

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Tuesday, 10 June 2008

(Extract from book 8)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

The Governor

Professor DAVID de KRETZER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

Premier, Minister for Veterans' Affairs and Minister for Multicultural Affairs	The Hon. J. M. Brumby, MP
Deputy Premier, Attorney-General, Minister for Industrial Relations and Minister for Racing	The Hon. R. J. Hulls, MP
Treasurer	The Hon. J. Lenders, MLC
Minister for Regional and Rural Development, and Minister for Skills and Workforce Participation	The Hon. J. M. Allan, MP
Minister for Health	The Hon. D. M. Andrews, MP
Minister for Community Development and Minister for Energy and Resources	The Hon. P. Batchelor, MP
Minister for Police and Emergency Services, and Minister for Corrections	The Hon. R. G. Cameron, MP
Minister for Agriculture and Minister for Small Business	The Hon. J. Helper, MP
Minister for Finance, WorkCover and the Transport Accident Commission, Minister for Water and Minister for Tourism and Major Events	The Hon. T. J. Holding, MP
Minister for Environment and Climate Change, and Minister for Innovation	The Hon. G. W. Jennings, MLC
Minister for Public Transport and Minister for the Arts	The Hon. L. J. Kosky, MP
Minister for Planning	The Hon. J. M. Madden, MLC
Minister for Sport, Recreation and Youth Affairs, and Minister Assisting the Premier on Multicultural Affairs	The Hon. J. A. Merlino, MP
Minister for Children and Early Childhood Development, and Minister for Women's Affairs	The Hon. M. V. Morand, MP
Minister for Mental Health, Minister for Community Services and Minister for Senior Victorians	The Hon. L. M. Neville, MP
Minister for Roads and Ports	The Hon. T. H. Pallas, MP
Minister for Education	The Hon. B. J. Pike, MP
Minister for Gaming, Minister for Consumer Affairs and Minister Assisting the Premier on Veterans' Affairs	The Hon. A. G. Robinson, MP
Minister for Industry and Trade, Minister for Information and Communication Technology, and Minister for Major Projects	The Hon. T. C. Theophanous, MLC
Minister for Housing, Minister for Local Government and Minister for Aboriginal Affairs	The Hon. R. W. Wynne, MP
Cabinet Secretary	Mr A. G. Lupton, MP

Legislative Council committees

Legislation Committee — Mr Atkinson, Ms Broad, Mrs Coote, Mr Drum, Ms Mikakos, Ms Pennicuik and Ms Pulford.

Privileges Committee — Ms Darveniza, Mr D. Davis, Mr Drum, Mr Jennings, Ms Mikakos, Ms Pennicuik and Mr Rich-Phillips.

Select Committee on Public Land Development — Mr D. Davis, Mr Hall, Mr Kavanagh, Mr O'Donohue, Ms Pennicuik, Mr Tee and Mr Thornley.

Standing Committee on Finance and Public Administration — Mr Barber, Ms Broad, Mr Guy, Mr Hall, Mr Kavanagh, Mr Rich-Phillips and Mr Viney.

Standing Orders Committee — The President, Mr Dalla-Riva, Mr P. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney.

Joint committees

Dispute Resolution Committee — (*Council*): Mr P. Davis, Mr Hall, Mr Jennings, Mr Lenders and Ms Pennicuik. (*Assembly*): Mr Batchelor, Mr Cameron, Mr Clark, Mr Holding, Mr McIntosh, Mr Robinson and Mr Walsh.

Drugs and Crime Prevention Committee — (*Council*): Mrs Coote, Mr Leane and Ms Mikakos. (*Assembly*): Ms Beattie, Mr Delahunty, Mrs Maddigan and Mr Morris.

Economic Development and Infrastructure Committee — (*Council*) Mr Atkinson, Mr D. M. Davis, Mr Tee and Mr Thornley. (*Assembly*) Ms Campbell, Mr Crisp and Ms Thomson (Footscray)

Education and Training Committee — (*Council*): Mr Elasmarr and Mr Hall. (*Assembly*): Mr Dixon, Dr Harkness, Mr Herbert, Mr Howard and Mr Kotsiras.

Electoral Matters Committee — (*Council*): Ms Broad, Mr P. Davis and Mr Somyurek. (*Assembly*): Ms Campbell, Mr O'Brien, Mr Scott and Mr Thompson.

Environment and Natural Resources Committee — (*Council*): Mrs Petrovich and Mr Viney. (*Assembly*): Ms Duncan, Mrs Fyffe, Mr Ingram, Ms Lobato, Mr Pandazopoulos and Mr Walsh.

Family and Community Development Committee — (*Council*): Mr Finn, Mr Scheffer and Mr Somyurek. (*Assembly*): Mr Noonan, Mr Perera, Mrs Powell and Ms Wooldridge.

House Committee — (*Council*): The President (*ex officio*), Mr Atkinson, Ms Darveniza, Mr Drum, Mr Eideh and Ms Hartland. (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Delahunty, Mr Howard, Mr Kotsiras, Mr Scott and Mr K. Smith.

Law Reform Committee — (*Council*): Mrs Kronberg, Mr O'Donohue and Mr Scheffer. (*Assembly*): Mr Brooks, Mr Clark, Mr Donnellan and Mr Foley.

Outer Suburban/Interface Services and Development Committee — (*Council*): Mr Elasmarr, Mr Guy and Ms Hartland. (*Assembly*): Ms Green, Mr Hodgett, Mr Nardella, Mr Seitz and Mr K. Smith.

Public Accounts and Estimates Committee — (*Council*): Mr Barber, Mr Dalla-Riva, Mr Pakula and Mr Rich-Phillips. (*Assembly*): Ms Munt, Mr Noonan, Mr Scott, Mr Stensholt, Dr Sykes and Mr Wells.

Road Safety Committee — (*Council*): Mr Koch and Mr Leane. (*Assembly*): Mr Eren, Mr Langdon, Mr Mulder, Mr Trezise and Mr Weller.

Rural and Regional Committee — (*Council*) Ms Darveniza, Mr Drum, Ms Lovell, Ms Tierney and Mr Vogels. (*Assembly*) Ms Marshall and Mr Northe.

Scrutiny of Acts and Regulations Committee — (*Council*): Mr Eideh, Mr O'Donohue, Mrs Peulich and Ms Pulford. (*Assembly*): Mr Brooks, Mr Carli, Mr Jasper, Mr Languiller and Mr R. Smith.

Heads of parliamentary departments

Assembly — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey

Council — Clerk of the Legislative Council: Mr W. R. Tunnecliffe

Parliamentary Services — Secretary: Dr S. O'Kane

MEMBERS OF THE LEGISLATIVE COUNCIL
FIFTY-SIXTH PARLIAMENT — FIRST SESSION

President: The Hon. R. F. SMITH

Deputy President: Mr BRUCE ATKINSON

Acting Presidents: Mr Elasmarr, Mr Finn, Mr Leane, Mr Pakula, Ms Pennicuik, Mrs Peulich, Mr Somyurek and Mr Vogels

Leader of the Government:

Mr JOHN LENDERS

Deputy Leader of the Government:

Mr GAVIN JENNINGS

Leader of the Opposition:

Mr PHILIP DAVIS

Deputy Leader of the Opposition:

Mrs ANDREA COOTE

Leader of The Nationals:

Mr PETER HALL

Deputy Leader of The Nationals:

Mr DAMIAN DRUM

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Lenders, Mr John	Southern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Lovell, Ms Wendy Ann	Northern Victoria	LP
Broad, Ms Candy Celeste	Northern Victoria	ALP	Madden, Hon. Justin Mark	Western Metropolitan	ALP
Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	Pakula, Mr Martin Philip	Western Metropolitan	ALP
Davis, Mr David McLean	Southern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Davis, Mr Philip Rivers	Eastern Victoria	LP	Petrovich, Mrs Donna-Lee	Northern Victoria	LP
Drum, Mr Damian Kevin	Northern Victoria	Nats	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Eideh, Khalil M.	Western Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Elasmarr, Mr Nazih	Northern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Guy, Mr Matthew Jason	Northern Metropolitan	LP	Smith, Hon. Robert Frederick	South Eastern Metropolitan	ALP
Hall, Mr Peter Ronald	Eastern Victoria	Nats	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Theophanous, Hon. Theo Charles	Northern Metropolitan	ALP
Kavanagh, Mr Peter Damian	Western Victoria	DLP	Thornley, Mr Evan William	Southern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vogels, Mr John Adrian	Western Victoria	LP

CONTENTS

TUESDAY, 10 JUNE 2008

ROYAL ASSENT	2113	DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) (REPEAL) BILL	
QUESTIONS WITHOUT NOTICE		<i>Second reading</i>	2146
<i>Automotive industry: employment</i>	2113, 2116	<i>Third reading</i>	2151
<i>Toyota Australia: hybrid car</i>	2114	ADJOURNMENT	
<i>Exports: performance</i>	2115	<i>Grahamvale Primary School: funding</i>	2151
<i>Brimbank: councillor</i>	2117	<i>Consumer affairs: children's clothing</i>	2152
<i>Economy: performance</i>	2117	<i>Rail: Maryborough service</i>	2153
<i>Planning and Community Development: policy</i>	2118	<i>Environment: Brooklyn industrial emissions</i>	2153
<i>Infrastructure: investment</i>	2119	<i>Mallacoota: aged-care facility</i>	2153
<i>Port Phillip Bay: channel deepening</i>	2119	<i>EastLink: guardrail posts</i>	2154
<i>Port Phillip Bay and Western Port: recreational access</i>	2121	<i>Disability services: respite care</i>	2154
<i>Supplementary questions</i>		<i>Police: numbers</i>	2155
<i>Automotive industry: employment</i>	2114	<i>Police: Geelong</i>	2155
<i>Exports: performance</i>	2116	<i>Solar energy: rebate</i>	2156
<i>Planning and Community Development: policy</i>	2118	<i>Belgrave: traffic congestion</i>	2156
<i>Port Phillip Bay: channel deepening</i>	2120	<i>Racing: Werribee track upgrade</i>	2156
SUSPENSION OF MEMBER	2113	<i>Newstead Primary School: funding</i>	2157
QUESTIONS ON NOTICE		<i>Responses</i>	2157
<i>Answers</i>	2121	WRITTEN ADJOURNMENT RESPONSES	
PETITION		<i>Crime: victims support</i>	2307
<i>Maffra Secondary College: funding</i>	2121	<i>Planning: Mornington Peninsula</i>	2307
SCRUTINY OF ACTS AND REGULATIONS COMMITTEE		<i>Crime: Geelong</i>	2308
<i>Alert Digest No. 7</i>	2122	<i>Yarra Ranges National Park: rangers</i>	2308
<i>Police Integrity Bill</i>	2122	<i>Solar energy: hot water systems</i>	2309
PAPERS	2128		
BUSINESS OF THE HOUSE			
<i>General business</i>	2128		
ELECTORAL MATTERS COMMITTEE			
<i>Membership</i>	2128		
MEMBERS STATEMENTS			
<i>Liquor: St Kilda licence</i>	2129		
<i>United Nations Millennium Declaration</i>	2129		
<i>Lake Purrumbete: boat ramp</i>	2129		
<i>Australia Post: West Footscray delivery centre</i>	2130		
<i>Toyota Australia: hybrid car</i>	2130		
<i>Water: north-south pipeline</i>	2130		
<i>Seniors Speak Up!</i>	2131		
<i>Box Hill Institute: annual awards</i>	2131		
<i>North East Multicultural Association: conference</i>	2131		
<i>Tjaegan Wilson</i>	2132		
<i>Schools: Southern Metropolitan Region</i>	2132		
<i>Stewart McArthur</i>	2132		
POLICE INTEGRITY BILL			
<i>Committal postponed</i>	2133		
NATIONAL GAS (VICTORIA) BILL			
<i>Second reading</i>	2134		
<i>Third reading</i>	2145		

Tuesday, 10 June 2008

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

ROYAL ASSENT

Message read advising royal assent to:

2 June

Justice Legislation Amendment Act

3 June

**Children's Legislation Amendment Act
Constitution Amendment (Judicial Pensions) Act
Courts Legislation Amendment (Associate Judges) Act
Energy and Resources Legislation Amendment Act
Land (Revocation of Reservations) Act
Public Sector Employment (Award Entitlements) Amendment Act
The Uniting Church in Australia Amendment Act.**

QUESTIONS WITHOUT NOTICE

Automotive industry: employment

Mr DALLA-RIVA (Eastern Metropolitan) — I direct my question without notice to the Minister for Industry and Trade. Last year Ford said it would axe 600 jobs; last week Holden said it would axe 500 jobs; today the minister's government announced a new plant. Will that new plant employ over 1100 workers?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — The first thing I would say to members opposite is that during the whole time of the Kennett government they did absolutely nothing to assist the car industry in this state, and the car industry in this state, which was given away — —

The PRESIDENT — Order! The minister knows the rules about debating the answer and overtly criticising those asking or those opposite. I remind him of those rules.

Hon. T. C. THEOPHANOUS — Before 1999 very little effort was made to try to secure an outward-looking, export-orientated motor car industry in this state. What we have today, as a result of the actions of this government, is — —

The PRESIDENT — Order!

Hon. T. C. THEOPHANOUS — We have mobile phones ringing in the house!

Questions interrupted.

SUSPENSION OF MEMBER

The PRESIDENT — Order! Whose phone is it?

Mr O'Donohue — President.

The PRESIDENT — Order! Thirty minutes.

Mr O'Donohue withdrew from chamber.

Questions resumed.

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — I am happy to be able to say that exports of motor vehicles out of Australia and particularly out of Victoria are at record levels — absolutely record levels. We are now in the circumstance where almost \$3 billion of export earnings is being made through this industry. The doom merchants from the other side who want to talk down the economy can continue to do that, but the fact of the matter is that I did not hear the opposition member ask me about the export of motor vehicles to the United States.

He did not, in his preamble, talk about how General Motors is going to export cars — Pontiacs no less — into the United States. He did not mention that in his opening comments or that we are building this industry to the point where we are securing these exports. He did not mention that General Motors has twice made announcements about the export of motor vehicles — Commodores that are rebadged as Pontiacs and are being sent to the United States. That is how competitive the industry is today: we are able to export cars into the United States and still sell them and make a profit out of those vehicles. All I can say to the member is that we have worked hard to ensure that this industry is viable in the future.

I was not happy to hear the announcement in relation to the engine plant at General Motors. I was not happy to hear that announcement, but it needs to be put into some context. The context it has to be put in is that by the time that announcement was made we had, through arrangements with Holden, kept this particular engine plant running for — I think it is fair to say — five years beyond its life.

That was because even though the plant is making what is now a very old technology in terms of an engine, that —

Mr Dalla-Riva interjected.

Hon. T. C. THEOPHANOUS — We kept it going a lot longer than you would have done; that is for sure. We have kept it running. We will take up the challenge to find something else that can be produced in place of that engine in the plant down there, but I think it is fair to say that the technology was basically for a steel-based engine, when all the engines are now alloy. We kept it going with exports into other countries for a considerable period of time. We believe the way to look at this is to look at the overall health of this industry, and we think the overall health of this industry is very good going forward.

Supplementary question

Mr DALLA-RIVA (Eastern Metropolitan) — I asked a specific question about whether the plant is going to employ additional workers. The minister has given no certainty about the 1100 employees already facing the dole queue. I ask: given that he has not committed a number, what package has he sought or will he provide to those 1100 workers he is leaving on the scrap heap?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — I just find it astounding that Mr Dalla-Riva would ever care about workers in this state — that he would ever care about a single worker — because that is not the record that his party has had in the past. There are 37 000 people who work in this industry in Victoria. They are employed there because we have been able, through government action and with the help of people in the industry who are keen to continue to work with us, to build a competitive industry going forward that will be resilient. We do so in the context that we do look after the workers — we do care about workers getting their rights. I can assure Mr Dalla-Riva and everyone else that workers will get their entitlements as a result of what is happening with any of these decisions.

We are happy to be judged on the way we look after communities. The first thing we did when the Geelong announcement was made was to say that we would tip in money in relation to a Geelong investment fund that was going to be able to help Geelong adjust to this. Not long after that, Mr Dalla-Riva might remember, I also announced that there would be 2000 jobs created in Geelong as a result of Satyam going to Geelong. If opposition members want to count some jobs and not

other jobs, it is very easy. It is a cheap shot to come in and say, 'Look, you lost X number of jobs here'. Why do they not talk about the fact that overall we have created more jobs in this state than have been created in any other state? We are happy to be judged on that. If Mr Dalla-Riva wants to go and find 10 jobs here and 5 jobs there where people have lost their jobs, and he does not want to talk about the overall numbers, then people are —

Honourable members interjecting.

The PRESIDENT — Order! We are now starting to descend into a full-on debate. I remind the minister of my earlier statement.

Hon. T. C. THEOPHANOUS — President, I have concluded my remarks on this question. I do not think anyone takes the opposition seriously.

Toyota Australia: hybrid car

Mr SOMYUREK (South Eastern Metropolitan) — My question is also to the Minister for Industry and Trade. Can the minister outline to the house how Toyota's decision to commence local production of a hybrid Camry will help to create a green car industry here in Victoria?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — I thank the member for his very sensible question, and also for his real interest in jobs in this state. The announcement today was made by the Prime Minister — and also by the Premier down at Altona. I was pleased to accompany the Premier at Altona, and I can say that the Premier took me for a drive around the car park in one of the new hybrid Camrys. It is a very smooth car. It drives —

An honourable member — It is quiet.

Hon. T. C. THEOPHANOUS — It is very quiet, and in fact when you stop at traffic lights or anywhere else the car is completely silent. No engine is running at all when you stop at the lights, so imagine how much petrol you save just from the fact that you are never idling the engine in the vehicle. It is a great new technology that will help us in reducing greenhouse gas emissions.

Mr Barber — This was a new experience for you, was it?

Hon. T. C. THEOPHANOUS — The Greens political party is still not happy. We bring in vehicles that reduce emissions by 30 per cent or so on a normal car, but they do not want us to do that either. They do

not want us to help bring in cars that reduce emissions by 30 per cent. Talk about being fanatically opposed to anything that has four wheels! It just shows that there are some people who do not care about jobs and do not care about the environment, because if they cared about the environment, they would welcome the production of hybrid vehicles in this state. That is what the Greens political party should do. It should welcome the production of hybrid vehicles.

We see this as a start to a new industry. A new industry will be developed as a result of this announcement. The announcement will add \$150 million annually to the Victorian economy. It will result in the production of 10 000 hybrid Camrys each year for two years, and it will therefore lift total production of vehicles at the Toyota plant from 150 000 to 160 000. We will have here for the first time an industry capable of producing a green car, a hybrid Camry, which will result in a reduction in the use of petrol by those cars of about 30 per cent.

The government is pleased to be supporting this, but we also see it as part of an evolving set of actions. The first thing is that we want to get hybrid vehicles into Victoria, and these 20 000 vehicles will be a start. But it is not just the 20 000 vehicles; the stakes are very high, because Toyota will have to bid for the next model of the hybrid Camry in 2012 when it starts to produce its new model. We are helping position Toyota in a way that will allow it to bid for the new hybrid Toyota model, which will not be about 20 000 cars but will be about hundreds of thousands of cars going forward. This is an extremely important decision which the Victorian government has taken.

For those people who are interested in green transport let me add one other thing. The reason this is a step in an evolving process is that the hybrid car will also have the potential in its next configuration to be a plug-in. It will potentially be the case that people will have access to a car that they can take home and plug in to recharge its battery further than the hybrid mechanism is able to do now. That will reduce the consumption of petrol in those hybrid cars even further than the 30 per cent reduction we are talking about. Only in extreme circumstances will you even have to use the petrol component of those future cars. This is part of a journey that will take us down the path of reducing emissions, reducing petrol consumption and ultimately reducing costs to consumers, and most importantly it will also create jobs for Victorians.

Exports: performance

Mr DALLA-RIVA (Eastern Metropolitan) — I direct my question without notice to the Minister for Industry and Trade. According to the 2008–09 budget, Victorian exports of goods and services as a percentage of gross state product are still less than they were way back in 1999–2000. Under the minister's government Victorian exports have gone backwards. When can we expect Victorian exports to exceed the 1999–2000 levels, or is that just setting the bar too high for the government?

The PRESIDENT — Order! I have explained to the house before that that sort of sarcasm from Mr Dalla-Riva is not particularly helpful to the Chair in trying to bring a decent standard to the house in both questions and answers. I expect the minister to answer that question minus the little barb at the end.

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — Thank you, President. Given your comments I am not sure I should thank the member for his question, but I will try to answer the relevant parts of the question that has been asked of me.

As I have indicated before in the house, I hope, expect and am happy for this government to be judged on outcomes. Those outcomes relate to a range of factors and are not limited to one or two that the opposition might try to manipulate in some way. The first thing I say is that I do not accept the point that has been put by Mr Dalla-Riva. I do not think it is factually accurate. I say that because I am aware that in fact exports have grown under this government. Exports have grown to \$31.5 billion.

In relation to the services industry the growth has been exponential. The growth has been significant, and exports grew strongly at 8.3 per cent in 2006–07, which is well above the national average of 6.9 per cent. In terms of service exports, Victorian exports of services have grown above the national average from 2006–07. This is a growth industry for us. The export of services is an important part of our forward emphasis in relation to exports. It includes things like educational services, and we have been exporting a range of other services. In the IT area, we are focusing quite a lot on IT-type exports as well.

The first thing to say is that in terms of service exports, we have increased significantly compared to other states and compared to what has taken place in the past. In relation to goods exports the graph goes up and down in a variety of ways. My example of this is that not long ago in the house I was asked a question by the

opposition in relation to goods exports for one three-month period. The opposition suggested they had gone down by a few percentage points during that three-month period. But what it forgot to say during the course of the question, and I had to point it out, was that in the three-month period before that they had gone up by 42 per cent.

It is not good enough to just come in and pick one small statistic out of a range of statistics and then try to say, 'You are not doing well on this particular part'. We are confident we will reach our target for exports. We are also confident that in terms of economic growth we will continue to grow this economy and we will continue to provide jobs for Victorians.

Supplementary question

Mr DALLA-RIVA (Eastern Metropolitan) — Can the minister confirm that in 1999 Victoria exported more goods than New South Wales as a percentage of gross state product and that now, after almost a decade of Victorian Labor, our exports of goods lag well behind New South Wales and that Victoria's share of national exports hit a record low of 11.7 per cent in April?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — I gave the member figures in relation to exports which he does not want to factor into his calculations. Again I indicate to the member that our share of exports in services has gone up relative to the national average. Victoria is the centre of manufacturing in Australia, and when we export we face enormous pressures on our competitiveness, including the fact that the Australian dollar is now up to between US94 cents and US96 cents. That is having an enormous impact on goods exports out of Victoria. Bearing in mind that Victoria is the manufacturing centre, notwithstanding the amazing competitive challenges we have faced arising out of the drought, arising out of the high Australian dollar and arising out of a range of other factors such as those, we have held our own.

I want to congratulate those businesses out there that have continued to export, that have continued to fight the fight to keep themselves competitive. That has meant that, despite what the opposition spokesperson wants to put up by selectively quoting figures, the fact of the matter is in this state we have been able to get exports up to \$31.4 billion. That is an increase of close to 9 per cent on the figure for 2005–06. Goods exports were valued at \$20 billion and services exports were valued at \$11.4 billion. This is a significant increase since 2005–06 in exports out of this state.

If the member wants to keep going back as far as he can, he can go back to the Bolte era or somewhere else. People will not take the member seriously if he tries to mislead them. The fact of the matter is that in the last few years we have seen a growth in exports from this state.

Automotive industry: employment

Mr PAKULA (Western Metropolitan) — My question is also to the Minister for Industry and Trade. Toyota's announcement today that a hybrid Camry will be built in Melbourne's west, in Altona, is good news for the local economy, particularly in Melbourne's west. Can the minister outline to the house how the Brumby Labor government is taking action to secure local jobs in the automotive industry?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — I thank the member for his question. In the end the automotive industry is about providing a Victorian industry and providing Victorian jobs. As I indicated to the house earlier, 37 000 people work in the automotive industry. In the announcement made at Toyota this morning in relation to the hybrid car, the Premier made it absolutely clear that jobs were one of our major priorities. He also made it clear that the Brumby Labor government supports maintaining tariffs at 10 per cent through to 2015. We do so unashamedly, because we have done the research to identify the economic benefit. We have had modelling done to see whether there would be any additional economy-wide benefits from reducing the tariff, and we do not believe there would be. We have also looked at practices in other countries, and we have seen that other countries are not reducing their tariffs to the point where we would want to take the lead and reduce our tariff even further.

We have come out and we have said we think the tariff should be kept at 10 per cent. I have indicated before to the house that the opposition spokesperson, Peter Ryan, the Leader of The Nationals in the other place, has a different view, which is that he does not support the maintaining of the tariff at that level. His view — and I take it that it must be the opposition's view — is that — —

Mr Drum — What are you talking about?

Hon. T. C. THEOPHANOUS — You should catch up with what Peter Ryan, the Leader of The Nationals in the other place, has said about the car industry. He said that it is competitive enough to withstand a further reduction in tariff. That is the point of view that he put. That is not our view, because we are very keen to protect Victorian jobs, and I might also add that the

federal opposition's industry spokesperson, Eric Abetz, said that today's announcement is good news for Victorian jobs and for the environment. At least members of the federal opposition have the sense to support the actions that we are taking in relation to maintaining this industry, but their state counterparts do not seem to have got the message at all as yet.

This can be measured in a number of different ways. We have made our submission to the Bracks review and we put our view. Our view is very clear. Our view is 10 per cent through to 2015 for the tariff. Keep protection on. Our view is also that ACIS, the automotive competitiveness and investment scheme under which the industry is protected, should remain as well to keep the industry competitive. We have put that strong view to the review that is now taking place. There is no more important review for manufacturing in this state than this review, which could affect an industry that involves 37 000 jobs. I ask this question: who else has put in — —

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — You might not like — —

Mr Pakula interjected.

The PRESIDENT — Order! It is not appropriate for Mr Pakula to be calling out across the chamber, and he knows that.

Hon. T. C. THEOPHANOUS — I ask the question: who else has put in submissions on one side or the other of this particular review? The answer is that 112 submissions have been made to the review. They are from industry, from various state governments and from a whole variety of people. But guess what the opposition did. Did it put in a review? Did it put in a submission? No! The opposition did not think this issue was important enough even to put in a submission. I have been an opposition member in the past, and I can tell the house that, whenever anything of substance came up when we were in opposition, we always put in submissions to put our point of view so that it was on the record and people understood where we stood on the particular issue. The fact that there is absolute silence from the other side shows the Victorian public where the opposition stands on this issue.

Brimbank: councillor

Mr DALLA-RIVA (Eastern Metropolitan) — My question without notice is to the Minister for Planning. Is the minister aware that transcripts of conversations presented as evidence during the recent trial of Cr Sam

Tabban record a conversation in which a Labor operative, Craig Otte, said, 'But she is breaking the law by giving a false report to police', referring to Brimbank city councillor, Natalie Suleyman? Will the minister indicate to the house whether, given these serious allegations, this councillor is an appropriate person to deal with sensitive planning applications?

The PRESIDENT — Order! It is my opinion that the member is clearly asking the minister for an opinion. I therefore rule his question out of order.

Economy: performance

Ms PULFORD (Western Victoria) — My question is to the Treasurer. Do businesses have confidence in investing in Victoria, and have there been any recent challenges in maintaining that confidence?

Mr P. Davis — On a point of order, President, I think the member is seeking an opinion from the Treasurer.

The PRESIDENT — Order! I did not quite hear the question in its entirety. I ask Ms Pulford to repeat it.

Ms PULFORD — My question to the Treasurer relates to his experience of businesses and their confidence in investing in Victoria. Could he outline to the house if there have been any recent challenges to maintaining that confidence?

The PRESIDENT — Order! I will allow that.

Mr P. Davis interjected.

The PRESIDENT — Order! Mr Davis may well have been right. We will never know!

Mr LENDERS (Treasurer) — I thank Ms Pulford for her question on challenges to the — —

Mr D. Davis — Her reworded question.

Mr LENDERS — Indeed, Mr Davis, her question on the issue of business confidence in the Victorian economy and any challenges that that confidence may face. Firstly it is worth noting — this is not coming from a Labor Treasurer but from an independent body — the *Sensis Business Index — Small and Medium Enterprises* for May 2008, which shows that business confidence in Victoria has risen. Victoria is the only jurisdiction where business confidence as measured by Sensis has actually risen, whereas in the other states business confidence went down. This business confidence has risen in Victoria as a good place to do business, a place where there is a lot of

work to be done and where there is a skilled workforce to work with.

We have seen 438 000 jobs created during the life of this government, and businesses are walking to Victoria to help create even more jobs in this state. The state budget assisted with this. We have seen now a plethora of state budgets come through, but what we have seen in Victoria have been cuts to land tax, cuts to payroll tax, cuts to land transaction stamp duty and also cuts to workers compensation premium payments. What we are seeing is a skilled workforce, a good place to do business and businesses investing here — and business confidence is strong.

However, the dark cloud on the horizon is about what we can do to protect Victoria's interests to keep that business confidence strong. I note that in the *Age* of 9 June Mr Jan Haak, who is from the Dutch company Boskalis, made comment on doing business in Victoria. He made comment about the potential danger of losing business investment if we do not carefully monitor commercial-in-confidence issues. Mr Haak from Boskalis made the comment that if commercial-in-confidence transactions get trowled in the public domain there is a danger that businesses will be less likely to do business in the state of Victoria. As reported in the *Age* of 9 June, Mr Jan Haak predicted:

The disclosure of Boskalis's commercial information may also potentially damage the interest of the people of Victoria.

There is a robust investment in Victoria at the moment. We are seeing business confidence at national highs, but we need to be particularly alert that we do not endanger further investment in this state from other companies by carelessly or recklessly playing with the conditions that are necessary for businesses to actually want to invest here.

Victoria is a great place to invest. We have the most robust, open, transparent and accountable government in the history of this state. Whether it be through the scrutiny of government through the Public Accounts and Estimates Committee, whether it be through the scrutiny of government through a Parliament that sits more frequently than any Parliament in a generation or whether it be through the enhanced powers of the Ombudsman and the Auditor-General, we have a good balance in this state where people are confident to invest. Also we have appropriate checks and balances in this state.

In response to Ms Pulford, Victoria is a great place to do business. That investment has created a record number of jobs — 438 000 jobs since this government came to office. That investment has meant that

consumer prices have come down. I urge everybody in this house to be cognisant of that, because we need greater investment, because that means more jobs and a greater opportunity for younger Victorians.

Planning and Community Development: policy

Mr D. DAVIS (Southern Metropolitan) — My question is for the Minister for Planning. I refer to his role as lead minister in the Department of Planning and Community Development. Can the minister explain to the house how strategic planning decisions made at the now defunct Department of Victorian Communities strategic planning forum held on 20 March 2007 in the J. J. Clark room at the Old Treasury building have been incorporated into the decision-making and policy framework of the Department of Planning and Community Development?

Hon. J. M. MADDEN (Minister for Planning) — I welcome the question by the member in relation to the administration of the broader department, and I am happy to take the details of that from Mr Davis on notice and reply to him accordingly.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — When the minister takes that on notice he might want to confirm that more than \$5000 was spent on a retreat for the disbanded department, which appears to have disappeared into thin air, and he might indicate how that money has been applied to greater planning.

The PRESIDENT — Order! What is the supplementary question?

Mr D. DAVIS — He might indicate how the additional \$5000 for a retreat was used.

The PRESIDENT — Order! When the member is talking to me I would prefer that he stood. I am not convinced that that is in fact a supplementary question. I will give him the opportunity of rephrasing it.

Mr D. DAVIS — I indicate to the minister that \$5000 was spent on a retreat by the now disbanded department. Perhaps he would indicate how that money has achieved value for the community.

The PRESIDENT — Order! Given the minister's previous answer I imagine he will just want to tag this on.

Hon. J. M. MADDEN (Minister for Planning) — Yes. I am happy to receive any detail in relation to the

request on notice and will try to provide the member with some answer accordingly.

Infrastructure: investment

Ms MIKAKOS (Northern Metropolitan) — My question is to the Treasurer, the Honourable John Lenders. Victoria is facing a significant infrastructure challenge, particularly in the area of urban congestion. I ask: how is the Brumby Labor government working with the Rudd Labor government to deliver the infrastructure needed for Victoria to be an even better place to live, work and raise a family?

Mrs Coote interjected.

Mr LENDERS (Treasurer) — It would be churlish of me to take up Mrs Coote’s interjection: ‘Why is he honourable and we are not?’. That would be appalling. I but quote what she said.

I thank Ms Mikakos for her question. It really brings into context the urgent need for infrastructure investment in this state if we are to take the state forward into the future and give the next generation of Victorians an opportunity to get jobs in this state.

Mr Finn interjected.

Mr LENDERS — I certainly welcome the announcement by the federal Labor government — the Rudd government — that it will be putting aside \$20 billion for a Building Australia Fund that can be used for key infrastructure across the nation, particularly, we think, in this critical heart of the nation here in Victoria, which has been the driver of the non-resource states. It has been the innovative state, it has been a state of science, it has been a state of advanced manufacturing and it has been a state of advanced agriculture. We in Victoria certainly look forward to a portion of this \$20 billion to help us deal with the critical issues that are necessary to move the state forward.

We had 11 sad years of neglect from the commonwealth government, which did not see infrastructure as its responsibility at all. After 11 long years of neglect we now see a backlog of important projects that could have been invested in and could have been built in the state of Victoria but tragically were not part of the aspirational federalism of the previous government — in other words, they were not in marginal seats in Queensland, New South Wales, South Australia or northern Tasmania.

We look forward to working with Sir Rod Eddington as chair of Infrastructure Australia and with Anthony

Albanese as the federal minister for infrastructure on investing in critical projects in the state of Victoria that will actually assist us to create jobs and assist with the urban congestion that Mr Finn has such an issue with — and assist with those areas to help us grow.

This is the big picture. These are the sorts of things that are all about nation building and that government needs to work through. We in this house — or at least 39 of us — see the big picture that these are all state building projects. They are important projects.

Honourable members interjecting.

Mr LENDERS — I hear, ‘Who doesn’t?’. One of us actually wants to be a mayor of a municipality and build toilet blocks but the other 39 in this place are very keen on some of the nation-building projects ahead of us. I congratulate the commonwealth government on investing \$20 billion in critical infrastructure. We in Victoria will be working with it to assist this state in moving forward. There are a lot of projects it can assist with. Urban congestion is at the top of our list and is one that, if we can address it in partnership with the commonwealth, will make Victoria an even better place to live, work and raise a family.

Port Phillip Bay: channel deepening

Ms PENNICUIK (Southern Metropolitan) — My question is to the Treasurer. In relation to the Department of Treasury and Finance’s review of the channel deepening project by the gateway process, what was the net present value of the project based on the expected revenues to the port and what was the cost of the project at the time of this approval?

Mr LENDERS (Treasurer) — I thank Ms Pennicuik for her question and her ongoing interest in the economics of channel deepening. She and I probably have different views as to whether it is worth investing in making our port more competitive to assist with the manufacturing exports that Mr Theophanous raised in question time today. We would think it ought to be a high priority to value add to the state by creating jobs to add to the 438 000 jobs that have already been created in this state during the life of this government. We need to do everything we can in critical economic infrastructure to build on that. Clearly we have had an ongoing debate in this house, and there have been debates in a number of the parliamentary committees and certainly in the community, as to what is an appropriate way of doing that.

Perhaps Ms Pennicuik and I disagree on that, but I would strongly put forward the government’s view that

by enhancing the port of Melbourne not only are we adding to the economic growth of the state and not only are we talking about 14 000 jobs that revolve around the port of Melbourne, but we in this party on this side of the house are also ensuring that we have a triple bottom line for economic, social and environmental outcomes. The social consequence of not developing the port of Melbourne is higher costs for disadvantaged consumers in this state, whom we on this side of the house stand shoulder to shoulder with. We wish to do what we can to assist disadvantaged consumers, no matter where they are in this state, to get access to cheaper goods and services that come through an advanced and developed port.

This government will continue to work to develop the port in an appropriate manner, based on the triple bottom line, to create jobs and reduce prices for disadvantaged consumers — and I may say for all consumers — in the state of Victoria. We are convinced on this side of the house that the work done on the port of Melbourne matches that. It has gone through more rigorous testing than probably any other major project in the history of this state. I say that without hesitation. There has been more rigorous testing and more scrutiny, yet the project continues. It has gone through the judicial process in the state of Victoria and the judicial process under the federal system. It is a good project; it is one that will create jobs, reduce consumer prices and make our exports more competitive, which are the critical parts of Victoria becoming a better place to live, work and raise a family.

Supplementary question

Ms PENNICUIK (Southern Metropolitan) — Since the Treasurer is unable to provide me with the figures, will he release the final business case that was approved by the Department of Treasury and Finance so that the people of Victoria can be informed of this information and assured that the port will continue to operate on a commercial basis?

Mr LENDERS (Treasurer) — Ms Pennicuik asked a question about the release of the business case. What I say to Ms Pennicuik is this: I unashamedly say that this government is more open, transparent and accountable on commercial matters than any other government in the state of Victoria.

Honourable members interjecting.

Mr LENDERS — The opposition may bay at that — it may think there is a full moon and howl at it — but it is a fact. This government is more open, transparent and accountable than any other government

in the history of this state. We have given the Auditor-General teeth; we have given him powers — —

Mr D. Davis — In your dreams!

Mr LENDERS — In my dreams we have an Auditor-General with those powers; it is a matter of fact.

Mrs Coote interjected.

Mr LENDERS — If Mrs Coote wishes to contest that matter of fact, I would suggest she cast her mind back to mid-1999, when it was a matter of public debate during the Mitcham by-election as to whether the Auditor-General should have powers or not. This side of the house said quite clearly that he should, and we vowed that when we got into government we would amend the constitution to enshrine those powers. In fact it is has been amended. The Auditor-General has those powers, and the Ombudsman has the powers.

Ms Pennicuik asked the question on this particular issue. What we have with the port of Melbourne is a project that is well on the way; it is meeting all the benchmarks for the economic, social and environmental measures that we set in place. It is one that is more reported on than any other project. It goes to the nub of the matter here. I find it fascinating, particularly after my response to Ms Pulford's question earlier on, that people are asking for a whole range of further documents, documents that are available to the Auditor-General now.

I think I have answered Ms Pennicuik's question. This government stands by its record: it is more open, transparent and accountable than any other government. We will talk to parliamentary committees; we will talk to the Auditor-General; and we will make information available. There is no information, no commercial information, that the Auditor-General does not have access to. The independent watchdog accountable to the Public Accounts and Estimates Committee of this Parliament has access to all the documents that Ms Pennicuik is raising.

We stand by our record, which is accountability second to none, which is the critical path to giving business confidence in this state and making Victoria a better place to live, work and raise a family. I welcome questions from Ms Pennicuik on jobs and matters economic any time in this house. I welcome the debate at any time.

**Port Phillip Bay and Western Port:
recreational access**

Mr THORNLEY (Southern Metropolitan) — My question is to the Minister for Environment and Climate Change. Will the minister inform the house how the Brumby Labor government is improving recreational access and environmental outcomes in the bays?

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Mr Thornley for his question and for giving me the opportunity to talk about his support of the Brumby Labor government in providing access to Victorians to recreate on Port Phillip and Western Port bays. Members of the chamber and of the community would be aware that for the last two or three budgets the government has made significant undertakings to provide for the rebuilding of a number of piers and jetties across Victoria. We have allocated significant money to replenish a number of beaches around the bay, and that work continues from those previous commitments.

Part of this budget is a commitment for a \$5 million allocation to take that work even further. I had the good fortune to be down at Patterson River recently to make an announcement about the first part of the rebuilding of piers and jetties around the bay at that location. In fact Patterson River is a very popular location for Victorians to launch boats. In any given year there are somewhere of the order of 52 000 launchings and retrievals taking place within that one location for people to put their recreational boats on the waterways in Port Phillip Bay.

The pursuit of recreational opportunities in Port Phillip Bay is one of the most popular activities in Victoria. Indeed, on average there are during the course of the year about 40 million visits by Victorians to Port Phillip and Western Port bays. Our government recognises the importance of providing those opportunities for people to go down to enjoy the waterways and to make sure they can get their boats in and out of the water in a safe, secure and efficient fashion. These investments will underpin that opportunity even further.

Beyond the \$1.3 million being expended at Patterson River, significant investments will be made at Mordialloc pier, at Kerferd Road pier, and at the launching facilities at Williamstown. Beyond that there will be significant investment in navigational aids around the bay, with about \$200 000 as part of this allocation being spent on either providing new or upgrading navigational aids across the bay — 130 of them — to make sure that people can traverse the waterways in a safe fashion.

An additional part of the allocation is to provide \$2.5 million to make sure that we map out the scoping for the precinct development around some of these launching places and bayside facilities that the government will be interested in investing in, in collaboration with local committees of management and the private sector and with government support going forward. That will be an important piece of scoping work that will underpin infrastructure investment going forward.

The government recognises that Victorians love their bays. It is very important that we have quality access to those recreation opportunities, and the Brumby government has provided those through the \$5 million allocation in this year's budget.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Treasurer) — I have answers to the following questions on notice: 35, 631, 958, 1084–86, 1580, 1830–37, 1882, 1892, 1947, 2009, 2030, 2031, 2111, 2137–40, 2142–59, 2188, 2194, 2214, 2263, 2282, 2303, 2305, 2351, 2352, 2390, 2391, 2393, 2420, 2423, 2452–62, 2464, 2467–72, 2508, 2539, 2541, 2543, 2588, 2619, 2621, 2628, 2659, 2661, 2663, 2750.

PETITION

Following petition presented to house:

Maffra Secondary College: funding

To the Legislative Council of Victoria:

The petition of residents of the state of Victoria draws to the attention of the Legislative Council the need for a redevelopment of facilities at Maffra Secondary College and the disappointment and confusion that has been caused by the school being named as a funding recipient in the state budget and then having the statement withdrawn. Your petitioners therefore request that the Maffra Secondary College redevelopment be included in the current round of funding to bring the facilities up to the standard of 21st century education requirements.

By Mr P. DAVIS (Eastern Victoria) (646 signatures)

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 7

Mr EIDEH (Western Metropolitan) presented *Alert Digest No. 7 of 2008, together with appendices.*

Laid on table.

Ordered to be printed.

Police Integrity Bill

Mr EIDEH (Western Metropolitan) presented report, together with appendices, extracts of proceedings minority report and minutes of evidence.

Laid on table.

Ordered that report be printed.

Mr O'DONOHUE (Eastern Victoria) — I move:

That the Council take note of the report.

Since the Scrutiny of Acts and Regulations Committee last reported to the Parliament on this bill it has conducted public hearings into certain aspects of the Police Integrity Bill. It is worth noting the process that has led up to these hearings taken place. On 10 April the committee resolved to undertake public hearings and to advertise to hold public hearings. On 16 April that resolution was overturned via email, a process that I would contend was an inappropriate way to deal with an existing resolution of the committee.

Representations were made by me and other members of the committee to the chair of the committee to call a special meeting to discuss the issue. Unfortunately those requests were denied. At the next committee meeting, held on 5 May, government members moved a motion to verify the email motion of 16 April, which in effect closed down the possibility of further inquiry, notwithstanding the serious questions that remained about the Police Integrity Bill in relation to the Scrutiny of Acts and Regulations Committee's terms of reference.

Unfortunately, despite the resolution of 10 April in effect being in force and valid until overturned at the meeting on 5 May, the committee chairman did not act on the resolution of the committee. The committee sat on its hands. It did not advertise for public hearings to take place, did not call for submissions and did not contact relevant and interested parties in relation to the proposed further investigations. This refusal to act, in

defiance of the wishes of the committee, raises very serious questions about the actions of the chair. On 9 May, during the sittings, the Parliament recognised the serious and unanswered questions with regard to the Police Integrity Bill and referred the matter back to the Scrutiny of Acts and Regulations Committee for further public inquiry, consideration and report. It is worth noting that the house divided, with government members voting against that motion, which was moved by David Davis.

Pursuant to that motion public hearings were held on 5 June, with three witnesses giving evidence: Mr Gregory Davies, representing the Police Association, Mr Julian Burnside, representing Liberty Victoria, and Dr Graham Hill from the Department of Premier and Cabinet. Interestingly, during questioning of the Police Association representative he said clear that the Police Association was:

... not consulted in relation to this bill at all. Its existence came as a complete surprise to us.

This again flies in the face of the government's rhetoric of being open and accountable.

Mr Burnside expressed serious concerns about the position of director, police integrity, and the process by which the appointment of a director can be made. The bill establishes that a director can be someone who is qualified for appointment as a judge, which in effect means that a minimum of five years experience as a legal practitioner would qualify a person to be the director. In his evidence Mr Burnside stated that this:

... is certainly not adequate as a repository of such great powers.

...

... but we think the seriousness of the powers warrants a person of clear, demonstrable, distinguished legal service.

There are serious questions in relation to the position of director, police integrity.

There are also questions relating to accountability to the Parliament of Victoria. The director, police integrity, will have the power, if the bill is passed, to request the chief commissioner to take action or to conduct an investigation. If the police commissioner fails to address a request from the director, police integrity, the director could table an adverse report in the Parliament. However, tabling an adverse report is not mandatory, and because of political or other considerations an adverse report might not be tabled, meaning that there is a subjective analysis and test as to whether or not the Parliament is informed of any concerns. To the authors

of the minority report, this lack of accountability to the Parliament of Victoria is most concerning.

What has transpired over the last several weeks highlights a number of things. It highlights that there have been serious problems with the process that have affected the public hearings that should have taken place and would have taken place if they had not been closed down by government members in April. The evidence that was led during those public hearings last week validates the view that there are serious concerns about the bill and how the bill operates in relation to the terms of reference of the Scrutiny of Acts and Regulations Committee.

In his evidence Mr Burnside also raised the issue of policy and what analysis the Scrutiny of Acts and Regulations Committee should make of policy, particularly with reference to section 7 of the Charter of Human Rights and Responsibilities, which requires the balancing of rights on the one hand with the legitimate objectives of government and other legislation on the other. The evidence of Mr Burnside was that policy was indeed a relevant consideration. That flies in the face of the way the committee has been operating since it has been meeting during the life of this Parliament. That has important ramifications for the future conduct of the committee, and I think it would be worthwhile for the Parliament to look seriously at this issue. It is important that the scrutiny function of the committee is discharged completely and fully.

The government introduced the Charter of Human Rights and Responsibilities; it is the government's charter. The charter has been enacted and is a part of the legislative process. The government must act in accordance with its own charter. The actions and the proceedings of the last month or so clearly demonstrate that the government has not been necessarily acting completely within the terms of the charter. As one of the authors of the minority report, the actions of the last month or so warrant further examination and further consideration by the Parliament and indeed by the committee.

Mrs PEULICH (South Eastern Metropolitan) — I would also like to make a few brief comments to draw the attention of the house to what I hope is a better quality *Alert Digest* on this important piece of legislation, as well as the minority report submitted by me and my colleagues — Mr O'Donohue in this chamber and Mr Ryan Smith, member for Warrandyte in the other chamber. Unfortunately the deputy chair, Mr Jasper, the member for Murray Valley in the other place, was not able to finalise his views on this report because of the short and truncated time lines we were

given. We would not have had that opportunity if this chamber had not backed David Davis's motion to refer what was a light and superficial report in the *Alert Digest* on this bill when it first came to the house. On behalf of the signatories to this minority report, I thank the chamber for supporting the motion and for giving the Scrutiny of Acts and Regulations Committee the opportunity to undertake some important work, as truncated as it was. It would not have been truncated if the committee had exercised and displayed some goodwill and good faith and had been open and accountable to begin with, and if government members had not tried to pull every single trick in the book to try to frustrate, obfuscate and present obstacles to prevent the fulfilment of the proper functions of the committee.

I thank Mr Kavanagh, members of the Greens, members of The Nationals and all opposition MPs for supporting that motion. This reaffirms the importance of committees such as the Scrutiny of Acts and Regulations Committee, and hopefully in future it might discourage the government from taking a similar course of action. Ultimately the will of this Parliament prevails, certainly in this chamber, and that is the way it ought to be.

I would also like to place on record the role exercised by the clerks, both in this chamber and the other place, in their management, through some uncharted waters, of the fairly recent practice of minority reports. I understand that minority reports have not been customary when it comes to the Scrutiny of Acts and Regulations Committee, particularly because of the short time lines. That is exemplified by the fact that our initial attempt at tabling the first minority report was frustrated by rules that applied to other parliamentary all-party committees and not to SARC, which works within a much narrower time frame.

I thank the clerks for their clarification of those time lines for the staff and for the chair — for each of us who served in that capacity. Even after the Legislative Council supported the motion to refer the matter back to SARC so that it could fulfil its function as set out in the Parliamentary Committees Act, there was an attempt to not make available the Hansard transcripts of witnesses from the public hearings, something which I had not heard of previously in my 12 years of service in this Parliament — 10 years in the other place and nearly 2 in this place. I particularly thank the Clerk of this chamber for taking that matter up and making sure that those transcripts were available. At the end of the day that will mean this chamber will be provided with a bit more information than it would have had on some crucial issues about which it will make important decisions. This legislation is the first real test of the

government's commitment to its own human rights charter, which obviously extensively engages this bill, notwithstanding the reassurances of the minister about there being reasonable limitations on human rights. In this subsequent *Alert Digest* report those key issues of policy are rightfully referred to this chamber for consideration and debate.

Let me say the experience of this committee process has been most frustrating. I would like to also place on record my disappointment with the chair and government members who one can assume have been responding to the strong arm of executive government and attempting to shut down this inquiry. I do not know why, because it just makes them look more guilty and makes all of us more suspicious that there is something serious that the government is trying to shut down and avoid scrutiny on. It would have been a much easier process to deal with if the government had welcomed the process and taken the opportunity of addressing those key issues and then ultimately taking them up in this chamber. As I said, the process has been frustrating. I hope it is not repeated.

I also place on record a welcome development in the attitude that somehow policy is sacrosanct. That has been a millstone around the necks of SARC members. It is an area that has been outside the bounds of the committee in evidence it receives, certainly evidence such as that from Mr Burnside. Other specialists in the area of scrutiny of acts and legislation right around the region, not just in Australia, have endorsed the legitimate role of the Scrutiny of Acts and Regulations Committee taking a key interest in policy to make sure that that balance is appropriately struck, as of course section 7 of the human rights charter demands.

The minority report is unfortunate. I would like to point all members in this chamber to some special areas of concern that emerged through the evidence given by expert witnesses and to some key issues that need to be resolved here in this Parliament.

The overriding concern has been, as Mr O'Donohue explained, concern about accountability. It is clear from the subject matter that this bill deals with, which is how to police the police, that inordinately strong powers need to be given to a body that is given that role. Therefore the issues of accountability and reporting become crucial to the whole regime to make sure that public confidence is maintained. The argument that has been mounted by the chair and government members is that these issues of substance, these issues of policy and of accountability are outside the bounds of the Scrutiny of Acts and Regulations Committee's role, but it goes to the heart of that committee's role to make sure that

this chamber strikes the correct balance between the policy objectives of this legislation and the government's own human rights charter to avoid a scenario where a lack of accountability allows corruption to fester. We all know when corruption festers, human rights invariably suffer. Accountability and human rights are, in my view, two sides of the same coin, and they are important and must be considered by this chamber.

In particular, concerns were expressed by Mr Burnside, representing Liberty Victoria, about the qualifications for the appointment of a director of police integrity. His concerns are legitimate and need to be considered. There are concerns about the seemingly blanket authorisation of officers who work at the Office of Police Integrity (OPI), especially with respect to in the carrying of weapons and the lack of a structure and appropriate regulations to deal with the manner in which those weapons will be used. There are legal concerns about important legal precepts being turned on their head, such as the right to silence, the use of derivative evidence and a range of others that need to be resolved. There is also the accountability of the OPI to others and possibly the issue of an impasse occurring with the Chief Commissioner of Police at the time of a request or directive from the OPI for subsequent investigations to occur or not to occur, and what happens when those tests of will occur.

I have been a great advocate for our police force. I have never been a great fan of the Police Association, but I commend its evidence. I am not its advocate; I am the advocate of people in the community, people who work. Although I have been a member of a union for many years — I am obviously no longer active — I have never been the greatest fan of the Police Association, but its evidence was worthy of detailed consideration by this chamber. The association played with a straight bat. There was no party politics. It placed on the record the concerns of the 11 000 members it represents in a range of areas that I think need to be subjected to close scrutiny, in particular concerns about the reporting mechanisms for the OPI and concerns that an annual report which is required to be fairly non-prescriptive and may be filled predominantly with financial or organisational reporting does not go far enough in subjecting the OPI to adequate scrutiny or making it accountable for things that are done or not done.

In addition, evidence given by both Mr Burnside and the Police Association expressed the concern that the special investigations monitor, as worthy as the current incumbent is as a person, is a toothless tiger and that additional accountability mechanisms need to be in

place so that the Police Integrity Bill can have some hope of functioning with some degree of effectiveness and some degree of public confidence.

A range of other issues have been raised. We have tried to canvass them, albeit in a very short period of time, in our minority report, and hopefully this chamber has a little bit more information than it would have otherwise had this motion not been referred back to SARC for its completion. The crucial legal issues stemming from the conflict between the objectives of the bill and the government's own human rights charter, notwithstanding the minister's assurances, need to be addressed. Some of those I have mentioned, but they include the manner in which police firearms are used and authorised; the appointment of and qualifications of the director, as Mr O'Donohue has already canvassed; the accountability of policing the police and conferring extraordinary powers on the OPI but not having a very rigid reporting mechanism; and the provisions in the bill which mean that people can be compelled to answer questions and give evidence. That is applied fairly broadly.

In particular, Mr Burnside drew the attention of those of us present at the hearings to the fact that journalists, who hopefully may be listening to this, may also be compelled to give evidence as to their sources when from time to time journalists such as the one who works for the *Herald Sun*, Sly of the Underworld — —

An honourable member — *The Age*.

Mrs PEULICH — They may break a crime story which is then used as the pick-up point for the police to undertake an investigation or the like.

An honourable member — John Silvester.

Mrs PEULICH — Yes. I would hope that those issues of people being compelled to give evidence would be addressed in some way through the resumption of the debate.

The search, inspect and seizure without a warrant powers raise a whole range of concerns because they are not accompanied by the usual safeguards and in particular because they apply to all public authorities. There is the possibility that significant databases may be taken and not returned and therefore the entire functioning of that public authority may be compromised or rendered dysfunctional, whether guilty or not. There are a whole range of very sophisticated issues that need to be considered. The government needs to read the evidence and come back to this chamber, hopefully when those matters come before this house again.

Acting President, I will not go any further, except to say again thank you on behalf of those of us who saw that some of these issues were too important to just roll over. I think this chamber is stronger for it, hopefully SARC is stronger for it and parliamentary democracy in Victoria is stronger for it. I just hope the government and government members on that committee do not continue to play the sorts of games that diminish them, their causes and the legislation they have implemented under the previous Parliament as well as this one.

Ms PULFORD (Western Victoria) — I also rise to make some comments on the Scrutiny of Acts and Regulations Committee report and refer specifically to the report on the Police Integrity Bill 2008 and SARC's recent consideration of this bill. Of note is that the Police Integrity Bill enjoyed the support of the Liberal-Nationals coalition in the Legislative Assembly.

Members will note that SARC has now concluded a substantial consideration of this bill. On 9 May this chamber resolved that the Police Integrity Bill be referred to the Scrutiny of Acts and Regulations Committee for public inquiry, consideration and report within one month. SARC had previously reported on its consideration of this bill in *Alert Digest* No. 4 on 8 April this year. In fact such considerable consideration of this bill had occurred that SARC commended the statement of compatibility for its comprehensive and clear analysis of the large number of complex provisions and rights.

The many different facets of this bill caused SARC to seek clarification from the Minister for Police and Emergency Services in the other place on several matters. I note that Mr O'Donohue and Mrs Peulich, who also serve on SARC, in their contributions to debate on the bill expressed a desire to consider the minister's response before members voted on this bill, and time has allowed this to occur. On 6 May the minister's response was tabled in this place along with *Alert Digest* No. 5 and the minister's response to the six matters raised by SARC.

The government has consistently worked hard to assist members to understand the many aspects of the issues arising out of this complex piece of legislation. The minister's response went to all six matters raised by the committee at some length, including matters relating to the use of firearms, the circumstances around self-incrimination and the powers of the director of the Office of Police Integrity.

After the reference from the Legislative Council, the committee sought submissions by direct mail campaign

and by placing ads in the *Age* and the *Herald Sun*. On 4 June public hearings were held. It was a very tight time line set by Mr Davis's motion, and thanks must go to Hansard, which put in a remarkable effort, providing transcripts in very short time for our consideration of the report last Friday; to committee staff for their ongoing assistance and to those organisations that presented written submissions, again in a very tight time frame — the Police Association, Liberty Victoria, the Australian Centre for Human Rights Education at RMIT, the Victorian Privacy Commissioner, West Heidelberg Community Legal Service and the health services commissioner. In addition sworn evidence was given at the public hearings by Mr Gregory Davies from the Police Association of Victoria, Julian Burnside, QC, Georgia Kim Siem from Liberty Victoria and Dr Graham Hill from the Department of Premier and Cabinet.

SARC members and those who support the work that we do have certainly been working hard to enable a very thorough consideration of this legislation. Members were then able to consider, as I said, the transcript of proceedings and now the committee is tabling a further report on this bill for Parliament's consideration. All this while Parliament is yet to consider the bill in the committee stage and to vote on the third reading.

The whole time, though, opposition members of the committee have been playing politics with this bill and have in large part missed the point of the role of members of the Scrutiny of Acts and Regulations Committee. Our role is clearly printed in our terms of reference and it is a very specific role, including consideration of section 7 of the charter and in what circumstances human rights may be appropriately limited. At no point in section 17 of the Parliamentary Committees Act, where SARC's terms of reference are outlined, could I find consideration of policy issues. We often discuss the role of the charter of human rights and the way that it interacts with legislation.

The role the committee has played has been in identifying where the charter is engaged and in our report to bring that to the attention of members of Parliament for their consideration of legislation. It is a committee that works to very quick turnaround times and very short time lines. The pattern of the sitting week — I am told by members who have served in previous parliaments that sitting weeks came in blocks — has further required us to consider legislation in pretty quick turnaround times. So it does require a degree of work and application by members on the committee so that the committee can provide Parliament with comments, not after the bill has been

passed or defeated, but in a timely fashion so that members can consider those issues that we raise, importantly those human rights issues, as they consider the bill.

SARC does not have a mandate to comment on policy and because it does not have a mandate to comment on policy, it does not have the resources or the time to comment on policy in addition to the other work that it does. This has been the role of SARC for 15 years. Liberal Party members have been playing politics with this for some weeks now. The minority report and the comments that have been made by members opposite earlier are largely about considerations of policy. The minority report raises the view of Liberal Party members about a need as they see it for an independent anticorruption crime body. If that is not a statement on policy, I am not sure what is. Again, the opposition's comments about the role of parliamentary oversight of the special investigations monitor are all important issues for the consideration of the Parliament but do not fit within the terms of reference within which SARC operates.

The comments by opposition members, other than those that are largely about policy considerations, seem to infer that the government has been engaged in some sort of cover-up. If this is a cover-up, it has been a very ordinary one. There has been lengthy consideration of this bill by the Scrutiny of Acts and Regulations Committee, there has been a very detailed response by the minister to all the questions raised by the committee and both have been tabled in this Parliament.

This is now the third occasion on which SARC has reported to the Parliament on this bill. We have taken written submissions, we have advertised extensively and we have had public hearings — and all in the time line that opposition members sought in Mr O'Donohue's motion on 7 May. Members opposite have, I think, at best lukewarm enthusiasm for the charter of human rights and have been known to make comments — —

Mr Barber — Don't include us in that.

Ms PULFORD — No, I would not include you in that, Mr Barber. It is not SARC's role to weigh the competing interests but to draw the Parliament's attention to competing human rights interests for the Parliament's consideration.

This legislation was foreshadowed as early as 5 February when the Premier indicated in the statement of government intentions that this bill would be brought forward. There has been a great amount of time now for

members to have the opportunity to consider their position on these bills. There was talk by government members, and Mrs Peulich indicated that perhaps the transcript would not be ready in time, but it was able to be ready in time and we were provided with that and we were able to consider it. We thank the clerks and Hansard for their efforts in making that available to us.

The minority report is about procedures and time lines, time lines that the government has been consistently willing to be flexible about. The Greens members sought some additional time to consider this very detailed bill and the government was happy to delay consideration of this bill for a further sitting week, to allow that to happen. There is no cover-up; it is just Liberal Party members jumping at shadows.

I note that, as part of their media strategy that supports all this, on 7 May the member for Warrandyte in the other place informed that house of his intention to resign from the committee. That was a nice little number, which was a success in terms of getting the member's name in the paper. However, I think it is fair to report to members that Mr Smith has not missed a meeting since. Opposition members have been much more interested in playing games than in seriously scrutinising this legislation.

We thank those who contributed to our hearings. I would encourage members to consider the reports SARC has produced and to be mindful that it is not SARC's role to debate and conduct deliberations on policy matters but rather to work within its terms of reference and leave the policy debates for this place.

Mr TEE (Eastern Metropolitan) — I am pleased that this report has finally seen the light of day. I am pleased that we have gone through the process that everybody wanted to go through. I am pleased that we have had the submissions and the hearings, and here we are with the report — and of course we have found nothing. We have found that the Chief Commissioner of Police supports the Police Integrity Bill. We see that Liberty Victoria supports the bill. We see that the Office of Police Integrity supports the bill. All we have achieved through this process is a further delay.

The house will recall that the opposition started this process of delaying the OPI bill. It was an unfortunate delay, because this is an important bill. It is an important bill to ensure that our police are open and transparent and accountable. We know that generally and overwhelmingly the police are beyond reproach. They are well regarded and —

Mr Finn interjected.

The ACTING PRESIDENT (Ms Pennicuik) — Order! I remind Mr Finn that he is not in his place and should desist from interjecting.

Mr TEE — The police are well supported by the community, and they are certainly well supported by this government. However, we need to remain vigilant. We must ensure that we have in place the capacity to weed out corruption.

Honourable members interjecting.

Mr TEE — The interjectors ask what is the hurry. The hurry is that every day the bill does not go through the house there is an opportunity for corruption to continue or to manifest itself. It is important that we get the legislation in place to protect against corruption. Nothing in this report or the three other reports presented by SARC (Scrutiny of Acts and Regulations Committee) suggests that there is anything we ought not to proceed with in the Police Integrity Bill 2008. As legislators we owe it to our community to ensure that there is no corruption in our police force. We owe it to our community to ensure that we put in place, as expeditiously as possible, the mechanisms we need to ensure that there are no corrupt police in our police force.

It is then necessary to consider the delays and why we are having these delays. Why are we back here some two months after this bill passed the Assembly? We asked last time why opposition members, including Mr Finn I think, went from fulsome support, from lining up with the police commissioner, to all of a sudden using these delaying and stalling tactics. As the house was told last time, Mr Mullett visited Parliament. We know Mr Finn denied meeting him, but we also know that others did not. We also know that Mr Mullett, who is being investigated by the OPI, is opposed to the OPI. All of a sudden opposition members, hook, line and sinker, were joining the OPI opposition bandwagon. This is unfortunate. It is unfortunate because of the importance of this legislation.

The last time the bill was before the house opposition members howled their protests about kowtowing to Mr Mullett but — surprise, surprise! — when you read the Scrutiny of Acts and Regulations Committee report you see who provided submissions. Of course it was Mr Mullett and the Police Association. Who gave evidence? The Police Association of course. We have a process that has been set up to allow Mr Mullett to have a platform from which he can promote his views and his opposition to the OPI.

This report demonstrates without a shadow of doubt that Mr Mullett has attained his platform. I note that in the report SARC does not find anything that is abhorrent or even wrong with the bill in its current form. I welcome that outcome. I am disappointed that it has taken this long for this house to be in a position to finally consider this important bill. I sincerely implore the house and those opposite to stop playing petty politics and get on with the debate in relation to this important bill.

Motion agreed to.

PAPERS

Laid on table by Clerk:

Crown Land (Reserves) Act 1978 — Minister's Order of 28 May 2008 giving approval to the granting of a lease at Mordialloc-Mentone Beach Park Reserve.

Major Events (Crowd Management) Act 2003 — Minister's Order of 21 May 2008 in relation to land surrounding Bob Jane Stadium.

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

Bass Coast Planning Scheme — Amendment C84.

Greater Bendigo Planning Scheme — Amendment C106.

Greater Shepparton Planning Scheme — Amendment C79.

South Gippsland Planning Scheme — Amendment C44.

Statutory Rules under the following Acts of Parliament:

Conveyancers Act 2006 — Nos. 48 and 49.

Estate Agents Act 1980 — Nos. 39 and 46.

Fair Trading Act 1999 — No. 45.

Magistrates' Court Act 1989 — No. 43.

Public Transport Competition Act 1995 — No. 42.

Sale of Land Act 1962 — No. 47.

Trade Measurement Act 1995 — Trade Measurement (Administration) Act 1995 — No. 38.

Transport Act 1983 — Nos. 40 and 41.

Travel Agents Act 1986 — No. 44.

Wildlife Act 1975 — No. 50.

Subordinate Legislation Act 1994 —

Minister's exemption certificate under section 8(4) in respect of Statutory Rule No. 43.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 38, 39, 44, 45, 46, 47, 49 and 50.

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

Justice Legislation Amendment Act 2008 — Sections 6, 13(2), 17, 18, 21, 22 and 25 — 3 June 2008 (*Gazette No. S148, 3 June 2008*).

BUSINESS OF THE HOUSE

General business

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

That precedence be given to the following general business on Wednesday, 11 June 2008:

- (1) order of the day no. 3, relating to the second reading of the Port Services Amendment (Disposal of Material) Bill 2008 by Ms Pennicuik;
- (2) order of the day no. 4, relating to the second reading of the Medical Treatment (Physician Assisted Dying) Bill 2008 by Ms Hartland;
- (3) order of the day no. 2, relating to the second reading of the Tobacco (Control of Tobacco Effects on Minors) Bill 2007 by Mr Drum;
- (4) the notice of motion given this day by Mr D. M. Davis relating to a change to the reporting date for the Select Committee on Public Land Development;
- (5) notice of motion no. 19 standing in the name of Mr Hall relating to an electoral review of the City of Melbourne;
- (6) the notice of motion given this day by Ms Lovell relating to the Premier's response to the Plug the Pipe protest; and
- (7) the notice of motion given this day by Mr Finn in relation to government services in the western suburbs.

Motion agreed to.

ELECTORAL MATTERS COMMITTEE

Membership

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

That Mr P. R. Davis be a member of the Electoral Matters Committee.

This motion recognises that it is a convention in this place to replace like with like, and hence coalition members with coalition members.

Motion agreed to.**MEMBERS STATEMENTS****Liquor: St Kilda licence**

Mrs COOTE (Southern Metropolitan) — Today my issue concerns something that happens in my electorate. In the city of Port Phillip the Saint Hotel employs semi-naked people of short stature, or dwarves, to serve patrons excessive amounts of free alcohol. Using people of short stature to serve free alcohol as a publicity stunt is both irresponsible and demeaning to those people.

I question the decision by the Victorian Civil and Administrative Tribunal to grant the hotel in question an exemption from the 2.00 a.m. lockout currently issued on all licensed venues in Port Phillip. The behaviour is demeaning to the venue patrons, people of short stature and the entire Port Phillip community and must be stopped as a matter of urgency. This practice has been reported in the London *Telegraph* and casts aspersions on all concerned. I have major concerns about the fact that excessive drinking practices such as this go unchecked by the government when it has acknowledged binge drinking to be the biggest social issue facing Victoria's youth.

Publicity stunts encouraging patrons to lie back and have unknown quantities of liquor poured down their throats are unacceptable. The Port Phillip community should not be subjected to this unacceptable behaviour. The council has said no, the residents have said no, and it is now the government's turn to ensure that this unacceptable behaviour comes to an end for the good of the Port Phillip community. Licensed venue operators who do not demonstrate that they can practise in a socially responsible way should not be getting special treatment when it comes to opening hours.

The ACTING PRESIDENT (Ms Pennicuik) — Order! The member's time has expired.

United Nations Millennium Declaration

Ms MIKAKOS (Northern Metropolitan) — I rise to congratulate the Prime Minister Kevin Rudd on joining much of the developed world in making the United Nations (UN) millennium development goals (MDGs) a priority of the Australian government and our nation.

In 2000 the international community came together to agree on what historically is the most comprehensive target to reduce poverty, the UN millennium declaration. This declaration aims to achieve eight

millennium development goals by 2015. The MDGs are to eradicate extreme poverty and hunger, including reducing by half the proportion of people who suffer from hunger and those who live on less than a dollar a day by 2015; achieve universal primary education; promote gender equality and empower women; reduce child mortality; improve maternal health; combat HIV/AIDS, malaria and other diseases; ensure environmental sustainability; and develop a global partnership for development.

In the Prime Minister's first conversation with UK Prime Minister Gordon Brown he affirmed the importance of the millennium development goals, saying that climate change and the millennium development goals were two key areas he wished to work on in partnership with the British government. In April of this year Prime Minister Kevin Rudd signed Australia up to the MDG call to action. This is a call upon government, civil society and the private sector to accelerate contributions to the MDGs, which are currently well behind schedule. Since the election of the Rudd government the MDGs have now become embedded in AusAID policy and are targets to be achieved by 2015 and not merely aspirational.

I congratulate the Prime Minister on his leadership on this important global issue, and I encourage all Victorians, including business, to follow his lead particularly in our region, the Asia-Pacific region.

Lake Purrumbete: boat ramp

Mr VOGELS (Western Victoria) — I again raise the issue of the plight of people wishing to access Lake Purrumbete in south-west Victoria for fishing and recreational purposes. Following 10 years of below-average rainfall the shallow water around the lake's edge has retreated, so it is no longer possible to launch a boat. The main body of the lake, some 1000 acres in size, has an abundance of deep water 25 metres or more deep. However, it is not accessible. The local angling club, reserve committee, friends and the Shire of Corangamite — in fact anybody who has ever visited the lake — want action from the Brumby government for an outcome which will allow this wonderful asset to be enjoyed.

It is not hard to fix the problem, and Parks Victoria has a number of options available to it to do just that. The problem seems to be, as quoted in the Warrnambool *Standard* of 16 May under the headline 'Lake overflows with ministers':

The local angling club's efforts to secure improved boat access to the lake, which is surrounded by a wide band of

deep mud, prompted confusion on Spring Street, with at least three ministers required to handle the issue.

A somewhat confused government spokeswoman said the lake's surrounding wetlands came under environment minister Gavin Jennings's portfolio; the trout-rich waters were an issue for agriculture minister Joe Helper; but any moves towards building a new boat ramp or channel would fall to roads and ports minister Tim Pallas.

A 'working group' has now been formed, involving at least six government agencies, to assess the lake's climate patterns and the viability of a new boat ramp.

In the immortal words of John Kennedy, a former Hawthorn Football Club coach, I say to the Brumby government, 'Do something!'.

Australia Post: West Footscray delivery centre

Ms HARTLAND (Western Metropolitan) — On 10 May I spoke at a rally organised by the Communication Workers Union of Australia Victorian branch at the Footscray and Williamstown post offices. The rally was called because Australia Post intends to close the delivery centre at West Footscray and move it to Sunshine.

The changes will mean that our local posties will no longer sort their own mail. They will lose their local knowledge and their personal connection with their local run. Personal connection is very important. When I was a home-care worker I encountered the situation at least twice where it was the local postie who alerted the council to the fact that they thought something was wrong with an older person because their mail kept banking up.

The move is being made so that new starters can be employed for only 4 hours a day and then be paid 15 per cent less than other posties. The union and the postal workers believe Australia Post intends to make these new posties outworkers. This will lead to a rapid turnover of staff and a reduction in the quality of our postal service.

The rally was well attended by both postal workers and members of the community. They raised continually the fact that they thought that under Mr Rudd WorkChoices would not have continued. I have asked our Greens senators to look at this matter as well.

Toyota Australia: hybrid car

Ms TIERNEY (Western Victoria) — I rise to congratulate Toyota, the Brumby Labor government and the Rudd Labor government and welcome the announcement by Toyota that the company will produce hybrid Camrys at the beginning of 2010. This

is a great announcement. It is good for the environment, it is good for the workforce, it is good for the future of Toyota and it is good for the industry in general.

When I was speaking with the Vehicle Builders Union senior shop steward, Charlie Mamara, this morning, he said, 'It was a healthy shot in the arm — a timely one for the car industry — and a real morale booster for workers on the shop floor'.

This level of investment confidence needs to flow to other manufacturers, so that facilities at Ford's Geelong engine plant and Holden's Family II engine plant at Fishermans Bend can and will be used for manufacturing. I call on the industry to work with this government to ensure that we continue to make things in this state and grow jobs. Whilst the opposition seemingly knows only one thing about the car industry — and that is how one gets to an FCAI (Federal Chamber of Automotive Industries) dinner at the Hyatt — it is this government and the Rudd government working together and working and negotiating with the industry that will provide real manufacturing and real job outcomes.

Water: north-south pipeline

Mrs PETROVICH (Northern Victoria) — I rise to speak today in defence of my country constituents, who last week were labelled liars by the Premier of this state.

Mrs Peulich — Disgraceful!

Mrs PETROVICH — Absolutely disgraceful, Mrs Peulich. You could have knocked me down with a pipe when the Premier stooped to this extraordinary new level. Let me assure the members of this government in this house that bullying and name calling will not deter the people of country Victoria, who have been misled and abandoned by this government. By calling country people liars this Premier has shown that he has lost touch with the people north of the Divide.

The facts about the north-south pipeline speak for themselves. All the talk of Melbourne getting this so-called 'new' water is absolute rubbish. Even if you accept the government's rationale, which is highly questionable, the logic just does not stack up. This north-south pipeline is due to come on stream in 2010 — and when is the modernisation of this irrigation system due to be completed? Not until 2015 at least — and more than likely 2016, given the way this government works — five or six years after the pipe is turned on!

What amazes me most about this tag 'liar' is that if anyone has told porkies it is this government. Did this government tell the people of country Victoria that it was planning to take water from the country before the last election? Of course not! What about the member for Seymour? A number of my constituents have reminded me that only days before this government announced its ill-thought-out plan to pipe this sparse commodity to the bathrooms of Melbourne, he was saying it would not happen. Either he did not know or he was not being entirely honest himself.

Seniors Speak Up!

Mr SCHEFFER (Eastern Victoria) — I congratulate the many senior Victorians who participated in the community forums that I attended in Wonthaggi and Rosebud arranged by the Ministerial Advisory Council of Senior Victorians. The forums were convened by Merle Mitchell, chair of the ministerial council, and heard a wide range of views on issues affecting senior Victorians. Ms Mitchell will prepare a report for the Minister for Senior Victorians in another place, Lisa Neville.

At the forums I attended, there was huge interest in public transport. Participants said a lack of accessible transport could leave them isolated from their local community. But participants also recognised the increase in services in recent years and the work the government is doing. This is an area where clearly there is more to be done. Participants also raised matters relating to access to information about service availability and the needs of seniors from culturally and linguistically diverse communities. People said there needs to be both a variety of information outlets and also a central, easily accessible information gateway. Isolation was a major theme. Participants spoke about the loneliness caused by physical impairment such as deafness or immobility and the need for seniors living on their own to be given support to maintain their social engagement. Employment was another concern. People felt their skills were not recognised and that Centrelink requirements act against seniors who want to do some work. People suggested there should be a tax incentive to encourage seniors.

The forums were rich in observations and suggestions for improvement. I commend the work of Merle Mitchell and her team and the great contribution of those who participated in Seniors Speak Up! activities.

Box Hill Institute: annual awards

Mrs KRONBERG (Eastern Metropolitan) — Last Monday evening the Box Hill Institute conducted its

annual awards event for outstanding students of the year. The first of the two major awards was the Alan Broadhead Rotary Club of Box Hill first-year and second-year apprentice category. Congratulations go to the best second-year apprentice award winner, Matthew Tunks, from the automotive, transport and engineering centre. Box Hill Rotary is to be applauded for its ongoing support of students undertaking apprenticeships at Box Hill Institute whilst also perpetuating the memory of Alan Broadhead, who gave years of service to Rotary. Presentations were made by the president of Box Hill Rotary, Mr Robert Leach.

Congratulations to the winner of the Box Hill Institute Apprentice of the Year — Pursuit of Excellence Award, Andrew Colverson, also from the automotive, transport and engineering centre. It is clear that there is a new breed of young and ambitious apprentices, who are well equipped technically and also have commitment, dedication and interpersonal skills. These students will undoubtedly proudly augment Australia's skills base and make a real and positive impact in their fields of endeavour. Well done to Box Hill Institute for yet another successful event and another splendid group of students.

North East Multicultural Association: conference

Ms DARVENIZA (Northern Victoria) — I want to take this opportunity to congratulate the North East Multicultural Association (NEMA) on its success in hosting the cultural diversity and harmony 2008 regional conference in the beautiful town of Wangaratta. The conference provided an opportunity for regional ethnic community councils, ethnic community groups, local councils, businesses, stakeholders and service providers to network and to promote regional initiatives and exchange ideas around community harmony. It also built on the success of the 2007 Bendigo regional conference, where the regional ethnic councils unanimously agreed to continue to host similar conferences across Victoria.

On Saturday, 31 May, along with the member for Murray Valley in the other place, I attended the conference dinner, representing the Minister for Regional and Rural Development, Minister Allan, and announced a \$9683 grant to NEMA to go towards the cost of holding the conference.

I really want to take this opportunity to congratulate NEMA, particularly Ms Rozi Parisotto and Mr Nino Mautone, and the Rural City Council of Wangaratta, who put on a great event. It was a fantastic dinner, and

it was wonderful to see how the Wangaratta community joined in the event. I congratulate all involved.

Tjaegan Wilson

Mrs PEULICH (South Eastern Metropolitan) — The death of any young person is always a tragedy, but especially so when the tragedy occurs innocently and unexpectedly and cuts short a positive life focused on making a contribution to the community, and it is even more true when that person has done so against all the odds. This was the case with a young man called Tjaegan Wilson, a local Aboriginal youth worker, musician and sportsman who was very active in the communities of the city of Casey and the city of Greater Dandenong. He was a Hampton Park resident who passed away recently. Sadly, his funeral will be held tomorrow.

Tjaegan was only 21 years of age when he passed away peacefully in his sleep on Saturday night, 31 May, only 24 hours after he played the didgeridoo at the Drum Theatre for a reconciliation concert. He was academically tutored by a staff member of mine, Gary Anderton, who himself has a brother and sister who are half-Aboriginal and who had a long-term involvement with Tjaegan and had the pleasure of watching him grow from a young boy, passionate about his Aboriginal heritage, to a strong leader for the local Aboriginal community, especially for our youth.

Mr Wilson was also a talented Australian Rules footballer who won a Sportsman of the Year award in the Mornington Peninsula region and managed to play for the Casey Scorpions senior side in 2005. Tjaegan was a person of substance and hope. His most passionate efforts were made as a youth worker for the local Aboriginal community, and he provided a lot of support and guidance. In that role he will be sadly missed by the community to which he could have made a great contribution. Hopefully he has already made a difference by inspiring many. Our condolences to his family.

Schools: Southern Metropolitan Region

Mr THORNLEY (Southern Metropolitan) — I want to recognise the outstanding service of a range of educators in my electorate, particularly those reflected in the recent Education Week awards. Awards for 40 years of service went to Neridah Peirce from Canterbury Girls Secondary College, Denise Lang from Kew East Primary School, Janice O'Connor from Black Rock Primary School — about which I will say more shortly — Rachela Salomon from Mentone Girls Secondary College, Linda Lane and George Greig from

Sandringham College, and Lauren Walton, with whom I have already had many dealings, the principal of Sandringham East Primary School.

I also want to recognise the awards to Mandy Dunn of Kew East Primary School as a finalist in the outstanding school leadership category and to Natalie Harvey-Nelson from Kew Primary School for winning the Elizabeth Gray award for excellence in school leadership. Although this is not in my electorate, I think it is an exciting and important sign that the first award for outstanding early childhood teacher went to Maree Sheehan from the Audrey Brooks Memorial Preschool. I think that is an exciting event as we focus more and more effort on early childhood development.

On a related but separate matter I also want to recognise the \$500 000 from the Better Schools Today program that has been awarded to Black Rock Primary School and note that the principal, Julie Luiten, recently said:

The architects have delivered the draft plans for the new upgrade. I can't believe how far \$500 000 will go.

It is an exciting project.

Stewart McArthur

Mr KOCH (Western Victoria) — I was delighted recently to attend a dinner at Geelong's Skilled Stadium to honour Stewart McArthur for his federal parliamentary contribution and service to the people of the federal seat of Corangamite. Over 320 guests joined Stewart and his family in celebrating 23 years as member for Corangamite. His election to the House of Representatives in 1984 was due to the resignation of the Honourable Tony Street. Generous, hardworking and above all a willing listener, Stewart was always available to his constituents.

Stewart held numerous parliamentary party positions and was Government Whip from March 1996 until the end of the Howard government. He also served on many parliamentary committees. Stewart's family has had a long association with the Victorian Parliament. His father, Sir Gordon, was a member of this house from 1931 to 1965 and was elected President of the Legislative Council in 1958. He was still President at the time of his passing in 1965.

Among Stewart's recent accomplishments were the successful funding of both Geelong's bypass and the rural medical school at Deakin University. He lobbied incredibly hard for these regional projects, and they would not have happened without his contribution. Both these projects will bring tremendous benefits to Geelong, and more importantly western Victoria. I

congratulate Stewart on his magnificent service to the people of Corangamite and wish him well in his future endeavours.

POLICE INTEGRITY BILL

Committal postponed

Order of the day read for committal.

Mr KAVANAGH (Western Victoria) — President, I move:

That the consideration of order of the day, government business, no. 1, be postponed for one week.

The committee's report on this bill, which includes the Hansard transcript, was only published on Friday, which does not give adequate time for consideration of the bill. It is my opinion that further time is warranted for a bill of this significance. That is particularly so given the irregularities in the committee process that have been referred to today by several members and also because passage of the bill would seem to do injury to the government's charter of human rights and responsibilities. Even apart from the black letter of the law in the charter, the bill could be seen to be unfair to members of the police force, and on that basis I urge that more time be provided for consideration of the bill.

Mr TEE (Eastern Metropolitan) — I oppose the postponement of the consideration of this bill. This is an incredibly important bill; I agree with that. It is about detecting, investigating and preventing police corruption and serious misconduct. It goes to the heart of ensuring that we have an open and transparent police system and it provides a number of additional powers to ensure that our police system continues to be open and accountable. The sorts of matters that are being held up in this bill are such that it is critical that we proceed. The bill provides legal assistance to witnesses so we can get proper functioning of any investigations being conducted.

The bill provides the ability to apply to a magistrate for a search warrant and, where necessary, to use force in the execution of such a warrant. Importantly, we are protecting the Office of Police Integrity (OPI) from the need to produce documents in legal proceedings where that may prejudice the investigations. We are ensuring that people who are required to attend to answer questions or produce documents pursuant to a summons do attend, and where this does not occur the bill imposes penalties. We are also limiting the powers under a search warrant when a claim of privilege is made, and we are enabling OPI officers to seek the

support of Victorian police officers when executing warrants. We are also providing for searches of premises of public authorities and requiring people on those premises to facilitate the execution of the search warrant. These matters go to the very heart of ensuring that the OPI has the powers that it needs to effectively regulate our police force. These measures are needed today. We know that even today as we speak the OPI is conducting public hearings. As we speak today we are at risk from not having these powers.

The OPI has been effective, and it has been busy. In addition to the annual report we have received over 12 reports to the Parliament since 2004. The OPI is working hard, and it needs these powers and it needs them now. There has been very little, if any, argument put forward to suggest why we should not proceed. This bill is not new. The report the bill is based on comes from the report of the special investigations monitor (SIM) that was released last year. This bill passed the Assembly in April, some two months ago. There is nothing new in this bill, and there is nothing that the third Scrutiny of Acts and Regulations Committee report adds to the debate that would in any way warrant a further delay. There is no further process that needs to be gone through for there to be a different outcome. For the sake of our police I urge the house to get on with this bill so we can ensure that our police have the support and confidence they need to do their work effectively.

Mr DALLA-RIVA (Eastern Metropolitan) — I rise on behalf of the opposition to indicate our support for Mr Kavanagh. Honourable members would be aware that the Scrutiny of Acts and Regulations Committee report on the Police Integrity Bill 2008 was tabled today. It is an extensive document examining a range of issues. Evidence and transcripts have been provided by certain individuals who have expertise in this area, and it would be remiss of us as a chamber in this Parliament to rush legislation through without giving it due consideration. On that basis we agree with Mr Kavanagh that a deferral of debate for one week is appropriate in the circumstances.

Mr VINEY (Eastern Victoria) — Along with Mr Tee I rise to indicate that the government will oppose the motion to defer debate on this legislation. This legislation is important for Victoria. It is legislation that has been well discussed and well considered. It has been through three processes of the Scrutiny of Acts and Regulations Committee (SARC), and it has been through extensive debate in the Legislative Assembly. We have completed the second-reading debate in this chamber. As I understand the evidence that came before SARC, the legislation is

supported by the Ombudsman, by the Office of Police Integrity, by the Chief Commissioner of Police and by Liberty Victoria. The only group that is expressing concerns about this legislation is the Police Association; I suspect it is probably one of the groups within the Police Association rather than all members. Clearly this legislation has had a great deal of scrutiny.

Why do we want to get on with it? Because essentially the operations and work of the Office of Police Integrity need to proceed as quickly as possible so we can set up the new arrangements and structures and get on with the job of ensuring that we have the best police force we can have in this state. The decision by the opposition in particular to support Mr Kavanagh's motion to defer debate on the bill is base politics. It is base politics to try and score some political mileage out of what is a serious issue of police integrity in this state. We are putting in place the best possible structure to ensure and maintain the integrity of our police force.

The opposition does not have a great record on issues of public safety in this state. We know what it did when it was last in government. What it did was gut the police force. What this government has been doing has been putting in the resources to ensure the police force in this state is well supported and well resourced and that there is an oversight that guarantees that we have a police force of the highest integrity for all Victorians. That is why we need to get on with this. That is why this house should not be delaying this legislation any longer.

Ms PENNICUIK (Southern Metropolitan) — I rise to say the Greens will also support Mr Kavanagh's motion. As he mentioned, the report by the Scrutiny of Acts and Regulations Committee was only tabled this morning, less than 2 hours ago. I certainly have not had an opportunity to read that report, consider the submissions that were made to the SARC inquiry in detail, look at the extracts of the hearings, or consult on any of the issues raised there, which I would need to do before I would feel confident that I could contribute to further debate on the bill. The people of Victoria would expect no less of us in the Parliament, given that this is a very complex bill. The bill engages the charter of human rights to a great degree, probably to a greater degree than any other bill I have seen in the time I have been in this house.

While I agree with Mr Viney that it is important that we have an Office of Police Integrity and anticorruption bodies operating to the best of their ability in this state, it is also incumbent on us to take the extra time available to consider the report of SARC and the issues raised in it, including any recommendations or opinions

of the expert witnesses regarding the amendment to the bill that the Greens will move. For those reasons we will be supporting the motion moved by Mr Kavanagh.

House divided on motion:

Ayes, 21

Atkinson, Mr	Kavanagh, Mr (<i>Teller</i>)
Barber, Mr	Koch, Mr
Coote, Mrs	Kronberg, Mrs
Dalla-Riva, Mr (<i>Teller</i>)	Lovell, Ms
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Pennicuiik, Ms
Drum, Mr	Petrovich, Mrs
Finn, Mr	Peulich, Mrs
Guy, Mr	Rich-Phillips, Mr
Hall, Mr	Vogels, Mr
Hartland, Ms	

Noes, 19

Broad, Ms (<i>Teller</i>)	Pulford, Ms
Darveniza, Ms	Scheffer, Mr
Eideh, Mr	Smith, Mr
Elasmar, Mr	Somyurek, Mr
Jennings, Mr	Tee, Mr
Leane, Mr	Theophanous, Mr
Lenders, Mr	Thornley, Mr
Madden, Mr	Tierney, Ms
Mikakos, Ms (<i>Teller</i>)	Viney, Mr
Pakula, Mr	

Motion agreed to.

NATIONAL GAS (VICTORIA) BILL

Second reading

Debate resumed from 29 May; motion of Mr JENNINGS (Minister for Environment and Climate Change).

Mr HALL (Eastern Victoria) — It makes sense to have matters associated with the transmission and distribution of energy commodities regulated under a national scheme, particularly so when we now have the infrastructure in place, at least along the eastern seaboard of Australia, to interconnect all the states for electricity transmission and most of those states for gas transmission as well. The Liberal and National parties have always supported the establishment of a national electricity market and a national gas market, and we will be doing so again today with our support of the National Gas (Victoria) Bill 2008.

While the Liberal and National parties have been consistent in their support of the establishment of a national scheme, that has not been quite so for the Australian Labor Party. I know that when some of the distribution functions for electricity and gas were to be

privatised the Labor Party was a bit vague about the trends and developments in the industry, although I note that since it has been in government the Labor Party has been a strong supporter of national schemes for electricity and gas, and indeed it endorsed the changes affecting those energy commodities that were initiated by a previous coalition government.

As part of the establishment of a nationally regulated framework, each state has agreed to enact common legislation in regard to both electricity and gas economic and access regimes. This Parliament has already debated legislation to bring into effect a common and consistent regime for access to and the economic management of the electricity market. With this bill before us this afternoon, we are moving in the same direction with gas.

If you look at the bill we have been asked to debate this afternoon, the National Gas (Victoria) Bill 2008, you see that it is a fairly formidable document to behold. I must say that when I picked it up and was told I was required to report on it on behalf of the coalition in this chamber, I looked at it with some trepidation in terms of needing to peruse such a document. The substantial content of this weighty document is an adoption by Victoria of a National Gas Law and National Gas Regulations that were enacted by the South Australian Parliament. What we are doing here is adopting legislation which has already been passed by the South Australian Parliament. We did the same when we considered this issue in relation to electricity, and that seems to be working, so we accept that this bill will — hopefully — work in the same way as the electricity bill did, which also adopted legislation first passed in South Australia.

This bill adopts the National Gas (South Australian) Bill and the National Gas Law and regulations and transfers from the Essential Services Commission to the Australian Energy Regulator economic regulation of Victorian gas distribution. I have referred to the complex nature of this bill; I will now try to summarise exactly what this bill does in five main components.

First of all, the bill adopts for Victoria the National Gas Law passed by the South Australian Parliament, and it does so under clause 7 of the bill. It also transfers the economic regulation of gas distribution from the Essential Services Commission to the Australian Energy Regulator, which means that the Australian Energy Regulator will undertake the next distribution pricing determination, due to take effect in 2013.

I must make a comment on the work done by the Essential Services Commission in respect of the pricing

determinations. The methods it has employed in undertaking those pricing determinations has been a good process. The chairperson has made himself available and has gone out and spoken to people in various parts of Victoria, not only in the metropolitan area but in the country as well. He has enabled people other than those living in Melbourne to have some direct input into the pricing determinations he has undertaken in electricity and gas, and most recently with respect to water as well. I hope that the Australian Energy Regulator follows a similar process to that followed by the Essential Services Commission and allows for that wide input.

The bill also preserves the existing state-based regulatory regime for distributors until a nominated date, when administration is going to be transferred to the Australian Energy Regulator. We are told it is intended that that administration will be transferred when the distribution price determination currently in progress is finalised. Those transition measures are contained in part 5 of this bill.

The bill also requires all states to take part in a national bulletin board in which information about gas supply, including information about emergency situations, will be shared among industry participants and users. Again, we see that as an important function of this bill. In the past Victoria has had times of crisis where there have been disruptions to gas and electricity supplies and shortages. Now that we have a national market it is hoped that at times in the future when there are interruptions to supply, the demands of such interruptions can be better accommodated by the increased access of one state to another.

I should finally also mention that there is a section 85 clause in this bill limiting the jurisdiction of the Supreme Court in cases where the National Gas Law gives jurisdiction over cross-border pipeline disputes to the courts of the jurisdiction which is determined to be the jurisdiction to which the pipeline is most closely connected. There will be some interesting decisions to be taken by various ministers and also the judiciary with respect to deciding which jurisdiction those disputes will be heard in. That will be interesting to see played out if any of those particular provisions come into play.

The components I have mentioned are essentially the main functions of this bill. I just want to make some comments on the concept we are talking about here — that is, the transmission and distribution of gas and electricity. We are talking about gas in particular in relation to this bill, but in the context of this debate we are talking about the transmission and distribution of

both electricity and gas. I might add that in terms of the energy market in Europe, for example, parliaments there take an even broader concept of energy. They look at coal, fossil fuels, gas and electricity, and they also include oil as part of the energy sector.

I guess the reason for that is partly that European countries still have a lot of oil-fuelled electricity generators. However, it also makes sense in relation to the concept of energy as a whole or more broadly that because of the interconnectedness we should be talking that way and including transport in the debate as well. We in Australia tend to think about the energy debate as confined to just electricity and gas, but in the future we will need to include oil in that as well, as people do in Europe.

It is also important to note the need to put in place structures to ensure that we have a sufficient supply of both electricity and gas to meet future needs. I suspect that natural gas, at least, is a finite product, although we do not know the extent of natural gas. It is going to be readily available to Australian consumers, and I am sure there are lots of discoveries of natural gas yet to be made. However, we are drawing heavily on our natural gas supplies in Australia, and if, as result of the climate change debate, it is seen to be better to generate more electricity using natural gas, then that will become a large draw upon the known natural gas reserves and potentially the future national gas reserves of Australia as a whole.

We need to look at this in a balanced way. It is important to ensure that Australia as a nation, and Victoria in particular, for our interests, has enough electricity and gas to meet our future and projected needs. The interstate connection of both electricity and gas is going to be helpful, but at least in Victoria we are close to the point where we should be and will need to be looking at more generators in the future. Given the fact that brown coal is the fuel used for 85 per cent of the generation of electricity in this state — and I know there is another 500 years of brown coal supply left readily available in part of my electorate — it is so critical for us as a nation to look towards using brown coal in a wiser, more efficient and more environmentally friendly way.

I acknowledge the contributions that both the state and federal governments have made towards clean coal technology in their most recent budgets. It was \$130 million or thereabouts from the state government and substantially more from the federal government, but we are still a long way from the development of that technology. Given the current rate of investment by both industry and by governments, many in the industry

tell me that we are at least 10 years away from finding the right technology to commercially produce more electricity using that clean coal technology.

There needs to be an acceleration of that research and development, and while the contributions in the recent government budgets will help, they will not completely meet all the costs of that research and development, and particularly the demonstration of clean coal technology on a commercial scale. There may be a need to assist industry in the development of that technology at a more accelerated pace.

I also put on the record this afternoon that with respect to natural gas, not all areas of Victoria have natural gas available to them, and I am sure some of my colleagues will highlight those areas. It would probably surprise some people who live in this great city of Melbourne that lots of people in country Victoria do not share that same benefit of cheap fuel for heating and cooking. Even though Gippsland is home to the largest known reserves of natural gas in Victoria, many people in my electorate still do not get access to distributed natural gas to their homes and to their industries. People in Lakes Entrance and Orbost, where natural gas plants are almost sitting at the back door just 10 kilometres out of Orbost at Marlowe, still do not have access to natural gas reticulation into their townships.

One of the main connectors from Longford to Sydney runs right through that area, through Orbost and Cann River and past Mallacoota and similar places. They are still not reticulated to the natural gas system. That is only a small part. In South Gippsland, another part of my electorate, Leongatha is about to come on line in the next year or two, but places like Foster and Yarram, — substantial towns along the South Gippsland coast — do not have access to natural gas. Those people have significantly additional costs in terms of their heating and cooking needs. Bottled gas is an option for some, but it is significantly more expensive than natural gas. Electricity is the other form of heating and cooking being used, and of course firewood.

I remember a comment made by a lady who lived in the Dandenong Ranges who was so grateful to the current government. She had just been hooked up to natural gas, and she claimed that the fuel bills in her home were three or four times less than they were under the previous bottled gas option she had. While it was great for that person, there are still others in Victoria who are paying substantially more for the commodities required for their basic heating and cooking at a home level. It is beholden upon us all to try to encourage the rollout of those natural gas distribution networks to assist people from all parts of Victoria.

I also want to comment on some of the issues raised by my colleague the member for Box Hill in the other place, Robert Clark, who is the coalition shadow Minister for Energy and Resources. Questions raised by members speaking on legislation are not always responded to by the government because of the way the Legislative Assembly works in this Parliament. There is no opportunity for the minister to sum up and address those issues when debate on a bill is guillotined in the Assembly at 4 o'clock or 4.30 p.m. on Thursday. Consequently some of the relevant, important and sincere issues that have been raised by speakers in the debate are not attended to.

I am not going to take the house through all the issues that were raised by the member for Box Hill in his contribution to the debate in the Assembly, but there were substantial matters which have not yet been responded to. My call today is for the minister responsible, the Minister for Energy and Resources in the other place, to take on board those issues raised by Mr Clark and perhaps the appropriate way to respond to those issues would be to provide them in writing. As I said, I could go through them one by one, but I do not think it is an efficient use of the time of the chamber to do that this afternoon.

As I said at the outset, and I say now in conclusion, the Liberal Party and The Nationals have always supported the establishment of a national system to allow for the regulation of energy needs from one state to another. That makes a lot of sense to us. We have traditionally supported it and we do so again today with this National Gas (Victoria) Bill 2008.

Mr BARBER (Northern Metropolitan) — As we now know, following the privatisation of various parts of the electricity supply industry — and just about all of it in Victoria, which of course Labor furiously opposed at the time — Labor has now become an enthusiastic supporter of this particular model of electricity regulation, and that is that regulation is to occur through a limited set of market considerations. Now that Labor is in control at both state and federal levels, it is enthusiastic about passing those state responsibilities up to the federal level, and increasingly — and it will happen again when this bill passes today — locking in the level at which these sorts of important decisions are to be made.

That is all happening at a time when there are some fairly significant challenges, and these are not the sorts of challenges that are addressed by the NEM — the national electricity market — or the framework under which electricity and now gas is to be governed. That framework has limited social objectives and it has no

environmental objectives on the issues that really matter.

The challenges — and we have just recently seen them — include the huge cost rises of energy and the squeeze that has been putting on household budgets at a time when many other forms of household spending are also being squeezed. There are also the obvious clear and fundamental changes that are going to be required to the production structure for energy — energy in total — across Australia. Just to give members an illustration of how important that is right here in Victoria, the government notes that the trajectory for greenhouse gas emissions has flattened slightly in the period in which this government has been in charge vis-a-vis the period in which the Kennett government was in charge. The Kennett government, of course, privatised everything and made everything incredibly efficient. The quantity of electricity surged after that, so a new model was brought in, but it did not lock in environmental demands.

In the case of Victoria's recent emissions profile, though, from 1999 onwards, what you notice is that the vast majority of that flattening in the trajectory has occurred as a result of a reduction in fugitive emissions — that is, emissions in association with gas field development. The government got a free kick out of the fact that those gas resources that were being developed happened to be fairly low in fugitive emissions. That, however, is about to change, and we discovered that from the decision by the government over whether an environment effects statement (EES) would be required for the Longford gas expansion. That expansion occurred because new fields are to be opened up offshore. These new fields will contain a large quantum of carbon dioxide mixed in with the natural gas. It is essential to strip that carbon dioxide out before the gas is put into the grid, the reason being that CO₂ would come out in our kitchens and possibly kill us, the way it did the Apollo 13 astronauts.

The proposal is to strip out that CO₂, at a million tonnes a year, and vent it into the atmosphere. It is not a question of whether it is technically impossible to do so; in fact they will be doing it as a requirement of this project. Nor is it that it is economically impossible to do so; in fact it has to be done in order to be able to sell this gas into the grid. It is simply that the proponent and the government recognise that there is no economic feasibility around capturing that CO₂ and putting it underground. They admit that will not be the case at the time of development of this project or on an ongoing basis — so much for carbon capture and storage as a solution, and so much for the ability of this framework

of legislation to drive an obvious, clear and essential mechanism to reduce emissions.

This exercise is going to require good, old-fashioned planning, yet that is not what the model being put forward by the government will achieve. Most politicians are frankly terrified of the idea of climate change. They are terrified of what it means for their pre-existing constituencies and the way their parties have developed. Even when the government ticks off a guy like Ross Garnaut to find it a way forward, like any intelligent person who gets engaged with the issue and what is really involved in fixing it, he freaks out. He did that last week, and suddenly his work, which was meant to be showing the government the way through, has been downgraded to the status of a useful reference document, to use the words of various environment ministers.

In the context of that the Rudd-Brumby axis has come up with a very simple solution: clean coal and more efficient cars. They say, 'That will take care of it, guys. You can all settle down again. Don't worry about which trade union or which business group is onto you, asking you whether you are going to protect them. We've got it all sorted out'. On this issue those two leaders will continue to have their feet flat to the accelerator, their eyes firmly fixed in the rear-view mirror, and they will give little acknowledgement of where we are going.

The Greens have had plenty of time to think about this problem. We have been long-term proponents for the solutions. It is quite simple: we need to regulate for efficiency. This bill and the architecture to which it contributes do the opposite. The bill deregulates, and it never addresses the question of energy use efficiency. Let us talk about that. It is not as though the Australian Energy Market Commission has tried to completely sweep this issue under the carpet. In fact it has always, whenever it has met, agreed to address greenhouse emissions from the energy sector in light of the concerns about climate change and the need for a stable, long-term framework for investment in energy supplies. However, the rules that cover that ignore those environmental and social objectives.

If you go back to the second-reading speech, you see that that originally created the national electricity market or, if you look at the objectives that exist today, you will see that it is quite clearly an economic concept with a narrow focus for the market and the regulators. Yet, as I say, state and territory governments — or at least those involved in a national grid, not including the Northern Territory and Western Australia — continue to hand up their powers to the Australian Energy

Market Commission and the regulator, and this is another step. They put at risk a myriad of state-based regulatory mechanisms, but at the same time they signal very clearly their lack of interest in being part of the solution instead of being part of the problem.

What should they be doing? I will give an instance. I got a gas bill the other day, and it had a congestion charge on it. Back during last winter there was so much demand for gas — and effectively what they are saying is that the pipes were not big enough — the suppliers decided to impose a congestion charge. I did not know that as a consumer of gas I was subject to such a charge, but I am sure it was in the fine print somewhere. I did not know at the time it was occurring that I was being billed for it, nor did I know that we had a problem with gas congestion at that particular moment. If I had known, as a small, medium or large user of gas, I could have taken some action. I could have said, 'Jeez, there is an announcement over the radio that we are currently suffering from a bit of gas congestion. I am going to get pinged for it in my bill three months from now. I could turn the heater down, put a jumper on or pull the blinds down'. I am prevented from carrying out energy efficiency measures at that very simple but very fundamental level because of the current set of frameworks that Labor and the Liberals will be supporting, backing and putting their thumbprints on.

Someone, probably Mr Thornley, is going to get up in a minute and talk about all the things the government is doing. He is going to talk about carbon trading, but at the end of the day what is it banking on — it is banking on clean coal, more efficient cars and carbon trading to sort out the rest of it. While we all know that gas is an important transition fuel that we need in this trajectory to get to zero emissions, I am talking about the mechanism by which we are going to get there. I am talking about what Professor Garnaut is talking about: how to get to a 90 per cent reduction and zero emissions — and after that, who knows, some sort of worldwide effort to sequester carbon dioxide and get us back to a more stable and livable climate.

For carbon trading to work we should remember that carbon trading is like a derivatives market. In the same way that the beef futures market relies on somebody out there growing cows for beef and selling them, so carbon trading or trading of carbon credits or the right to emit carbon are derivatives over and above the physical thing, and the physical thing is the opportunity to reduce your CO₂ emissions, the opportunity to mitigate. Let us just call them mitigation options.

They come in a broad range of different types of submarkets, if you like, such as the market for light bulbs, the market for home gas or the market for roof insulation. Carbon trading may help put a price on the CO₂ that is saved by those things, but it is not those things themselves. If a large part of our energy system is governed through the Australian Energy Market Commission, then it is how well that market functions that is going to determine the pool of mitigation options from which we can pick and choose. For it to function efficiently, like all markets, it needs a few things. It needs access to capital, it needs good information and it needs low transaction costs. Does this bill provide anything additional? The main thing it seems to provide is a bulletin board for gas information. The content of the information that is put on that bulletin board is to be sorted out further down the line, in line with the rules. What we mainly know from this is who may be required to provide information: service providers, gas market operators, pipeline users, producers, storage providers or other persons prescribed by the regulation.

From what I have been able to discern just from reading this legislation, it is unlikely that it will be the sort of repository of information that will allow me to take the actions that I described earlier. Is anybody going to bother informing me by text message that we are currently suffering a gas congestion problem? Maybe we ought to do something on the demand side.

There is no question that big players will be able to take those sorts of actions, and that is a further point about carbon trading. By the time this government — this Labor state and federal agglomeration of a government — is finished designing the carbon trading regime, there will be so many carve-outs, grandfatherings, restrictions, exemptions and carbon holidays that it will be effectively just a big generators club where they can trade amongst themselves their own internal opportunities to mitigate.

Then all we really have behind that is a smattering of programs that are meant to reduce demand: handing out free light bulbs with a copy of the *Herald Sun* and advertisements on TV urging you to do it, but not the sorts of incentives that we need. In fact, we know there are disincentives built into the system. Take a look at the way distribution businesses operate. They have a capital base to protect and so the more electricity they can sell through their system up to a point the better it is for their rate of return.

That is the opposite of the incentive I am talking about, which is to reduce demand. In fact, you cannot even find out from published information how much electricity a particular suburb or a particular block

might be using. Therefore you cannot target any sort of program to help people to reduce their emissions or their consumption based on a particular pattern of consumption. However, if you are a retailer — let us go to them next — you can certainly drive down the street and see who has an air conditioner on their roof and you can try to sell them another one. That information is available to retailers. In debate on legislation that we have discussed here previously we have talked about the impossible situation for small generators trying to hook up and the absolute pummelling they are given by the distribution businesses.

From the point of view of simple economic regulation, minimising price and making sure we do not get too many blackouts, this particular set of national laws that we are signing up to fits the bill. But if their up-front objectives were environmental or social, let alone if they were just given the simple objective of demand management, they would have to be given a whole range of different tools and different responsibilities that, frankly, they are not. While members of the Council of Australian Governments — if that is what we call them these days; I just call them the overlords now that Labor runs everything — are going to continue down this path, they will continue talking about the sorts of things they would like to do but they will not set up the architecture.

It is not just me or the Greens who believe this, by the way. Check out the *Power for the People Declaration* of May 2007, which was signed by the Total Environment Centre, the Consumer Utilities Advocacy Centre, the Australian Conservation Foundation, the St Vincent de Paul Society, the Australian Business Council for Sustainable Energy, ACOSS (Australian Council of Social Service), and the World Wide Fund for Nature. It says:

Signatory groups have strong misgivings about the current structure of the national electricity market ... and believe that it does not —

and that includes the architecture we are talking about here today —

address deep-seated environmental and social concerns held by the Australian community. Under the new National Electricity Law, market regulators cannot take social or environmental issues into account. However, it is clear that the market, left to its own devices, will not produce good social and environmental outcomes.

It then lists five important issues that the signatories want to see amended in the Australian Energy Market Agreement, the National Electricity Law and the National Gas Law — the subject of the bill. The signatories want amendments that will:

require regulators to consider the environment when making decisions and to contribute to the achievement of ecologically sustainable development;

require regulators to consider social impacts, with particular reference to preventing negative impacts for low-income and disadvantaged consumers;

require the industry to implement cost-effective demand management and energy efficiency;

increase transparency through ensuring Parliament is provided with an annual environmental and social sustainability report; and

require policy-makers to work towards environmentally and socially sustainable outcomes through reform of the energy sector.

And you will not find one word of any of those in this bill.

Mr THORNLEY (Southern Metropolitan) — I rise in support of the National Gas (Victoria) Bill 2008 and I do so proudly. This is an important piece of legislation and it is one of which Victoria can be particularly proud as it forms one of the many parts of our national reform agenda which is successfully making its way through Australia's governments throughout the country as part of the Council of Australian Governments (COAG) process.

Indeed, as previous speakers have indicated, that process has already been gone through in electricity. This is the second phase of the whole energy process. The first phase had the establishment of the national market bodies, the Australian Energy Market Commission (AEMC) and the Australian Energy Regulator (AER), and the new electricity laws. This second phase then transfers jurisdiction from the state-based bodies to the national body. The final phase, which is due for legislation next year, will complete the transfer of functions including those for non-price-related retail measures and for other forms of regulation of gas distribution and electricity distribution.

This bill, as other speakers have indicated, is a mirror of the South Australian bill. That is the way the COAG process works to share the workload around the various governments. Each government takes the lead drafting role in various pieces of legislation so that the workload is fairly shared and that legislation is then adopted by the parliaments. That is why we are now adopting this bill originally drafted for the South Australian Parliament as the lead legislator.

There will be a lot of dry discussion in the debate on this bill, but the net results of what we are doing here, not in isolation but as part of the total process that we

are going through, will deliver a range of pretty fundamental and important benefits to Victorians and indeed to other Australians. Firstly, they will lead to lower costs for both gas and electricity. Secondly, they will lead to lower emissions. Thirdly, they will lead to greater security of energy supply. Fourthly, they will lead to greater investment and jobs. Fifthly, they are likely to therefore lead to greater export dollars and additional jobs from the solid and liquid by-products of gas-related processing. I think these are pretty important objectives.

While the bill itself may seem dry and the content of the bill and the debate may not seem particularly inspiring to many, the consequences that flow from this bill and the suite of bills that are part of this reform are truly substantial. The scale of the energy markets we are impacting is large, and the scale of the opportunity for cost reductions, emissions reductions and growth in exports, jobs and investment is very large indeed.

I want to take up a number of points other speakers have raised but address them in a slightly different fashion. Mr Hall quite rightly spoke of the importance of our brown coal deposits in the Gippsland basin and the basis they currently provide for our electricity generation. Mr Barber spoke about the importance of the reduction of emissions and taking serious and rapid action to address those targets. The point, it seems to me, about the opportunities afforded by this legislation and the suite of legislation that surrounds it is that it unlocks both of those opportunities at once. This is where the old brown versus green debate falls on its heels. The gas-fired power, particularly the gas that comes from the Gippsland basin itself, provides opportunities for both the continued economic development of the Latrobe Valley and for a massive reduction in Victoria's greenhouse gas emissions.

We have more natural gas in Victoria than they have at the North West Shelf — it is just that most of it is cunningly disguised as brown coal. Brown coal is made up of about 60 per cent water, 20 per cent natural gas and 20 per cent solid carbon. In addition to that it is probably likely — although it is very underexplored and is only beginning to be explored but shows initial positive trends — that there may be a substantial amount of coal-seam methane within a range of those coal deposits. I know I have been banging on about this for a while but I think the recent British Gas takeover bid for Origin Energy and the Petronas investment in the Santos project in Queensland would indicate that the rest of the world is well and truly on to the opportunities afforded by gas-fired power and the value of those gas resources, including the gas resources intimately associated with coal deposits.

We here in Victoria have a special opportunity, firstly, because we have very high electricity emissions that could be reduced substantially by a transition to gas-fired power, and secondly, because we have massive deposits of brown coal which could be liberated to generate a large amount of that gas, or it may come from the coal seam methane. This is in addition to the offshore resources that have already been discovered and no doubt will continue to be discovered.

But what is necessary to capture that enormous environmental opportunity, enormous investment opportunity, is to ensure we have a free-flowing gas market, that producers of gas can find the highest and best price available, that users of gas can ensure security of supply at the lowest price available, and that common-use infrastructure exists so that the gas can get from one place to another with a minimum of either economic or physical hindrance. That is precisely what this regime is here to deliver.

Mr Barber's rhetoric is immune to any change of the facts. He is going to continue to say we are doing nothing about emissions when in fact this is the very type of opportunity that facilitates the more rapid development of gas-fired power. Every time gas-fired power replaces power from existing sources it can generate a 60-plus per cent reduction in emissions, and yet that gas is likely to come from the very region and the very resources we currently have, thus not only protecting those jobs but potentially expanding them significantly and generating massive new investment. Further to that, the additional solid and liquid products that come from either the gas itself or from the by-products generated when you take the gas out of the coal will create an opportunity for additional exports in diesel, in activated charcoal for the water purification market, in urea, as per a recent announcement, in the fertiliser market, and will create a range of other opportunities for investment, exports and jobs.

While this bill in itself would not claim to generate all those benefits, it is one part of a movement to ensure that our regulatory regime will facilitate the most rapid deployment possible of gas resources to the highest and best use. One of those highest and best uses will be dramatically lower emissions from power generation. I think this bill is important. I think the government is pursuing precisely the right course with this, among many other pieces of the puzzle, to ensure that we capture those opportunities going forward.

That concludes my remarks, as a few colleagues will add to the debate. As I said, I think this demonstrates Victoria's leadership through the national reform

agenda. It demonstrates a positive program towards realistic reductions in emissions and the creation and protection of jobs and economic development in the Latrobe Valley. While those who are more familiar with fighting the old brown versus green wars would rather we take one side or another, what we have here is an opportunity to do both, to do them better and to do them more quickly.

Mr VOGELS (Western Victoria) — I want to make a few comments on the National Gas (Victoria) Bill 2008. This bill will adopt the National Gas Law and transfer responsibility for economic regulation of Victorian gas distribution from the Essential Services Commission, or ESC, to the Australian Energy Regulator, the AER. The Liberal Party supports the bill.

In my electorate of Western Victoria Region we are very fortunate to have an abundance of natural gas. In my teenage years I spent quite a few years working with exploration companies looking for gas. That was in the 1960s. Over nearly 40 years lots of exploration happened in the western region of Victoria. Pockets of gas were found in lots of places but obviously they were not big enough or did not contain large enough quantities to do much about them in those days. That was until we had that terrible disaster with the gas explosion at Longford. The governments of the day realised then that having Melbourne hooked up to just one gas supplier, which was basically Longford, would not stand up in the fullness of time. In a very short period of about 12 to 18 months the Iona gas field at Waarre was commenced and a pipeline built to Melbourne.

I often hear Labor Party ministers say that it was thanks to the Labor Party being elected that these things all happened. I know for a fact that it was former Premier Jeff Kennett who turned on the tap to send gas down the pipeline from Waarre, from the Iona fields, to Melbourne. It was before the Labor Party was elected, but who cares? It became a very important part of the new gas supplies for Melbourne. From then on we realised that we needed to be part of a national grid, and a few years ago a pipeline was sent from that same area to Adelaide. We now find most of the eastern seaboard states are hooked up to a grid, which no doubt has led to this legislation being brought forward so we have an Australian regulator.

It is interesting. Before the 2002 election most of the candidates standing for the Labor Party across country Victoria went around with the now Premier, John Brumby, who was then the Minister for Regional and Rural Development, standing beside them, and

promised natural gas connections to basically every town in Victoria.

Mr Finn — I remember it well.

Mr VOGELS — We remember it well. In my area I could name two very good examples. One is Avoca, where the now Minister for Agriculture in the other place, Joe Helper, promised natural gas would be connected, and that has never happened. The other one is Terang. Terang is an interesting scenario because we are in the process of developing a new gas-fired power station at Mortlake. This is a \$1-billion project. This pipeline will come from the Port Campbell region to Mortlake, basically skirting the township of Terang.

At this stage we find that Terang is still not going to be connected to the natural gas system, which I find disappointing. I refer to an article in the *Warrnambool Standard* of 4 June, which is only six days ago, in which it is reported that the Corangamite Shire Council:

... plans to borrow \$1.07 million so it can set aside \$200 000 for natural gas connection to Terang if the state government approves the pipeline rollout.

The people of Terang are still hopeful that at some future stage they will be connected to the national gas grid. As I said, the pipeline is basically skirting the town. When the pipeline is installed it would make enormous sense to put in a connector to supply that town. I know that costs money, because no doubt you have to decompress the gas and do all sorts of other costly things, but the shire council is prepared to put \$200 000 towards that project, which would be appreciated by that town.

Many towns which were promised gas by the Labor Party in 2002 have been connected to gas. Many local towns, like Port Fairy, Cobden, Camperdown and even Warrnambool, have had part of their towns connected. Warrnambool is a fantastic city in the Western District which has grown east of the Hopkins River. But anything that is east of the Hopkins River is not being connected to gas. In this day and age it would not be too hard to put a pipeline through the Hopkins River, which is about the width of this chamber, and connect the area east of the river to natural gas. Members have heard other speakers talk about the enormous difference gas connection makes to the energy bills of families, especially pensioners.

This bill raises other issues. However, as the opposition said at the start of this debate it supports this legislation. Now that we are all actually hooked up to a national grid, it makes sense to have an Australian regulator

rather than a regulator for each state. With those few words, the Liberal Party supports the bill.

Mr VINEY (Eastern Victoria) — I am pleased to speak in support of the National Gas (Victoria) Bill 2008. I want to make some brief comments. Firstly, I acknowledge the efforts of the Premier when as Treasurer, along with the previous Premier, he represented Victoria and pushed forward with new national reform initiatives and programs of which the national gas market — which is facilitated by this legislation — is an important part.

This legislation puts in place some of the necessary architecture of the second phase of the reform program. The legislation is about the economic regulation of distribution networks and how they will be monitored and regulated in an industry where there are necessarily monopoly components regarding the pipelines in which gas travels and, in the case of electricity, the electricity lines through which the power runs. In this context there needs to be a national program that ensures there is competitive access to those elements of the system.

This matter now leads me to some of Mr Barber's comments, particularly when he expressed concerns about needing greater regulation in an environment of greenhouse gas concerns and climate change. He saw this as a deregulation of the system. He has concerns that it will not help with the need to deal with climate change. I disagree with Mr Barber's approach. For a start, I do not think that seriously dealing with greenhouse gas involves an increase in regulation. The solutions to greenhouse gas and climate change issues rest in economics. Only financial incentives to deal with greenhouse gas emissions will give us serious and significant change not only in Victoria but across Australia and internationally. Where there is a financial incentive for people to change is where change will occur. There is no evidence that an increase in regulation is going to help in any area which has significant problems.

I will share this amusing story with members of the house. On Thursday of last week, during the public hearings of the parliamentary Public Accounts and Estimates Committee, Mr Barber accused the Victorian Farmers Federation of being communists. I thought that was a interesting accusation, but I have to say that there may have been a day in the past when I was a stronger supporter of increased regulation of the economy. John Maynard Keynes said once that when faced with the weight of evidence, he changed his mind; and then asked, 'What do you do?'. I would have to say that the weight of evidence in economics is that that is where the real generation of change can occur, where there is

a financial incentive for there to be change in the greenhouse gas emission problems that the world has. Those financial incentives are going to be made easier by having a national market where the whole of Australia is operating under one system rather than trying to regulate six states and one territory. I do not disrespect in any way the Greens concerns about greenhouse gas emissions, which are concerns that I have expressed in this house for many years.

But what I think is that we are coming at it from a different perspective in terms of the solution. This legislation is about creating the architecture for a national market, but is about that and is not about dealing directly with climate change and greenhouse gases. In fact it puts in place the architecture that will enable improved responses to those things when measures like emissions trading and so on come into place. Where the right price signals are put on carbon, through this process we will have a better response to very serious matters in relation to greenhouse gas emissions.

I also wanted to comment on some of the criticisms that have been made by members of the opposition, specifically Mr Vogels and Mr Hall, on the need for more communities to be connected to natural gas. This government actually got on that bandwagon a long time ago. I note that Minister Theophanous is in the chamber. He will recall the number of occasions in the last parliamentary term when he talked about the towns that were being connected to natural gas. I think some 37 towns were connected to natural gas through the initiatives of this government. I think the program might have been a bit thin when the previous government was in power.

Hon. T. C. Theophanous — I cannot remember one.

Mr VINEY — I cannot think of any towns that were connected. What we know about natural gas is that, because of a failure by previous governments to invest in the pipelines and connections, when the disaster occurred in Gippsland most Victorians did not have gas. I think there was pretty much a garden hose connecting Victoria and New South Wales. We have gone down the path of connecting more communities to natural gas. They are benefiting from that, and that is a direct result of the initiatives this government has put in place. I was very pleased to be in Gippsland when Paynesville was connected to natural gas, so I have seen some of the communities that have benefited directly.

I think this legislation should be hailed as a further development in the national reform program that has really been at the forefront of the Victorian government's concerns, and I commend the bill to the house.

Mrs PEULICH (South Eastern Metropolitan) — I just wish to make a few comments on the National Gas (Victoria) Bill. As was made abundantly clear by previous speakers from this side of the house, the Liberal Party and The Nationals support this bill. The move to national economic regulation of the energy industry had been widely supported by this side of politics long before Mr Viney became a member of this chamber. His attempts at rewriting the history of moving towards a national market are fairly shallow, given that it was in fact Mr Kennett and the Kennett government, of which I was part, that pushed for these reforms. It is only now, when other jurisdictions have caught up with these reforms, that the Labor Party, 10 years later, is getting on the bandwagon.

The bill has the general support of the industry for very good reasons, including that hopefully we will have lower energy costs and greater security of energy. Certainly there is a need for greater investment so that more of those communities can be connected to natural gas. I know that a colleague will speak a little later about why the area in which he lives does not have gas connection. It is only by creating the opportunity to grow and invest that we can look at growing export markets and also — I will not enter the debate as to how this can best be achieved — perhaps reducing emissions into the future by developing some of those new technologies.

The Labor Party fought the Kennett government reforms tooth and nail. It predicted that Victoria would suffer all sorts of dire consequences through the reforms that were undertaken by Jeff Kennett and former Treasurer and now federal Liberal Party president, Alan Stockdale. Now it is all about singing the praises of privatisation. The problem with the Labor Party is that it does not have a forward-looking vision; it does not have a vision to build Victoria to serve future needs. We have seen that time and again in various areas, not the least of which has been the government's appalling management of water. In this case it has again taken the government 10 years to get on the bandwagon.

This bill also builds on the work done by the Howard federal government, which also sought to create a national scheme. It is a reform that is much needed. Under the watch of this government the level of supply has been such that in 2004 the average household

customer was without electricity for approximately 132.3 minutes; by 2006 that figure had increased to 165.4 minutes. It is a damning statistic. That is a 25 per cent increase in the length of time that customers went without supply — in that instance electricity, not gas. Security of supply, whether electricity or gas, is vital, and it is a very big challenge for the Brumby government.

My concern in relation to this legislation, or any model legislation, especially where the lead agency may be another jurisdiction, in this case the South Australian government, is that in the interests of implementing new arrangements as directed by the COAG (Council of Australian Governments) scheme there is no adequate opportunity for the respective state parliaments to scrutinise the legislation, that there are no disallowance provisions — in many instances there are very good reasons for that being the case; however, it does diminish the sovereignty of this Parliament — and that SARC (Scrutiny of Acts and Regulations Committee) in reviewing this piece of legislation took the view that model legislation such as this ought to be managed through exposure drafts. That would mean there was an opportunity for all jurisdictions to make comment, provide feedback and subject the legislation to sufficient scrutiny. In that way the sovereign interest of our state would be defended.

As I said earlier, SARC noted that there may be good reasons why, where national scheme regulations are involved, they do not allow for parliamentary disallowance. However, I am of the view that such regulations should be subject to some sort of parliamentary or independent oversight which is best handled through the development of model legislation and exposure drafts which allow that sort of comment.

Mr O'DONOHUE (Eastern Victoria) — I am also pleased to make a brief contribution to the debate on the National Gas (Victoria) Bill. Mr Hall has outlined succinctly the main provisions of the bill and what it means. As other speakers from this side of the house have said, the coalition will support the bill. The coalition supports a more efficient delivery system, and if that is best done through a national gas scheme, then we support that concept and process.

It is worth picking up on a couple of comments other speakers have made. Mr Thornley said this is a mirror of the South Australian bill. As Mrs Peulich correctly identified, it is not a mirror of the South Australian bill: this bill actually adopts the South Australian bill. That presents a problem in relation to the scrutiny function of the Scrutiny of Acts and Regulations Committee of this Parliament. The committee had little opportunity to

comment on the bill as we are adopting the legislation of another jurisdiction. This is not a new issue. It has been identified by SARC over many years. In its *Alert Digest* No. 6, in which it reports on this bill, SARC quoted comments from a previous *Alert Digest* from 1998. This is not a new issue. As Mrs Peulich stated, there may be very good reasons why the national scheme is being adopted, but a mechanism to allow sovereign parliaments to review bills that come before them is very important. The current process does not allow that to occur with these types of bills, and that is a failing.

In response to Mr Barber, other speakers have commented on his contribution but three words succinctly sum up for me the difference between the coalition and the Greens. Mr Barber said you need to 'regulate for efficiency'. I put it to Mr Barber that it is very difficult to regulate for efficiency. Increased regulation actually has the opposite effect, and the way to improve efficiency, the distribution of energy and the efficient use of that energy is by encouraging innovation, providing easy access to the market and sending the correct market signals to encourage that efficiency. That is a fundamental difference between the coalition and the Greens and how we respectively see the world.

Mr Viney spoke at length about the towns that have been connected to natural gas by this government. Yes, some towns have been connected to natural gas but, as Mr Hall and Mr Drum say, there are many more that are not connected. The ones that stand out to me in my electorate are the towns of Warburton and Warburton East. The natural gas pipeline has recently been extended up to the Warburton Highway, but because of cost constraints and a comparatively small pool of funds, a decision was taken to not extend the pipeline another 4 kilometres to Warburton and Warburton East. This is a great tragedy because there are many people on low incomes in Warburton and Warburton East. It has a very cold climate, being at altitude and being at the base of Mount Donna Buang, and those towns which are trying to encourage additional employment opportunities through tourism and other ventures need a cheap and accessible power source. Not extending the natural gas pipeline is a lost opportunity for those towns and communities.

I might add there are many more communities in eastern Victoria and throughout Victoria in general that should have and need access to natural gas. It is an efficient energy source. Victoria has an abundance of gas, and the access to gas needs to be extended. With those few short words, the coalition supports the bill.

Mr FINN (Western Metropolitan) — I rise to support this bill this afternoon. Of course it is a very important bill, as has been outlined by a number of speakers, but I speak on behalf of those to whom this bill does not mean a great deal at all, and they are those people who do not have natural gas. Mr Vogels and Mr O'Donohue have mentioned a number of townships throughout country Victoria that are not connected to natural gas. When one goes back, particularly to the 2002 election when Labor was going to bring natural gas to every outhouse in every backblock in Victoria — and I am sure we all remember the promises that were made back then — it is surprising that that would still be the case: that natural gas is not connected to these places.

I just want to raise one area in my electorate that faces this particular problem and I know it particularly well because I live there. It is a little town called Bulla, which, amazingly in 2008, is just 20 minutes from the GPO on a good day, or perhaps for Mr O'Donohue the middle of the night. There are no good days when one has to travel down through the freeways of Melbourne. There are no such things as a good day, but in the middle of the night one can reach the GPO in 20 minutes, and we are just 2 minutes from Melbourne International Airport. So here we have one of the largest pieces of infrastructure in Victoria, and certainly one of the most important pieces of infrastructure in Victoria, but yet 2 minutes down the road we do not have the natural gas pipeline. It just astounds me that here we stand, as I say, in 2008 and we have this particular situation to deal with.

It is not just Bulla. There are a number of towns on the outskirts of Melbourne that have fallen through the cracks, and it is just not good enough. I have to tell the house, for the benefit of those who do not know, that bottled gas costs a fortune. It costs an absolute arm and a leg, and I know that at our place we have to keep the heating at 20 degrees, even on the coldest days. If you go any higher it just eats the gas, and that is the end of that. But I have heard stories about pensioners having to go to bed at 4 o'clock in the afternoon because they cannot afford the bottled gas to keep them warm after that. So they pack it in at 4 o'clock. They go to bed because that is the only way that they can keep warm. For that to be happening in Victoria in 2008 is deplorable. It is a scandal and something that obviously should be rectified posthaste.

This bill would mean a lot more to a good many more people if those people had natural gas. I think it is something that should be very high on the government's priority list although that does not necessarily — —

Mr Barber interjected.

Mr FINN — Well, they have not delivered it, Mr Barber. Privatisation has little to do with this, Mr Barber. Your particular perverse obsession with privatisation has little to do with what I am talking about because this is clearly an infrastructure issue and this is a government role. This is a situation where government should be involved; where government has said it would be involved, but in so many cases the government has failed to carry through its promises in this particular area. So with those few words I will say that the opposition, or the Liberal Party, supports the bill but I would ask the government to have a good, hard think about this — and more than have a good, hard think — I would ask the government to get off its tail and actually fix the problem.

Motion agreed to.

Read second time.

Third reading

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — By leave, I move:

That the bill be now read a third time.

In so doing, I want to thank members for their contributions to the debate.

The PRESIDENT — Order! I am of the opinion that this bill requires to be passed by an absolute majority. I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

The PRESIDENT — Order! I am of the opinion that the third reading of this bill requires to be passed by an absolute majority. In order that I may determine whether the required majority has been obtained I ask those members who are in favour of the question to stand where they are.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

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

Second reading

**Debate resumed from 29 May; motion of
Mr JENNINGS (Minister for Environment and
Climate Change).**

Mr HALL (Eastern Victoria) — This is a small bill, but it probably has a history longer than the principal bill. The bill contains just four clauses: one of those is a purpose clause, one is a commencement clause, one is a repeal clause, and the final clause repeals the bill itself. So there is not a great deal of substance in the bill, but, as I said, the history and more importantly the issue this bill addresses are important for the house to consider.

I want to quickly go through a bit of the history of this bill. It started in 2003 with the introduction into the Parliament of the Drugs, Poisons and Controlled Substances (Volatile Substances) Bill of 2003. Secondly, following on from that was the Drugs, Poisons and Controlled Substances (Volatile Substances) (Extension of Provisions) Bill of 2006. Then finally today we have the Drugs, Poisons and Controlled Substances (Volatile Substances) (Repeal) Bill of 2008. Let us look at what each of those three bills did in turn.

What the first of those, the 2003 act, did was put into the Drugs, Poisons and Controlled Substances Act provisions relating to the inhalation of what have been described as ‘volatile substances’. Most of us would know this practice as chroming. Essentially that act gave the police powers of search and confiscation of volatile substances, spray cans et cetera of the type that people might reasonably be expected to have that could be used for the inhalation of that particular product. It also set out a whole range of conditions associated with the search and seizure powers of Victoria Police.

It also dealt with the matter as a health issue. Although a person in possession of such a volatile substance did not incur a criminal record, there was a requirement for the police to treat the possession as a health matter and to place that young person in the care of somebody who could safely look after them and ensure that they did not suffer any ill effects after the inhalation of such a substance. That act placed a two-year time limit on its existence. So it was that the Parliament came back in 2006 to extend the two-year time limit provided in the first of those acts. What we are doing here today with this particular bill is ensuring that those provisions are permanently inserted in the Drugs, Poisons and

Controlled Substances Act. The bill also repeals the stand-alone act of 2003 and entrenches those provisions in the principal act. That is essentially what this bill does.

I suppose we could say the debate on this issue has now been held, first in 2003 and finally in 2008. But the inhalation of volatile substances is still an issue of concern in our communities, and it is appropriate that it be dealt with as this bill does, and for that reason the coalition will be supporting the bill.

I want to put on record the fact that the coalition has been able to obtain only limited data on the prevalence of this particular issue in our communities. From the latest data available to us, from 2004–05, we are aware that volatile substances were the primary drugs of concern in 562 courses of treatment in alcohol and drug agencies in that year. There were also 36 hospitalisations from volatile substance use in 2004–05, and that was a significant increase from 2002–03 when this legislation was first brought in. We have the knowledge that in the nine months to March 2005 ambulances attended 236 incidents where there was evidence of volatile substance use. So even the limited data we were able to find outline the importance of this problem. It is an issue of concern that we need to have a look at.

I want to put on record also the opposition’s main concern about this matter — that is, the lack of available data and reporting that has been undertaken under the operation of the 2003 act. Members should look first at the minister’s second-reading speech on the introduction of this bill we are debating here this afternoon. I will quote from it:

In evaluating the success of the 2003 legislation, the government used the protocols advisory committee, who reviewed the data collected since 2004 from Metropolitan Ambulance Service (MAS); public hospital accident and emergency departments; Victoria Police; and alcohol and drug treatment services.

It goes on to discuss that review. Disappointingly, the government has not made that review publicly available, and that is a dereliction of its duty. Its refusal to make that report available certainly weakens its case for the need to address this whole problem of the inhalation of volatile substances. I would have thought it would be fairly easy for the government to do so. After all, this is a bipartisan-type issue. We are all fighting the one cause on this. It will not be the case that any other political party would make great political capital from the report. In fact, more capital can be made by the government’s failure to release that report publicly than if it had released the report. We are

bitterly disappointed that the report has not been made available.

Secondly, in terms of the disclosure of information, we are disappointed that there seems to be no follow-up on provisions which are contained within the act — that is, with respect to the reporting by Victoria Police on this particular matter. I note the minister in the other place, the Attorney-General, when he first introduced the legislation in May 2003, is reported as saying in the second-reading speech:

The bill will sunset two years after commencement. This will allow the operation of the new police powers to be reviewed after a reasonable period of operation.

Section 60S of the Drugs, Poisons and Controlled Substances (Volatile Substances) Act lists a whole range of matters the Chief Commissioner of Police must provide to the minister for inclusion in the annual report of operations under part 7 of the Financial Management Act 1994. The act then has a whole page of things that need to be reported, including the number of searches without warrant undertaken under section 60E, the number of searches without warrant under section 60F, and it goes on. The resources of the coalition have been unable to locate any of the reported information. The government is not fulfilling its obligations under the provisions of the act. We say the failure to disclose what the government promised to disclose, as set out in the principal act, weakens its position with respect to putting this forward. We criticise the government for failing to do that. It would have been helpful for all members had the information been made available.

I also put on the record that the Liberal and National parties have had a proud record of supporting and addressing concerns about the inhalation of volatile substances. We know when the 2003 act was first debated it was the Liberal shadow spokesperson, the member for Caulfield in the other place, Helen Shardey, who attempted to insert an amendment in the then bill that would ban the sale of spray paint cans to children under 18 years. The government said it was too difficult and unworkable to do that, and yet only 12 months later, in response to a graffiti problem in Melbourne, the government imposed a prohibition on the sale of spray paint cans to people under the age of 18 years. It could have been done, but the government refused to do it when the bill was first debated in 2003. That is an indication of the coalition's record of support and its preparedness to take action on this matter.

The final point I wish to make in my contribution to this debate is to mention a report tabled by the parliamentary Drugs and Crime Prevention Committee

in 2002 on its inquiry into the inhalation of volatile substances. That report had 16 recommendations, one of which was to implement legislation along the lines of the 2003 act. However, a significant number of recommendations were ignored and have still been ignored by the government. One of the strongest of those recommendations was the need to take further action regarding the education component of the bill. Educating young people about the dangers of the inhalation of volatile substances could have been far more extensive than the government has embarked on to date. The minister, in his second-reading speech, lists some of the actions taken, but we are not convinced that message is getting through to young people because the incidence of young people who have inhaled volatile substances is still increasing.

Although we strongly support the bill, and will do that by standing in our places in support of the bill this afternoon, we are concerned that the presentation of the data promised by the government, and which is required to be publicly presented under the act, is not being done. We call on the government to lift its game in respect of that. It would be helpful to all of us if that information was available. With those few words I again indicate that the Liberal and National parties will support this legislation.

Ms HARTLAND (Western Metropolitan) — I indicate at the start of my contribution to the debate that the Greens will be supporting this legislation. We too are disappointed in the way the government has not released information about this legislation. I have just had emailed to me a report which I presume has all the answers in it I wanted to know, but it is now 5.50 p.m. and having received this at 5.30 p.m., I cannot possibly review 80 pages of documents.

The Greens support this legislation because we believe it goes to the whole issue of chroming not being made a criminal offence. The police should be able to take young people to a treatment centre, a hospital or to a home where they could receive care. Obviously the problem with young people chroming is that it causes terrible neurological and physical damage. In the past week I have spoken to a number of drug agencies, and the concerns they have raised with me is that there are simply not enough treatment beds. In fact the May newsletter of the Victorian Drugs and Alcohol Association refers to its grave concerns that the budget has not kept up to pace and that there are not enough treatment beds. If the police were to pick up a young person who was chroming, where would they take him? What if it was out of hours? I am not aware of any out-of-hours treatment service where you could take a young person.

While the Greens support the bill, we have real concerns about the lack of government transparency and the fact that it was not prepared to release the data that it promised when the bill was first initiated. Clause 3 of the bill repeals the Drugs, Poisons and Controlled Substances (Volatile Substances) Act 2003. The explanatory memorandum states:

As the powers granted to the police under this division were new and extensive, it was proposed that there be a trial period of use during which the exercise of the powers would be monitored and analysed.

We have not seen the monitoring or analysis. It may possibly be in the 80 pages that has just been emailed to me, but as I said, we asked for that last week and it came to me at 5:27 p.m. I do not think that is an adequate way to treat such a serious bill.

Mr SCHEFFER (Eastern Victoria) — I speak in support of the Drugs, Poisons and Controlled Substances (Volatile Substances) (Repeal) Bill, the purpose of which is to repeal the Drugs, Poisons and Controlled Substances (Volatile Substances) Act 2003 and to enable its provisions to continue to have an ongoing effect through the Drugs, Poisons and Controlled Substances Act 1981.

By the repeal of the 2003 act, the volatile substances provisions in division 2 of part IV of the principal 1981 act will remain permanently in force. The effect will be that this bill will ensure that police can continue to take action to protect young people under the age of 18 who inhale volatile substances. The 2003 volatile substances legislation granted police limited powers to apprehend and detain young people whom they reasonably suspected of abusing volatile substances or who were at risk of doing so.

Under the 2003 Drugs, Poisons and Controlled Substances (Volatile Substances) Act police were empowered to search these young suspects and seize the volatile substances themselves and the items used to inhale them. Importantly, under the legislation police are required to link the young person with an appropriate adult, who could be the young person's parent or a person working in a health service, for example, so that the young person will be safe.

The legislation is remarkable, because it in no way criminalises inhalant abuse, the focus being on the welfare of the young person. Police officers are prevented from interviewing or questioning young people who are detained under the act in relation to any alleged offence. Volatile substances or inhalants refer to household products such as paint, glue, paint thinner, deodorant and petrol, which when inhaled have an

intoxicating effect. The problem is that these items can be sold legally over the counter, and young people can get them fairly easily. They are also inexpensive, which makes it more of a problem. The inhalation of these substances is commonly known as chroming.

The government introduced the 2003 legislation following the Victorian Parliament's Drugs and Crime Prevention Committee report on its inquiry into the inhalation of volatile substances. The committee was asked to review the adequacy of strategies available at the time and to provide some strategy options that would reduce the incidence of inhalation of volatile substances and prevent people from inhaling in the first place. The final report made it plain that at the time there was a lack of reliable data and research and that the committee's recommendations were based on observation of best practice facilities in other Australian states and other countries.

The committee recommended against the criminalisation of the inhalation of volatile substances, as that course of action would, in the committee's view, have been ineffective and counterproductive. The committee recommended that legislation should be enacted so that authorities could apprehend and detain people who had been inhaling volatile substances, and that is what the consequent legislation brought into law. The committee also made a wide range of recommendations relating to the need for further research in general, the benefits of point-of-sale restrictions and the need for volatile substance abuse emergency protocols. The committee recommended that a variety of educational programs be considered, including specific programs for young people who are already chronic abusers of volatile substances. Recommendations were made that relate to information and training and responses targeted at specific groups, including Aborigines and Torres Strait Islanders, the media and product developers in relation to the manufacture of safer spray paints, for example.

The Drugs, Poisons and Controlled Substances (Volatile Substances) Act 2003 was introduced in 2004 and extended for a further two years in 2006 to allow a more comprehensive review of the legislation in relation to protecting young people at risk. The government has determined that sufficient data has now been collected to confirm the effectiveness of the legislation in protecting young people at risk. It is now time to make the legislation permanent. In the next part of my contribution I am going to talk about the review, and I note from the contributions made by Mr Hall and Ms Hartland that that review was not made available to them. It was indeed made available to me. I listened very carefully to what those two members said, and I

will undertake to take that matter up with the minister. The members will bear with me as I inform them of some things they may not have been aware of when preparing for their contributions.

The Department of Human Services conducted the review of the legislation and consulted with a number of relevant agencies such as Victoria Police, child protection out-of-home care services and the Victorian Aboriginal Legal Service as well as hospitals and ambulance services. The research and data collected over the last three years indicates that the majority of responses by police and ambulance officers have been to young people under 18 years old, the target group of the legislation. The review aimed to find out how effective the legislation had been in protecting these young people from risk.

The review examined data in relation to the way Victoria Police have used the act and found, among other things, that police officers needed further training on the issues. The review also examined the Koori community's concerns regarding inhalants and the level of assistance provided to the Koori community. In addition the review looked at how well organisations involved in related substance abuse issues were engaged in the work of the inter-agency protocol that had been developed by Victoria Police and some other agencies. The review found that support staff in the field viewed inhalant abuse as a serious issue and that, at least from the 2006 data, the problem appeared to be a metropolitan problem, with some pockets of activity in rural areas. The review also indicated that inhalant abuse is no longer predominantly an activity of early adolescence, with most cases now involving individuals in the 14–16 age range.

Just over half of the individuals that police detained under the act in the 2004 to 2006 period were young women, representing a significant increase over the past few years. The review also found that paint is the most used inhalant and that there were no incidents involving petrol sniffing and almost none involving butane sniffing.

The conclusion that is drawn from that is that it most likely explains why there were no deaths, and low morbidity rates. Volatile substance abuse is not restricted to young people under the age of 18, and while under-18s are, on the basis of the evidence, of overwhelming concern, consideration is being given to the possibility of police powers being extended so they can apprehend and detain in a similar way young people up to the age of 25, and apprehend any person, no matter how old they are, who appears to be under the influence of inhalants.

Legislation that permits the police to apprehend and detain young people who are inhaling volatile substances will not in itself improve the health and welfare of young people in risky or dangerous circumstances. This is why the government, through the Department of Human Services, is working to ensure that a coordinated response is developed. The DHS drugs policy and services group works through the Volatile Substance Abuse Protocols Advisory Committee, which has wide stakeholder representation that includes child protection, Koori health, welfare and legal services. The government itself funds a wide range of alcohol and drug services as well as health and welfare services that help address the issues that can lead to substance abuse. That includes services in the areas of school support, pre-employment, family support and housing and homelessness.

The government has also, in conjunction with the Koori community, given particular support to Koori youth through, for instance, the development of an information kit for Koori health and community workers and also for parents. As well, the Victorian government has allocated over \$2 million for the establishment of a Koori youth residential rehabilitation service, and it is envisaged that this first service of its type will be able to cater to the specific needs of Koori youth in Victoria. The service will support Koori youth who are affected by alcohol or drugs by addressing the physical, emotional, cultural and spiritual aspects of health.

The repeal of the Drugs, Poisons and Controlled Substances (Volatile Substances) Act 2003 will ensure that the police can continue to take positive action to protect young people under the age of 18 who inhale these substances. This is important legislation that will protect young people at risk, and I commend the bill to the house.

Mrs KRONBERG (Eastern Metropolitan) — Whilst I plan to support this legislation, there are a number of concerns that require amplification. The purpose of the Drugs, Poisons and Controlled Substances (Volatile Substances) (Repeal) Bill of 2008 is to repeal the Drugs, Poisons and Controlled Substances (Volatile Substances) Act of 2003. The intentions of the 2003 bill were to introduce changes to improve the police response to young people who use and abuse volatile substances. This bill ensures that those changes are permanent. Such measures include that police are now empowered to stop and search people under 18 years of age if they suspect they have been using volatile substances. It also allows limited civil powers for the police to detain people under 18 years of age whom they also suspect of using

volatile substances. It is also worth highlighting that in taking the initiative from the Liberal Party's policy platform on banning spray can access to under-18-year-olds, this was picked up by this government in its graffiti legislation of 2007, so the Liberal Party continues to lead the way in policy platforms to deal with these social problems that ravage young people, and increasingly large numbers of young people.

We note with concern, however, that public access to a review conducted by the Volatile Substance Abuse Protocol Advisory Committee has been denied, and concern further deepens when this legislation is scrutinised in terms of its response to the 16 recommendations made by the Drugs and Crime Prevention Committee in its 2002 report, *Inquiry into the Inhalation of Volatile Substances*. Further, alarmingly, a number of recommendations made way back in 2002 are still being ignored. Such recommendations still not acted upon include education programs for particular groups. We can see that the government has missed the mark and these programs have not yet been delivered and there is no sign of when they will be, even though there is a lot of emphasis on programs and resource kits for the Koori community, which is also very important, but some of the groups that have been left out of the training programs include health workers, youth workers and local government staff.

Why are the provisions so important? Basically a lot of young people start off with a sense of invulnerability, and this is very high in the mid-years of teenagers. By drawing upon information set out by the brain injury website, chroming is defined as the inhaling of volatile substances, and it is described as being both an emerging and a cheap form of drug abuse, and it is focused primarily on young people. However, I have a lasting image in my mind from a program I saw on the ABC about six weeks ago that was addressing the question of homelessness in and around the Darlinghurst area in Sydney. It was quite amazing to see a woman of an indeterminate age, but I would say somewhere in her thirties, appearing with her entire face covered with spray paint residue, so it is not just something for the young and it certainly is something that, if these people survive these inhalation episodes, or start a little bit later, can go on into middle life.

We wonder what the state of their minds and body organs and the condition of their blood chemistry would be. Apparently the majority of people whom we could describe as chromers, which is a generic term applied to people who use inhalants, will experiment with inhalants but soon apply self-restraint after one or

two uses. For others the practice is used in social settings with groups of friends, and some of these souls grow out of the practice provided they develop other interests. For others, normally individuals struggling with deep personal issues, a range of health implications, such as damage to the brain, the nervous system, the liver and the lungs result in this being an habitual and dominant activity for them.

We also need to recognise that some inhalants cause cardiac arrest and a syndrome known as sudden sniffing death syndrome. In the long term inhalants will damage the kidneys, lungs, liver, heart, bone marrow and blood chemistry and will provide a range of cognitive disorders that will manifest themselves in illogical thinking, forgetfulness and irritability. Withdrawal symptoms also impact on the person who is addicted to these inhalants and on long-term abuse. They will experience tremors, agitation, tachycardia, hallucinations and seizures.

At this point it is probably useful to draw on a very comprehensive article by Dewi Cooke that appeared in the *Age* of 23 May 2008. It is important for the government, and I hope it has absorbed this. The article states:

Child protection workers report that substance abuse, particularly chroming, can be more prevalent among children who have been in state care; they can also have problems with aggression and a failure to trust others. Such complex issues can take their toll on services, especially in a climate where rental housing is scarce and where housing services are already struggling to place people in suitable accommodation.

It has been a constant litany from this side of the house in terms of urging this government to address issues such as accommodation for people requiring not only crisis accommodation but a safe place to keep people out of these hideous squats where they are going to be associating with a cohort of people who are going to draw them further and further into these habits.

In closing it is worth referring to how getting this wrong can have such serious ramifications for the government. I draw upon an article in the *Indigenous Law Bulletin*, accessed at www.austlii.edu.au, entitled 'Chroming — Legislative change and practical dilemmas', which states:

... a story appeared in the *Herald Sun* newspaper that accused Berry Street of operating a network of safe sniffing houses for young chromers ...

I recall that the current member for Pascoe Vale in the other house, who was the responsible minister at the time, lost her portfolio on the strength of that. I hope the government has woken up to itself and realises that this

is only the start of the process and that there is much information to take on board.

Ms PULFORD (Western Victoria) — The Drugs, Poisons and Controlled Substances (Volatile Substances) Act 2003 came into operation on 1 July 2004. It created powers for Victoria Police to apprehend people under the age of 18 reasonably suspected of abusing volatile substances or considered to be at risk of doing so. The legislation was introduced by this government to protect young people from a disturbing emerging trend. Volatile substances or inhalants can include household products such as paint, glue, paint thinner, deodorant and petrol when inhaled for an intoxicating effect. Inhaling such substances is known as chroming. These items are obviously legally and easily accessible by young people. Hence the need for innovative legislation in this area. What is innovative about this legislation is that it does not criminalise inhalant abuse but enables police to provide a brief intervention to protect the health and welfare of young people.

The earlier legislation empowered police to search for and seize volatile substances and items used to inhale them. The legislation gave police limited powers of detention over persons under the age of 18 who were thought to have inhaled a volatile substance but did not provide for police to question a young person about any offence while detained in accordance with the act. Police are, however, able to make a connection between young people and a suitable care provider, including a parent, hospital, other carer or drug treatment agency.

When this legislation was introduced in 2003 it had a sunset clause which extended to this month. The sunset clause was inserted to enable a period of monitoring of this legislation to assess its effectiveness in reducing harm to young people associated with volatile substance abuse. The bill we are debating today seeks to repeal the temporary legislation and remove the sunset clause, making these provisions permanent. The review has now been conducted. As part of the review, interviews and surveys were carried out with police and ambulance officers, Koori community workers, child protection outreach workers, residential care workers, and alcohol and drug youth consultants.

Data from the review indicates that officers of Victoria Police are using the powers in a way that was hoped with the original legislation and in the best interests of young people. The data obtained in the review certainly supported the need to continue the legislation. What was initiated by the Bracks Labor government as a response to a very concerning trend in the behaviour of some young people, that of abusing in a most

inappropriate way substances that have very worthwhile uses in the home and putting their health and welfare at risk, has demonstrated itself to be working. This legislation is a great example of the government's ability to govern effectively for all Victorians, to always place a premium on protecting the safety of young people and to take whatever steps we can to protect their future. I support the bill.

Motion agreed to.

Read second time.

Third reading

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — By leave, I move:

That the bill be now read a third time.

I thank all members for their contributions to the debate.

Motion agreed to.

Read third time.

ADJOURNMENT

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — I move:

That the house do now adjourn.

Grahamvale Primary School: funding

Ms LOVELL (Northern Victoria) — My adjournment matter for the attention of the Minister for Education in the other place is in regard to a Labor election commitment to replace relocatable buildings at the Grahamvale Primary School with permanent, modern facilities to enhance educational outcomes for students. This promise was listed in three of Labor's 2006 policy documents. My request of the minister is that she fulfil this election commitment to Grahamvale primary by providing adequate funding to enable Grahamvale to proceed with the master plan that has been developed and to ensure construction of the new buildings can be undertaken all in one go and not as a staged project.

The school is comprised almost entirely of relocatable buildings, and these desperately need to be replaced with permanent structures. The one permanent building at the school, which accommodates the administration offices and three classrooms, no longer meets the needs of the school. It was designed for a school population of

75 to 100. It is undersized, damaged due to white ant infestation, contains asbestos and has unlevel floors. The other 10 classrooms, the library, music room and computer laboratory are all portable buildings.

Grahamvale Primary School was allocated \$2 million in the 2008–09 state budget, which came as a surprise to the people at the school because in February they were told by the department to progress their plans and that the school would be considered for funding in the 2009–10 budget. At that stage they were also told that the school was in an exceptional circumstance because of its rapid growth. The department had originally asked that a school be designed for an enrolment of 201 to 226. Given that the school already had 315 enrolled, they were told to go ahead and design a school for 301 to 326. The school engaged an architect, who drew up a master plan. Neither the people at the school nor the architect were made aware that construction may need to be done in stages, so this was not taken into account in the design.

A multistaged development would cause much disruption to the school's students and staff over a number of years, and the limited land on which the school is situated makes a staged process almost impossible. The people at the school are gravely concerned that a staged project could take several years and during that time the school environment would continuously be a construction site that would restrict the already limited play space and create an extremely unsafe environment for the students.

There has also been no promise of additional future funding although the \$2 million is not sufficient. The complete redevelopment is expected to cost about \$6.5 million.

The school has an extremely good reputation and it has an excellent principal. The land surrounding the school is allocated for both short-term and long-term future residential development, indicating that the school population will continue to grow. This is not the first time that the government has failed to provide adequate funding for permanent classrooms at Grahamvale primary. About six years ago a master plan was developed and funding was sought. The funding did not eventuate, and the school was allocated four mod 5 relocatables as compensation.

I call on the minister to fulfil Labor's election commitment to Grahamvale Primary School by providing adequate funding to enable the school to proceed with the master plan that has been developed and to ensure that it will not need to be a staged project.

Consumer affairs: children's clothing

Ms PULFORD (Western Victoria) — My adjournment matter is for the Minister for Consumer Affairs in the other place, Tony Robinson. Making my way through the weekend papers I read with interest an article at page 11 of the *Sunday Herald Sun* of 8 June. It is headed 'Kids' boots cop a kick', and next to it is quite a large photograph, as members may have seen, of a child model dressed in a pair of high-heeled boots. A quote in large bold font reads:

They send a message that even very little girls are really sexy little adults ...

As the mother of a six-year-old daughter, this article well and truly had my attention. The article goes on to explain that in Victoria high-heeled, zip-up leather boots with a 3-centimetre heel are being sold to children, a mini version of the kind made famous by fashionistas the world around.

In the article the Women's Forum Australia director, Melinda Tankard Reist, is reported as describing them as 'follow-me-home boots', and she expresses her concern that they are being sold to girls as young as two. I leave it to members and parents to decide if they think it is fashionable or appropriate to dress girls as young as two in knee-length, high-heeled boots. However, the health concerns are very real.

I have some boots like this, but as I am the ripe old age of 34 my feet stopped growing a long time ago. In fact boots like this are, for many adults, a bit of a wardrobe staple. The article reports the Australian Medical Association president, Dr Rosanna Capolingua, as saying:

... wearing high-heeled shoes could distort muscular and skeletal growth in infants.

I am sure we all know adults who suffer lifelong foot pain as the result of poor footwear in childhood. Dr Capolingua went on to say:

We do ban and put warnings on hazardous toys. Perhaps we should put bans on hazardous clothing for kids and put warnings on them as well.

While I understand that unlike dangerous toys the wearing of boots like this is unlikely to be a matter of life and death, my request is that the minister look into this issue and decide if it is appropriate to ban or place warnings on clothing or other items that may adversely affect the health and wellbeing of our youngest Victorians, and that he advise me of his consideration of this issue.

Rail: Maryborough service

Mr VOGELS (Western Victoria) — I raise a matter for the Minister for Public Transport in the other place, Lynne Kosky, and it concerns the reopening of the passenger rail service to Maryborough. Last week, along with the Leader of the Opposition, I met with Central Goldfields Shire Council representatives and members of the Maryborough community. One of the issues raised with me was the failure of this Labor government to deliver on the promise made to provide a passenger rail service with the upgrade of the Mildura railway line.

Currently the freight service uses the railway, but passengers are required to catch a bus service to connect with trains at Castlemaine or alternatively at Ballarat. The bus services connecting with the rail services often do not coincide, and that adds extra hours to commuting. The action I seek from the minister is to ensure Labor's promise to restore a passenger rail service to Maryborough is honoured. After all, it is nearly 10 years since this promise was made.

Environment: Brooklyn industrial emissions

Mr PAKULA (Western Metropolitan) — My matter is for the attention of the Minister for Environment and Climate Change, Gavin Jennings, and it concerns industrial odours, particularly in Brooklyn in my electorate. Last sitting week and again today, I, along with the members for Footscray and Williamstown from the other place, met with the members of a residents association known as the On the Nose group. On the Nose is the Brooklyn residents action group which was set up as a reaction to unacceptable odours that emanate periodically from a number of sites in the Brooklyn estate, which includes an oil processor, a landfill, an organic recycler and two abattoirs.

I am on the record as not being a crusader against industry in the west. In fact one of the companies that has been the subject of complaints from residents employs on its site at Brooklyn more than 1000 people, many of them recently arrived African migrants. But the fact is that the companies operate under an Environment Protection Authority (EPA) licence that requires them to control their odour emissions. Technologies exist to assist those companies to do that, but companies need to have a reason to use those technologies.

One of the incentives is EPA enforcement. I am not critical of the EPA in that regard because it has a very difficult job. Often by the time one of its officers arrives

at the site of the complaint, the odour has dissipated. Often, even when the odour is still detectable, it is difficult to trace its source. One of the concerns raised by On the Nose though is that even when the EPA can identify the source of the odour and fine the offending company, the level of fine is insufficient to act either as a deterrent or incentive to invest in odour-minimising technology. I have some sympathy for that view.

My request to the minister is that he, or the EPA, conduct a review of the fining regime in the act with a view to implementing a penalty regime which is more likely to act as an incentive to companies to control their odour emissions.

Mallacoota: aged-care facility

Mr P. DAVIS (Eastern Victoria) — I raise a matter for the attention of the Minister for Environment and Climate Change. The need for facilities for elderly people at Mallacoota is becoming an increasing challenge and I raise this matter with the minister for reasons that will shortly be clear. The Mallacoota Inlet Aged Care organisation has been working for 15 years toward its goal of establishing an aged-care facility or nursing home in the town to cater for between 10 and 15 people. In that time it has raised \$140 000 within the local community.

The organisation is now exploring funding for a feasibility study for this project. The point has been reached where some state government support is required so that the community can take the next step. Specifically it is seeking to obtain a Crown land site within the Mallacoota township for the nursing home. A suitable site opposite the Miva Miva Health Centre has been identified. Mallacoota Inlet Aged Care has discussed its availability with the regional office of the Department of Sustainability and Environment at Bairnsdale and submitted an application to acquire the site.

The need for such a facility is well established, although it is accepted that there is also a need to develop a workable model and business case for a nursing home to serve such a small community. The East Gippsland shire's Mallacoota urban design framework forecasts that the town's population will be driven by retirement and the existing aged population profile will continue to expand. The framework uses statistics showing that in 2001, 23.2 per cent of the population of Mallacoota was aged 65 and over — well above the regional Victorian average of 14.3 per cent. This is in line with the Mallacoota Medical Centre database, which shows that 23 per cent of the patients — 800 of them — are aged over 65. Given that

the median age of Mallacoota residents is 45, that bears out the forecast that the ageing trend of the population will increase.

Currently nursing homes at Orbost, Lakes Entrance and Bairnsdale are the only options for local people requiring a high level of care. That of course takes them a long way from their home environment and therefore their families and surviving partners. That is undesirable in terms of its impact on communities, families and friends.

The allocation of a site is logically the next practical step in the planning process for an aged-care facility at Mallacoota. This would give a great deal of heart and sense of direction to a committee that over an extraordinarily long period of time has shown exceptional dedication to achieving its mission to improve the care of elderly people in the Mallacoota district. It would also send a positive signal to the local community, which has strongly supported the committee. I therefore ask the minister to initiate action through the regional office of his department to facilitate the acquisition of the Crown land site opposite the Miva Miva centre for the Croajingolong Lodge Nursing Home, as it would be known, at no cost to the local committee.

EastLink: guardrail posts

Mr DALLA-RIVA (Eastern Metropolitan) — I raise my adjournment matter for the attention of the Minister for Roads and Ports in the other place. The issue relates to the guardrail posts along the new EastLink tollway. My understanding is that some independent testing has been undertaken by PearlStreet, a laboratory and tester approved by the National Association of Testing Authorities.

Recent testing was primarily done along a section of the Dandenong bypass near the Dandenong Creek overpass. It was done because section 708 of the VicRoads specification stipulates that the minimum acceptable base material thickness for guardrail posts along motor vehicle roadways is 5.71 millimetres. Section 708 states guardrails must have a minimum base material thickness of 6 millimetres plus or minus 0.29 millimetres, and the PearlStreet tests indicate that that minimum VicRoads standard for guardrail posts has not been met on what will soon become one of Victoria's most important roadways.

A failure to comply with VicRoads engineering standards on such a major road is unacceptable. VicRoads has established a series of these engineering standards to protect the safety of the public, and any

deviation from these standards is of grave concern. In the interests of public safety I request that the minister insist VicRoads undertake an independent review of guardrail posts to ensure that they comply with its specification under section 708.

Disability services: respite care

Mrs PETROVICH (Northern Victoria) — The matter I raise on the adjournment is for the Minister for Community Services in the other place, Lisa Neville. Now that the federal government has dropped the baton on providing respite care for communities around Gisborne, I would like to ask the community services minister what she plans to do to pick up the pieces of the shattered lives left behind by Prime Minister Kevin Rudd. Unless you experience firsthand the demands of a disabled child who requires care into adulthood, you cannot begin to understand the sacrifices parents make to achieve even the smallest steps.

For a disabled child nothing is easy and no developmental stage can be taken for granted. Walking, talking, eating and toilet training just do not happen easily. They take hours, days, weeks and months of hard work and determination. The only relief for carers, most often the parents, is when they get a rare opportunity for respite. It is all very well for Prime Minister Rudd to sit in the Lodge in Canberra with a butler to choose his clothes and a nanny to look after his children, but most people do not have that benefit.

My heart goes out to the families in Gisborne, led by Kay Atlas and the Gisborne respite working group, who after five hard years of fundraising and lobbying finally thought they saw a light at the end of the tunnel with a promise from the previous federal government to build a six-bed respite house in Gisborne. That house would have given the conservatively estimated 100 or so families in the area a new lease of life and the ability to leave their loved ones in the care of qualified people and have some sense of normality for a day or two.

I spoke with Kay last week. She related to me the sad case of one mum who, because she could not cope with the strain and the workload, had to relinquish her child into care. That is a most sad circumstance and a decision that was not made lightly. Kay told me that it was a kick in the guts. We have parents in crisis and a need for assurances that the program will not drop off the radar. The action I seek from the minister is that on 1 July, when this issue is handballed back to the state government, this funding be put into immediate action and the planned respite house in the Macedon Ranges be given top priority.

Police: numbers

Mrs COOTE (Southern Metropolitan) — My issue this evening is for the Minister for Police and Emergency Services in the other place. It has to do with an increased police presence on the streets. As unbelievable as it may seem, daylight robbery is on the increase. Three weeks ago, at 3 o'clock on a Friday afternoon, I watched as a robber smashed a car window in the Parliament House car park. I alerted the security people and they did a great job in apprehending the robber. This is not an isolated instance of something like this happening in the middle of the day. People in our suburbs are no longer safe.

Last weekend there was a tragic incident involving a 93-year-old woman whose name is Maria. At 3 o'clock on 7 June she was standing on the corner of Kensington and Toorak roads waiting for her son. A robber came up behind her, belted her over the head, took her handbag and her walking stick, and left her feeling very uncertain. The robber then fled at high speed in a car. Maria has lived independently and is a vibrant personality within the community. She is now in hospital suffering from both wounds and shock. It is doubtful whether this woman will be able to live independently in the future. The problem is that the robber has not only taken away her handbag, he has also taken away her independence.

If we had more police on the streets, the very fact that people would be aware that there were additional police on the streets during daylight hours would be a deterrent. It is seen to be a deterrent in other jurisdictions around the world, and I believe it would be a deterrent here. In fact, if the robber had thought that police could have been in the vicinity, he may not have been quite so blatant.

I know the Minister for Police and Emergency Services is regularly asked for help and support. I know he is frequently appealed to, but my request this evening is that the minister, as a matter of urgency, develop and implement a policy of increasing the number of police on suburban streets. I am certain I speak on behalf of everyone in this chamber when I say that we wish Maria a speedy recovery and a return to independent living.

Police: Geelong

Mr KOCH (Western Victoria) — My adjournment matter is for the Minister for Police and Emergency Services in the other place. It concerns ongoing calls for more front-line police in the Geelong region. First let me say that the police are doing a great job, under

enormous pressure, in fighting rising crime in the Geelong region. I congratulate the *Geelong Advertiser* on launching its Just Think campaign to fight alcohol-related violence and antisocial behaviour in the city centre, which will improve public safety awareness in the community. Despite the Brumby government's rhetoric about police numbers, the reality is that there are simply not enough front-line police to provide a visible presence and a timely response to community safety issues.

Calls for extra police have fallen on deaf ears among local Labor MPs, even though the Police Association has continually identified a significant shortfall in police in the Geelong region. While the coalition does not always agree with the police union, on this issue we are in agreement. We are totally committed to ensuring that the shortage of police in Geelong, on the Bellarine Peninsula and along the Surf Coast is addressed.

A greater visible police presence is needed to reinforce measures aimed at improving community safety; this has been a proven method of making the streets in Geelong safer. The Brumby government should be ashamed that the chronic shortage of police officers in Geelong prevented a police kiosk being established in the city just a few weeks after federal funding was announced. There is still much support for this initiative, and it is disappointing that a lack of police officers to operate the police kiosk means that it will not go ahead.

Geelong is in critical need of additional police. Recently published figures relating to Geelong, the Bellarine Peninsula, and the Surf Coast indicate that there is a shortage of up to 200 police. Shortages in Geelong are forcing officers to work on their days off and are draining resources from the Bellarine Peninsula and the Surf Coast. This means that other police stations, like the ones at Torquay and Ocean Grove, cannot be fully utilised because of a lack of police numbers. More front-line police will allow these police stations and others in the region to be properly resourced. Those people living in the greater Geelong region have every right to be outraged by the lack of support they are getting from the Brumby government in fighting crime and antisocial behaviour in the region.

The action I seek from the minister is to request the Chief Commissioner of Police urgently to fix the shortage of front-line police in the Geelong, Bellarine and Surf Coast regions and to meet whatever demands are made.

The PRESIDENT — Order! I am not totally convinced that Mr Koch's matter is legitimately for the

minister. However, I will pay due regard to the member's matter and think about it overnight. I will give him a formal ruling tomorrow.

Solar energy: rebate

Mr D. DAVIS (Southern Metropolitan) — Tonight my adjournment matter is for the attention of the Minister for Environment and Climate Change. It concerns the issue of solar panels, which is a matter of joint responsibility between state and federal governments. Because greenhouse gases are rising in Victoria and in other parts of Australia every step needs to be taken by different levels of government to address that issue. Both state and federal governments have put in place programs to encourage the use of solar panels by people on their various properties, both commercial and residential. People will be familiar with the policies of both the Labor Party and the Liberal Party to encourage the use of solar energy, which were announced during the last state election campaign. This is an important area, which has a principle of bipartisanship. However, the announcement by the Rudd federal government of the cessation of full support for solar panels — —

Mr Drum — Unbelievable!

Mr D. DAVIS — Yes, it was unbelievable; 'shameful' is another word for it. Reducing the rebates by targeting them in a particular way will have an impact on our state programs and the take-up of solar arrangements here. It is in this context, as a part of the joint federal-state effort that the community needs to undertake to ensure that the uptake of solar cells is maximised, that I seek some assistance from the Minister for Environment and Climate Change. I ask whether at the next environment council ministers meeting the minister would be prepared to put on the agenda for joint state-federal discussion the interplay between state and federal solar cell encouragement programs.

Clearly consumers who are able to access rebates and other arrangements that are available from the federal government and are also able to access rebates, other arrangements and encouragement from the state government, can assess the totality of the arrangements that are available, whether they be feed-in tariffs or straight rebates. The total level of encouragement is clearly of significance to domestic or commercial consumers. That is why the impact of these federal cuts on programs has hit the solar industry so hard. It is destroying the industry and leaving it less viable and less able to fulfil what is desired in a bipartisan and federal-state arrangement — —

The PRESIDENT — Order! Mr Davis knows the rules about debating adjournment matters.

Mr D. DAVIS — I ask the minister to place the proposed federal cuts on the agenda at the next meeting of environment ministers in the context of designing the best possible state and federal arrangements to encourage the best uptake of solar technologies.

Belgrave: traffic congestion

Mr O'DONOHUE (Eastern Victoria) — This evening my matter is for the Minister for Roads and Ports in the other place. My matter concerns the township of Belgrave and the provision of additional road connections through that area.

People who live in towns like Emerald, Cockatoo, Gembrook and other towns that are beyond Belgrave have to travel through Belgrave if commuting to and from Melbourne for work. This means that a significant amount of traffic goes through Belgrave every day. That traffic has to go through the main street of Belgrave, which is the Burwood Highway. The local businesses are affected more as traffic increases, and traffic gridlocks are becoming more prevalent and are a real concern for Belgrave residents. As the minister would be aware, because of the recent announcements about the changes to the Belgrave railway timetable, the Belgrave line did not receive any additional services. Travelling by rail is not a very good option for commuters, which leaves them with only the choice of driving their cars.

On 21 November 2006 the *Ferntree Gully Belgrave Mail* stated on its front page that the state Labor government would provide the Shire of Yarra Ranges with \$125 000 towards a feasibility study into traffic issues in and around Belgrave. It would appear that that promise from the state government has not been honoured. Those funds have not been forthcoming, and therefore that feasibility study has not been undertaken and answers and solutions to traffic issues in Belgrave have not been examined. Consequently the action I seek from the minister is to provide the promised funding of \$125 000 and to work with the Shire of Yarra Ranges to come up with real and practical solutions to traffic problems in Belgrave and surrounds.

Racing: Werribee track upgrade

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Racing in another place. It concerns the future of Werribee racecourse. Werribee racecourse is a picturesque place, as are most racecourses. A new function centre there

really makes it a delight to visit, as I do on a very regular basis. It is an extraordinarily important part of Werribee and indeed the entire city of Wyndham. As I say, it is a wonderful racecourse, but there is one problem: there is no racing at this racecourse. This is as a result of Racing Victoria's decision some six months ago to suspend racing at Werribee racecourse because of the quality of the track.

The club was first advised that a report on the state of the track would be available by Christmas last year. The report was finally completed in mid-February this year. It then applied for jumpouts or barrier trials to be conducted at the racecourse on 6 March. Approval for the jumpouts was given on 30 May, which of course makes it a little difficult to have such trials in March. The club has submitted to the racing industry a blueprint submission to obtain capital funding for the racecourse. The submission highlights the urban growth in the western suburbs, the ability to drought proof the racecourse and the club's ability to generate additional revenue for the industry.

There is a very great concern in the Werribee area that the state government is eyeing this racecourse for yet another housing estate. This would be a tragedy and is totally unacceptable to the Werribee community. I ask the minister to look at the very good and very strong argument that has been put forward by the Werribee Racing Club for the future of racing at Werribee and to do whatever is necessary to provide funding for the track upgrade to ensure that racing will continue at Werribee for many years to come. Werribee wants and needs its racecourse, and I ask the minister to act to keep this most important part of Melbourne's west.

Newstead Primary School: funding

Mr DRUM (Northern Victoria) — My adjournment issue is for the Minister for Education in the other place. The Newstead Primary School parents and friends group got together to organise a petition to go to the principal of the school, the school council, the regional director, the local member, Bob Cameron, who is the Minister for Police and Emergency Services in the other place, and also the Minister for Education in the other place. They got together 100 signatures. These people acknowledge that they are very inexperienced in dealing with issues of state government education. That petition was sent in around 19 March. Apart from a very short note saying Minister Cameron's office had actually received the petition, they have had no other contact from anyone else. It is quite disappointing for them.

They firmly believe they do not have the funding they need to ensure their children are given every opportunity to develop to their full potential. The petition lists some of the beliefs of members of this group:

That the school should be entitled to additional funding to be able to meet the requirements of the state education standards.

That Newstead Primary School teaching staff would benefit from training in the area of children with special needs and disabilities ...

That could be along the lines of behavioural strategies and catering for students individual learning styles. Members of the group believe also that the school:

... would benefit from appropriate and alternate programs being offered to students with different needs e.g., accelerated learners.

That children at Newstead Primary School could be better supported by staff in the areas they struggle with.

Finally they say they believe:

That there would be significant benefits if more innovative programs were introduced into our school culture such as the THRASS (teaching, handwriting, reading and spelling skills) program.

Newstead is not a big town. For the parents and friends to have picked up more than 100 signatures I think shows that the people in this group believe very strongly in what they are doing. It is obvious that Newstead Primary School is suffering a definite lack of funding that it needs to be able to provide the children with the special needs and learning programs they need. I call on the minister to meet with a delegation of these school parents to hear firsthand about the issues listed in the petition and see if additional funding cannot be granted so that those programs sought can be provided to the school.

Responses

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — Thirteen members asked me questions to be passed on to a variety of ministers, and I intend to pass most of those on, except for the one that you have pulled out, President, which was raised by Mr Koch, which I understand you will come back to tomorrow.

I do, however, make the point that I totally reject Wendy Lovell's accusation that this government does not fulfil its election promises. Whilst I am prepared to forward her request about the process of how that particular promise will be delivered by the government, I indicate to her that we reject her accusation about not fulfilling our promises.

The remainder of the opposition questions will be passed on to the relevant ministers, and the questions from government members as well.

I also add that I have a number of written responses to the adjournment debate matters raised by: Mr Kavanagh on 6 February 2008; Mr Guy on 10 April 2008; Mr Koch on 16 April 2008; Mr O'Donohue on 16 April 2008; and Philip Davis on 7 May 2008.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 6:52 p.m.