

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Tuesday, 5 June 2007

(Extract from book 8)

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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Tuesday, 5 June 2007

The PRESIDENT (Hon. R. F. Smith) took the chair at 2.02 p.m. and read the prayer.

CONDOLENCES

Hon. Sidney James Plowman

Mr LENDERS (Minister for Education) — I move:

That this house expresses its sincere sorrow at the death, on 3 May 2007, of the Honourable Sidney James Plowman, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a member of the Legislative Assembly for the electoral district of Evelyn from 1973 to 1982 and 1985 to 1999 and as Speaker of the Legislative Assembly from 1979 to 1982 and 1996 to 1999.

Jim Plowman had a distinguished career. He ran for Parliament eight times and was elected seven times and served for 23 years as a member of the Legislative Assembly. During that time he was Speaker twice, as I said, during the last three years of the Hamer-Thompson government and the last three years of the Kennett government. In between, from 1992 to 1996, he served as Minister for Energy and Minerals and Minister Assisting the Treasurer on State Owned Enterprises in the Kennett government. During his 23 years as a member of the Parliament he also served on seven parliamentary committees.

I did not know Jim Plowman, although I briefly met him during the induction of new MPs to the 1999 Parliament, so to find out a bit more about him I read his inaugural speech, which was made on 25 October 1973, in a very different era. An inaugural speech is an interesting way to learn a bit about a person and see what makes them tick. Going by his inaugural speech he was a man of his time. He was a farmer and grazier, and amongst other things during his career he managed Nareen for Malcolm Fraser, so he knew a bit about grazing. He was also a jackaroo and a national serviceman. He served on the former Yea Shire Council and managed a coffee plantation in Papua New Guinea, where he was a member of the Papua New Guinea Volunteer Rifles.

In his inaugural speech he talked about issues in his electorate, and again they reflected his aspirations for the time. He talked about his views of service, his pride in being a member of the Liberal Party and the things he had done. He was also in a unique position in that he served for seven years in the same Parliament as his brother, Tony, whom I knew quite well. He was a man of his time, a man who served his community, his party

and his electorate. He died at 72 years of age. On behalf of the government I offer my condolences to his wife, Prue, and their family.

Mr P. DAVIS (Eastern Victoria) — It is always with great reluctance that we join condolence motions, particularly when we have served with the members about whom we are speaking. I knew Jim Plowman very well over a long period of time. Not only did I serve with him in the Parliament, but I came to know him prior to my election to Parliament through my involvement with the Victorian Farmers Federation.

Some described Jim Plowman as Gentleman Jim, and that is how I will always recall him. He lived through interesting political times. As the Leader of the Government indicated, he served a total of 23 years in the Parliament in two tranches, one might say. But it was not so much his length of service as the fact that in the concluding Parliament of his first tranche he was the Speaker, and as the Speaker he had to exercise his casting vote on numerous occasions as the numbers were 41 for the government and 40 for the rest. That put a certain perspective into parliamentary life for Jim. I believe he gained a good deal of respect as Speaker of the Legislative Assembly and discharged that duty dispassionately but at the same time had an eye for the fact that he was a member of the government.

In 1982, along with a number of his colleagues from the then Thompson government, he managed to have a brief sabbatical as a result of the election cycle, but he was then able to achieve something that few members of Parliament who lose their seats are able to achieve: he contested the same seat and regained his foothold in the Parliament in 1985. Jim was tenacious but in an extraordinarily polite way. He was not rambunctious, as some of us are in this place, and he was not perceived to be thrusting himself forward.

But on two separate occasions he was regarded highly enough by his peers to be elected as Speaker, which is no mean feat. On the second occasion when he was Speaker, which was in the second Kennett government, he again, with a very large majority to control in effect, won a reputation for being fair in terms of the parliamentary procedures.

I suppose the most significant parliamentary and government role that he had was as Minister Assisting the Treasurer on State Owned Enterprises and Minister for Energy and Minerals, both offices which he held conjointly in the first Kennett government when of course there was a massive reorganisation of the energy industries in this state. Jim Plowman, with Alan Stockdale, were the architects of the energy reforms

which led Australia and put Victoria in a very competitive position, and which have led to great benefits to both consumers and taxpayers. This is not the place to debate the benefits of disaggregation and privatisation, but the history tells the story, as does the current government's policy, that the reforms of that era have been largely unamended.

Jim Plowman not only had a life in the Parliament but he had a distinguished life as a member of his local community, having served in local government and been active in the various organisations representing farmers, and that is how I first came to know Jim Plowman. I did not know until I entered the Parliament that he had a more interesting history. After having finished his schooling and been a trainee in a civil engineering firm in Melbourne he went off to work in New Guinea. As the Leader of the Government mentioned, Jim managed a coffee plantation and a timber milling operation. He was in New Guinea for three years and was a volunteer in the Papua New Guinea Rifles from 1957–59, having done his national service in 1955.

He had a history of jackarooing and of property management, leading to the purchase of his own property at Benalla, and subsequently moving to Glenburn in 1964 where he was predominantly involved in raising prime lambs, beef cattle and growing wool. Jim Plowman very much was in my mind Gentleman Jim the farmer. Although he had an illustrious career in Parliament he did enjoy discussing rural pursuits. I had many opportunities to share a deeply felt common interest with Jim, and I am delighted to be able to contribute briefly to this condolence motion.

It is unique for a member of Parliament to be able to serve concurrently with a sibling. My good friend Tony Plowman, who was elected with me in 1992, had with Jim a unique opportunity to serve for seven years in the same Parliament, indeed in the same house. There are not many families who have that record of contribution to Parliament.

Mrs Coote — And in the same party.

Mr P. DAVIS — And in the same party, as my colleague has interjected. What marks both Jim and Tony is that above all — and while this is not a condolence for Tony fortunately because he is very much alive and kicking, and I have had discussions with him in the last week — they saw themselves very much as parliamentarians as opposed to those of us who see ourselves as politicians. Both Jim and Tony demonstrated that by their behaviour. Jim did that not

only in his role as Speaker, but before he came to that position he showed his respect for the procedures of Parliament and the use of Parliament as a place to represent his community.

I know that Tony will sorely miss his friend and brother. I also know that Jim will be missed deeply by his wife, Prue, and their children, Sophie, Lucinda, Prudence, or 'Pookie', and James. I express the condolences of the opposition to the Plowman family.

Mr HALL (Eastern Victoria) — This afternoon I join with the government and the opposition and express the sincere sorrow felt by The Nationals at the passing of Jim Plowman. As we all know, Jim served this Parliament as the member for Evelyn from 1973 to 1982 and from 1985 to 1999 — a period of 23 years. I had the privilege of serving with Jim between 1988 and 1999. During that period of time, despite his being a member of another party in the other chamber, I still got to know Jim reasonably well.

Jim was Minister for Energy and Minerals between 1992 and 1996, and that task brought him to the Latrobe Valley in my electorate on a number of occasions. I accompanied Jim on some of the various visits he undertook to generation facilities in the valley, and I was impressed with the manner in which he conducted himself during those visits. As the Leader of the Opposition said, it was not an easy time to be Minister for Energy and Minerals because during that time the State Electricity Commission of Victoria was substantially restructured — it was first corporatised and ultimately privatised in part.

I was impressed with the way Jim conducted himself on each of those visits and throughout the dealings he had with the many organisations and the workers in the Latrobe Valley. Indeed I learned much from the way in which he dealt with and considered people. Jim listened to the concerns of and I believe had genuine sympathy for the people who expressed those concerns. He did his very best to alleviate the anxieties that were expressed to him. He had a calm nature. He did not get heated or flustered. He was quiet but inquiring, and, impressively, he was always most respectful. Jim was also held in high esteem in his role as Speaker during the two terms he served in that office.

Jim passed away on 3 May at the age of 73. In describing Jim I could not go past the words of a friend of Jim's that were repeated by Jim's brother, Tony, and quoted in a local newspaper. Those words were:

Jim was a man whose life was marked by the true gentleman that shows inner strength, love and care for others, courage, loyalty, fairness and a strong sense of basic duty.

I think those well-chosen words are most apt in describing Jim Plowman as a person and as a parliamentarian. On behalf of The Nationals I extend sincere condolences to Jim's wife, Prue, to his children, Sophie, Lucinda, Prudence and James, and to his extended family.

Mrs PEULICH (South Eastern Metropolitan) — I join in the condolence motion for the Honourable James Plowman, with whom I also had the great privilege of serving from 1992 to 1999. Jim's life was certainly varied. He had the opportunity of working across various spheres and levels of activity in his life, from jackaroo right through to the highest office in this Parliament. He was no doubt immensely proud of that achievement but never once was he flushed with the arrogance that sometime comes with power or the ascent to high office.

Jim was committed to rural affairs issues affecting communities. He served his local community as a councillor and a member of Parliament. He served as a minister and served two terms as Speaker. In many ways Jim was an exemplar to others in his conduct in civic life, and he could be very proud of that as well as of the legacy he has left.

Jim was also an interesting person. Despite his manner, and I will not say it was gruff, because he certainly was a gentleman, as has been mentioned by other speakers, he had great respect for women. I think in that regard he was a man ahead of his time rather than just a man of his time. On a re-reading of his inaugural speech it is clear that some of the issues he raised then remain controversial even today. I believe he made a very significant contribution, not only as a member of Parliament but also as Speaker. In fact he will probably be remembered as the last Speaker to date to wear a wig.

That had no bearing on or relationship to his demeanour. Jim was always a very principled person. He was very down to earth and rooted in the practicalities of life. He actually believed in the impartiality of the office of Speaker, so when he became Speaker he stopped attending party room meetings, because he believed he could only really conduct that particular role by standing at arm's length from party politics. This sometimes brought him grief. That impartiality was translated into relationships he enjoyed with other members of Parliament, not only those on the Liberal side of politics but also on the Labor side, and he treated all of them with fairness, dignity and consideration.

Jim went to great lengths to assist new members of Parliament when they were elected, and I was the beneficiary of that demeanour and conduct. I was fortunate in that he appointed me, along with others, as one of his acting speakers. I enjoyed tremendous support from him in learning the forms of the house which were certainly more vigorous in those times.

As I mentioned before, Jim was a principled man. I had the honour of serving not only with him but also with Tony, his brother, who was also elected in 1992. The two men shared many of those attributes of being terribly decent and fair-minded and had a commitment to high standards of civic and parliamentary service. Both were very strong supporters of and advocates for their own communities. Jim must have been one of the very few presiding officers who left the chair during question time due to the misbehaviour of members of his own side, much, of course, to the annoyance of members of the government at the time.

Jim Plowman brought credit to parliamentary service, to his conduct as a minister as well as in the community. In this regard he stood out in the field. I would like to place on record the sorrow not only that I feel at his passing but many of our colleagues who have since left Parliament and do not have the opportunity of placing their condolences on the record. On behalf of myself as well as those parliamentary colleagues I extend my sympathies to the Plowman family at what is obviously a very sad time.

Mr FINN (Western Metropolitan) — I wish very briefly to add some comments to this condolence motion on the late Jim Plowman. I have to say to the house that I was both saddened and shocked when I heard that Jim had passed from us. I served with Jim, as Mrs Peulich did, between 1992 and 1999 in another place. During the first term of government he was a minister, as has been indicated by a number of speakers, and I did not really get to know him all that well. The pace of that first term was such that those of us on the back bench at that time did not get the opportunity to get to know ministers as well as perhaps we might now.

Certainly after he became Speaker after 1996 I got to know Jim very, very well. I had an enormous respect for him in his capacity as Speaker and also an enormous respect for him as a human being. I had a great admiration, indeed affection for him. I am sure it is not known that he took me aside from time to time as a young member trying to find my way in the world and was very generous in the advice, support and encouragement he offered me many times throughout the course of the three and a half years between 1996

and the September 1999 election. As a result I will always have very, very fond memories of Jim Plowman and the role he played not only in that Parliament but also the role that I played in Parliament. He was very strongly supportive.

Jim, as has been pointed out, had his ups and downs. He went out of the Parliament in 1982 for a brief period. One cannot help but think it must take a particularly strong character to be defeated at an election and return to Parliament at a subsequent election. Jim certainly was a character of strength, and I do not think there would be anyone in this house, in the other house or anyone who knew him who would dispute that. He was, as was mentioned by the Leader of the Opposition, known as Gentleman Jim, and a very apt name that was, because he was a gentleman in every way, as is his brother, Tony, for whom I also have a huge degree of admiration.

As has again been mentioned by the Leader of the Opposition, the Plowman family has made an enormous contribution to this Parliament. Jim — in his role as member, as minister and as Speaker — is someone who will stand out in my memory for a very long time indeed.

President, we are the poorer for the far-too-early passing of Jim Plowman — at 72 he was far from an old man — but we are much the richer for his having been here, not just in this Parliament but having shared this earth with us, because he made a huge contribution over a huge period of time. I join with other members in offering to his family my personal condolences and the condolences of Liberals throughout the western suburbs of Melbourne.

Mr D. DAVIS (Southern Metropolitan) — I too wish to associate myself with this motion, and in doing so I endorse many of the generous comments that members have made in the chamber today.

When I was elected in 1996 Jim Plowman was in the process of being elected Speaker, and the fine job he did in that role was an example to many of us in this Parliament. He was generous with his time, as Mrs Peulich has indicated to the chamber, with new members and was prepared to take them aside and give them generous and constructive advice. That is a very important role, and I want to place on record as somebody who was elected in 1996 the thanks of not just myself but others who were elected around that time. As has been pointed out, he was not only an individual who was well connected with his local area but also a fine parliamentarian in every sense of that

word. Those values and the contributions he made will stand the test of time.

He was, as the Leader of the Opposition has pointed out, also a very successful minister. His contribution as Minister Assisting the Treasurer on State Owned Enterprises and Minister for Energy and Minerals in that first period of the Kennett government was a very significant one. Many of the reforms that were made at that time placed the Victorian economy and the community in a very strong position, and they have been accepted broadly by the community. The trailblazing work that was done through that period of government involves a set of steps for which he can fully and fairly take some credit.

Ms LOVELL (Northern Victoria) — I first met Jim Plowman when he was a minister in the first term of the Kennett government. As Philip Davis has already said, Jim was known as Gentleman Jim, and that is how I will fondly remember him.

Jim had a long and distinguished parliamentary career, but Jim not only served the people of Evelyn and the Victorian Parliament with great distinction he also served as a well respected and active member of the Liberal Party organisation for almost 50 years. After Jim's distinguished parliamentary career he continued to be active in the Liberal Party, and together with his wife, Prue, was a delegate to the Northern Victoria Region electorate council and a delegate to the preselection convention that selected Donna Petrovich and myself to represent the Liberal Party at the 2006 election. Unfortunately due to Jim's failing health he was unable to attend the preselection convention on the day it was held.

As I said, I will always remember Jim fondly as a true gentleman, and I extend my heartfelt sympathy and the sympathy of all Liberal members in the Northern Victoria Region to his wife, Prue, children, Sophie, Lucinda, Prudence and James, his son-in-law, Sam, granddaughter, Amelia, and also to Tony and Jenny Plowman and the extended family.

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

Sitting suspended 2.32 p.m. until 3.34 p.m.

ROYAL ASSENT

Message read advising royal assent on 29 May to:

Equal Opportunity Amendment Act
Fair Trading and Consumer Acts Amendment Act
Gambling and Racing Legislation Amendment (Sports Betting) Act
Howard Florey Institute of Experimental Physiology and Medicine (Repeal) Act.

RULINGS BY THE CHAIR

Adjournment: guidelines

The PRESIDENT — Order! I have become aware that the daily adjournment is causing some concern among members. It seems that members are unsure whether or not their matter will be ruled to be in order in accordance with the current guidelines. Consequently I have discussed the matter with the party leaders, and it has been agreed to vary the current guidelines so as to give members a little more flexibility in the matters they raise.

The principal authority for the conduct of the adjournment is standing order 4.10, and standing order 4.11 outlines the rules for the procedure. These have been supplemented by successive rulings from the Chair over the years which have set out the parameters for the procedure.

On the adjournment members may raise matters for consideration by ministers. The problems with the adjournment appear to fall into the following areas.

Although the standing orders describe the adjournment as a debate, it is not a debate in the usual sense where members who raise matters can invite a response from other members.

The matters raised are often in the form of a question. The adjournment is not another question time and questions similar to questions without notice have long been regarded as inadmissible.

On several occasions members have sought action which has been of a general nature and deemed to be not 'specific' enough to comply with the guidelines.

Many members are failing to follow the recommended four-stage process for raising matters, which requires them to give a brief résumé of the facts in the 3 minutes allowed.

In some cases where federal and state jurisdictions overlap, some members are failing to direct their matter to the state minister as it specifically relates to their area of responsibility. The matter must be related in some way to Victorian government administration.

It is not proposed to substantially alter the way the adjournment is conducted, but I believe the changes which I propose will make it far more efficient and of greater benefit to members.

The requirement under the standing orders that the adjournment is for members to raise matters for consideration by ministers remains. Members will still have to seek some action from ministers. However, the distinction between whether the action sought from the minister is specific or more general in nature will be removed. Members will be considered to be in order provided they ask ministers to take some action on matters which are strictly relevant to their portfolios and within the competence of the Victorian government. If a matter falls within the responsibility of the federal government, it will be ruled out of order.

These changes are not designed to turn the adjournment into a longer version of 90-second statements in which members can simply raise any matter of concern. Although the prohibition on making set speeches has been removed in the new standing orders, members should be mindful that there is a 3-minute time limit on contributions, which requires them to be succinct and to follow the recommended four-stage process for raising matters to ensure that they will be in order. The adjournment is where members can raise a series of quite unrelated matters upon which they seek action by ministers. They cannot therefore debate the issue. Members should also remember that question time is a different procedure from the adjournment. Matters put in the form of a question during the adjournment will be inadmissible.

For the guidance of members I will take this opportunity to restate in full the guidelines which will now apply to the adjournment.

Members should adopt the following four-stage process for raising matters:

1. indicate the minister to whom the matter is being directed;
2. give a brief and succinct summary of the facts;
3. set out the request, query or complaint; and

4. suggest the action sought.

Members may only provide such information as is necessary to assist the minister's understanding of the issue. They should avoid debating the issue, which might invite a response from other members.

Members may not read speeches but may refer to detailed notes when referring to local issues or places and people or when referring to complex matters such as statistics or figures.

Questions similar to questions without notice will be inadmissible.

The matter raised by a member must seek some action from a minister which is relevant to the minister's portfolio.

It is not in order for a member to attack members or their parties or other governments when raising matters on the adjournment.

The matter raised must relate strictly to Victorian government administration. However, where federal and state jurisdictions overlap, a matter may be directed to the state minister as it specifically relates to their area of responsibility. Any matter falling within the administration of the federal government will be ruled out of order.

I hope these revised guidelines will assist members in the conduct of the adjournment.

QUESTIONS WITHOUT NOTICE

Schools: drug-deal reporting

Mr P. DAVIS (Eastern Victoria) — I direct my question without notice to the Minister for Education. Given the recent high-profile revelations of drug dealing in some non-government schools, when will the minister mandate reporting of drug deals on all school grounds to the police?

Mr LENDERS (Minister for Education) — I thank the Leader of the Opposition for his question and his interest in schools and the issues of welfare and discipline in schools. The history of education in this state is clouded by ministers reacting hastily to 6 o'clock news deadlines by being political. Mandating responses by schools again and again means that those schools are ultimately tied up in red tape. The previous government gagged its teachers; the alternative government wants to tie them up in red tape.

This government sees illegal drug use in schools as totally unacceptable. We will work on policies to stamp it out in government schools, and we will work with non-government schools on policies and best practices to stamp it out. We expect the laws of Victoria to be obeyed in every circumstance. But let us not hide from the gist of Mr Davis's question, which is to try to get from the government a response which will regulate the 702 non-government schools in this state to a level never seen since the Education Act was passed in 1872.

If the Leader of the Opposition wishes to be part of a process to regulate every government school and tie the principals in red tape because of a knee-jerk reaction, much like Julie Bishop tries to regulate schools at every second breath, then I suggest he go forth and say so.

This government will put best practices in place. We will not go down the path of Moscow on the Molonglo. No-one since Konstantin Chernenko in the Soviet Union has been into that form of regulation. We will work with schools. I, like the Leader of the Opposition, am concerned about any reports of schools in Victoria where there are bad practices happening. We will work with schools to deal with that, but ultimately the Registered Schools Board in this state does an audit of schools every six years when it does re-registration and requires welfare and discipline policies to be in place for schools. That is the process we have followed, but I will watch with interest and take action where required.

Supplementary question

Mr P. DAVIS (Eastern Victoria) — Will the minister explain why the primary duty of care of students expected in the government school system is not required by the government in respect of non-government schools?

Mr LENDERS (Minister for Education) — It is ironic that Mr Davis has red tape entwined around his tie. It is an appropriate start to the day. But Mr Davis asked a question about primary duty of care to government schools. Without indulging overly in this chamber on a history lesson, I remind —

Hon. T. C. Theophanous — No, do it!

Mr LENDERS — Thank you, Mr Theophanous. I remind Mr Davis, firstly, that going back to 1872 when we had compulsory education in this state we mandated that it be free, secular and compulsory, so the government schools have free, secular and compulsory education and non-government schools have other choices. At every step on the way there is governance in place. In the 1594 government schools it is governance put in place by the Department of

Education to various levels. Yes, in Victoria we have devolved power to individual school councils more than any other jurisdiction, but we, as the government, own the schools. They are government schools and therefore the governance regulation is set in place by the government. That is logical.

We also have in Victoria 702 non-government schools. Those non-government schools, some of which were in place before the 1872 act and many of them since, have governance requirements in place which deal with those fundamental issues of student welfare and student discipline. Those schools — and I repeat this — are required once every six years to have their registration renewed by the schools registration board. Among the things they have to establish and show is that they have policies in place — and to use Mr Davis's term, prime-care responsibilities — that deal with student welfare and student discipline. We have a process that deals with that. We have a regulatory regime that deals with that, but the basic premise — and I am looking at Mr Davis's tie, which has red tape wound around it — is that a school gets registration if it meets those requirements. If the Leader of the Opposition wants us to regulate further, to tie up the schools in red tape like his tie is tied up in red tape, he should say so, and we will have a policy discussion about it.

Aboriginals: heritage

Mr SCHEFFER (Eastern Victoria) — My question is to the Minister for Aboriginal Affairs. Can the minister inform the house of the timing of the proclamation of the Aboriginal Heritage Act?

Mr JENNINGS (Minister for Aboriginal Affairs) — I thank Mr Scheffer for his question and his concern about the wellbeing of Aboriginal people, particularly as it is reflected through the proclamation of the Victorian Aboriginal Heritage Act, which came into effect on 28 May, which was last week.

That important piece of Victorian legislation replaces a pre-existing commonwealth act, the Aboriginal and Torres Strait Islander Heritage Protection Act, and the previous Victorian Archaeological and Aboriginal Relics Act. I am very pleased to say that the new act for the first time integrates cultural heritage protection in the state of Victoria with the Victorian planning regime and provides for the ongoing involvement of Aboriginal people in their rich cultural heritage. I am also pleased to say that there was a high degree of collaboration between the state and the commonwealth. Congratulations to the commonwealth government on seeing the good sense of enabling the state of Victoria to proclaim a new act that will provide for that

integration of cultural heritage protection and the planning scheme, which is something it was not possible to achieve through the provisions of the commonwealth act.

The success of the new act requires the good grace and the compliance of local government in the state of Victoria. We, the Bracks government, in partnership with the Municipal Association of Victoria, are supporting local governments in being able to establish their own assessment of cultural heritage values within their municipalities, and we are providing funding support to local governments to enable them to identify items of cultural heritage significance so that planning decisions are better grounded within municipalities. When planners and developers want to actually come in and seek planning approvals, local governments will be well versed in the sensitivity of cultural heritage within their municipalities and will provide timely and appropriate advice to developers and land-holders who want to get on with their business, as they have every right to do, and make sure they are aware of cultural heritage significance on the land they wish to develop. In that way the appropriate cultural heritage assessment can be undertaken.

The provisions of the new act also depend upon making sure that Aboriginal people are involved in those decision-making processes. The Aboriginal Heritage Council in the state of Victoria is charged with the responsibility of seeking submissions from local Aboriginal people, making assessments about their relative standing, both in terms of their connection to country and their capacity to undertake responsibilities under the act, and subsequently, to register them and make sure they are scoped within the provisions of the legislation. The Aboriginal Heritage Council is going about that important task as we speak. Indeed I met with the council last week, and it is processing many applications currently.

For any member of the Victorian community who may be concerned that the provisions of the legislation will not have an effect if the total state of Victoria is not covered by registered Aboriginal parties, I advise that the provisions of the legislation and regulations will allow the Secretary of the Department for Victorian Communities, on the advice of the heritage council and local Aboriginal parties — the people who will most likely end up in the schedule of the act — to make decisions so there will be no delay in the decision-making framework of the act. That will be the default position until all of Victoria is covered by registered Aboriginal parties. That will be done in cooperation with the Aboriginal Heritage Council and Aboriginal communities across Victoria.

I look forward to the appropriate protection of cultural heritage in the years to come in a way that is totally integrated with the planning scheme and the expectation of members of the Victorian community that they will be able to go about their business in a way that is respectful and mindful of the rich cultural heritage of the state of Victoria.

Port of Hastings: development

Ms PENNICUIK (Southern Metropolitan) — My question without notice is to the Minister for Planning, Mr Madden. Last night I attended an excellent public meeting in Chelsea organised by the Southern Victoria Community Action Group to raise awareness of the potential impact of the Port of Hastings Corporation land use and transport strategy draft. In addition to the lack of any economic rationale for what is possibly the largest infrastructure proposal ever, one of the many concerns raised was the proposal by the port of Hastings to conduct several small staged environmental effects studies rather than a study of the whole strategy.

In April members of the Southern Victoria Community Action Group met with Minister Madden and the Minister for Roads and Ports in the other place, Mr Pallas, regarding this issue but have had no satisfactory response. Before this proceeds any further, will the minister commit to a full and comprehensive study of the economic, social and environmental effects of all aspects of the Port of Hastings Corporation strategy and an extensive an open public consultation process?

Hon. J. M. MADDEN (Minister for Planning) — I welcome the member's question in relation to the port of Hastings and its draft strategy. I have had meetings with community representatives in relation to this matter, and I noted their concerns and anxiety in relation to the proposals the port of Hastings was identifying. The proposals are comprehensive.

It is worth appreciating that this plan is a draft strategy — I emphasise the word 'draft' — for many years to come, and I suspect there is a fair bit of ambit in what is being proposed. No doubt the Minister for Roads and Ports as part of his role would be the proponent for such a case if it were to be made. I recognise the anxiety of community members about the implications of any proposal, whether it be about small chunks of that proposal or about a substantial amount of the draft strategy. I reassured them, as I can reassure the member today, that if any of these proposals were to take place in any form, remembering that it is a draft, I would expect full and thorough community consultation by the port of Hastings and a full and

thorough planning process. If there were environmental effects, I would expect a full and due process would be undertaken.

I am not going to rule anything in or rule anything out because in many ways much of this is still hypothetical. Until a proposal comes to me as the planning authority in relation to matters like this, it is no good my speculating on what it may or may not be. But if a proposal were to come to me, I would expect it would require due process, full consideration, sound advice and a full and thorough planning process.

Aged care: government initiatives

Ms TIERNEY (Western Victoria) — My question is to the Minister for Community Services. Can the minister explain to the house how the Bracks government is supporting the health of older Victorians by providing a continuum of care and in particular what the government is doing in my electorate to focus on the high-care end of this spectrum?

Mr JENNINGS (Minister for Community Services) — I thank Ms Tierney for her question and in fact for eliciting spontaneous support from members of the other side of the chamber in trying to rope themselves into the important commitment of the Bracks government to make sure that we support those people right throughout Victoria, in this context in the Barwon south-western region, which is part of the Western Victoria Region electorate to which many members lay claim. In fact I am sure there are many members of this chamber who will lay claim to the great initiatives that have been undertaken by the Bracks government to support older members of those communities right throughout that region.

I had the good fortune last Friday to see, in its construction phase, a fantastic new state-of-the-art nursing home facility in Grovedale, which the Bracks government has supported. It is a 108-bed facility with a construction cost of \$25 million, which is part of the third stage of the McKellar Centre redevelopment. During the life of the Bracks government we have committed to the redevelopment of 261 beds through three different facilities. The majority of the redevelopment has taken place on the McKellar Centre site. The new greenfields nursing home in Grovedale in the southern part of Geelong will provide for timely care for citizens of that region now and into the future.

I took the opportunity on that occasion to also indicate to the community throughout the Barwon south-western region the significant contribution that we recognised — —

Mrs Coote interjected.

Mr JENNINGS — No. When it has been opened I would be very happy for all members to be invited. This was actually a site visit and possibly my familiarisation with it did not warrant a full-scale invitation to all members of the region. But indeed I look forward to that in a better time frame.

Mr P. Davis — So what was the basis on which they were invited? There wouldn't be a political overlay, would there?

Mr JENNINGS — President, I can see you are about to assist me in not being distracted from my essential message on behalf of the government, which is to indicate that we recognise our commitment to older members of the community when they require nursing home care, but in fact that is not the only recognition of the support that it is appropriate to provide for older people.

I took the opportunity to make the announcement that \$693 000 would be added to the aids and equipment program throughout the Barwon south-western region, which will in fact eliminate the waiting list of 379 people who have been waiting for aids and equipment through the disability program. I am very pleased to be able to say that the majority of the beneficiaries of that announcement will be older members of the community.

I took the opportunity to indicate that significant investment will be made through the home and community care program (HACC) throughout the region. It is a fantastic program in which the Bracks government more than matches the funding requirements of the state and commonwealth HACC agreement that we provide for the appropriate support of older members of the community to live at home independently and with high-quality home and community care.

In the Geelong municipality alone \$17 million was allocated to home and community care in the last financial year. Indeed we estimate in the next year that funding will increase by more than \$1 million in Geelong alone to support the quality of life of older members of the community. Indeed \$35 million is being spent throughout the Barwon south-western region to try to make sure that people can live independently and be appropriately supported at home, regardless of where they live throughout the region.

The Bracks government is very keen to support older members of the community, regardless of where they live, but particularly throughout Western Victoria

Region. And I note the sheer enthusiasm of the opposition benches to join with the Bracks government in trumpeting the support that we provide to older members of the community.

Reservoir West Primary School: funding

Mr P. DAVIS (Eastern Victoria) — I direct a question without notice to the Minister for Education. I refer the minister to the predicament of the Reservoir West Primary School — —

Hon. J. M. Madden — Reservoir or Reservoir?

Mr P. DAVIS — Thank you; the way you pronounce it depends on which school you went to, really!

The primary school was assured that, at the completion of stage 1 redevelopments, stage 2 funding would be immediately forthcoming. I ask: why were the promises made to the Reservoir West Primary School broken? When will the school receive its stage 2 funding?

Mr LENDERS (Minister for Education) — The Leader of the Opposition lives in the city of 'Sail-ah', I believe known by some as Sale. I am delighted on any occasion to take questions on education from the Leader of the Opposition, and I am delighted that he has obviously had his first foray into the northern suburbs of Melbourne. He sallied forth and wandered around.

The member's serious question is about Reservoir West Primary School. The school has expectations. The school obviously is a great government school that had funding in the 2006–07 state budget of \$1.9 million for stage 1 of its modernisation, which gave it six brand-new classrooms and a library. The school principal expressed his delight at the brand-new facilities the school will soon have completed. What we have here is a school, one of the 1594 government schools, which has had funding for stage 1 of its development — giving it six classrooms and a library — and the Leader of the Opposition complains and talks it down.

I absolutely understand the aspirations of the school community in wanting the next stage. For that very reason the Bracks government is investing \$1.9 billion in its Victorian schools plan, which has seen 131 schools like Reservoir West primary receive funding in this budget. I remind the house that that is a sixfold increase on the last capital budget under the Kennett government.

I find it interesting that the Leader of the Opposition is not talking about the great schools in Sale — I will use its correct name — or Yarram and Foster, or in the Latrobe Valley at Morwell and Churchill, or in Drouin or in any of the other places in his electorate. He does not talk about any of those. What he would rather do is scurry around the state to try to find a single school that is dissatisfied. I can advise the opposition leader that within 10 years we will be delivering redevelopment, modernisation or rebuilding to every school in the state. Our word is our bond. We will deliver on that; the Premier has made that clear. We will see that rolled out, school by school, across the state.

We do that because we think it is important to the quality of the education you get. It is an investment in education that is critical. I welcome any questions on education that the Leader of the Opposition brings up, because the Bracks government has that as its no. 1 priority.

While we are talking of education, the Leader of the Opposition's good friend Dr Napthine, the member for South-West Coast in another place, could do with a dose of it. He referred to his community being 'dude-ed' — not 'duded' — by the Bracks government. We have a long way to go; we have to re-educate the member for South-West Coast. But we will invest in every school in this state, because that is the critical agenda for the 21st century to make Victoria a better place to live, work and raise a family.

Supplementary question

Mr P. DAVIS (Eastern Victoria) — I thank the minister for his answer. I therefore ask: will the minister inform the house why Lloyd Street Primary School, Koroit and District Primary School, Darnum Primary School, Nar Nar Goon Primary School, Buln Buln Primary School and Doncaster Secondary College, each of which was pledged funding for redevelopment ahead of the election, missed out in this year's budget?

Mr LENDERS (Minister for Education) — The Bracks government — and again, this is a history lesson for Mr Davis — was transparent in the lead-up to the last election. The Premier and the then Minister for Education and Training in the other place, Ms Kosky, went forward and said, 'We will invest \$1.9 billion that will deal with the capital for either new schools, a rebuild, a modernisation or a regeneration in 500 government schools'. Also, the Premier and the then minister listed a number of schools that would be dealt with in the four-year term of this government. We have delivered on 131 of those schools.

From now on we will in the second budget, the third budget and the fourth budget — but hopefully in the second budget — deal with the rest of the schools where promises have been explicitly made. Schools like Toora in Mr Davis's electorate, which, as has been recorded in this house previously, has for 127 years operated out of temporary facilities and which is being rebuilt. We will deliver on our promises. It is just a tad rich to hear the Leader of the Opposition again talk about Lloyd Street Primary School in Malvern, which is in the municipality of Stonnington where the Kennett government closed every government secondary school, and to hear him talking now about education!

We are investing in 131 schools in this budget and more in the next three budgets to come. The Leader of the Opposition does not like good news. I love it. I relish that we are investing in 131 schools in this budget and that at least 369 will be rebuilt and modernised in the next three years of the Bracks government.

Planning: outdoor signage review

Ms BROAD (Northern Victoria) — My question is to the Minister for Planning, the Honourable Justin Madden. The *Cutting Red Tape in Planning* report recommended a review of the existing signage provisions in planning schemes. In light of emerging trends for signage such as video, electronic signs and advertising on street furniture, I ask the minister to update the house on what action the Bracks government is taking to implement this recommendation.

Hon. J. M. MADDEN (Minister for Planning) — I thank Ms Broad for the question and her interest in this particular matter. I am delighted to inform the house that an outdoor advertising advisory committee has been appointed in accordance with the *Cutting Red Tape in Planning* report action 8.1, which recommended a review of the existing signage provisions in Victorian planning schemes, and following the report of the parliamentary Road Safety Committee's inquiry into driver distraction. This action is based on those recommendations.

The advisory committee is made up of industry specialists who will undertake a comprehensive review of advertising sign provisions with an emphasis on streamlining the approvals process. The issues considered by the committee will include addressing the effect of signage on road safety; simplifying the rules in relation to definitions of outdoor advertising items; investigating opportunities for exemptions for particular signs; investigating opportunities to improve the sign provisions in the zones in the category that applies to each zone; investigating tighter controls on

the size and type of signage in particular locations to ensure that the characters of those locations are maintained; and, importantly, addressing the emerging trends in advertising such as projected images, video and electronic signs, advertising on street furniture, integration with buildings and mobile signs.

The review will be carried out in three stages. The first stage will be the preparation of an issues and options paper to examine the issues to be resolved in developing new signage provision. The paper will be informed by various reports into road signage, current national practice for management of advertising signs, relevant planning panel reports and Victorian Civil and Administrative Tribunal decisions as well as workshops with industry practitioners including the Outdoor Media Association, VicRoads, the Transport Accident Commission and various councils.

The second stage will call for submissions during October and November this year. This will allow for a wide range of stakeholders to contribute to the review process, so we can look forward to having a comprehensive outdoor signage policy that meets the needs of councils, industry, government and the community into the future.

The third stage will involve the preparation of a final report, which we would expect to be provided around about December this year. I will then consider the committee's recommendations, and I look forward to making announcements regarding the outcomes of the review early in the new year.

The state government is committed to finding the best balance between streamlining and simplifying signage rules for industry and ensuring road safety is not compromised by distracting signage, whilst maintaining, importantly, the amenity, vibrancy and attractiveness of our major cities and centres to make sure that we make Victoria an even better place to live, work and raise a family.

Planning: rural zones

Mr GUY (Northern Metropolitan) — My question is to the Minister for Planning. Can the minister advise the house if he stands by his government's decision to approve C48 translation and its ban on building on lots under 40 hectares?

Hon. J. M. MADDEN (Minister for Planning) — I appreciate that Mr Guy has an interest in rural zones, as we all do if we have an interest in planning matters right across the state. It is very important to appreciate that the rural zones for building houses in new farming

zones are basically no different to the rules that existed under the previous rural zones. The new rural zones do not affect — let me reinforce this for the people who are scaremongering out there — the existing right of landowners to apply for permits to build houses on rural lots. It has always been the case — and still is — that these permits are subject to council approval. It has always been up to councils as to how they interpret zoning requirements. That has not changed with the new rural zones.

Let me just reinforce this. The vast majority of the 55 000 planning permits on average that are delivered across the state in any given year are delivered through local government. I reinforce the role of local government in these matters and its ability to approve permits in relation to many of these matters. I reinforce that and I hope Mr Guy and the opposition also appreciate the significant role of local government in the planning process.

Supplementary question

Mr GUY (Northern Metropolitan) — I note that the former Minister for Planning, the Attorney-General in the other place, is seeking to build on his 20-hectare lot but is restricted by the government's 40-hectare minimum, and I ask: does the minister now intend to provide some flexibility to rural landowners and change the laws?

Hon. J. M. MADDEN (Minister for Planning) — I have often use the term 'collaboration', and I use that in stark contrast to the opposition, because we know when it comes to the planning policy of the opposition that there is very little of it.

Mr Guy interjected.

The PRESIDENT — Order! Mr Guy asked the question. He might like to listen to the answer.

Hon. J. M. MADDEN — We know that the opposition would like to return to the Maclellanesque days of old when intervention was the norm not the exception. We will work in collaboration with local governments to give them the tools they need and to make sure that if they need clarity in relation to what they seek to zone, we will assist them in any matter. We are happy to continue to work collaboratively to give them those tools and help them work through those issues locally.

Students: Victorian certificate of education awards

Mr SOMYUREK (South Eastern Metropolitan) — My question is for the Minister for Education. Can the minister update the house on how Victorian schools are supporting students who achieve excellent results in the Victorian certificate of education?

Mr LENDERS (Minister for Education) — I thank Mr Somyurek for his question, his interest in outstanding results of VCE (Victorian certificate of education) students and his enthusiasm in asking the question and getting his jacket off to ask it.

I had the great thrill last week of being at the VCE excellence awards with the Premier, the Governor and 1600 other Victorians to celebrate excellence among our VCE students. The Premier's VCE awards, now in their 13th year, pay tribute to young Victorians who with the support of their family and school have completed their years at school with distinction. The Premier presented the top all-around VCE high achievers award to 24 students who had gained study scores of 46 or more. For those who have had students in VCE in recent years or have followed it closely, a study score of 46 is an extraordinary outcome. Awards were presented for achievement in 62 subject areas. There was a range of celebrity presenters, and we celebrated with students how well they had done. The award recipients came from across the state.

Mrs Coote interjected.

Mr LENDERS — Mrs Coote asked me to name them. I can say some places were Ballarat, Bendigo, Geelong, Swan Hill and Echuca and included schools in Mrs Coote's and my electorate. There were certainly a number of students from Melbourne High School and Glen Waverley Secondary College. We know there is a graduate of Glen Waverley Secondary College in this chamber — Mr Barber. His school had an extraordinary number of students who received VCE excellence awards. The award recipients demonstrated energy and enthusiasm for their studies — what was amazing was that you could sense a vibrant future for Victoria among these young Victorians.

I mentioned Mr Barber's former school, Glen Waverley Secondary College. When the VCE results were published late last year, Glen Waverley Secondary College had four perfect VCE scores. While we celebrate all students' achievements, that was an extraordinary outcome for the school. The performance of one of the students was quite amazing. Tianhong Wu received a VCE high-achiever award with a perfect

score. Her achievement provides an example of how Victorian schools can excel and bring out students' full potential. Tianhong could barely speak English when she arrived here five years ago, yet she got a perfect score in her VCE and is now studying medicine at the University of Melbourne. What we have here is an example of our schools churning out the results.

Mrs Peulich — How about a few Albert Park Secondary School students?

Mr LENDERS — Mrs Peulich yet again is part of the Julie Bishop cheer squad that talks down government schools. I am describing to the house how we can celebrate excellence in education, celebrate excellence with students from both government schools and non-government schools who have achieved the very best in this state, yet all we get from Mrs Peulich, who is part of the Julie Bishop cheer squad, is her again talking education down.

I was absolutely delighted to be at the awards with the Premier and the Governor. It was fantastic to be able to celebrate the achievements of young Victorian students. I just hope that one day Julie Bishop will come down from her ivory tower, come to the real world and celebrate achievement rather than talking down education.

Schools: drought support

Mr HALL (Eastern Victoria) — My question without notice is directed to the Leader of the Government in his capacity as Minister for Education. I refer the minister to his government's announcement on 27 March this year of a \$2.9 million relief package for schools to help students and their families in drought-affected areas of the state. In particular some of that program money was to fund drought support welfare officers to work with schools and provide support to students and families, and some was to provide subsidies to schools to help with transport costs for students and with the cost of books and stationery. I ask the minister if he can advise the house how much of that \$2.9 million has now been spent and in which program areas.

Mr LENDERS (Minister for Education) — I thank Mr Hall for his question and his interest, particularly given that Mr Hall comes from a rural electorate. The relief package provides support for both drought and bushfire-affected communities. Gippsland was at the forefront at the start of the bushfires and was probably the last area in the state to receive significant rain.

The relief package announced by the Premier was designed, as Mr Hall said, specifically to give support to schools in responding to the drought and also, in part, in response to the bushfires. Some of it was for important things like assisting when staff were away and it was beyond the capacity of a school budget to provide relief staff, and some was for the important area of the rebuilding of schools, whether that be in terms of morale or making up for lost income.

Those packages were being issued through the nine regional offices of the department, so I do not have at my fingertips how much of the \$2.9 million has been spent. I will certainly take that on notice for Mr Hall, because we all know and share an understanding of the importance of providing the resources. In schools it is not just a case of a lack of income for schools because the local communities are doing it tough in a drought. It is not just that; it is the stresses that fall on local families and on schools when that is happening. Whether it be the welfare officers or whether it be the other support that is in place such as counselling, all of these things are fairly critical.

This package is one that has been announced by my colleague in the other place the Minister for Skills, Education Services and Employment, Jacinta Allen, but I will take the question on notice for a response to Mr Hall as to exactly where it has been spent. The critical thing is: when communities are under stress it is the obligation of the government to be flexible and assist them, and what we are seeking to do with this is assist school communities in dealing with the very difficult task of drought. I wish all school communities well, and will respond to Mr Hall on notice.

Supplementary question

Mr HALL (Eastern Victoria) — I thank the minister for his preparedness to provide some further information on this, and in so doing I specifically ask the minister, with the further information he has indicated he will provide, whether school drought support welfare officers have been appointed to the five regions that have been identified as suffering most from drought — being the Grampians, Gippsland, Loddon-Mallee, Hume and Barwon south-western — and whether schools in those regions have actually received some financial assistance from the \$2.9 million package.

Mr LENDERS (Minister for Education) — As I said to Mr Hall, I will take the specifics of his question on notice, but I have discussed this with schools I have been out and about visiting. In his electorate I have certainly discussed the issue of drought with people

from Dargo, Stratford, Yarram, Foster and a number of other schools in the Gippsland area. One of my questions when I visit a school is how people are coping with the drought, and I am aware that it has been a big issue in schools. I will certainly take on notice his question about the specifics of how that relief package has been spent.

Victorian government business offices: review

Mr D. DAVIS (Southern Metropolitan) — My question is to the Minister for Industry and State Development. Will the minister release the Buckingham report into the performance of Victorian government business offices and all the submissions to that inquiry today, and if not, why not?

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — The Buckingham report to which the honourable member has referred, for the benefit of other members of the house, is a report which has been prepared by David Buckingham in relation to the effectiveness of our government business offices around the world, of which we have about 11 or 12. He was asked by the Premier to conduct a review of those offices and to come back to the government with recommendations on how we could improve the performance of those offices, bearing in mind that recent reviews we have done show that those offices have been responsible for attracting something in the order of about \$8.7 billion of investment from overseas. The relatively small amount of money we spend in keeping those offices alive has been shown to be a very good investment, from the point of view of both the huge amount of investment they have helped to generate in Victoria and the number of jobs that have been created as well.

This inquiry has been conducted. The government has responded to the report by restructuring those offices. I understand Mr Davis was offered an opportunity to gain a clearer understanding of how the offices were going to be affected and their importance and to be part of the launch of that process, and he declined to take up that opportunity.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — I am disappointed the minister has not answered the question at all. The minister's response to Victoria's falling share of national exports has been, in effect, to announce a downgrading of half of the Victorian government business offices. In this light, and given the previous lack of an answer from him, can he give the house an ironclad assurance that there will be no reduction in

staff or resources at any of the so-called non-core offices — that is, at Frankfurt, Chicago, New York, Nanjing and Hong Kong?

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — I should correct the honourable member, because he has a tendency towards coming into the house and wanting to run down Victoria and the Victorian economy. He does this consistently, and every time he does it I will correct him, because he keeps saying that the Victorian economy is not doing well. On this occasion he has suggested that our share of exports is somehow reducing. In fact our share of exports, as I have indicated to the house before, is not reducing at all. The honourable member keeps quoting figures which I think he makes up for himself, because they have no resemblance to reality. I have already indicated to the house how well the Victorian economy is doing, both in terms of export orientation and also other variables — virtually any variable he wants to name.

Let me go to exports. In the three months — —

Mr D. Davis interjected.

Hon. T. C. THEOPHANOUS — He wanted to know about exports, so I am going to tell him about exports. In the three months to April, the value of Victorian exports was up 5.3 per cent over the year — and David Davis should listen to this, because he keeps saying it is going down. He should listen to this and he will understand. It grew faster than the national average of 5.1 per cent and, of the mainland states, we were second only to Western Australia, which is a resource-rich state that is exporting. The claim made by David Davis in relation to exports is wrong.

In relation to the other part of his question, the government is determined to resource its overseas offices adequately. We have it as a priority to ensure that there is adequate resourcing of what David Davis has described as the core offices, but also we would like to extend the reach of the core offices so that we are able to improve the performance of both the core offices and the non-core offices. Whilst I am not in a position to make announcements in relation to future funding, let me say that a priority of the government is to improve the funding of government business enterprises, their reporting on a whole-of-government-type approach and their orientation towards a greater emphasis on exports than has been the case before.

Mr D. Davis — Downgrading investment attraction.

Hon. T. C. THEOPHANOUS — President, this is the problem: I need to take up the interjection by David Davis because he said, ‘Downgrading investment attraction’. It does not matter what you do. We have done such a terrific job on investment attraction. When he came in here I had to show him that he was incorrect and that in fact we had attracted \$8.7 billion into the state. Then I had to say, ‘We are now going to put emphasis on exports’. His natural inclination was to say, ‘But you are downgrading investment attraction’. It just goes to show the utter inanity of that kind of statement. Some people just cannot understand that when you do something well and you have shown that you can do it well, you then also try to do something else and do that equally well. That is something which I am sure David Davis has absolutely no idea about.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Education) — I have answers to the following questions on notice: 64, 69, 77–114, 121, 128, 252, 268, 291, 295, 298–299, 301–303.

PLANNING: MINISTERIAL INTERVENTION

Statement 2006–07

Hon. J. M. MADDEN (Minister for Planning), by leave, presented statement on ministerial intervention in planning matters, May 2006 to April 2007.

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 7

Mr EIDEH (Western Metropolitan) presented *Alert Digest No. 7 of 2007, including appendices and extracts from the proceedings*.

Laid on table.

Ordered to be printed.

PAPERS**Laid on table by Clerk:**

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

- Bass Coast Planning Scheme — Amendment C60.
- Campaspe Planning Scheme — Amendment C51.
- Corangamite Planning Scheme — Amendment C3.
- East Gippsland Planning Scheme — Amendment C39.
- Frankston Planning Scheme — Amendment C39.
- Greater Bendigo Planning Scheme — Amendment C85.
- Greater Dandenong Planning Scheme — Amendment C79.
- Hume Planning Scheme — Amendment C94.
- Melton Planning Scheme — Amendment C53 Part 1.
- Mildura Planning Scheme — Amendment C35.
- Port Phillip Planning Scheme — Amendment C60.
- Southern Grampians Planning Scheme — Amendment C11.
- Wellington Planning Scheme — Amendment C38.
- Whittlesea Planning Scheme — Amendment C94.
- Yarra Planning Scheme — Amendment C65.
- Yarra Ranges Planning Scheme — Amendment C66.

Statutory Rules under the following Acts of Parliament:

- Aboriginal Heritage Act 2006 — No. 41.
- Architects Act 1991 — No. 40.
- Extractive Industries Development Act — No. 37.
- Guardianship and Administration Act 1986 — No. 36.
- Road Safety Act 1986 — Nos. 38 and 39.

Subordinate Legislation Act 1994 —

Minister's exception certificates under section 8(4) in respect of Statutory Rule Nos. 38 and 39.

Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 39.

The following proclamation fixing an operative date was laid upon the table by the Clerk:

Aboriginal Heritage Act 2006 — 28 May 2007 (*Gazette* No. G21, 24 May 2007).

APPROPRIATION (2007/2008) BILL and BUDGET PAPERS 2007–08*Concurrent debate*

Mr LENDERS (Minister for Education) — By leave, I move:

That this house authorises and requires the President to permit the second-reading debate on the Appropriation (2007/2008) Bill to be taken concurrently with further debate on the motion to take note of the budget papers 2007–08.

Motion agreed to.

MEMBERS STATEMENTS**South West Institute of TAFE: Glenormiston rural learning centre**

Mr VOGELS (Western Victoria) — I want to congratulate the Bracks government on establishing a new rural and residential learning centre for government school students at Glenormiston. In an August 2006 media release the then Minister for Education and Training is quoted as saying:

The 283 hectare Glenormiston campus has a long pastoral history that will now continue by passing on important skills and knowledge to year 9 students from across the state ...

The new residential centre is set to open in 2008 and will cater for 45 students and three staff. Up to \$2.8 million will be allocated for the project.

What has flabbergasted the current tenant, the South West Institute of TAFE and its staff, is that the \$2.8 million will be spent on building a new facility on a rocky outcrop about a kilometre away from the present campus, where bedrooms, bathrooms, kitchen facilities and lecture rooms cater for and house approximately 120 boarding students. The minister's media release goes on to say:

... the rural learning centre concept had proved to be an outstanding innovation that supported children in educationally inspiring and environmentally unique locations.

The present campus surely is in such a location. The release further states:

Glenormiston has established education facilities which will be used, in part, to create the new campus. Detailed discussions will be held with the current tenants, South West Institute of TAFE, regarding future planning options on best use of the site.

Why on earth would you spend \$2.8 million on a brand-new facility about a kilometre from the present site and, as I said, on a rocky outcrop which is very

unsuitable for the project? It is ludicrous to replicate another facility just a stone's throw away from the present campus. I call on the minister to knock a few heads together to make sure that the \$2.8 million is spent wisely on the present Glenormiston campus site.

Public transport: service standards

Ms HARTLAND (Western Metropolitan) — This week public transport fares increased but there has been no improvement in service. This morning I caught the 7.32 a.m. train from Footscray, which was so overcrowded it was at the point of being unsafe. I am not sure how much earlier I need to catch a train to actually get a seat. The government tells us there are no safety issues with overcrowding and that people being left behind at train or tram stops — as happened to Mr Barber this morning — is perfectly all right. The community wants to use public transport, as is shown by the increase in passenger numbers, but the government needs to look at both short-term and long-term solutions to these problems, such as extending the train service to Caroline Springs and increasing services on the Williamstown, Werribee and Sydenham lines.

An honourable member interjected.

Ms HARTLAND — There are no increased services. The government needs to take control of public transport and allow it to be used properly by commuters.

Mr Pakula interjected.

Ms HARTLAND — I ask Mr Pakula why, if there are so many services, it is so overcrowded.

Mr Pakula interjected.

Ms HARTLAND — When will they start?

Energy: green power

Mr TEE (Eastern Metropolitan) — I congratulate eastern suburbs councils, such as Manningham City Council, for leading the way in reducing greenhouse gas emissions. Manningham council has shown leadership by using green energy for all public lighting. This has resulted in a saving of 3500 tonnes of CO₂. In one year that is the equivalent of having 1000 fewer cars on the road — a great achievement. Of course that would not be possible without a viable green energy industry, and the reason we have a viable green energy industry in Victoria is because of the leadership the state government has shown in mandating a 10 per cent renewable energy target. That has sent the right signals

to business and created an environment for the development of a green energy industry.

Unfortunately there is a cloud on this very sunny horizon. The prime ministerial task group on emissions trading released a report last week which fails to recommend a target for CO₂ reduction. Worse still, the report recommends the abolition of schemes such as the one in operation in Victoria. The implementation of this recommendation would undermine the green energy industry in Victoria. I call on other local councils to follow Manningham's lead. I urge them to move quickly before the Howard government takes the wrecking ball to Victoria's green energy industry.

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

Public transport: service standards

Mrs PEULICH (South Eastern Metropolitan) — Recently Victorians learned of a public transport fare hike, but sadly, as we all know, service standards continue to decline. This means that we now have public transport that is slower, less reliable and more expensive. Many people in the community are very concerned about the negative impact of our deteriorating public transport on the social and physical environment as well as the physical safety of pedestrians, commuters and drivers. Many of course are concerned about less time being productively spent in family life or community activities, as well as the negative impact on our roads, business productivity and jobs.

To highlight the problems, in March this year the government abolished zone 3 — a Liberal Party policy dating back to pre-2002. Unfortunately even the zone maps on trains have not been updated to reflect this change. My constituents are so concerned about the state of the public transport system that I have had to set up an email address so that constituents can share their concerns about these very important issues. That particular email address is publictransport@ingapeulich.org.

This would not have been necessary if there was a minister who was concerned, who cared and who was interested in fixing the problems facing our public transport system. This is clearly not the case, and it is not good enough.

Maribyrnong: drug program

Mr PAKULA (Western Metropolitan) — I refer to the ongoing campaign against drug use in the city of Maribyrnong. I refer to it particularly in light of the \$3.3 million provided by the state government in the

recent budget to the City of Maribyrnong to combat drug use. The City of Maribyrnong, particularly its councillors, is to be congratulated for the innovative community-based programs it is supporting, including the Maribyrnong council drug strategy project and the community outreach response support service. The budget injection, which was announced on 1 May, will be used in part by council to support those projects.

The proof of the pudding in regard to those projects is in the eating. Council statistics show that in the first six months of 2006 almost 80 per cent of syringes which were collected by council were appropriately disposed of in syringe bins. According to police statistics, between 2004–05 and 2005–06 there were reductions in the offences of cultivation, manufacturing and trafficking and possession in the city of Maribyrnong. I want to congratulate Maribyrnong council and the Minister for Mental Health in the other place, Lisa Neville, for their vision and for continuing to support strategies to reduce and ameliorate the impact of drugs in the city of Maribyrnong.

Disability services: supported accommodation

Mr O'DONOHUE (Eastern Victoria) — Since being elected as a member of this place I have become aware of the silent crisis faced by parents and carers of those with an intellectual disability. More often than not these carers have devoted their lives to their children, generally with little or no state government assistance. Many of these carers, who are aged in their 60s, 70s and 80s, are faced with the haunting prospect of what will happen to their children when they are gone. If other family members are unable or unwilling to give up their lives, often these children will be placed wherever there is a bed, no matter where that is. Some of these distressed parents and carers have formed groups such as the Frankston-Mornington Peninsula carers group or the Gippsland carers group to lobby the government to remedy the disgraceful situation that exists.

It is time that this government and the Minister for Community Services, Gavin Jennings, in particular, recognised the silent crisis that exists for carers of those with an intellectual disability and provided practical solutions and resources to help the many thousands of carers and disabled people who deserve better. New accommodation settings should be developed and a forward plan should be made so that ageing carers can have peace of mind in knowing that when they are gone their children will be cared for. The Bracks government needs to take its head out of the sand and act to address this crisis.

Community cabinet: Mildura

Ms BROAD (Northern Victoria) — On Monday last week I was pleased to attend a community cabinet consultation in Mildura in my electorate. The Bracks government has now conducted more than 70 community cabinet consultations across Victoria, and the Mildura consultation was outstanding.

I wish to congratulate the mayor of Mildura Rural City Council, John Arnold, councillors, council officers and staff on their presentations and thank them for their hospitality on the day. I also wish to acknowledge and thank all members of the community, community organisations and businesses who made more than 90 submissions on the day — in person, to ministers, to parliamentary secretaries and to department heads.

I am very pleased that the Premier and the Treasurer were able to announce \$8 million in funding for the relocation of the rail freight lines and freight gate from the centre of Mildura to Merbein. This funding will deliver on the community's top priority — the redevelopment and improvement of the riverfront in the centre of Mildura. A lot of effort goes into preparing for a community cabinet visit, and that effort is of great benefit to all communities in the Mildura area.

Ukraine: democracy

Mr GUY (Northern Metropolitan) — I would like to take this opportunity to inform the house about one of the last Cold War battles that is taking place right now in Ukraine. As an Australian with Ukrainian heritage I believe it is important that Australians are aware of the current fight between democracy and socialism in Eastern Europe. The Ukrainian president, Viktor Yushchenko, was elected with a mandate to democratise a nation that has been suppressed by Soviet communism for 70 years. Since Yushchenko came to power socialists have tried to ruin the democracy and have not understood that the judicial processes are not just for show and that being a legislator is not an entrepreneurial enterprise.

The present stand-off in Ukraine is between the president and the prime minister, Victor Yanukovich, and his socialist followers. The president has rightly dismissed those found to be acting improperly, such as Svyatoslav Piskun, the prosecutor general, who in reply to his sacking simply refused to leave office. He has now been fired twice. The interior minister, a mate of Mr Piskun, mobilised interior ministry troops to occupy his office in an attempt to bully the president into not firing him a third time. Thankfully the army nowadays has said it will act only on the orders of the elected

president. Ukraine will now go to the polls again — the second time in two years — to try to resolve its crisis.

For Australian Ukrainians I want to make mention of the work being done by the Australian Federation of Ukrainian Organisations, in particular Stefan Romaniw, who heads the international coordinating committee for the 75th commemoration of the Ukrainian genocide. The national anthem is *Ще не вмерла України*, which means Ukraine has not perished yet. For the 47 million Ukrainians' sakes, we all hope its democracy has not yet perished either.

World Environment Day

Mr SCHEFFER (Eastern Victoria) — Today is the 35th World Environment Day, which aims to encourage environmental awareness and actions that will have a positive benefit for the planet. The 2007 focus is on polar ecosystems, and it is very appropriate given the general concern about increases in carbon emissions, which cause global warming, melting of the ice caps, rising seas and turbulent weather events. This year World Environment Day is especially aimed at leaders, who are urged to get behind real changes to clean up the planet.

So what is Australia doing? The good thing is that the Howard government is finally talking about an emissions trading scheme, but so far it has set the emission targets for 2008 and carbon pricing out to 2012. Why so slow? Jill Singer put it very directly in yesterday's *Herald Sun*:

The Australian government is determined to protect the fossil fuel industry at the expense of the renewable sector.

In this morning's *Age* an article by Tim Colebatch states:

Shergold's coal-heavy team also urges a bias towards coal over renewables. It wants the states' mandatory renewable energy schemes to be shut down, saying government should not 'pick winners'.

Like Labor, the Prime Minister should be encouraging clean energy technologies, fossil fuels and renewables. The Australia Institute points out that under the Howard scheme, if polluters release more carbon than their entitlements allow, they will have to pay only a small penalty, and that there will be two systems: the market price and the special unlimited levy for those who cannot live within their carbon limits. Tragically the Prime Minister is playing politics. He still does not get it.

Australian Labor Party: union official expulsion

Mr FINN (Western Metropolitan) — I have long deeply regretted the low regard in which the practice of politics is held by the population in general. This of course is not helped when someone involved in politics tells the truth and is slapped down for doing so. I refer to Mr Dean Mighell, who did tell the truth. He told us exactly what would happen in the unfortunate event of the federal Leader of the Opposition, Kevin Rudd, becoming Prime Minister of this country later this year: he told us that the unions would be running the show. What happened to him? He was severely belted around the ears by his leader and kicked out of the party of the workers. Since when have we had a trade union official who has gotten up and told the truth and then been kicked out of the Labor Party as a result?

We heard Mr Davis earlier explaining what he thought Mr Mighell had done wrong, but I would be interested in at some stage hearing from members of the government about what they think he did wrong. I am sure Mr Leane in particular would be most entertaining on that subject. At this point though, Dean Mighell, having suffered this travesty, can look at Kevin Rudd and say, 'The truth? You can't handle the truth!'.

Elsternwick Primary School: rebuilding

Mr THORNLEY (Southern Metropolitan) — I rise today to congratulate the staff and the parents of the Elsternwick Primary School on the hard work they put in over many years to work towards the complete rebuilding of their school.

I had the privilege of visiting the school for the first time in September or October last year. That group of hardworking parents and staff had been working on a plan for some time to completely rebuild the school and to take what is a wonderful site and make it into what will be the sort of next-generation education facility that will live on long beyond the time that their children will be there. I think it is indicative of the type of community spirit that you have in a strong government school that people are willing to work on something that perhaps their children will get some benefit from but which generations after them will get much greater benefit from.

In particular I want to thank the principal, Mark Walker, the assistant principal, Sarah Salder, the school council president of that year, John Stafford; and the school council treasurer, Janee McEvoy, for the hard work they have done not just in putting together what I think is a sensational plan for the new school, with the

architects Baldasso Cortese, but also for having the tenacity to work and fight it through.

It is one of the benefits we have with the new upper house system, President, that while Elsternwick Primary School previously a little disadvantaged by the fact that it is situated in Brighton when most of its catchment area is in Caulfield and Albert Park, now all five members representing the Southern Metropolitan Region will continue to look after it.

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

Students: Victorian certificate of education awards

Mr ELASMAR (Northern Metropolitan) — I rise to speak to this house about the education awards night I attended at the invitation of the Minister for Education, John Lenders, and the Minister for Skills, Education Services and Employment in the other place, Jacinta Allan. Firstly I would like to congratulate the recipients who were honoured on Friday, 11 May 2007.

The theme of the awards was 'Rewarding education excellence'. We know that as a government we are all committed to providing our young people with the best start in life. The Steve Bracks team has striven to ensure that both educators and students alike are given the essential skills and opportunities that are necessary for them to succeed well and determine their own brilliant careers.

I was impressed with the calibre of all the entrants, and they are too numerous to name here today, but I know that when governments recognise endeavour and achievement in our teachers, our future as a nation is more secure, and we are all well-positioned to meet the challenges that lie ahead for our younger generation of students.

Schools: Healthy Eating Schools program

Mr EIDEH (Western Metropolitan) — President, the health of the children of Victoria is something that each and every one of us holds dear. For years we have all focused our attention mostly on those children who are seriously ill or who have been injured, through support of such worthy causes as the annual Royal Children's Hospital Good Friday appeal, hosted by Channel 7 and the *Herald Sun*.

We have supported charitable interests in feeding children who are starving, both in Australia and overseas. Today our generation faces a new disease which in many ways is the opposite to starving

children. I refer to the growing numbers of obese children who eat largely junk food and who exercise far too little.

I congratulate the Minister for Health in the other place and the Bracks Labor government for their latest initiative in launching the Healthy Eating Schools program. Last year Ms Pike launched the healthy canteens advisory service at Strathmore Secondary College, one of the best school canteens in the state. This new program adds to the canteens program and shows that the government is absolutely committed to the health of the next generation. But to be even more successful, this great initiative will require the active support of schools and parents.

It is sad to go past some schools and see children walking to school with junk food in their hands. The Healthy Eating Schools program is a brilliant initiative, and I wish it every success.

Gilden Peppin

Ms PULFORD (Western Victoria) — I wish to pay tribute to a committed unionist and advocate for safe and healthy workplaces, Gilden Peppin. Gilden Peppin is very unwell and is currently receiving palliative care. He was born in India 52 years ago and came to Australia in 1987. Gilden is an employee at Bunnings distribution centre in Lyndhurst, where he has worked for almost 10 years. I came to know Gilden during time spent supporting a group of process workers who had been locked out for resisting their employer's attempts to engage them as individual contractors.

At his own workplace Gilden put his sense of social justice into action too. He is passionate about defending the notion of a fair go and totally committed to workplace safety. It is said by friends and colleagues that he would leave no stone unturned and would always make sure everything was right when it came to keeping his co-workers safe.

Gilden's efforts were recognised in 2004 when he was nominated as a WorkSafe occupational health and safety representative of the year. Throughout his outstanding service Gilden has enjoyed the support of his partner, Sabrina Harding, and daughters, Chloe and Melissa.

Gilden will always be fondly remembered for his photographic contribution to his union. Through this contribution to the records, he will always be remembered by his comrades.

Warracknabeal Primary School: reading challenge

Ms TIERNEY (Western Victoria) — On 18 May this year I attended the Warracknabeal Primary School to talk with students, teachers and support staff on the importance of the Premier's reading challenge. The day was a celebration of what reading brings to all of us as individuals, as well as the ongoing development of a mature and democratic society. It was also an opportunity to congratulate the students involved in the Premier's reading challenge — nearly 100 students, which is twice the number as this time last year.

I was joined by David Metzthen, a well-known author of children's books. David's books are very well known at Warracknabeal Primary School, and it was a wonderful opportunity for students to spend quality time with David throughout the day.

Congratulations to all students involved, Mr Don Wallis, the principal, and Carolyn Bergen, the coordinator of the reading challenge. I know Ms Darveniza and Ms Broad, members for Northern Victoria Region, are looking forward to visiting the school and seeing the many names, and names with stars, along the corridor outside the library — living testimonies to the ongoing success of the Premier's reading challenge.

STATUTE LAW REPEALS BILL

Second reading

Debate resumed from 2 May; motion of Mr LENDERS (Minister for Education).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise to speak on the Statute Law Repeals Bill. I must say I do so with a sense of *deja vu*, having spoken on the previous statute law bill just in the last sitting week.

Mr Lenders interjected.

Mr RICH-PHILLIPS — I thank the Leader of the Government for his kind words. I must say with respect to this bill that I have had further representations from certain parties at Diamond Creek and Yarrambat, and I have them an undertaking that I would consider their concerns about the bill.

In broad terms this afternoon's bill is different from the previous statute law bill insofar as this bill is purely a repeal bill. It repeals, I am advised by the shadow Attorney-General, 282 separate acts of Parliament. The

explanatory memorandum breaks them down into three categories of acts that are being repealed. The first category is that of spent principal acts, with the majority of their provisions, where necessary, saved by virtue of the Interpretation of Legislation Act.

The second category is the spent amending acts which are transitional provisions. The explanatory memorandum makes it clear that in most of those the transitional provisions have expired and the amending provisions have been completed. The third category of acts are those that are purely spent amending acts. The amendments they create have taken place, and there is now no longer any purpose for the amending acts to remain on the statute book. That is the basis on which these 282 acts are being repealed by this bill.

I said that I would take up matters raised by certain residents of Diamond Creek and Yarrambat. These people are involved in what I understand is largely a planning dispute — certainly a dispute relating to certain properties in Diamond Creek and Yarrambat. They have expressed concern about certain provisions of the Statute Law Revision Bill that the Parliament passed two weeks ago, and they have similar concerns with the Statute Law Repeals Bill that members are considering now. The particular concerns with this bill relate to the provisions repealing certain town and country planning acts throughout the statute book.

I place on the record that, while at times it is regarded as a bit of sport to raise such issues about a bill like this, it is appropriate for members of this place to give due consideration to representations that they receive from people expressing concerns about particular provisions of bills. I can understand that these land-holders have concerns that the repeal of various acts will affect their entitlements. Having looked at their particular concerns, it is not a view that I share, but it is a view that should be considered in the passage of this legislation.

The particular matters that they are concerned about relate, firstly, to the Town and Country Planning (Planning Schemes) Act 1979. The explanatory memorandum notes that this is an act to validate certain planning schemes and also to deem certain matters to have occurred. The reason that the act is being repealed is that the deeming provisions have already taken effect. The validations will be preserved by section 14 of the Interpretation of Legislation Act 1984. Thus the repeal of that act will not impact upon the rights and entitlements of the residents I mentioned previously.

The second concern relates to the Town and Country Planning (Planning Schemes) Act 1985, which is an act to validate certain planning schemes. According to the

explanatory memorandum, those schemes have been revoked and any residual provisions are preserved by section 14 of the Interpretation of Legislation Act.

The other issue of concern raised by those residents relates to the Town and Country Planning (Amendment) Act 1978, which has validating provisions relating to the principal legislation. Again, following the repeal of this particular act, those provisions will be preserved by section 14 of the Interpretation of Legislation Act 1984, and the repeal of that act will not have an impact upon the rights and entitlements of those certain residents in Diamond Creek and Yarrambat.

As I said earlier, I appreciate that constituents are concerned when they see an omnibus bill like this come forward that mentions acts about which they have concerns, and it is appropriate that this Parliament consider those concerns before the passage of this legislation. I am happy to say that it is certainly the view of the opposition that those repeal provisions will not affect the entitlements of those people, and therefore it is happy to support the bill.

This is a very simple bill. As I said, it repeals 282 redundant acts on the statute book. It is to be welcomed; we should welcome any efforts to clean up the statute book. In this instance, the bill deals with merely redundant acts, but we should also welcome an opportunity to clean up the statute book with respect to acts that are currently in force. Members would have seen the report from the Victorian Competition and Efficiency Commission on the regulatory burden in this state and the annual increase in that regulatory burden; anything that can be done to reduce that burden is welcome. This bill is a step in that direction, and it is supported by the Liberal Party.

Mr HALL (Eastern Victoria) — It seems we are going to get a bit more room on the middle table of this chamber, because what we are doing today is throwing away 282 of the acts of Parliament that are bound in red folders on the centre table. There will be a bit more room for the Hansard reporters and others who operate from there from time to time. Unfortunately though those 282 acts are rather small, most being amending or repealing acts. They are not voluminous in nature so the room saved will probably be minimal. Despite that, the removal of 282 acts which are no longer required on the statute book of Victorian law is a welcome thing to be doing, and so it is that The Nationals will be supporting this legislation.

It is interesting that this week and in the last week of sitting the two chambers have seemed to be swapping

statute law bills. When the Legislative Council last sat we dealt with the Statute Law Revision Bill, and today we are dealing with the Statute Law Repeal Bill, and vice versa in the Assembly. Both have been described as housekeeping bills. The Statute Law Revision Act, which has previously been dealt with by this chamber, repealed certain sections of various acts as well as fixing up some minor errors like spelling and grammatical mistakes. The revision act actually repealed certain sections of acts, and what we are seeing with the Statute Law Repeal Bill is entire acts being repealed.

As Gordon Rich-Phillips said, those acts largely fall into three different categories, the first being amending acts. Of course amending acts, by their very nature, are designed to do one thing and one thing only — that is, to amend in part a principal act. Once those amendments have been effected, then the amending acts themselves have no worthwhile purpose; consequently, that is why there is from time to time a sensible measure brought into this house to repeal those amending acts.

It is probably also worth reminding the house that because of the nature of another act of Parliament passed by the chamber earlier this year, amending acts will now automatically be repealed after a period of time when their amendments have taken effect. It may be that in the future we will not have as much need for statute law repeal legislation such as the bill we have before us this afternoon.

As I said, three categories of acts are being repealed under this bill, and the second of those categories is repealing acts. Some acts are proclaimed purely for the purpose of repealing principal acts; once those principal acts have been repealed, then the repealing acts become redundant, and they themselves can be repealed.

Some acts are acts in their own right and are referred to as principal acts, and we see some of those also being repealed today as they are no longer required. It is quite interesting to flip through the schedule of the bill before us as it actually lists the 282 acts that are being repealed. Some are quite historical, and some are of more recent times. Even the ones of more recent times are interesting to flip through, and those members who have been in this chamber a few years will recall having spoken in debate on some of the acts we are repealing this afternoon.

I had a quick look through the schedule of this bill and looked at just a sample of some of the acts we are repealing. Had I had the time to do some more research, I would have found it quite interesting to look through

some of the history of the acts that were actually created by this Parliament and which are now being repealed. I went to the ‘Victorian law today’ page on the Parliament’s website and ran off a copy of one of the acts we are repealing — that is, The Ammunition Factory Act 1889. This is a principal act in itself, and I just want to mention this act briefly and draw it to the house’s attention because it has some interesting aspects. The first of those is that this act is retrospective in its nature — so as much as we dislike retrospectivity in proclaiming acts of Parliament, they were doing it back in 1889!

I will quote what is under the heading of the act, which is essentially what would now be the purpose clause of an act. It states:

An act to ratify a lease of certain land granted by the government of Victoria to the Colonial Ammunition Company Limited for the purposes of an ammunition factory.

It is interesting that the lease for this company to build an ammunition factory was entered into by the government on 28 May 1889 but the act itself was not assented to until 4 November 1889. It is interesting too that this 1889 act had a preamble. I thought it was a recent innovation for governments to include preambles to acts because for many years we did not have preambles, but there was a preamble to this act back in 1889. The act did not have a purpose clause; essentially the preamble served to express the purpose of an act back in those days. It is interesting that it was a small act and, as I said, that the date of the lease was different from the date of royal assent so that the act was retrospective in nature.

Again, if I had the time there is a matter I would like to make further inquiry into. I quote from the preamble:

Whereas in order to enable the Colonial Ammunition Company Limited, a company duly registered in England, to establish and maintain an ammunition factory in Victoria, a lease of five acres of land or thereabouts at Cut-Paw-Paw in the county of Burke has by a lease bearing date the twenty-eighth day of May one thousand eight hundred and eighty-nine been granted by the Governor in Council to the said company.

I would like to know exactly where Cut-Paw-Paw in the county of Burke was, because it was somewhere in Victoria back in 1889. I cite that as an example of the historical nature of some of these acts that are being removed from the Victorian statute book. In removing them we are probably losing a bit of history, and I hope that somebody with an historical bent has made a record of them before they disappear completely. This is just one I picked up that I found quite interesting. If I had the time I am sure I could find other acts that would be equally appealing and of equal historical interest.

With those few words I indicate that this is a sensible measure. We are repealing 282 acts but many are purely amendment or repeal acts themselves, so it seems to be a sensible housekeeping measure that will improve the efficiency of the record of statutes in Victoria.

Mr VINEY (Eastern Victoria) — I am pleased to rise very briefly in support of the Statute Law Repeals Bill. I would like to pick up the theme of Mr Hall’s contribution. In fact I had also marked the Ammunition Factory Act 1889 as an interesting historical act that will go under this legislation. Of course it is relevant for the Parliament to ensure that redundant legislation is removed from the statute book, but it is also a time to observe the historical nature of some of the legislation. One of the others is the Marong Reserve Mining Act 1895. Essentially the purpose of that act was to provide for mining on the reserve by holders of miners rights. I guess one would have to say that legislation such as that might now be unnecessary. I am not sure whether the Marong Reserve still exists. Maybe one of the members from that area might know. Obviously if it is no longer being mined, that act is no longer a necessary piece of legislation.

Another interesting one is the Croydon Fruit Cool Stores Act 1949, which provides for the sale of the Croydon cool stores to a private company for £5000, which I guess was perhaps a fairly early privatisation by the Victorian Parliament.

Another one that I also think is of interest is the Tallangatta Township (Removal) Act of 1950. It essentially moved Tallangatta to make way for the new dam. The old township of Tallangatta now of course —

An honourable member interjected.

Mr VINEY — It was underwater. I do not know whether, in the current conditions of our dry climate, it has been re-exposed. I remember a number of years ago in a previous drought walking to the old farmhouses on Lake Eildon. They were still standing, although I suspect they probably did not withstand the subsequent inundation. It was perhaps in the 1980s that I walked down the Eildon Dam. I suspect they are no longer there, but I imagine the site is exposed again in the current environment.

With those short words I want to support the legislation. It is important to keep maintaining the relevance of the statute, and this is a means by which we need to go through these processes. I commend the bill to the house.

Mr O'DONOHUE (Eastern Victoria) — I am pleased to also rise to speak on the Statute Law Repeals Bill that was introduced in the other place on 19 December last year. Whilst not being as exciting as some other pieces of legislation, these bills play an important role in keeping the statute book of Victoria as tidy as possible. As other members have said, this bill repeals 282 acts — not an insignificant number. Those acts deal with a variety of issues and give a good flavour of the legislation that has come before and been passed by this place over many different years.

In my small contribution I want to touch on a couple of things — first of all, the process by which this bill comes before us today. The work of the chief parliamentary counsel, together with that of different parts of government, in identifying redundant acts should be commended. Parliamentary counsel play a very important part, firstly, in identifying the acts that are redundant and working with the different parts of government to identify those acts, and secondly, in verifying or signing off that those acts are in fact redundant.

I refer in particular to the letter from the chief parliamentary counsel to the Scrutiny of Acts and Regulations Committee confirming that the acts that are before us are all spent and redundant and are therefore no longer necessary. I also note the new practice that is now in place that acts that are amending existing acts and that are spent are automatically repealed, generally after 12 months of coming into operation. That will reduce the necessity of having future statute law repeals acts going forward, which will help keep the process of this place as efficient as possible. That is to be commended.

I will conclude by making the point that while this bill helps tidy up the statute book, it is a great pity that more legislation does not come before this place to make Victoria a more efficient place, to keep regulation to an absolute minimum and to allow small business to grow and flourish as it could but for the regulation of this government. I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

Hon. J. M. MADDEN (Minister for Planning) — By leave, I move:

That the bill be now read a third time.

In doing so I wish to thank the respective members for their contributions to the debate.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

STATE TAXATION AND GAMBLING LEGISLATION AMENDMENT (BUDGET MEASURES) BILL

Second reading

**Debate resumed from 23 May; motion of
Mr LENDERS (Minister for Education).**

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise to speak this afternoon on the State Taxation and Gambling Legislation Amendment (Budget Measures) Bill, and at the outset state that the Liberal Party will not be opposing the bill. The bill we are considering now is the bill that puts into place the measures announced by the Treasurer in his 1 May budget speech. To that point many of these measures have already been considered by this place in its consideration of the budget papers and are obviously well known to members of the Parliament.

The bill makes four significant changes to various pieces of state taxation legislation. Taking them in turn, the first is contained in part 2 of the bill, which relates to amendments to the Congestion Levy Act 2005. The bill seeks to reduce from \$800 to \$400 the levy that will be paid in respect of car parks located within a defined area that could basically be described as the south bank of the river near Docklands. The congestion levy was introduced in 2005 without the support of the Liberal Party. We do not believe that it in any way addresses the issue of congestion in the CBD (central business district). We believe it is simply a revenue-raising measure of this government.

The fact that the government has now seen fit to introduce a temporary reduction in that levy for 2007 and 2008 in respect of that area of Docklands — or

Southbank near Docklands — further reinforces that point. It is not a levy we support. We do not believe it is working. We believe there are other ways in which congestion in the city could be addressed, if that was indeed the government's intention, rather than simply raising revenue through this tax, which is notionally \$800 per annum per car spot for CBD parking.

The next part of the bill, part 3, amends the Duties Act. This is a change that was announced with respect to the duty payable on the registration of new motor vehicles sold in Victoria. It raises the threshold at which the upper rate, which is \$10 per \$200 of value of the vehicle, cuts in from \$35 000 to \$57 009. I understand the reason for the unusual amount — \$57 009 — is that that figure is drawn from the commonwealth legislation with respect to fringe benefits tax. This bill will make the Victorian provision consistent with the commonwealth provision. Of course it is not indexed so this matter will need to be addressed again in the future.

The Liberal Party supports this change to the threshold at which the upper rate of the duty is paid. It is a matter that has been of concern to the motor vehicle industry for a long time. Over the last five years I have received representations from motor vehicle traders seeking to have that threshold increased. Their argument was quite sound because when the duty was set with the \$35 000 threshold, it was done on the basis that at that time \$35 000 was regarded as the price of a luxury vehicle. As many members in this place would be aware, and certainly as our constituents are aware, \$35 000 now buys little more than a basic, Australian-built, six-cylinder car. It is hard to argue in 2007 that the \$35 000 threshold represents luxury cars in the Victorian market, and it is appropriate that it be raised to the \$57 000 we see in this bill. A couple of transitional provisions have been introduced that make it clear that the new duty rate applies from 1 May, the date of the budget speech.

This is also an area where Mr Barber for the Greens has foreshadowed, to members of the Liberal Party at least, that he will seek to amend the proposed provisions to allow electric and hybrid vehicles to have a lower rate of duty consistent with that of vehicles under the \$57 000 threshold. The Liberal Party is receptive to that idea in that it would encourage the use of hybrid and electric vehicles. However, we will not support his amendment because we are not willing to support amendments to taxing provisions.

It has been a longstanding practice of the Liberal Party not to amend taxation bills without having appropriate background information — that is, the most basic form of information regarding what the revenue impact of

such changes would be. So while we are sympathetic to the purpose of Mr Barber's amendment, it is not one we are happy to support at this time, given that we do not have the benefit of Treasury advice as to exactly what the impact of that amendment would be.

The next area of the bill I will touch upon is part 4, which amends the Land Tax Act. There are two key provisions here. The first introduces changes to the special land tax provisions. Special land tax is a measure I understand to have been introduced in the 1970s primarily to address the issue of people buying up large parcels of land and holding them in anticipation of their being subject to rezoning and redevelopment.

This applied particularly to land on the fringes of Melbourne — land we now regard as the eastern and south-eastern suburbs but which at the time the provisions were introduced was very much on the fringes of Melbourne. The consequence of those provisions was, however, that land which was used in recent years for primary production and which is now being purchased and developed has been caught by the provisions.

This has meant land-holders who have held small farms on the fringes of Melbourne, particularly in my former electorate — up through the hills at Belgrave, Emerald and that type of area — have been subject to special land tax when they have retired from farming and sought to sell their farms. It has been a particularly vexing issue for those land-holders, who have regarded their properties as representing their superannuation. They have farmed them, in many instances, for a very long time — 20 to 30 years — and they expected to use the proceeds from the sale of those properties for their retirement; but now they find that once they sell their property and the purchaser ceases farming it, they are subject to special land tax.

It is not a big issue for Treasury. Information I received from it last year in response to questions on notice revealed that the revenue collected through special land tax was minimal. It was certainly less than \$10 million per annum, and I think it was less than \$5 million per annum. So the impact for Treasury was insignificant, but for the individual land-holders it was a very real concern.

The bill implements the budget announcement that will exempt transactions that take place wholly or partly within the metropolitan area from special land tax. That change will pick up a lot of the land that has been the subject of concern — in areas such as the shires of

Yarra Ranges and Cardinia and to some extent the city of Casey. That is a measure I particularly welcome.

Another area covered by the bill is a reduction in the land tax rate. This is a matter that the Liberal Party has been pushing for some time. We do not believe the measures in the bill go far enough. We note that the revenue impact from this change is sufficiently small that we will continue to see a growth in land tax revenue in the out years. There is not even a dip in land tax revenue to reflect these changes that were announced in the budget. We are continuing to see a growth in land tax revenue, and it is simply our position that not enough has been done to address the impact of land tax on the Victorian community.

Mr Pakula — It's half the rate you had on that!

Mr RICH-PHILLIPS — Mr Pakula says by interjection, 'It's half the rate you had — —

The DEPUTY PRESIDENT — Order! I ask the member not to comment on the interjection. Mr Pakula is not in his place, and therefore none of us heard him.

Mr RICH-PHILLIPS — Deputy President, I can only be guided by your wisdom, but if government members had interjected along the lines of criticising the role of the previous government, the point I would make of course is that the value of land in this state has gone up enormously over the life of this government, and it is appropriate that the land tax scales be adjusted to reflect that. It is amazing to hear that government members want to talk about the rates and thresholds that applied under previous administrations without reflecting upon the average values that applied at the same time. We can go back 20, 30 or 40 years and talk about what happened under the Bolte government in terms of rates and thresholds on taxation in this state, but it would not be relevant unless we talked about the actual values to which it applied.

The bill deals with amendments to the Gambling Regulation Act regarding taxation as it applies to gaming. One of the key changes is a further increase in the tax on EGMs (electronic gaming machines) to \$4333, an increase of \$1300. I think this is the third increase in that levy on EGMs since it was introduced around 2000–01. We see that the government has discovered a very solid source of revenue in that levy on EGMs. There is no capacity for it to diminish in any way; the number of EGMs is fixed, and the government has said it is not a matter that it is looking to change. It has a very solid cash flow now through lifting this levy periodically.

Another area the bill touches upon is to amend the commission provisions with respect to certain wagering products. The bill removes the current cap of 16 per cent, set for total turnover on wagering products for the operator, Tabcorp. It requires the individual commission rates that are in place for various products to be maintained but allows a rate of up to 25 per cent to be set for new products. I understand with the current system the commission rates were variable up to 25 per cent on any individual product provided that the cap of 16 per cent was met. The cap is now removed, and new products will be able to be set at up to 25 per cent, with variations from the existing structure for existing products requiring the concurrence of the Treasurer.

The Liberal Party is not opposing this bill. We welcome the taxation measures that it introduces. We believe a lot more could have been done. The government has had a windfall as a result of the intergovernmental agreement on federal-state financial relations, and the GST revenue has been flowing for the last seven years. Not enough has been done in the area of state taxation reform. More could be done.

This is a step in the right direction, but in many respects it is a minor one. We expect that more should be delivered.

The DEPUTY PRESIDENT — Order! I advise Mr Drum that I will allow Mr Barber to speak next, on the understanding that he is to foreshadow a proposed amendment. I think that then allows the house the opportunity to reflect on the amendment.

Mr BARBER (Northern Metropolitan) — The Greens can support and live with most of the aspects of this bill, but there is one part which we think is an absolute shocker — that is, the tax cuts for gas guzzlers. This week it is ironic that we are raising public transport fares but bringing down the tax on larger cars, while small cars get no tax benefits from this bill.

I do not think government members need me to walk them through this legislation. I am not going to spend a lot of time talking about what is wrong with this policy in light of the publicised debate last week and the increasing debate on climate change. Perhaps for their benefit, I will talk a little about what is going on in regards to the fuel efficiency of the vehicle fleet, how it is impacting on transport policy, and greenhouse gas emissions more generally, so that the next time an issue like this comes up in the caucus, caucus members can speak up and put a few arguments of their own.

Part of the rationale of providing a tax cut on new cars is that it will turn over the fleet faster and will provide

more fuel efficiency, but it is a myth that we will get a more fuel efficient fleet. Certainly the engines will be more efficient, but the cars in which they sit are getting bigger and are being fitted with more features that use energy; those features weigh more. If you look at the data of the Australian Bureau of Statistics on this issue, you will see that the average fuel efficiency of a passenger vehicle has not improved dramatically since records have been kept — since 1963 — when it was about 11.4 litres per 100 kilometres. It got a bit worse for a while; then it got better. Today it is at 11.7 litres per 100 kilometres.

The newest cars, the vehicles purchased since 2002, had an average fuel efficiency of 12.1 litres per 100 kilometres — this was an average of the fleet as a whole and actually 1 litre higher than the average efficiency of cars purchased between 1990 and 1999. There are a few reasons why this is happening, with some of them to be found in the 2003 report by the Victorian Automobile Chamber of Commerce entitled *Trends in the Retail Motor Vehicle Sales Industry*. It notes that cars have been getting quite dramatically cheaper.

Vehicle affordability in Australia in the early 1990s was this: 42 weeks of the average wage would buy the average car; now it is down to 35.8 weeks. While technically cars are able to be built more efficiently, they are also becoming more affordable, which means that people are buying bigger ones with more features. This is cancelling out the effect. That is one report which provides a part of the puzzle.

The other aspect is what is going on in the market in terms of demand. The market is segmented into two halves. Sales of medium-size cars fell between 1991 and 1998 according to a study by the Australian Greenhouse Office entitled *Study on Factors Impacting on Australia's National Average Fuel Consumption Levels to 2010*. This document was used to set a national target for fuel efficiency. Medium cars are dropping out; small cars are coming in and so are upper-medium cars.

If you are into fuel efficiency, fuel economy and generally low price, affordability, you buy a small car; but if you are into power and have the need for speed, you will buy a big car. Unfortunately today's tax cut will exacerbate that trend. We have had the federal wholesale sales tax cut of about 22 per cent, a large majority of which was paid into the coffers by car sales, and that was replaced by the 10 per cent GST. We have had tariff cuts on cars, which has certainly saved people money on imported cars but has also led to more competition in the industry.

All things being equal, it is good to make something that is essential to daily life cheaper for people, but all things are obviously not equal. We are in the middle of an extremely important debate about climate change, about the livability of this city and certainly about transport, so a measure like this needs to be given extra thought. In the life of the Bracks government, since 1999, an extra half a million cars have been put on the roads as a result of some of these trends. Not surprisingly we have a problem in the city of Melbourne. The greenhouse gases associated with public transport have gone up 23 per cent since 1990. Amongst transport emissions, passenger vehicles account for more than half, so they are a big part of the problem.

The further problem with the car domination of Melbourne has been described clearly in the commissioner for environmental sustainability's May 2007 report entitled *Creating a City that Works*. I am sure the Minister for Planning has paid attention to this report. The government appointed the commissioner for environmental sustainability, who has now reported on the impact of the government's policies. I shall read a few of his comments:

Based on previous trends in overall travel, the strategy —

that is, the 20 per cent by 2020, an integral part of the Melbourne 2030 strategy —

would require increasing the number of public transport trips per capita per year to over 200 by 2020, similar to the 1966 level —

in Melbourne —

and similar to the levels achieved in cities like Montreal, Copenhagen or Oslo. In other words it would require a dramatic increase in the total number of public transport trips, from 390 million in 2005–06 to over 1 billion —

trips on public transport —

by 2020.

As everybody knows, and as Ms Hartland informed the Parliament earlier, the public transport system is creaking at the seams and virtually collapsing, because there has been a 10 or 15 per cent growth in public transport usage in the last couple of years. This is a target for 2020. We are at 2007 now, so by 2020 you would expect the public transport system to carry three times as many people as it is currently carrying in Melbourne.

To give a little more information from the commissioner for environmental sustainability report on investment in transport, he also talks about meeting our transport challenges.

The DEPUTY PRESIDENT — Order! I remind Mr Barber that this is a taxation bill. I am allowing him some latitude in indicating the need for the tax changes as proposed, but I suggest that he keep fairly tightly to the bill before the house, which is essentially a tax bill, and use his remarks to substantiate his proposed amendments, not to explore too widely an environmental debate in speaking on this particular legislation.

Mr BARBER — I was making the point that that is what the Treasurer should have done before he bowled this one up to us. As to the particular measure, which is to make big cars cheaper — I anticipate the argument from government members will be, ‘Well, that is a good thing for struggling families in the outer suburbs’ — I shall talk about something the commissioner for environmental sustainability noted about the impact on the outer suburbs and about keeping those people car dependent. He said:

It is generally understood that the distribution of mobility choices is not evenly spread across the metropolitan area, and this influences social and economic patterns. Several mode choices exist for those living in the inner areas of Melbourne, but with distance from the centre there is a general pattern of reduced choices and higher car dependency.

He referred to the work of Dodson and Sipe of 2006, which is what he calls the vulnerability assessment for mortgage, petrol, inflation risks and expenditure, the so-called VAMPIRE index. What it shows quite clearly is that people in the outer suburbs are desperately vulnerable to increases in petrol prices.

The government’s proposal today is to cut \$177 million off stamp duty for big cars, whereas the Greens would have created a fare freeze to assist the alternative mode in Victoria for those people and get public transport fares down to something those families could afford. Or possibly we would have spent the same sort of money on extending public transport into other suburbs or on just addressing safety on public transport. It would have been a much better use of the public’s money.

We are aware that under the constitution the upper house is not allowed to amend this bill but can suggest amendments. The Greens will propose amendments relating to hybrid vehicles. I am quite happy for those amendments to be circulated to the house now.

Greens amendments circulated by Mr BARBER (Northern Metropolitan) pursuant to standing orders.

Mr BARBER — The amendments relate to hybrid vehicles. If this bill passes, there will be two tax rates, and the higher tax rate will kick in at \$57 000. The

Greens are going to propose that all hybrid vehicles — and for that matter electric vehicles — attract the lower tax rate. At the moment the majority of the hybrid vehicles that are most frequently sold in Victoria are already sold at below the \$57 000 mark; however, they are just the two most commonly purchased types. To my knowledge there are actually at least 21 different makes and models of hybrid vehicles out there, including some hybrid four-wheel drives. There are also hybrid minivans and passenger vehicles, and we are getting hybrid trucks and even hybrid trains now. Given that those vehicles will inevitably be more fuel-efficient than their internal combustion engine counterparts, we think there should be tax incentives in place to support them.

I need to refer to a couple of bits of information on how other jurisdictions have approached hybrid electric vehicles. Just so that members understand exactly what hybrid electric vehicles are and why they achieve better fuel efficiency, basically it turns out that the best way to carry energy around is as a liquid fuel. If you start building an electric car with large chemical batteries, you start getting negative feedback. Certainly a liquid fuel is the best way to compartmentalise energy. However, an internal combustion engine is very inefficient. There are large energy losses as it moves through its cycle. It produces a large amount of heat, and there are a lot of frictional and kinetic losses as it then turns pistons which turn a drive train which turn wheels.

A hybrid electric vehicle has a small petrol motor which creates electricity, and the electricity is then used to turn the wheels. One of the effects of that is that when the car is braking, the electric motor can harness back the energy that the car is shedding. Typically you are already getting a 50 per cent improvement in efficiency just from moving to hybrid rather than using a petrol internal combustion engine alone. But there is a great opportunity for hybrid vehicles to become even more efficient than they are now. While changing the engine type might have delivered one great chunk of efficiency, there are further measures that can be taken. Certainly it is possible to make those cars lighter because of the change that has been made.

At the moment a hybrid is typically just a hybrid engine system in a traditional body, a typical retrofitted car, but you can also bring in ultralight construction — including modern composite plastic materials which are much tougher and much safer than metal — low-drag design and the efficiencies gained once you start trying to save energy and save electricity usage in your car. You then start to look at issues like air conditioning and how that can be made as efficient as possible. It turns

out the best way to do that is not to let the heat into the car in the first place. We then get into the issues of windows and even bringing solar-powered fans into play to run those devices.

In North America, residents in Ontario, Canada, can claim a rebate on their provincial retail sales tax of up to \$2000 Canadian on the purchase or lease of a hybrid vehicle — that is, a \$2000 tax cut just associated with hybrid vehicles. In British Columbia there is a 100 per cent reduction in sales tax up to a maximum of \$2000 if the hybrid vehicle is purchased or leased before 2011, which has now been extended and expanded.

In the United States, starting on 1 January 2006, the purchase of a hybrid car qualifies the purchaser for a tax credit of up to \$3400 on their federal income tax. The tax credits are to be phased in until the manufacturer has sold 60 000 cars, so it is limited to the number of cars sold. Obviously that is designed to be a catalyst for a new industry.

In the European Union, the Netherlands vehicle registration tax is payable when a car is sold to its first buyer. That is completely analogous to what we are doing here. It can earn the owner of a hybrid a discount of up to 6000 Euros. In the Republic of Ireland, there is a 50 per cent reduction in vehicle registration tax, which normally amounts to 25 per cent of the market value of the car, so on 25 per cent of the value of a car you get a 50 per cent cut if you buy a hybrid.

In the United Kingdom drivers of hybrid vehicles benefit from the lowest band of vehicle excise which is based on CO₂ emissions. The proposal of the Treasurer, Mr Brumby, is to skew the tax rates in the exact opposite direction — bigger cars get a bigger saving. These vehicles are also exempt from the daily congestion charge in central London. How about that? If you buy a hybrid you can just drive straight in and you do not pay the congestion charge! Even up in Sydney now there are developer contributions where smaller car parking spaces attract lower developer fees than larger car parking spaces, which is offering the incentives this government is proposing to take away today.

We think that the proposed amendments, the operation of which I will discuss in more detail, is worthy of support. I do not know where this particular proposal came from. I do not know why it was put up to favour gas guzzlers through tax cuts, but it swims against the tide of rhetoric that has been flowing from the Labor and Liberal parties in the last couple of weeks.

The DEPUTY PRESIDENT — Order! During the course of the debate the last two speakers have actually referred to whether or not the amendments can proceed. At the time that I take the chair for the committee stage I will comment on the status of those amendments. Essentially, as Mr Barber said, the house does not have the constitutional power to amend this legislation as a tax bill, but it does have a capacity to recommend changes by way of amendment. That is the basis upon which those amendments will be considered in committee. I only make those remarks now because it has been referred to by the last two speakers and it may well become an issue in the course of this debate.

Mr DRUM (Northern Victoria) — In effect the State Taxation and Gambling Legislation Amendment (Budget Measures) Bill will bring into action many of the initiatives that have been brought forward by the Treasurer and were announced in the budget speech of 1 May. The bill will give effect to all of those announcements and those initiatives. A range of acts will be amended as a consequence, predominantly the Congestion Levy Act 2005 and the Duties Act 2000. There will be some changes brought about by the special land tax provisions which are deemed to come into operation from 1 May. Also the bill will amend the Land Tax Act 2005. The Gambling Regulation Act 2003 will also be amended, as will the Casino Control Act 1991, when we will come to look at how the government is taking more revenue out of electronic gaming machines.

The aspect of this bill pertaining to the Duties Act has been well covered by Mr Barber when he talked about the decision by the government to make a more favourable stamp duty regime available to people who want to buy more prestigious cars. The concept of including hybrid cars into that tax break is laudable, and The Nationals support the philosophy associated with introducing hybrid cars into that advantage. Even though, as Mr Barber has said, the majority if not all of those hybrid vehicles currently retail for under the \$57 000 mark, it is worthwhile their being in that bracket as a philosophical indicator for the future.

As I said, we are not quite sure of some of the products out there in the market at the moment, and we are not quite sure where the production of these hybrid cars and electric cars may go in the future. Certainly it is quite feasible to suggest that some rather expensive cars on this market could be brought onto our markets in the near future. If that is the case, then encouraging people to take this step and buy a more fuel-efficient vehicle would be an outstanding initiative.

The Land Tax Act has also been amended, and we will be increasing the threshold by some 12 per cent for the bottom end of the market, effectively raising that threshold from \$200 000 up to \$225 000. Hopefully there will be a range of investment properties that will escape the need to pay land tax.

The next bracket, as I understand it, will remain the same. It is not until you get past two more brackets that we will have another saving with a 1.2 per cent rate cut, which will effectively meld a couple of thresholds together. That will be of advantage to and help the people who were owners of land around the \$1 million to \$1.19 million mark. There will also be some rate cuts for those in the \$1.162 million bracket and further rate cuts for people with properties in the \$2.7 million range as well. Those cuts are all going to be welcome.

Obviously the government can very well afford these rate cuts. We know the government is in receipt of more money than it has ever had in its past. We know the government is the recipient of more GST and more money from the commonwealth government than any other government has ever had before. We know this government is the recipient of a greater increase in available revenue than any other government has ever received in a seven-year period. I am talking about percentages of the initial available revenue. The government came to office in 1999 with some \$18 billion or \$19 billion; now, some seven and a half years later, we find that although the amount has not quite doubled, it is certainly in the vicinity of a 100 per cent increase. We would suggest it is in the high 90s.

There is some revenue not included in that, such as the dividends the government takes out of water authorities. When they are all added in you certainly would be getting to a situation where this government has very nearly had its income stream doubled in the short time it has been in office. On top of all these additional fines, the government still seems to have the need to introduce new taxes and a whole range of indexing of every piece of revenue that comes before it.

The government can afford the rate decreases provided for in this bill. It is going to end up with more net income in its coffers next year than it has currently this year, even with these reductions. When the government puts its estimates on the table it makes underestimating them an art form. You can be certain that the government is going to receive in the order of \$150 million extra from its land tax take than it estimates it will receive. That was the case this year, and there is every indication that it will be the case next year. So in fact what this government estimates it will be receiving after its tax cuts are included is in effect

what it estimated it would have last year. It is simply giving us a tax break on the huge surpluses it is understating.

This bill talks about leaving the car parking levy of \$400 per space. It uses the terminology 'congestion levy'. We know the congestion levies of other cities around the world have a deterrent aspect to them. The ones most commonly quoted are those in Singapore and London. The significance of those levies is that people are legitimately deterred from entering the city because of the enormous amount that is charged.

In Victoria the levy has been very well structured so that it is an additional sum of money that jumps into the Victorian government's revenue stream, but it is not enough to deter people from bringing their cars into the city. It is The Nationals' belief that that aspect has been carefully planned to deliver just that outcome. There is no deterrent at all, so we still get all the people coming into the city who previously came into the city, but there is an additional revenue stream as a consequence. We believe this has been described as a temporary concession so maybe that will be altered in the future.

Another new aspect of taxation with which the Bracks Labor government seems to be hell-bent on going back to the well time and time again is the health benefits levy. It was first introduced, using the Treasurer's own words, as a one-off only measure to give some assistance to hospitals from the revenue of a gaming sector that could afford it. That lasted only a couple of years and then the government went back to the well for a second time. We have before us today legislation which sees the government going back to the well for a third time. Each time it seems about a \$40 million pay cheque is taken out of the gaming sector and put into the health-care system. This is typical Labor philosophy: pick an area that is unpopular, pick an industry which does not have great support within the community and which seems to be preying on the vulnerable, rip money out of it and put that money into an area that is chronically underfunded.

The government underfunds the health-care sector. It has historically been responsible for funding health care in this state, and yet it has taken the opportunity, without any consultation with the gaming industry, of simply going back, taking out about another \$40 million from that sector and putting it into hospitals, in effect leaving the hospitals continually underfunded. That is a classic Labor manipulation of the state's finances. We will end up with another industry becoming stressed. We will wait to see what happens when the government has to deal with the gaming industry, which is going through another

process, of working out where it is headed for the next 10 to 20 years, which is an issue separate from this legislation.

A range of things covered in this bill are certainly of some concern to The Nationals. It is important that people look at it in the overall context of what this government is doing in relation to the recent handing down of the budget by the Treasurer and look at what is happening with all of this. This government tends to be devoted to spin; it likes to let the people of Victoria know and would like the people of Victoria to think that this is not their money, that actually the Bracks government owns this money.

Sometimes in Parliament we lose sight of the fact that it is the Victorian public's money that we are actually doling out. The government is reaping record levels of state taxes and a record level of GST, which is collected by the federal government and 100 per cent of which is given back to the states. It is divided up by the states, using criteria that has been developed by the states. Quite often the states quarrel amongst themselves. But all the states have Labor governments, so if they have an issue with the way the GST money is divvied up, it is up to the Labor states to work it out.

We do not need the Bracks Labor government spinning its way into our households, telling us that we need to be eternally grateful for having our money returned to us because it simply might have a couple of billion dollars too much in its coffers. We need to make people realise that Victoria now has a government that continually blows out the time lines, continually blows out the budgets on the major projects that it attempts to complete. The government cannot even commence a project unless it dresses up that particular project for it to be seen as something it is not — and I am talking about the fast rail project. Only two weeks ago the Auditor-General handed down his report that said the fast rail project in Victoria was simply a maintenance project on the rail system and that the people of Victoria should never have been led to think that it was ever delivering fast rail.

But it is indicative of what we have in this state, with a government that is committed to spinning its way through the shortcomings of its financial management. I have already mentioned the fact that we have had the health-care levy introduced three times; we have a congestion tax, which is not really a congestion tax at all; we have a constant misuse of the Community Support Fund, which sees, again, many items that historically have been funded by line items in the budget now remaining in the budget but with money

being taken out of the gaming sector to pay for those aspects of everyday Victorian life.

This government has indexed every available ounce of income. Every fee, every licence, every tax, every fine that the people of Victoria find themselves paying has been indexed on an annual basis, yet whenever there is a need for money to be paid out by the government we find that those payments out of the State Revenue Office are not indexed in the same way as is revenue. We now have a state government receiving over \$34 billion of general revenue. We believe it is morally wrong for it to introduce new taxes and to index existing taxes. We certainly have some issues with that.

I have mentioned that the revenue streams have in effect doubled in the time the government has been here, and there are not many households in the state of Victoria that can say they are earning 100 per cent more than they were earning seven years ago. If there are any households in Victoria that have doubled their income streams in seven years, you would not find many of them having the financial strife this government is having.

We have a government which was left with the gift of a gold-plated economic status when it came to government but which continues to overspend on every departmental budget it puts in place, and the total overspending of all its departmental budgets is now in the vicinity of \$9 billion. The Bracks government continues to increase the borrowings it has put in place. We have a Labor government that continues to be condemned for its lack of capital infrastructure investment. The Bracks Labor government continues to refuse to fund many worthwhile projects in disability and drug and alcohol rehabilitation, areas that historically you would especially link Labor with. We have a government that is absolutely tailing off in the way it is looking after some of the problems society is facing in Victoria, especially in regional Victoria, which is being left wanting more funding and more resources than it is currently receiving.

The Nationals will not be opposing this legislation. We voice our support for the philosophy surrounding the inclusion of hybrid and electronic vehicles in the category of vehicles that can cost up to \$57 000 while benefiting from the tax advantages that are being offered.

Ms TIERNEY (Western Victoria) — I rise to support the State Taxation and Gambling Legislation Amendment (Budget Measures) Bill. I was going to talk on a wide range of aspects of the bill, but I think it is more appropriate, given that I have heard from all the

parties now, bar the Democratic Labor Party, to talk about the points of difference rather than the areas on which there seems to be some general cross-party agreement.

I will direct my remarks primarily to the issue of the cuts in stamp duty on motor vehicles and will keep in mind the amendments that have come forward from the Greens. With respect to the tax cuts, it is important that we focus on the range of vehicles and the limit of \$57 009, but prior to doing that it is important to reinforce the approach the government is taking on this and how it is trying to balance up and be mindful of the competing factors we have before us. It is clear that the Bracks government wants to promote the purchase of more environmentally sustainable and fuel-efficient vehicles in order to reduce greenhouse gas emissions. That is clear; that is plain. These tax cuts will deliver benefits to buyers of more fuel-efficient vehicles such as hybrids, which are generally priced within this range. I will come back to that in a moment.

There are a number of other spin-offs in relation to this. The purchase of more fuel-efficient vehicles will deliver ongoing savings for Victorians — for example, an improvement in fuel consumption that means just 1 litre of fuel will take us 100 kilometres and will save the average motorist just under \$200 a year, and that is a significant saving for Victorian families. New vehicles in this range offer more recent safety benefits and innovations and therefore are delivering further benefits for Victorians.

On the suggested amendments that the Greens have provided us with in the last 5 or 10 minutes, you could argue that it appears on the surface they should be applauded. On my first quick reading I thought maybe there was some serious tangible benefit in the proposal to lift the \$57 009 benchmark for hybrid vehicles, but I have a number of concerns. I think they are shared by a number of my colleagues, and indeed I know they will be shared by various members of the community. The first is that I do not see what the real benefit of the amendments is. In fact I think they would provide very little benefit. The little benefit that I can see is for those people who can afford those hybrid vehicles that are priced beyond \$57 009.

So we are actually creating a scenario where those who can afford what I would consider to be luxury vehicles, those who do not need a tax break, would under this proposal be receiving a benefit in the order of approximately \$6000. That is of concern. I have been able to do some quick checking and, in the short time available, the information provided to me is that essentially there are two hybrid cars imported into this

country that are beyond the maximum price of \$57 009, and they are substantially beyond that maximum. One is the Lexus four-wheel drive, which retails at around \$94 000 — certainly a car well beyond the means of an ordinary working family — and the second is the Lexus GS450h, which retails, I am told, at \$121 990. That is just under \$122 000. Frankly, having that information in front of me, I have to say that I do not believe I could look a vehicle worker in the eye — someone who was working on the production line at Ford Broadmeadows or in the stamping plant down in Geelong — and say that I think these are fair and equitable amendments. I do not think these amendments even contemplate or consider the working lives of those people.

I believe these are unnecessary amendments, and I cannot help but believe they are probably a sop to the cafe latte set. They do nothing at all to support Australian manufacturing. Despite that, I do not think anything should get in the way of all of us pressurising the car manufacturing industry in this country to step up to the mark in producing and manufacturing hybrid alternative and dual-fuel vehicles as soon as possible.

However, I would argue that these amendments are not the way to go about things. We all know that manufacturing in this country is in a very fragile state. It needs to be encouraged, it needs to be nurtured, it needs to be developed and it needs to be supported. These amendments do not do that, and they do not assist ordinary Australian families. I would call on the chamber to support the bill and reject the suggested amendments.

Mr DALLA-RIVA (Eastern Metropolitan) — I am pleased to make a contribution this evening to the debate on the State Taxation and Gambling Amendment (Budget Measures) Bill. I am also interested in the suggested amendments to be proposed in the committee stage by Mr Barber, which I will talk to a bit later in my contribution.

I have to say from reviewing the bill that the government is again giving with one hand and taking away with the other — or, in this case, it is taking with one hand and says it will give with the other. In comparison with what it has already taken, what it proposes to give back is minimal. Going to the purposes of the legislation, the purpose clause at page 1 contains an interesting use of terminology. The spin doctors have clearly been at work there. Clause 1(a) states that a purpose of the act is to amend ‘the Congestion Levy Act 2005 to provide a temporary levy deduction in part of the levy area’. From our recollection of the original debate, the congestion levy

was a Greens proposal. Labor appeared to take it as its proposal and then placed it in a legislative framework.

I cannot get over the fact that the government keeps calling it a levy — it is a tax. If members want to see it in its true form, they should look at the title of the bill. The title refers to ‘state taxation’; it does not say ‘state levy’. What we have is a temporary levy reduction — the government cannot get the word ‘tax’ in there; I love the fact that it keeps on using the word ‘levy’ — which is anticipated in the forward estimates to bring in \$39 million. It is not referred to as a tax but as a levy, but it is still provided for in the State Taxation and Gambling Legislation Amendment (Budget Measures) Bill. It is fascinating.

Clause 1(b), the second purpose of the bill, is to amend ‘the Duties Act 2000 to reduce’ — again we see a play on words — ‘the rate of duty on the registration of new vehicles’. I will talk more about that a bit later.

Clause 1(c) sets out another purpose of the bill. It is to amend ‘the Land Tax Act 2005 to reduce’ — again we see that word — ‘rates of land tax and alter special land tax’. It does not matter that the government has raised land tax to so high a level that any reduction is miniscule by comparison. I will prove that a bit later in the debate.

Moving to part 2 of the bill, I will compare the taxation regime under the previous government in 1998–99 with how it is now in terms of the forward estimates, the budget and the reason for the bill before the house. Clause 3 of part 2, ‘Congestion Levy Act 2005’, is headed ‘Temporary levy reduction’. If members go through the entire part 2 they will not see one use of the word ‘tax’, but the word ‘levy’ is used about 450 times. As I said before, this is a tax. It is a revenue raiser, for whatever reason you may wish to give. In 1998–99 the amount of income derived by the previous government from this tax was zero. In this forward estimates for this budget it is anticipated to be \$39 million. To say that we have a reduction in this levy/tax when it was never in existence previously is quite an amazing play on words.

Part 3 of the bill amends the Duties Act in regard to motor vehicle duty. The reduction in stamp duty payable on motor vehicles in Victoria needs to be put in the context of where stamp duty is and whether this reduction has been significant enough. Over the past eight years under this government — since 1998–99 — stamp duty has risen overall by \$1.8 billion, which is a 184 per cent increase. Stamp duty in 1998–99 was \$1.006 billion, and in the forward estimates stamp duty is anticipated to be \$2.854 billion. It is great to see the word ‘reduction’ being used, but you only have to

compare it to the real facts to see that it is substantially higher than any reduction the government proposes to make.

Part 4 of the bill is about land tax. Again, it is fascinating to see the government use the word ‘reduction’ in the bill when it talks about the reduction of land tax and older special land tax provisions. The government has taken with one hand, and taken more than it ever anticipated. This notional reduction in land tax is farcical. In 1998–99 the land tax take by the former government was \$378 million. In the 2007–08 forward estimates it is anticipated to be \$765 million — that is, up 102 per cent or \$387 million from what it was under the previous government, and yet government members sit in here with their hands on their hearts saying they are reducing land tax.

I also put on record the fact that clause 7(6) of the bill is headed ‘Land tax for trusts for 2008 and subsequent years’. I have not looked at whether there is a reduction in land tax on trusts, but we must remember that there was no land tax on trusts before this government got its greasy hands on that as well. Wherever there is an opportunity, the government gets its hands into it and taxes the living life out of Victorians.

Part 5 of the bill amends gambling legislation. I remember raising this during a Public Accounts and Estimates Committee hearing. Whilst there is some argument for the removal of the 16 per cent annual cap on betting commissions, the fact is there will now be a cap not exceeding 25 per cent. My understanding is that it will not be a win-win for the punters. From memory — I do not have the figures here, so I may be wrong — it was going to generate an extra \$4 million for the state government coffers. Whilst the bill might talk about a reduction, it does nothing more than further fill up the coffers.

I have reviewed the amendments, and there are some taxation implications. The basis of Mr Barber’s proposal is sound; however, not enough work has been done in terms of what the taxation implications are going to be. No matter what, I think this chamber needs to be cautious in relation to taxation. On that basis it will be interesting to hear debate on the suggested amendments and the arguments put forward by Mr Barber. Other than that, the bill is not opposed by the Liberal Party and I look forward to its passing.

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

Debate adjourned on motion of Mr D. DAVIS (Southern Metropolitan).

Debate adjourned until next day.

ADJOURNMENT

Mr LENDERS (Minister for Education) — As a sign of respect for the fatalities at the accident in Kerang today, I move:

That the house do now adjourn.

The PRESIDENT — The house stands adjourned.

House adjourned 8.04 p.m.

