

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 27 May 2008

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¹ Resigned 6 August 2007

² Elected 15 September 2007

³ Resigned 6 August 2007

⁴ Elected 15 September 2007

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Tuesday, 27 May 2008

The SPEAKER (Hon. Jenny Lindell) took the chair at 2.05 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

Health insurance: Medicare levy surcharge

Mr BAILLIEU (Leader of the Opposition) — My question is to the Minister for Health. I refer the minister to the federal government's decision to raise the Medicare levy threshold. I ask: will the minister now inform the house of any advice he has received on the number of Victorians who will now leave private health insurance and the consequent cost to and impact on the already overstretched and underfunded Victorian public hospital system? Will the minister now table that advice?

Mr ANDREWS (Minister for Health) — I thank the Leader of the Opposition for his question. I have been asked a number of times about my view and the government's view in relation to decisions made by the Rudd commonwealth government in terms of private health insurance. What I have indicated consistently over the last couple of weeks is that we would monitor what impact there is — —

Honourable members interjecting.

Mr ANDREWS — It is hardly an extraordinary thing to say: we will look at these issues over time and see what, if any, impacts there are in real time, if you like. I have also indicated that not only will we closely monitor what, if any, impacts there are on the numbers and types of Victorians presenting for care, I will also raise this matter — —

Mr Baillieu — On a point of order, Speaker, the minister is debating the question. He was asked about the advice he has received. If he has not received any advice, all he has to say is, 'I have not received it'.

The SPEAKER — Order! I am not prepared to uphold the point of order at this stage.

Mr ANDREWS — As I was saying, we will monitor diligently what, if any, impact this decision has on the number and types of people presenting for care. What I have also made clear to the media and in conversations with the commonwealth health minister — and I now make it clear to the Leader of The Nationals as well — is that we will discuss this matter at my urging at the meeting of health ministers next month. I can add nothing further.

Asbestos-related diseases: compensation

Ms BEATTIE (Yuroke) — My question is to the Premier, and I ask: can the Premier advise the house what action the Brumby government is taking to ensure Victorian workers who develop asbestos-related diseases can seek fair compensation?

Mr BRUMBY (Premier) — I thank the member for Yuroke for her question and for her very strong interest in this matter. As all honourable members know, asbestosis is a particularly serious health issue and health concern for our community, but it also presents a unique health and legal challenge for our legal system, because there can be a significant period between the exposure to asbestos and the development of symptoms of the disease. That period can often be in excess of 20 years. Those facts — that is, that it is a difficult legal situation and there being a long period of up to 20 years — should not mean that victims of asbestosis are left without adequate compensation. That is why last Friday I joined Karen Banton and the Reverend Bruce Banton to announce that our government would be taking action to protect the rights of people suffering from asbestos-related diseases by introducing laws to enable asbestosis victims to claim damages on what we call a provisional basis.

As honourable members would be aware, Karen Banton, with her late husband Bernie, fought hard to obtain justice for victims of asbestosis. We know that only a small proportion of asbestosis sufferers go on to develop cancer and mesothelioma, but Bernie Banton was one of them. He could see clearly that the law put him in a very unfair position. Under current arrangements, if an asbestosis sufferer is awarded damages, they cannot seek further damages if it later turns into an asbestos-related cancer such as mesothelioma. In other words, once the matter has gone to court it is final despite the fact that someone might go on to experience a debilitating, terrible disease which is universally fatal. The original compensation may not be adequate or appropriate if those circumstances change. The aim of the new law, which will be introduced in this Parliament later this year, is to preserve the right of those individuals to seek a further award should mesothelioma develop at a later time.

I see the member for Box Hill shaking his head in relation to this matter. This is an appropriate thing for government to do; it is a fair and just thing to do, and it is affordable in terms of the Victorian Managed Insurance Authority and Transport Accident Commission. It is the fact that Victorian workers deserve fair compensation for illnesses and injuries they receive just by doing their job, and the government is

taking clear and decisive action to ensure they get those benefits.

Public transport: ticketing system

Mr MULDER (Polwarth) — My question is to the Premier. Will the Premier immediately table the recent test results and the advice arising from them that inspired the Premier to sink another \$350 million of taxpayer’s money into the myki ticketing fiasco?

Mr BRUMBY (Premier) — In relation to this matter, the Minister for Public Transport made a detailed statement yesterday about the myki matters. I indicated some weeks ago that the government will be looking very closely at the operations of the Transport Ticketing Authority and the operations to date of the myki system. I said a key element in relation to that would be the trials being conducted in Geelong. The trials in Geelong have progressed well. The key performance indicators in relation to these matters have been achieved, and the government has a very high degree of confidence in relation to the future operation of the system.

As the Minister for Public Transport said yesterday, using that most incisive analytical tool, hindsight, if you look back at the history of this issue, the estimates of the time frame that were given to the government by the Transport Ticketing Authority were of course overly optimistic. This is not unusual in terms of ticketing operations of this type. Members who have been in this house for some years will recall the 1990s and the three-year delay of former transport minister Alan Brown and then Premier Jeff Kennett.

Mr Mulder — On a point of order, Speaker, the Premier is debating the issue. I ask you to bring him back to answering the question.

The SPEAKER — Order! I uphold the point of order. The Premier is debating the question.

Mr BRUMBY — As I have indicated, the government is proceeding with the myki system. We believe it will produce significant benefits for consumers. It will provide the lowest possible fare for anybody using the system. It will enable much better integrated planning of the transport system. It is an appropriate ticketing system for the state in the years ahead, and it will serve our state well over coming decades. We have allocated additional funds to ensure that the project can be successfully completed, and you will see the run-out of this program across the state during 2010.

WorkCover: government initiatives

Ms CAMPBELL (Pascoe Vale) — My question is to the Minister for Finance, WorkCover and the Transport Accident Commission. Can the minister advise the house what the government has done to prevent injuries in Victorian workplaces and what initiatives have been introduced through WorkSafe Victoria to benefit the state’s workers and employers?

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) — I thank the member for Pascoe Vale for her question. It is an opportunity to remind Victorians that here in Victoria, as all honourable members know, we have the best workplace safety laws anywhere in Australia, and this government is working hard to make those workplace safety laws even better. Of course it was not always the case. When we came to office in 1999 we were faced with a WorkCover scheme that had something like \$1 billion in unfunded liabilities, but we have worked hard to make our laws as effective as possible and also to put our workplace compensation system on a sustainable footing.

I am pleased to inform the house that we are seeing the results of the initiatives that have been put in place by this government. In 2006–07 the claims per thousand workers dropped to their lowest rate ever. They are now at 11.32, down from 12.19 in the previous year. This is the lowest claim rate ever; and it is the first time that the total number of claims has fallen below 30 000 since we have had these arrangements in place in Victoria. We have achieved these outcomes because we have put in place cooperative occupational health and safety laws that rely on us working in consultation and cooperation with all of those who have a stake in workplace safety.

As the Attorney-General knows — he led the substantive rewriting of the Occupational Health and Safety Act a couple of years ago, and he did a great job — the measures that were recommended to us by Chris Maxwell, QC, who is now the president of the Court of Appeal, were endorsed in a recent review we had of the operation and effectiveness of our occupational health and safety laws, which found that those laws are working effectively.

These arrangements build on all the great work that WorkSafe is doing. Something like 40 000 workplace inspections took place last year. Those workplace inspections, occurring for the first time under the new legislation, enable workplace inspectors to work cooperatively with employers, with the businesses they are visiting, and provide them with advice as to how

they can fix the workplace safety issues that arise in the context of those visits. This is something that workplaces welcome. It is something that businesses welcome, particularly small businesses, because small businesses have been able to benefit from our free small business consultancy service. The service enables them to draw on the expertise of WorkSafe in making their workplaces even safer.

We also have in place a Safer Suburbs campaign and a Safer Towns campaign, which are also helping to build workplace safety and spread the workplace safety message right across Victoria. These are great initiatives, but we recognise that as safe as we have made workplaces, some workers continue to be injured, and we need to put in place the best system of compensation and the best system of return to work we can to enable those workers to return to work as quickly as possible. It is for that reason that we have established our Return to Work Fund — a \$10 million fund — and our return to work inspectorate, which is working very hard to draw injured workers back into the workforce as soon as they can reasonably be expected to do so.

We as a government have also embarked on very ambitious initiatives to improve the accident compensation scheme as it operates here in Victoria, which is why we were very proud very soon after we were elected in 1999 to restore common-law rights for injured workers — rights that were stripped away by the previous government but which have been restored by this government. This is a great benefit or a great boon to injured workers right across the state.

In 2004 we also introduced a \$27 million package of initiatives, and in 2006 a \$155 million package of initiatives to improve benefits to injured workers. These are packages that have been welcomed. They improve impairment benefits, lump-sum benefits, weekly payments and a whole range of different measures which improve outcomes for injured workers. As the Premier noted last week, we announced better laws, laws which provide for provisional damages for victims of asbestos-related illnesses. They are some of the most disadvantaged workers currently within the system. These initiatives are welcomed by Victorian workers and will do a lot to provide the best possible system of care for those workers.

The Premier also announced last week that we would improve the arrangements to enable individual workers to bring a right of action where they were discriminated against for raising occupational health and safety issues in the workplace.

We have a great workers compensation scheme here in Victoria. It is well funded and there have been five successive cuts in WorkCover premiums. We have great compensation arrangements and great occupational health and safety laws. We are working to make those laws even better. We have the best system in Australia, and we are committed to making it even better.

Public transport: ticketing system

Mr MULDER (Polwarth) — My question is to the Minister for Public Transport. I refer the minister to her comments reported in an *Age* article by Stephen Moynihan on 29 September 2007 demanding that the Transport Ticketing Authority shelve plans for myki to double as a cash card until the system was up and running. Given that the minister yesterday backflipped and announced that the myki card will be used as a cash card, can the minister confirm that getting the system up and running is no longer the priority?

Ms KOSKY (Minister for Public Transport) — I thank the member for his question. There is no doubt that the myki ticketing system has had some challenges over the last while, but I have to say it does not have as many challenges as the opposition has.

Honourable members interjecting.

The SPEAKER — Order! The minister will not debate the question, and that level of interjection from all members is unacceptable.

Ms KOSKY — I have made no secret about my frustration and disappointment over the fact that myki is running late, not unlike the opposition members expressing their frustration about their challenges.

Honourable members interjecting.

The SPEAKER — Order! The minister will not debate the question. I warn the member for Polwarth not to interject in that manner.

Mr Burgess interjected.

The SPEAKER — Order! The member for Hastings will not interject in that manner. I warn him that if I hear his dulcet tones again, he will leave the chamber.

Ms KOSKY — It is true that myki has had some software glitches, some software difficulties, but sometimes we know that computers just do not go our way. We have been working very closely with the TTA to make sure that the system will be up and running.

Honourable members interjecting.

Ms KOSKY — Certainly the results of the trial that has just been completed in Geelong have been very positive. I will not respond to the interjections — —

The SPEAKER — Order! No, the minister will not respond to interjections — and I warn a member very close to the member for Polwarth.

Honourable members interjecting.

The SPEAKER — Order! The member for Polwarth should not test me today. The Minister for Finance! The member for Kororoit is warned, and the member for Mordialloc is also warned.

Ms KOSKY — So yesterday I announced that the government would be proceeding with the myki ticketing system and that the results were very positive from the trial in Geelong. I have asked the TTA to release the report on those results, and it has said it will do so.

One of the additional costs which was announced yesterday was for changes to scope. I indicated that we have moved from 1-kilobyte card to a 4-kilobyte card, which allows for a whole lot of extra memory on the card. One of the possibilities in the future is that the card will be used for other purposes, but I have made it absolutely clear to this house and to the TTA that the focus of the TTA has to be on the ticketing system for the transport system. That is indeed what the TTA is focused on at the moment and what it will be focused on as the system is rolled out.

I know there have been critics of this program. There were critics of the regional fast rail program, and we know how successful that has been. We are committed to improving public transport. Part of our commitment to public transport is our commitment to a world-best ticketing system, and that is what we will be delivering over the coming years.

Energy: internet marketing

Ms RICHARDSON (Northcote) — My question is to the Minister for Energy and Resources. Can the minister outline how the Brumby Labor government's energy policy reforms have meant that Victorian families can now access a range of competitive gas and electricity offers on the internet?

Mr BATCHELOR (Minister for Energy and Resources) — I thank the member for Northcote for her question. Members of this house would know that the internet has changed the way business operates, the way

government operates, the way the community operates and even the way political parties operate. Since Labor came to power in 1999, it has set up a system where Victorians can choose the energy retailer that they want to supply their gas and electricity. An important part of that choice process is access to information on the internet. In energy retailing we have a number of very good websites, including Origin, TRUenergy and AGL, which has a very interesting website. In the competitive market that we have developed, those ones are market leaders.

Other operatives have set up their own websites, which are proving to be interesting and full of lots of useful information. These other websites seek to undermine those leaders and destabilise them. These websites do that by attacking the leaders, and they do that where they think the leaders are not performing. The common tactic is to take shots at them, particularly in areas where they believe the leaders are vulnerable. But at the end of the — —

The SPEAKER — Order! I bring the minister back to answering the question.

Mr BATCHELOR — At the end of the day these market operators have to do something — they have to put up or shut up. The Brumby government has been successful in setting up an energy retail market where customers get good information.

We have seen developments in recent days where a new player has entered the energy market in Victoria. The new energy participant, EnergyAustralia, has developed a marketing campaign called 'We love Victoria'. Its website says, and I quote:

So in order to say thanks for all the great coffee, the footy, delicious cuisine and fabulous shopping, we'd like to offer you some great discounts on your electricity.

EnergyAustralia is one of the largest energy suppliers with over 1.4 million customers in Australia. We have over 100 years of experience supplying electricity and helping our customers save money and energy.

I was interested to know who was behind EnergyAustralia, who was behind this new, very interesting website. It turns out that the new entrant into the Victorian energy market is not an anonymous blogger but this company. The question is: who owns EnergyAustralia? Who is running this 'We love Victoria' campaign? The answer is the New South Wales government.

The New South Wales government is running an energy campaign in Victoria saying, 'We love Victoria', and it is using the internet as the centre point

of its marketing campaign. We have set up a competitive electricity and gas market in Australia. It will encourage new entrants like EnergyAustralia. We welcome the New South Wales government spending its money in Victoria, because we love Victoria too.

Water: Wimmera–Mallee pipeline

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Water. I refer the minister to a media release issued by the now federal Minister for Infrastructure, Transport, Regional Development and Local Government, Anthony Albanese, on 19 November 2007 during the federal election campaign, which states:

A Rudd Labor government supports providing \$124 million further investment in the Wimmera–Mallee pipeline project ...

I ask: can the minister reassure the house that Victoria will receive this additional \$124 million in full, and will he table any advice as to when the funding will be provided?

Mr HOLDING (Minister for Water) — That is a very good question from the Leader of The Nationals, and I welcome it because it is not always the case that federal governments come to the table to provide the share of funding that we would expect and hope for from a Victorian perspective to make sure that vital pieces of infrastructure are able to be provided. The particularly relevant example in this context is the share of commonwealth funding for the provision of the Ballarat super-pipe, which, as honourable members would be aware, is a vitally important project — —

Honourable members interjecting.

Mr Ryan — On a point of order, Speaker, upon prompting from the Premier, the minister is now debating the issue. I ask you to have him return to answering the question I asked him.

The SPEAKER — Order! The minister has just started his answer. I am not prepared to uphold the point of order at the moment.

Mr HOLDING — It is important that federal government contributions to vital pieces of Victorian water infrastructure are provided, and it is for that reason that we worked very hard to provide for an equitable share of federal government funding for water infrastructure for a number of different projects in the lead-up to the last election. In the case of one particular project, the Ballarat super-pipe, the Victorian government sought — —

Honourable members interjecting.

Mr HOLDING — I am providing some context — —

Mr Ryan — On a point of order, Speaker, I renew the point of order. I have asked a very specific question about a very specific project, the Wimmera–Mallee pipeline, and I ask that the minister respond to that question.

The SPEAKER — Order! I uphold the point of order. The minister, to answer the question.

Mr HOLDING — We would expect that where the federal government has made clear and unambiguous commitments in relation to projects, we from a Victorian perspective will expect that those commitments to be honoured. We expected those commitments to be honoured in relation to Ballarat, we expect those commitments to be honoured in relation to the Wimmera–Mallee pipeline and we expect those commitments to be provided in relation to other water projects. The Victorian government has made it very clear that where the Victorian government has made a commitment it will be honouring that commitment. We expect nothing less from the federal government.

We will work very hard to make sure that in each and every instance where explicit commitments have been provided by the federal government, those commitments will be honoured. They were honoured in relation to the Ballarat super-pipe, and we expect no less in relation to the Wimmera–Mallee pipeline project.

Small business and agriculture: workplace safety

Ms OVERINGTON (Ballarat West) — My question is to the Minister for Small Business. Can the minister advise the house how the Brumby government is taking action to improve safety in the small business and farm sectors?

Mr HELPER (Minister for Small Business) — I thank the member for Ballarat West for her question and for her interest in workplace safety. I will outline a number of initiatives that have come to fruition under the state government and will paint a picture so that members can see how seriously we take workplace safety in respect of small business and very much in respect of agriculture.

The Safe Towns program is an effort by WorkSafe inspectors to visit most small towns across regional Victoria to provide assistance to businesses and farmers

in managing workplace hazards. If we look at the statistics on workplace fatalities, which is a very serious subject, and the statistics on farm fatalities, we see that they fell from six in calendar year 2006 to one in calendar year 2007. Clearly the program I have outlined and the ones I am about to outline play a very significant role towards having this statistic reduced further.

A free 3-hour consultancy for small business operators across metropolitan, regional and rural Victoria funded by WorkSafe has been very successful. Over \$1 million has been spent on the program since 2004–05 and the majority of that effort has gone into regional Victoria. The Farmsafe Alliance, a partnership between the Victorian Farmers Federation, the Australian Workers Union, WorkSafe, the Department of Primary Industries and the Department of Human Services has been very successful. Funding from WorkSafe has supported this alliance and has recently been extended to 2010.

An industry standard, safety in forest operations, has been developed by industry and WorkSafe, together with government support of course. It was launched by the state coroner and has been well received by industry. It will improve workplace safety in the forestry industry.

The Office of the Small Business Commissioner and WorkSafe are also working together, and they maintain a visible presence at regional field days such as the field days in Mildura during this week. An analysis of the presence of WorkSafe at field days and similar events throughout Victoria has shown that it is a very successful and effective method of getting the workplace safety culture across to the communities in which those events are held. There is always more to do, as is the case here. For example, new guidance material will be released this week for all-terrain vehicles (ATVs) on farms. This was developed through a project led by the Victorian Farm Safety Centre at the University of Ballarat with support from WorkSafe.

The guide contains information about very practical ways of using ATVs safely in the farm workplace, and through that it provides a means of reducing injuries and fatalities such as those that have occurred in the past in that way — and we certainly hope to reduce injuries and fatalities in the future.

Also, the Energise Enterprise small business festival, which will be held in August this year, will include 16 workshops for small business operators right across the state to improve their knowledge and understanding of workplace safety in the small business area. We are

very much determined to further improve workplace safety by helping small businesses and farm businesses to reduce workplace hazards.

Local government: planning powers

Mr BAILLIEU (Leader of the Opposition) — My question is to the Minister for Local Government. I refer the minister to his statement to the house on 6 May, that:

In relation to local planning decisions, they are matters for local government, and that is where they belong.

Given the government's announcement on 21 May that it will strip planning powers from local councils, does the minister stand by his comments or was misleading the Victorian public simply part of the plan?

Mr WYNNE (Minister for Local Government) — I thank the Leader of the Opposition for his question. We welcome the decision by the Premier and the Minister for Planning in the other house to streamline the process of planning for our major principal activity centres. As the house would know, the principal activity centres are a major part of the Melbourne 2030 planning strategy for this state. Either you support containment of sprawl on the urban fringe or you do not. If you support Melbourne 2030, you support principal activity centres. This is a government that in fact respects local government — —

Honourable members interjecting.

The SPEAKER — Order! Government members will come to order.

Mr McIntosh interjected.

The SPEAKER — Order! The member for Kew!

Mr WYNNE — The government seeks to continue the very strong partnership we maintain with local government. The announcement made by the Premier and the Minister for Planning last week does not decrease third-party appeal rights for local government or indeed citizens more generally. As the government said, we will be consulting with local government in the implementation of the development assessment committees. This is in sharp contrast, as we know, to the quixotic decision making of previous ministers for planning.

The SPEAKER — Order! The minister will not debate the question.

Mr WYNNE — Previous planning ministers, who imagined themselves to be latter-day Renaissance

Medicis — giving with one hand, taking with the other; marching around local government, intervening where they felt — —

Honourable members interjecting.

The SPEAKER — Order! The minister would be well advised to take the Chair's advice: the minister will not debate the question.

Mr WYNNE — This was a very important decision, because this goes to the question of how principal activity centres will operate going forward. We intend to have a strong — —

Dr Napthine interjected.

The SPEAKER — Order! The member for South-West Coast knows better than to interject in that manner.

Mr Baillieu interjected.

The SPEAKER — Order! The Leader of the Opposition is warned. I ask for some cooperation from the Deputy Leader of the Opposition and the Leader of The Nationals; they should cease interjecting across the table.

Mr WYNNE — This government is respectful of the rights of third parties to make submissions or to appeal a decision on a development application; nothing changes. We will continue to consult with local government in a partnership on these major activity centres to achieve outcomes that are agreed between local government and state government. The contrast between this government and the previous government could not be more stark. We intend to have a robust and continued partnership with local government and not treat it with the contempt it was treated with by our predecessors.

Gun Alley murder: posthumous pardon

Mr PERERA (Cranbourne) — My question is to the Attorney-General. Can the Attorney-General inform the house of the details of the posthumous pardon of Colin Campbell Ross for the notorious Gun Alley murder of 1921?

Mr HULLS (Attorney-General) — I wish to advise the house that the Governor of Victoria, Professor David de Kretser, has pardoned Colin Campbell Ross for the murder of schoolgirl, Nell Alma Tirtschke. Ross was convicted of murdering Alma, as she was known, in February 1922. He unsuccessfully appealed to the full court of the Victorian Supreme Court and to the

High Court of Australia and was denied leave to appeal to the Privy Council. He was executed in April 1922 at the Old Melbourne Jail just 115 days after the murder occurred.

The killing of 12-year-old Alma Tirtschke in 1921 was a truly shocking crime. Alma was raped and strangled whilst collecting a parcel of smallgoods for her aunt. Her naked body was found in a cul-de-sac off Gun Alley, near the notorious Eastern Market where, I might say, the building occupied by the Department of Justice stands today. Colin Ross, who ran a wine bar close to where Alma's body was discovered, was arrested soon after. He was tried and subsequently hanged for the murder.

Late in 2005 I received a petition for mercy signed by Elizabeth Eadie Everett on behalf of the Ross family and Bettye Georgina Arthur on behalf of the Tirtschke family, which asserted that new evidence had been uncovered which indicated a miscarriage of justice had occurred in the Ross case. In order to obtain independent advice on the merits of the petition I referred the matter to the trial division of the Supreme Court of Victoria for an opinion, using the powers I have under section 584(b) of the Crimes Act. In January of this year I received an opinion from their honours Justices Teague, Cummins and Coldrey. They concluded that there had been a miscarriage of justice in Colin Ross's case. I thank Justices Teague, Cummins and Coldrey for their painstaking work in providing me with this very comprehensive piece of advice.

The Premier then wrote to the Governor of Victoria, Professor David de Kretser, advising him to pardon Colin Ross, which His Excellency has duly done. Whilst a pardon is not the same thing as an acquittal, it is recorded against the conviction in recognition that the state forgives the legal consequences of the crime. This has been done in the Ross case in recognition of the fact that serious doubts exist over the safety of his conviction. Unfortunately in this case we will never really know what happened to Alma Tirtschke. The passage of time means that it is not possible to have a retrial for Colin Ross. The serious doubts about the safety of Ross's conviction nonetheless underscore the abhorrence of the death penalty. It is a sentence which, as we all know, once carried out is irreversible, even when subsequent doubts about the safety of the conviction for which it was imposed emerge. I think most members of this place would agree that the death penalty has no place in a civilised society. This house should be proud that it abolished the death penalty in 1975.

The whole episode has caused a great deal of heartache for the Ross and Tirtschke families. Representatives of both families are present today. I congratulate them for their courage over a very long period of time. I also want to congratulate Kevin Morgan, the researcher, for the excellent work he did in relation to this matter. Thanks to the families and to Mr Morgan and his wife, who helped him with the research, we are repairing a wrong in this state's history. I hope that the pardon does go some way in making amends for the tragedy that befell both families.

CONDOLENCES

Burma cyclone

Mr BRUMBY (Premier) (*By leave*) — Twenty-five days ago, on 2 May, Cyclone Nargis hit Burma's Irrawaddy delta and its former capital, Rangoon. The cyclone's winds reached more than 190 kilometres an hour at landfall. At the Irrawaddy River those winds pushed a wall of water up to 3.5 metres high 40 kilometres inland. The storm, which has been compared to New Orleans's Hurricane Katrina, hit the most geographically vulnerable and the most heavily populated part of Burma. The immediate impact of the cyclone was catastrophic. The official death toll provided by Burmese authorities now stands at more than 77 700 people, with a further 55 900 missing. The United Nations has estimated that up to 2.4 million people may have been affected and more than 100 000 may have lost their lives. The UN also estimates that 1.5 million people have been severely affected by the cyclone and urgently need aid and assistance. It is already, by a long way, Burma's worst ever natural disaster.

Representatives of the Association of South-East Asian Nations are saying that as little as half of the 2 million people affected by the cyclone have received any assistance at all. In other words, as many as a million people are still waiting for food and clean water, not to mention shelter and medical supplies. The monsoon season is now under way, and with that there is a very real danger of outbreaks of diseases such as cholera and typhoid.

Confronted by what is an appalling or disastrous scenario, the actions which have been taken by Burma's government defy belief. International relief efforts have been stymied. Aid workers have been refused entry into the country or have been holed up in Rangoon by bureaucratic intransigence. While all of this is happening, the Burmese people continue to wait and suffer.

It is clear that the road ahead for the people of Burma will be very difficult. The United Nations has estimated that relief efforts will take at least six months, and reconstruction is likely to take several years. Many members would have heard or seen the comments of World Vision's Tim Costello in the media. He pointed out that there is very deep cynicism about the relief effort, because people are concerned that aid will be used to support the government of Burma rather than the people of Burma. In some ways that cynicism is understandable.

Victorians are extremely generous people — as we showed in the aftermath of the Boxing Day tsunami — but we are also inherently democratic people. We do not want to support, or be seen to support, a dictatorship, but it needs to be said that our relief agencies are absolutely not supporting the Burmese government — they are supporting the Burmese people, and in doing so they are saving lives. Regrettably and tragically, at least 40 per cent of the victims of the cyclone are children.

It is not common practice for state governments to provide international humanitarian assistance. However, in a limited number of exceptional circumstances, when the scale of the disaster is immense or where there are very large domestic populations here in Victoria, the state government has chosen to provide assistance. Our government has donated \$500 000 to the Australian Red Cross Myanmar cyclone appeal to assist the Red Cross's emergency relief efforts in Burma. Our government is also working, through the Victorian Multicultural Commission (VMC) to support Victoria's Burmese community. It is a small community but it is nevertheless an important community for our state. The VMC has provided information on the Red Cross tracing service and the Department of Foreign Affairs and Trade's services to Burmese community leaders and service providers working with the Burmese community. Counselling services are also available through Foundation House, which is jointly funded by the commonwealth and Victorian governments.

I want to take this opportunity in this short statement today to thank the many Victorians who have already generously donated to the Burma relief efforts. If other members of our community are thinking about doing that, I would urge them to do so. I know all members of this house would urge likewise. I leave them with a message not to wait, because these natural disasters do not discriminate, and neither should our humanitarian efforts. Urgent assistance is needed, and I urge Victorians to support this appeal.

Mr BAILLIEU (Leader of the Opposition) (*By leave*) — How lucky we are to live in a peaceful, democratic, positive, outward-looking, beautiful and largely safe and secure country. Yes, we have our share of natural disasters too — the floods, the droughts, the bushfires, the cyclones, even the mudslides, but generally the response from both government and the community to such events in this country has been effective, speedy and compassionate: communities helping communities and friends helping friends in a spirit of mateship.

But in relative terms we are fortunate — fortunate not to experience the overwhelming humanitarian disasters of earthquakes, tornadoes, tidal waves, hurricanes and cyclones that seem all too often to devastate other parts of the world. And when they do occur, it always seems to be in those parts of the world least able to cope. In this regard I welcome the opportunity to join the Premier in recording the support of this house, and indeed all Victorians, for the people of Burma.

On 2 May this year Cyclone Nargis ripped through our South-East Asian neighbour, Burma. The impact has been staggering. I do not wish to repeat the figures that the Premier mentioned, only to reflect on the enormity of the crisis and the associated agony, with perhaps more than 100 000 killed and millions displaced or affected. The need for aid and assistance is both extraordinary and obvious, and is obviously well beyond the capacity of the people of Burma, even at the best of times.

That the worst damage centres on the Irrawaddy delta only heightens the problem. The delta was long the rice bowl of Asia. Even in the closed society of Burma it remains the food bowl of a nation. That has clearly now been destroyed. The roaring weather has not only killed, it has stripped the food supply of Burma. It has blown away the paddy fields, the crops, the seed, the buffalo used to till the soil, the ploughs, the spades and any available machinery. The boats that service the fishing trade have been destroyed, and for the families of the region, hope has taken a terrible beating.

Burma is a place of rich traditions and beauty, but it is not a wealthy country. Visitors tell of a country so strapped that on the best of days bus drivers switch off their engines and allow their buses to roll down hills just to save fuel. Many Burmese live a subsistence lifestyle with a diet based on rice and fish — the very staples wiped out by the cyclone. This disaster has literally threatened the survival of the Burmese people. Those people desperately need help. They need the support of the international community.

Australians, indeed Victorians, have a proud record of reaching out in such circumstances with assistance. We did it with the Boxing Day tsunami, as the Premier suggested. We have done it many times, and I am sure we will and must do it again in Burma. I am pleased the federal government saw fit to increase its initial commitment of \$3 million to \$25 million. I am pleased the Premier saw fit to contribute half a million dollars to the Red Cross to support the delivery of aid. But I am sure there is more we can and will do.

As members know and as the Premier suggested, the response from the government of Burma itself has been slow, frustrating and in many cases heartbreaking. The regime has an unfortunate reputation for being secretive, suspicious of outsiders and perhaps a little xenophobic and untrusting, and it is certainly not bound in transparency and democracy. We should not forget that the Burmese government has not always dealt well with its ethnic and cultural minorities, in particular the Muslims, many of whom live in the south-west delta region, and the Karens.

One other thing the Australian and Victorian governments can do is to ensure that such aid as does get through is distributed fairly, that it is not siphoned off by the military in the first instances and that all groups receive that aid. As a centre of multiculturalism, Victoria should take the lead in that regard. We should also do whatever is possible to see that the movement for democratic reform is not derailed by these events.

I say again how lucky we are. We should count our blessings every day and share our good fortune with those in desperate need. I am sure Victorians will do just that for the people of Burma, and our hearts go out in particular to the Burmese community in Victoria, which has lost family and friends.

Mr HULLS (Attorney-General) (*By leave*) — I rise to speak in support of the Premier's statement. Aung San Suu Kyi, the Nobel peace prize winner and democracy campaigner, is a leader of great courage. When Aung San Suu Kyi — who is the daughter of Burma's independence hero, General Aung San — returned to Burma to campaign for democracy in 1988, this is what she said:

I could not, as my father's daughter, remain indifferent to all that was going on.

Since then, Aung San Suu Kyi has spent 12 of the last 18 years in detention in Rangoon. In 1999 she even refused an offer to leave the country to be at her husband's deathbed, because she was afraid the military junta would not let her back into Burma. Aung San has chosen detention over freedom because she could not

remain indifferent. That sentiment was echoed by the United Nations Secretary-General, Ban Ki-moon, on Sunday when he said:

We must think about people just now, not politics.

The international community is confronted by a natural disaster that has the potential to be turned into an unnatural catastrophe by the Burmese government, and we must do all we can, despite our reservations about the Burmese government, to avert that catastrophe.

There is no doubt that Cyclone Nargis is causing significant concern in Victoria's Burmese community. The community has expressed serious concerns about the slow process for aid to enter Burma and about getting it out to the worst-affected regions in the delta. There is also great concern about the referendum that is currently being held on the process of democracy for Burma. The community feels that the Burmese government's decision to push ahead the referendum in the aftermath of the cyclone has meant that an opportunity for democratic change is being lost. I have to say that I share those concerns.

As much as I might like to excoriate the Burmese government for its undemocratic, inhumane conduct, I will be guided by the words of Aung San Suu Kyi and Ban Ki-moon. Right now, we cannot remain indifferent to the terrible suffering of the Burmese people — people who, it needs to be said, did not choose their government. Right now, we must think about people, not politics. We must do all we can to support relief efforts for the people of Burma through our donations and also our volunteer work, because hundreds of thousands of lives are in the balance as we speak. As many as 1 million people are still waiting for aid, 26 days after the cyclone hit, and in some villages on the Irrawaddy Delta, 95 per cent of the buildings have been destroyed. Delivering the required relief is a monumental effort.

However, the required reconstruction effort is no less daunting. Victorians have a well-deserved reputation for generosity. As the Boxing Day tsunami showed, we are not afraid to donate our time or money to a good cause, and in humanitarian terms Burma is the best of causes.

I, like the Premier and the Leader of the Opposition, urge Victorians to support organisations such as the Australian Red Cross so that they can continue to deliver aid to the people of Burma. And remember, in supporting Burma relief efforts we are not forgetting the Burmese people's natural right to a fair and just government, but are instead remembering the most basic human rights there are — the right to food, the

right to water and the right to shelter. It is absolutely crucial that in its time of need we do not forget Burma.

Mr RYAN (Leader of The Nationals) (*By leave*) — Recent events in Burma represent a tragedy of the most appalling dimensions. In a recently published document, using the human development index, the United Nations ranked Burma 132 of 177 nations. It described it as having one-third of its children malnourished and one-fifth under weight at birth. It said there is poor access to health facilities, inadequate sanitation and water facilities and poor maternal and child health services. All of that was before Cyclone Nargis descended on the country on 2 May.

This beautiful country of some 57 million people has now been absolutely decimated. Tens of thousands of people have been killed and tens of thousands have been injured. About 1.5 million people have been displaced from their homes. This disaster is terrible in its own right, but this is magnified enormously by the extent to which, before these events occurred, there were relatively limited systems of communication and telecommunications. The focus now is on those in need. The politics of the situation are very difficult and those matters have been canvassed by the Premier, the Leader of the Opposition and the Attorney-General.

The concentration for the moment must be on the people whose needs have to be met. Suffice it to say, the United Nations and the Association of South-East Asian Nations are doing wonderful work and doing what they can to enable the assistance to be provided to the Burmese people as expeditiously as that can be done. Suffice to say also, that the world is simultaneously anxious, frustrated and aghast, but apart from anything else wants to ensure that the aid the world is ready to contribute is able to be made available to the people of Burma as expeditiously as that can feasibly be done.

The situation, as has been referred to, is particularly awful in the Irrawaddy Delta region. This is the food bowl of that wonderful country. It provides much of the crops and grain crops that come out of the nation, as well as being the foundation of its fishing industries. The city of Rangoon has been substantially damaged, and, as I understand it, some 47 other towns and villages are still in a state of absolute disaster. Victoria has a strong representation from the Burmese community. It is important to reflect that those people are like us — they are families and communities just as we know them, albeit that in their own country they exist in entirely different and somewhat difficult circumstances made worse by these recent events.

The Australian nation in its generous way is helping. The Victorian government to its credit has made a contribution, but dare I say, as is often said in this place these days, there is more to be done. It is important that relief is provided to those people now in the nature of a humanitarian effort that must be mounted on a massive scale. The reconstruction of the country and all that entails will follow all too soon.

For the present time the critical thing is to make sure that the disaster which has already been visited upon Burma is not magnified to an even more astounding degree by the fact that the people who have survived this awful event are now left to their own devices when an anxious world stands ready to help but is precluded from being able to do so by a government that has surely lost its way in its priorities in this instance. Our sympathies are with the Burmese people.

The SPEAKER — Order! I ask all members to stand in their places as a sign of respect for all those who have perished in Burma in the wake of Cyclone Nargis.

Honourable members stood in their places.

BUSINESS OF THE HOUSE

Sound system

The SPEAKER — Order! I want to remind members about the chamber sound system. On 8 April I informed the house that the sound system had been upgraded. I remind the house that the microphones should not be bent out of shape or removed. I ask members and their guests to treat the new equipment with care.

COURTS LEGISLATION AMENDMENT (JURIES AND OTHER MATTERS) BILL

Introduction and first reading

Mr HULLS (Attorney-General) — I move:

That I have leave to bring in a bill for an act to amend the Constitution Act 1975, the Juries Act 2000 and the Magistrates' Court Act 1989 and for other purposes.

Mr CLARK (Box Hill) — I ask the minister for a brief explanation of the bill.

Mr HULLS (Attorney-General) — I am happy to do that. This bill does a number of things including amending the Constitution Act to preserve the entitlement or pension at age 60 and after 10 years of

service for County Court judges who are appointed to the Supreme Court after the commencement of section 18 of the Judicial Remuneration Tribunal Act.

It also amends the Juries Act to do a number of things, some of them fairly minor and technical, but in particular to provide for the prohibition on panel members and jurors conducting their own investigations in relation to matters, and it also makes a slight amendment to the Magistrates' Court Act to provide that only persons prescribed by the rules of the court can witness a statement that is tendered at committal proceedings.

Motion agreed to.

Read first time.

UNCLAIMED MONEY BILL

Introduction and first reading

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) — I move:

That I have leave to bring in a bill for an act to re-enact with amendments the law relating to unclaimed money, to repeal the Unclaimed Moneys Act 1962 and for other purposes.

Mr WELLS (Scoresby) — I ask the minister for a brief explanation of the bill.

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) — The bill will modernise Victoria's legislation in relation to unclaimed moneys and reduce the regulatory burden on those businesses that are required to comply with the specifications of the legislation.

Motion agreed to.

Read first time.

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 30 to 35 and 160 to 174 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.

PETITIONS

Following petitions presented to house:

Buses: Gembrook and Pakenham

To the Legislative Assembly of Victoria:

The petition of residents of Gembrook and surrounding areas draws the attention of the house to the need for residents to access Pakenham and surrounding areas. The petitioners therefore request that the Legislative Assembly of Victoria establish a bus route between the two towns of Gembrook and Pakenham.

By Ms LOBATO (Gembrook) (43 signatures)

Werribee Open Range Zoo: theme park

To the Honourable John Brumby and the Legislative Assembly of Victoria:

The petition of concerned residents of Victoria points out to the house that we the undersigned support the campaign of the Friends of the Zoos and call on the government of Victoria to protect the conservation, educational and zoological values of Werribee Open Range Zoo and abandon the present proposal from Village Roadshow.

By Mr PALLAS (Tarneit) (8109 signatures)

Warrandyte Netball Club: funding

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

The petition of the members of the Warrandyte Netball Club and other interested parties draws the attention of the house to the inadequate facilities for netball training at Warrandyte Reserve, Warrandyte.

The petitioners therefore request that the government consult with the users of the Warrandyte Reserve to assess their needs and subsequently allocate funds to ensure their needs are adequately catered for.

By Mr R. SMITH (Warrandyte) (1249 signatures)

Ordered that petition presented by honourable member for Gembrook be considered next day on motion of Ms LOBATO (Gembrook).

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

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Legislation Reform (Repeals No. 3) Bill

Mr CARLI (Brunswick) presented report, together with appendices.

Tabled.

Ordered to be printed.

Alert Digest No. 6

Mr CARLI (Brunswick) presented *Alert Digest No. 6 of 2008* on:

Appropriation (2008/2009) Bill
Appropriation (Parliament 2008/2009) Bill
Constitution Amendment (Judicial Pensions) Bill
Courts Legislation Amendment (Associate Judges) Bill
Criminal Procedure Legislation Amendment Bill
Drugs, Poisons and Controlled Substances (Volatile Substances) (Repeal) Bill
Justice Legislation Amendment Bill
National Gas (Victoria) Bill
Public Health and Wellbeing Bill
State Taxation Acts Amendment Bill

together with appendices.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Anti-Cancer Council of Victoria — Report 2007

Crown Land (Reserves) Act 1978:

Orders under s17D granting a Lease over Red Cliffs Court House Historical Purposes Reserve

Order under s17B granting a Licence over Dromana Foreshore Reserve

Financial Management Act 1994 — Report from the Minister for Health that he had received the 2007 report of the Psychologists Registration Board of Victoria together with an explanation for the delay

Parliamentary Committees Act 2003 — Government response to the Education and Training Committee's Inquiry into Dress Codes and School Uniforms in Victorian Schools

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

Bass Coast — C46 Part 1

Baw Baw — C47 Part 1

Brimbank — C83, C84 Part 1, C102

Buloke — C17

Cardinia — C107
 Colac Otway — C27 Part 1
 East Gippsland — C60
 Frankston — C44
 Gannawarra — C19, C20
 Greater Dandenong — C92
 Greater Shepparton — C97
 Hume — C71, C88, C102
 Knox — C55, C73
 Loddon — C22
 Macedon Ranges — C47, C63
 Maribymong — C62
 Moonee Valley — C68
 Northern Grampians — C28
 Stonnington — C57
 Whitehorse — C73, C89
 Whittlesea — C39, C95
 Wodonga — C59
 Yarra Ranges — C75

Professional Standards Act 2003 — Victorian Bar
 Incorporated Scheme under s14 (*Gazette G17, 24 April 2008*)

Statutory Rules under the following Acts:

Parliamentary Salaries and Superannuation Act 1968 —
 SR 36

Road Safety Act 1986 — SR 37

Subordinate Legislation Act 1994 — SR 35

Subordinate Legislation Act 1994:

Minister's exception certificate in relation to Statutory
 Rule 35

Minister's exemption certificate in relation to Statutory
 Rule 36.

The following proclamations fixing operative dates
 were tabled by the Clerk in accordance with an order of
 the House dated 19 December 2006:

*Fair Trading and Consumer Acts Further Amendment Act
 2008* — Sections 4, 11 and 53 — 1 July 2008 (*Gazette G21,
 22 May 2008*)

Liquor Control Reform Amendment Act 2007 — Remaining
 provisions — 22 May 2008 (*Gazette S134, 21 May 2008*).

ROYAL ASSENT

Message read advising royal assent to:

13 May

**Drugs, Poisons and Controlled Substances
 Amendment Bill**

**Justice Legislation Amendment (Sex Offences
 Procedure) Bill**

21 May

**Education and Training Reform Amendment Bill
 Environment Protection Amendment (Landfill
 Levies) Bill.**

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

**National Gas (Victoria) Bill
 Public Health and Wellbeing Bill
 State Taxation Acts Amendment Bill.**

RURAL AND REGIONAL COMMITTEE

Regional centres of the future

Ms ALLAN (Minister for Regional and Rural
 Development) — I move:

That under section 33 of the Parliamentary Committees Act 2003 the Rural and Regional Committee be required to inquire into, consider and report no later than 30 September 2009 on measures to build on the current government's investment in regional Victoria, through further development and enhancement of regional centres, focusing on the development of regional centres as places of economic, environmental, social and cultural innovation that enable regional Victoria to meet the challenge of predicted future population growth in this state, and, in particular, the committee is required to report on:

- (1) measures that could be taken to encourage new and existing businesses, industries and government authorities to establish operations in regional centres;
- (2) the development of industrial land to support the economic base of regional centres;
- (3) the most effective investments in infrastructure to encourage business and industry development in regional centres, and to support and encourage further population growth in regional centres;
- (4) measures to promote strong social capital and high quality-of-life outcomes in growing regional centres; and

- (5) examples from other jurisdictions where promotion of population growth in regional centres has successfully occurred.

Motion agreed to.

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Community Development) — I move:

That, under 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, 29 May 2008:

Drugs, Poisons and Controlled Substances (Volatile Substances) (Repeal) Bill

National Gas (Victoria) Bill

State Taxation Acts Amendment Bill.

In moving the government business program for this parliamentary week, it is not intended that these will be the only bills that are progressed during government business, but these bills are those that the government desires to have been completed by 4.00 p.m. on Thursday. I would expect that the majority of the debate, if not all of the debate, on these three bills will be able to be conducted during the remainder of this parliamentary sitting day, but we will wait until 10 o'clock tonight to ascertain that. In any event there will be a substantial part of this parliamentary week devoted to providing members with the opportunity of making a response to the state budget.

Whilst the government business program under other circumstances would be expected to contain a larger number of bills, at this time of the calendar year we are required not only to progress legislation but also to progress the budget. The budget response is one of the occasions on which individual members are provided with the opportunity to engage in a fairly wide-ranging debate. Accordingly we are making a substantial amount of this parliamentary week and the following parliamentary week available for members to make their contributions. My advice to those members who would like to be certain of making a response to the budget is that they should do it this week or the following parliamentary week in order to be certain that they will have that opportunity.

For the information of the house, it would be my intention that we start the government business program today with the National Gas (Victoria) Bill, followed by the State Taxation Acts Amendment Bill and then the

Drugs, Poisons and Controlled Substances (Volatile Substances) (Repeal) Bill. I commend the motion to the house.

Mr McINTOSH (Kew) — The opposition does not oppose the business program. We are very grateful that we were notified on Thursday of last week about the three bills apart from the appropriation bill that would be dealt with this week. If we can just start with the appropriation bill, on my calculation somewhere between 30 and 35 members will be able to make their contributions on the budget bill this week if we complete the three bills today. If a similar amount of time is given over to the budget next week, then the number will be around 70 members, which will be almost entirely those members who want to make a contribution.

Having said that, I think there is probably adequate time as far as the coalition parties are concerned in relation to members making their contributions on the budget bill. It is a bill that is very important to all of us for a variety of reasons. No doubt there will be substantial criticism made of the budget, but those criticisms are very important to the coalition parties and need to be made at this time. There needs to be ample opportunity for the opposition parties to make those criticisms.

In relation to the other three bills, while I was originally hopeful that we would be able to complete those three bills, having seen the speakers list on a least one of the bills I am not confident that we will be able to get through all three bills this evening. I would ask for some assurance from the government that there would be time provided, perhaps on Thursday afternoon, to complete as many of those contributions as possible prior to the bills going to the guillotine, and if necessary to come back to the appropriation bill after 4 o'clock which of course is not subject to the guillotine. Apart from those matters, the opposition does not oppose the government business program.

Mr DELAHUNTY (Lowan) — I also rise to say that I will be supporting the government business program on the three bills that we will be debating and also the appropriation bill commonly known as the budget. We are not opposing the National Gas (Victoria) Bill which is of a lot of interest to us in country Victoria, particularly as the member for Mildura highlighted to us last night that the gas that services his electorate comes in from South Australia, and much of the gas that goes into South Australia comes from the south-west and goes through south-west Victoria. There have been concerns about pipelines and so on, but this bill is concerned with

administration and financial matters that will be covered in the debate that we will have later today.

But also, as the Leader of the House said, the budget is wide ranging and the debate on it gives many opportunities to members to raise matters of importance to their electorates. Each member has 15 minutes to do that. As the member for Kew said, we should get through about 35 to 40 members this week. As the Leader of the House also said, there are many opportunities for members to raise their issues and concerns. Those concerns could be about rising debt levels and rising petrol prices. I hope this government is not taking the approach of the federal government. The Prime Minister has said he has done as much as he can for working families. He has given up, after only six months, on helping those people. Considering the federal government is floating in cash, it is a surprise — —

The ACTING SPEAKER (Mr Ingram) — Order! The member for Lowan is to speak on the motion before the house.

Mr DELAHUNTY — The concern we have is that obviously the Water Amendment (Critical Water Infrastructure Projects) Bill is still at the bottom of the list. We have heard the concerns of the Minister for Water about federal funding for the Wimmera–Mallee pipeline; the government probably does not want to debate this issue because we could bring up a lot of concerns.

An honourable member interjected.

Mr DELAHUNTY — That is correct. The shadow Minister for Health is pleased that the Public Health and Wellbeing Bill is not being debated this week. It is a large bill and it needs a lot of scrutiny. Also, I understand why the Minister for Gaming has not brought on the Gambling Regulation Amendment (Licensing) Bill because of all the concerns raised about Intralot. I do not think there is any reason to oppose this government business program. There are three bills on the program and there is a fairly large amount of time to debate the budget. There will be many opportunities for members to raise matters which are important to their electorates.

Mr HODGETT (Kilsyth) — I too rise to make a brief contribution to the government business program motion. I repeat that we do not oppose the program for this parliamentary sitting week. I agree with the comments made by the Leader of the House: there will be a large number of members wishing to make responses to the state budget. Nonetheless there are a

number of speakers who wish to speak on all three bills, the Drugs, Poisons and Controlled Substances (Volatile Substances) (Repeal) Bill 2008, the National Gas (Victoria) Bill 2008 and, of course, the State Taxation Acts Amendment Bill 2008.

I trust that adequate debate time will be given to allow all members who wish to make contributions to speak on all three bills. It is important for members wishing to make a contribution to debates to be allowed time to do so. We seek assurances from the Leader of the House that that will be taken into account. We are not opposing the program, but I reiterate that a number of members want to speak on the three bills as well as respond to the state budget.

Motion agreed to.

MEMBERS STATEMENTS

Box Hill: transit city

Mr CLARK (Box Hill) — I am appalled by the Brumby government's moves to take planning powers for principal activity centres such as Box Hill away from local communities. This is the thin edge of the wedge to give effect to Labor's ultimate aim of removing all planning powers from local communities so it can implement its goal of imposing high-rise, high-density development across Melbourne's established suburbs.

Box Hill has already suffered through having been declared a transit city in 2001. Being a transit city was supposed to mean Box Hill would receive public transport improvements in exchange for high-density developments. The Box Hill community has had a lot of high-density development imposed on it, and much of it has been a severe overdevelopment and poor quality. However, the community has not received any of the promised public transport improvements to go with it.

Instead the Bracks and Brumby governments have put the community and Whitehorse City Council through the hoops for years in requiring planning study after planning study. We have had a connecting transport services study in 2001, an urban design framework study and a Box Hill transport interchange concept design in 2002 and an issues and opportunities study in 2005. Eventually last year the council adopted a Box Hill transit city activity centre structure plan which is supposed to be inserted as a reference document into the Whitehorse planning scheme. If the government seizes control of planning for Box Hill, it will be free to

totally disregard all the community input that went into these studies and impose its own vision of unfettered high-rise, high-density development on the community.

Although it is implementing its takeover in stages, it is clear that the Brumby government crocodile plans to eat everyone eventually. Therefore all communities need to stand and resist together. I hope all Whitehorse councillors will join with me in opposing this Brumby government takeover.

Mining: gold exploration

Mr BATCHELOR (Minister for Energy and Resources) — I draw the attention of Parliament to the record levels of gold exploration taking place in Victoria; 225 000 ounces of gold, valued at approximately \$210 million, was produced in Victoria in 2006–07. This marks an increase of about 10 per cent compared to the previous year. The majority of this gold was derived from Victoria's golden triangle — the area between Bendigo, Ballarat and Stawell.

Early last week while in Maryborough for a community cabinet I met with an enthusiastic group of local gold prospectors at a store called Coiltek prospective supplies, which is owned by Mr John Gladdis. I had the pleasure of discussing with this group of prospectors the work they do; they are indeed a passionate group of people. I was even fortunate enough to see firsthand some of their finds. A young prospector by the name of Brenton Shannon was kind enough to show me and let me handle some of his latest discoveries of gold. Some of these prospectors had travelled from all over Australia and the world to search for gold around Maryborough. One gentleman had come from Yorkshire, England, and others visited regularly from South Australia and Queensland.

Gold exploration can deliver many benefits to rural and regional Victoria, even from small operations like the ones that these prospectors run. These benefits include employment and business opportunities, diversification of regional economies and the development of regional services and infrastructure.

Water: Wimmera–Mallee pipeline

Mr WALSH (Swan Hill) — I vent the despair and outrage of northern Victorians about the government vultures who are intending to purchase water from farmers. After more than a decade of drought these vultures are picking at the bones of vulnerable farmers and country communities with little thought of the consequences. The Brumby government intends to purchase \$28 million worth of permanent water rights

to the Murray–Darling Basin and \$6.97 million in temporary water rights to the Murray–Darling Basin. On top of that, the federal government has entered into the water market with, at first, \$50 million but eventually \$3 billion to buy irrigation water.

Governments are caving in to the extravagant demands from environmentalists at the expense of northern Victorian communities. We have no socioeconomic studies of the impact of the government entering into the water market. At the moment a 4 per cent cap on water trading from each area provides a degree of protection for our irrigation communities. But the federal Minister for Climate Change and Water, Senator Wong, is leading the charge to have this abolished, because she knows that due to more than \$3 billion being available from the federal and Victorian governments this cap will be passed quickly. The Minister for Water has been silent in defence of the cap. Victorian irrigators need the minister to stand up and support the cap or risk causing immeasurable economic and social harm to the people of northern Victoria. I challenge the minister to approach his federal counterpart and demand a moratorium on all trade until we can determine the socioeconomic impact of governments intervening in the water market.

Tom Moloney

Mrs MADDIGAN (Essendon) — Today I would like to pay tribute to a much respected and admired member of the Labor Party in Essendon who died recently. Thomas Myles Moloney, generally known as Tom, was a life member of our party and was very much admired and respected by its members. Tom was very passionate about everything that was important to him: he was passionate about his family, he was passionate about his job of surveying, he was passionate about the Richmond Football Club, he was passionate about the Catholic Church and he was passionate about the ALP.

In my view he was an extremely brave man. Many will recall that the split in the Labor Party was centred very much around Essendon. He very bravely stood as the Labor candidate in Moonee Ponds in 1958, and although he was defeated he came very close to winning. This was a very difficult thing, and it had lots of personal consequences for him and his family. He told me recently that although he attended mass every Sunday after this event, it was five years before anyone there ever spoke to him, the bitterness was so complete.

Tom was admired greatly. We express our sympathies to his wife, Merna, to his daughters and to his extended family. I would like to finish with the advice he gave

his daughters when they left home: go to church, join the union and vote ALP.

Local government: planning powers

Mr MORRIS (Mornington) — The matter I raise this afternoon is the government's appalling attack on local communities, with the announcement that planning powers for activity centres would be stripped from councils. It was a direct and premeditated strike on the communities of Geelong, Preston, Coburg, Doncaster and Camberwell. Every citizen of those districts has been stripped of their right to have a say on who makes the decisions in their neighbourhoods. I raised this subject during the matter of public importance on 7 May, and in fact I predicted correctly that councils might lose their powers to consider planning applications to an unelected body. We now know it is to a body made up of two council representatives — not even necessarily elected members — who will be in the minority, two appointed members and a chairman, none of whom need have the slightest understanding of the issues facing or feeling for the communities on whose neighbourhoods their decisions are going to be imposed.

Councils are reduced to playing a completely toothless strategic planning role, which will be doubly toothless because the failed Melbourne 2030 will override any local policy that might be developed anyway. During that earlier debate members opposite assured the house that there would be no intervention. Labor had already made a solemn promise in 2006 not to remove council planning powers, and as recently as the last sitting week the Minister for Local Government said in this place in relation to local planning decisions that they are matters for local government and that that is where they belong. Which will be next? When will Frankston, Box Hill, Cheltenham, Cranbourne, Werribee and the others lose the right to determine their futures?

Australian-Polish Community Services: report

Mr LANGUILLER (Derrimut) — I wish to take this opportunity to commend a report funded by the Reichstein Foundation for Australian-Polish Community Services entitled *People from Ethnic Backgrounds in Commonwealth-funded Residential Care — Victoria*. The report states:

With funding from the Reichstein Foundation, this project confirmed that culturally and linguistically diverse (CALD) residents have experienced inappropriate care, poor care, neglect, isolation, aggression, anger and withdrawal. Conversely, other CALD respondents reported satisfaction with their care.

Although the lack of a common language was seen to be the principal contributing factor in the cases of poor care, this was not always the case as some CALD residents received poor care irrespective of language services being used and care needs known. Inadvertently, CALD residents or their representatives compounded their situation by not using, or under using, the user rights measures established under the Aged Care Act 1997 and Principles to obtain the services and care to which they are entitled, including those involving language and cultural considerations.

...

CALD residents are able to influence service delivery in their facility. Numbers are now on their side.

Nationally between June 1999 and June 2006 the total number of residents in permanent care across Australia increased by 14.6 — —

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

Your Water Your Say: legal costs

Mr K. SMITH (Bass) — I raise my concerns today for Victorians who are threatened by this unscrupulous and uncaring socialist government which will stop at nothing to bring about the silence of protesters who dare question its actions. This disgusting bunch of thugs opposite now sees local community groups as thorns in its side, and apart from ignoring their genuine concerns, it now threatens their very existence by taking these groups to court, seeking the government's legal costs in relation to the genuine actions of these groups in seeking court action to ensure that this government and the federal socialist government carry out their duties in an honest and transparent way.

The latest group to suffer this threat is Your Water Your Say, a local community group from Wonthaggi, which expressed its genuine concerns at the way this government has ridden roughshod over the concerns of the local community and the way it has forced the desalination facility on the residents of the Bass Coast with little care or consultation. This action is being taken to silence not only Your Water Your Say but also all other community groups that stand up and raise genuine concerns. This government should hang its head in shame. It is riding roughshod over the people of Victoria, and the chickens will come home to roost on the last Saturday in November 2010.

Breast cancer: Mother's Day Classic

Ms MUNT (Mordialloc) — On Mother's Day this year I joined almost 30 000 fellow Victorians to walk in support of breast cancer research at the Mother's Day Classic at the Royal Botanic Gardens. I was joined by the Premier, who completed the 4-kilometre walk, and

a number of my parliamentary colleagues, including the member for Narre Warren South, who walked so fast I could not keep up with her. I would like to especially thank the local citizens of my electorate of Mordialloc who also joined us on Mother's Day morning to show their support for this great cause.

I walked the entire 4-kilometre course on a lovely sunny autumn morning with Heather Edwards from Mentone. We chatted about friends and loved ones who have fought or are fighting a personal battle with cancer, this terrible disease. I also thank Pam McLean and her two daughters, Caroline and Sharon, for their lovely note to me last week but also for their participation in the 8-kilometre walk. Pam writes that the men in her family joined them for lunch afterwards at Southbank, which must have been very pleasant, but that 'they may join us for the more active part of the day as well in 2009'.

There was a huge turnout on the day, with a great vibe. I am proud of my electorate's support of the event, but I am also proud of the support of the people of Victoria on that morning. I saw women in headscarfs on the day bravely walking with their children and husbands. I hope that one day a cure might be found for this disease.

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

Lake Mulwala: management plan

Mr JASPER (Murray Valley) — Members would be aware of the huge expansion of population in the township of Yarrawonga and of the consequent housing and business developments and explosion in tourism. This has taken place because of excellent weather conditions and the town being adjacent to Lake Mulwala on the Murray River. Traditionally this lake has been maintained at full or near capacity level as a major supply of water for irrigation in Victoria and New South Wales. However, the continuing dry years and drought conditions have led to a reduced availability of water in the Murray system, so the authorities have reduced markedly the level of the lake following the closure of the irrigation season and given the need for conservation of water generally. This has not only reduced the appeal of a variety of water activities but has led to extensive weed growth and infestation that has meant fewer tourists are coming to Yarrawonga, resulting in reduced business activity and an adverse effect on the local economy generally.

Representatives of Yarrawonga-Mulwala Tourism and in particular its president, Dr John Charles, have made

extensive representations to the Murray-Darling Basin Commission, to Goulburn Murray Water and to the Premier and the Minister for Water, who is also the Minister for Tourism and Major Events, to ensure that they are aware that the water level of Lake Mulwala should be maintained and immediate action should be taken to implement weed control measures. To date there has been a negative response from the authorities, so I am calling on the Victorian government to take immediate corrective action at Lake Mulwala so that Yarrawonga's critical tourist industry can be supported into the future.

Glenroy neighbourhood learning centre

Ms CAMPBELL (Pascoe Vale) — Along with Naomi Davis and Roueida Cameron I recently addressed the Glenroy neighbourhood learning centre's annual general meeting. The neighbourhood learning centre is an outstanding community resource with new infrastructure built with state and local Labor government funding, and it is run by a dedicated team of staff, committee members and volunteers. Naomi and Roueida's speeches were so impressive that I sought their agreement to present them to the house so that in future their wisdom could be read in *Hansard* by their family and friends. Naomi told the annual general meeting:

Victorian certificate of applied learning (VCAL) has given me the chance to finishing [sic] my schooling. I came to Glenroy neighbourhood learning centre to get my year 10 pass and my VCAL, so I can do child care and other things in the future. Glenroy neighbourhood learning centre means that I can come here to learn and feel safe and not be bullied. Glenroy neighbourhood learning centre and VCAL have positively changed me because I know that I can go to school and learn.

Roueida, who is undertaking a computer and English course, said:

I ... commenced study in 2007 to improve my knowledge of personal computer and English skills and use the skills learned to improve my job prospects in achieving work and providing a better future for myself and my three children. After the younger children commenced school I felt the need to better myself and my children's future. With the excellent guidance of my teachers — —

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

Bulleen Heights School: library

Mr KOTSIRAS (Bulleen) — I call upon the Labor government to provide funds for the construction of a library at Bulleen Heights special school. It is a dual-mode facility currently providing educational programs for approximately 120 students between the

ages of 5 and 18 who have intellectual disabilities and/or autism. It is an excellent educational establishment, providing programs and learning experiences designed to develop and extend the individual needs of its students.

However, the school has no library and the students are forced to walk to the local public library at Bulleen plaza, as I have witnessed on numerous occasions. Every time I see them, my heart goes out to them especially on cold, wet days, when the freezing cold students are paired together to ensure their safety and wellbeing. It is truly a heartbreaking sight. And I need to remind myself that this is Melbourne, not a Third World city where school libraries are considered a luxury extra. When you add the fact that students at Bulleen Heights special school have special needs, you begin to realise the absurdity of the situation.

I therefore ask the minister to provide funding to build a school library. Once built, this library would ensure the wellbeing, safety and security of all the students at the school. I say to the minister that our students deserve better. It is the minister's responsibility to provide them with a good education. I urge the minister to leave her heated office, come to Bulleen and see for herself the hardship that the students have to face.

Hazardous waste: Tullamarine

Ms BEATTIE (Yuroke) — Today I would like to congratulate all involved in the ongoing campaign to close the Tullamarine prescribed waste facility. As a result of this campaign, Transpacific Industries Group announced on 13 May its decision to immediately close this facility. Getting this dump closed has been a hard battle fought by many people over many years.

The issue, while simmering in my electorate for many years, came to boiling point in December 2005 when the operators of the site sought extra works approval applications which would have extended the life of the dump indefinitely. I organised an extension of time for objections and mailed approximately 10 000 letters to residents alerting them to the applications. In these letters I indicated my outrage regarding the applications and expressed my support for the closure of the dump as soon as possible.

Since that time we have gone from having two applications from Cleanaway to having full closure. This is great news for my electorate. I would like to thank many people including the Tullamarine Landfill Community Consultative Committee, the Terminate Tullamarine Toxic Dump Action Group, Cr Gary Jungwirth and the Hume City Council, as well as the

thousands of residents who have attended meetings, who have campaigned tirelessly for the closure of the site. I urge the community to work together in a united fashion to ensure that the site is rehabilitated safely and as soon as possible.

Hurstbridge Primary School: principal

Mr DIXON (Nepean) — There has been a disturbing issue at Hurstbridge Primary School that has had a serious and ongoing effect on the school community; it also has ramifications for other schools in Victoria. The former principal, Margaret Uren, a former principal of the year, resigned her position last year for financial reasons. She intended to then reapply for the position this year as the school council and parents indicated their support for her intention to continue as principal.

In the meantime allegations were made against her by staff members, which led to the suspension by the department of the principal selection process and its appointment of an acting principal. I do not wish to take sides on this issue but what disturbs me is the debilitating effect the process has had on the total school community. If the correct process has been followed, as is claimed by the department, then that process needs revision, because the time it has taken and the lack of communication at times has led to an atmosphere of distrust, hurt and antagonism. It is seriously affecting staff and parents and therefore, inescapably, the children at the school, let alone Margaret Uren's health and professional reputation.

Justice must be done, must be seen to be done and must be timely. This sorry episode must be settled quickly so that this great school can get on with what it does so well, and the lessons learnt from the process can be applied so that no other school community goes through what the Hurstbridge community is going through now.

Port Melbourne Football Club: achievements

Mr FOLEY (Albert Park) — The Port Melbourne Football Club is the most famous football club in Australia; with a record of achievement over 133 years of history it is second to none. Its future is now assured with the redevelopment of its North Port Oval under a partnership made possible with assistance from the Brumby government, the City of Port Phillip and the Australian Football League. The future looks great for the greatest football club in the land.

But there is one dark cloud on the horizon that drifts across Hobson's Bay. That cloud is in the form of a

vendetta being waged by the Williamstown Football Club — that newcomer that just cannot bring itself to accept the leadership that the Port Melbourne Football Club has had over so many generations. The cross-bay envy the Williamstown Football Club now has sunk to is to be found in its annual effort to belittle the reputation of the mighty Boroughs by holding a dog show at half-time of their home game with the Boroughs.

This slight is aimed at Port Melbourne both by the nature of the competition and its prizes. In normal circumstances this would be sorted out on the field of play, but it is what else is being left on that field that is the cause of my having to raise this matter here. The fact is that the health of players is now being jeopardised by the little reminders left behind by the canine participants at the Williamstown dog show. The Victorian Football League must act to rein in these troublemakers.

We on the civilised side of Hobson's Bay will not be diverted. Under the leadership of Peter Saultry, Barry Kidd and Gary Ayres, the Port Melbourne Football Club will continue as the proud, stand-alone, community-based club that it has been for over a century. Those who wish to have their club run a long second in priority can look to their own conscience and run all the diversions and dog shows they like. When the great history of this is written, the Williamstown Football Club will hang its head in shame.

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

Crime: Boronia forum

Mrs VICTORIA (Bayswater) — Last week over 60 residents of Boronia attended a crime forum organised by the member for Ferntree Gully and me, and attended by the Leader of the Opposition and the shadow police minister. It was a resounding success with many issues raised such as the increased use of closed circuit television cameras, binge-drinking problems, use of databases and a zero-tolerance approach. Figures show that crime in Melbourne is increasing. In Knox there has been a 12 per cent increase in the number of assaults and 19 per cent in rape in recent years. In Maroondah there has been a shocking 33 per cent increase in crimes using weapons and explosives in the same period.

The response out of this forum was overwhelmingly in favour of funding for additional police. Time and again I hear from the police hierarchy that the number of officers at Boronia is adequate. What they fail to admit

to is the disproportionately high number of those on extended leave, return-to-work programs or secondments elsewhere, yet this government refuses to adequately provide funding to fill in the gaps, not to mention it not having enough staff to actually instigate preventive or positive policing methods.

Why does the Brumby government intend to get our state into so much debt that the annual interest bill alone would be enough to double our police force each year? Local residents have been abandoned by the Brumby government again. I thank all involved with the forum who were willing to express their views to members, who genuinely care about their plight.

Cancer research: fundraising

Mrs VICTORIA — Congratulations to Jan and her team at the Shamrock Lounge and Shirley at the Guardian Angel Holistic Centre for hosting Australia's Biggest Morning Tea events to raise funds for cancer research, which is a good cause. Well done!

Williamstown electorate: volunteers

Mr NOONAN (Williamstown) — I look forward to responding to the member for Albert Park in due course, given his ambush today, but I rise now to pay tribute to the thousands of dedicated volunteers from my local community — many of whom work at the Williamstown Football Club! — who selflessly give of their time and expertise to serve others. In recognition of this contribution, Hobsons Bay City Council, together with the South Kingsville community centre and Spotswood community house, recently hosted their sixth annual volunteer celebration event at the Grand Star reception centre in Altona North.

The event is held during National Volunteer Week in May each year, and guests are drawn from the many groups in our community that strive to enrich our local area. Fittingly, this year's event was coordinated with the assistance of Victoria University's events management students, who were able to gain valuable practical experience on the evening and additionally participate in community life through volunteering their time.

The guest speaker at the volunteer celebration was Sue Bray from Yooralla. Sue spoke passionately about the role volunteers play in providing quality disability services for Victorians in need. Yooralla does an outstanding job in my local community, particularly with the young boys and girls at the Altona North Early Childhood Centre. This year marks Yooralla's 90th anniversary, and I want to record my thanks for the

organisation's countless efforts. I want to also acknowledge Cr Bill Baarini, mayor of Hobsons Bay, together with Cr Leigh Hardinge, Cheryl Neenan and Julie Merritt for hosting this event, which was a tremendous success.

Schools: Catholic and independent sectors

Mr NORTHE (Morwell) — The independent and Catholic education sectors continue to be ignored by the Brumby government, and the 2008–09 budget confirms this government's position. I have had discussions with teachers and staff from many of the Catholic schools in the Morwell electorate, and they feel let down by a government that professes on the one hand that education is its no. 1 priority yet on the other hand continues to ignore the independent education sectors.

The fact is that Catholic schools in Victoria receive approximately \$578 per child less than New South Wales Catholic schools. In effect Victorian Catholic schools receive \$104 million less funding than their New South Wales counterparts. Catholic schools in Victoria receive only 16 per cent of the Australian government school recurrent costs from the Brumby government in comparison to the national average of 25 per cent. These are amazing disparities and not dissimilar to the major issues at the forefront of the long-running teacher pay dispute that confronted Victorian government teachers in recent times.

We support the increase in wages for Victoria's public school teachers; however, the independent schools will also need to increase the salaries of their teachers to restore wage parity. Unless the Brumby government increases funding to these schools, the reality is that Victoria's independent schools will have to reduce resources and increase fees for students. If education is truly the no. 1 priority of the Brumby government, then the Premier should end the inequity that currently exists for Victorian independent and Catholic schools.

Zimbabwe: human rights

Mr SCOTT (Preston) — I rise to draw the house's attention to human rights violations in Zimbabwe. Since 2000 there has been a strong shift away from democracy, with elections rorted, the collapse of the rule of law, racial discrimination and attacks on the independent media, civil society and intellectuals all combining to constitute systematic violations of human rights.

Members of the Movement for Democratic Change, the main opposition party, have been subjected to political

violence, with murder far too common. Morgan Tsvangirai, the opposition leader and perhaps the truly elected president of Zimbabwe, has returned to Zimbabwe; I hope he is not murdered as MDC senate candidate Shepherd Jani appears to have been in recent times.

Democracy is not simply about holding elections. It is marked by political and civil freedoms; respect for the results of elections, whether participants win, lose or draw; and free competition for power, among other things. Sadly, Zimbabwe is marked by autocratic rule, corruption and clientism. Like other members of this house, I hope the people of Zimbabwe are freed from the despotic government they currently live under and can live their lives in peace and freedom.

Trafalgar High School: upgrade

Mr BLACKWOOD (Narracan) — Prior to the 2006 election the Trafalgar High School was promised an \$8 million upgrade. The redevelopment was to be funded in 2007, and preliminary plans were provided to the school for perusal and refinement at the time of the announcement. Trafalgar High School was originally constructed to cater for an anticipated student population of 300, but at present enrolments are pushing above 600 and are expected to continue to increase due to population growth. The reputation of Trafalgar High School as a provider of high-quality education and an excellent accelerated learning program means that student numbers will continue to increase.

The school board, staff, students and parents were expecting this project to be funded in this year's budget, given they missed out last year. The whole school community was absolutely gutted when it was ignored in this year's budget. Maintenance requirements on the older buildings had been put on hold given the expectation that these buildings would be renovated or replaced in the short term. Staff and students remained patient and persevered with these difficulties in the belief that redevelopment was just around the corner.

I call on the Minister for Education to urgently review the status of Trafalgar High School in the funding cycle. She must give the school community an assurance that it will definitely receive funding next year. It is an absolute disgrace that this Brumby government continues to give country Victorians hope with its spin but then kicks them in the guts by not delivering on its promises.

Beaconhills College: reading event

Ms LOBATO (Gembrook) — I was delighted last Wednesday to accept an invitation from Beaconhills College in Pakenham to read to students from prep to grade 4 as part of the National Simultaneous Storytime. I had the pleasure of reading to the junior school the lovely story *Arthur*, written by Amanda Graham and superbly illustrated by Donna Gynell. Going by the feedback from the extremely well-mannered and happy students, I would say the children enjoyed taking part as much as I did. Many thanks to Joy Board and the head of the junior school, Peter Hockey, for allowing me to take part.

John Burge

Ms LOBATO — Last Thursday evening I had the privilege of officially opening an exhibition by Gembrook artist John Burge. The exhibition is located at the Victorian Artists Society galleries in East Melbourne, just around the corner from Parliament, so I encourage all parliamentarians to pay a visit over the next couple of days. This exhibition was John's first in Melbourne in many years, with others having occurred mainly overseas. John's talent is inspiring, and his art is confronting and revealing. I expressed my pride in having such a talented artist as John as a constituent and in the following he enjoys, which includes, among many others, probably half of Gembrook, many of whom were there on the night to celebrate with him. Congratulations to John, and I wish the exhibition much success.

China earthquake and Burma cyclone

The ACTING SPEAKER (Mr Ingram) — Order! the honourable member for Keilor has 50 seconds.

Mr SEITZ (Keilor) — I rise to express my condolences and sympathies to the people of Burma and China in respect to the suffering they have coped with and the natural disasters in those countries. They were tragedies for those two countries and for their people. My sympathy goes particularly to the friends and relatives in Australia, who are fundraising and sending support to both countries. I encourage members in this house to visit the Chinese consulate and sign the book of condolence in remembrance of this tragic event that has hit the people of China — we have a large population here in Victoria, and in Melbourne in particular, of people of Chinese origin — so that as Victorians we can show our sympathy.

NATIONAL GAS (VICTORIA) BILL*Second reading***Debate resumed from 8 May; motion of Ms MORAND (Minister for Children and Early Childhood Development).**

Mr CLARK (Box Hill) — The National Gas (Victoria) Bill 2008 is a bill to adopt the National Gas Law as a law for Victoria and transfer responsibility for the economic regulation of Victorian gas distribution from the Essential Services Commission to the Australian Energy Regulator. The bill as a whole is supported by the Liberal Party and The Nationals. The move to national economic regulation of the energy industry has been a move that our side of politics always envisaged would occur as and when other jurisdictions caught up with the reforms undertaken by the Kennett government. The bill also has general support from industry, albeit a number of specific issues have been raised with us. I thank all industry bodies and participants who provided feedback to the coalition parties.

As with a number of bills that come before the house these days, it is interesting to note the approach taken to reform of the energy market by the minister, and indeed by the government as a whole. It was the minister's side of politics that fought the Kennett government reforms tooth and nail, predicted all sorts of dire consequences would come to Victoria through the reforms that former Premier Jeff Kennett and former Treasurer Alan Stockdale undertook, and yet now it is singing the praises of privatisation. That was particularly striking in the evidence the minister gave to the Public Accounts and Estimates Committee hearing the other day. We welcome this conversion — this seeing of the light — on the part of the minister and the other members of the government, although I must observe that one still sees a number of government backbenchers who have not quite caught up with the change of heart on the part of the government and who still in their speeches continue to rail against the Kennett government reforms and private sector involvement in the energy industry.

The fact that the government has now seen the light in principle does not mean it is proving to be an effective administrator of the reformed regime. I have been very critical on other occasions of the government's failure and that of its regulatory body, the Essential Services Commission, to adequately respond to changing circumstances and to improve and upgrade the rules and administration of the industry and the way in which the regulatory regime operates. One clear example of that was the failure of the government and the Essential

Services Commission to adjust and make changes in light of the experience of the severe electricity blackouts that Victoria experienced in 2005 and 2006. We had an almost exact repetition of the same failures in 2008, with no lessons having been learnt from the reports that were prepared by the Essential Services Commission and its consultants into the 2005 and 2006 blackouts.

It must be said that we also have seen the government's failure even to commission a proper independent review of what happened in the most recent blackouts and of what could be done to improve the situation for the future. To refer this issue to the Emergency Services Commissioner, Mr Esplin, is a sweeping of the issue under the carpet, because whatever expertise Mr Esplin may have in relation to emergency services, he does not have expertise in relation to the regulation or the administration of the energy industry, and that is the area that is crying out for investigation and reform.

Similarly, in relation to the gas sector we have seen a number of serious gas shortages in Victoria which have badly disrupted the market. We also must have concerns about the future adequacy of supplies of gas to Victoria, particularly having regard to the fact that the human response to climate change is likely to lead to an increased use of gas in lieu of brown coal as emissions capping and trading schemes and other measures are introduced in response to the scientific advice that is coming forth on climate change.

One of the main purposes of the bill, as I said, is to adopt as law for Victoria the National Gas Law. That is a law that is being passed in the South Australian Parliament. It is being adopted by clause 7 of the bill before the house. I should make the point that the appendix to our bill is the bill that has been introduced in the South Australian Parliament. It does not appear to have been actually adopted by reference in our bill, but it is useful for all concerned for us to have at least the current South Australian bill available for us to consider as we address the Victorian bill.

The bill also transfers the economic regulation of gas distribution from the Essential Services Commission to the Australian Energy Regulator. The transfer will mean that the Australian Energy Regulator will undertake the next distribution pricing determination to be conducted, which is due to take effect in 2013. The bill also preserves the existing state-based regulatory regime for distributors until a nominated date, at which point administration of that existing regulatory regime is to be transferred to the Australian Energy Regulator. The opposition understands from the very helpful briefing that was provided to it by officers of the

department that it is intended that administration will be transferred to the AER when the distribution pricing determination that is currently in progress is finalised. The provisions that govern that are set out in part 5 of the bill.

The bill, and the South Australian law that it adopts will also lead to Victoria taking part in a national bulletin board in which information about gas supply, including about emergency situations, will be shared among industry participants and users. Finally, in terms of the provisions of the bill, I refer to clause 14(2) which contains a section 85 provision that will limit the jurisdiction of the Victorian Supreme Court in cases where the National Gas Law gives jurisdiction over cross-border pipeline disputes to the courts of the jurisdiction which is 'determined to be' the jurisdiction with which the pipeline 'is most closely connected'.

When we turn to the formal purpose of the bill as set out in clause 1, we see that it states:

The main purpose of this Act is to provide for the establishment of a national framework to enable third parties to gain access to certain natural gas pipeline services.

I observe that this purpose does seem rather curious in focusing specifically on the third-party access to natural gas pipeline services. While that is an important component of the national regime, there are other important aspects of this bill, being those that I have previously referred to. I would be interested in an explanation from the minister as to why the express purpose of this bill focuses on third-party access to pipelines.

When one then turns to the proposed National Gas Law itself and clause 23 of part 3, division 1, which is set out at page 158 of the bill as circulated to members, it is headed 'National gas objective' and states:

The objective of this Law is to promote efficient investment in, and efficient operation and use of, natural gas services for the long term interests of consumers of natural gas with respect to price, quality, safety, reliability and security of supply of natural gas.

This objective raises a range of issues. In talking about supply of natural gas it raises the issue of what the current government has done or failed to do in terms of the supply of natural gas to country towns. Towns across Victoria were promised a supply of natural gas by the Labor Party in its 2002 election promises, and in many instances those promises have not been delivered and the communities concerned have been duded. I expect many of my country colleagues will have a great deal to say about that during the course of this debate, and I will not cut across their remarks.

More broadly the objective raises the issue of the effectiveness and fairness of the regulatory regime that is to be applied at a national level. As I indicated at the outset, we on this side of the house support in principle the move to national regulation, which we have always envisaged to be the logical and desirable outcome of the process of reform that the Kennett government initiated. However, achieving national regulation was always going to be a challenge. In the case of the Howard federal government it was like trying to herd cats to try to get the various Labor states to agree. We now have wall-to-wall Labor governments in Australia, and I fear that we may end up with a case of the blind leading the blind.

We do not want heavy-handed and bureaucratic regulation. Clearly energy is in many aspects a monopoly industry, and a monopoly industry does need regulation because otherwise basic economics demonstrate that a monopoly will charge far higher prices than are economically efficient. But that regulation should aim to remain light-handed rather than micromanagement by regulators. To take one simple example in terms of the setting of fees or prices, the original policy objective was put in terms of consumer price index minus X — in other words, that there should be a lowering of real prices by an X factor that was determined by reference not to the scrutiny of individual operators but by basing the X factor on an assessment of the average performance of operators, so that an operator that was able to perform better than the benchmark X factor would be given an incentive to do so. It would allow a reasonable period for them to earn a reward for their innovation or their other performance improvements but then ensure that over time those benefits were gained for and passed through to consumers.

One respondent to the opposition warned about regulation becoming too heavy-handed and about misguided political intervention. He said he was not familiar with the term 'efficient investment', that it was probably a public service concept. He said he would prefer the term 'viable investment', which was used in the former commonwealth Petroleum Products Pricing Act 1981, to ensure that zealous price controllers did not bankrupt oil companies, as early Victorian governments did with the then private gas companies. That is a salutary warning to those who are now taking on regulation at a national level.

There is also the crucial issue of securing Victoria's gas supply and ensuring there is adequate infrastructure for the supply of gas. Securing supply points to two aspects of failures by the Bracks and Brumby governments: firstly, to ensure there is adequate capacity for the

current supply of gas; and secondly, to make sure that there are adequate arrangements in place to ensure that our future energy needs are met in relation to both gas and electricity. In respect of electricity, we need to ensure that we do not suddenly find ourselves with a lack of baseload capacity because of the complacency of the Bracks and now Brumby governments in failing to make preparations so that further baseload brown coal capacity can be installed as quickly as possible in the Latrobe Valley if, as we certainly should all be fervently hoping, carbon capture and storage proves to be a viable technology. Despite the very complacent attitude expressed by the minister at a recent Public Accounts and Estimates Committee hearing, Victoria does seem to run a real risk that we will be caught with a shortage of energy supply, both gas and electricity.

One person who responded to the opposition expressed his view that we have at least 15 to 20 years supply of natural gas which can be replaced by syngas, or synthetic natural gas, from brown coal in due course or by imports of liquefied natural gas. If this person's assessment is correct, then we do not have all that long into the future in which we can rely on the supply of natural gas. Part of the reforms that are taking place at a national level are to build pipeline capacity around the nation so that each jurisdiction is not simply dependent on its own domestic supply and so that gas supply can be augmented. That is obviously crucial as more local supplies become depleted.

The same respondent to the opposition made the point, however, in terms of the current adequacy of infrastructure that the government has already had to make what he referred to as a minor expansion of the Victorian grid, which suggested that appropriate incentives are not being provided. He also made the point that the Victorian network has what he described as virtually zero surge capacity — only the Iona plant and some liquefied natural gas (LNG) in Dandenong — and the interconnector with New South Wales has a small capacity, so there is no redundancy in the network. In his view it is not a reliable network; it needs more investment to give it the capacity to provide for example, two weeks of uninterrupted supply in case of emergency.

We certainly have had experience in Victoria of emergency situations, not only Longford, which comes most readily to mind, but as I have raised in the house previously there was a serious gas shortage in July 2003 which resulted in a class 5 gas emergency, and in June and July last year there was another serious shortage of gas when VENCORP was forced to pay compensation to gas suppliers after it had to order them to supply gas in addition to that which they were supplying through the

usual market in order to ensure that there was enough gas in the pipes. That gave rise to the issue of the gas market congestion charge and the controversy over that. What did not get as much attention was that there was an inadequate pipe network to meet peak demand. It was not until October 2005 that VENCORP completed modelling for a preferred option, which is an upgrade known as the Corio loop to run from Lara to Brooklyn.

Poor regulation and poor forward planning are putting Victorians at risk of gas shortages. The minister again was very sanguine in responding when I raised that issue in this place. He claimed that the problem could be avoided by the retailer purchasing additional LNG and associated pipeline capacity, which he believed was available to them, but he also admitted that VENCORP was reviewing the operations of the market in light of the abnormally high demand for gas in the winter of 2007. I repeat the point that with potential increasing reliance on gas for the generation of electricity as a result of the response to the science on climate change, there are in future likely to be increasing constraints and limitations on and shortfalls in the gas supply to Victoria, and the government cannot afford to be laid back and take it for granted that these problems will solve themselves without effective action by the government and by its regulatory body, VENCORP.

Other parties that have made observations to the opposition have expressed similar views, talking about the significant upward gas cost pressures arising from factors such as a greater use of gas-fired generation, talk of LNG exports from Gladstone which could link eastern seaboard gas prices more closely to the export LNG price of \$3 to \$4 a kilojoule compared to \$6, \$8 or even \$12, and a carbon price which could make gas a transition fuel before any carbon capture and storage or other low-carbon technology arrives.

We were told members of the respondent's organisation are getting very concerned about what impact gas cost pressures could have on local gas users and the competitiveness of gas-using industries. It is a very serious issue indeed. National regulators under this new regime will need to play their part, but even more importantly VENCORP, the Victorian government body, and the Victorian government are going to have to make sure that Victorians have adequate gas supplies into the future.

Another issue that is raised by the bill and its objectives is the appropriate basis for requiring pipeline owners and operators to give access to third parties. This is an issue on which there is considerable disagreement within the industry. One correspondent with the opposition made the point that investors in pipelines

needed to recover their costs quite early in the life of the pipeline, because as pipelines become older, maintenance costs rise rapidly due to corrosion. He referred us to the experience with the Moomba pipeline, and he questioned whether the methodology being used by regulators to assess cost recovery was making proper allowance for the various risks that were involved for the pipeline operators and whether it recognised the problems with the stepwise nature of investment due to the small Victorian market and small market growth in a world of large minimum economic capacity.

On the other hand another industry respondent has said to the opposition that one of his organisation's remaining concerns is that the approach to pipeline access does not adequately enough recognise the monopoly nature of pipelines and therefore frees them up from regulation too much. This organisation would prefer that pipelines that are monopolies or near-monopolies be regulated under the third-party gas access regime. This person pointed out that they are also provided with 10-year gas holidays, which his organisation did not support, and argued that the pipeline industry succeeded in persuading the Ministerial Council on Energy that it was too heavily regulated and that this was killing off investment. His organisation did not accept the arguments and did not find that the facts fitted it.

This person also expressed concerns about the provisions for appeals on merit by end users of access decisions and argued that they do not recognise that end users face enormous practical problems when appealing and that even large users have overall costs at stake in gas access decisions that are too small relative to the costs and risks of appeal. However, although collectively users may have much more at stake, getting them organised to appeal is extremely difficult.

I do not intend in these remarks to try to sort out all of these issues about an appropriate gas pipeline access regime, but what is very clear from these hot controversies within industry is that there may well be over time a need for future change to the provisions for pipeline access in the National Gas Law. It is this aspect that causes us some concerns, because from what the opposition was told in the briefing with which it was provided by the department it appears that there are not well-established arrangements whereby changes to the National Gas Law can be put forward and decided upon.

We understand that there has to be unanimous agreement by the jurisdictions to any change in the National Gas Law. We do not necessarily quarrel with

that, but what is surprising is that there does not seem to be any formal mechanism in place whereby proposals to changes to the laws can be initiated, for example, by the Ministerial Council on Energy. From what we can make out it seems that any proposed changes to the law are simply a matter for multilateral direct contact between energy ministers, which flags the fact that what is being adopted as National Gas Law cannot be assumed to be the last word on any aspect of the law and that over time it is very likely to be necessary to establish better mechanisms for proposing and deliberating on any changes to the law that may be made.

Another aspect of change relates to the rules. In relation to the rules there is an established mechanism for changes. We were informed at the briefing that the foundation rules will be those tabled in the South Australian Parliament and after that it will be open to the Australian Energy Market Commission to make changes to the rules. The issue here is one that arises in relation to many regimes that are agreed upon between jurisdictions — namely, the fact that rule-making capacity and any changes to the regime can be agreed at a government-to-government level or by a body such as the AEMC means that there is less of a say for state parliaments in what is being done. That is a factor that should be a cause for concern.

It is important for one to weigh up on a case-by-case basis whether or not the advantages to be gained by having a national regulatory regime of this sort outweigh the loss of a democratic say for the community through its state Parliament on what is to be the content of the relevant law. On balance in this instance we believe it is appropriate that there be a mechanism for changing the rules without bringing those changes to the rules back to state parliaments because, as I said at the outset, we support a move to national regulation of the energy market, because many aspects of the energy market and hopefully more aspects in the future will be national ones as energy markets become more and more interconnected. The fact that we accept this principle in relation to this bill does not mean that it is one we would universally accept.

I also want to refer to the bulletin board that is to be established under the new National Gas Law. This is set out in chapter 7 of the proposed law starting at page 252 of the bill. One party that contacted us raised concerns about the extent to which larger users would have access to adequate information under the bulletin board, and understood that the regime does not provide for large user access to information about gas emergencies. I certainly would appreciate clarification

from the minister on this. Proposed section 218 of the appendix to the bill says that the bulletin board is:

... containing information of the kind specified in the Rules in relation to natural gas services.

We understand from the briefing with which we were provided that large users will be able to have access to all that information, but this is an issue of considerable concern to one of the industry participants that responded to the opposition, and I would hope this issue can be resolved.

I refer briefly to the section 85 provision issue about cross-boundary pipelines and seek the minister's clarification as to exactly how it will be determined in which jurisdiction any litigation will take place. Finally, I mention that one respondent to the opposition raised a concern that because in the international context the acronym 'NGL' refers to the natural gas liquids such as naphtha and kerosene it might cause confusion. Overall, as I said at the outset, the move to national regulation is one that the opposition supports in principle and therefore it is pleased to give its general support to the bill before the house.

Mr HARDMAN (Seymour) — It is a pleasure to support the National Gas (Victoria) Bill 2008. The bill facilitates the implementation of the second phase of the national energy market reform program which is being undertaken by the Ministerial Council on Energy as part of the Australian Energy Market Agreement 2004. Firstly, this bill will apply the National Gas Law and National Gas Rules as laws of Victoria and will repeal the Gas Pipelines Access (Victoria) Act 1998. Secondly, it will provide for transitional arrangements in relation to access arrangements relating to pipeline services provided by means of distribution pipelines. Thirdly, the bill will provide for the transfer of responsibility for Victorian-specific economic regulation of pipeline services provided by the means of distribution pipelines from the Essential Services Commission to the Australian Energy Regulator.

The bill transfers governance and institutional arrangements for the gas access regime, and the Australian Energy Market Commission will be responsible for making rules and market development, and the Australian Energy Regulator will be the industry regulator.

The reform program promotes the long-term interests of consumers with regard to the price, the quality and the reliability of gas services, and these interests are obviously important to Victorians as they impact on our quality of life. Victorians deserve to have an affordable product or gas service that is efficient and reliable. Any

actions that we as a government can take to ensure the price, the reliability and the quality of gas services will be welcomed by my constituents who have access to natural gas.

The reform program will improve the climate of investment through strengthening the quality and timeliness of governance of the energy markets. The Brumby government prides itself on creating a positive climate for investment, which is why we take very seriously national consistency of regulation not just in the energy markets but right across the board in a number of regulatory areas, where state borders cause anomalies and make it very difficult for companies that are trying to provide services on either side of the borders and interstate. It is always a very positive step when we are able to come to an agreement nationally on a regulatory process.

The Brumby government has programs such as the Regional Infrastructure Development Fund and has provided things like WorkCover relief and payroll tax reductions to try to improve the investment climate in Victoria, because we know that that will mean more jobs and a better life for Victorians. The reform program streamlines and improves the quality of economic regulation across energy markets by lowering the cost and complexity of regulation facing investors, enhancing regulatory certainty and lowering the barriers to competition. These measures will ensure that the market works for the benefit of Victorians and indeed Australians, as it is a national bill covering all states, apart from Western Australia, I believe.

This bill follows legislation introduced in the South Australian Parliament, with that Parliament taking the lead in this area. It is important obviously that governments across Australia work together to ensure that we create the best environment for energy markets; in all other areas of government regulation, if we can work together and cooperate, we will have a more competitive Australia right across the board so that all states, including Victoria, can take advantage of that.

The member for Box Hill, when speaking on the last few bills, has pulled out the same speech in which he takes the opportunity to claim credit on behalf of the Kennett government for the reform path that we are on; he alleges there has been a sudden change in direction by the Labor Party. I would like to take this opportunity to correct some of those assertions. Firstly — yes, the Kennett government did sell off Victoria's energy assets, but it left them there and forgot about them. It did not take the necessary action to ensure the security, the reliability, the competition and the affordability of energy for Victorian consumers.

The fact is that it was the Keating federal Labor government that established the National Competition Council, which began the national reform program. The Keating Labor government encouraged the states to address deregulation and the introduction of competition in the provision of government services.

The bill continues the reforms that the Bracks and Brumby Labor governments have undertaken since 1999. It is worth reminding the house that the Victorian Labor government established the Essential Services Commission through legislation. At the time that was regarded as an important bill because the market needed to have some regulation so that there would be a positive market for consumers and business. It was the Labor government that introduced retail competition for both the gas and the electricity industries. It is also the Labor government that has facilitated competition and ensured that, according to the First Data Corporation, Victoria ranks no. 1 as the hottest market in the world.

It is worth reminding the member for Box Hill that the Victorian Labor government has got the runs on the board as a result of our efforts over the last eight years to make our energy markets deliver best outcomes for all Victorian families. That is in the area of having a sufficient, quality, reliable and affordable supply of energy, and I hope members opposite take a look at their history books to remind themselves of what has taken place. It is interesting to note that the member for Box Hill talked also about natural gas; it should be remembered that not very much was done under the Kennett government to extend natural gas to communities that did not have it. It was the Bracks Labor government which actually connected Yarra Glen, in my electorate, to natural gas; the people of Yarra Glen are now enjoying the benefits of those connections. With those words, I support the bill and commend it to the house.

Mr NORTHE (Morwell) — It gives me pleasure to speak on the National Gas (Victoria) Bill. Its purpose is to adopt the National Gas Law and transfer responsibility for the economic regulation of Victorian gas distribution from the Essential Services Commission (ESC) to the Australian Energy Regulator (AER).

As previous speakers have noted, the bill will adopt the National Gas Law as law for Victoria, as was done in the South Australian Parliament recently. As I have just mentioned, a transfer of the economic regulation of gas distribution from the ESC to the AER will occur, which means in effect that the AER will undertake the next distribution pricing determination, which is due to occur in 2013. It also preserves the existing state-based

regulatory regime for distributors until a nominated date, when that administration is transferred to the AER. It is intended that that administration will be transferred when the distribution pricing determination which is currently in progress is finalised.

The member for Box Hill outlined a couple of concerns on this side of the house in relation to the national bulletin board, which will supply information about gas supply, including emergency situations that may arise; that information will be shared among industry participants and users.

The member for Box Hill also referred to section 85 of the Constitution Act and the clause that will limit the jurisdiction of the Supreme Court in cases where the National Gas Law gives jurisdiction over cross-border pipeline disputes to the court of jurisdiction which is determined to be the jurisdiction to which the pipeline is most closely connected.

Initially when I read the second-reading speech and that particular aspect I had some concern about how that may affect landowners in that instance, although I am advised that that element of it should not cause great concern, although we are interested to see the minister's response and how the bulletin board and any cross-border pipeline dispute will actually be played out. At the moment the AER essentially regulates the wholesale electricity market and electricity transmission and distribution networks in the national electricity market. As has been pointed out, we support the national regulation of electricity and gas.

The AER will essentially become responsible for the regulation of gas transmission and distribution networks and for enforcing the National Gas Law and the National Gas Rules once they are enacted in all jurisdictions except Western Australia. Once these laws come into place the AER will undertake a number of roles and responsibilities, including approving or making the gas access arrangement; making access determinations in relation to access disputes; preparing service provider performance reports; imposing additional ring fencing requirements and granting ring fencing waivers; approving associate contracts; and approving or voiding competitive tendering arrangements. The AER will undertake a whole raft of different responsibilities. Once the National Gas Rules have been issued, the Australian Energy Market Commission will be responsible for changes to those rules.

Natural gas in Victoria is sourced mainly from the Gippsland basin, down in my particular part of the

world; a lot of it is produced at the Longford processing plant.

An honourable member interjected.

Mr NORTHE — I was about to say before being interrupted that down in the south-west coast — the Otways basin — there is gas access from that particular field as well. There has been some concern about the projections of our use of gas into the future, and there are some differing views about how many years of use we have left in our natural gas reserves. The predictions are somewhere in the vicinity of 15 to 30 years.

At the moment the users of our natural gas in Victoria are somewhere in the vicinity of 34 per cent for residential use, much the same figure for manufacturing, 11 per cent for gas-fired power generation — which I will talk about in a minute, 11 per cent for commercial use, 8 per cent for mining, and the balance of 2 per cent is used for transport and agriculture.

The figures that I have in front of me suggest that Victoria has somewhere around 1.6 million customers and demand of over 220 petajoules per year. There are some fluctuations in our use of gas during the winter period because of our heating needs, when we use substantially more gas than we do in the summer. Gas demand has grown at a rate of around 2 per cent per annum over the last decade, and, as I say, we have some concern about the future demand for our natural gas resources.

Many communities in the Morwell electorate have raised the prospect of having reticulated natural gas and have outlined the subsequent benefits that having natural gas would bring to them, in particular the townships of Yinnar, Boolarra and Yallourn North which all have schools, small business, recreation and community buildings and assets, and hotels as well. Some sectors still rely upon LPG or other means for their heating and energy requirements. The connection of natural gas could enhance the business and employment opportunities in these communities.

As has been mentioned many times in this chamber, we are now experiencing population growth in Victoria and, hopefully, the flow-on effects of population growth in regional Victoria. Natural gas is one of those elements that could really grow communities in the regions. In fact on 7 June last year I wrote to the then Minister for Regional and Rural Development, now the Premier, on behalf of the Yinnar, Boolarra and Yallourn North communities and tried to access information from him about the natural gas extension

program (NGEP) in Victoria. Under the NGEP, gas distributors are required to demonstrate that new investments are economic under the economic feasibility test of the natural gas access code, and that revenue earned from the extension must cover the capital cost of the project plus a set rate of return as determined by the regulator. Other considerations include the distance from existing networks, and potential customers.

KPMG produced a report in 2005 which in part describes the economic benefits of providing natural gas to many communities. Those benefits were through the construction phase, construction activities through industry in those areas, increased gas distribution activity, the expanded industrial activity that would form part of those communities being connected to natural gas and, of course, the potential savings to households, industry, business and the like from that. The report made very interesting reading. Benefits do flow on to those towns and communities that have access to natural gas.

There are 34 townships that form part of that program. There were some in Gippsland including in Bairnsdale. I know Patties Foods grew their business tenfold once natural gas was installed in the region, which is a very good demonstration or illustration of what can be achieved. In South Gippsland — and other members may wish to comment on this as I am sure the member for Gippsland South will — Lang Lang, Korumburra, Leongatha, Wonthaggi and Inverloch were earmarked through that natural gas extension program.

In relation to energy needs, HRL is undertaking some new technologies, one of which is called integrated drying gasification combined cycle. This is a \$750 million project in the Latrobe Valley which essentially generates power using new technology that will limit greenhouse gas emissions and reliance upon coal. The project will use 7 petajoules of gas per annum and is a major project within the Morwell electorate that will benefit from our natural gas reserves.

I would like to conclude by saying that whilst there are some elements of concern over this bill, on the whole we support what has been proposed.

Ms RICHARDSON (Northcote) — I am very pleased to rise in support of the National Gas (Victoria) Bill 2008. This bill will facilitate implementation in the energy sector of the second phase of the national energy market reform program under the Council of Australian Governments reforms.

As members have previously said, the reform has bipartisan support. I think South Australia is the leading state on the reforms that are being proposed. The Ministerial Council on Energy (MCE) is undertaking the reform pursuant to the Australian energy market agreement of 2004. This bill will transfer the governance of and institutional arrangements for the gas access regime to the framework established under the national energy market reform program with the Australian Energy Market Commission to be responsible for making rules and market development and the Australian Energy Regulator (AER) to be the industry regulator.

The bill also implements policy changes to the gas access regime developed from the Productivity Commission's review of that regime. It will also implement a framework for revenue and network pricing developed from the advice of the expert panel appointed by the MCE. The bill will also apply enhanced regulatory information disclosure requirements, implement a framework for a merit review of economic regulatory decisions and set out principles to be applied and procedures to be followed by the gas bulletin board operator. The bill also contains transitional provisions with respect to the transfer of responsibility of the economic regulation of gas access from the Essential Services Commission to the AER.

But, as the member for Seymour said, every so often in this place we have a requirement to remind members opposite of what took place in the past as opposed to the figments of their imaginations they leap to during various debates. It was a Keating Labor government which established the National Competition Council that began the national reform process. Opposition members might want to reflect on that when making statements in the future. To suggest that somehow the Kennett government started this process is simply wrong. When it came to energy, the Kennett government merely sold off the family jewels and forgot about any other future process.

This bill continues the reforms which this government has undertaken since 1999. It is worth mentioning for the record that this Labor government established the Essential Services Commission and this Labor government introduced retail competition for both gas and electricity. In conclusion, I would like to commend the bill to the house, particularly because these reforms are all about promoting long-term consumer interests with regard to the price, quality and reliability of gas services. To that end, I commend the bill to the house.

Mr WAKELING (Ferntree Gully) — I am pleased to rise to make a contribution to the National Gas (Victoria) Bill 2008. The purpose of this bill is to adopt the National Gas Law and transfer responsibility for the economic regulation of Victorian gas distribution from the Essential Services Commission (ESC) to the Australian Energy Regulator. The bill is complex and seeks to do a number of things. I would like to go through five of them.

Clause 7 of the bill adopts the National Gas Law, being passed in the South Australian Parliament, as Victorian law. The bill will also transfer the economic regulation of gas distribution from the ESC to the Australian Energy Regulator. This will mean that the regulator will undertake the next distribution pricing determination which is due to take effect in 2013.

Part 5 of the bill preserves the existing state-based regulatory regime for distributors until a nominated date when administration is transferred to the regulator. It is intended that administration will be transferred when the distribution pricing determination, which is currently in process, is finalised. The bill also will ensure the establishment of a national bulletin board where information about gas supply and emergency situations is shared amongst industry participants and users.

Section 85 of the Constitution Act limits the jurisdiction of the Supreme Court in cases where the National Gas Law gives jurisdiction over cross-border pipeline disputes to the courts of the jurisdiction which is determined to be the jurisdiction to which the pipeline is most closely connected; this is referred to in clause 14(2) of the bill.

As the member for Box Hill said, the Liberal Party will be supporting this bill because it seeks to build on the reforms which were initiated by our side of politics — the Kennett government. More importantly, this bill builds on the work done by the former Howard federal government which sought to see the creation of a national scheme. It is interesting to see those democratic socialists opposite standing up and fighting for all of the things which were implemented by the Liberal Party. It is even more interesting to hear them belittle us and say that we are converts when we were the party that initiated this type of reform in this state.

As always, I was interested to hear the contribution of the member for Seymour. He talked about pipelines in the electorate of Seymour. The member for Seymour has his own pipeline of panic that he is dealing with in his electorate. I am sure his time would be better spent talking to people in his electorate about their concerns

about that pipeline, because that pipeline will not be containing gas. The pipeline will be taking water from the people in the north and piping it south to Melbourne.

The member for Seymour talked about the system being implemented by the Kennett government. He sought to cast a number of aspersions on the Kennett government. But it is clear that those members opposite did not seek to revoke the legislation which was put in place by the Kennett government; they did not seek to re-regulate the system that was implemented by the Kennett government. They did not do that because they knew it was good policy. Despite the protestations of Labor members opposite, when the Labor Party was in opposition it talked about the problems of the new system and how the sky was going to fall in. When the Labor Party came into government it had every opportunity to change the system and it sought not to.

The member for Seymour also made reference to the Essential Services Commission, which is affected by this bill because the bill seeks to transfer the responsibility for the economic regulation of gas distribution from the ESC to the Australian Energy Regulator. I will look for a moment at the role of the Essential Services Commission. I am reminded that back in 1999 the then opposition leader, Steve Bracks, went to an election and told the Victorian community that as a first step to making Victoria a better place, he offered six pledges, which were responsible, affordable and long overdue. The fourth of those pledges was to guarantee reliable supplies of gas, water and electricity through an essential services commission with tough new powers. Obviously the people of Victoria expected that this government would act when it came to the supply of energy.

Electricity supplies fell under the control of the Essential Services Commission. The level of supply under the watch of this government was such that in 2004 the average household customer was without an electricity supply for 132.3 minutes; by 2006 that figure had increased to 165.4 minutes. That is a damning statistic — a 25 per cent increase in the length of time that customers in this state were without electricity supplies.

The member for Seymour talked about the wonders of this government in the supply of gas. On this side of the house many members represent country Victoria. I am sure they will stand up in this house and tell their stories, as the member for Morwell has just done. I am sure the member for Hastings, who is sitting beside me, would certainly agree that many of the hardworking people in his electorate are without natural gas. I call

upon the minister to go and talk to people such as the people in Hastings and explain to them why they are without natural gas.

It is all good and well to stand up in this place and talk about the wonders of this government, but it has been in power now for nearly nine years, yet still Victorians are going without. It beggars belief that those opposite have the audacity to say this is a government that is delivering, because when you talk to people on the ground, that is just not the case.

The minister's view is very simple: country Victoria is too far away. This is a government that is turning its back on people in rural and regional Victoria. Whether it is to do with gas, water or other essential services, this government is turning its back. It can put out all the spin and all the rhetoric it likes through its hundreds and hundreds of spin doctors, but the reality is that when you ask Victorians if they think they are living a better life under this government, the answer is very simple: this government has record spending — upwards of \$34 billion of expenditure in this year's budget. You would think something of that \$34 billion could be delivered to country Victoria. This government should hang its head in shame, because it knows it is failing to deliver on important areas such as gas.

I will be very interested to see what other reforms, put in place by the previous government, this government does not seek to overturn. I am reminded of the nationalisation of industrial relations laws that were introduced by the Kennett government. Of course this government did not oppose the referral of powers. This is a government that sees good policy, believes it is important for this state and does not seek its removal.

That is why we on this side of the house will be supporting the legislation, because in principle it is a reinforcement of what the Liberal Party put in place more than 10 years ago. It is a reinforcement of the policy direction that was put in place by the Kennett government but which those opposite bitterly fought against back in the 1990s; yet their representatives are the ones now singing the praises of the former Kennett government. They will not say the word 'Kennett', but they know in their heart of hearts he was right, and that is why they are more than happy to continue the hard work that the Kennett government did in the important area of energy reform.

Mr HOWARD (Ballarat East) — I am certainly very pleased to speak on this piece of legislation relating to natural gas as a next phase in rolling out a national energy market reform program. I am very

pleased to follow the member for Ferntree Gully, and I need to start off by reminding the house why I am here as the member for Ballarat East, a Labor member of Parliament, and how I was elected in 1999 because the people of Victoria firmly rejected the Kennett government's policies of selling off state assets and neglecting regional Victoria — things that the member opposite seems to suddenly want to attach himself to again, to praise the Kennett government for selling off the State Electricity Commission, for selling off the Gas and Fuel Corporation of Victoria and thereby leaving Victorians vulnerable to private enterprises.

Since we came to government we have put in place several regulations to ensure that the people of Victoria are protected and that their interests are served by way of regulation. Certainly the people of Victoria will remember that it was the Kennett government that sold off those assets from this state, which meant that consumers, particularly across regional Victoria, were vulnerable. We had to put in place several lots of legislation to ensure that we could protect people, and as a government we have taken much action to support regional Victoria. I continue to be a member of this place, representing regional Victoria, and I am very proud of this government's support of regional Victoria, which is why I was pleased to correct the points incorrectly made by the member for Ferntree Gully.

With regard to this legislation, this is about recognising that we need to act with a sense of national cooperation, and I am very pleased to see that with a change of federal government there is a greater opportunity than we have ever had before to act with a sense of national cooperation. By acting with a sense of consistency at a national level we can provide Australians with a sense of efficiency that will be of benefit to consumers as well as giving a sense of reliability to people who are providing energy and looking to invest in the energy industry in this country.

Let me again remind the house that those opposite who want to say that it was Kennett who set up some great initiatives and that John Howard started the national agenda, as the member for Ferntree Gully wanted to say, should stop dreaming. Let us be realistic and recognise that in fact the Keating Labor federal government brought about the national reform agenda, put in place national competition policy and which initiated some of these reforms that have seen us acting to try to work together on a national reform agenda. The Howard government set that national agenda back on several occasions, when it failed to cooperate with the states and wanted to continue to play politics and a blame game with the states rather than working

together with them on a national agenda. But now, with the Rudd federal government in power, we have the opportunity of working on a national agenda.

Let me also say that as well as bringing forward several pieces of legislation which have supported consumers of gas and electricity across the state by setting in place a clear regulatory system that protects the interests of consumers, one of the key things that this government has enshrined is the Essential Services Commission, which these days ensures protection for consumers across the state in the areas of water, gas and electricity. The Bracks and Brumby Labor governments since 1999 have brought forward several pieces of legislation to protect the interests of Victorians.

Let me also remind the house that it was this government and not the former government — there was no natural gas extension into Victoria under the former government — that put forward \$80 million to extend natural gas into the regions. It would not otherwise have happened under the private system of natural gas ownership that we have across the state now. Through the \$80 million put forward by this government I was able to see gas go to Creswick in my electorate. The people of Creswick have been very pleased about that. It might be fair to say that when natural gas was first announced for Creswick, some people were a bit sceptical about the way it would be delivered.

Certainly a former member of this government in the upper house who later left this government and is now quite rightly no longer a member of Parliament, tried to mislead the people of Creswick by saying the government was only going to bring natural gas to some areas, just the central part of Creswick. She said that the people in the outlying areas should know they would never get natural gas. She tried to mislead the people of Creswick in terms of what their opportunities were for natural gas extension.

Of course this government provided natural gas to Creswick. Naturally enough it was rolled out to the people in the more densely populated areas at first, but through my activities working with SP AusNet, the gas provider into Victoria, we have seen several extensions take place since that time into areas that it was initially thought would have no chance of getting gas extensions. It was at no additional cost to residents other than the requirements of their own gas appliances and the rollout of gas within their properties on the property side of the gas meters.

As I speak, there is further gas extension taking place in areas of Creswick — in Lutet Street, in Elizabeth Road

and in areas where people told me that they had been told they would never get natural gas so it was useless for them to express any further interest. They said the government had let them down, but in fact they are now seeing that this natural gas rollout is working in their interests. They are getting natural gas. We have been delivering natural gas into regional Victoria, but under the former government that certainly would not have happened.

I am very pleased to support this legislation, noting that natural gas is a very important energy source for people in my electorate. I am very pleased that this legislation further puts in place national regulations that will benefit consumers.

Mr RYAN (Leader of The Nationals) — It is my great pleasure to join the debate on the National Gas (Victoria) Bill 2008. I might say it is always a pleasure to follow the member for Ballarat East. He is yet another of those born-again capitalists who inhabit the government benches and who come in here day after day — we heard it again today during question time — exhorting the state to a better position of being a competitive economy. They are able to preach the fact of being a government here in Victoria operating one of the most competitive economic environments across Australia. They talk about the joys of Council of Australian Governments being able to present our state as having a capacity to compete in all sectors throughout the nation.

I can pull rank here. As I look around this place when I am speaking, not surprisingly I see that it is nearly empty but amongst those who are present I am by far the most senior in years of service to the Parliament. The great thing is that that immediately means you have the capacity to tell the story as it really was back then. Indeed I listened to the Minister for Energy and Resources responding today to whatever the question was, and I just could not help but think that I would love the opportunity in another life, if it were to come to me, to be able to sit him down in a dark room at some stage and read back to him all the speeches that I have heard him and others make over those years when the privatisation was taking place. Back in those days of course they said, 'Oh no, not on your nelly'; there was never going to be any privatisation of anything. They swore blind it would never happen. They came in here every day and night, day after day and night after night, and spoke vehemently against it — every one of them. The Premier, as he now is, the Attorney-General and the Minister for Energy and Resources were in here every day talking about not being able to privatise any of the enterprises which were then operated by government.

This silly frame of mind, which the government has to this day, perpetuates the sort of rubbish which we have just heard trotted out by the member for Ballarat East. The very rationale for the extensions of natural gas that are now being brought to communities across country Victoria has its foundation in the fact that the whole system was privatised. The member for Ballarat East on the one hand complained bitterly about the fact of the privatisation process having happened and on the other hand said that the government has been able to extend natural gas to different parts of Victoria. It is an absolutely classic illustration of the confused frame of mind that those opposite have. Even worse — I will give him the benefit of the doubt in this sense — I will say that perhaps it was not a confused frame of mind but rather that he knows precisely the sort of rubbish he is trotting out. But government members are quite happy to do it, because when it serves their argument on either side of the fence they will run nonsense such as we have just heard from the member for Ballarat East.

Just to add to that, the people who actually drove the notion of a special fund being set for extensions of natural gas were The Nationals. We were the first to come up with a policy that would dedicate a fund of money for natural gas extensions. The government went into the election in 2002, I think it was, and did not even have a policy on it — within about 90 days of the election it did not even have a policy on it. But with the me-tooism which characterises Labor at the state and federal levels, it thought our policy looked like a darned good idea, so it picked it up and ran with it. So it was eventually that we had the amendment to the Regional Infrastructure Development Fund, which enabled the interface councils also to be able to share in the funding. The simple point is that so much of this groundwork was laid by the then National Party and the Liberal Party in the former government, enabling all of this to come to be.

I say, in fairness to the current government, that it has made money available to enable extensions of gas into parts of my electorate in South Gippsland. That is a laudable thing; I said so at the time, and I say so again here today. The government made an approximately \$20 million-plus contribution. It did that in concert with the privatised system, enabling the combination of government funds and the privatised system to deliver gas. That is how it should happen, that is how we designed it to happen, and that is really what the member for Ballarat East meant to say when he was carrying on before.

However, I tell you this, Acting Speaker: the job is only half done. As this government likes to say, there is

more to be done. Indeed, in this instance, there is much more to be done. What the government has been able to do so far is to act as a catalyst for the extension of natural gas in South Gippsland into places like Leongatha and Korumburra, down through Lang Lang to Inverloch and Wonthaggi and those sorts of areas. That in itself is a terrific thing. I have no doubt that, for all the reasons we know so well, that will enable additional development to occur in those centres. But the job is not done. The government now has to facilitate the extension of the natural gas around the south coast to the township of Yarram. It needs to incorporate more places by running the pipe, for example, through Meeniyan, down through Toora and Foster, and right across and up to Yarram, because those towns and others around that area are not serviced by natural gas at the moment. For all those reasons we know so well, it is essential that natural gas is made available.

If you look at a town like Yarram, you will see that it is serviced by a brilliant health facility, one of the most magnificent health services of its particular level in the state of Victoria; it has a fantastic secondary college; it has a great state-funded primary school and a great Catholic primary school; it has a timber mill just outside town; and it has many other enterprises which could be developed on the back of the availability of natural gas. All of this makes the case for why we need further natural gas extensions through that region.

I am of course painting just a snapshot of different parts of country Victoria. The important role for the government here is to break the catch-22. So often there is not enough commercial development in a given location to justify the extension of natural gas on a commercial basis. The government's role is to fill that gap and enable government funds — taxpayers money — to be provided to make sure that the contract can be let to a private provider so that there is a commercial aspect to the way in which that contract can function. That is the role of government.

In the case of Yarram, it outstandingly should be involved in the government's next program. I am more conscious of this than I might otherwise be, Acting Speaker, because just last Thursday night I was in Yarram attending a function; indeed it was a candidates function for the current Gippsland by-election. Darren Chester, The Nationals candidate, was there. Like him, I will be fighting for the extension of natural gas to the township of Yarram. It is an absolute essential for the future of that town. The township itself has all the basic ingredients to enable it to not only prosper in its current form but to be able to extend into different fields of endeavour with the passage of the years. But the

provision of natural gas to the town is an imperative. I mention too that the development of the private port at Barry Point, near Port Welshpool, will also offer opportunities to Yarram and its region. But, again, one of the founding factors which will make the difference for this area in time to come will be the extension of natural gas.

I am pleased to say that I think this legislation is very important. It is the next stage of the provision of a basis whereby across Australia we can have a code which is going to enable these sorts of developments to occur in a manner where we have unanimity across the states. All the time we hear state and federal government members talking about politics being taken out of arrangements between state and federal governments; we are yet to see the proof of all that. I pause to say that the commentary by Mr Rudd recently about knocking off the GST from the fuel tax has excited a fair bit of interest, and we are yet to hear from the Victorian government in some detail as to what it thinks about all that and the way it should operate.

Suffice to say that things are not always as they seem. Doubts can arise between good friends — we have all witnessed that happen — and I am just a bit concerned as to how this federal-state relations thing is working out at the moment. It does not all seem to be going full gas as I look at it, relatively from afar. I wish this bill a speedy passage. It has important implications. The extension of natural gas services is vital to the future of country Victoria, but nowhere more so than the township of Yarram and particularly so when the Gippsland by-election is on.

Mr STENSHOLT (Burwood) — I am delighted to agree with the Leader of The Nationals that this is indeed an important bill, but our agreement would probably stop there as we consider many other issues! But this is an important step in the implementation of the national energy market reform process under the Council of Australian Governments. This is a large bill; most of it is taken up with the South Australian documents, because South Australia is the lead government in this particular area in terms of getting, across all jurisdictions in Australia, a single arrangement for the gas industry.

The new National Gas Law and rules will benefit consumers under the national energy reform program. The reform program will promote long-term interests of consumers with regard to price, quality and reliability of services — in this case of gas services. It will strengthen the quality, timeliness and national character of governance of the energy markets, which will obviously be very important for investment in those

particular markets and in the infrastructure that may be needed — in this case in gas services. It will also streamline and aim to improve the quality of economic regulation across energy markets and provide certainty — and of course business needs certainty — and reduce the barriers to competition. This is very much the hallmark of competition reform in regard to removing such barriers where they might exist.

Indeed, in terms of gas pipelines and energy transmission, you need to improve the planning and development of such networks to create a stable framework for efficient investment in such networks. It is important that the energy users and participants in this market, from consumers right through to people who run the lines as well as those who produce the energy, are able to work together and participate in the market, whether it be on demand side management or in looking for efficiencies as well. As has already been mentioned by other speakers, we need to extend the penetration of natural gas to lower energy costs wherever possible and improve energy services to consumers, which are important at the end of the chain in terms of the ultimate users. This consistent national framework and regulation will ensure an economical and efficient arrangement.

I have to disagree with the member for Ferntree Gully and the Leader of The Nationals on their little trip down history lane. I am reminded the federal Keating Labor government was very strong in economic structural adjustment and deregulation. It was the leader in that regard, including in manufacturing; we would all remember the Button plan and other aspects of it. The Keating government established the National Competition Council, which began this national reform process. It encouraged the states to address deregulation, the introduction of competition and the provision of government services. I am happy to refer to and reinforce that.

I am very much reminded of the work over the last eight years. Yes, the Kennett government sold off a few things, but it forgot about the family farm. However, Labor has continued the process of regulation reform. The house should not forget that Labor established the Essential Services Commission, which has done an excellent job in Victoria in showing leadership second to none right throughout Australia and whose work has been taken up in improving the regulatory reform environment. I say to the house: do not forget that; it is the work of this government over the last eight to nine years which has led that.

Mr Burgess — Rubbish!

Mr STENSHOLT — Well might the member for Hastings say, ‘Rubbish’, but it was a Labor government that introduced retail competition in gas and electricity, and that is a fact. I say to the member, ‘Go and check your work in terms of the Essential Services Commission’. It was a Labor government which facilitated competition and ensured that Victoria is a no. 1 market in terms of the first data corporation. The house should not forget that and the hard work of the last eight to nine years to ensure that that is there. The bill carries this forward into the gas market.

I commend the bill, which ensures further competition and a further phase of the national energy and market reform program. It is an excellent bill, and I commend it to the house.

Dr NAPTHINE (South-West Coast) — I rise to speak on the National Gas (Victoria) Bill. Both Victoria and Australia are blessed to have significant resources of natural gas, particularly in Victoria in the Otway basin off south-western Victoria and in Bass Strait off Gippsland. There are significant additional resources of natural gas, I believe, to be found in the Otway basin; further development and research is being undertaken in that area. In the north-west shelf of Australia we have a massive reserve of natural gas.

While natural gas is still a carbon-based fuel, it produces significantly lower greenhouse emissions and hence creates a lower carbon footprint than does brown or black coal. Therefore natural gas will play an increasingly important role in Victoria and Australia as we continue down the path of a carbon-constrained pathway. The bill is another important step towards the implementation of a national energy market, with national regulation and national controls, and therefore the coalition supports this legislation.

It is interesting to hear in the debate the claiming of credit for reform of our energy industries. It is very hypocritical of the Labor Party — which at every turn and at every opportunity vigorously opposed the privatisation of the energy industries here in Victoria and opposed competition being introduced into energy industries in Victoria — to have its members come into this house and proclaim themselves the champions of competition, privatisation and of a competitive national energy market. It is hypocritical in the extreme, and everybody will see that it is hypocritical.

I refer to some specific areas of the debate, and in doing so I quote in part from the second-reading speech:

The NGL contains new incentives to encourage investment in gas infrastructure ...

It refers to the continuation of greenfield pipeline incentives and improvements to the rules around cost recovery for investment in expanding existing gas infrastructure capacity. I refer particularly to the opportunities to expand natural gas infrastructure and capacity, and I want to highlight where the government has made promises but has failed to deliver, and where there are further opportunities for natural gas expansion in Victoria, particularly in regional and rural Victoria.

I start off in my own electorate, in the township of Port Fairy. I quote from a press release of 26 October 2004 from the then Minister for State and Regional Development. It states:

The Minister for State and Regional Development, John Brumby, said Port Fairy’s 2560 residents would benefit from the project with work due to begin next year.

He was talking about a proposal to bring natural gas to Port Fairy. That proposal had bipartisan support in the lead-up to the 2002 election. The government won that election and implemented that program. But now, having got to May 2008, the situation is that instead of Port Fairy’s 2560 residents having access to natural gas as promised, many of them have been denied that access. There are still large areas of Port Fairy that are not connected to natural gas despite the residents desperately wanting to have natural gas connected — needing it to lower their fuel costs and to provide a more efficient form of energy for heating and cooking in their houses and for industries that also need it.

Areas within Port Fairy that are desperately requiring natural gas and which were promised natural gas, but where it has not been delivered, include: Thistle Place, Anna Catherine Drive, Steven Street, Brophy Street, Reardon Street, Singleton Street, Baden Powell Drive, Mills Crescent, Allan Street, Winnen Place, Dyson Street, Gratton Street and along the Princes Highway east of Port Fairy. Also, on the Hamilton Road one of the major industries in Port Fairy is Bamstone, which is a major energy user.

To highlight this I quote from a letter that Mr and Mrs Gavin Finnegan sent to the Minister for Energy and Resources in October 2007. It says:

We are writing to you in regards to the supply of natural gas to Port Fairy. This letter is on behalf of the 20 residents along Princes Hwy from GlaxoSmithKline extending 590 metres east along the Princes Hwy.

In that area there are bed and breakfast accommodation facilities. The letter says:

In February I made contact with SP AusNet in regards to the 20 natural gas applicants. They informed me that there would not be any funding for this gas main extension. We found this

very surprising considering natural gas was promised to all residents in Port Fairy ...

It refers to the media release I quoted from. It goes on:

In canvassing the said area we received very negative feedback from local residents —

who said that this promise had not been achieved in their area. They were further told by SP AusNet that each resident would have to pay \$1568 to make gas available. The final quote is:

This service has been delivered to the township free of cost but unfortunately only to certain sections of the town.

I think that says it all. This government promised natural gas to all the residents of Port Fairy, and it has failed to deliver on that promise in large areas. I understand it is the same in many of the other towns that were promised natural gas. In some areas only half or two-thirds of a town's residents have had natural gas delivered.

At the same time I wish to suggest that there are new opportunities for the extension of natural gas in my electorate. In Warrnambool it could be extended to the eastern growth corridor over the Hopkins Bridge. That is a significant area where there is new housing and there is no natural gas. Heywood is a township which has opportunities for population growth with the blue gum industry in the area. There is an opportunity for further industrial development, but it is being hampered by the lack of natural gas. The government intends to convert the Cobboboonee State Forest into a national park. That will deny the people of that area access to firewood collection, and without natural gas they will face a massive increase in the cost of heating.

I want to refer also to some of the promises made by this government with regard to natural gas that simply have not been delivered. I refer to the *Mansfield Courier* of 20 November 2002. It states:

Bonnie Doon, Yea and Alexandra are set to benefit from the Bracks government's \$70 million plan to extend ... natural gas ...

It says further:

Mr Brumby said he was confident Labor would deliver for the Yea, Alexandra and Bonnie Doon communities if it won the 30 November election.

Guess what? Labor won the 30 November 2002 election but those towns are still waiting for the natural gas promised by the then Treasurer and now Premier and the then local member, Denise Allen. The *Myrtleford Times* of 20 November of that year says:

Bright and Myrtleford are set to benefit from a \$70 million plan to extend ... natural gas ...

It quotes the then Treasurer and Ms Allen as saying:

We will work with the local community and relevant gas distributor to ensure Bright and Myrtleford are among the towns to benefit from the Labor government's plan to extend ... national gas ...

Once again they were duded; people in those towns were lied to. They were conned by the then Treasurer and the then local member, Denise Allen, who did not deliver the natural gas.

A press release from the Bracks government dated 13 November 2002 and headed 'Wandong set to benefit from \$70 million gas program' states:

Mr Hardman had been working hard for the towns to be connected to natural gas and Mr Brumby said he was confident Labor would deliver for the Wandong community if it won the 30 November election.

Wandong residents were lied to by the member for Seymour and the then Treasurer. They were conned and they were deceived, because they were told they would get natural gas and they have not got it. In the state's west the member for Ripon, who is now the Minister for Agriculture, was handing out campaign brochures under the heading 'Joe Helper and Steve Bracks delivering gas to Avoca'. All they got from the member for Ripon was hot air; they certainly did not get any natural gas.

An article in the *Ballarat Courier* of 20 April 2005 states:

... Mr Brumby and Mr Helper announced both the Avoca and Smythesdale gas connection pledges while in Avoca on November 12, 2002.

'We will work with the local community and the relevant gas distributor to ensure Avoca and Smythesdale are among the first towns to benefit from the Bracks government's plan to extend ... natural gas network ...

We have heard promises for Bonnie Doon, Yea, Alexandra, Bright, Myrtleford, Avoca, Wandong, Nathalia and Terang. People in towns right across the length and breadth of Victoria were conned, lied to and deceived by the Premier and his Labor mates. It is about time they delivered on their promises and connected natural gas to those towns that were promised it way back in 2002.

Mr TREZISE (Geelong) — I am very pleased to be speaking in support of the National Gas (Victoria) Bill 2008 tonight. I will make my contribution brief. I am pleased to be speaking in support of the bill because at a time when we as a state are becoming more and more

reliant on gas as a fuel commodity this bill importantly seeks, among other things, to ensure the long-term interests of Victorian consumers in regard to the cost, quality and reliability of gas provision services.

As other speakers have pointed out, this is becoming more and more important for more and more Victorian consumers. For example, the Bracks and Brumby governments have continued to roll out gas connections right across the Geelong region, including on the Bellarine Peninsula. As we speak natural gas is being rolled out and connected to homes in the township of Barwon Heads. I must say this is fulfilling promises we have made over the last couple of elections, and it is something the Liberal Party failed to do in nearly a decade in government — it failed to deliver for the people of Barwon Heads. It is the Brumby government which has continued to deliver natural gas in Barwon Heads and other areas on the Bellarine Peninsula.

Dr Napthine interjected.

Mr TREZISE — The member for South-West Coast knows Barwon Heads very well, and he knows it is the Brumby government that has delivered gas for the people of Barwon Heads.

Much of this bill is important but bureaucratic in nature. The end purpose is to ensure that Victoria's gas consumers are provided with quality, effective and price-sensitive services. In keeping with the Brumby government's consultation commitments, this bill and the reforms contained within it have been subjected to extensive consultation and discussion with interested parties and stakeholders. The bill is important not only for consumers but also for gas retailers and those looking to invest in gas exploration, as the member for South-West Coast referred to. This will continue to be important in the future. The member for South-West Coast referred to the Otway Basin. That is one area where we will continue to ensure that investment in infrastructure and exploration will continue for the benefit of all Victorians.

As I said, I will keep my contribution brief. This is an important bill. It is a good bill. It is important for all Victorian consumers, including the people of Geelong and, as I said before, the people of the Bellarine Peninsula. I reiterate my support for the bill and wish it a speedy passage through the house.

Mr INGRAM (Gippsland East) — I rise to speak on the National Gas (Victoria) Bill 2008. It has been interesting to listen to the debate. Members on both sides of the house have been chest-beating and waxing lyrical to prove who is the biggest economic

rationalism zealot in this place. I think we should go back and look at some of the things that have gone on in the past with privatisation and the shifts in energy management and regulation in the state.

It is quite amazing to hear Labor members claiming that former Prime Minister Keating was the architect of the national competition policy which drove the reform and privatisation of a whole range of public infrastructure. I am paraphrasing some of the members opposite, but I think that is what they were saying. They believe this is a great thing, and that Labor is the true supporter of capitalised private electricity. Even though the privatisation of essential services such as gas and electricity was one of the big issues that arguably led to the downfall of the government of which they were a part, members of the opposition are claiming that this is their baby and that it is a great thing they did.

It is important that we go back and look at exactly what has happened and how the consumers are not getting the benefit. Members come in here and say this is a great piece of legislation and a great outcome that shifts our responsibilities across to the commonwealth and a national regulator. I do not think so; I do not think this is a great outcome or something that we should do. I will explain why I have that view.

Clearly we have not seen the benefits that were expected from privatisation. The experience out on the ground proves that a lot of the things that it was said in this place would happen when the former Gas and Fuel Corporation of Victoria was privatised have not necessarily been rolled out. I think it exposes the hypocrisy of those on both sides of Parliament.

The bill before the house is a lengthy piece of legislation that contains 393 pages. All we are debating are the first 37 pages, with the rest of them being the bill that passed through the South Australian Parliament. If something is wrong with the remaining pages, and I will drag out a few matters that may be of interest in this debate, we can discuss them properly because they are in the appendix to the bill and would not be outside the scope of the debate. We can discuss items in the appendix, but we cannot change them. If there is something in these pages that members of this or the other place disagree with, we cannot make changes because it is not our Parliament's legislation. That is abrogating our rights as members of this place. We should ensure the changes we make, the changes we are imposing on our constituents and on the industry in Victoria, can be discussed. We should go through this bill clause by clause and ask, 'Is this right? Is what we are doing right?'

One of the issues I have had a great interest in in the past is the idea of ring-fencing. It is a term used by regulators, particularly in the electricity industry. A ring fence is put around a bunch of consumers and areas outside are impacted or not impacted by the pricing structure, and so on. There is a lot of detail, not in the bill but in the appendix, about how the ring-fencing arrangements will work. For example, if the consumers of metropolitan Melbourne are ring-fenced out of the power distribution networks, the people that I represent in Gippsland and the people represented by the member for Murray Valley bear the distribution costs of those long grid lines out into the sticks. The residents in Melbourne are ring-fenced out of those costs, basically. That is one of the issues that I want to raise.

The bill transfers regulatory arrangements or the protective measures set out by the Essential Services Commission to a national regulator. Will the national regulator get it right? Maybe, maybe not. We should not transfer our regulatory powers, our responsibilities, until our consumers have access to what metropolitan people think is their right — that is, having natural gas rolled out along their front streets in towns that have a sufficient number of people to have that service provided.

The real rub in Gippsland is that a large portion of the natural gas that powers industry and heats the houses and flats of Melbourne comes from Bass Strait. We can sit at Lakes Entrance and look out at the gas fields in Bass Strait; we can see the flames burning off the excess gas on the rigs in Bass Strait. We know there is a pipeline that goes back into Longford, and we know there is a pipeline that takes the gas all the way up the east coast to Sydney. Do members know why and when it had to be sent up there? So they could power the flame for the Olympic torch for the Sydney Olympic Games. That was the deadline for the pipeline to go there.

We can stand on the beach at Lakes Entrance and look at the flames burning off the gas on the gas rigs, yet Lakes Entrance does not have and most likely will not get natural gas. If we pass these regulatory powers, we will pass our obligations to the commonwealth, to the national regulator, before we guarantee that those communities that deserve natural gas because they have the industry and population to justify it can have it connected. I think that is an abrogation of our rights as a Parliament.

Mr Jasper — Hear, hear! The regulation review committee.

Mr INGRAM — I will pick up the interjection of the member for Murray Valley. I have spoken to the member about this. A lot of speakers in this debate said that privatisation has allowed the rollout of new sources of natural gas. The member for Murray Valley, who will speak after me, has a number of towns in his electorate that were reticulated while the former Gas and Fuel Corporation was operating. It is not the fact that we need to have privatised operations to have reticulation. We have flogged off the assets that allow the reticulation of natural gas. It is about having the will to do it. It is about the government having the incentive or desire to make sure those communities that deserve natural gas get natural gas.

I acknowledge that the government has put money into Bairnsdale, which was arguably an economic case on its own, and that money went into the reticulation of Paynesville, but there are a number of unfinished issues with the rollout of natural gas in those towns. The company doing it will argue that it has had a number of challenges, and that may be so, but it still has an obligation to meet the commitments it made to the government. I do not think it will meet its deadlines, and that is not good enough.

A number of other towns, like Lakes Entrance and Orbost, which has very important industry, would have expected to get natural gas. It is important for the heating of kilns to dry timber to value-add to our timber resources. A number of towns are close to existing connections. Places like Lindenow, Bruthen, Wy Yung and other small towns between Lakes Entrance and Bairnsdale have the capacity to be connected at a reasonable cost, and they should be connected. They deserve to have the opportunity that other places around the state have. At Bairnsdale in East Gippsland we also have on the eastern gas pipeline a pair of gas turbines to generate electricity. They were hooked up even though all communities in East Gippsland did not have access to gas, but they are important to provide better security of electricity supply.

One of the other challenges with privatisation and the lack of management of the electricity grid is the fluctuations in power that we get. The gas turbines are very important in ensuring we have consistent power and do not get brownouts and so on. They are important in providing power for much of the electronic equipment that is needed now at firms such as Patties in Bairnsdale. Industry needs that high-quality power, particularly to expand. Having made those comments, I will be opposing this piece of legislation.

Mr JASPER (Murray Valley) — I am pleased to join the debate on the National Gas (Victoria) Bill

2008. I indicate at the outset that the bill will facilitate implementation of the second phase of the national energy market reform program under the Council of Australian Governments (COAG).

The national energy market reform program is being implemented through the Ministerial Council on Energy. On 1 January 2008 the economic regulation of electricity distribution networks was transferred to the Australian Energy Regulator from various state and territory jurisdictional regulators. The second phase, which is included in this legislation, involved the bill that was introduced on 9 April into the South Australian Parliament for the National Gas Law and the National Gas Rules to provide for the transfer of economic regulation of gas transmission and distribution networks from the Australian Competition and Consumer Commission and various state and territory jurisdictional regulators to the Australian Energy Regulator under the new national framework.

As was mentioned by the member for Gippsland East, a major part of the bill contains the provisions of the South Australian legislation in an appendix. It is important to go back in history. I have listened with a great deal of interest to the previous speakers and what they have said in relation to the expansion of natural gas distribution within the state of Victoria. I listened to the member for Seymour, for instance, who mentioned the extensions that have been undertaken since the change of government in 1999. He also said there was little change made or extensions undertaken in country Victoria through the 1990s. I want to take him to task on that.

The member may not be aware of the work that I was doing as the member for Murray Valley going back to the late 1980s, when a Labor government was providing funding to extend natural gas into many areas. I had made representations because I believed country people should have natural gas available as an optional energy form, in the same as people in metropolitan Melbourne had. Indeed the member for Gippsland East mentioned the fact that there is a ring around Melbourne for the distribution of natural gas, but if the government were going to extend the distribution system in country Victoria there would be a cost for the government, or in earlier years there would have been a cost for the gas organisation which at that time was owned by the government, and of course the government would have to provide for the capital expansion into country Victoria.

I had been making representations that we needed to get natural gas extended into these areas, but that was rejected over many years. It was suggested that there

should not be an extension of gas. But with a change of government in 1992 extra pressure was brought to bear on the new coalition government, and it introduced an amendment into Parliament that allowed the then Gas and Fuel Corporation to impose an infrastructure charge if it provided gas to country Victoria. That was an important change. There was then huge pressure brought to bear by me and other people within the Murray Valley electorate to get some advantage for us, and the Gas and Fuel Corporation agreed to the extension of the natural gas system to go through the natural gas pipeline, which was extended from Melbourne to Albury-Wodonga. The line was broken into near Chiltern, and then, at a cost of about \$100 million, it was extended to areas in my electorate — Rutherglen, Yarrawonga, Cobram and Numurkah. It did not go into Nathalia, but it then crossed the Murray River into New South Wales for the distribution of natural gas to other areas.

When the natural gas pipeline was opened to the township of Rutherglen, the Gas and Fuel Corporation put on a dinner, and I was asked to speak at a particular time during the evening. The chairman of the Gas and Fuel Corporation said at the time, 'We went back to find out when the member for Murray Valley first started making representations on this particular issue for his electorate'. He said that it was almost 10 years before then that I had begun making representations, through the 1980s and into the 1990s, to get that extension of natural gas. It is a great success story.

The difficulty since has been the cost of the extension of natural gas into other parts of country Victoria. The government has come in on this and has provided support to extend natural gas into those other areas. The Gas and Fuel Corporation was very careful in doing that. The only way we will get it now, with privatisation, is by the government saying, 'We will provide additional funding to support the extension of natural gas into other areas'. So there is a real move now to try to get additional funding and an extension of natural gas into other areas of country Victoria. The government has a challenge to ensure that we in country areas are not disadvantaged compared to those in metropolitan Melbourne.

In terms of the bill itself, I have concerns with the legislation being brought before the Parliament on the basis that this is legislation that is being introduced into other states of Australia under agreements which have been made under COAG. But the difficulty I see is that there is no provision for review of the regulations that are being undertaken under this legislation.

I refer to the Scrutiny of Acts and Regulations Committee, which dealt with this bill earlier this week. I raised the issue in relation to the provisions to investigate these regulations. That needs to be possible, not only in terms of the bill that is before Parliament but also in terms of the regulations so that we can disallow or review them if necessary. A huge range of regulations come before the Scrutiny of Acts and Regulations Committee and are reviewed I refer to section 17 (a)(vii) of the Parliamentary Committees Act 2003, which states:

... insufficiently subjects the exercise of legislative power to parliamentary scrutiny.

And that is the key. What we need to be able to do is scrutinise this legislation when there are regulations that affect us in the state of Victoria. But what is happening is that where you get uniform legislation such as this across Australia, there is a limitation on being able to review the regulations that are being made in the state of Victoria because they are complementary to the bills and regulations that are being implemented under the new arrangements as directed by the COAG scheme. I express great concern with this legislation on that basis — that we do not have within the Parliament the ability to scrutinise the regulations to see that they meet the requirements of our act within the state of Victoria or to report on that and ensure that there are disallowance provisions. That is the difficulty.

The other thing I want to mention relates to section 85 of the Constitution Act. What we found under that section was that the government was going to utilise that to bypass the actual review of acts and regulations as they relate to this legislation and to the extension of gas and try to make it uniform across Australia. I am not opposed to the fact that this legislation coming before Parliament seeks to establish uniformity through complementary legislation, but we must have the power to scrutinise that legislation and particularly the regulations. More and more bills coming before Parliament are now complementary legislation that is enacted throughout Australia, and that is restricting the ability of Victorian members of Parliament to scrutinise those bills and particularly the regulations made under those bills. If the regulations are uniform across Australia it is necessary for us to be able to review them under the provisions of our own legislation. This is a concern I have: Parliament needs to have some ability to review what is going on.

The Scrutiny of Acts and Regulations Committee expressed extreme concern in its report on this bill, and I encourage all members of Parliament to read its report and consider the implications on us in Victoria if we

cannot scrutinise legislation. I think the government needs to take this on. It needs to look at not only this legislation but also at the regulations that we currently cannot review because they are classed as complementary legislation and are being introduced across Australia. As far as we are concerned that fact is critical in relation to this bill.

Section 85 of the Constitution Act provision is also of concern. We see it in many pieces of legislation, where the government is using the section 85 provision to bypass some of the activities that are being undertaken and the scrutiny of bills, but more importantly, regulations that are made under those bills as they come before the Scrutiny of Acts and Regulations Committee for assessment. I encourage all members to look at the legislation, to understand what is going on and to make sure we can collectively scrutinise the bills and regulations that implement uniform legislation across Australia when they come before this Parliament.

Mr LANGDON (Ivanhoe) — I move:

That the debate be now adjourned.

House divided on Mr Langdon's motion:

Ayes, 51

Allan, Ms	Kosky, Ms
Andrews, Mr	Langdon, Mr
Barker, Ms	Languiller, Mr
Batchelor, Mr	Lim, Mr
Beattie, Ms	Lobato, Ms
Brooks, Mr	Lupton, Mr
Brumby, Mr	Maddigan, Mrs
Cameron, Mr	Marshall, Ms
Campbell, Ms	Merlino, Mr
Carli, Mr	Morand, Ms
Crutchfield, Mr	Munt, Ms
D'Ambrosio, Ms	Nardella, Mr
Donnellan, Mr	Noonan, Mr
Duncan, Ms	Overington, Ms
Eren, Mr	Pallas, Mr
Foley, Mr	Pandazopoulos, Mr
Green, Ms	Perera, Mr
Haermeyer, Mr	Pike, Ms
Hardman, Mr	Richardson, Ms
Harkness, Dr	Scott, Mr
Helper, Mr	Seitz, Mr
Herbert, Mr	Stensholt, Mr
Holding, Mr	Thomson, Ms
Howard, Mr	Trezise, Mr
Hudson, Mr	Wynne, Mr
Hulls, Mr	

Noes, 33

Asher, Ms	Northe, Mr
Baillieu, Mr	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Burgess, Mr	Ryan, Mr
Clark, Mr	Shardey, Mrs
Crisp, Mr	Smith, Mr K.

Delahunty, Mr
Dixon, Mr
Fyffe, Mrs
Hodgett, Mr
Ingram, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Morris, Mr
Mulder, Mr
Napthine, Dr

Smith, Mr R.
Sykes, Dr
Thompson, Mr
Tilley, Mr
Victoria, Mrs
Wakeling, Mr
Walsh, Mr
Weller, Mr
Wells, Mr
Wooldridge, Ms

Motion agreed to.

Debate adjourned under later this day.

STATE TAXATION ACTS AMENDMENT BILL

Second reading

**Debate resumed from 7 May; motion of
Mr HOLDING (Minister for Finance, WorkCover
and the Transport Accident Commission).**

Mr WELLS (Scoresby) — I rise to speak on the State Taxation Acts Amendment Bill. From the outset I announce that the coalition will not be opposing this bill. The bill contains several amendments which are welcome. The coalition believes the budget tax and stamp duty reduction measures contained in the bill simply do not go far enough and that the supposed benefits are somewhat farcical in what they set out to do.

Firstly, I thank the Minister for Finance, WorkCover and the Transport Accident Commission and the Treasurer for providing the bill briefing. It was excellent. We appreciate that very much.

There is no doubt that the budget that was brought down was full of smoke and mirrors. The actual impact on the community of extra taxation will be significant. We will talk about the state-generated tax revenue, which will be at record levels. While the government says it will be giving tax relief, it will be taking five times more tax than it is going to give back in 2008–09. In that period, the government claims there will be tax relief of \$300 million, but it will be taking an extra \$1.5 billion in tax based on last year's budget. Despite the government claiming to have cut payroll tax — from 5 per cent to 4.95 per cent — its payroll tax take will be up by \$360 million on last year's budget. Likewise, despite the government's hype on land tax reductions and the reduction of the top land tax rate by 10 per cent, there will be an extra \$300 million in land tax revenue based on last year's budget figures.

With regard to stamp duty revenue, the government has cut the threshold rate by 10 per cent, but in 2008–09 the Treasury will take \$3.7 billion — that is almost \$900 million more in 2008–09 compared with last year's budget. Taxes on business are becoming a problem. Despite the government's 2006 election commitment to make Victoria more commerce friendly by reducing business taxes — the source of this information is *Time to Thrive — Supporting the Changing Face of Victorian Small Business* at page 29 — the government has not delivered on that.

I will go to some of the detail of the bill. As I mentioned, with regard to the stamp duty reduction measures this machinery bill will implement the changes that the budget set out on 6 May. In terms of the stamp duty reduction measures, the bill amends the Duties Act 2000 to increase the stamp duty thresholds by 10 per cent for general duty, principal places of residence and pensioner exemptions and concessions — the applicable date of the commencement of this is state budget day of 6 May 2008 — and provide first home buyers with the additional benefits of principal place of residence duty concessions while retaining the first home owner bonus.

On my calculations the stamp duty savings on a Melbourne median-priced home costing \$432 500 — that is based on the Real Estate Institute of Victoria March 2008 quarterly figures — after budget day are as follows: for an investor there will be a \$590 saving or 2.7 per cent reduction; for a non-first home buyer owner-occupier, the saving is \$765 or a 4.1 per cent reduction; for a first-time buyer there is a saving of \$3615, or a 16.7 per cent reduction, plus the existing first-time owner bonuses of \$5000 for a new home or \$3000 for an established home; and regional first home buyers may also be eligible for an additional \$3000 regional purchaser bonus, regional Victoria being defined as being 48 municipalities outside metropolitan Melbourne.

This last saving is interesting, because I noticed in the budget papers that the government has set aside \$3 million for the \$3000 packages, which allows for 1000 packages, but that offer expires on 30 June 2009. I am sure the government will be able to provide more funding if more people apply for this package. When the minister is summing up the debate on this bill perhaps he can give that commitment. The budget papers say that the offer of \$3 million will expire on 30 June 2009, so perhaps the minister can clarify whether if more than 1000 people apply for those packages, funding will be available. He may also want

to make a commitment that the program will go on beyond 30 June 2009.

In addition pensioners receive an increased stamp duty concession through an increase in property price thresholds. No duty is payable for a property costing \$330 000 or below. A sliding scale of reduced duty amounts are payable for properties valued at between \$330 000 and \$440 000. The bill simplifies the calculations of duty and reduces administrative burdens of properties sold off the plan by developers. We were informed in the briefing that that is something the industry wanted. It makes perfect sense that these changes be implemented. Fixed percentages set by the state revenue commissioner will be able to be applied to the completed components of land and building projects instead of there being a need to calculate the actual stage of completion when properties are sold.

My understanding is that you would have previously had to get a quantity surveyor to work out how much of the house had been completed — that would cost a certain amount of money — and also how much money was payable to the State Revenue Office. It is our understanding, as I mentioned earlier, that this measure was brought about through industry consultation. There was a thorough review. It makes sense. It is also my understanding that there will be a scale of percentages which will be worked out between the Department of Treasury and Finance and the industry. The relevant provision starts to operate on 1 October 2008.

The bill also clarifies the duty exemptions on certain dutiable property transactions involving property that passes to beneficiaries under unit trust schemes where the unit-holders are the same as those who were unit-holders when acquisitions were made. That was a complicated situation. This bill clarifies that, and we support it. The bill provides a new exemption for property purchases by special disability trusts. We also think this is a very good move. If you are providing funding for the purchase of a house for a relative who has a disability, the funding should be exempt from these sorts of taxes.

That will assist immediate family members and guardians to provide for the current and future care and accommodation of children with severe disabilities without affecting their eligibility for social security payments; that is fair and well accepted.

There is also a new exemption introduced for a stapled entity — that is, a unit trust or company involving stapled securities is reorganised by the insertion of a head trust between the stapled entity and the stapled security holders. It is our understanding that this

follows legislation that the commonwealth brought in in 2007. It allows a corporation to generally reorganise its affairs without incurring commonwealth tax or state stamp duty liabilities. We also understand that there was a disincentive under the previous arrangement for these sorts of companies to invest overseas.

With regard to land tax, it is interesting to note that whilst the government says there has been a 10 per cent reduction in the top rate, it will actually receive \$300 million more than in last year's budget. The bill amends the Land Tax Act 2005 to give effect to the budget's land tax reduction initiatives, predominantly being a reduction in land tax for general property owners and for trusts. The general land tax free threshold is increased from \$225 000 to \$250 000 and from \$20 000 to \$25 000 for trusts, and the top rate of land tax is being reduced from 2.5 per cent to 2.25 per cent for properties valued at \$3 million or more. These land tax reductions are applicable as of 1 January 2009. We note that there is a new exemption for property which is being used for long-term, shared, supported housing of young people with disabilities, which is a really good move.

The bill amends the Payroll Tax Act 2007 to give effect to the budget announcements. As I mentioned, the rate of tax in last year's budget was 5.05 per cent and will drop to 4.95 per cent commencing on 1 July 2008. But the fact is that the government will receive an extra \$360 million in revenue based on the last budget. The government was very keen to make the point about the 4.95 per cent rate, but if it were genuinely serious about making it easier for small business, it would have also increased the threshold. The threshold is still stuck at \$550 000, so the fact is that more and more small businesses are going to be caught up in the net of paying payroll tax. By the government's definition, a small business is one that has 20 or fewer employees. One would think that most of those businesses would be paying payroll tax. There have been pay increases, and as a result more people will be paying payroll tax.

The bill clarifies the existing exemption for non-profit organisations. The existing provision refers to 'wholly charitable purposes' and was found in practice to be overly restrictive. The amending wording of 'primarily charitable, benevolent, philanthropic or patriotic purposes' should overcome this problem. The bill also refines administrative procedures relating to payroll tax grouping provisions for assessment and allows definitive determinations of liability.

When I was in Geelong recently I visited a small business, a catering company, which had a core number of staff. Because it was attracting more business, it was

employing younger casual employees to work on weekends, but it went over the threshold and had to start paying payroll tax. Unfortunately the business was not expecting to have to do that at the start of the year and said it was grossly unfair that the threshold has been stuck at \$550 000 for a number of years.

There are more specific concerns when it comes to stamp duty. Although the government said it is going to cut the thresholds by 10 per cent, the fact is that we are still paying the highest stamp duty of any state. As I mentioned, \$432 500 is the median house price in Melbourne. On that house in Melbourne you would pay \$17 995 in stamp duty compared to \$7138 in Queensland, \$14 953 in New South Wales, \$17 325 in Western Australia, \$17 955 in South Australia and \$14 850 in Tasmania. The land tax reductions clearly do not go far enough. Revenues will be up significantly due to rising property valuations and the scrapping of the land tax cap for 2008 valuations.

As stated earlier, land tax revenue is forecast to rise by almost \$300 million to over \$1 billion since last year's budget — a rise of 155 per cent since 1999. Again, the government is saying one thing about cutting rates but there are increasing property values, which will ensure that it receives more money.

I want to go into greater detail about payroll tax. The payroll tax exemption threshold remains at \$550 000, which is the second lowest in Australia. As I said, more and more businesses are being caught up in it. By comparison, exemption thresholds in other states and territories are as follows: Queensland, \$1 million; New South Wales, \$600 000; Western Australia, \$750 000; South Australia, \$504 000; Tasmania, \$1.01 million; the Australian Capital Territory, \$1.25 million; and the Northern Territory, \$1.25 million. That is a real concern. We are continually being contacted by small business owners who are caught up in the payroll tax net, and many end up with substantial penalties if they do not pay.

We all thought payroll tax was for medium-to-large small businesses, but the reality is that it is for small businesses as well. The low threshold in Victoria, because of the extra costs, is not allowing small businesses to expand or create new employment. As a non-resources state, Victoria should be not only equalling the resource-rich states of Western Australia and Queensland in terms of tax competitiveness but must do even better in the future to give us a real competitive advantage in attracting new investment and for existing businesses to grow and prosper. A place to start would be an increase in the threshold sum.

In the future the Brumby government's 2008–09 budget will be defined not only as a great disappointment but as a budget of lost opportunities, and I mentioned that in my budget response. The budget confirmed without any doubt that the government is swimming in money, but what are we getting in return for the money the government is taking away from the Victorian community? The budget surplus is \$828 million, but the government forecast a surplus of \$324 million for this year. How can it do that at a time when debt is increasing? Debt has been as low as \$3.5 billion, but by 2012 it will be up to \$23 billion. We are going back to the days of Cain and Kirner. The cost of servicing that debt is \$1.8 billion in interest repayments.

If the government is receiving this record amount in state taxes and GST, why is it that we still have a surgery waiting list of around 40 000 people? It is because we have the lowest number of hospital beds per capita in Australia. Public transport remains a shambles, and we heard at question time that the myki ticketing fiasco is just embarrassing. We have unreliable services, and we have had only 10 sets of trains come on line since 1999. Regarding the number of police, we see a record incidence of crime. We now have over 40 000 reported cases of violence. We desperately need a school maintenance program. Unfortunately the Organisation for Economic Cooperation and Development figures show we have the lowest levels for 15-year-olds of all the mainland states in maths, literacy and science. That is most disappointing.

We are still very concerned about the increasing amount of tax; we are concerned about the increasing debt and the increasing interest costs. We are equally concerned with the decrease in quality services. With that I say the opposition will not be opposing the bill.

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

Ms RICHARDSON (Northcote) — I am very pleased to rise in support of the State Taxation Acts Amendment Bill, which as part of the state budget delivers taxation relief directly to Victorian families and businesses. It is part of the \$1.4 billion worth of new tax initiatives designed to ease the burden on Victorians and boost our economy in the face of a growing population and a slowing global economy.

Our record on state taxation reform and relief is very strong indeed. Since coming to office in 1999, Labor has abolished financial institutions duty, duty on quoted and unquoted marketable securities, duty on non-residential leases, duty on mortgages, debits tax on cheque accounts and rental business, and hire purchase

duty. In relation to those state taxes that remain, we have continued to ease the burden on Victorian families. I am proud to say this has resulted in this state budget delivering for Victorians a lower taxpaying regime than Queensland's, which is a first for our state.

This bill amends the Duties Act 2000, the First Home Owner Grant Act 2000, the Land Tax Act 2005 and the Payroll Tax Act 2007. Amendments to the Duties Act will increase the thresholds in the general duty rate scale by approximately 10 per cent for both the principal place of residence and eligible pensioner concession scales. It will also apply the concessional rate of duty for principal place of residence land transfers to first home buyers eligible for the additional grant under the first home owner scheme. This will replace the current requirement that first home buyers elect to receive either the first home owners grant or the principal-place-of-residence land transfers stamp duty concession. Now they will get both. The bill will also introduce a duty exemption for homes transferred into special disability trusts and extend corporate reconstruction duty relief in certain circumstances where a head trust is imposed between a stapled security and its security holders.

All of these measures will come into effect from 6 May, as announced in the state budget. Further amendments to the Duties Act from 1 July 2008 include changes to the off-the-plan duty concessions to address industry concerns and clarification on the exemption for the transfer of property to unit holders from unit trust schemes. In all, these measures provide \$420 million worth of tax relief to Victorians and underpin Melbourne's place as the most affordable city on the eastern seaboard.

The second set of changes being proposed in the bill are to the first home owners grant, and they are very welcome indeed. They are designed to implement the decision announced in the budget to provide an additional \$3000 to be paid to first home buyers purchasing new homes in regional Victoria. This is on top of the grants already available to first home buyers. Again, this measure is designed to support Melbourne's bid to remain the most affordable city by encouraging new homeowners to move to regional Victoria, but it also underpins Victoria's growing regions and our commitment as a Labor government to regional Victoria.

It is worth noting that regional Victoria has experienced an increase in building approvals, up from \$2 billion in 1999 to \$4.1 billion. Employment is up from 560 000 in 1999 to 691 000, and unemployment is down from 7.7 per cent in 1999 to 4.7. This first home buyers

measure directly supports our regions and reflects the growth regional Victoria is experiencing.

Amendments to the Land Tax Act are also welcomed and were provided for by the state budget. All land tax thresholds will be increased by 10 per cent. The tax-free threshold will be lifted from \$225 000 to \$250 000, and the top rate of land tax will be reduced from 2.5 per cent to 2.25 per cent from 2009. In 1999, when we came to office, that rate was 5 per cent. Accommodation for young people with disabilities will also now be exempt from land tax. In all \$490 million worth of tax relief will be delivered to Victorians as part of these important reforms on land tax.

I also want to highlight the Payroll Tax Act amendments, which again are implementing announcements made in the state budget. These will reduce payroll tax from 5 per cent to 4.9 per cent. These changes will come into effect from 1 July 2008 and will deliver \$170 million back to Victorian businesses. In 1999 when we came to office, payroll tax was at 5.75 per cent, so a 4.95 per cent rate represents a significant cut for businesses.

It is worth noting, too, that this is the first time payroll tax will come below 5 per cent in 30 years, and it comes on the back of successive cuts that the Labor government has made to payroll tax since coming to office. It means that Victorian businesses with a payroll of between \$4 million and \$13.5 million will pay the lowest payroll tax in Australia.

In response to the member for Scoresby's statements on the threshold for payroll tax and his crocodile tears for small businesses that we saw earlier tonight, I would like to remind the member for Scoresby that when the Liberals were in government they did not increase the threshold for payroll tax once — not once! Moreover, when the Labor government came to office it increased the threshold from \$515 000, which we inherited from the Liberals in 1999 — to the \$550 000 that it is today.

Where does this leave members opposite? What have they said about Labor's continual efforts and cuts to state taxes and concern for first home buyers? What have they said about Victorians now paying less tax than Queenslanders? What have they said about cuts to payroll tax and land tax and other tax incentives designed to provide relief to working families? Members opposite have said, 'We will cut taxes even more'. But here lies the problem for the Liberals: if you are going to cut taxes even more, then you have to identify which services you are going to cut as well. In government we know exactly what the Liberals did to services to pursue their own economic zealotry. In

government they sacked 8000 teachers, closed 370 schools, slashed police numbers, closed hospitals and slashed hospital funding. When the Liberals say that they will cut state taxes even further, we all know precisely what they mean when they articulate those sentiments.

In conclusion, I would like to welcome each and every measure that has been outlined in the bill — measures that other bodies have also welcomed. On the release of the budget, VECCI (Victorian Employers Chamber of Commerce and Industry) said:

Today's state budget provides business cost relief, in the context of a healthy tax take, to keep Victoria competitive with other states ...

Ms Munt — Who said that?

Ms RICHARDSON — That was VECCI. Moreover, in a media release CPA Australia said:

CPA Australia has welcomed tax relief measures announced in today's Victorian budget, including reductions in stamp duty on property transfers and land tax together with cuts in payroll tax and WorkCover premiums ...

They are good endorsements indeed.

Along with our investment in education, health, infrastructure, transport and police, these state tax initiatives are significant reforms that will ensure Victoria remains the best place to live, work, raise a family and run a business.

Mr WELLER (Rodney) — It is with pleasure that I rise to speak on the State Taxation Acts Amendment Bill 2008.

I refer to a few of the comments I have been listening to during the debate. I hear phrases such as 'tax relief' and 'tax reduction', but I think we need to keep things in perspective. An extra tax take of \$1.5 billion is not a reduction and it is not relief; it is further pain and it is an increase. Once again we have the members on the government side being the masters of smoke and mirrors.

The State Taxation Acts Amendment Bill amends the Duties Act 2000 to provide increased thresholds for general duty and principal place of residence and pensioner concessions; removal of the need for an election between the principal place of residence concession and the first home owner bonus; and further duty exemptions. It also includes an increase in the first home owners grant by \$3000. The bill amends the Land Tax Act 2005 and provides threshold increases, including raising the tax-free threshold from \$225 000 to \$250 000. However, the problem with each of those

is that while they increase the threshold, they increase the tax intake for that year, and land tax actually goes up by \$300 million. That is not a relief, that is not a reduction; it is an increase of \$300 million. Stamp duty is also increased.

I turn to payroll tax. The seat of Rodney, which I represent, is a seat along the Murray River, which has competition from New South Wales. I will use the example of Byfords Equipment. It could have relocated to the Campaspe shire, but it relocated to the Murray shire in New South Wales because of the business incentives. We are losing opportunity in the seats along the Murray to the ones over the border because there are more incentives for companies and small businesses to be set up there. We are sending small businesses out of Rodney, out of Victoria, into New South Wales. The Murray shire has a phenomenal rate of growth, greater than the Campaspe shire. Why? Small businesses are attracted there because of the likes of things such as payroll tax.

The member for Scoresby made it quite clear that although payroll tax has been reduced, the threshold has not been increased. We are now catching business that should never have been caught in the payroll tax web. In Queensland, for instance, there is a threshold of \$1 million; here in Victoria it is \$550 000. I listened to the member for Northcote talk about how the government has effected a major increase in the threshold. They have taken it from \$515 000 to \$550 000 in nine years. What has been the rate of intake? That increase over nine years, when we have had record amounts of GST and stamp duty coming into the state, has been minimal. Yet our small businesses are still being told, 'We do not want you to operate in Victoria; we are going to put a very small threshold on the amount when you start paying' so that small businesses are being pushed into the other states.

One thing I do like about this bill is the exemption of the tax being applied to the long-term, shared, supported accommodation for young people with disabilities. An organisation called Woodbine has established a house in Echuca, in the seat of Rodney. It cares for people who have been involved in a work accident or a traffic accident; they live in those houses. It is very important to have those facilities in the local community and close to families, and that the people who have been through very unfortunate accidents can live close to the community and have their independence while living in those houses. I fully support the wisdom of having those shared accommodations for young people with disabilities. Woodbine also has houses in the electorates of the

members for Lowan and Swan Hill. Woodbine is a very good organisation —

Mr Delahunty — It is based in Warracknabeal.

Mr WELLER — It is based in Warracknabeal, as the member for Lowan points out. In Echuca we are looking further, because we have demand for these facilities; traditionally people have had to travel to Shepparton or Bendigo, which is an inconvenience for the families living locally.

Again we need to look at what actually is going on with stamp duty reductions. We have been told that the legislation contains general stamp duty reductions, but I say they do not go far enough. Victoria still imposes on property the highest stamp duty of any state — there is none higher. As the Premier says, the highest is the highest; there is no higher. That means Victoria has the highest rate of stamp duty in Australia. I turn to the issue of payroll tax. The payroll tax threshold remains at \$550 000 — it is the lowest in Australia. As the Premier also says, the lowest is the lowest — and you can get no lower than Victoria when it comes to thresholds in payroll tax.

These reductions are all smoke and mirrors. The government has actually put another \$1.5 billion increase in taxes on business in Victoria. It is forcing businesses to go interstate because that is where it is cheaper for them to do business. It is affecting our employment opportunities, particularly along the border seats where I come from: the likes of Rodney, Murray Valley, Swan Hill and Mildura. The member for Mildura is in the chamber, and I am sure he would agree with me.

It needs to be remembered that the tax take has increased, not been reduced. Again the Brumby government, with its smoke and mirrors, makes it look as though it is giving us something, when it is really taking in an extra \$1.5 billion.

Ms MUNT (Mordialloc) — I am very pleased to speak on the State Taxation Acts Amendment Bill 2008. It is always a pleasure to speak on bills that actually cut taxation, which this one does. As well as running a household budget, I run a business budget, and now I am a member of the Public Accounts and Estimates Committee, which has given me an opportunity to see how government runs a budget.

The first thing for a government budget is to keep within budget. There is only so much tax revenue or budget pie that can be used to provide a whole range of services. The state can actually raise its own taxes. Basically there are only a few left. There are four main

tax streams: land tax, stamp duty, payroll tax and gaming revenue. That makes up a fair proportion of the revenue to the state; the rest comes from sales of goods and services, investment income, other revenue and commonwealth grants.

While you are running a state government, with a limited available revenue stream, which I have just gone through — land tax, stamp duty, payroll tax, gaming, commonwealth grants, sales of goods and services, investment income and other revenue — and running a balanced budget with a surplus at the same time, I think it is a credit to the government to actually be in a position where it can cut taxes. I will go through the taxes that have been cut and what I think that will mean to Victoria and my electorate.

The first part of this tax cut is for first home buyers. It is to apply the concessional rate of duty for principal place of residence, a land transfer to first home buyers that are eligible for the additional grant under the First Home Owner Grant Act 2000, which will replace the current requirement that first home buyers elect between the two. That means in effect that home buyers will not have to choose between one amount or another amount, depending on which is the greater — they will have both. That will be a great boon for first home buyers in my electorate.

The second change is the \$3000 for first home buyers purchasing a newly constructed home in regional Victoria where the consideration is not more than \$500 000. Surely this is a boon for first home buyers in our regional areas. The next change is the Land Tax Act cut. Land tax will be cut from 2.5 per cent to 2.25 per cent for 2009 and onwards.

The cut I would particularly focus on is the payroll tax cut. The bill amends the Pay-roll Tax Act to reflect the budget announcement of a reduction in the rate of payroll tax from the already scheduled reduced rate of 5 per cent to 4.95 per cent from 1 July 2008. Basically these are cuts in tax in some of the main revenue streams available to the Victorian government to run the budget and provide the services that the budget has to provide — health, education, community safety.

I would like to comment on payroll tax in relation to my electorate in particular. In the mail last week I received a letter from the Department of Innovation, Industry and Regional Development's Victorian Business Centre in Dandenong. It contains some information on business in the south-eastern region, and I would like to quote from it:

Total business turnover amounted to almost \$145 billion, with 37 per cent of Melbourne's manufacturing turnover being attributed to the region.

This is the south-eastern region.

Manufacturing exports from the south-east totalled almost \$3.7 billion.

That is exports of \$3.7 billion and turnover of \$145 billion, and there are around about 132 000 registered businesses in the region. I am sure a cut in payroll tax is very welcome for those businesses. Those businesses employ a lot of people in my region, and as I said, they also contribute a great deal to our export income.

This is a good bill. It helps first home owners not only in the suburbs and the metropolitan area but also in rural and regional areas. It gives land tax relief, and it gives payroll tax relief. I commend this bill to the house. As I said, it is always a pleasure to speak on a tax-cutting bill, particularly in the context of the government still providing the services that the community requires within a responsible financial framework and a budget surplus. I commend the bill to the house.

Ms ASHER (Brighton) — The opposition, as has been indicated, does not oppose the State Taxation Acts Amendment Bill 2008. But this is a lot of crowing for very little actual change. The bill before the house gives effect to the budget tax changes and a few other matters, but I wish to concentrate on land tax, stamp duty and payroll tax — the traditional areas of tax that have been left to state government.

First of all I turn to land tax, which is a very big issue among small businesses and self-funded retirees in particular. I concede that the bill makes some reductions in some areas. The thresholds have been increased from \$225 000 to \$250 000 in the case of straight land tax. In the case of trusts, the threshold has been increased from \$20 000 to \$25 000. The top rate, and we can all read the budget papers, has come down from 2.5 per cent to 2.25 per cent, and there have been some reductions in other thresholds. However, I wish to point out to the house that if one looks at the statement of finances — budget paper 4 — at page 179 one will see that the government has budgeted to have a land tax increase of 20.5 per cent from the 2007–08 revised budget to the 2008–09 revised budget. In other words, the government had budgeted to collect \$871 million from land tax and it has now budgeted to collect \$1049.8 million in the 2008–09 year. We see here an increase in the tax take in year 1. Again I make the

point, as I often do here, that genuine tax relief actually involves a reduction in tax take.

I wish now to turn to the issue of stamp duty, because I think it is the most inequitable tax that we have seen in terms of its handling by the Labor Party. This bill alters thresholds. It alters thresholds but it does not alter the rate of stamp duty in the top category or indeed in any rate of the schematic for stamp duty. Thresholds will be increased by around about 10 per cent. To make my logic consistent, if you look at that same table, the government is budgeting for a change in land transfer duty of negative 3.6 per cent. On the face of it you would say that therefore must be a genuine reduction. However, it is not a genuine reduction, because if you look at the explanation in the budget papers, at page 185 the government confesses why there will be a reduction in the stamp duty take in the 2008–09 year.

I will quote from the government's budget paper 4:

The increase in interest rates, the neutral outlook for prices, and the absence of one-off superannuation impacts —

courtesy of the previous commonwealth government's changes to superannuation —

suggest that there will be an initial easing in volumes —

the key to this is volumes —

before modest growth returns towards the end of the forward estimates period. Before allowing for the measures announced in this budget, stamp duty revenue is expected to be broadly unchanged in 2008–09 and experience a small decline in 2009–10, before increasing slightly over the remainder of the forward estimates period.

I also want to refer to the fact that in the second-reading speech for this bill the government basically claimed that all people would benefit from this adjustment to the thresholds. The second-reading speech states:

... the first major revision to the thresholds for stamp duty land transfer in 10 years ... This measure provides a degree of relief to residential, business and investor property purchases.

The government clearly gives the impression that everyone will benefit from these threshold changes, but the fact of the matter is that in my electorate there will be very little benefit. If your property, and there are many properties in my electorate of this value, is valued at more than \$960 000 plus \$1, there will be no change at all in the stamp duty paid prior to the budget and the stamp duty paid after the budget. There will be no change in stamp duty at all, even though the government, in all its propaganda and in the second-reading speech, wanted to give the impression that everyone would benefit from these adjustments to the threshold. That is not the case, because a flat rate of

5.5 per cent is levied on every property valued at above \$960 000.

In addition to that, this government is plain greedy on stamp duty. I want to instance again my electorate and to contrast the rates paid by people living in the Brighton electorate with the rates paid on properties of the same value by those who live in Queensland or New South Wales. On a median-value property in Brighton, not a beachfront or high-value property but a median-priced property in Brighton, the stamp duty in Victoria is \$92 125. Were that same value property situated in New South Wales, the stamp duty would be \$77 615. Were that property located in Labor's Queensland, the stamp duty would be \$60 037. It is very clear from this that the Labor Party in Victoria is more than happy to slug people over \$92 000 on a median-value property in Brighton, but that in New South Wales the same property would attract stamp duty of \$77 000. The stamp duty on a median-value property in Brighton East in Victoria is \$66 000, but were that property located in New South Wales or Queensland the stamp duty would be \$51 490 or \$42 225 respectively.

In Hampton the stamp duty in Victoria even before these so-called cuts — there is nothing happening at this level of the property market — is \$73 287. These are median-value homes in the electorate I represent. This is government by postcode by the Labor Party. Were this property in Hampton located in New South Wales the stamp duty would be \$58 770 and were the property located in Queensland the stamp duty would be \$47 193. This government is a greedy, greedy government on stamp duty; an incredibly voracious government on stamp duty, governing by postcode. It does not like the postcodes in my electorate and in the case of Brighton it is prepared to rip out \$92 000 on a median-priced property. There is absolutely no economic rationale for that other than taking from the residents of my electorate to fund its proposals. It is not even something that the Labor Party in Queensland or New South Wales is prepared to do.

On payroll tax I am pleased to see that the government has instituted a slight reduction to 4.95 per cent from 1 July 2008. I also note that the threshold has been unchanged and is still \$550 000. The member for Northcote was plain wrong when she indicated that the threshold had not been changed under the previous government. It was, and the rate was also changed in three successive budgets in very tough economic times.

I refer honourable members to the fact that the government intends to collect a 3.6 per cent increase in payroll tax in the next financial year. The one thing I

want to put forward today is that if the government is truly concerned about small business it might want to look at the payroll tax threshold. The government acknowledges that these times are good for employment, which is why it is saying there will be an increase in the total take on payroll tax, but one of the things the government could do to assist small business is to look at the threshold at some point in the future. Small business is the lifeblood of the economy, and I have many small businesses in my electorate. While I am very pleased that the payroll tax rate has gradually come down, the government needs to look at the threshold because increasing numbers of small business are being affected by this. Small changes are welcome, but the bill, quite frankly, is a lot of hot air for very little result.

Mr SCOTT (Preston) — I rise with great pleasure to speak on the State Taxation Acts Amendment Bill. I want to put in context what the member for Brighton said in her contribution about taxation, because she raised a significant issue of whether the tax take was falling. She contended quite erroneously that the tax take was rising. I seek through the Chair to provide guidance and ask her to look on the Public Accounts and Estimates Committee website where there is a lovely presentation provided on Victorian taxes as a nominal share of gross state product. That shows that Victoria's taxes are falling during the period of this budget. I suggest that when she makes a contribution on such matters she should look at actual statistical analysis rather than anecdotal analysis.

Ms Asher — Come down to Brighton and I will tell you about tax.

Mr SCOTT — I understand heading down to Brighton and providing anecdotal evidence is a replacement, in the view of the member for Brighton, for seeking statistical evidence. I suggest that is an erroneous approach that will only lead to her having a confused understanding. I understand a number of people want to contribute to this bill and there is a busy program of bills to complete so I will keep my comments brief. One of the issues I want to highlight is the changes around the recent first home owners bonus that provides an additional \$3000 for purchases of homes in regional areas being defined outside the Melbourne area. This is an excellent initiative to increase home ownership. As time is getting away from me, I will leave my contribution at that.

Mr THOMPSON (Sandringham) — I am pleased to rise to speak on the State Taxation Acts Amendment Bill 2008. In looking at taxation in Victoria there are a number of measures against which we can assess the

legislation. The first comment I wish to make relates to the increase in taxation revenue in the state of Victoria over the last nine years, which has seen the level of income for the state government increase from \$19 billion to approximately \$38 billion, so there has been virtually a doubling of taxation revenue.

The question might be asked: what have we seen for this revenue increase? If we look at education in the Sandringham electorate we see that many schools require major upgrades and refurbishment. In public transport the aspirations of the Sandringham electors is to have a sound public transport system, but we have seen the con in Connex in terms of the reliability of services for the constituents of the Sandringham electorate. In relation to other infrastructure the Sandringham hospital needs a major upgrade. We are yet to see the commitment of government dollars out of the doubling of the revenue base for the state of Victoria for major investment in those areas.

The Labor government is failing the future of Victorians. With the revenue changes we have seen in the past the level of land tax has increased significantly, forcing many businesses out of business. Caravan parks and tennis centres I can refer to immediately, as a direct result of Labor Party taxation policies, have been put out of business. Victoria has one of the highest levels of stamp duty of any state in the nation and the concessions do not remove the impost upon Australian working families. More particularly, Victorian working families, with mums and dads who go out to work, in addition to paying off their principal mortgage have built into that balloon obligations to pay back loan stamp duty.

The Labor government has failed to provide adequate infrastructure for the people of Victoria. Then, if we look beyond stamp duty and land tax and across at another area of taxation revenue, we see that in Victoria we have other forms of taxation which are automatically indexed. There is no regard for how taxation or the charges are being directed and whether efficiencies in administration can be introduced — it could be parks administration. There is an automatic increase according to the CPI, and this is where revenues are ballooning. On top of that one could add the GST revenue the states are receiving, which is a dominant part of the state budget; that is certainly ballooning out of control.

Tonight we have before the house a number of other amendments to the state taxation arrangements. It appears that the legislation as it applies to off-the-plan acquisitions, where pro rata provisions apply, is being tightened. In the last few days someone wrote to my

office, expressing concern about the adjustment of land tax upon the subdivision of a property.

In summary, I would like to make these points to the house: firstly, there has been a massive uplift in state taxation in Victoria where the scales of land tax and of stamp duty have not been properly adjusted to take into account increasing property values. So there has been an enormous rip-off of Victorian working families in those areas.

Secondly, what has the community seen for this increased level of taxation where there has been inadequate investment in water infrastructure and in transport infrastructure? The Labor Party has been in government in this state for 19 out of the last 26 years, but the reality is that the Labor Party is failing our future and the future of working families in Victoria.

Mr NARDELLA (Melton) — I support the State Taxation Acts Amendment Bill, and specifically I want to talk about the land tax threshold — that is, the First Home Owner Grant Act 2000 and the amendments thereto.

One of the great things about this Labor government is that it is actually assisting first home buyers in my electorate. All the way out to Bacchus Marsh, in one of the 48 councils, a first home purchaser of a new home actually gets a \$3000 grant from this government. They did not get it from the Liberals, who went nowhere on this. They did not want to promote home ownership, yet we are out there on a daily basis over the next 12 months, ensuring that people in my electorate and in the rural and regional areas of this state get a fair go under its taxation system.

The second thing I want to talk about is this: isn't it really sad that when you are in opposition, you look at the very small things and then attack them? Some of the taxes have been reduced from 5.05 per cent under Kennett to 4.95 per cent, and yet opposition members can still find fault with that. It is very sad; they have nothing of substance to talk about. They want to talk about Brighton and the excessive land taxes and stamp duties that residents in Brighton pay, but they do not say, 'We will reduce these taxes even further than the Labor government has done, and this is what we will we take out of the equation'.

We would like to know which schools will not be built or rebuilt. What public transport will not be built? Which police, cleaners, teachers or nurses will be sacked, as is their wont and as had been their modus operandi? This is a very good piece of legislation that assists my constituents, and I support the bill.

Mrs VICTORIA (Bayswater) — I rise to talk about the bill, the main purpose of which is to give effect to state budget measures relating to state taxes.

Some provisions in the bill reduce land tax, and there is nothing wrong with that. There are also stamp duty reductions on dutiable property, and some of the amendments to the Duties Act 2000 include increasing thresholds by 10 per cent for general duty on one's principal place of residence, and it also lists pensioner exemptions and concessions.

The other day I was talking to a real estate agent about these changes. He said it was fine to increase the threshold by 10 per cent, but property prices have gone up by something like 50 or 60 per cent in the majority of the suburbs in my area; he said the increase in threshold is not really recognising what is happening in the general market.

Pensioners will also receive an increased stamp duty concession through an increase in the property price thresholds. That is fine — there is no duty payable on a property costing \$330 000 or below, but in the outer eastern suburbs in the electorate of Bayswater there are now not too many properties under the \$330 000 price range.

How many pensioners do we know who can afford to pay \$330 000 for a house? Being on the pension, they probably are not going to be able to afford mortgages that are too high, so they would need to have an awful lot of cash; therefore they may well not be entitled to the pension. It is a bit of a strange thing happening there.

There is also the provision for first home buyers with the additional benefit of principal place of residence duty concessions, while retaining the first home owner bonus. That is an interesting one, and I will elaborate on it. An example is Wantirna, a suburb in my electorate. The median house price is \$441 400. Stamp duty on that is \$18 454. In Heathmont the median house price is \$420 000, the stamp duty on which is \$17 370.

If we look at properties that are of equivalent prices in other states, in Bankstown in New South Wales, on a house of about \$429 000 the stamp duty is \$14 795. Already you get a saving of some \$3000 to \$4000 over Victoria. In Bowen Hills in Queensland a \$445 000 house attracts stamp duty of \$6775, which is about one-third of the duty Victorians are paying. If first home buyers were purchasing this property, in Sydney the stamp duty would be zero. We are comparing Wantirna, with over \$18 000 duty payable; Heathmont, over \$17 000; and Sydney, zero!

Why is it that we are slogging young people and keeping them out of the housing market? Rentals are so expensive, as it is. Where will they start? Where will they enter the market? As my colleague the member for Hastings points out, this government is addicted to tax; and this is a very cruel blow to those who want to enter the housing market; but most of us have done it and are happy to work our way up the ladder of mortgages.

It is really bad luck if the young person buying a house also happens to be a bit of an entrepreneur and owns their own small business — and I have a few of those in my electorate. We have a lot of fantastic people in Bayswater who own everything from panel shops to IT businesses.

In that context, let us look at the amendments this bill makes to payroll tax. The Payroll Tax Act 2007 shows us that the rate of tax has reduced from 5.05 per cent to 4.95 per cent, starting on 1 July 2008 — and there is nothing wrong with that, except that the payroll tax threshold is still amongst the lowest in Australia. The threshold for paying payroll tax in Victoria is \$550 000; but in Queensland it is actually \$1 million. I will use the example of Bob, who runs a business in Boronia: he has 15 employees plus himself, with a total payroll of \$950 000. In Victoria he pays almost \$20 000 in payroll tax. Some would say that is the equivalent of a part-time person to help out or perhaps it might just be some profit he gets to take home, and a lot of small business owners do not get to take home a lot of profit. If he were running this business in Queensland, he would pay nothing! He would pay no payroll tax because he is under the \$1 million threshold.

Our threshold is wrong, and it becomes very clear that the Brumby government intends to run small businesses out of Victoria. They have borne the brunt of high taxation systems for many years. This is not a government that supports small business nor young people trying to buy their first home. It is not a government that thinks about the people, yet this is the rhetoric we hear time and time again: 'A great place to live, work and raise a family'. I can tell members that there are no indications of that in this bill.

I do not oppose the bill because it has some taxation cuts, but I am appalled that young people and small businesses have been forgotten by the Brumby Labor government yet again.

Mr PALLAS (Minister for Roads and Ports) — I move:

That the debate be now adjourned.

House divided on Mr Pallas's motion:

Ayes, 50

Allan, Ms	Hulls, Mr
Andrews, Mr	Langdon, Mr
Barker, Ms	Languiller, Mr
Batchelor, Mr	Lim, Mr
Beattie, Ms	Lobato, Ms
Brooks, Mr	Lupton, Mr
Brumby, Mr	Maddigan, Mrs
Cameron, Mr	Marshall, Ms
Campbell, Ms	Merlino, Mr
Carli, Mr	Munt, Ms
Crutchfield, Mr	Nardella, Mr
D'Ambrosio, Ms	Neville, Ms
Donnellan, Mr	Noonan, Mr
Duncan, Ms	Overington, Ms
Eren, Mr	Pallas, Mr
Foley, Mr	Pandazopoulos, Mr
Green, Ms	Perera, Mr
Haermeyer, Mr	Pike, Ms
Hardman, Mr	Richardson, Ms
Harkness, Dr	Robinson, Mr
Helper, Mr	Scott, Mr
Herbert, Mr	Seitz, Mr
Holding, Mr	Thomson, Ms
Howard, Mr	Trezise, Mr
Hudson, Mr	Wynne, Mr

Noes, 32

Asher, Ms	Naphthine, Dr
Baillieu, Mr	Northe, Mr
Blackwood, Mr	O'Brien, Mr
Burgess, Mr	Ryan, Mr
Clark, Mr	Shardey, Mrs
Crisp, Mr	Smith, Mr K.
Delahunty, Mr	Smith, Mr R.
Dixon, Mr	Sykes, Dr
Fyffe, Mrs	Thompson, Mr
Hodgett, Mr	Tilley, Mr
Ingram, Mr	Victoria, Mrs
Jasper, Mr	Wakeling, Mr
Kotsiras, Mr	Walsh, Mr
McIntosh, Mr	Weller, Mr
Morris, Mr	Wells, Mr
Mulder, Mr	Woolldridge, Ms

Motion agreed to.

Debated adjourned until next day.

**DRUGS, POISONS AND CONTROLLED
SUBSTANCES (VOLATILE SUBSTANCES)
(REPEAL) BILL**

Second reading

**Debate resumed from 8 May; motion of
Ms NEVILLE (Minister for Mental Health).**

Ms WOOLDRIDGE (Doncaster) — It gives me great pleasure to speak on the Drugs, Poisons and

Controlled Substances (Volatile Substances) (Repeal) Bill 2008. This bill is reasonably straightforward, locking in the measures that the government introduced into Parliament in 2003 in response to the Drugs and Crime Prevention Committee's inquiry into the inhalation of volatile substances.

The opposition supported this legislation in 2003. We supported the extension of the provisions of the original legislation in 2006, and we now support these measures being locked in. We do not support the government's overall approach to volatile substances because it does not have one. The legislative measures are fine, in and of themselves, but more is needed.

The ACTING SPEAKER (Mr Howard) — Order! There is too much noise in the house. Those members who are staying should be quiet so I can hear the member for Doncaster.

Ms WOOLDRIDGE — Firstly, police are not using the powers granted to them by this legislation. Their failure to publicly report the data shows their nervousness about this issue. Also, the government response needed to include schools, treatment agencies, doctors, nurses, specific programs, initiatives and a research agenda. Instead of putting in place a holistic response, the government in its normal headline-driven style announced legislation, and then failed to ensure it was utilised and failed to invest in complementary actions. Our ability to deal with the abuse of volatile substances is all the poorer as a result. As I said, the opposition finds nothing contentious in the measures put forward in the original legislation in 2003. We are appalled by the government's failure to implement the act and provide the broader response that it said it would make.

Volatile substance abuse, often called chroming, is a problem in our community. Basic background information on this abuse is needed. Volatile substances like paint give off vapours or fumes. If breathed in, these fumes can have a depressant effect. When we refer to volatile substance abuse, we are referring to the intentional breathing in of these fumes in order to achieve a high. Chroming is the most publicised form of volatile substance abuse and it is the form that most members will be familiar with. Chroming involves spraying paint from an aerosol into a plastic bag and then breathing in the fumes.

Sadly, volatile substance abuse and chroming are problems that predominantly affect young people. The most recent available data shows that volatile substances were the primary drug of concern in 562 courses of treatment at alcohol and drug agencies

in 2004–05. The most recent data also shows that hospitalisations due to chroming are increasing — there were 36 in 2004–05 — but the problem is far more widespread than these figures at first suggest. Data shows that in the nine months prior to March 2005 ambulances attended 236 separate incidences where there was evidence of volatile substance use. The government's initial legislation in 2003 — and this bill locks in that legislation — was introduced to address this issue.

I now turn to the specific measures of the initial legislation. When it was introduced, the government said the purpose of the legislation was to protect the health and welfare of children and young people. The legislation, while not making volatile substance abuse a criminal offence, gave police additional powers to deal with the issue. The police brief was to exercise these powers in the best interests of a child or young person.

The 2003 bill amended the Drugs, Poisons and Controlled Substances Act 1981 to give the police the power to search for volatile substances. This provision empowers police to search a person, packages or vehicles. Police can use these powers if a person is under 18, if they reasonably suspect a person is in possession of a volatile substance or an item that is used to inhale volatile substances, or they reasonably suspect a person is inhaling a volatile substance or would inhale a volatile substance. The search provisions extend to people over the age of 18 in cases where the police reasonably believe that a person would provide a volatile substance or an item used to inhale volatile substances to someone under the age of 18.

No new entry powers were introduced through the 2003 legislation. Rather, police were simply given the authority to search a person in a public place or with the consent of the occupier or owner of a private property. After a search has been carried out, police are then permitted — through the legislation — to seize any volatile substances or items used to inhale volatile substances that their search had unearthed.

A welfare response was also built into the 2003 act. After carrying out research, police are able to notify the young person's parent or guardian. Police can also call an ambulance in situations where an urgent intervention is required regarding a child's health. On the spot referrals to drug and alcohol agencies can be issued and the Department of Human Services can be notified if a child is in need of protection. Police officers are required to act in the best interests of a child or a young person in making decisions with respect to notifications.

Along with this power to notify various different individuals and agencies, the legislation also provided police with limited civil detention powers. Police have the option to detain people in circumstances where they reasonably believe an individual is under the age of 18 and is currently inhaling or has recently inhaled a volatile substance and is likely to cause serious harm to himself or herself or to somebody else. The power to detain can be utilised if an individual is yet to be searched and if there is an immediate risk. As soon as police believe an individual is no longer at risk of harming either himself, herself or another, then the individual must be released.

The original legislation also specifies that police must release a young person who has been detained into the care of someone who is able to look after them. Provisions in the original act also allow police to destroy seized property or to have it returned to the young person involved if they are in the presence of a parent or guardian.

While I have stated that the opposition supports the legislation before the house, there are a number of points which must be raised about it. Firstly, let us get the history right: the Liberals have led on this issue. Since 2002 we have been calling on the government to ban the sale of spray cans to people under the age of 18. During debate on the 2006 bill the member for Caulfield tried to move an amendment to that effect but the government opposed what would have been a very sensible addition to the bill. Interestingly, the Minister for Health summed up the government's position nicely at the time in regard to this issue. He said in this chamber on 28 March 2006 that:

... it is the government's view that banning the sale of aerosol products to minors is not a feasible or practical option. As was indicated by the member for Caulfield, there are some 200 different products that could fall under such a ban. Most are sold for perfectly legitimate purposes, whether to minors or to people over the age of 18. Banning their sale to minors would be an unworkable thing for us to do, and on that basis we will not be doing it. It is far preferable in our view to educate retailers about some of the risks involved.

It is interesting to note that the government did an abrupt U-turn last year when it finally adopted Liberal Party policy and banned the sale of spray-paint to minors. This policy is not so unworkable now!

The Graffiti Prevention Act 2007 now makes it an offence for anyone to sell an aerosol paint container to a minor unless the minor can produce a letter or statutory declaration from their employer that states the minor needs the spray-paint as part of their job. That is

another Liberal Party policy put in place belatedly by this government. However, I want to add some important feedback. A major youth agency in feedback to me as a result of this legislation said that minors accessing paint minors is still a very real problem. This government has been focused in terms of its response on the major suppliers — Bunnings, paint shops and those sorts of things — but most young people are accessing spray-paint from the thousands of \$2 shops scattered around Victoria. More must be done by this government to enforce last year's legislation, and the government cannot declare victory when it has not done the hard yards to genuinely restrict young people's access.

Another concern with this bill is that the government has failed to carry out the public evaluation of these measures that it promised. When introducing the legislation in 2003 the Attorney-General said:

When new police powers are created it is important that proper records be kept of their exercise. The bill accordingly provides that police must keep records concerning searches, property seized, and apprehensions and detentions, and that the chief commissioner must provide information on these matters for inclusion in the annual report of operations.

As far as I could tell, and as far as the library could tell, this comprehensive data has never been made public. We have the number of police searches and detentions hidden in the bill's statement of compatibility, but that is obviously incomplete data. This failure to disclose basic data as committed to by the Attorney-General on the introduction of this bill was confirmed by Department of Human Services officials in the briefing that was provided. In the briefing I asked for the full figures, and the minister's office agreed to supply them. Once again, no information has been provided. What has the government got to provide? This is very basic data, and I dare say that the disclosure of this information will not bring down the government and will not make the front pages, but it is important information for us to be able to evaluate the effectiveness of this bill.

That leads me to the promise in the 2003 provisions that they would be reviewed. The minister reported in 2006 that the Volatile Substances Abuse Protocols Advisory Committee was conducting this review and that the decision to extend, or not, the legislative powers introduced in 2003 would be based on the review's findings. So I looked for the review. I googled the review, I asked the library about the review, I asked the papers office if it knew of the review. Again, like the police data, departmental officials advised me that the review has not been, and will not be, made public. I have had conversations with members of that protocols

advisory committee, and they have confirmed my fears that the process has been far from transparent and far from thorough. I have been told there was only one meeting of that committee last year and not even a meeting this year and that in reviewing the 2003 act members were supplied with no data on its effectiveness — none at all. These review mechanisms are a sham and reflect the general approach this government has to evaluating the programs it puts in place.

I can tell the house why we do not have data and why we do not have a review. All reports are that police are not using the powers granted to them under this legislation. I wrote to the Chief Commissioner of Police, asking for a brief conversation for feedback from her or an appropriate officer regarding this bill — a sensible request, given that this is about additional police powers. A person on behalf of Ms Nixon finally got back to me yesterday, saying there will be no briefing and directing me to the minister's office. It is very disappointing that the police commissioner is playing partisan politics and will not brief both sides of the house on such an important matter.

So what is the reality? Community, youth, and alcohol and drug agencies tell me this legislation really has not made a difference. 'Much ado about nothing' was one comment, and if it continues, or not, was commonly said to be irrelevant, as no change in police response has been observed. One recent example was cited of four young people who had been chroming turning up at a residential withdrawal unit at 4.00 a.m. asking for help. They were in a bad way. They had been picked up by police a couple of hours earlier and simply moved on. It was this drug worker's view that this was a perfect case where police should have detained the young people and transported them to a safe place. In fact nothing was done.

The data is not provided, as it no doubt reflects the reality that this legislation was all show and has had no real impact. Here we are debating an important piece of legislation for the wellbeing of Victorian children, but we are all flying blind. We have no idea if the provisions the government wants us to make permanent have proved successful, because it continues to refuse to tell us.

Before I go on to some of the broader concerns I must comment on the convoluted and roundabout process the government has used to extend and now embed the 2003 act — a procedure that surely should have been relatively simple. The history of the legislation goes like this: the 2003 act was a two-year, stand-alone amendment act. The life of this act was extended for an

additional two years in 2006 through the Drugs, Poisons and Controlled Substances (Volatile Substances) (Extension of Provisions) Act 2006. This new legislation repeals the 2003 stand-alone act, leaving the provisions of that act in the Drugs, Poisons and Controlled Substances Act 1981. Departmental officials advise me that this complex method is a one-off and is called a self-executing sunset clause. Parliamentary counsel has recommended that it should no longer be used, and I can see why. Let us hope we do not see this approach again. I asked for a more detailed briefing on this legislative process, which the department promised to provide, but once again the minister's office has failed to supply that to me.

As I said earlier, the 2003 legislation that this bill seeks to lock in was a response to an inquiry by the Drugs and Crime Prevention Committee. In consulting with the alcohol and other drugs sector one respondent stated that the legislation is relatively benign and may be more effective in dealing with the harm associated with volatile substance use if accompanied by a comprehensive range of measures. I could not agree more. This response went on to make the valid point that other measures may be required to have a lasting impact on volatile substance use.

In fact the Drugs and Crime Prevention Committee's inquiry into the inhalation of volatile substances was an excellent report that called on the government to take sustained action to reduce the harm that volatile substances cause to young Victorians. The committee made 16 recommendations to the government. The intent of recommendation 5 is reflected in the legislation before us today. However, the Drugs and Crime Prevention Committee recommended far more than an isolated legislative response. Sadly the bulk of the recommendations was not picked up. Instead the government is doing what it always does; it is cherry picking the report for a few easy and politically expedient measures while ditching anything that would be tricky, contentious or costly.

Let us take a few examples. Recommendation 11 called on the government to implement specific education and training programs for a variety of different groups. These groups included teachers, parents, ambulance and other emergency services staff, social and community workers, drug and alcohol workers, health professionals, local government staff and journalists, which is quite a broad range. While police have obviously received some basic training regarding the provisions in the 2003 legislation and there are some guidelines for alcohol and drug workers, the rest of these groups have received nothing in the way of education or training. There was a schools resource kit

put out in 2000, but this was before the committee recommended extra and targeted training for schools and students. The committee was adamant that these groups need to be thoroughly informed of the nature and consequences of volatile substance abuse and that they should be advised of appropriate ways of assisting a young person who appears to be intoxicated through volatile substance abuse. Parents, teachers and health professionals will form the front line of any intervention to help a young person experiencing problems. These groups, despite the express wishes of the Drugs and Crime Prevention Committee, have not received support from this government as a result.

Recommendation 7 picked up a major theme of the report — that there is limited research around volatile substance abuse, and as such a research agenda on the abuse of volatile substances would form a major part of any integrated response to the problem. Responding to the recommendation, which was supported in principle by the government, the government stated that there is clearly a need for research in the area of volatile substances. At the bill briefing when I asked what research had been undertaken on volatile substance abuse, I was shocked to hear that the government has not funded one single piece of research about the abuse of volatile substances. I fail to see how we can thoroughly address the issue of volatile substance abuse, if the research is not there for us to genuinely understand it.

The committee further recommended that the government invest in the treatment of young people who have abused volatile substances. It called for the establishment of an intensive therapeutic interventions support service and proposed that the government set up youth-specific specialist services. Treatment is of course a huge part of any strategy to reduce the harm that substance abuse does to young people; it generally makes sense to provide volatile substance services as part of an integrated alcohol and drug service. However, because of Labor's underfunding and mismanagement, alcohol and drug treatment services in Victoria are stretched to breaking point. Waiting lists are ever increasing — agencies are now reporting waiting lists of up to three months for residential services — and far from investing in treatment options, the government has been cutting them.

Since 2002, 66 drug treatment beds have been cut from the system and another 8 are on the chopping block this June in Warrnambool. All in all, the Salvation Army says our treatment system is 50 per cent under the capacity we need for the demand that is out there in the community. In this context it is not possible for treatment services to keep on doing more and more

with resources that are never increased. The opposition consulted widely on this legislation. The message back from the sector was clear: if you expect it to keep doing more, it must have the funding to match. Many of the major recommendations of the Drugs and Crime Prevention Committee have not been implemented. The result is that the government's response to volatile substance abuse has been nothing like the integrated set of initiatives we actually need.

I would like to touch specifically on the fact that volatile substance abuse disproportionately affects our indigenous community. Like other services, the Western Region Alcohol and Drug Centre reports that the majority of its clients who are abusing volatile substances are indigenous and that more needs to be done to engage with indigenous young people. WRAD also tells me that the typical volatile substance user is violent, difficult to engage with and, most importantly, very different from other drug users. Volatile substances can require a specialist response, but there has been no funding from this government to make this happen.

In the time I have left I also point out that the government's response to volatile substance abuse is indicative of its approach overall to drugs and alcohol. It is fragmented and underfunded with lots of spin but very little substance. Just before the budget the government finally announced its long-awaited Victorian alcohol action plan. It was far from being the integrated strategy that we were promised. There was nothing for country Victoria, when we know funding is unevenly distributed, especially in country areas where people have less access to services. There was nothing on packaged liquor. A review was undertaken nearly two years ago, and yet there is still nothing incorporated into the overall plan. There was nothing to educate parents about how to deal with young people and the issues they have in growing up and drinking responsibly.

There was no additional funding to reflect the increased complexity and cost of providing services. There was nothing to address alcohol and drug staff salary disparities with other similar professions. When you talk to the sector you hear very clearly that these are the major issues that need to be addressed. Unfortunately the Victorian alcohol action plan did not address any of them. One-off initiatives and showy media announcements, the sorts of things we see consistently from this government, do not solve drug problems in our community. Instead the government must finally recognise that only integrated, appropriately funded long-term programs have an impact on volatile

substance abuse and the abuse of alcohol and drugs more broadly.

In conclusion the coalition will support this bill. We have always thought that these measures are sensible. However, the government must ensure that the provisions of the act are utilised by police. The government must stop the secrecy and properly and genuinely review the outcomes of this legislation. In addition, many of the recommendations made in the report of the Drugs and Crime Prevention Committee arising from its 2002 inquiry into the inhalation of volatile substances have never been acted upon. The government must revisit that excellent report and finally implement the wide-ranging and integrated strategy that the committee proposed six years ago. The government must stop the political spin and act. 'Much ado about nothing' and 'irrelevant' are not acceptable comments on its report card. This government must do better when it comes to the safety of our children.

Mr LANGUILLER (Derrimut) — It gives me pleasure to rise in support of the Drugs, Poisons and Controlled Substances (Volatile Substances) (Repeal) Bill 2008. The bill repeals the Drugs, Poisons and Controlled Substances (Volatile Substances) Act 2003, which for a trial period inserted division 2 into part IV of the Drugs, Poisons and Controlled Substances Act 1981 giving police particular powers when dealing with young people using inhalants. The bill will enable division 2 of part IV of the Drugs, Poisons and Controlled Substances Act 1981 to continue in operation after the sunset provision which is now due. Consequently it is important that we pass this legislation in order to have certainty and continuity of the operation of this regime.

This is a good bill. It is important that we put on the record that our government is committed to protecting the health and welfare of Victoria's children and young people, who are the most vulnerable members of our community. We ought to register proudly that Victoria is a national leader in taking initiatives in order to minimise harm caused by the inhaling of volatile substances, or chroming, as it is known. To help protect children under the age of 18 from harm from chroming, the Victorian government by introducing this legislation is making the regime permanent. Consequently it deals with the sunset provision which is due on 30 June.

A range of other strategies have also been employed, including the introduction of the responsible sale of solvents, a retailers kit, funding of a Koori inhalant abuse kit for the Victorian Koori community and the development of management guidelines for staff

working with young people in alcohol and drug services that are out-of-home care services.

These are all good programs. In addition, the then Department of Education and Training developed and distributed an information package for schools entitled, *Volatile Solvents — A Resource for Schools*, which was accompanied by a comprehensive training kit. These are all good measures which respond to and address the issues and which are part of a bigger plan that deals with drug abuse, volatile solvents and chroming. The Victorian government has also provided leadership on the National Inhalant Abuse Taskforce and is funding the establishment of youth specific drug and alcohol services. Some of these include a Koori youth residential rehabilitation service; five specialist alcohol drug and treatment worker positions to support young people with drug problems, including inhalant abuse, in residential care; and youth outreach withdrawal and rehabilitation services.

The primary purpose of the bill before the house is to make the provisions of the Drugs, Poisons and Controlled Substances (Volatile Substances) Act 2003 permanent. This is important, because we have temporary provisions in place owing to a sunset measure which expires on 30 June. We needed to examine what was actually happening and give stakeholders and the police enough opportunity and time to work through this and to make a judgement about whether we were on track. Indeed that is the case, and consequently we are saying that we are now making these provisions permanent and keeping them in the act so that they remain in force.

Since the legislation does not criminalise volatile substance abuse, any detention of a relevant person will not occur in a jail or a police cell. The legislation also explicitly provides that police must not interview a person being detained in relation to known or alleged offences. As soon as is practicable after a young person is apprehended, police officers must release them into the care of a person whom the officer reasonably believes is capable of taking care of the person and who consents to taking care of the person. This of course would include a guardian or a parent.

In evaluating the success of the 2003 legislation, the government used the Protocols Advisory Committee, which reviewed the data collected since 2004 from the Metropolitan Ambulance Service (MAS), public hospital accident and emergency departments, Victoria Police and drug and alcohol treatment services. It is important to refer to the data. The member for Doncaster raised a number of issues, and I am very confident that in the course of my contribution and the

contributions of other members — and that of the minister in concluding — her concerns will be addressed and her questions will be adequately answered.

The review data shows that the majority of chroming incidents involve people under the age of 18. In 2004–05 the MAS attended 123 incidents of inhaler abuse involving people in the under-18 group, which equates to 15 per cent of all attendances by MAS staff to young people under the age of 18. Public hospital accident and emergency departments show a similar trend, reporting that where inhalant abuse was a primary concern, 62 per cent of presentations in 2004–05 and 53 per cent in 2005–06 involved people under the age of 18.

I quote now from a table documenting Victoria Police actions under the volatile substances legislation. There were 65 searches of young people under the age of 18 in 2004–05, 32 in 2005–06 and 20 in 2006–07. Another part of the table relates to searches of people irrespective of age due to suspicion of their providing inhalants to people under the age of 18. In 2004–05 there were 19 such incidents, in 2005–06 there were 35 and in 2006–07 luckily the number went down to 21.

In relation to apprehension and detention of people under the age of 18 due to concern of serious harm, the numbers of incidents were respectively 25, 32 and 20. Consequently, the data shows that the police are doing a good job. It shows that the programs put in place are effective. It shows that the prime offenders happen unfortunately to be under the age of 18. Much more needs to be done, and the government and the minister are cognisant of that, and we certainly will continue to make those efforts.

I refer members to section 60A of the principal act headed 'Purpose of division' and importantly also to section 60F headed 'Search of person irrespective of age without warrant', because I am cognisant that questions were raised in relation to those who are above the age of 18. You might be aware, Acting Speaker, that as a member of the Scrutiny of Acts and Regulations Committee, I also examined the matter in the light of the human rights charter and raised questions in relation to those above the age of 18. As I said, I refer members to section 60F in relation to those above the age of 18, particularly 60F(1)(b), which refers to persons suspected of intending to provide 'an item to a person under 18 years of age to use to inhale a volatile substance'. In fact the entire section refers to it being a matter of duty of care for police to attend to those who are affected by chroming irrespective of age.

Thus it is important to register that the primary concern of the act is those under the age of 18.

The primary strategy of the act is that of harm minimisation and of ensuring that these measures and this regime are permanent. Data shows that we are on track and that the programs put in place are good ones. This is not to say we should not make more efforts or that more does not need to be done, but it shows that when the sunset date comes on 30 June we should make these provisions and this legislation permanent. This is a good bill. It is good legislation that is on track. It is part and parcel of a whole-of-government approach. In other areas we are making similar efforts, all of which are aimed at ensuring that young people are as safe as they can be and that their wellbeing is taken care of.

In conclusion, having examined very carefully the statement of compatibility in light of the human rights charter, I believe this is a good bill. It is one that meets all of the requirements and all of the expectations of the charter of human rights. I commend its passage to the house.

Mr CRISP (Mildura) — I rise to speak on the Drugs, Poisons and Controlled Substances (Volatile Substances) (Repeal) Bill 2008. The purpose of the bill is to repeal the Drugs, Poisons and Controlled Substances (Volatile Substances) Act 2003 to enable division 2 of part IV of the Drugs, Poisons and Controlled Substances Act 1981 to remain in force. Section 60A(2) of division 2 of part IV no longer makes it an offence for a person to possess or have in the person's control volatile substances or an item used to inhale a volatile substance, or for a person to inhale a volatile substance. A police officer can confiscate a volatile substance and/or detain a person if it is likely by act or neglect to cause immediate serious bodily harm to the person or to some other person. That is covered in section 60L(c).

There are a number of things I would like to discuss and put on the record about this issue. According to the Department of Education and Early Childhood Development's *Volatile Solvents — A Resource for Schools* the vast majority of young people will never inhale volatile substances for the purpose of intoxication. About 0.4 per cent of Australians over the age of 14 years, which is about 70 000 people, have used inhalants in the last 12 months. We are somewhat lucky in Victoria, given our share of the population, that we do not have the problems they have elsewhere. However, it is a fair warning of what could be ahead if the right social circumstances are not addressed. Experimental users are generally in junior secondary

school and use volatile substances only once or twice. Regular use is often part of a social group dynamic. Chronic users have a preference for volatile substances and are often intoxicated daily. The lack of qualitative research hinders the epidemiological understanding of volatile substance use. The member for Doncaster certainly outlined in her speech the lack of any research.

Not far behind the abuse of volatile substances, which primarily in Victoria is chroming involving volatile solvents, is the issue of petrol sniffing — something that in another time and in another place I have had a great deal to do with in the indigenous community. For Australia, indeed for Victoria, we need to go to great lengths to avoid the risks this group have of succumbing to petrol sniffing. I have some concerns about the micro-clusters of users of inhalants and petrol sniffers. We need to get this right, because we do not want to have to go down the path of having to look at the Opal fuel initiatives that are used in Western Australia, the Northern Territory and some other states, which is the bitter end result of volatile substance abuse by communities, particularly young people. There is a risk of what is known as brain pruning. If you use these volatile substances at a young age, you risk pruning your brain permanently, thus inhibiting the development of your intellect and considerably altering your life outcomes.

I turn to the issue of decriminalisation. Section 60M(1) provides that a person who has been apprehended and detained under section 60L must be released immediately upon it becoming known to a member of the police force that the person is not 18 years of age. This presents some difficulties for the police, and I know that they have been extensively consulted on this. There are a number of issues that this section raises.

Firstly, an person caught using a volatile substance can be apprehended yet must be let go if they are found to be under the age of 18 years. Whether or not a person who is over the age of 18 years can be detained depends on the police's discretion, I am sure. A zero tolerance or a just-say-no approach to young people using substances problematically often acts as an impediment to meaningful dialogue, and it is therefore not a good basis for establishing therapeutic interventions to address the trauma. The key to making further interventions is to help people who abuse inhalants rather than ignoring them. The member for Doncaster made some very good points about this; she referred to the lack of a holistic approach. If we are going to nip this in the bud in Victoria, we need to make sure that we put the programs around the police to support this,

maintain those low levels of abuse and stop it developing into a far more serious situation.

There are a couple of other areas where a police officer is being asked to make a judgement about releasing a young person to a parent or guardian and whether the parent or guardian is fit to take responsibility for the person who is being released into their care. We know the police are supportive. The police may need to spend a great deal of time if a parent, guardian or responsible person cannot be immediately identified. We are going to need a supportive situation, because these people are not in custody but are awaiting release. I know police become extremely frustrated when they are asked to babysit. We need those support programs in place, and they need to be up front and proven.

There is also the issue of confiscation. If a person who had a volatile substance can apply, at the place of duty of the member of the police force who received the volatile substance, for the item to be returned within seven days — that is covered in section 60H(1)(b) — does that mean that person can get their volatile substance back a week later? We need to make sure we are monitoring the return of these items so that we are not going round and round in a circle. The police are going to need some support on this.

There is another aspect of this we will look at — that is, the general use of drugs, including volatile substances, within our community. When I was first elected I went to my local community health service and asked the staff for a briefing on the drug scene in my electorate. It was a very long day, and at the end of that day the drugs officer, Mary Bassey, finished with the comment, ‘Take all my budget for dealing with the problem and spend it on an effective parenting program, and we will all be better off’. That supports the view of the member for Doncaster that we need a holistic approach, beginning with good parenting, so that this problem does not haunt us in the future.

Ms CAMPBELL (Pascoe Vale) — It is with pleasure that I rise to support the government on the Drugs, Poisons and Controlled Substances (Volatile Substances) (Repeal) Bill 2008. It is yet another piece of legislation that shows that this government is tough on drugs but will not ignore people who need and want assistance. At the very core of what the government has done over successive years is assisting people to deal with their drug use and to get their lives back on track.

The Labor government has made substantial investments in the alcohol and drug sector since 1999, and any suggestions to the contrary — such as those made by the member for Doncaster — should be put

into the correct light, based on the evidence of the funding provisions made by successive budgets. The government has invested \$456 million extra in this area since 1999, and a further \$123 million will be provided for drug prevention and treatment programs to over 105 alcohol and other drugs services statewide through the 2008–09 budget. That is something of which we on this side of the house are particularly proud, and I am sure people on the other side would welcome that, even if they have missed it in their own, perhaps veiled, research. We are committed to protecting the health and welfare of Victoria’s children and young people — and many of those who abuse substances are the most vulnerable in this state.

The member for Mildura made a particularly pertinent point, which I would like to compliment him on. It is important to highlight the importance of parenting skills and parenting programs. The fact is that many Victorian children do not have the privilege of receiving the best parenting. Such children come into state care through the child protection system, and the state takes on the onerous responsibility of trying to look after them in the best possible way. We are particularly conscious of the fact that many of the children who come into state care have led very problematic lives and have been engaging in substance abuse for many years. I compliment the agencies that work so hard with the Department of Human Services to try to bring about the best outcome for these young people.

As I said, this government is committed to protecting the health and welfare of Victoria’s children and young people. Since we took office we have almost doubled the number of drug treatment beds — 431 drug treatment beds were available in 1998–99 and 802 were available in December 2007. The waiting times for counselling, an important access point for young people wanting drug treatment services, were reduced from 6.3 days in June 2000 to 1 day in September 2007. Victoria leads the nation in initiatives that minimise the harm caused by inhaling volatile substances, which is also known as chroming.

Last year the government took action to ban the sale of spray paint to people under the age of 18 and provide police with the powers to search people and seize volatile substances as well as the items used to inhale them. One of the previous speakers commented on the ability of the police to search and deal with those who may be involved in dangerous drug use. I refer members to section 60F of the Drugs, Poisons and Controlled Substances Act, which provides for the search of persons, irrespective of age, without warrant. We place our trust in the police in this regard; they are ultimately the judges of what is appropriate in terms of

searching people in relation to concerns about volatile substances. They have a duty of care, which they know only too well. Thankfully, in recent years the police have been engaged far more proactively in this area, and they have undergone important training to make sure they are aware of legislation on volatile substances.

I make one point about the Charter of Human Rights and Responsibilities, which some people have referred to in relation to the Scrutiny of Acts and Regulations Committee. I refer members to the fact that the legislation contains rights to protect the health and welfare of persons under 18, where there is a need for justifiable intervention, based on the private rights outweighing the need for someone to assist them. This is essentially about protecting the health and wellbeing of young people. This is excellent legislation. It will ensure that more young people are protected than ever before. It is a pleasure to speak on this bill, because it removes the sunset provisions; and we know that this will be ongoing.

Mrs SHARDEY (Caulfield) — I, too, rise to speak on the Drugs, Poisons and Controlled Substances (Volatile Substances) (Repeal) Bill 2008 and to confirm that the Liberal Party is supporting this legislation, as we have supported all previous legislation in relation to this issue, which we deem to be very important in protecting the lives of young Victorians. The purpose of this bill is to repeal the Drugs, Poisons and Controlled Substances (Volatile Substances) Act 2003. This will enable division 2 of part IV of the Drugs, Poisons and Controlled Substances Act 1981 to remain in force.

The 2003 bill made changes to improve the police response to young people who abuse volatile substances. This bill will make those changes permanent, and I will talk about them later. The 2003 act was a two-year, stand-alone amending act, the life of which was extended for an additional two years in 2006 through the Drugs, Poisons and Controlled Substances (Volatile Substances) (Extension of Provisions) Act 2006. I had the pleasure of speaking on that bill, I think as the shadow Minister for Community Services.

In reading *Hansard* from the past I recalled that I proposed an amendment which the government did not accept. That amendment would have made it an offence to sell aerosol spray cans containing paint or any prescribed volatile substance to minors. The house knows that while the then minister, or maybe it was the parliamentary secretary, claimed that that would not be a workable change to the law in any way, the government subsequently adopted that as a policy — but it was in relation to graffiti legislation, not this

legislation, which I would have thought would have been the most worthwhile cause in protecting young people from inhalants.

The environment we were talking about in those days centred on chroming, which had been an issue with children in out-of-home care under the Department of Human Services (DHS). There was a huge issue surrounding that, which involved the Berry Street charity and the minister at the time. It was a very difficult situation for everybody, but finally the law was changed, albeit for a different reason. I supported the change in the law.

As I have said, the original legislation was introduced in 2003. The 2006 legislation addressed the fact that there was a sunset clause in the 2003 legislation that provided for its expiry in 2006. The primary purpose of the 2006 bill was to extend the provisions of the act for a further two years, which brings us to today. The aim of this legislation is, as I have said, to protect young people from the risk of inhaling volatile substances.

The original legislation gave police certain powers to take away from children the various things they use as inhalants in what is known as chroming. The legislation had the very strong support of an advisory committee that was set up at the time, called the volatile substances abuse protocols advisory committee. I think this committee has a very important role but I am not sure it has provided the community with the advice that the community has sought.

The member for Doncaster talked about the fact that we really do not have much by way of data or review reports or anything like that. In any event, the advisory committee's role was to offer advice on stakeholder implementation of the act, to assist in organising forums for specific sectors, to review the existing operating practices that would inform protocol development, and to provide advice on communicating to inform stakeholders in the broader community. It had a very important role. The advisory committee was fairly representative in that it represented Aboriginal groups, youth groups, substance abuse groups, youth legal aid groups, and various departments of government.

I mentioned in my contribution in 2006 that at a briefing the department told us there was little data available at that time to inform us of the success of the legislation. The 2003 legislation was implemented in 2004 but after two years there was no data to inform the community whether there had been any success. We were concerned at the time that that was the case. It still seems to be the case today, that we have little by way of

reporting on this issue. To continue, as I have said, this bill provides for a stand-alone act containing the provisions that I have talked about.

I think this was probably mentioned by the member for Doncaster, but the most recent data in relation to this issue gives us some understanding of the importance of this; but it is old data. Unfortunately we do not have anything more up to date. Volatile substances were the primary drug of concern in 562 courses of treatment at alcohol and drug agencies in 2004–05. There were 36 hospitalisations because of volatile substances in 2004–05, and in the nine months to March 2005, ambulances attended 236 incidents where there was evidence of volatile substance use.

There was a commitment from the government to evaluate all of these measures after 2006. We are informed that the advisory committee I mentioned has undertaken a review, but that review and report have not been made public. I think that is a great pity. In 2003 the Attorney-General said that data on police usage of the provisions would be reported in the department's annual report of operations. However, no data has been made public.

In 2002 the parliamentary Drugs and Crime Prevention Committee tabled the report of its inquiry into the inhalation of volatile substances. As the member for Doncaster has informed us, the report included 16 recommendations. This legislation addresses only one of those recommendations. The rest of the recommendations made by that committee have been ignored thus far. Importantly, specific education programs for young people have not been delivered. Education and training was sought for a range of groups but has not been delivered for health workers, youth workers, local government staff and journalists.

The committee also recommended that the government implement a research agenda around volatile substances. This has not been undertaken. There have been no funded programs. The only government initiatives to address this issue have been a Koori resource, a retailers kit and a schools resource kit from 2000. Alcohol and drug agencies have received no extra funding to deal with volatile substances, which DHS says are simply part of normal business.

While we support very strongly the legislation, we see a problem in that there are not the health programs to support the legislation. The responsible shadow minister, the member for Doncaster, has consulted very widely on this subject, and I congratulate her for that. The major concerns raised in her consultation process were that there has been no public review of the

measures implemented in 2003, and that the legislative measures have never been complemented by a broader health response.

I, too, call upon the government to have a look at the issues we have raised if it is fair dinkum about addressing these issues and if it is fair dinkum about helping to protect young people in our community from using inhalants. I have seen young kids on the streets in Caulfield spraying paint into a plastic bag and then sucking on it to get the fumes to give them the high and everything else it does. The dreadful outcomes that can result from the use of these inhalants include brain damage and damage to the organs of the body. These inhalants are very dangerous substances, and we need to do all that we can to ensure young people do not use them and are properly treated. While we support the legislation, we express some very severe concerns about the government doing more to ensure its implementation.

Ms DUNCAN (Macedon) — It gives me great pleasure to speak in support of the Drugs, Poisons and Controlled Substances (Volatile Substances) (Repeal) Bill 2008. The bill has a long title because the government regards drugs of all descriptions, but particularly drug abuse in young people, very seriously. This legislation builds on a large range of programs that the government has put in place in its efforts to reduce drug abuse in our community, particularly among young people.

I listened to a number of speakers from the opposition side and found it amusing to hear their criticisms.

Mrs Shardey — It is not funny; it is serious.

Ms DUNCAN — It is not funny, but I can only assume that the member for Doncaster and the member for Caulfield, who is now leaving the chamber in high dungeon, are deliberately misrepresenting or misleading the house or are completely ill-informed. I suggest the member for Doncaster is ill-informed because after listening to her contribution, one would be forgiven for believing that we were in another Parliament and that we were discussing another government and another program.

One of the points the member for Doncaster made in her contribution was about the Drugs and Crime Prevention Committee's 2002 inquiry into the inhalation of volatile substances. From memory, the suggestion was that the government had implemented one, two or three of the large number of recommendations made by the committee. The member for Doncaster is ill-informed about this because all of

those recommendations in that 2002 inquiry were either implemented or are in the process of being implemented. The government is taking a whole-of-government approach to reduce harm in this area. This bill builds on those previous programs.

The bill before the house seeks to repeal the temporary legislation introduced and passed in 2003 and further extended in 2006 to deal with the exact point the member for Doncaster made in her contribution — that is, that no monitoring was going on, that no-one had a clue what was going on and that there was no support other than from the legislation, which the opposition is supporting. I do not know why the opposition would support a bill that it believes is handling the issue so poorly. However, I am pleased the opposition is supporting the bill with whatever ifs, buts and maybes its members have indicated in their contributions.

For the benefit of the member for Doncaster, I will read out some of the initiatives in addition to the legislation that have been introduced by the government. The member for Doncaster referred to a publication produced in 2000. The government must have been pretty good if it was doing things that quickly, because we had been in government for only about three months at that stage.

Honourable members interjecting.

Ms DUNCAN — We get the interjection, ‘This is our issue; this is what we were going to do’. I think we should call those opposite the Gunna Party, because everything the government does the opposition was ‘gunna do’ in government but did not do because it did not quite get around to it.

For the benefit of the chamber, but particularly for the benefit of the member for Doncaster, I will list a number of the initiatives that the government has introduced to reduce inhalant abuse in Victoria. The interagency protocol between Victoria Police and nominated agencies was developed to support the implementation of the Drugs, Poisons and Controlled Substances (Volatile Substances) Act 2003.

The former Department of Education and Training, now the Department of Education and Early Childhood Development, developed and distributed an information package for schools entitled *Volatile Solvents — A Resource for Schools*. It is an excellent resource and is quite widely used. In August 2003 the Ministerial Council on Drug Strategy approved the establishment of the National Inhalant Abuse Taskforce. The member for Doncaster might like to read its reports. The Department of Human Services has provided the

secretariat for this task force, which looked at supply, prevention and treatment nationally.

A manual entitled *Management Response to Inhalant Use — Guidelines for the Community Care and Drug and Alcohol Sector 2003* was developed to assist residential care staff and alcohol and drug service workers in their support of young people abusing volatile substances. The *Responsible Sale of Solvents — A Retailer’s Kit 2002*, which was mentioned previously, was developed to assist retailers to sell solvents responsibly. Spray paints and gas lighter refills are the products targeted.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Roads: south-western Victoria

Dr NAPHTHINE (South-West Coast) — I raise an issue for the attention of the Minister for Roads and Ports. The action I seek from the minister is to provide a significant funding injection to upgrade and improve the safety of key arterial roads in south-western Victoria.

VicRoads is the authority responsible for managing the arterial road network, including all roads classified as highways and main roads throughout western Victoria. I draw the minister’s attention to the urgent need for action on the following roads in particular. The Woolsthorpe-Heywood Road is a very busy arterial road that carries traffic from the growing dairying industry, blue gum plantations and Portland and Heywood in addition to school buses and local vehicles. The road has lengthy sections of single-vehicle-width bitumen seal which has broken and deep edges, poor shoulders, deep potholes, blind crests and dangerous bends.

The second road I wish to draw attention to is the Caramut-Warrnambool Road, which has similar large sections with narrow pavement and significant potholes. Also, there are many dangerous rocks on the shoulders of the road that regularly shower vehicles as they have to pull over onto the shoulders to pass each other. That spray of rocks causes damage to vehicles coming in the other direction.

The third road is the Myamyn-Macarthur Road, which is a road I travelled on recently. I was struck as I drove

along that road by the high risk to road users due to the narrow pavement, especially with the number of blind crests. That is particularly important now as the road will be a significant traffic route for trucks, even B-double trucks taking woodchips to the Myamyn pulp mill. Clearly those arterial roads are of great significance and importance.

In the Glenelg shire I draw the attention of the minister to two roads. The Portland-Nelson Road had another serious accident last Friday involving a car and a woodchip truck. It is a busy road with a dangerous mix of tourists and local traffic, woodchip and log trucks and many kangaroos and emus cross it. It is a very dangerous road with a number of dangerous bends and no overtaking lanes. It certainly needs overtaking lanes and wider shoulders.

Finally, I turn to the Portland-Casterton Road. Many of the roads I have referred to are narrow pavement roads. They are not safe enough in terms of road shoulders and provision for overtaking vehicles. They are roads that will be used significantly by the expanding blue gum industry, so they will experience a significant increase in the number of heavy vehicles, including semitrailers and even B-doubles, using them, which will create a dangerous situation for the other road users. I call on the minister to introduce a plan of increased funding for those arterial roads.

Minerals and petroleum: exploration

Mr HARDMAN (Seymour) — I raise a matter for the Minister for Energy and Resources. I call on the minister to take action to further boost investment in our resources sector by helping to reduce the time, cost and risk of searching for mineral and petroleum deposits in Victoria. I saw that last week the minister announced that high prices of gold have resulted in record levels of exploration in Victoria. I also understand that the Department of Primary Industries suggests there could be another 30 to 50 million ounces of gold yet to be discovered — and gold is just one of the many resources Victoria has beneath its surface.

We know the resources sector is worth billions of dollars to Victoria's economy and employs thousands of people. We also know that exploration and development can deliver many benefits to rural and regional Victoria, including employment, business opportunities, diversification of regional economies and the development of regional services and infrastructure. It makes sense that as a government we should do what we can to continue to boost investment in the area.

What we are about is making our communities sustainable. The more diversity we have in our rural and regional communities the better chance we have of surviving hard economic times caused by drought and global prices. That is why I call on the minister to do something about assisting our geologists and scientists in their search for valuable mineral deposits. We know that now the mineral sands deposits are helping to diversify the economies in the west of the state, which now continue to attract investment and jobs. Those communities are becoming sustainable, whereas in the past they were very much dependent upon the rural industries of sheep and some cropping.

Mineral exploration can be controversial. In Seymour I have had various examples of that in Clonbinane and the Yarra Valley. The people there get concerned when these things happen. The more things that we can do to encourage some investment but also bring the community along and engage the community, the better we will be.

It has been fantastic to see the work done by the Department of Primary Industries. The department is fantastic at engaging our communities, and as I move around the state as Parliamentary Secretary for Agriculture, I can see that it is recognised by farming communities right across the state. It is wonderful to see that the minister is listening, and bringing DPI's expertise in community engagement into the minerals exploration area as well. It is imperative that we assist this industry.

Colac Public Cemetery: family plot

Mr WALSH (Swan Hill) — I raise a matter with the Minister for Health concerning a distressing cemetery imbroglio which began in May 2007. I seek that the minister intervene with his department, as I will explain. In 2000 Mrs Janice Miller of Lake Boga purchased a cremation plot in the Colac Public Cemetery to inter the ashes of her mother and father. It was her father's dying wish that his loved ones be buried in adjoining plots to create a family plot. In 2003, in keeping with her father's wishes, Mrs Miller purchased the right to an adjoining plot for her husband and herself.

In May last year, while paying her respects to her family, Mrs Miller was distressed to find that a stranger's ashes had been buried in her plot. Since that time she has been embroiled in a dispute with the Colac Cemetery Trust in an endeavour to have the plot returned to her. It has taken a significant emotional toll and has cost her family thousands of dollars without resolution. To its credit the cemetery trust has proposed

alternatives, such as shifting her family's ashes to another plot, but Mrs Miller refused, understandably wishing to leave her parents ashes at rest.

Believing the cemetery trust had failed to discharge its responsibilities, Mrs Miller contacted the Victorian Ombudsman, who then referred her to the Department of Human Services (DHS). Last July the Department of Human Services abrogated its responsibility to find a resolution, fearing it would create a precedent, and referred her to the Victorian Civil and Administrative Tribunal. Mrs Miller then applied to have the matter heard by VCAT, but a bizarre loophole prevents VCAT from hearing matters concerning in-ground cremation plots. VCAT can deal only with issues concerning interment of ashes in memorial walls.

Mrs Miller again took the matter to the Ombudsman, and after six months of investigation the Ombudsman ruled that Mrs Miller had the right of burial on the plot she had purchased and that the stranger's ashes should be moved. This should have been the end of the issue, but now DHS has objected to the Ombudsman's decision, drawing out the process even further for Mrs Miller and her family.

I ask the minister to direct his Department of Human Services to withdraw its objection and accept the Ombudsman's ruling so that Mrs Miller may finally be delivered the right outcome — that one day Mrs Miller's ashes and her husband's ashes will be able to be interred in the plot she legitimately purchased next to her late mother and father's last resting place, creating a family plot and fulfilling her late father's wishes. Common sense needs to prevail on this issue.

Consumer affairs: short message service subscriptions

Dr HARKNESS (Frankston) — I wish to raise a matter for the attention of the Minister for Consumer Affairs. The action I seek from the minister is that he investigate the business practices of short message service (SMS) subscription services. Most people will be familiar with SMS subscription services through their loud and colourful advertising on commercial television. At all hours of the day 15-second ad spots appear offering viewers new mobile phone ring tones, backgrounds, games, and even some sort of relationship advice. To make a purchase the consumer sends a text message from their mobile phone to the number displayed in the advertisement. The requested item is then sent back and the buyer is charged around \$4 or \$5 on their mobile phone bill.

Up to this point the service may seem relatively harmless, but like all rorts, the devil is in the detail. Amongst all the bright colours and flashing lights what many people do not notice is the minuscule fine print at the bottom of the screen. A close reading of this reveals that this is not a one-off purchase as the advertisement suggests; in fact by sending the text people are signing up to a subscription service, meaning they will continue to receive and be charged for further text messages. This turns an apparent one-off payment into a series of ongoing charges. Many people do not realise this until they get their phone bill, and then it is often not clear how they can cancel a subscription. Even if consumers are aware that they are being charged for every text, they do not know how to make it stop. The fine print on the ad alludes to this with only a few words indicating that the word 'Stop' must be sent to cancel the subscription.

It is easy to see how this can lead to consumers being ripped off, and this is exactly what happened recently to a constituent of mine. The constituent, who was a pensioner, was absolutely horrified to discover that she had been charged over \$400 after inadvertently replying to a company named dada.net — a subscription service which had managed to contact her directly. Making people pay hundreds of dollars for these services is both morally outrageous and legally questionable. The harsh terms of these subscription contracts are displayed in such a small font and appear so briefly that many consumers are totally unaware of them until they are hit with the bill.

Australian contract law requires consumers to be given reasonable notice of terms before they enter a contract. If sufficient notice is not given, the terms are legally unenforceable. While the application of this law is clear in most cases, new technology gives rise to new situations where the law is unclear or inadequate. I have spoken before in this place about the danger of new technology outpacing the law, and the need for governments to take swift and decisive action to ensure that a new generation of technology does not mean a new generation of rorts. With this in mind I ask the minister to investigate, firstly, whether such contractual terms are enforceable, and secondly, whether the government can make regulations to stop these unscrupulous businesses exploiting customers.

Payroll tax: small business

Mr WELLS (Scoresby) — I raise with the Minister for Gaming a matter for the Treasurer in another place. The matter of concern is the payroll tax for small business, and in particular the threshold level that small businesses are now facing. The action I seek is for the

minister to increase the threshold level for small business.

The government brought down the budget on 6 May and with great fanfare said that it would cut the payroll tax rate from 5.05 per cent to 4.95 per cent. But the reality is that the overall take for the government will be an extra \$360 million. The government's first response will be that is because more people are going to be employed and that is why the payroll tax bill will be greater. But the reality is that at page 23 of budget paper 2 the government is forecasting an increase in unemployment, so that logic does not stand up. The government is expecting the unemployment rate to go from 4.5 per cent to 4.75 per cent. So the reality is that more small businesses will be caught up in the net.

When you compare the Victorian threshold level to those in other states you find that Queensland has a \$1 million threshold; New South Wales, \$600 000; Western Australia, \$750 000; Tasmania, \$1.01 million; Northern Territory, \$1.25 million; and the Australian Capital Territory, \$1.25 million. Only South Australia is lower at \$504 000. This is an enormous burden on Scoresby small businesses and it is making it very difficult.

The definition of a small business in Victoria is that it has 20 employees or less. If you have 10 employees working in an IT firm, for example — just 10 employees with an average pay of around \$55 000 — then obviously they will be caught up in the net of \$550 000. This is an unfair impost and we are receiving more and more complaints about this. The action I seek is for the minister at the table, the Minister for Gaming, to take this matter to the Treasurer so that small businesses in Scoresby and across Victoria receive a fairer deal when it comes to payroll tax.

Hurstbridge Primary School: principal

Ms GREEN (Yan Yean) — I wish to raise a matter for the attention of the Minister for Education and the action I seek is for her to ensure the speedy resolution of the investigation which is currently under way at Hurstbridge Primary School. I want to say at the outset that this school is one of the finest examples of state education that you will find in this state. The students are an amazing bunch of creative, intelligent, hard-working, good-humoured and resilient kids. I know this because they have made me part of their school community for the past seven years. These students are supported by a wonderful extended school community of staff, volunteers, parents, traders and indeed all of Hurstbridge and district.

This wonderful community has had its challenges. On 1 January 2003 all but one of the school buildings were burnt to the ground. This wonderful resilient community rose from the ashes and it pulled together to ensure that these kids started their school term on time, albeit at another site. The school community was very patient while that school was rebuilt. I have had the great privilege of visiting their school at least twice every year over the past seven years.

Sadly this year they have had yet another challenge — the investigation into their long-serving principal, Marg Uren. It is not surprising that such a passionate and dedicated school community has wanted to get involved in this issue. But whoever decided it was in the interests of Marg Uren, the staff and, most importantly, the children at this school, however well meaning, has done Marg, the kids, the parents and the school a grave disservice.

In my previous work life I represented working people; sometimes I had the occasion to raise workplace issues and also represented those who had workplace complaints made against them. I found through that experience that once those issues were in the public arena no-one was the winner. These issues are best resolved in private. As someone who has a great love for this school community I want to wholeheartedly thank the marvellous teaching and administrative staff who are continuing to deliver a great education to the students of Hurstbridge primary under very, very difficult circumstances. I commit to them that I will continue to be there for them whatever the outcome. I urge the minister to continue to stress to her department the need to work quickly to resolve this issue as this is in the best interests of Marg, all the staff and, most importantly, the fantastic kids of Hurstbridge primary.

Warrandyte Netball Club: funding

Mr R. SMITH (Warrandyte) — I ask the Minister for Sport, Recreation and Youth Affairs to consult with the committee of the Warrandyte Netball Club to assess their needs for adequate training facilities at Warrandyte Reserve in Warrandyte. The Warrandyte Netball Club has been going for about 50 years now but it remains one of the few clubs, if not the only club, in the area not to have its own club rooms or indoor training facilities. There are currently no indoor training facilities for the girls in the club, which means that training is always called off on evenings that are wet or rainy. It means that many of the young girls who have come straight to training from school are stranded in wet weather until their parents come to collect them.

There are no change rooms available to the girls as the public toilets on the reserve are unsuitable for the girls to use day or night, and of course this needs to be rectified. The club's committee has been actively engaged in making their dream of a purpose-built club room become a reality. Preliminary plans have been drawn up which show a building that is very much in keeping with the surroundings of the Warrandyte Reserve. The current senior citizens building will be seamlessly incorporated into the new building and will provide the senior citizens who meet there with a new and contemporary meeting place.

The proposed building will also provide an environment where parents will be encouraged to stay around and watch their children train, and will also incorporate a canteen which will help the club with fundraising activities. It is certainly a credit to the members of the committee that they have done so much work to date on this project. On top of organising the early plans, they have discussed issues pertaining to the setting up of a committee of management and ensured that access to the reserve will be enhanced as a result of their work. The club's committee has been very active to make sure all their relevant stakeholders have been kept up to speed with the project, and they have been able to collect almost 1300 signatures on a petition in support of the project which I tabled in the house today.

I recently joined with members of the committee, which include the local police sergeant and the chair of the Warrandyte Bendigo Bank, at a meeting with the chief executive officer and directors of Manningham City Council to discuss this project. Council were incredibly supportive of the committee's plans and in principle has agreed that this project will be a fantastic addition to this area. The Warrandyte Bendigo Bank has also flagged its intention to support this project and the club itself is already raising funds to contribute. Sport and Recreation Victoria funding will go some way to starting this project, but for it to be completed the minister would have to commit to the project as one that is vital to the netball club and as one that will be an enhancement to the local community facilities. In order for the minister to be as enthused about the project as I am, I urge him to view the committee's plans, talk with them about their needs and do all he can to make this project a reality.

Consumer affairs: trades scams

Ms MUNT (Mordialloc) — The matter that I raise this evening is for the attention of the Minister for Consumer Affairs. The action I seek is for the minister to investigate ways to more fully protect the people of

my electorate from a new scam which seems to be operating there, and to take action in that regard.

I have raised with the minister concerns about a number of scams, which he has acted on previously. But this particular scam is quite personally disturbing, and I think it could also be disturbing to the people of my electorate.

Last week I spoke on the phone with Mr Ken Stirrup, who is a gentleman aged 87 years. He had a door-to-door supposed tradesperson come to his home and tell him that his chimney was dangerous, that it was about to fall into the neighbour's house and cause severe damage to it. Because Mr Stirrup is elderly, as he explained, he cannot get up on his roof to check on the structural integrity of his chimney, so he trusted the people associated with the tradesperson. He said the gentleman had an English accent and was presentable and convincing. He trusted them to do the work to his home.

Mr Stirrup lost \$5000 in this scam. There are other reports from my electorate of people losing up to \$16 000 in this scam. Mr Stirrup is a pensioner. As I said, he is 87 years old and is a war veteran. He served in the Second World War in the British Army from 1938 to 1945. For five of those years he was a prisoner of war in Poland. He has actually written a memoir of the time when he was marched through the snow in Poland to go from one prisoner of war camp to another. I find it distressing that a gentleman of this age, who has suffered such hardship and has provided such service to his country, can be treated in this way. I find it distressing that anyone could take money from these people under false pretences — how can these scammers sleep at night?

I urge the minister to investigate this issue as there are a number of reports coming from my electorate, which I believe is being targeted. I am intent in warning our local residents about these unscrupulous scammers.

Emergency services: volunteers

Mr TILLEY (Benambra) — I wish to raise a matter for the Minister for Police and Emergency Services. The action I seek is to have the minister announce round 2 of the community safety emergency support program 3, which is available to the Country Fire Authority (CFA), Victoria State Emergency Service units, Life Saving Victoria, the Australian Volunteer Coast Guard Association, Victorian squadron flotillas and other eligible emergency service volunteers groups. The minister had committed to this round of funding

being announced in early 2008; it is now late May and there has still been no announcement.

The electorate of Benambra encompasses region 24 of the Country Fire Authority. Within this region at least seven brigades applied for funding in round 1. None of them received funding, but they are waiting to reapply. Those seven units — Biggara, Eskdale, Burrowye and Walwa, Falls Creek, Corryong, Kiewa and Chiltern — need to purchase slip-ons. I am sure the minister is aware what slip-ons are. The minister is not in the chamber, but some of the parliamentary secretaries are, and all of those units wish to acquire slip-ons. Fires in rural Victoria are predominantly caused by lightning strikes, and these can happen in remote areas. Slip-ons are cost-effective units which are able to respond quickly to minimise the impact of a strike.

The community safety emergency support program can provide eligible agencies with funds to buy ancillary safety and rescue equipment to complement these units' existing infrastructure. For projects costing up to \$75 000, \$1 out of every \$3 needs to be raised by a unit. For projects costing over \$75 000 and up to \$100 000, the project is on a dollar-for-dollar basis.

Volunteers are a vital part of the CFA. Benambra has a proud history of volunteering, with 25.4 per cent of its population doing some form of unpaid volunteer work — that is well above the state average of 17.9 per cent. Through the goodwill of the communities and the hard work of the volunteers, the funds to cover the unit contributions have been raised, and we are now waiting for the minister to announce the next funding round.

It is time for the minister made an announcement so that applications can be completed and approved, and so that equipment will be available for the next fire season, which is quickly approaching. The minister needs to make the announcement now so that these groups can make their submissions. It will be no damn good if these submissions are made and are, hopefully, successful if the funding is received after April next year — that is, after the fire season.

Tertiary education and training: overseas students

Ms THOMSON (Footscray) — My adjournment matter is for the Minister for Skills and Workforce Participation. I seek from the minister action to be taken to help assist our overseas students, particularly Indian students, to help them adjust to life here in Australia.

I do not know if members are aware that half of all Indian students who choose to study in Australia

choose to study in Victoria. A large number of those students actually live in my electorate. However, there has been recent publicity about violence against and substandard housing for Indian students who do not understand that there are laws to protect them. While I am aware that work is being done by Consumer Affairs Victoria and the minister, who has also taken action in closing down substandard colleges, there is still more we, as a government, could be doing to make the experience of Indian students far more rewarding. Then, when they go back home, they will have great memories of Australia. Those who choose to take on permanent residency will do so with a sense of wanting to be active and willing members of our community.

A number of these students are frightened about reporting incidents which occur — whether it is about proper housing, about their courses not being up to standard or about their being intimidated in some way — because they have been told they may be in breach of their visas and may be sent home. There are also questions about some students working for substandard wages — some for as little as \$5 an hour. These are anecdotal reports, and they need to be investigated. I know the minister is aware of many of these issues, but I ask that she bring together a whole-of-government response to deal with some of the issues that Indian students face here. We need to look at ways of ensuring they are aware of their rights and entitlements and what they can expect while studying in Victoria.

The vast majority of students who come here have a wonderful experience, and many of our universities provide wonderful packages for students prior to their coming to the country so they can understand what to do when they get here. As a matter of fact, using students, the police and other interested parties, Victoria University has just produced a DVD to engage with Indian students before they come to the country and to explain what they should expect and how to go about settling in Victoria.

I ask that the minister look at what action the government can take to develop a whole-of-government response to ensure that our overseas students have a wonderful time while they are studying and learning in Victoria.

Responses

Mr BATCHELOR (Minister for Energy and Resources) — The member for Seymour raised with me the need to assist explorers in their search for mineral deposits. He made reference to the value of the resources sector to Victoria's economy, and he is

absolutely correct — he is a parliamentary secretary who knows his business — because the sector is worth more than \$5 billion to Victoria's economy and employs more than 10 000 people in the state. He was also correct to highlight the importance of the sector to our regional and rural communities in particular, and he does a great job in representing those communities.

Over the past 50 years understanding the complex geology of Victoria has been rather a hit-and-miss affair, with geologists and scientists relying on trial and error in their search for mineral deposits. The member for Seymour will be pleased to hear that this government has gone a significant way to addressing the problem by investing in a state-of-the-art 3D visualisation room to help prospectors and explorers accurately locate Victoria's vast and, we believe, untapped mineral, oil and gas deposits. This facility, the 3D visualisation room, is located at GeoScience Victoria and is the first such state-run facility in Australia.

The 3D visualisation room will allow geologists to see and analyse the so-called plumbing network that runs underneath the earth's crust. It will enable them to more accurately predict the location of mineral deposits, hydrocarbon, gold and base metals. It will allow exploration companies to look at maps of Victoria and Bass Strait in 3D form, showing where mineral, oil and gas deposits are located and giving them a more accurate location of where to drill and undertake their exploration activities. Exploration and mining companies working on collaborative projects with GeoScience Victoria will be given access to the facility at no cost.

Access to this technology will help make Victoria an ideal location for investors, and we welcome investors to Victoria to look for our minerals and other resources. For this reason the new technology is a hugely important step for the state and our economy. But the facility not only benefits Victoria's mining industry; it also has flow-on benefits for our economy and local communities, increasing employment opportunities, particularly in regional and rural Victoria.

The 3D maps produced will also help Victoria in its battle against climate change. It will do this by helping to identify potential sites for geosequestration of carbon dioxide, positioning Victoria at the forefront of this important research, not only within Australia but internationally. As can be seen, the facility serves as a useful tool in many ways and will undoubtedly position Victoria's resource sector as a great place to invest. Once again this puts the Victorian Brumby government at the forefront of investment opportunities, particularly

in the mining and resources sector, and I thank the member for Seymour for raising this matter tonight.

Ms PIKE (Minister for Education) — I thank the member for Yan Yean for requesting that I ensure resolution of a very challenging issue at Hurstbridge Primary School within her electorate. I acknowledge the member's long-term commitment to this school, which has had some challenging issues to face over an extensive period of time. I also welcome the opportunity to formally clarify some of the matters that are currently under investigation concerning the former principal, Ms Margaret U'Ren.

In August 2007 Ms U'Ren was advised by the regional director that her principal's contract at Hurstbridge Primary School would be renewed for another five years. In November of that year Ms U'Ren met with the regional director and advised him that for personal and financial reasons she intended to resign as of 22 February 2008 and after that to reapply for the position. Shortly before this date an anonymous letter was received at the regional office and at the school. This letter made potentially serious allegations against Ms U'Ren, but as it was anonymous no action could be initiated. On 25 February a signed letter of complaint was received at the regional office. This also contained a number of potentially serious allegations. An investigator was appointed, the author of this letter was interviewed and a number of other former and current staff then proceeded to come forward with complaints. I might add that none of these complaints related to children; they were all matters relating to staff.

As Ms U'Ren was no longer an employee of the department, because she had resigned, the department was constrained in its investigation of the complaint without her consent. On 14 March Ms U'Ren was advised that serious complaints had been made and that the principal selection process would be abandoned to ensure that the rights of all candidates would be protected. Ms U'Ren advised the department that all contact with her was to be made through her lawyers.

In the following weeks more former and current members of staff came forward with further complaints. On 24 April the department wrote to the lawyers requesting cooperation with an investigation process. In a response received by the department on 9 May, Ms U'Ren's lawyers indicated that, subject to the clarification of a number of issues and modifications to the process, she would be prepared to participate in the department's complaints and investigation process. Correspondence on some of these issues has continued since that time. The department is not prepared to alter its protocols in ways that might compromise the

integrity of a well-established and effective process. Nonetheless the department is continuing to determine which complaints Ms U'Ren will be asked to respond to, and once that list is determined, Ms U'Ren will be provided with an opportunity to respond to these allegations.

It is important that the investigation is thorough, due to the nature, breadth and depth of concerns that have been raised. I have complete confidence in the professional and dispassionate way the department, and in particular the regional director, is handling this issue. Ms U'Ren will be accorded natural justice. The department's concern, and mine, is to ensure that this process is fair to everyone, and this includes Ms U'Ren but also all of the complainants.

The regional director has provided a confidential briefing to the school council president, treasurer and secretary. It is both my and the department's belief that the education and wellbeing of all students at the school remains a priority throughout this process. I again thank the member for raising this matter with me this evening.

Mr ROBINSON (Minister for Consumer Affairs) — The member for Frankston raised an issue for my attention in relation to short message service subscription services. I thank him for raising this for my attention. He is right in his analysis that this is an area in which industry and technology developments are outstripping the law. His analysis on that is correct, for which I commend him. I appreciate his concerns. Telecommunications and consumer complaints against telecommunications service providers are increasingly a large part of the workload of Consumer Affairs Victoria. That would be the same with similar agencies around the country.

It is the case for two reasons. The first is that more and more commercial activity relies upon telecommunications. We now do things via text and internet that we did not do 10 years ago, so an increasing quantity of activity we are involved in on a day-to-day basis revolves around telecommunications providers. Secondly, we are experiencing between the state and commonwealth levels gaps opening up in the regulatory environment so far as consumers are concerned. For those two reasons, this is becoming an increasing area of concern around the country.

I am happy to refer the matter the member has raised to Consumer Affairs Victoria, and it will investigate and do so very competently to the extent that its powers under state laws allow it to investigate. This is the problem we face, because telecommunications are to a

large extent a commonwealth matter, so there are some aspects in which state agencies under state laws are limited as to how far they can go in seeking redress for consumers.

It is an area of interest to a lot of people. A couple of weeks ago on my way to Parliament I bumped into the former member for Doncaster. I might just say that he looks a picture of health. Obviously life beyond politics agrees with him. He stopped for a quick chat and wants to catch up for a cup of coffee. The thing he wanted to talk about was telecommunications from a consumer's perspective, where the gaps are emerging. It is not only the member for Frankston or Consumer Affairs Victoria or the minister who must think about this but the former member for Doncaster is also up with the game.

I will pass this on to Consumer Affairs Victoria. It is possible in the longer term that the ministerial council or Consumer Affairs Victoria could have a look at it, but I think in the first instance we need to engage the commonwealth government. What I propose to do on the member's behalf, as well as referring the matter to Consumer Affairs Victoria, is to write to the new federal minister, Senator Conroy, and ask him to examine from a consumer perspective where the gaps are, to ensure that organisations like the telecommunications industry ombudsman at the federal level are working hand-in-glove with state agencies. That is not the case at the moment, and we have more work to do there.

The member for Mordialloc raised a very disturbing issue regarding unscrupulous conmen who have been targeting elderly residents in the bayside area and offering to do substandard work on roofs and homes; they have been literally robbing people blind. This is a very disturbing issue. In particular the member raised the issue, as has been reported in her local newspaper, involving Mr Kenneth Stirrup, a Mentone resident — a decorated World War II veteran, a survivor of the Dunkirk campaign and someone who served time in a prisoner of war camp.

I recently had the opportunity, with the member for Ivanhoe, of attending the Heidelberg repatriation facility where the government has announced substantial funding to have the psychiatric unit there upgraded — something that is a very substantial matter of interest to veterans across the state.

Being out there gave me the opportunity to reflect on this: when you think about what some of our veterans in particular have been through, to think that what this man in particular is copping from these unscrupulous

operators, it is a disgrace that some people in our community can think nothing of targeting the elderly, the vulnerable, those who have done more in 5 minutes of their lives than these despicable individuals would do in a lifetime. They do so without any compunction. They target the elderly and say to themselves that they deliberately seek the elderly because they are less likely because of their age or infirmity to question them. That is an absolute disgrace. I think all members would agree that we can summarise only in this way: people who do that, who systematically prey on the elderly and vulnerable, are the scum of the earth. They are literally scum. It is not a term I use lightly, but that is the expression that fits people of that character.

Sadly, the highly mobile nature of some of these rogue traders makes it very difficult for the police, notwithstanding their best efforts, to crack down on them and bring them to account. I had some personal experience of chasing these rogues some years ago and at that time the pattern of behaviour seemed to be that they worked in family or related groups. They travelled up and down the east coast of Australia, following the sun, so in the warmer months they would come to Melbourne and in the cooler months they would move north. They were like gypsies in their character.

An honourable member interjected.

Mr ROBINSON — Just listen and you might learn! What is increasingly happening is that these operators are becoming more sophisticated. We are not just seeing them come to Melbourne in the early spring time when it is easier for police, councils and Consumer Affairs Victoria to crack down on their activity; they tend to be operating year round. They are highly mobile and well organised. I accept that they are growing increasingly sophisticated and more mobile, and we need to find better ways of tackling them. I will refer this matter to the agency with a view to identifying better ways for us to tackle and resource a crackdown.

Dr Napthine interjected.

Mr ROBINSON — I am sorry that the member for South-West Coast does not believe that this issue, affecting as it does a decorated war veteran, is not deserving of a few minutes of his precious time.

Dr Napthine — On a point of order, Deputy Speaker, the minister is casting an aspersion, and I ask him to withdraw. The comment I made is that the minister had given us 20 minutes of commentary but no action to deal with the problem.

The DEPUTY SPEAKER — Order! The member for South-West Coast has asked the minister to

withdraw. Will the minister withdraw? I ask the minister to withdraw.

Mr ROBINSON — I will withdraw whatever portion of my speech so grievously offended the member for South-West Coast.

The DEPUTY SPEAKER — Order! The minister has withdrawn, and he will now conclude his response.

Mr ROBINSON — Let the record show that the member for South-West Coast, in his years here, has afforded other members of this place no opportunity to resist his constant interjections, if it comes down to wasting time.

The DEPUTY SPEAKER — Order! The minister, to respond to the issues.

Mr ROBINSON — I am more than happy to work on the member's behalf, to see if we can work through the department to find better and more effective ways of cracking down on these rogue operators. I believe we need greater cooperation between Consumer Affairs Victoria, Victoria Police, and local councils and agencies that deal with the elderly.

I also think we need to bring into this equation agencies like the tax office, because one of the characteristics of rogues like this is that it is all done cash in hand. They leave no trail and avoid their other obligations to taxpayers in the sense that they never pay any tax. They are highly mobile and they do all of us a disservice in that sense. I think the possibility of bringing the tax office into this equation will resource us in a more powerful way. I would be happy to work with the member to see how we might develop those plans.

I appreciate the member's interest in this. I reiterate that we all have an obligation to try to do our best to assist the elderly in our electorates and in particular those who have served the nation with distinction and great sacrifice, to ensure they are protected to the best possible extent against these absolutely outrageous rogue operators.

Dr Napthine interjected.

Mr ROBINSON — There we go again, there we go — —

The DEPUTY SPEAKER — Order! The member for South-West Coast will cease interjecting and the minister will refer his remarks through the Chair.

Mr ROBINSON — He cannot control himself at all.

The DEPUTY SPEAKER — Order! The minister, to refer to other matters.

Mr ROBINSON — The member for South-West Coast raised an issue for the attention of the Minister for Roads and Ports relating to various arterial roads in his electorate. That matter will be referred on.

The member for Swan Hill raised an issue for the attention of the Minister for Health regarding the anxiety that had arisen for a Mrs Miller in his electorate regarding burial arrangements at the Colac Cemetery Trust, a matter that must be causing her and her family great anxiety. I will have that matter referred on.

The member for Scoresby raised an issue for the attention of the Treasurer in the other place in relation to payroll tax for small businesses and the thresholds for payroll tax rates. I will pass that on.

The member for Warrandyte raised an issue for the attention of the Minister for Sport, Recreation and Youth Affairs regarding a local sporting club and its funding application. I will pass that matter on.

The member for Benambra raised an issue for the attention of the Minister for Police and Emergency Services regarding round 2 of the community safety and emergency support program. I will pass that on.

The member for Footscray raised an issue for the attention of the Minister for Skills and Workforce Participation in relation to assistance for overseas students, particularly Indian students, as they adjust to life in Melbourne. I will pass that on as well.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 10.49 p.m.