewable energy. One of the commitments of the Bracks government was to develop renewable energy sources in our state. Along with wind power, solar power and other renewable energy forms, geothermal energy will form an increasing share of our energy production. I note that in New Zealand 75 per cent of the electricity is generated by geothermal means. I was very pleased when the Premier announced a much more modest target of 10 per cent of the energy needs of our state coming from renewable energy sources by the year 2010 — now only five years away. With wind farms already announced, the current hydro-electricity projects and the newly announced hydro-electricity project in the north-east, this bill will add to total energy production and, more particularly, total renewable energy production. Basslink will also supply our state with even more renewable energy when the project is completed in the next couple of years. Our electricity supply will further be enhanced by gas-fired projects at Laverton North and Mortlake currently under way.

As an outer metropolitan representative in this house I note that most of these developments are occurring in the rural areas of our state. This promotes further economic development in those areas and, of course, more jobs. With the many enhancements to our electricity system the core electricity generators in our state will remain brown coal generators in the Latrobe Valley. As a government we are working with these large generators to ensure that they continue to produce the electricity we need, but note that they need to produce that electricity with less pollution of both the air and the water in our great state.

I believe as a consequence of this bill there will be a further expansion of the resources boom under way in rural Victoria. I have heard it called 'Victoria's modern gold rush'. I understand that the current value of committed resources development in our state exceeds \$2 billion, and, of course, such expenditure means thousands of jobs, especially in rural areas. As many companies commence the search for underground natural heat sources — be they water or hot rocks — more jobs will be created in Victoria. The harnessing of the commercially viable geothermal resources expected to be found will take many forms, whether for heating or the creation of electricity. With little greenhouse gas emissions, I note this clean, renewable form of geothermal energy has a reputation for high reliability. As worldwide energy costs rise and our new geothermal technology comes on stream, it will make the search for commercially viable geothermal

resources in our state even more important for the energy companies.

This potential industry will add to the diversity and therefore the security of our electricity supply. While energy reserves in this state are good, I note that blackouts have occurred in other Australian states and overseas. We all remember the terrible consequences of the crisis in California and the massive economic disruption as well as the personal chaos that the brownouts and blackouts caused in that state, not to mention the poor timing of the blackouts that occurred during the recent Western Australian election campaign.

The objective of this legislation is to ensure that Victoria is positioned to support large-scale exploration and development of natural geothermal resources. I would not like to see our great state miss out and have these opportunities go to other Australian states. The basis of this bill is to vest the property rights over geothermal resources in Victoria with the Crown. This will allow the state government to grant a company or group of companies exclusive rights to explore for, hold or extract geothermal resources. This bill creates a framework to facilitate the development of this new large-scale industry in the rural areas of the state. It also allows for exemptions of small-scale developments under very strict conditions.

Such local projects will be able to be managed by smaller companies through the very well-organised Sustainable Energy Authority of Victoria. Naturally this planning allows for the exploration and extraction of these large-scale projects, requiring very good occupational health and safety for people in the industry as well as for people in nearby industries. Further, the bill imposes strict environmental conditions on large-scale developments, thus protecting the environment in our great state.

Like other aspects of the bill these provisions are modelled on the Petroleum Act 1998, and I note that these provisions have been very effective in protecting the environment in the petroleum industry. To further protect the environment the Geothermal Energy Resources Bill provides a ban on exploration and extraction areas of high conservation value such as our marine national parks and wilderness areas. Further permits will be required in sensitive areas such as national parks.

The development of geothermal energy on private land will require the permission of the landowner and thus usually compensation to the family. The rehabilitation of the sites of activity will be covered by rehabilitation

bonds, and enforcement provisions for rehabilitation are noted in the bill to ensure compliance. I believe that within the solid framework that this bill provides, this industry will contribute to further diversifying our electricity supply from a very reliable source.

In conclusion I say that energy is a major interest of mine. My family and I own a small number of shares in three energy companies — that is, BHP Billiton, Origin Energy and Pacific Hydro. Further, I am about to extend the solar energy produced in our family home from our hot water system — it is a Solahart system like the one mentioned by the Deputy Leader of the Opposition — with the addition of 10 further solar panels to power our home as well as supplement the electricity grid on days of great sunshine such as we have had in recent weeks. It is my family's contribution to removing greenhouse gas emissions, and I hope that over the next few years many other Victorians will join the 2000 households with solar panels. I commend this bill to the house to progress the geothermal industry in this state.

Mr PLOWMAN (Benambra) — Quite simply, let us not kid ourselves! We are going to be reliant on brown coal in this state for a long time to come. We have the cheapest fuel in Australia. We have the cheapest power source in Australia, and we rely on it. The member for Macedon knows how many jobs rely on cheap power — —

Ms Duncan — Sad but true.

Mr PLOWMAN — 'Sad but true', says the member for Macedon. I do not think it is sad, but I think it is true.

The reason I say I do not think it is sad is that I think people on both sides of this house recognise Victoria has an advantage and we want to play to that advantage. We want to make sure that we give the maximum opportunity for industry and therefore the maximum opportunity for jobs. I hear the member for Morwell saying, 'Oh', as though that is hard to hear. I would have thought it should be music to his ears because after all if Morwell did not have that brown coal deposit I am not sure he would have a seat in this place.

It is really important to recognise that in this state we do have an advantage. In saying that, any renewable resource is worth developing — and I applaud the government for doing so. I support the government on this bill. The Geothermal Energy Resources Bill does provide the opportunity to make the most of this natural resource that we have, which is a renewable resource, unlike coal. But to suggest that we are ever going to

look beyond coal until we have something as cheap as coal is unrealistic. We will be using coal as our major power resource for a long time to come.

Although I support the use of renewable energy through geothermal power, it is a bit hypocritical of this government to say that it is solely inclined to look towards renewable energy through wind power and through geothermal power. Yet what is it doing to promote really the best renewable energy source we have, which is solar power? What developments are we seeing in this state to promote the use of solar power and the development of solar power through things like the intellectual property that the Australian National University has, which a small group in Corryong have been promoting for the last six or seven years? They have gone to the Treasurer of this state and asked for his support, and I promise you they have received nothing. With that intellectual property from ANU, this group could well have one of the finest solar energy operations in the state of Victoria, but there seems to be a blind spot. It seems that wind power generation is the theme of this government. It is the direction this government wants to take, and it finds it hard to look at the alternatives.

Taking this analogy to its extreme it is quite remarkable, if you look at the use of timber, which is a natural renewable resource, that this government is more inclined to close down the timber industry, particularly in areas where we have the most renewable resource in Australia, and replace it with imported non-renewable resource from other areas of the world. I find that totally hypocritical.

But getting back to the bill before the house before you pull me up, Acting Speaker, I sincerely believe we do not want to underestimate the value of the brown coal energy resource in this state. I want to make the point equally that solar power has not been properly researched in this state and certainly has not been promoted by this government.

Another most reliable source of alternative energy is in fact hydro power. Today we put out a news release saying that Southern Hydro is to develop another power station on the Clover Dam in the Kiewa Valley. I accept the fact that this has been with the support of the state government, and I applaud the government for supporting this. But I heard to my disbelief the member for Carrum suggesting that we do not need dams, that we do not want any dams. How can you have hydro generation unless you withhold that water?

Ms Duncan interjected.

Mr PLOWMAN — I take up the interjection of the member for Macedon, who is pretty good at interjecting. The member for Carrum said she does not want any more dams. How can anyone suggest that we do not want more dams in Victoria when there is the opportunity to generate more hydro power? Hydro generation is the most valuable source of alternate energy, because you can switch it on so easily; you can have hydro generation at peak points when you get the maximum return for power in this state at the flick of a switch. The next best source is gas-fired energy, but that takes some minutes to develop to peak generation. If you have a potential blackout in this state, it is hydro generation that comes to the fore in giving energy requirements as quickly as possible. Literally in a fraction of a second you can generate hydro energy to support the grid and come to the support of an ailing industry if there is any blackout or any overuse of power in this state.

I return to the brown coal generation of power. The other issue that I want to talk about is that the problem in respect of brown coal generation is seen to be the emission of carbon dioxide into the atmosphere, although if we closed all the power generation stations in the Latrobe Valley as of now, it would take probably 100 years before we could measure a difference in the atmospheric level of carbon dioxide. Despite that, if we really want to make a difference to the amount of carbon dioxide we generate, the real opportunity for the state is to research the possibilities of carbon sequestration in a liquid or solid form.

That research is being undertaken in this state, but not with the assistance of the state government. It is also being undertaken in California in conjunction with researchers from private companies in Victoria. I would suggest that this holds greater promise for the long-term use of brown coal in this state, eliminating the majority of the carbon dioxide emissions and therefore eliminating the problems associated with brown coal use for power generation.

Like everyone else I support the bill because it is another form of a renewable resource being used for power generation, but I think there is a real blind spot on the part of this government when it comes to other opportunities for generation, particularly through solar and hydro power and the possibility of carbon sequestration.

Ms DUNCAN (Macedon) — It is always interesting to listen to the comments of opposition members on any bill. It is again an example of — —

An honourable member interjected.

Ms DUNCAN — It is morbid curiosity. It is also another example of what I think we could have as their policy statement, their theme or their motto — ‘Do not do what we did, do what we say’. They stand here day after day after day and say, ‘The government should’, ‘the government has not’ and ‘the government should do more of this or less of that’, without ever having done any of it themselves when they were in government. It is extraordinary, breathtaking and galling, to say the least.

It is also interesting to hear the opposition misquoting and to hear its very narrow definition of something, trying then to present that definition as government policy. We have had a number of previous speakers this evening talking about this government’s belief that wind energy is the panacea and saying that is all this government is on about. They present the fact that European countries, for example — we have had Germany and Denmark quoted — are somehow turning away from wind energy, when in fact Denmark continues to invest very heavily in turbines. Denmark has run out of land mass and is now going offshore. This means it is spending even more money to build turbines to get this minuscule amount of energy, according to the member for Benambra and the member for Mornington. It is such bizarre technology that they just keep investing in it!

It is extraordinary that the argument is also presented that if the wind stops blowing in Denmark, or when the wind stops blowing in Denmark, they will have to import energy. That is probably right, but we are just glad they have wind turbines, because they would be importing energy whether the wind was blowing or not. These are self-evident arguments that seem to be lost on the member for Benambra and the member for Mornington. The scariest part is that the member for Benambra is the shadow minister. It really is extraordinarily scary stuff!

The fact that we are actually here debating a bill on geothermal energy seems also to have escaped the opposition speakers. They seem to think this government focuses on one energy source and that is all. This bill is about establishing a legal framework for the development of an entirely new renewable energy industry in Victoria. This government, unlike the Liberal opposition, understands that we need to develop many diversified forms of energy. We need to develop as many as we can because we cannot rely on any one form of energy — not on wind turbines, not on geothermal, not on hydro and not on brown coal. We cannot rely on any one thing. Our energy use continues to grow year after year, and there are a whole lot of things we need to do, including conserving energy. In

fact if we could conserve energy, we would solve a huge amount of our problems, but that does not seem to have struck the opposition.

This bill sets up a framework for developing geothermal energy in this state. The purpose of the bill is to encourage and to facilitate primarily large-scale commercial exploration and extraction of geothermal energy. That is quite extraordinary technology. Unfortunately there is not the time to go into just how interesting this potential new source of energy is. The bill does a number of other things, such as establishing property rights. It regulates geothermal operational and extraction activities to ensure sound planning and the protection of health, safety and the environment. The bill makes provision for thorough consultation with both public and private landowners, as the case may be, and the consideration of their interests, and where necessary the payment of compensation to landowners.

The bill provides a range of measures to ensure activities are carried out in line with agreed operational plans, that geothermal titleholders have agreed rehabilitation bonds and that the government can rehabilitate sites where necessary. The bill does a number of things. It sets up a framework for developing an exciting new energy source, and I commend it to the house.

Mr BAILLIEU (Hawthorn) — I rise to speak on the Geothermal Energy Resources Bill. As other members have said, this is a bill about renewable energy, and that is a good thing. Renewable energy has an important role to play in the future of Victoria, and the opposition supports this bill.

I attended the briefing, which was extensive. We had an interesting exchange with the departmental officers. We explored a lot of the potential of geothermal energy. As I look at the explanatory memorandum it prompts me to do some thinking about renewable energy in this state. Under ‘General’ the very first sentence of the explanatory memorandum reads:

The exploration and development of geothermal resources is not currently regulated in Victoria.

That is the significant thing about this bill. It is a reasonable, sensible attempt to regulate geothermal energy production in this state, production which is not currently regulated. It is not as if we do not have geothermal resources operating in this state; they already operate successfully in Portland and have done so for many years. The bill makes sense in that respect.

Let us look at particular provisions. Clause 17 provides for the issuing of permits for the authority to carry out

geothermal exploration — that is, to seek to explore for geothermal resources. Clause 18 provides that the minister may invite tender applications for a specified area. So the minister will be involved in the consideration of particular areas and in inviting tenders in those areas. Division 3 provides for renewals of those licences and permits not exceeding five years.

Part 3, headed 'Retention leases', goes further and establishes property rights for a variety of stakeholders. Part 4, in particular clause 51, provides for development plans. It provides that a geothermal energy extraction plan must outline how the energy extraction will be undertaken in the licence area and is an important provision in the legislation.

Part 7 lists a series of requirements before operations will be allowed on particular pieces of land. Part 8 provides for compensation. Part 9 provides for the other obligations about the conduct of those operations. Division 2, which is clause 99, specifically provides for insurance. Division 3, clauses 100 to 102, provides for rehabilitation bonds in legislation. Division 4 provides for royalties to the minister. There is a range of other provisions as well.

The interesting thing is that all of this is about a regime established for geothermal energy resources and the production of same. But those production facilities generally place a relatively small footprint on a piece of land. Given that there is a relatively small footprint, in themselves they do not have significant landscape, social or environmental impacts. The important thing about the provisions I have run through is that these are being established by the government — and we agree with their establishment — for the purposes of energy production where the footprint on the land is relatively benign.

We can contrast that with the government's approach to wind farms, which have a significant impact on the landscape and on communities and certainly cover substantial parts of the landscape. In fact the footprint is quite large. When it comes to wind farms the government's approach seems to be totally different — unregulated, uncontrolled and leading to social division, lack of compensation and a process which completely lacks transparency and is shrouded in secrecy at every turn. Yes, the government has issued guidelines, but even the panel chairman who sat most frequently on wind farm applications, Rynd Smith, told a recent Victorian Planning and Environmental Law Association conference at which I spoke that those guidelines are skewed in favour of the approval of wind farms. The reality is that the government is doing

something sensible here, but it is in stark contrast to what the government has done on wind farms.

If the government were to hold up the provisions of this bill to the communities of Bald Hills, Wonthaggi, Dollar, Yallock, Macedon Ranges — and I see the member for Macedon is now gone — McHarg Ranges, Clarkes Hill, Macarthur, down at Portland or many of the other areas that have been subjected to these extraordinary processes which we now go through with wind farms in this state, those communities would simply be up in arms. They are up in arms about how they are being treated, but to then understand that the government knows how it should have been done and is doing it for geothermal resources is extraordinary.

The classic example of the shortcomings of this government in regard to wind farms was expressed by the chief executive officer of Wind Power Pty Ltd, the wind energy company which has been granted an approval for Bald Hills, despite 14 000 objections being sent to the panel. It has sought additional wind farms at Warburg — another community which will be upset to learn about these provisions — the Macedon Ranges and the McHarg Ranges. Steve Buckle told the *Age Good Weekend* magazine that when it came to the guidelines and the rules in this state in regard to wind farms:

The government is making rules up as we go.

I am pleased to see that the government and developers are not making it up as they go along in regard to geothermal resources, but the contrast with wind farms is stark. This debate presents an opportunity for the government to think again its approach to the development of wind farms in this state. Wind farms are dividing the community. Wind farms are causing grief.

Mr Cameron — Leave your notes and come back to the bill!

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member, without assistance from the minister.

Mr BAILLIEU — The Minister for Agriculture is laughing at the plight of those communities that have been subjected to the significant impacts of uncontrolled development applications.

This bill has sensible provisions, and we support it. We only wish that the government had had the foresight, and now had the hindsight, to make those provisions and similar ones available with the development of wind farms.

Mr JENKINS (Morwell) — It gives me a great deal of pleasure to speak in support of the Geothermal Energy Resources Bill, but I am a little confused about the position of the opposition. On the one hand it supports the bill and renewable energy, but on the other hand, in government it did nothing. In government it did the opposite of supporting a diversified electricity industry and of bringing environmental responsibility and the most efficient electricity to the people of this state. The previous government sold off the electricity industry and sold off the capacity for research, putting us 10 years behind on the research that should have been undertaken into the production of clean technologies from our vast brown coal resource and on the progression of initiatives such as the Geothermal Energy Resources Bill.

The responsible minister and his staff need to be congratulated not just by me and the people of Victoria but in particular by those people on the opposition benches who wasted seven years of good time that could have been spent researching and developing renewable energy within this state and putting forward reasonable approaches to how we harness wind energy and how we make the most use of our great solar resource. Instead what the opposition concerned itself with was making a quick buck by selling off our brown-coal-fired power industry. Now it has the unmitigated gall to come into this house and complain that there might be one or two flaws. If you look at the opposition's record in energy, then anything it believes about energy is naturally wrong.

Opposition members, particularly the member for Benambra, have talked about there being no investment in solar power and about this government not giving any thought to supporting solar power. A great deal of solar power work has been done, not all on huge towers and not all on one-off projects. You have to use solar power in the way in which you should use all power. You have to be diversified, and you have to think about making the best use of it at source — that is, in the home. You have to provide rebates, as this government does, to encourage people to use solar power not just for the direct heating of water — and I hope the member for Benambra is listening and learning — but also in the design of houses.

If he had taken any notice of the work of the Sustainable Energy Authority Victoria, he would know that this bill, which has been put forward by this government, with its responsible attitude to energy production and use in this state, is about the theme of diversification. It is about the theme of maximising our energy opportunities. It is about the theme of making sure the people of Victoria have the opportunities that

were denied them during those seven dark years of the Kennett government. I commend this bill to the house.

Mr SMITH (Bass) — I am surprised to be getting to my feet in the house to speak on the Geothermal Energy Resources Bill and to actually be supporting the government. It is hard to believe we could be doing that, but this is because this government is bringing forward legislation to try to do something about our energy problems in the state of Victoria.

It is interesting that the government is talking about how wonderful it is to be bringing forward this piece of legislation, yet it was not long ago that its members were on their feet talking about how good they were in bringing in wind power regulations and legislation. We have seen what a farce that turned into. We have seen this government forcing communities to have wind towers stuck up on their properties along our beautiful coastline in Victoria. The only reason these wind towers are being built — at a huge investment cost and at a huge cost to the community, because they are being built in some beautiful areas of the state — is a subsidy that was provided by the federal government. They are trying to build up credits to sell off to other people.

We know that geothermal energy is going to be a good way of generating power in Victoria, and I compliment the government on its decision. It is not something new and not something it thought of — heaven forbid that it should actually think of something that would be good for Victoria! We have had very little support from the government in respect of solar energy, which is probably one of the best things we have going for us here. We hear no talk about tidal power or tidal energy; we hear lots about wind power. We hear very little about renewable energy, and my colleague the member for Benambra talked about the Latrobe Valley and the thousands of years worth of brown coal in that area. I would have liked to think that maybe some of the people who are putting their money into wind energy would have thought about putting some money into research and development of the use of brown coal in Victoria so that we do not generate the greenhouse gases that are currently being generated in the valley.

One has to question how bad the use of brown coal really is. We certainly hear from the greens that it will shortly bring about the end of the world and that the sky is going to fall in on us because of the holes that are being burnt in the atmosphere, but one must ask what it is all about. We certainly need to examine alternative means of energy and make sure that they will not create more problems. We must be sure that this geothermal power we are going to use is not going to cause any grief in the years to come. One would have hoped that

the government, before it brought in this type of legislation, would have done some research to see whether it will be good for Victoria. I can only say that I am concerned about where we are going in respect of our energy. We have a very good energy source down in the Latrobe Valley. I agree that something should be done about cutting down on the greenhouse gases that are generated from that area, but we have a great resource down there, and we should also be looking at solar power.

In my previous career as a plumbing contractor I was involved very early in the piece in the use of solar power for the heating of swimming pools because I was working in that industry. Many years ago we did one of the very first solar power installations, and it was a great pleasure when we turned it on for the first time and found the amount of warm water that was coming out of the end of the pipe and going into the pool. We found that solar energy required only a simple installation, and it is an installation that has since been taken up in other areas.

We are also in a position where people are now able to generate enough energy for use in their houses with photovoltaic cells on their roofs. These cells can generate electricity to run their hot water service and produce all their heating, so there are alternatives to forcing wind power upon the people of Victoria as this government has done in a very big way to the detriment of Victoria.

We can see the remnants of the damage caused by wind power in countries like Germany. There are 1500 generators all over the German countryside, as well as in other parts of Europe, but those 1500 wind towers have not resulted in the turning off of one other generator currently in use. That is because of the fluctuations in the wind, the need to ensure that there was always going to be a basic supply of electricity and the start-up time if they did turn off their generators. The problem of the start-up time could create a potential situation where industry and homes across Germany would not be supplied with power.

We are in a very similar position in Victoria, but we have not gone quite as far as the Germans. I would hope that in Victoria we would be a little bit smarter than we currently are and that we would put a moratorium on the installation of wind towers across Victoria, particularly along the coastline of the south-east of Victoria. We have had six wind towers forced on us in Wonthaggi. One must wonder why there would be such a push by the government to install just six wind towers, unless it is the thin end of the

wedge and the government is going to spread them right along the rest of our coastline.

I support this bill. It concerns me that I am actually supporting government legislation, but I do support this piece of legislation and commend it to the house.

Ms CAMPBELL (Pascoe Vale) — The Geothermal Energy Resources Bill is a magnificent piece of legislation. For once it unites both sides of this house, and we are collectively proud to sum up tonight by saying we are as one on great renewable energy in this state.

Mr CAMERON (Minister for Agriculture) — On behalf of the government I thank the honourable members for Box Hill, Murray Valley and Carrum, the Deputy Leader of the Opposition and the honourable members for Lara, Mornington, Narre Warren South, Macedon, Hawthorn, Morwell, Bass and Pascoe Vale for their contributions this evening on the Geothermal Energy Resources Bill.

This is a bill that helps put in place a regime in relation to geothermal energy, which is one of those things that not all that long ago no-one would ever have thought about. As we have got smarter and learnt more about our planet, and also learnt that we have to live within the constraints of our planet, we have had to look to alternative sources of energy. I thank the Liberal Party and The Nationals for their support of the legislation, and I wish it a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The ACTING SPEAKER (Mr Nardella) — Order! The question is:

That the house do now adjourn.

Peninsula Community Health Service: board

Mr COOPER (Mornington) — I have a matter to draw to the attention of the Premier, and I am seeking action from him to deal with the scandal that has been recently exposed at the Peninsula Community Health Service. This scandal involves the incompetence of the

Minister for Health in not meeting her responsibility by failing to properly supervise the activities of the board of management of the service. The Premier needs to deal with this incompetent minister.

The scandal also involves the board of management of the health service. It is a board that has been left to operate as it wishes by the Minister for Health because it is comprised of members of the Labor Party or close and valued supporters of the Labor Party. This group of individuals has jointly and severally breached their fiduciary duty in regard to management of public moneys, and because of that breach they have also failed to provide services to the community that should have been provided.

This board, headed by local Labor Party stalwart Frank Thompson and ex-Labor candidate Carole Ford, and others such as Jenny Warfe and Alan McPhate, authorised the provision to the chief executive officer of the Peninsula Community Health Service of a constant supply of 10 pre-signed cheques, which she happily misused over the past three to four years to the tune of the theft of between \$400 000 and \$500 000. Such an action by this board is a careless and disgraceful abuse of the trust it has been given and should in my view lead to serious consideration by the government of charges being laid against them all for their activities, which can only be described as corrupt and incompetent. The board should certainly be sacked and probably all of them should face charges. In addition the Minister for Health should at the very least be censured for her failure.

I would hope that this serious issue is one on which the Premier will act decisively and not just go through his usual performance of promising to look into it and then doing absolutely nothing. This is a major scandal that concerns many on the Mornington Peninsula. Many people have been affected by the lack of services being provided by the Peninsula Community Health Service because of the theft of this large sum of money. The Premier must act on the matter. I ask him to act on it right now and not delay it for as long as he would like.

Plenty Road, South Morang: duplication

Ms D'AMBROSIO (Mill Park) — I seek the Minister for Transport's favourable consideration to allocate funds as a high priority to construct the further duplication of Plenty Road from Bethany Court to Gordons Road in South Morang.

In December last year I wrote to the Minister for Transport and the Treasurer, putting what I thought to be a very strong case for the need for further

duplication of Plenty Road. According to the government's urban development program results, the rate of greenfield land release for the city of Whittlesea will soon outstrip other interface metropolitan municipalities. For example, in just two weeks in December 2004 alone the Whittlesea council approved six development plans for the Mernda–Doreen precinct. The plans are for 6200 residential lots accommodating a population of approximately 18 600 people. Further, approximately 1000 housing lots were approved for the South Morang precinct along Gordons Road.

These residential development approvals will supplement the population growth already being registered as a consequence of the continuing construction of previously approved housing estates. Plenty Road is the arterial spine which will carry the bulk of this growth and will bear the overwhelming weight of the resultant traffic volume. Crucially traffic volumes for Plenty Road are escalating. Statistics show that the traffic volume along Plenty Road north of Gorge Road will have soared from approximately 15 500 vehicles per day in 2002–03 period to approximately 26 000 by 2006. Residents living along the Plenty Road corridor need to have this important infrastructure work continue beyond the current length of construction in order to meet the travelling needs of the growing population.

There are other extraneous conditions which will add to the traffic volume along Plenty Road and which are very positive. They include the soon-to-be-constructed Catholic school in South Morang and the government's commitment to fund a P–12 year school in the same area before the next state election.

I take this opportunity to congratulate the Minister for Transport for the allocation of \$14 million in last year's state budget for the further duplication of Plenty Road from Centenary Drive, Mill Park, to Bethany Court, South Morang. This widened road will provide great relief to residents of my electorate and beyond who travel along Plenty Road. The roadworks will start later this year with the completion date of late 2006 and will include the much-needed installation of traffic lights and the removal of roundabouts. My residents are extremely pleased and await that time with great anticipation.

I hope for a positive response from the minister to my request to widen Plenty Road beyond Bethany Court to Gordons Road.

Pest animals: control

Mr WALSH (Swan Hill) — The action I seek is a commitment from the Minister for Agriculture to allow land-holders to administer 1080 baits for pest animals using their tried and true methods rather than forcing them to use alternatives preferred by the Department of Primary Industries. For example, the DPI is insisting on oats replacing carrots to kill rabbits with 1080. The department prefers oats for their convenience and, I suspect, for their cost. They are easier to mix, handle and store in large quantities at key sites. Carrots must be administered in small batches and used fresh, but farmers want to use carrots because rabbits consume them more quickly, and they are more effective and easier to manage. For oats to work, paddocks need to be grazed so heavily that farmers risk erosion.

As another example, the use of liver baits for fox control has been common in northern Victoria for up to 20 years. The DPI is now banning liver in favour of commercial Fox-off. This is being strongly resisted in some districts. Smelly liver baits just work better. The Terricks Ridge Landcare group has trialled burying Fox-off beside a liver bait for two years now. The foxes always choose the liver, and although sometimes both baits were taken, there were no sites where only the Fox-off was taken. Foxes cannot carry liver without ingesting the 1080, but they can easily carry Fox-off by mouth. It remains in its original state for a long time. Foxes will collect and cache Fox-off for later use, so baits can be picked up by farm dogs, which quickly die.

I am not aware of occupational health and safety problems with carrots or liver, though this is proposed as the reason for getting rid of them. Many groups are so unhappy about the way 1080 will be administered that they are refusing to participate in pest animal programs. Goodwill is being lost. The concerted collaborative efforts of the past are being jeopardised. It is interesting that just last week across the river from Swan Hill the Riverina Rural Lands Protection Board distributed fresh chicken wings laced with 1080 to land-holders in the far south of New South Wales. Clearly, unlike Victoria, New South Wales has no plans to pressure land-holders into using unacceptable baits.

Planning: Skye landfill

Mr PERERA (Cranbourne) — I urge the Minister for Environment to act to remove the long-running threat to the landfill proposal at 500 Ballarto Road, Skye, in my electorate. I also urge the minister to do the following three things: firstly, meet the local residents along with the Minister for Planning so that he can fully understand the residents' legitimate concerns, and I

would be only too pleased to organise this meeting; secondly, visit the proposed site to fully appreciate the concerns; and thirdly, discuss these matters with the Minister for Planning and any other relevant ministers as quickly as possible to resolve this matter.

Skye Environmental Services Pty Ltd applied to the Environment Protection Authority in 2001 for a works approval for a landfill at this site. In February 2003 the EPA refused this application. The company appealed to the Victorian Civil and Administrative Tribunal. In April 2004 VCAT affirmed the EPA's decision that no works approval should be issued. The company then appealed to the Supreme Court for a review of VCAT's decision. The outcome of the Supreme Court hearing is pending.

In August 2004 the company, having lodged its application for a works approval, filed a new application to the EPA for a works approval with a slightly amended proposal. The main change is that on top of the compacted clay liner a 2 millimetre plastic liner is to be added as a base for the landfill. Local residents are again confronted with having to go through the whole objection and hearing process again when they rightly thought that basically the same application was refused.

Local residents have faced years of fighting. It is time that local residents with genuine concerns were given a reprieve and the matter ended. In my view, they have raised legitimate concerns about many aspects of the proposed landfill. They have expressed their worries about traffic, stormwater and drainage issues, operational and monitoring problems, ground water issues, buffer distances and other effects on health, environment and wildlife. They have also raised the inadequacies of the current quarry operations, the proposed landfill's adverse impact on future land development in the area, planning issues and concerns about the application processes.

There is a strong lack of confidence and trust in the company that is operating the quarry. Nearby residents have been adversely affected by the quarry operations, and I can understand their lack of faith that the company would be any better in operating a landfill at the site. There is strong community opposition to this proposal. I support that opposition; I support my community, and I share its views. I want this matter ended, and I want the works approval application to be refused as quickly as possible.

Peninsula Community Health Service: board

Mr DIXON (Nepean) — I wish to raise a matter for the Minister for Health regarding the Peninsula Community Health Service. I ask the minister to sack the board of management and thereby restore confidence in the wonderful Peninsula Community Health Service that has given years of great service to our community.

Hundreds of thousands of dollars have recently been stolen from that service, not over one year but over four, primarily through the use of false documents. The board of management has been readily providing signed blank cheques over four years and not one question was ever asked of the chief executive officer to suggest that this was against all basic accounting practices. The board members are blaming the auditors and saying the auditors should have found it — or that it must be all okay because the auditors said it was okay.

Auditors follow a paper trail made up of cheques and invoices. Unfortunately the invoices were false and the cheques were written to those invoices, so the auditors' work was done. When the whole premise on which this blame is based is looked at it totally falls down. Therefore it is not the auditors' fault but is because false documents and pre-signed blank cheques were actually provided.

As a result, hundreds of thousands of dollars are missing and that means that there is far less maintenance on the buildings. In fact at Hastings and Rosebud they are falling down around people's ears. Services such as counselling and podiatry and all the other wonderful services that they have provided have suffered because of the shortfall of hundreds of thousands of dollars. This affects mainly a low-income clientele which uses their services.

The minister must accept some responsibility for this and sack the board and investigate whether charges should be laid against it. In the meantime, because a deficit has accumulated over a few years due to the theft and the board's negligence, that deficit should be funded until the Peninsula Community Health Service can get back on its feet. It is obvious that the board's auditing process is also flawed and that the department's oversight of that auditing process is obviously sadly lacking if over four years hundreds of thousands of dollars can just go through the system without anyone ever noticing.

Only the minister's sacking the board will start to restore the community's confidence in the Peninsula

Community Health Service, so the minister cannot go on protecting negligent Labor mates. She must put that aside and sack them.

Children: protection reform

Ms GREEN (Yan Yean) — I raise a matter for the attention of the Minister for Children. The action I seek is to establish new and innovative programs in a variety of settings in Victoria to give new hope to some of our most troubled and damaged young people.

As the minister is very aware, there are many challenges facing the young people of today. With so many complex and difficult challenges impacting on the lives of children and young people, it is hardly surprising that some find themselves in trouble. While I believe that the Bracks government is working hard to ensure that Victoria is a great place to raise a family, I know that there will always be some children who will fall between the cracks and will need more than what their families can or are willing to provide. Sometimes they are children who experience abuse or homelessness or neglect at home. Sometimes they are children who come under influences which get out of control.

Whatever the reasons might be for things going wrong for these troubled young people, I believe they need and deserve opportunities for a safe and positive future. Many of these young people have suffered years of abuse and neglect from derelict parents. They end up in state care because the Children's Court has decided they are at significant risk of harm if they remain in their family homes.

These children deserve our respect, understanding and support, not the vilification that the member for Caulfield heaps upon them. The traditional approach to solving these young people's problems may not be suitable in the future as the issues affecting families in the 21st century are far more complex than they were. It is pleasing to see the government trying new things to help address the needs of vulnerable children and young people in the community, but even with the best universal services the best early intervention will not get to everyone. There will always be young people who fall by the wayside and need extra help.

Representing an electorate that sits on the edge of Melbourne, I am very conscious of the unique benefits that rural and semirural life can offer these young people. It can offer opportunities for people to get involved in activities that have a point, a meaning and a purpose. I believe rural and semirural communities could provide some tremendous opportunities through

programs and activities that could really help some of our troubled young people make a fresh start and take a new direction in life. I know that there are programs, particularly overseas, that take advantage of the special benefits of farming life and apply them to vulnerable young people, with extremely encouraging results.

The community of Yan Yean is a caring one. It is full of individuals and community groups that work with troubled youth, like Peter and Bev Brock and their work with the Lighthouse Foundation and at an individual level. The Greensborough Rotary Club has built a house to ensure that young people can remain in education in their local area when family breakdowns occur. It seems to me that Victoria is just perfect for such a program.

We have a government that is committed to working hard with kids to help them out of the troubles they face. The government has backed up that commitment with an unprecedented injection of resources. We have a community which is slowly becoming more aware of the complexity — —

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

Bairnsdale Regional Health Service: funding

Mr INGRAM (Gippsland East) — I direct my adjournment matter to the Minister for Health. The action I seek is that the minister follow up on the submission put forward by me, Michael Padula, from the board of management of the Bairnsdale Regional Health Service, and Dr Urie, the chair of the medical staff group at Bairnsdale. That submission was designed to highlight the lack of sufficient weighted inlier equivalent separations funding to provide necessary services at Bairnsdale Regional Health Service.

The submission outlined the history of how the Bairnsdale hospital got into trouble, including a number of incidents of cost shifting in both state and federal government programs. More importantly there was a period when the hospital lost its second general surgeon. It operated without that second general surgeon for a couple of years. The hospital then filled that gap by attracting specialists, and when it was finally successful in attracting the necessary general surgeon, there was a problem with the available funds.

The submission highlighted a number of issues in relation to Bairnsdale hospital's position in the community and equity of access, particularly bearing in mind the population characteristics, socioeconomic

factors and current levels of access available to East Gippsland residents. Most members would not be aware that Bairnsdale is basically halfway between a place like Mallacoota and Melbourne: from Melbourne it is 3 hours to Bairnsdale, and you can drive another 3 hours to get to somewhere like Mallacoota. The catchment area for our major base hospital covers a significant area. It is not easy for someone in East Gippsland to go to a hospital in Melbourne or the Latrobe Valley, because it involves significant cost and time away from their loved ones.

The other important factor in the submission is the level of throughput needed for the surgeries to support the rural clinical school, which was recently established in Bairnsdale. This is an extremely important project involving the Orbost, Sale and Bairnsdale hospitals. It has great support within the community and from the federal government. I call on the minister to ensure that this submission is addressed.

Housing: Pascoe Vale electorate

Ms CAMPBELL (Pascoe Vale) — I raise a matter for the Minister for Housing in another place. The action I seek is the identification and purchase of suitable sites or a large suitable site in the Pascoe Vale electorate for single people who currently meet the public housing eligibility criteria. Single people in my electorate, particularly around Moreland, find that inner city accommodation is, firstly, difficult to find, and secondly, difficult to afford. The property market around Moreland is becoming more difficult for people who have only one income, particularly those with below-average weekly earnings and more particularly those who are on income support.

This is due to private rent increases and the changing demographics in inner city communities. Coburg was once very much a working-class area, but now it would be extremely difficult for anyone on below-average weekly earnings or income support to buy accommodation in Coburg or Pascoe Vale. It is made even harder by the fact that the federal government is driving up interest rates. There is no federal government leadership in this area. I contrast the federal government's apathy and poor results in this regard with the positive approach of the Bracks government. In the last budget \$40 million was allocated to provide affordable homes across Victoria. We on this side of the house are extremely proud of that.

In Pascoe Vale we desperately need affordable accommodation that is close to jobs, public transport and the facilities that are available in this great electorate. I highlight for the minister's attention the

issue of accommodation for singles. I quote from the Public Accounts and Estimates Committee (PAEC) report on the last state budget:

... the minister stated that the commonwealth government had withdrawn funding of \$540 million from Victoria over the 10 years to 2003. The committee noted that between June 1999 and June 2004 the list for early housing increased ... and over the same period Victoria received a total of \$121.46 million less in real terms than if funding had been maintained at 1999–2000 levels.

Looking at the minister's submission to the PAEC, I note that a very disturbing graph was presented, where the commonwealth — —

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

Planning: Macedon Ranges

Mr BAILLIEU (Hawthorn) — I raise a matter for the Minister for Planning. I specifically seek his action to provide protection for the Macedon Ranges and to acknowledge their state significance. The Macedon Ranges are precious. They are a special resource, and we should be very careful to ensure the protection of the panoply of villages, forest and farmland.

The Macedon Ranges include the well-known villages of Macedon, Mount Macedon, Gisborne, Kyneton and Woodend. The ranges are under threat from insensitive development — whether it be subdivision or wind farms. The Macedon Ranges is currently acknowledged in the government's Melbourne 2030 projections as being the fastest growing fringe area outside Melbourne. It is acknowledged in the Bendigo regional corridor growth plans as a major area of corridor growth. The reality is that clause 1402(2) of the state planning policy framework has not proved to be sufficient and that insensitive development is unguided in this area, whether it be the failing and failed wind farm guidelines or the planning scheme provisions themselves.

Planning protection is now provided for the Upper Yarra Valley and Dandenong Ranges and for the Mornington Peninsula. In particular the Upper Yarra Valley and Dandenong Ranges have a regional development plan that is still operative.

On 28 October 2004 I attended a packed public meeting of some 500 people. It was chaired by the former Labor candidate for the federal seat of McEwen and the president of the planning institute. The meeting called for protection of the ranges, and I advocated for the provision of a regional strategy. It was a unanimous view. Before the last election the former Minister for

Planning promised that planning protection would be provided. That promise was reissued in April 2004.

In a letter dated 28 October 2004 the former Minister for Planning said no. A letter dated 18 November 2004 from Christine Pruneau, secretary of the Macedon Ranges Residents Association, states:

You make it clear that the Bracks government has no intention of providing interim planning protection, even though you committed to address immediate problems at our meeting with you in April 2004. The basis you give for refusing interim protection, i.e., that it would not be transparent and accountable, is contradicted by the interim protections you recently made available to metropolitan councils.

It goes on to say:

The government is not listening to the people of Macedon Ranges, just breaking promises and putting spin on everything it says.

Further:

The responses you provide are not considered credible, and are not accepted. The Bracks government promised protection — clearly, the Bracks government lied.

And further:

Little wonder the community has lost confidence in the minister and DSE. The association will also pursue action with other community groups across the state. You may not realise it, Minister, but the people of Victoria are very unhappy with the Bracks government.

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

Rail: Upwey station

Mr MERLINO (Monbulk) — I wish to raise a matter for the attention of the Minister for Transport regarding improvements to Upwey railway station. The action I seek is that the minister contact Connex and advocate support for the creation of a mural on the walls of the station subway. The Upwey Village Consultative Committee (UVCC) is a local organisation chaired by Peter Marke. Over the years the committee has actively and successfully improved the amenity, safety and ambience of the town for the benefit of both residents and traders. One of the keys to achieving these goals is upgrading the railway station.

In August last year the UVCC held a meeting which was attended by representatives of a number of organisations, including Connex, VicRoads and the Shire of Yarra Ranges. Also in attendance were local police sergeant, Doug Bergland; Upwey High School principal, Greg Holman; and Upwey Traders president,

Jeni Findlay. The purpose of this meeting was to deal with a number of issues, including car parking, graffiti, vandalism and tree planting. I understand that Connex and VicRoads have joint responsibility for the Upwey station subway. At the meeting both Connex and VicRoads confirmed that the subway is a very expensive contractor paint-patrol area — that is, when graffiti is painted over it reappears almost immediately. Although Connex and VicRoads are quick to repair the damage and paint over the graffiti, it is a losing battle and is costing thousands of dollars every year.

There is a community proposal to create a full set of murals covering all the vertical walls of the subway — about 450 square metres — and Upwey High School is committed to creating the theme and completing the artwork. This community initiative to deter graffiti was raised at the August meeting. Both VicRoads and Connex expressed support for the project, subject to mutually agreeing on a theme and a detailed cost estimate being completed. I understand that this has occurred, and the estimated cost is \$9000 for materials. In addition to creating the artwork there will need to be significant volunteer support from the school and community as thousands of holes are to be drilled in the concrete to hang almost nine tonnes of mural. Upwey High is to be the recipient of funds and has undertaken to report to Connex and VicRoads on its expenditure.

The state government through VicRoads has been very quick to move to support this important local project. Upwey High School promptly received a contribution of \$4000 from VicRoads. The community was encouraged by the initial support of Connex at the meeting; however, people are now disappointed that to date no funding has materialised. Committee members have expressed their concern to me that without this support the project will evaporate. I congratulate the UVCC and Upwey High on developing this important community building project and for searching for ways to both improve the amenity of the town and tackle the problem of graffiti and vandalism. I again ask the minister to discuss this matter with Connex and to urge Connex to support the project in the same spirit as VicRoads has.

Responses

Mr CAMERON (Minister for Agriculture) — I thank the honourable member for Swan Hill for raising the matter of pest control programs as they apply in his area. Although those programs originate from the Department of Sustainability and Environment, officers of the Department of Primary Industries implement them. In particular the issue relates to liver baits and carrot baits. Those programs play an important part

because pests can undermine productivity and confidence in the agricultural sector. It is pleasing to note that the Rabobank confidence report, which was released today, tells us that Victorian farmers are the most confident and the most forward looking in the nation. Part of that is farmers' preparedness to take up innovation and to adopt new technologies, and that is very much what these initiatives have been about.

I understand that carrot baits have been successfully employed in the southern Mallee. The honourable member for Swan Hill has raised the issue of occupational health and safety and whether there are issues there. I will take that matter away and raise it with the Secretary of the Department of Primary Industries. I will also ask him if there is any research indicative of the effectiveness of one regime vis-a-vis another, and then either he or I will correspond with the member for Swan Hill.

Ms GARBUTT (Minister for Children) — I thank the member for Yan Yean, who raised with me the need for a new program to help troubled young people in Victoria. She talked about the wonderful benefits of the area she represents and the opportunities rural life and farming activities would provide these young people. She is obviously very passionate about her electorate and the opportunities it provides.

I am pleased to inform the house that the Bracks government is now in the process of purchasing a property on Melbourne's fringe at Hurstbridge that will house up to eight vulnerable young people at a time when they are in state care. We have provided around \$3.2 million for the purchase and initial set-up costs for this program, which will not only be a therapeutic one but will be in a farm context. The young people will be living at the farm, they will be able to grow their own fruit and vegetables and learn how to care for animals and how to live on the land. There is also a mechanical workshop on the site in which they will be able to participate in activities. They will have 24-hour supervision. There will be a family on site who will live with them. They will attend school and receive intensive therapy and support from skilled professionals.

This is the first program of its type in Victoria, and it aims to take young people away from their troubled daily lives and offer them a new and fresh start. It will be a real chance for these children to rebuild their lives, often damaged and broken lives. I am delighted with the very positive way this farm proposal has been received in the electorate of the member for Yan Yean by the local community, local police and local non-government agencies.

Local community leaders such as Bev and Peter Brock and Jim Stynes realise that these young people have complex problems and that they need understanding and a real chance at another life. It is a shame the opposition has not shown a similar attitude. Young people who come into care are among the most difficult and vulnerable in Victoria. They come into our care because they have suffered abuse or neglect and because the Children's Court has decided that they are at risk of significant harm if they remain at home. Their problems are never simple and straightforward.

These children have complex and serious problems, often caused by years of neglect or abuse. Everyone involved in their lives strives to ensure that they get help to undo that damage and heal that hurt and get a chance to lead a normal life. The farm is a key component of our comprehensive plan to help these troubled teenagers. I am delighted that the member and her community are so supportive.

Mr BATCHELOR (Minister for Transport) — The member for Mill Park raised with me the need for the further upgrading of Plenty Road as a matter of urgency. The duplication of this important road out to Bethany Court was a commitment of this government during the 2002 election campaign. I can inform the Parliament tonight that we are well under way with delivering on this election commitment.

Detailed planning of this \$14 million project is proceeding well. I expect tenders for the construction of the duplication of Plenty Road to Bethany Court will be called within the next few months. The member for Mill Park is no doubt appreciative of this project proceeding. It is proceeding well. As she outlined to the house tonight, she is extremely aware of the massive residential development that is taking place along this significant growth corridor. Providing infrastructure for our growth areas is an important priority for the government. It is crucial for the development of Victoria, and it is crucial for local development as well.

The case for widening Plenty Road is well made by the member for Mill Park, and I will ensure that it gets appropriate consideration by the government. We are well under way in delivering on the commitment we made. The member for Mill Park asked the government to go further, in fact to go all the way to Gordons Road, as the next stage. I can make a comment at this stage that the request for extended funding is a big ask — it is an ask for further funding in, effectively, the budget following the commencement of works — but we understand the need for supporting the growth suburbs of Melbourne.

We also know that the commitment for the duplication beyond Gordons Road has already been given by the mayor of the City of Whittlesea, who has promised to provide the funds for the duplication beyond Gordons Road — presumably all the way through to Whittlesea. That is an important incentive for us. But the member for Mill Park has made a very cogent and responsible case for the further extension of this important road. The member for Mill Park has led this local campaign for the further extension, as she led the campaign for the extension out to Bethany Court.

The member for Mill Park is a real quiet achiever in these matters that affect her electorate. She gets things done, and I thank her for that, as I am sure all members of her local community will thank her for her hard work. She is diligent and knows the way to achieve the results within the government for her constituency. I look forward to taking up her request tonight to see whether we can achieve an extension all the way to Gordons Road or some further extension.

The member for Monbulk raised with me the issue of seeking funding from one of our public transport providers, Connex, the operator of the rail network, to assist with a community project that has been facilitated through the Upwey Village Consultative Committee. The member for Monbulk is recognised locally as an extremely hardworking local member who works with the local community to help resolve issues of concern and importance to them. I congratulate him on that work and encourage him to continue with that, because it is important to his local area. I understand what the member has said: that this is a community generated and based project that will create a mural for the subway at the Upwey railway station. It is designed to highlight the creative work of local high school students as well as tackle the community blight that is presented by graffiti.

The government takes community building seriously, as does the member for Monbulk, and recognises that Victorians must work together as a community if we are to really develop cohesive, sustainable and livable communities, as the member for Monbulk is attempting to achieve in Upwey. The government has already contributed to this proposal through VicRoads. Approximately 50 per cent of this project — about \$4000 — has been given via VicRoads to this community-building and graffiti-reducing project. That is largely due to the representations made by the member for Monbulk.

I can assure the member for Monbulk and his community that Connex takes its responsibility seriously. It is working with communities right across

the metropolitan transport network to resolve and improve services and improve amenities. While this request is outside the franchising agreement and we do not have a specific ability to instruct Connex to fund this project, I support the community representations that have been and will be made to Connex and I will ask it to consider the merits of funding this project. In essence it is in the interests of Connex, because if it gives its support to this community arts project, that will help reduce its costs to remove the graffiti. Finally, I congratulate the member for Monbulk for his support of this community initiative. I will take up this matter on both his behalf and that of his community.

Ms PIKE (Minister for Health) — The member for Nepean has raised with me a matter of great concern at Peninsula Community Health Service. At this time two processes are under way which are informing government decision making regarding the future governance and management of Peninsula Community Health Service.

The first concerns the legal issues that are before the police, who are currently investigating matters of criminal activity related to the management at Peninsula Community Health Service. The second is that under my instruction the Department of Human Services has commenced an independent audit process conducted by an external firm, one of the large and highly reputable audit firms here in Melbourne, and I am awaiting the outcome of that independent audit. I am extremely concerned about the matters at Peninsula Community Health Service. I am not intending to pre-empt the outcomes of either the police processes, which I would not want to prejudice in any way, or the processes of the independent external auditors.

An acting chief executive officer has been appointed, and what is most important is that we are able to ensure continuity of services. I instructed staff in my department to do everything they can to make sure that we avoid any lapse in service delivery to the community. As has been pointed out, these are essential services, vital to the life of the people on the peninsula, so I want to reassure the members who have significant concerns about this matter that, contrary to their comments, I am taking this matter very seriously. In my role I have indicated on many occasions that I have no hesitation in acting in a very firm and decisive manner when it comes to service delivery in the public health arena, and I will certainly do the same when I have cause to do so upon receipt of independent advice. I am awaiting the outcome of those processes and I advise the members who have raised this matter to do likewise.

The member for Gippsland East has raised with me the ongoing demands for additional funding for elective surgery at Bairnsdale Regional Health Service. I must say I was very pleased to receive submissions and to meet with members of the staff of Bairnsdale Regional Health Service. I am very concerned that the hospital stays on track and continues to meet the needs of the community, which is why Bairnsdale Regional Health Service received an additional funding boost of 7.6 per cent in the last budget, taking its annual allocation to \$26.5 million — nearly \$2 million more than it was receiving in the previous year. It takes the total percentage increase to around 47.6 per cent since 1999, so we are growing services in country Victoria. We have provided additional funding to every single rural hospital every single year that we have been in government.

Nevertheless I am aware that additional resources have been required to fund extra emergency and elective surgery services this year. I am pleased to advise the member for Gippsland East that as part of the mid-year review process I will be providing an additional \$161 700 to fund extra emergency and elective surgery operations this year. So that is good news for people not just in Bairnsdale but, as the member reminded us, in the broader catchment area who rely very much on the Bairnsdale Regional Health Service as being their primary health service deliverer. I thank the member for making sure that people in his community have access to me and to my department and for actively lobbying on behalf of his community.

I also had a matter raised for my attention by the member for Forest Hill, whom I would wish to commend for her obvious understanding and appreciation — —

The ACTING SPEAKER (Mr Nardella) — Order! The member for Forest Hill did not raise a matter on the adjournment tonight.

Ms PIKE — I beg your pardon, Acting Speaker, I thought I heard her speaking about mental health.

The ACTING SPEAKER (Mr Nardella) — Order! Not tonight she didn't.

Ms PIKE — We will think about that tomorrow night.

The ACTING SPEAKER (Mr Nardella) — Order! I ask the minister to respond to matters raised by the member for Mornington for the Premier, the member for Pascoe Vale for the Minister for Housing and the member for Hawthorn for the Minister for Planning.

Ms PIKE — I do apologise to the house. The member for Pascoe Vale raised a matter for the Minister for Housing and the member for Hawthorn raised a matter for the Minister for Planning. Of course I will be delighted to pass on those matters to the relevant ministers.

The ACTING SPEAKER (Mr Nardella) — Order! The member for Cranbourne raised a matter with the Minister for Environment and the member for Mornington raised a matter with the Premier.

Ms PIKE — Likewise, those matters will be raised with the relevant ministers.

The ACTING SPEAKER (Mr Nardella) — Order! The house is now adjourned.

House adjourned 10.47 p.m.