

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Tuesday, 21 August 2007

(Extract from book 12)

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

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

Select Committee on Gaming Licensing — Mr Barber, Mr Drum, Mr Guy, Mr Kavanagh, Mr Pakula, Mr Rich-Phillips and Mr Viney.

Select Committee on Public Land Development — Mr D. Davis, Mr Hall, Mr Kavanagh, Mr O'Donohue, Ms Pennicuik, Mr Tee 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*): Mr Leane and Ms Mikakos. (*Assembly*): Mr Delahunty, Mr Haermeyer, Mr McIntosh, 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 Elasmr, Mr Finn and Mr Hall. (*Assembly*): Dr Harkness, Mr Herbert, Mr Howard and Mr Kotsiras.

Electoral Matters Committee — (*Council*): Ms Broad, Mr Hall 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 Scheffer and Mr Somyurek. (*Assembly*): Ms Beattie, Mr Dixon, 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 Mrs Maddigan.

Outer Suburban/Interface Services and Development Committee — (*Council*): Mr Elasmr, 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 Graley, Ms Munt, 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

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Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vogels, Mr John Adrian	Western Victoria	LP

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Tuesday, 21 August 2007

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

ROYAL ASSENT

Message read advising royal assent to:

**Accident Compensation Amendment Act
Energy Legislation Amendment Act
Magistrates' Court and Coroners Acts
Amendment Act
Superannuation Legislation Amendment
(Contribution Splitting and Other Matters) Act
Wills Amendment Act.**

SHADOW MINISTRY

Mr P. DAVIS (Eastern Victoria) — As a courtesy to the house I wish to advise of some changes to the portfolio responsibilities of the relevant shadow ministers. Firstly, I will be responsible for finance, and manufacturing, exports and trade. My deputy, Andrea Coote, will be responsible for environment and climate change. David Davis will be responsible for industry and state development, major projects and scrutiny of government. Mr Rich-Phillips will be assistant shadow Treasurer, with responsibility for the Transport Accident Commission and WorkCover and also information technology. Wendy Lovell will be responsible for women's affairs, country Victoria, housing, and children and early childhood development. John Vogels will be responsible for agriculture. Matthew Guy will remain responsible for planning. Richard Dalla-Riva will be responsible for community development, innovation and freedom of information.

In addition to this advice, for the information of members of the house I will subsequently circulate advice as to responsibilities in regard to portfolios not held by shadow ministers in this house — in other words, where members are representing members of the opposition from the lower house.

QUESTIONS WITHOUT NOTICE

Housing: affordability

Mr P. DAVIS (Eastern Victoria) — I direct a question without notice to the Treasurer. Is the Treasurer aware of comments on housing affordability

made before a House of Representatives standing committee last week by Reserve Bank of Australia governor, Glenn Stevens?

Mr LENDERS (Treasurer) — I thank the Leader of the Opposition for his question. I am delighted that he will be spending some time, I assume, with that portfolio, shadowing me. I am also delighted that Mr Rich-Phillips will be shadowing me. I am wondering if they are shadowing each other as well as shadowing me, but I am delighted to have it happening.

I welcome Mr Davis's question. I read with great interest the comments of the governor of the Reserve Bank. Two weeks ago I alerted the house to his comments on the effect of state infrastructure spending on interest rates, and they were in total contradiction of the Prime Minister. In fact, and I will not do it again, I actually enlightened the house, in Latin, as to what the *Age* thought of that.

On the issue of housing affordability, in the context of what the governor of the Reserve Bank said, he was fulsome in the comments he made in reply to various members of the House of Representatives standing committee on a range of matters. I inform the house that in relation to housing affordability there are a number of issues, many of them involving a portfolio responsibility of my colleague Mr Madden — land supply. Every independent commentator, I think, gives Victoria credit for being at the forefront in having a reliable supply of land and also for having a planning framework for Melbourne, Melbourne 2030, where these things can be done in a proper context.

Also, this state has led the way with targeting first home buyers and the affordability factor of the great Australian dream of actually getting into the housing market. We have targeted a range of areas, whether it be the \$3000 in addition to the \$7000 first home buyers grant which has been made available, whether it be the \$5000 where a person is buying a new home or whether it be the reduction in rates for houses of a certain value.

Mr D. Davis — Give with one hand and take back with the other!

Mr LENDERS — I take up David Davis's interjection. The five interest rate rises since the last election, since Prime Minister Howard promised rates would not go up, have actually added \$65 000 to the cost of an average home loan over 25 years. I have read the comments of the governor with interest, and I look forward with interest to Philip Davis's supplementary question, which undoubtedly will be complimentary

about the state of Victoria and offer even greater guidance from the governor.

Supplementary question

Mr P. DAVIS (Eastern Victoria) — I am grateful for the Treasurer’s answer, but I would like to refresh his obviously fading memory. The Reserve Bank governor said, ‘The increase in state government zoning regulations is a significant factor in driving up the cost of housing’. I ask: will the Treasurer now admit that his government and its flawed planning regime is the primary cause of Victoria’s housing affordability crisis?

Mr LENDERS (Treasurer) — Questions should be directed to the Minister for Planning. Undoubtedly, as Mr Madden also has two shadows shadowing him and shadowing each other, that will come later in question time.

I categorically refute the assertion of the Leader of the Opposition that the prime element of housing affordability is state government planning issues. These are complex matters, and we can go through these matters, but this state government has targeted relief for first home buyers, as I have alluded to in this house, and has targeted that particular issue. Also, again just for David Davis’s enlightenment, this is the first state government in the country to remove mortgage duty on housing purchases; the first in the country to actually remove stamp duty on off-the-plan purchases of houses. In 2000, under the Harvey tax review, this government canvassed all these issues and has since acted appropriately in a range of ways.

The fundamental flaw in the Leader of the Opposition’s question as to the prime cause of the crisis in housing affordability is interest rates.

Mr Guy interjected.

Mr LENDERS — I take up Mr Guy’s interjection of ‘Rubbish’. I suggest that if he has even a skerrick of economic credibility, he should perambulate ever so slowly down Collins Street and have a discussion with anybody in the banking sector who follows these matters or have the most cursory discussion with any financial journalist in this country. If he does, he will find, as every Australian with a mortgage knows, that the prime factor affecting housing affordability is interest rates. The latest increase in interest rates by the Reserve Bank of Australia under the watch of Prime Minister Howard has alone seen the cost of a mortgage for a family with a \$200 000 mortgage go up by \$32 a month, the cost for a family with a \$300 000 mortgage go up by \$50 a month and the cost for a family with an

average mortgage go up by \$65 0000 over the life of the mortgage. The cost of mortgages has gone up because of the five interest rate rises in a row under Prime Minister Howard, who went to the last election in October 2004 and said, ‘Look at me, trust me, under me things will be better’. I say to Philip Davis that the answer to his question is no.

Public transport: tenders

Mr LEANE (Eastern Metropolitan) — My question is also the Treasurer, and I to take this opportunity to congratulate him on his relatively recent appointment. I ask the Treasurer to outline to the house how today’s franchising decision in relation to the operation of Melbourne’s rail and tram networks will provide value for money for Victorians.

Mr LENDERS (Treasurer) — I thank Mr Leane for his question and for his ongoing interest in public transport and value-for-money decisions by this government. Melbourne has one of the most extensive and complex public transport systems in the world. It is only through having high-quality experienced operators that Victoria will get the best value for money.

Mr D. Davis interjected.

Mr LENDERS — I suggest David Davis wait; he may be enlightened.

That is why the Premier and the Minister for Public Transport announced earlier today that the government will put the operation of Melbourne’s train and tram networks out to international tender. In making this decision the government has been guided by the findings of the Auditor-General in his report on the refranchising process in 2004. David Davis and others are constantly urging this house to look at reports of the Auditor-General and learn from them. In making this sound decision we have been guided by the view of the Auditor-General contained in his report on the refranchising back in 2004.

Mr Viney interjected.

Mr LENDERS — I take up Mr Viney’s interjection. At least we can look at an Auditor-General’s report, because during the seven long years of the Kennett government, under the dark, heavy hand of Premier Kennett, the Auditor-General was nobbled. He is now under the constitution an officer of the Parliament, and he provides fearless advice to government. It is advice we heed. We do not always like it, but we heed it, learn from it and act upon it. The important thing about the announcement today is that it is a value-for-money decision guided by the

report of the Auditor-General, which deals with a range of issues. What we are looking at is the best possible way of delivering public transport in Melbourne. What we have seen since the refranchising back in 2004 is that patronage is well up, fare evasion is well down, the level of tram cancellations have fallen and safety for both trams and trains has improved significantly.

Mr Atkinson interjected.

Mr LENDERS — I take up Mr Atkinson's interjection that twice as many people are travelling. It is not quite twice as many. What has happened under this government is investment. It is not just about refranchising. Last year former Premier Bracks announced in *Meeting Our Transport Challenges* an investment of \$7.5 billion in capital for our public transport network.

Patronage is up for a range of reasons, one of which is that there is an investment in service. That is why commuters are speaking with their feet, because that is what they are asking us to do. We now have the decision on the franchise announced today by the Premier and the Minister for Public Transport. It is critical for Victoria that we get the very best available expertise. We are very confident that a competitive tender will deliver the best services and the best value for Victoria. This is but one part of delivering services to make Victoria an even better place to live, work, commute and raise a family.

Yarraville community centre: funding

Ms HARTLAND (Western Metropolitan) — My question today is for the Minister for Planning. It is in regard to the Yarraville community centre, which is a fantastic community centre on Francis Street and has about 1500 people coming through its doors each week. The building is in a state of disrepair. A number of submissions have been made to what was the Department for Victorian Communities and now is within the minister's Department of Planning and Community Development. Major refurbishment of the community centre to the tune of \$4 million is required. The local Maribyrnong council has put in \$1 million. I would like to know what progress is being made on this matter.

Hon. J. M. MADDEN (Minister for Planning) — I welcome Ms Hartland's question in relation to this matter. It is a matter I am aware of because, as a representative of the Western Metropolitan Region, it is a matter which I and my colleagues have had conversations about. In relation to my portfolio responsibilities, I have responsibility for planning in the

planning portfolio and I am a coordinating minister for the rest of the Department of Planning and Community Development. What is important here is that I understand this facility does not fall directly within my portfolio responsibilities, but I am happy to give some information in relation to this.

I understand there are requests for the refurbishment of the facility and I understand some money has been committed by local government. I am also aware that a number of discussions are being had as to what is the best way of either refurbishing or revitalising that facility — or alternatively looking at a brand-new facility in another location. I understand those conversations are at a very early stage, but we are conscious that these sorts of facilities are vitally important for communities to make sure that you are providing not only the services that communities need but also the opportunity for members of communities to become involved, to be active within their own communities and to make a contribution to each other. I recognise that there is no doubt that this is a vitally important facility, and we look forward to responding to that community's needs and desires in due course.

Supplementary question

Ms HARTLAND (Western Metropolitan) — Considering that the cash-strapped Maribyrnong council has put \$1 million towards this project, would it not be reasonable to expect that the government would quickly come up with the rest of the money required for the refurbishment?

Hon. J. M. MADDEN (Minister for Planning) — I welcome the member's question again. I understand conversations are being had at this point in time. It is still early days. I think the conversations are really about the best use of any funds that may be applied to that sort of facility. If anybody has been involved with old buildings at any stage, they will know that sometimes it is a bit like old cars — if you are throwing good money after bad, are you better off investing in a brand-new facility? I understand some conversations are taking place as to the sort of investment and the best use of that investment combined in some sort of partnership at this point in time. Again, I understand it is very early stages in relation to those conversations.

Planning: Melbourne 2030

Mr VINEY (Eastern Victoria) — My question is also to the Minister for Planning. The Brumby government has committed to undertake the first 5-yearly audit of Melbourne 2030, the 30-year plan for managing Melbourne's growth and its surrounds in a

sustainable way. I ask the minister to advise the house how the Victorian public can have its say on the implementation of Melbourne 2030 as part of that audit process.

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Viney's interest in these matters. I know that his interest in planning policies extends not just to his local community but more broadly right across Victoria and to the on-the-ground results of those policies. As I have mentioned in this chamber on many occasions, we have policies where others have none. We have plans where others have none. We will continue to work to develop and manage those policies and outcomes, although there are others who work in a vacuum.

Honourable members interjecting.

Mr Drum — Who are you talking about?

Hon. J. M. MADDEN — I take up Mr Drum's interjection. Mr Drum wants to know who I am talking about. I may not be talking about The Nationals, Mr Drum. I am not talking about The Nationals, but I am talking more generally about the opposition. You can criticise this government legitimately if you have some policy, but I am still waiting for policies to come from the other side.

We are committed to making Melbourne one of the world's most livable cities and maintaining it as such. Livability is the key to making Victoria and Melbourne attractive places to live and making Victoria and Melbourne economically prosperous, but also prosperous in the sense of residents, businesses and visitors. That is why livability is at the heart of what we do in our newly created Department of Planning and Community Development.

Mr D. Davis interjected.

Hon. J. M. MADDEN — It will focus on building communities and not just subdivisions, Mr Davis. Livability is why we have Melbourne 2030. It is our long-term plan to manage those challenges of growth, because if you have got one of the world's most livable cities, people want to live in it — it is fairly obvious — and of course you will get significant growth. But we know that whilst we are managing growth and building on the attractiveness and the livability of Melbourne, there are others who would be prepared to put up signs on the outskirts of Melbourne saying, 'Melbourne closed. Do not come here because we do not want growth'. We know there are others who would be prepared to do that, but we are committed to managing that growth and to maintaining livability.

Mr Guy — Who?

Hon. J. M. MADDEN — I take up Mr Guy's interjection. You, Mr Guy! You — if you didn't realise it, Mr Guy.

We have directed housing — —

Honourable members interjecting.

Hon. J. M. MADDEN — I take up the interjections, because when others have policies I am prepared to consider and look at those policies. We have got policy, we have got plans and we will commit and continue to develop them.

The critical issue here is: when you have one of the world's most livable cities, people want to come and live in it, and that is why we are going through a period of unprecedented growth. But we have the tools to manage that growth. We have streamlined the planning processes, and we will continue to do that. We are directing and managing urban growth across Melbourne, and we are directing housing to where residents in new communities can access schools, shops and transport. We are providing what the opposition would never do: we are providing choice, and that is important if you want to maintain the livability of Melbourne.

But we do recognise that any long-term plan needs to accommodate new and emerging trends, particularly in the light of recent census figures. We need to respond to those issues as they arise at any level, so I am pleased to announce that we are calling for public submissions as part of the Melbourne 2030 audit process. Today we are calling upon community groups to make a submission. Councils, peak bodies, businesses and individuals are all invited to make a submission. We know that the opposition has conspiracy theories, but everybody is invited to make a submission. We would encourage people to read the submission guidelines on the Web and to put forward their views in relation to the implementation of 2030. Today we are calling for those public submissions, and we look forward to community members involving themselves. It is a great opportunity to take stock, to listen to our communities and to identify new and emerging trends. We want a well-planned city that has been developed carefully.

Mr Guy interjected.

Hon. J. M. MADDEN — By choice, not by chance — by well-managed plans and well-managed policy. We will ensure through this process that we make Victoria — and Melbourne — a better place to live, work and raise a family.

Exports: government targets

Mr P. DAVIS (Eastern Victoria) — I direct a question without notice to the Minister for Industry and Trade. Labor's 2006 election policy bragged that the export target 'set in 2002 to achieve \$30 billion in exports by 2010 has recently been met'. I remind the minister that the commitment in 2002 was for export of goods alone. I ask: will the minister inform the house what the total value was of Victorian exports for goods and services in 2005–06?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — I thank the member for his question. I am pleased that the member opposite will be shadowing me in a particularly important area as shadow minister for manufacturing, exports and trade, according to the list that I have got. I also note that I have two other shadows, making a total of three, which I am very pleased to have — and the more the merrier. I think the opposition should promote Richard Dalla-Riva and bring him down to the real front bench; I am happy to have him also shadowing me.

But in answering the question from the member, I would be interested to know how, for the purposes of the operation of the department, we should deal with the three shadows, because David Davis is the shadow minister for industry and Philip Davis is the shadow minister for manufacturing. I am trying to work out whether, when we are dealing with the defence industry, we go to David Davis or Philip Davis, or which one we go to when we are dealing with the motor vehicle industry, the fashion industry or the printing industry.

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — I am just trying to make things easy for you. In response to the question, I am also interested because Philip Davis has, as part of his title, exports and trade. I was just interested to know — I thought trade included exports but obviously for Philip Davis trade does not include exports — how he gets to the question and asks me a question about exports growth.

I have indicated before that Victoria's combined exports for the financial year 2005–06 totalled \$29.1 billion. This is an increase of 24 per cent on the figure for 1999, when the Bracks government came to power. That is right — 24 per cent more than what we had under the previous government. Not only that, recently in June we had figures on goods exports which showed that Victoria's goods exports for the three months to June 2007 were up 4.5 per cent on the same

period last year. Even in goods exports, which the previous — —

An honourable member interjected.

Hon. T. C. THEOPHANOUS — I hope Philip Davis does not adopt the practices of his predecessor, David Davis, in being dodgy with the figures, because not only have we seen an increase in exports in value terms but we now have an increase in goods exports in actual terms in the amount of goods that are being exported. We have an increase in goods exports, according to those figures.

We also have a huge increase in services exports, which the opposition never wants to talk about. There has been — wait for it! — a 41 per cent increase in services exports since 2000. The increase has come about in both goods exports and in services exports, but more so in services exports, and that is obviously because the economy is shifting in a particular direction, with a greater emphasis on services exports. I want to congratulate all of our major exporters, particularly those in the motor car industry. We are now exporting an enormous number of cars. More than 40 per cent — around 45 per cent — of all the cars we produce we export to 20 different countries. This is a huge success story. The opposition should really be getting on board with this success story and screaming everywhere throughout Australia and elsewhere about how well we are doing on exports and how well we are doing on trade.

I am very pleased to have Philip Davis as the shadow minister for manufacturing, exports and trade and to have David Davis as shadow minister for industry and state development. I look forward to working out which particular bits of my portfolio they are going to shadow me on.

Mr Jennings — That is because they are intercollaborational.

Hon. T. C. THEOPHANOUS — I do not really understand it. What I do know is that there is one shadow and there is another shadow, and they are both in the industry sector. The real question for me is — —

Mr D. Davis interjected.

Hon. T. C. THEOPHANOUS — I might be, but the real question for me is: who is the shadow and who is the shadow of the shadow. Trying to work it out is very difficult, but I am sure we will get there. I will sit down now and allow the honourable member to ask another question.

Supplementary question

Mr P. DAVIS (Eastern Victoria) — By the minister's own admission clearly the government has failed to meet the claim it made in relation to its election policy in 2006 when it claimed, as I pointed out earlier, that it had already achieved its \$30 billion in exports by 2010, but that was for goods alone. As the minister just said in his response, the actual combined total of goods and services exports for the last financial year was \$29 billion, one-third of which was services. Therefore the claim that the target had been met was not true, and indeed the government has been forced to shift the goalposts. When is the minister's new, revised export target of \$35 billion by 2015 going to be dumped and once again adjusted to reflect the abysmal export performance under Labor?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — No matter how Mr Davis wants to try to bag Victoria and our export performance —

Mr P. Davis interjected.

Hon. T. C. THEOPHANOUS — No, you are the one who is bagging Victoria. The fact of the matter is that, as I indicated to the member, we have had a 24 per cent increase since the Kennett government was in power. We have had a huge increase in services exports of 41 per cent, and we are determined to reach our target of \$35 billion. I am very confident that we are going to reach that target, and the way in which the Victorian economy continues to go from strength to strength is an indication of that confidence.

I might say that the Premier has specifically structured my portfolio in a way that focuses on our achieving that target, because he has specifically given me the title of minister for trade. We are in the process of refocusing our overseas offices in accordance with the Buckingham report, and that will also help us to achieve this very important target in export performance.

National Science Week: research achievements

Mr PAKULA (Western Metropolitan) — My question is to the Minister for Innovation. Given Victoria's participation in this week's National Science Week program, would the minister inform the house how the Brumby government is making Victoria the nation's leader and an international leader in science, technology and innovation? Would the minister also explain to the house how this leadership is paying dividends now and will continue to do so into the future for the Victorian community?

Mr JENNINGS (Minister for Innovation) — I thank Mr Pakula for a well-crafted question and for providing me with an opportunity to demonstrate to the chamber and to the Victorian community the raw enthusiasm that I have witnessed since I inherited the innovation portfolio. Indeed I have been blessed to be in the company of many inspiring scientists and people who are at the leading edge of medical and technological research not only within Australia but internationally. Victoria has a well-deserved reputation for being at the leading edge of technological and scientific development, and I am very pleased to say that the Bracks government supported and the Brumby government currently supports that aspect of intellectual rigour and capacity within the Victorian community. In fact we should take opportunities such as National Science Week to celebrate that.

Let me give credit to the commonwealth government for being a fellow traveller in recognising the value of National Science Week. It is a sponsor of National Science Week and in Victoria is partnering the department I have the good fortune to work with, the Department of Innovation, Industry and Regional Development. Many, many scientific research facilities are embarking upon celebrating science week and creating opportunities for young and old people in the Victorian community to become more aware of the great intellectual capacity that we have in Victoria.

I will give a brief snapshot of some of our inventions that are well known throughout the globe. This is the place where the black box flight recording method was invented and developed — and it is now a feature of aviation right across the world. This is the place where cochlear implants were invented. Those implants provide quality of life to thousands of people right around the world by allowing profoundly deaf and seriously hearing-impaired people to fully participate in life. This is the community where the leading research into in-vitro fertilisation (IVF) happened at Monash University. Indeed 12 of the first 15 IVF babies in the world were born at the Monash centre. This is the place where polymer banknotes were invented for the bicentenary of this nation in 1988. Now not only are they lining the pockets of members of the opposition but polymer technology —

Mr Hall interjected.

Mr JENNINGS — Even The Nationals have them lining their pockets; the Greens probably do not, because they live in a cashless society. This polymer technology has been exported to 20 countries across the world. Recently there was a fantastic breakthrough by Biota to introduce the flu vaccine Relenza, which was

developed here. This is the great intellectual scientific legacy that Victoria has. This is something we recognised the value of on coming to government in 1999. We recognised that we should provide support to it, so previously the Bracks government and now the Brumby government have supported science and technology innovation in the state by investing more than \$1.8 billion over their time in office to make sure that we have the critical infrastructure that is necessary for medical research, to make sure that we have the facilities — the forums, the research and the technological laboratories — and to make sure that we have the intellectual and physical capacity to take our innovations further.

Victoria is blessed in having the Walter and Eliza Hall Institute of Medical Research, which is well recognised all over the globe, and the Florey Neuroscience Institutes. Beyond those we have a number of other emerging research centres at tertiary institutions across Victoria. They are not necessarily all metropolitan; they are also in regional areas of the state. I want to make sure I record the RMIT Drug Discovery Technologies centre at Bundoora, the Victorian Centre for Plant Functional Genomics at Bundoora Biosciences at La Trobe University and the Centre for Drug Optimisation at the Victorian College of Pharmacy in Parkville. Deakin University is not only developing a fantastic research bioscience precinct in Geelong for the regional development of this state, but it is also entering into strategic alliances with Indian institutions. In fact it has established a research facility in India, showing the importance of pharmacological research and development.

We have invested significantly, and those returns are coming to Victoria here and now. Melbourne has two universities — Melbourne University and Monash University — in the top 20 medical research universities in the world. We are one of only three cities in the world that have two universities on that list: Melbourne, London and Boston. It is quite an outstanding achievement that Melbourne is recognised worldwide as a world leader in medical research capacity.

Allen Consulting has recently done a piece of work to look at the economic growth and activity and the jobs that have been created from our investment in this science, technology and innovation initiative. From the first three years of that investment, \$310 million from our government, Allen Consulting says that by 2014 — the 10-year lifespan of that investment — \$3.9 billion worth of increased economic activity will be added to our gross state product. Over 1700 jobs have been created. Not only are we creating great products, but we

are responding to international need, and we are setting the pace in terms of leading-edge technology and scientific endeavour. The returns are coming to Victorians in spades. We are very happy to stand up in National Science Week and congratulate our scientific and research institutions. We are working in partnership with them to create a better future for all Victorians.

Public land: decontaminated sites

Mrs COOTE (Southern Metropolitan) — My question is to the Minister for Environment and Climate Change, Gavin Jennings. It is nice to be shadowing him yet again. There is Crown land across Victoria that is in need of decontamination, and the responsibility rests with Mr Jennings as Minister for Environment and Climate Change. Has the government commissioned a detailed audit of all contaminated Crown land sites in Victoria? If so, how much will it cost to clean them up?

Mr JENNINGS (Minister for Environment and Climate Change) — I thank the member for struggling to get her question out. How many shadow ministers there are has been a feature of question time today. There are four ministers in the chamber, there are eight shadows —

Mrs Coote — How many parliamentary secretaries?

Mr JENNINGS — Obviously we are casting multiple shadows. We are extremely well lit in the chamber from a number of vantage points and casting a large variety of shadows. I thank the member for —

Mrs Coote interjected.

Mr JENNINGS — Thank you so much. I can understand why Victoria will be a better place because of that. Notwithstanding that, it is a reasonable question that the member asks. In fact it follows on from a question I was asked in the last sitting week about a particular site which has experienced contamination. We as a community and a government have an obligation to make sure that we reduce the degree of contamination, particularly when land is about to be sold or put to other purposes. It is incumbent on the government, if we are the owners of that land, to make appropriate rehabilitation efforts to ensure the integrity of those Crown land sites.

If there has been a statewide audit of all Crown land, it has not been drawn to my attention. However, following the member's question I will be very interested in ascertaining whether there has been such a piece of work and providing myself, and subsequently the member, with the answer to the question. One way or another I am absolutely determined to ensure that

whenever parcels of Crown land that may contain degrees of contamination and may pose some risk to the Victorian community in the way that land is put to public purpose are drawn to my attention I do whatever I can to ensure that the appropriate remedies are in place.

Supplementary question

Mrs COOTE (Southern Metropolitan) — Does the Brumby government intend to establish a fund to assist with the remediation of sites being developed for community purposes that have been identified as contaminated? If so, when?

An honourable member interjected.

Mr JENNINGS (Minister for Environment and Climate Change) — Again that is not a bad question, as a contribution from the backbench noted.

Mrs Coote — Excuse me?

Mr JENNINGS — The member's backbench congratulated her on asking a good question. I am just drawing that to the house's attention, because it does not often happen. I am very happy to see that there is solidarity in the ranks over there.

Mr P. Davis — It happens every day.

Mr JENNINGS — I am glad members opposite are together with one another today. That is very good, very reassuring. The substantive answer to the member's question is that there has been no consideration that I have been involved in within government about establishing an overall fund. These matters have been dealt with on a site-by-site basis. Should there be an investigation and an audit in accord with what the member has put to me and should we be able to make an overall estimation of the cost of that, then I will look at the appropriate measures by which we could fund the rehabilitation of these sites in years to come.

Information and communications technology: investment

Ms MIKAKOS (Northern Metropolitan) — My question is to the Minister for Information and Communication Technology. Can the minister inform the house of any recent developments that have taken place in the information and communications technology industry (ICT) in Victoria that will cement Victoria's reputation as Australia's centre for ICT and what role the government has played in these developments?

Hon. T. C. THEOPHANOUS (Minister for Information and Communication Technology) — I thank the member for her question. I am very pleased to have this new responsibility as information and communications technology minister. Indeed it is an exciting area, one which is expanding significantly. I am also very pleased to have as the shadow minister for information technology Gordon Rich-Phillips. The member may be able to clarify this, but somewhere in his title he dropped communications. My list says information technology, it does not say information and communication technology. The Leader of the Opposition might be able to repair that at some time, because I am sure the member has some interest in broadband and how it might affect communications throughout Victoria. I look forward to the correction of Mr Rich-Phillips's title.

Melbourne is the sporting capital of the nation, but what is probably less well known is that Melbourne is also now acknowledged as Australia's digital games capital. The games industry is worth an estimated \$40 billion on a global basis and is expanding exponentially. I was asked a question about exports just before, and Australian games companies now export \$110 million worth of software and expertise every year. That is expected to rise to \$500 million by 2010. This is an industry which is expanding rapidly, and one Victoria is very interested in being a part of.

Last week I officially launched Victoria's first electronic games-related degree offered by a private college. I am not sure what it means to be a bachelor of games, but I suppose it is one of those things which is an indication of new things to come. The launch of the new Melbourne campus of QANTM College means that the digital media industry is set to flourish with a new pool of graduates emerging from that college. It is a very important part of what we are doing. As I indicated before, that college now offers Australia's first pure games degree, and it will be an interesting development as we go forward.

The college's unique program offers an emphasis on aligning knowledge and skills with current industry demand. The economic benefits of this kind of program and of these new technologies in the games industry will be significant for Victoria. It involves the development of technologies for 2D and 3D animation, but it also takes us into a whole different aspect of art as well, because it is really an artistic representation. We will have films coming out, we will have a whole range of industries that emerge as by-products of being able to develop sophisticated games that involve 3D technology and being able to have these on the screen in the way that I have seen very recently.

It also goes beyond that, because I think this industry ultimately allows us — from some of the things which I have seen — to do things like being able, in a kind of real motion way, to look at, for example, a building and the way that building would look once constructed. I know that the Minister for Planning would certainly be interested in the way that we could consult with communities by being able to take a member of the community through a virtual trip around what is being proposed as a building or as a facility or as a major project and allow that community member to actually see what it will be like when it is constructed.

There are all these offshoots that will develop arising out of a vibrant games industry. I am very pleased to say that the ICT sector is a very important part of our economy. The Brumby and Bracks governments have attracted more than \$1.5 billion in investment in that sector and created 10 000 jobs. The sector is expanding rapidly, and I look forward to its playing a major role in contributing to our economy and to our society.

Public sector: enterprise bargaining agreement

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is to the Treasurer. I refer to the \$222 million allowance for contingent expenses contained in the budget but not allocated to departments, and I ask: how much of this allowance is available to cover the cost of enterprise bargaining agreement (EBA) negotiations that exceed the target of 3.25 per cent?

Mr LENDERS (Treasurer) — The government put into place, several years ago, a departmental funding model, of which Mr Rich-Phillips is well aware, which was a feature — —

Mr D. Davis — That is why Mr Rich-Phillips is asking the question.

Mr LENDERS — I take up David Davis's interjection. Occasionally — I do not often give credit like this — Mr Rich-Phillips actually understands the budget; he pretends he does not, but he understands it. He well knows the departmental funding model that came into place, which is what departments fund. He knows the government wages policy and that what departments offer on enterprise bargaining agreements is the 2.5 per cent funding model plus a further 0.75 per cent as of right for service delivery improvements, which they find within their departmental forward estimates. Mr Rich-Phillips knows that in the funding he refers to there is no wages contingency, and he knows that there are unallocated moneys for things like

the Treasurer's advance to deal with things like floods, fire and the like.

Mr Rich-Phillips knows that this government is open, transparent and accountable when it comes to budgets. We are not fearful of our budget being perused. In fact Premier Bracks and Premier Brumby after him have directed that all ministers appear before the Public Accounts and Estimates Committee to spend quality time answering questions from people like Mr Rich-Phillips about the budget, line by line and item by item, because we are open to scrutiny on these matters.

There is no hidden contingency, as Mr Rich-Phillips is implying by his question. We have a wages policy that is out there on the public record and being debated vigorously at the moment in the community. This is all part of having a budget which is in the black, which is designed to deliver on our election commitments and which is designed for targeted service delivery and targeted infrastructure works in this state so that we can build our economy and offer jobs for Victorians, which is the highest priority of this government. Jobs are the most empowering thing available; they give people great opportunities.

I welcome Mr Rich-Phillips's question. It is great to get questions in this Legislative Council, which was reformed by the Bracks government. After 147 years of this house being unrepresentative, we now have proportional representation and a Parliament that is accountable. We are not afraid of that. We welcome that interchange and look forward to Mr Rich-Phillips's supplementary question, which I am sure will refer to the great financial reforms of the Labor government, its openness and transparency and how Mr Rich-Phillips welcomes that.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The Treasurer may be disappointed by my supplementary, which is: will the Treasurer confirm that an EBA outcome of just 1 percentage point above the target of 3.25 will cost \$131 million this year and wipe 40 per cent off the budget surplus?

Mr LENDERS (Treasurer) — Mr Rich-Phillips reminds me a little bit of when I was a child and we used to go to the Warragul show. They had these things called the laughing clowns and their heads went from one side to the other. Mr Rich-Phillips wants to be on one side of the equation and say, 'We have got a huge surplus, spend it', and he is very concerned about that. On the other side of the equation he says, 'We will be

ruined, because the budget is not up to it'. Mr Rich-Phillips cannot be one or the other. What he is asking is: do we manage our budgets well? In the end it is not for me, as Treasurer, to comment on that. It is an issue for the Auditor-General and others to comment on, so I will not comment — although I think we do manage our budgets well.

Are they easy? No, they are not, because budgets are about difficult choices that governments have to make — 20 ministers across 20 portfolios — when there are things that people put forward that are good policies designed to reduce regulatory burden, deliver services and build infrastructure. We, as a government, have an obligation to balance those in the budget, and we do. We have a wages policy to assist us in service delivery and in paying decent wages to our employees in the state, which we do. This is the range of things that we deal with in our budget, and I think it is more open, more transparent and accountable than that of any other government in the state's history — and it is not just me who says that, as Mr Rich-Phillips well knows. If he goes back to the *Australian Financial Review* of 15 January 2003, he will find that that newspaper accused this government of being 'too transparent, too much reporting'.

We will continue. Every budget will be one where there is a contest in government for resources, and the government will come up with a balanced proposition that is a budget in the black, with targeted service delivery, targeted infrastructure delivery and a vision for the state of Victoria now and going into the forward estimates. I am confident we have budgeted correctly on these matters, but we will always keep our budget under review so that when the next budget is brought down in May next year we will continue to have the same rigorous process we have had in the seven budgets to date under those great treasurers, Steve Bracks and John Brumby. This is all designed to make Victoria an even better place to live, work and raise a family.

**Victorian Environmental Assessment Council:
river red gum forests report**

Mr DRUM (Northern Victoria) — My question is to the Minister for Environment and Climate Change, Gavin Jennings. Has the minister read the draft report of the Victorian Environmental Assessment Council investigation into the river red gum forests, which was released last month?

Mr JENNINGS (Minister for Environment and Climate Change) — I certainly had the good fortune to

have a look at the good work the Victorian Environmental Assessment Council (VEAC) has done.

Mr P. Davis — You looked at the cover!

Mr JENNINGS — No, I have had a read of it. In fact I met with VEAC yesterday afternoon to discuss the report. I am very interested to know about its underpinnings and the thought it has undertaken on this substantive piece of work. It consulted with thousands of people right across the northern parts of Victoria. It has received many hundreds of submissions, which it is going through. The closing date for submissions is 21 September. At this point in time it is looking forward to analysing those submissions and whether it should alter its recommendations on land tenure and the purposes for public land right across the northern part of Victoria, particularly those areas that are affected within the river red gum regions of Victoria. It will make recommendations early in the new year.

I am reasonably well versed in the material. I have had a discussion with VEAC about its work, and I am extremely interested to know how communities and interest groups are responding to the recommendations and to see over the next few months how those recommendations will be refined so that we, as a government, can consider those recommendations and implement them into the future.

Supplementary question

Mr DRUM (Northern Victoria) — Having read the report, can the minister explain to the house under what circumstances this Brumby government could possibly enact the recommendations within the report, which will lead to the loss of 120 jobs and set in place poverty and financial hardship, create strains in family relationships and lead to intergenerational welfare dependency, which are the exact words used at page 85 of the report?

Mr JENNINGS (Minister for Environment and Climate Change) — The way in which I answer Mr Drum's supplementary question will be a bit more specific but pretty much the same as the way I answered the first question — that is, that VEAC itself is considering the implications of its recommendations. It is consulting further with affected communities. In fact the chair of VEAC actually told me that last week he went to a community meeting in Nathalia where there were hundreds of people who made their views pretty clear.

Mr Hall — There were about 500 actually.

Mr JENNINGS — Let us say ‘500’, let us not argue the toss. I was told that hundreds of people expressed their views, which were heard, reflected on and reported back to me on an interim basis. They will be listened to. The aspirations of all Victorians — whether it be their social or economic circumstances, or their environmental aspirations — will be considered by VEAC in the first instance, and all of them will be considered by the government in terms of how it responds to the report.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Treasurer) — I have answers to the following questions on notice: 395, 435, 481, 517, 560.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 11

Mr EIDEH (Western Metropolitan) presented *Alert Digest No. 11 of 2007, including appendices.*

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

National Environment Protection Council — Report of the Review of the National Environment Protection Council Acts (Commonwealth, State and Territory), June 2007.

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

Alpine Resorts Planning Scheme — Amendment C19.

Banyule Planning Scheme — Amendment C51.

Baw Baw Planning Scheme — Amendment C54.

Bayside Planning Scheme — Amendment C50.

Cardinia Planning Scheme — Amendment C87 Part 3.

Golden Plains Planning Scheme — Amendment C2 and C42.

Greater Bendigo Planning Scheme — Amendment C105.

Greater Shepparton Planning Scheme — Amendment C68.

Hobsons Bay Planning Scheme — Amendment C70.

Hume Planning Scheme — Amendment C87.

Knox Planning Scheme — Amendment C64.

Latrobe Planning Scheme — Amendment C55.

Manningham Planning Scheme — Amendment C58.

Nillumbik Planning Scheme — Amendment C49.

Surf Coast Planning Scheme — Amendment C33.

Warrnambool Planning Scheme — Amendment C54.

Wellington Planning Scheme — Amendment C47.

Whittlesea Planning Scheme — Amendment C74.

Wyndham Planning Scheme — Amendment C94.

Yarra Ranges Planning Scheme — Amendment C57.

Prevention of Cruelty to Animals Act 1986 — Code of Accepted Farming Practice for the Welfare of Pigs 2007 (Revision No. 2).

Statutory Rule under the Court Security Act 1980 — No. 87.

Subordinate Legislation Act 1994 — Minister’s exemption certificate under section 9(6) in respect of Statutory Rule No. 84.

Terrorism (Community Protection) Act 2003 — Report on powers under the Act 2006–07 pursuant to sections 13ZR and 21M of the Act.

BUSINESS OF THE HOUSE

General business

Mr P. DAVIS (Eastern Victoria) — By leave, I move:

That general business on Wednesday, 22 August 2007, be taken in the following order:

1. notice of motion no. 7 standing in the name of Mr Guy in relation to housing affordability; and
2. notice of motion no. 45 standing in the name of Mr Barber in relation to a reference to the Law Reform Commission.

Motion agreed to.

MEMBERS STATEMENTS

Crime: assaults

Mrs COOTE (Southern Metropolitan) — Violence in Melbourne’s streets and towns is rising at an alarming rate and is at crisis point. People no longer feel safe on our streets. Recently we were shocked by

the brutal shooting of father of three Brendan Keilar, when he came to the rescue of a woman who was being attacked. The *Herald Sun* of Sunday, 19 August, says about one of the nightclubs:

Police allege Barcode broke nine liquor licence laws that day and that this was only one of a series of violent episodes at the club this year.

Six alleged attacks at the club in as many months included — a whole range of issues.

Bendigo, Warrnambool, Geelong and Ballarat have all reported an increase in violence. The residents of Chapel Street in Prahran are conducting a public meeting to tell the Brumby government to close down the nightclubs in the area at 2.00 a.m., in an attempt to curb the ongoing violence on their streets. It is totally unacceptable also that last week a young Jewish man was attacked while he was drinking his coffee outside Glick's in Balaclava. This anti-Semitic action is absolutely unacceptable and should be stopped immediately.

We need more police on the streets to prevent these horrendous incidents. When will the Brumby government stop the rhetoric and do something to make all Victorians feel safe on their streets?

Wind energy: Dollar

Mr HALL (Eastern Victoria) — I wish to make a comment on the government's failure to release the Dollar wind farm planning panel report. The house would be aware that for some time now I have been requesting the release of that report, as has the South Gippsland community, but until now those pleas have been without success.

What we do know is that a report does exist. Yesterday on radio the Minister for Planning admitted that he had the report in front of him. He admitted that he had not read it but that he had been briefed on it. The minister — I thought curiously — described it as a draft report. I have never heard of a planning panel producing a draft report, unless this government has adopted the practice of editing independent planning panel reports prior to their public release. If that is so, how could one fairly describe this as an independent planning panel report? There were 1500 submissions on this particular project and I made one of those. Members of this government claim they are good at consulting with the community. I say to them that consultation is a two-way process. The people of South Gippsland have had their say. Now they want to know what the panel and this government have to say in response.

I again call on the government to release this report. Failure to do so simply reinforces the view that open, honest and accountable is rhetoric rather than reality from this government.

Coode Island: chemical storage

Ms HARTLAND (Western Metropolitan) — Today is the 16th anniversary of the Coode Island fire. At the time I lived about a kilometre from the site and on behalf of the local community had been warning the then Cain government that the site was unsafe. At the time we were told that we were being stupid and hysterical and that there was no danger. But the fire proved us right: a huge plume of toxic smoke went over not only the western suburbs but the city and as far as Frankston. The Coode Island inquiry, chaired by John Landy, who went on to become our Governor, found that the Coode Island facility was too close to homes. He found that if moved were to be moved it would need a 5-kilometre buffer around it and that if it stayed, houses in Footscray would need to be bought to create a buffer.

The Cain and Kirner governments promised it would be moved, the Kennett government promised it would be moved and when in opposition Mr Bracks, the former Premier, promised it would be moved. Unfortunately Coode Island is still there and there is no buffer — it is still 500 metres from the nearest home. In fact, more people are living just 3 kilometres down wind from the island, in Docklands, which has been built since the fire. I am not sure that I believe the spin put out by the companies on Coode Island or the government that the site is safe. I would have thought that by now the government would have started a process of toxics reduction so that we could reduce the need for sites such as Coode Island.

Water: fluoridation

Mr KAVANAGH (Western Victoria) — Recently the government has been announcing its intention to add fluoride to the water supplies of many parts of western Victoria, including Warrnambool. Last night at Warrnambool I attended a community forum on fluoridation, which was also attended by about 700 or 800 other people. Several speakers presented very persuasive arguments about the potential dangers of fluoride. They also showed that fluoride is possibly not very effective in preventing tooth decay, as is often claimed.

I am no expert in scientific matters such as this. However, I do know that my party, the Democratic Labor Party, was founded not only in opposition to

Communism but also in defence of democratic principles. One of the manifestations of those principles first established by the DLP was that where possible local people should decide local issues. It seems quite proper that before fluoride is added to water the people who are going to drink that water should decide whether the fluoride will be added.

I ask the government to review the scientific evidence on fluoride, to consider the depth and breadth of community feeling on this issue and to add fluoride only where that is approved by communities in a referendum.

Libraries: Goroke

Ms PULFORD (Western Victoria) — On Tuesday of last week I had the pleasure of joining the Minister for Local Government in the other place, Minister Richard Wynne, for the official opening of the new and improved Goroke library. As my colleagues in this chamber who represent the Western Victoria Region would know, Goroke is a small town near the South Australian border with a population of around 300. It would be easy for a town like Goroke to be overlooked in things such as a new library, but the Brumby Labor government is committed to governing for all Victorians, and it granted \$20 000 from the Living Libraries program to help fund the new premises on Main Road, which are bigger than the previous library premises. The new library has more books and offers a more relaxed and comfortable space for those, young and old, who want to enjoy its facilities.

I would like to congratulate Cr Bruce Meyer from the West Wimmera Shire Council, and Pam Clarke, who is the Wimmera Regional Library Corporation chairperson, for their vision and for joining the minister and myself in opening this valuable community resource.

North-west municipalities group: meeting

Ms PULFORD — Minister Wynne and I also attended the north-west municipalities meeting that day at which we discussed federal government road funding, or the lack of it, the long-term vision for the rail freight network and also remuneration for local councillors. It was a very positive meeting, and I would like to thank West Wimmera Shire Council's chief executive officer and the secretary of the north-west municipalities group, Jim McKay, for hosting the minister and me and providing us with an opportunity to discuss important issues.

Parliamentary Services: performance

Mrs PEULICH (South Eastern Metropolitan) — As a member of Parliament who has returned I would like to draw the attention of members to some concerns I share about the operations of the Department of Parliamentary Services. The matter about which I am most concerned is the length of time taken to accommodate MPs. One is still in temporary accommodation and another has just recently been accommodated. A series of frustrations have been experienced by many. Another issue is the very slow rollout of new IT, which has not been replaced since 2002.

However, the most serious concern is the culture in some elements of Parliamentary Services — and many of my colleagues ask why. To give some insight into the department's problems I would like to draw members' attention to a particular experience I have had that is rather smelly to say the least. It concerns a protracted dispute over a disused external outhouse — or dunny — which was neither functional nor connected to sewerage when I took occupancy. Since January we have heard all sorts of reasons why it needs to be returned, despite the fact that a letter to me from the Secretary of the Department of Parliamentary Services states:

In terms of the occupational health and safety issues you raise we note that this office has adequate internal toilet facilities and that there is no need for anyone to use the external facility. As such once the toilet has been reinstated we propose to place a lock on the door and prevent use of same.

This is a waste of my time and a waste of resources that my constituents are entitled to have, and certainly a distraction. One would have to question whether or not it is deliberate and a political game. This is a picture of the toilet which was neither functional nor used and which Parliamentary Services has spent several — —

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

Mrs Peulich interjected.

The PRESIDENT — Order!

Mrs Peulich interjected.

The PRESIDENT — Order! Resume your seat!

Debate interrupted.

SUSPENSION OF MEMBER

The PRESIDENT — Order! In my view the member has disrupted the business of the house, and as such I will use standing orders to remove her for 30 minutes.

Mrs Peulich — No, I would like to — —

The PRESIDENT — Order!

Mrs Peulich — On a point of order, President — —

The PRESIDENT — Order! What is that nonsense! That went out a long, long time ago.

Mrs Peulich — Thank you, President. Without reflecting on — —

The PRESIDENT — Order! No! There is no debate on my decision to remove the member from the chamber. She will leave right now or I will name her.

Mrs Peulich withdrawing from chamber:

Debate resumed.

King Street Residents Action Group

Mr TEE (Eastern Metropolitan) — I have previously spoken in this house about the work of the King Street Residents Action Group. This local community group has worked with the government to achieve funding of over a million dollars to improve King Street in my electorate. Unfortunately not everyone was as pleased as I was by the success of this local community group. In fact — —

The PRESIDENT — Order! Mr Tee. Mrs Peulich, resume your seat!

Debate interrupted.

SUSPENSION OF MEMBER

The PRESIDENT — Order! Mrs Peulich, I am annoyed, to say the least, at your contrite response and the pathetic display you offered in retiring from the chamber. I think it was highly disrespectful, and I will name you — but before I do I will offer you the opportunity to apologise to the Chair.

Member having remained in chamber:

Mrs PEULICH (South Eastern Metropolitan) — If offence is taken, I do apologise.

The PRESIDENT — Order! Now Mrs Peulich can leave. Mr Tee, to continue.

Debate resumed.

Mr TEE (Eastern Metropolitan) — The member for Doncaster in another place, Ms Mary Wooldridge, was so annoyed at the success of this local group that she felt compelled to write a letter to the local paper. Ms Wooldridge — —

Debate interrupted.

SUSPENSION OF MEMBER

The PRESIDENT — Order! Mrs Peulich! You test my patience, Woman! Thirty minutes!

Mrs Peulich — I find that offensive, President.

Mrs Peulich withdrew from chamber.

Debate resumed.

Mr TEE — Ms Wooldridge wrote to the Manningham paper suggesting that there was nothing to celebrate. This was a slap in the face for a local group of hardworking volunteers. In fact so hurt were members of the residents action group by Ms Wooldridge's slur that they felt compelled to respond to the newspaper, and they wrote to the paper:

It is sad and disappointing that the Doncaster state MP Mary Wooldridge was ungracious in acknowledging a funding win for King Street ...

...

The group hopes that Ms Wooldridge would also adopt a bipartisan philosophy and work with all MPs ... to achieve wins for King Street and indeed for the overall Manningham community.

It appears that there are some who arrogantly dismiss and treat with disdain the very communities they have been elected to serve.

Mr O'Donohue (Eastern Victoria): Pakenham electorate office

Mr O'DONOHUE (Eastern Victoria) — I rise today to thank the Leader of the Opposition in another place, Mr Ted Baillieu, for formally opening my electorate office in Pakenham last Wednesday, 15 August. In the course of spending the day with Mr Baillieu we visited the local hospital — Casey Hospital — Beaconhills College, the local shire council and Nar Nar Goon Primary School as well as other community facilities. The message we received from

these groups, from constituents and from others was consistent — that is, that the government has more than happily taken the money from stamp duty, land tax and other forms of taxation with one hand but with the other has not delivered the infrastructure required to adequately provide services for the people of the growth corridor. The roads are clogged, the trains are late and the services are inadequate and do not meet the expectations that people rightly have of this state government.

I am very pleased to have my office based in Pakenham, to be able to provide a voice for people and to advocate on their behalf for this government to provide the infrastructure and the services that are so desperately needed in the growth corridor. I would also like to thank the local community, which has been very warm in welcoming me. Again I thank the Leader of the Opposition in another place for formally opening my electorate office in Pakenham.

Fanny Brownbill

Ms TIERNEY (Western Victoria) — It is with honour that I rise to pay tribute to the first woman elected to the Victorian Legislative Assembly, Mrs Fanny Brownbill. Fanny Brownbill was elected to the Legislative Assembly in 1938 after her husband, William Brownbill — who previously held the seat — died whilst in office. Fanny held the seat until her death in 1948, representing constituents through some of the harshest years in Australia's history. At her funeral thousands of people lined the streets of Geelong, a testimony to the love and respect they had for her. She was a champion of the needs of women, children and the aged. In her inaugural speech to Parliament she vigorously fought the railways department ban on prams, underlining its detrimental effects on women and children.

Just last Sunday I had the pleasure of hosting the seventh annual Fanny Brownbill luncheon in Geelong, where over 100 guests, including the Minister for Education in another place, Bronwyn Pike, and members of the Brownbill family gathered to commemorate Fanny Brownbill. The luncheon was a great success; however, it should not just be on one day that we remember her wonderful contributions, and we are currently pursuing — with community support — having one of the bollard walks along Eastern Beach named in Fanny Brownbill's honour to mark a longstanding tribute to her memory.

Breastfeeding: federal inquiry

Ms LOVELL (Northern Victoria) — I draw the attention of the house to this state Labor government's failure to make a submission to the commonwealth parliamentary inquiry into breastfeeding. The final report from this inquiry, which was tabled in federal Parliament this month, revealed that all states and territories — except Victoria — contributed submissions to the inquiry. It is a well-known fact that breast is best for babies, with research showing that breastfeeding reduces the risk of common childhood infections and helps prevent various chronic diseases in later life.

Recent research has also shown that breastfeeding may significantly reduce the incidence of childhood obesity. Despite all the evidence of the benefits of breastfeeding, the state Labor government failed to support nursing mothers by contributing to this important national debate. The state government has also failed to support the Victorian branch of the Australian Breastfeeding Association, which provides support to nursing mothers through the provision of advice, counselling, practical tips and support.

I call on the government to acknowledge this work and the benefits of breastfeeding by providing ongoing funding to the Victorian branch of the Australian Breastfeeding Association to allow it to continue this important work.

State Emergency Service: Lilydale and Knox units

Mr LEANE (Eastern Metropolitan) — It was a great pleasure recently to visit the State Emergency Service (SES) Lilydale and Knox units on their training nights on consecutive Mondays. Once again I was amazed at the passion, time and effort that volunteers in our community are putting in for the benefit of all of us, and in this case the readiness of SES volunteers to put themselves into dangerous situations for the sake of others. I would like to thank Spike, Colin and Shaun at the Lilydale unit and Brett and Peter at the Knox unit for giving me so much of their time and explaining to me the workings of their units. The geographical area that they cover is interesting. They train in situations like landslides, search and rescue, storm damage and even plane crash rescue as well as motor vehicle rescue, when they can be called out 24 hours a day — at any time of the day or night.

Mountain Gate Primary School: early learning facility

Mr LEANE — On another matter, I would like to congratulate the Mountain Gate Primary School on the official opening yesterday of its early learning buildings. It is a great tribute to one of the long-time teachers of the school that they have named these buildings after Enid Miller for her dedication and hard work in teaching young people in our community.

Doncaster East: liquor outlet

Mr ATKINSON (Eastern Metropolitan) — I note the government's approach to liquor licensing has been to remove the caps that previously applied to the large chains, with considerable implications for the community and particularly for independent retailers. I note that the government has been undertaking a review of liquor licensing laws, which to some extent seems to be shutting the gate after the horse has bolted. Most of the push of that review seems to be to introduce rather restrictive requirements on independent retailers but still to not focus at all on the activities of the chains such as Coles and Dan Murphy's, which have done remarkably well under this government's licensing regime.

I therefore join with the City of Manningham and the some 6000 people who have so far signed petitions in expressing considerable concern about a proposal by Woolworths at Doncaster East to convert an existing Safeway supermarket into a Dan Murphy's liquor store — a store that would go head to head in Jackson Court against Nicks Wine Merchants, which is already a major liquor retailer in that centre. There is no community need for this store, and I hope that the director of liquor licensing will refuse a licence application for that store.

Debate interrupted.

DISTINGUISHED VISITOR

The PRESIDENT — Order! I wish to draw to the attention of the house that we have in the gallery an ex-minister of the Victorian government, the Honourable Kay Setches.

Debate resumed.

Prime Minister of Malta: visit

Mr PAKULA (Western Metropolitan) — Earlier this month I was privileged to attend a reception held at the Maltese Association of Hobson's Bay in East

Altona. The occasion was the visit of the Maltese Prime Minister, the Right Honourable Dr Lawrence Gonzi. Not surprisingly the association's small clubroom was packed. There were about 500 proud Maltese Australians there. They sang both the Australian and the Maltese anthems with considerable gusto, and the Maltese Prime Minister was very accommodating. He allowed photos with many of the guests and shook almost every hand in the centre.

To put the visit of the Prime Minister of Malta into perspective, it is only a few months since the same club was visited by Dr Tonio Borg, the Deputy Prime Minister of Malta. It is testimony to the organising capacity of the Hobson's Bay Maltese association and particularly its president, Joe Attard, and the respect with which the Maltese community in Melbourne's west is held in Malta, that in the space of three months both the Prime Minister and the Deputy Prime Minister would visit not just Melbourne but in particular the East Altona clubrooms of the Maltese Association of Hobson's Bay.

Princes Highway: upgrade

Mr VOGELS (Western Victoria) — With the federal election not far away, once again the state Labor government has conned local government in western Victoria into believing that the responsibility for state-owned roads is really the responsibility of the commonwealth. Before the state election just nine months ago we did not hear a peep out of local councils demanding their fair share of road funding from the Bracks Labor government.

I strongly support the campaign to duplicate the Princes Highway between Geelong and Colac. The duplication was a commitment of the Kennett government back in 1999. It was secured by local state and federal Liberal MPs and candidates Stewart McArthur, David Hawker, Bruce Chamberlain, Terry Mulder and me. I also support the upgrading of the Princes Highway from Colac to Warrnambool and on to the South Australian border, which was another commitment by the Kennett government in 1999.

For clarity in broad terms there are three classifications of roads. Local roads are maintained by councils and the federal government through Roads to Recovery funding — with nothing coming from the state government. State roads are in theory maintained through VicRoads by the state with commonwealth funding if both parties agree. There are also AusLink network roads, which are federally funded roads linking routes between capital cities. An example is the Western Highway, the designated route between

Melbourne and Adelaide. In other words, the commonwealth will provide one-off funding for specific agreed upgrade projects provided the state matches the application and VicRoads accepts responsibility for ongoing road maintenance. It is up to the state to nominate these roads, yet for all its spin and rhetoric this Labor government has never put forward dollar figures in any budget, even in its forward estimates, for the Princes Highway west of Geelong.

Even Martin Ferguson, the federal Labor spokesperson for transport and roads, was reported in the *Surf Coast Echo* of 22 February 2007 as saying

I understand the local community's and councils' frustration but the buck stops with the state government ... I know my responsibility and that is not one of them ...

The duck-shoving needs to stop ...

It is time local councils hold this state Labor government to account for failing to deliver on what is clearly a Brumby government responsibility.

Peter Ross-Edwards Causeway: upgrade

Ms DARVENIZA (Northern Victoria) — I was very pleased on Monday, 13 August, to officially mark the completion of the \$10 million upgrade of the Peter Ross-Edwards Causeway. The upgrade included the widening of bridges and traffic lanes and improving sealed shoulders over the 3.2-kilometre length of the causeway. This will maximise safety for motorists who use the causeway, which is a vital connection between Mooropna and Shepparton and an important regional freight link. Over 22 500 vehicles travel across the causeway each day. The narrow width of the lanes and the lack of shoulders over the six bridges has been an ongoing concern for the local community as well as for the freight industry. The Brumby Labor government has listened to those concerns, and these significant improvement works have made sure that the causeway meets the traffic demands and also provide a safe link between two townships. These works are evidence of the Brumby Labor government's commitment to linking communities and to fostering employment and economic development by improving our road, rail and port networks, particularly those in rural and regional Victoria.

GOVERNOR'S SPEECH

Address-in-reply

Debate resumed from 15 February; motion of Ms PULFORD (Western Victoria) for adoption of address-in-reply.

Mr P. DAVIS (Eastern Victoria) — A lot has happened in Victorian politics in the last eight months but very little has happened in terms of the delivery of Victoria's future agenda. Throughout the election campaign last November the central message by then Premier Bracks was that more needed to be done — a mantra that has echoed in all of Labor's policies. More recently we have heard the new Premier revert to the theme that we need to do better.

Mr Viney interjected.

Mr P. DAVIS — I thank Mr Viney for coming in to support my speech in the debate on the motion for the address-in-reply to the speech of the Governor. To resume following the interjection, as I said, the new Premier wanted to make the point that we need to do better. Those two statements — that is, the statement by the former Premier and the statement of the new Premier — are a plea for re-election on the basis of an incomplete agenda and the acknowledgement that Victoria's performance can be improved.

They do not sit well together. That the government needs to lift its game is an admission of shortcomings in Labor's management of the state. This admission and the role of the Premier in his former position of Treasurer as co-architect of the Labor agenda brings into question its credibility. Victorians have now had two agendas put before them in the past eight months, if indeed they can be called agendas. There was the government's agenda formally set out in the Governor's address to the Parliament on 19 December 2006 to which I am now responding, and Premier John Brumby's so-called new agenda that he trotted out for the media between photo opportunities on the day before he became Labor leader. In both cases 'if' is the pertinent word.

The government initially, and now Premier Brumby, have presented their own take on Rudyard Kipling's well-known poem entitled *If*. I am sure my colleague, Andrea Coote, can recite it. Both statements are heavily qualified with 'ifs'. The things that need to be done in Victoria will be considered or referred to studies or are cloaked in ill-defined undertakings that they may well get done beyond this term. The government leaves its calling card supposedly as a sign of intent but nothing much ever happens.

Under the scenario that has emerged over the past month the two former Labor leaders, the Honourable Steve Bracks and the Honourable John Thwaites, have walked away, leaving a government in a vacuum. The new agenda makes a pretence at urgency but is a mask for more of the same. What we

have is a government that is here today and gone tomorrow — and that is extraordinary. It has been a matter of saying, 'If you have a problem don't blame me, blame the next leader. I am out of here'. Victorians have been left with uncertainty. As these events signify, the hallmark of Labor's agenda can be summed up as unfinished business. The immediate reaction of Labor politicians and the media to the former Premier's departure was to laud his legacy and spread a carpet of petals on the path to his honeymoon. Let me remind members that a legacy implies something substantial, something positive.

But the former Premier and his deputy have fled their posts leaving a long list of unfinished business. A water crisis that is yet to be resolved, a scandalous hiatus over the renewal of lotteries and gaming licences, an underperforming education system and schools in urgent need of repair, thousands of Victorian children whose families are still unable to get them a place in kindergarten, a health service that is unable to cope, chaos in public transport, congested roads, stalled major infrastructure projects and state finances headed dangerously into debt. Steve Bracks, the accidental Premier who failed to get things done, did not want to be around in 2010 to face the music. There is scant evidence that things will be any different under a new accidental leader, Premier John Brumby, who has been the co-star of the same old story but who has no mandate.

The *Age* assessed the current position in its editorial on 30 July:

Despite the rosy picture that Mr Bracks painted on Friday — the day of his resignation —

the government faces unresolved policy changes that go to the heart of traditional state responsibilities for schools, health services, transport and water. Yesterday Mr Brumby duly nominated education, health, major projects and public transport as his priorities. Only with public hospitals is infrastructure renewal well advanced. The government has begun its \$1.9 billion plan to rebuild or modernise 500 schools. The imbroglio over the much-delayed channel deepening project has still to be resolved, while the government has been unable to bridge the gap between the admirable theory of its 2030 planning strategy and practice. As for the two sources of greatest public discontent in recent times, water supply and dysfunctional transport systems, the government has hardly begun the multibillion-dollar transformations of infrastructure on which sustainable, long-term solutions depend.

We can see the way things are headed by comparing the policy priorities and directions that were outlined in the Governor's address and the recently published Brumby priority list. Firstly, education and skills, the Governor's address ran education, skills and early

childhood development up the mast as priorities. The emphasis has now shifted just slightly, as we are told that attention will centre on the two ends of the education spectrum — early childhood development and skills training. My reaction is to ask what is new. Education as the no. 1 concern has been Labor's mantra for a decade, and despite claims that spending in the area has quadrupled, that is not reflected in improved outcomes. Labor has not been able to get it right. Its approach of incorporating kindergartens and childhood development under education simply mirrors Liberal Party policy.

Mrs Coote — Hear, hear! It is a very good policy too!

Mr P. DAVIS — I am chastised by my deputy, who makes the point that it was an outstanding policy, and indeed it was. My deputy was the author of the policy, which has now become a policy that the government of Victoria is seeking to emulate. The recently released *National Report on Schooling in Australia 2005* portrays education in Victoria as grossly underfunded at \$9700 a year for each student in a government school compared with the national average of \$10 715, which, for those who are mathematically illiterate, is a difference of \$1000 or more. Victoria's funding is the lowest in the country. In response to the report the government indicated it may reshuffle the deck, but the overall funding pool will not increase.

The Liberal Party offered a solution to the problem surrounding early childhood development last year. It suggested using the money which is being frittered away on the schools bonus to provide kindergarten access to the 4000 children a year whose parents cannot afford the fees. We also proposed the re-establishment of technical education in Victoria as one means to rebuild the depleted skills base. How and when Labor will act on these two issues remains to be seen. That leaves a large missing link that spans all the way from preschool to post school. Do families, students and educators simply continue to take their chances and endeavour to make the best of a second-rate system as they have been doing all this time? There is substantial unfinished business in education in terms of both performance and infrastructure. The latest available Organisation for Economic Cooperation and Development report from 2003 confirms that Victorian schools are at the bottom of the scale on the Australian mainland on reading, scientific and mathematical literacy and problem solving. An update is due from the OECD this year and is unlikely to show any sign of improvement because there has been no policy push in this area and no investment in raising the standard.

The more recent 2005 national education benchmark report is misleading because, firstly, Victoria submitted doctored results. The government instructed the Victorian Curriculum and Assessment Authority to alter the marking procedure for the writing segment of the benchmark to raise the performance of Victorian students against those in other states. Secondly, there cannot be an accurate benchmark across Australia when there is no uniform testing system for students. The state is falling down on skills training because of the government's ad hoc approach and failure to provide adequate resources to expand the training sector. A broader and higher level skills base is essential to lift productivity, which will be the key to how the Victorian economy performs in the future. A shortage of skills is already having an impact but will really bite into our economic capability in the decade from 2010.

Writing in the *Age* on 30 July a partner in Deloitte Insight Economics, Jon Stanford, underlined the importance of education in enabling us to meet Victoria's economic challenges. The article states:

Growth derives from increasing productivity and this we can continue to achieve by moving up the value chain. This in turn depends on continuously improving workplace skills and competencies. So again, the three answers come back to education, education and education (including training).

Inequality of opportunity is compounding the problems in education. Studies released this year, including the *Dropping Off the Edge* report, show poor-quality education is a key factor driving communities into disadvantage and limiting the critical life choices for young people. More resources and new approaches to education are needed in areas identified as disadvantaged — the north and west of Melbourne and much of regional Victoria.

There is also the matter of the vast number of run-down and poorly equipped schools that teachers and students have to work in. Along with many of my colleagues I have visited many such schools. It was incredibly confronting as the then new shadow Minister for Education to find the dilapidated state of many of our state government schools. While I was aware of the high maintenance level required in schools in my own electorate, I was incredibly surprised to find that this is not just a common theme across country Victoria but indeed an outrageous delinquency on the part of government across the whole state schools sector.

The state has a \$268 million backlog of maintenance and no plan to get it done, whereas the Liberal policy committed to eliminating that backlog within two years. At the election Labor promised \$1.9 billion for school buildings or \$465 million a year to 2010, but the budget

for this financial year allocated only \$238 million for this program. Therefore a chasm exists between the proclaimed commitment and what is actually being delivered in education. I remind government members of their new Premier's pledge in his previous time as leader when he delivered an education policy statement in October 1998. He said that it would be the first priority of a Brumby Labor government to ensure that the quality of the Victorian system once again leads the nation.

Drugs in schools has become a pressing issue, and yet the government's response is a half measure that does not answer the concerns of schools or parents. A protocol requires state school principals to report drug incidents to police, but there is only an agreement or memorandum of understanding with the independent schools peak body on the matter of reporting. There is no compliance or enforcement consequence. The government has also stepped back from insisting on the public naming of schools where a drug culture exists. The case should be clear cut; where drug abuse or drug dealing occurs on school grounds, it should be reported to police. Students and their parents should be informed and the name of the school made public. Drug offences detected in public or in people's homes become public knowledge through the actions of police and the legal process. Put simply, schools should not have a nod-and-a-wink understanding that they can be exempt from public scrutiny in these situations.

Major projects are the next priority, but we are really talking about the economic and community infrastructure that underpins growth, delivers essential services and forms the basis of our lifestyle amenity. Infrastructure development has been Labor's most abject failure. Labor has no coherent infrastructure plan and has proved incapable of rebuilding and building new infrastructure for water, transport, the ports, energy, education and residential development. The infrastructure crucial for a growing state is not being built. Invariably the projects that have been implemented have been delivered late and substantially over budget.

The most obvious evidence of failure is the regional fast rail project that ironically the former Premier cited as one of his most significant contributions to Victoria. The project was promised in 1999 with a budget of \$80 million and a delivery date of 2002. The cost rose in multiples of the initial budget to \$550 million, then \$750 million, with a final delivery figure of \$939 million, and the so-called fast trains did not begin running until December 2006 — four years late. There is just one problem, of which most country Victorians are well aware: many of the new services are not

meeting the government's timekeeping targets despite a generous 6 or 11-minute margin before they are officially late. Trains continue to run late despite the Minister for Public Transport in another place, Ms Kosky, agreeing in March to extend the travel times for more than 670 V/Line trains. In summary, not only is Melbourne's public transport in chaos but country Victorians are having to tolerate substandard transport services.

Two more very significant problems stand in the way of Victoria filling the infrastructure gaps: the crowding-out effect of the national resources and development boom, and a rising exchange rate. These problems are compounded by the fact that the other states, as well as Victoria, are scrambling to make up for lost time on basic infrastructure. Projects worth \$150 billion are in the pipeline to be undertaken over the next four years, according to a Citigroup estimate. State projects are being contemplated at a time when construction capacity is stretched and there is a shortage of labour and skills. They will come at huge cost and have the potential to put the budget under considerable stress.

With reference to planning and urban development, the 2030 plan for Melbourne's future growth is constraining growth and is a major contributor to the problem of housing affordability, which is compounded by a shortage of land. As we heard earlier today in question time, notwithstanding the denial of the Treasurer, the facts are that even the governor of the Reserve Bank suggests that state government planning policy is the cause of the housing affordability problem. Flaws in the 2030 plan, the land shortage and consequent high cost of housing development were evident well before the 2006 election. The Liberal Party proposed workable solutions to the problem in its election policy platform, and we have been vocal on the issue in the intervening time. In particular the shadow Minister for Planning, Matthew Guy, has robustly taken up that challenge. Labor is a late convert and now faces the challenge of reconciling a flawed growth strategy with the urgent need for more affordable housing.

Back in January a report from the Property Council of Australia drew attention to the chronic undersupply of land and increased taxes as the main factors in the crisis in housing affordability. State stamp duty of almost \$29 000 is built into the average new Melbourne house and land package valued at \$435 000. State charges account for 6.7 per cent of the purchase price — well above the first year's interest for someone borrowing \$300 000 to buy the average new home. The government's hunger for revenue ensures more is coming. New home taxes will increase later in the year

with the addition of a new development levy. On existing homes Victorians continue to pay the nation's highest stamp duty. All of these costs and constraints on development fall totally within the government's area of responsibility.

Interestingly the 2030 plan has been a major plank of Labor's policy for some time, and yet it did not rate a mention in the Governor's address. For all the rhetoric, we are still to see any meaningful action. The government sees the answer as the assumption of planning powers and the removal of councils and local communities from the equation. The probability is that this will result in unacceptable high-rise developments in established suburbs against the wishes of local residents.

With regard to public transport, Victorians were promised the implementation of the transport and livability action plan, also marketed under the banner of Meeting Our Transport Challenges. On closer scrutiny I see that is a commitment only to the first tranche of work under this initiative. The Premier says he will seek a frank assessment from departments and outsiders on modernising public transport. In other words, the government is taking an old-fashioned, good, long, hard look at itself when all it really needs to do is heed the clamour of passengers crammed into overcrowded trains or left waiting on platforms, and passengers in trams that are stuck in traffic. It was bad enough last year, it has been worse since the election and it is time for action to fix public transport.

The Governor's address last December signalled a 'major reform of core public health arrangements' — whatever that may mean — with the introduction of public health and wellbeing legislation. This was linked to the ex-Premier's family fitness challenge, another fine piece of public relations. The ex-Premier has taken his leave and his challenge is but a record of history. There has been no indication from the new order about either the sincerity or the nature of this major health reform. The more practical priorities were cloaked in talk of making inroads into waiting lists, emergency department waiting times and the capacity of outpatient clinics.

The fact is that from the latest report, the number of Victorians on hospital waiting lists climbed by almost 750 from June last year to 37 197 in December. The government claims the list has been reduced in the past year. But the situation is that thousands of people awaiting surgery have been shifted onto Labor's hidden list and are awaiting appointments with specialists at outpatient clinics before they can be put on the surgery list. The government's continuing use of private

hospitals to treat public patients is further evidence that our public hospitals are unable to cope with the demand.

The other major pledge in health was for there to be an increased focus on mental health — a sentiment welcomed by the community, but that is all it is. Very little has materialised on the state's initiative. Victoria has fallen down on its national responsibility to share the load of the multibillion dollar mental health initiative to expand promotional activity and prevention services and provide better accommodation options. The initiative, with \$1.9 billion of commonwealth funding to kick it off, was agreed by the Council of Australian Governments in February 2006 and given further direction from the COAG meeting in July 2006.

The second meeting also agreed on the formation of a COAG mental health group in each state and territory to coordinate work on the national initiative. However, we have yet to see anything meaningful in terms of service delivery and outcomes. It is a fact that in Victoria we as yet have no COAG mental health group, and it seems the government has been content to allow this whole issue to slide off the table. That is probably what the new Premier means when he says, 'We' — that is, the Labor government — 'need to do better'.

With respect to country Victoria, it is clear that people in the country face a long haul to recover from the most severe, persistent drought the state has experienced at least in living memory, notwithstanding that there have been major events in many decades past. On top of that we have also experienced extraordinarily devastating bushfires, followed by massive floods in the east of the state. The immediate impression may be that we are experiencing a significant seasonal change, but the impact of this succession of disasters will be felt for a very long time. It will envelop the whole state because of its implications for the economy and food prices. I might make the point that it will also have an impact on the value of our exports.

The economic and community development needs of country people are being ignored. Not enough is being done to increase the output of high-value agricultural products. Transport infrastructure throughout country Victoria is in disrepair and imposes enormous cost on our rural industries. Country people have been given no option but to live with shortcomings in education and health, including a chronic shortage of country doctors. Labor's northern pipeline scheme will take water away from irrigators. More broadly, there has been only a piecemeal approach to the state's long-term water supply needs.

There are many key issues which are not on the agenda. After all of this we arrive at one final, crucial question: what of the priority needs that have so far not been mentioned? The government, in particular the new Premier, has devoted a lot of energy over the years to talking up its economic credentials. Victorians are entitled to wonder why an economic strategy has not been part of the so-called new agenda. One of the reasons is that while Victoria has been experiencing growth, largely that is because we have been riding on the back of a booming national economy.

With the resources boom and the decline in manufacturing Victoria has become a second-tier economy. We are underperforming the nation. In exports, which form part of my new portfolio responsibility, the Minister for Industry and Trade recently lauded Victoria's performance in terms of the value of exported goods. If you heard question time today, you would wonder about his understanding of the export of goods. The minister has been incredibly selective, picking a small spot of light in an otherwise not so sunny landscape.

The government has shifted the benchmark as it has become clear Victoria is not meeting its target. The then Minister for Manufacturing and Export in another place, Tim Holding, set a target back in April 2003 for goods exports to reach \$30 billion by 2010. Premier Bracks claimed at the launch of Labor's industry policy last November that Victoria had achieved the \$30 billion target. But the latest figure for goods exports for 2005–06 was barely \$20 billion. The former Premier obviously fudged the facts by referring to the combination of goods and services exports, but even then he was wrong; the actual figure was just over \$29 billion. The fact that the current performance on goods exports would need to lift by 50 per cent in the next three years would seem to be the explanation for the government shifting the goal posts. The time frame has now been stretched out five years to 2015 and the export target is \$35 billion spread over both goods and services.

Like much of this government's affairs, economic management is a work in progress — another item of unfinished business, except there is little sign of real progress. Under Steve Bracks we have had seven misspent years riding on the inheritance of the reforms and financial management of the Kennett government and the commonwealth's management of a prospering nation. This has generated an unprecedented flow of revenue for the state, a windfall that could have been used to implement a bold program of economic, infrastructure, and social and community development. But that has not been done. We have a government that

is there for the good times and that has passed on the opportunity to fix Victoria's problems and secure its future.

Revenue has risen 80 per cent, from \$18.9 billion in the 1999 budget to a forecast of \$34.3 billion for the current year. Victoria is receiving a staggering \$41 million from GST payments and federal grants every day this financial year, and almost \$34 million every day from its own taxes and charges. Yet in a time of surging revenue, debt is again on the rise. The state's debt stood at \$3.5 billion in 2002 and is projected to blow out 340 per cent to \$15.3 billion in 2011. But I doubt that will be the limit of the debt spiral because each year the actual debt figure and the outward projection exceed the Treasury forecast.

Labor's financial mismanagement and sheer waste are costing a fortune and denying us opportunity. Spending on the public service is almost \$5 billion a year higher than in 1999, and budget blow-outs and delays on major projects run to a cost of some \$4.2 million. Towards \$200 million a year is spent on self-promotion campaigns. But money is not being spent where it matters and where it is needed — that is, on fundamentals to improve Victoria's lifestyle and lift the state's economic performance. So little has been done that it is now necessary to play catch-up in basic infrastructure and services, but it may well prove to be too late.

The non-government parties have taken the lead in the upper house towards a more open, accountable and more participatory democracy by enabling Parliament to order the tabling of government documents, setting up the gaming inquiry, establishing a range of references to inquiries of public importance and allowing closer scrutiny of legislation. From the government there has been less rather than more disclosure. The government and its ministers are doing their utmost to hide from the gaming inquiry, Mr Rich-Phillips.

Mr Rich-Phillips — They are, Mr Davis.

Mr P. DAVIS — They have been less than inclusive on the process around the channel deepening project and the desalination plant in South Gippsland. And in the meantime the waste on self-promotion continues.

Nevertheless we have a new Premier at the head of a reshaped government team, and I wish him and all of those ministers well. There are big challenges ahead for the Victorian people. The ball is at the Premier's feet, and we will be watching to see how he plays it.

Motion agreed to.

Ordered that address-in-reply be presented to the Governor by the President and members of the house.

CRIMES (DECRIMINALISATION OF ABORTION) BILL

Withdrawn

Ms BROAD (Northern Victoria) — I move:

That this order of the day be discharged and that the bill be withdrawn.

The Premier, John Brumby, announced yesterday the government's intention to seek advice from the Victorian Law Reform Commission on removing abortion offences from the Crimes Act by March 2008 and then to put before the Parliament a bill to modernise the law so that it reflects community standards and current clinical practice. I have welcomed the Premier's announcement because it is an important and timely step towards updating the law and protecting women and their doctors from the threat of prosecution in Victoria.

Given yesterday's announcement I seek the approval of the Legislative Council to discharge my private members bill as an order of the day and to withdraw the bill. I do so because I believe there are significant advantages associated with the process outlined by the Premier compared with the process associated with a private members bill. These advantages include the substantial resources available to the government and the Law Reform Commission compared to an individual MP.

In stating this fact I wish to acknowledge the generosity of many individuals, including members of both houses of Parliament, former MPs, doctors, lawyers, health workers, academics, members of the community and organisations who have so freely contributed to developing the private members bill. In particular I wish to acknowledge the members of the Association for the Legal Right to Abortion for the research and information they have provided to other MPs and myself and members of the Labor Party for their support. I also wish to acknowledge the assistance of the Parliament, including parliamentary counsel, the library and the clerks.

I believe the work all these people have undertaken will be of great assistance in participating in the process announced by the Premier and in achieving the

objective of laws that reflect contemporary community attitudes and are simple, clear and transparent. I look forward to being part of the consultation process in developing a government bill, and I encourage all MPs and members of the community who care about these issues to participate.

Mr FINN (Western Metropolitan) — This is a disappointing day in many ways. Many people were looking forward to the debate on this bill and have been looking forward to it since Ms Broad foreshadowed the bill some months ago. One can only say that the process since then has been somewhat shambolic. Indeed it was shambolic before then. We would all remember, I am sure, before the election last year, it was widely rumoured that the government would move to decriminalise abortion. The rumours were followed by a series of heated denials that any such thing would occur. Those denials were of course made by the then Premier.

Given those denials it should not be surprising that Ms Broad's bill was proposed. Now the bill itself has been aborted with some vague promise of something next year. This is clearly a vitally important community issue. The deluge of letters, emails and telephone calls to my office and to the office of just about every other member, certainly every other member that I have spoken to, indicates the strong, deep community concern that a good many Victorians have about the thousands of babies killed before birth every year. It is something that people are deeply worried about and something that they would like to see debated, and indeed stopped, as a result of action within this house.

I would warmly welcome debate on this most basic issue of human rights. I say bring on the debate. I would like to see it brought on this week, but obviously that is not going to happen. But I say bring on the debate so that the truth — and that is something that is missing largely in the abortion debate — can be told and we can perhaps at some stage in the not-too-distant future take the first steps towards protecting the most vulnerable and defenceless members of our community, the unborn.

Mr KAVANAGH (Western Victoria) — Several weeks ago the bill to decriminalise abortion was introduced into this chamber, and I concur with Mr Finn that it is disappointing that some of the issues raised in the speech which accompanied that introduction are not going to be aired and considered by this chamber because there were many, many falsehoods in that speech and many fundamental errors of fact.

I preface my brief remaining remarks with the caveat that I do not intend to try to make women who have collaborated in abortion feel bad about themselves or about anybody else. Once the abortion has been done, there is no point to that. However, I would like to work towards deterring future abortions. I would also like to make the point that my attitude against abortion, the reason why I believe that abortion is properly a part of the Crimes Act, is not based on moral considerations but on the fact that abortion involves harm to other human beings. Indeed that is what our criminal law should be doing: preventing people from doing harm to other human beings. In the case of abortions, it is the worst thing that you can possibly do to somebody: to take their life when they are so young.

The ACTING PRESIDENT (Ms Pennicuik) — Order! I remind Mr Kavanagh to speak to the motion and not enter into debate on the issue.

Mr KAVANAGH — On the motion, Acting President, Dr Bernard Nathanson, who was previously the leading proponent of abortion in the United States and whose actions resulted in the *Roe v. Wade* decision of the United States Supreme Court, admits personal responsibility for 75 000 abortions, which he now calls 'a crime against humanity'.

The ACTING PRESIDENT (Ms Pennicuik) — Order! Mr Kavanagh needs to speak just to the motion and not debate the question.

Mr KAVANAGH — I express disappointment that the bill will not be debated, because there are a lot of things that should be said about the content of the proposed bill.

Ms HARTLAND (Western Metropolitan) — I would like to say that we support the withdrawal of the bill and think it is an appropriate place for it to go. We would have supported the bill in its entirety. We do not believe it needs to be amended, because we feel it reflects the fact that women can actually make these decisions for themselves. We look forward to its coming back for debate in both the lower and the upper houses next year because we believe it is an important community issue. We believe that going through the process will enable the whole community to be involved and not just the noisy few.

Motion agreed to.

Withdrawn.

PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT BILL

Second reading

Debate resumed from 9 August; motion of Mr LENDERS (Treasurer).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I rise to say that the Liberal Party will support the Parliamentary Salaries and Superannuation Amendment Bill which is before the chamber this afternoon.

Mr Lenders interjected.

Mr RICH-PHILLIPS — Yes, we do. The bill is straightforward in its intent to cap the increase in the base salary of members of Parliament at 3.25 per cent from 1 July this year. The mechanism for doing that is to insert into the principal act, the Parliamentary Salaries and Superannuation Act, a new differential between the salary paid to a commonwealth member of Parliament and that paid to a state member of Parliament, increasing it from \$1442 to \$5733.

I will only speak briefly on this bill. I express the view that we are on a slippery slope when we start interfering in what has been an independent process. The setting of salaries for commonwealth and, by linkage, Victorian members of Parliament is something that has not been in the hands of members of Parliament. This intervention by the government alters that process. The reason the government is doing it is fairly clear from the second-reading speech — that is, the enterprise bargaining agreement (EBA) negotiations that are currently under way. It is my view that this situation, where this mechanism is being brought in and the independent process has been interfered with, presumably in order to create a stronger bargaining position for the government in undertaking the EBA negotiations, is an abrogation of leadership by the former Premier.

I note also that the impact of this bill is somewhat disproportionate with respect to the members of this chamber. Last night while looking through a list of government members I was quite surprised to see that of the 72 government members in both chambers of this Parliament, 54 draw some type of additional salary above and beyond that paid to a backbench member of Parliament. A full 75 per cent of government members of this Parliament draw an additional salary: 20 draw an additional salary as Premier or a minister, 17 draw an additional salary as a parliamentary secretary, 11 draw an additional salary as a chairman of a joint committee,

3 draw an additional salary as a presiding officer or deputy presiding officer, 2 draw an additional salary as a whip and 1 draws an additional salary as a party secretary. The impact of this change is somewhat — —

Mr Lenders interjected.

Mr RICH-PHILLIPS — To take up the interjection from Mr Lenders, because I know where he is going with it, I am not the secretary of the parliamentary Liberal Party. Despite what the list of Legislative Council members states, I have not been the secretary of the parliamentary Liberal Party for almost two years.

One of the issues that this Parliament needs to be cognisant of with a bill like this has been touched on in an article by Brendan Donohue that appeared in the paper on the weekend. He wrote about the issue of attracting members of the community to serve in parliaments, and one of the challenges is the growing differential between commonwealth and Victorian members of Parliament. Currently, through the operation of the existing Parliamentary Salaries and Superannuation Act, there is a salary difference of \$1442 between a Victorian backbencher and a commonwealth backbencher, and there is a further effect due to the difference in superannuation schemes that applies to new commonwealth backbenchers and new Victorian backbenchers. The effect of that is to create a differential between the remunerations paid to commonwealth and state backbenchers of \$8700.

This legislation, in compounding the salary effect and the superannuation effect, will create a differential of \$13 900. Following the passage of this legislation a commonwealth backbencher will attract a remuneration package, including a base salary and superannuation, that is almost \$14 000 higher than that of an equivalent new Victorian backbencher. That growing differential between the remuneration packages of state and commonwealth members of Parliament is something we will need to be cognisant of as we move forward. If the differential continues to grow, it will become harder and harder to attract appropriate people to this Parliament and away from the commonwealth Parliament.

I seek from the Leader of the Government a clarification as to exactly how the bill will operate. The intent is clear, but perhaps the language is not. The bill provides that this new differential between commonwealth and state salaries is deemed to have applied from 1 July 2007. As continuing members would know, any adjustments to the salaries of Victorian members of Parliament typically do not come

into effect until September or October. Presumably it will be read with the passage of this bill that the new differential between the two rates will have come into effect by now, given it will be deemed to have come into effect from 1 July, even though the increase or the adjustment that is supposed to apply will not apply until September or October.

Mr Lenders interjected.

Mr RICH-PHILLIPS — I pick up the minister's interjection. I am conscious of clause 4, but I am talking about the effect of the legislation now. Clause 4 is clear as to how it would apply in the event that an increase is not agreed to by the tribunal. What I seek from the government is clarification as to how it applies between 1 July and when the increase is actually determined by the tribunal. The government's intention is clear, but the minister might like to clarify that in his concluding statements.

Mr HALL (Eastern Victoria) — It would be a brave person who would stand up here today and argue against this piece of legislation, and I am not about to set myself that challenge. It is always a sensitive issue when MPs are asked to stand up and debate matters relating to their own salary and conditions of employment. I can understand why it is such a sensitive issue, and I can well understand public sentiment in respect to that issue as well. MPs are in a different position from most in our communities in that they do not have the opportunity to sit down and negotiate with an employer, for example, on salary levels or conditions of work. Moreover, traditionally we have been assessed by an independent tribunal that has evaluated the work of MPs and decided what they should be paid and what the conditions associated with their job should be. I think that independent link between federal and state members of Parliament has been useful and indeed has worked pretty well in the past.

Having said that, I can well understand the sensitivity of the government, particularly this year when it is in negotiations with public servants on their new wage levels. I can understand the sentiment in the government's wish to limit the rate of pay increase for Victorian members of Parliament to the level it is offering various public sector organisations in negotiations that are to be had throughout the course of this year. I understand this issue and the provisions of the legislation, and The Nationals are therefore prepared to support it.

Motion agreed to.

Read second time.

Third reading

Mr LENDERS (Treasurer) — By leave, I move:

That the bill be now read a third time.

In doing so I would like to take up Mr Rich-Phillips's question, which I should have responded to at the end of the second-reading debate. Essentially Mr Rich-Phillips's question was whether the bill is deemed to take effect on 1 July. That is correct, other than for clause 4, which is the salary increase and the change to the base salary. Obviously the intention of that provision is that if the commonwealth rate is disallowed it would not take effect and would purely be taken to the Governor in Council for proclamation on the recommendation of the Premier. The purpose is that if the commonwealth rate is disallowed that clause will not proceed and there will not be a cut in pay but the status quo will prevail.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (*By leave*) — Could the minister clarify the circumstances that would apply immediately upon the proclamation of this bill — that is, that the salary will be more than \$5000 less than that of a commonwealth MPs? Given that the bill will presumably be proclaimed and assented to next week, any adjustment will not come into effect for two months. However, under the amended legislation the Department of Parliamentary Services will presumably be required to pay members a salary that is more than \$5000 less than the current salary, notwithstanding the fact that there has not been and will not be until October an adjustment that flows through.

Mr LENDERS (Treasurer) (*By leave*) — I thank you for your indulgence, Acting President, as this is unusual. Clause 2 provides that clause 4 will come into effect at a separate date from the rest of the act. That is exactly the provision that empowers the Governor in Council to proclaim clause 4 at the appropriate time. The rest of the bill, which is made up of purely machinery provisions that have no effect on salaries, will take effect and clause 4 will obviously be proclaimed only if the disallowance period for the commonwealth has expired or a disallowance motion has been defeated in either house of the commonwealth Parliament.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (*By leave*) — So next week Parliamentary Services will be required to pay a salary that is more than \$5000 less?

Mr LENDERS (Treasurer) (*By leave*) — Clause 4 will not be proclaimed.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (*By leave*) — Correct. Therefore they will be required to pay more than \$5000 less. I am talking about right now.

Mr LENDERS (Treasurer) (*By leave*) — It is a pity that we have missed the committee stage but that was because it all moved very quickly. By your leave, Acting President, and with Mr Rich-Phillips's concurrence, I would be happy to have the discussion with him specifically on this rather than in the house, if he is willing to do that. I think in a spirit of goodwill he is seeking clarification. I have moved by leave that the bill be read a third time, and I will be happy to have a separate dialogue with Mr Rich-Phillips.

Motion agreed to.

Read third time.

OUTWORKERS AND CONTRACTORS LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 8 August; motion of Hon. T. C. THEOPHANOUS (Minister for Industry and Trade).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The Liberal Party will not oppose the Outworkers and Contractors Legislation Amendment Bill, which is before the house this afternoon. The bill makes two largely technical amendments, to the Outworkers (Improved Protection) Act 2003 and the Owner Drivers and Forestry Contractors Act 2005. The first of the changes recognises that the commonwealth has established the Australian Fair Pay Commission and as part of that mechanism has created the Australian fair pay and conditions standard, which will now become the reference point for the outworkers legislation, in place of the current reference to a federal award. This provision in the bill will be retrospective to 26 March 2006. It is interesting to note the rhetoric of the second-reading speech, because the minister railed against the commonwealth government and said that the Victorian government is here to protect outworkers.

Mr Lenders interjected.

Mr RICH-PHILLIPS — Yet, as the Treasurer would be aware, it has taken a full 15 months for the government to actually get around to making this

amendment to the outworkers legislation. If protection of outworkers is the great priority of the Attorney-General that he suggests, I would have thought he would have introduced this legislation to ensure that the Victorian outworkers bill matched the provisions of the commonwealth legislation much sooner than he has, rather than waiting some 15 months to bring in this amending bill.

I am pleased to note that the penalty provisions relating to the recognition of the Australian fair pay and conditions standard in the outworkers legislation will not apply until the date the bill is proclaimed. Even though the insertion of that requirement is retrospective to 26 March 2006, it is appropriate that that be the case, given that the government failed to get its act together and include that reference to the commonwealth fair pay standard when the commonwealth adopted that approach some 15 months ago.

The second amendment is a correction of an error in the Owner Drivers and Forestry Contractors Act 2005. It relates to a termination scenario where an owner-driver is terminated and payment in lieu of notice is given. The current act refers to payments for variable costs incurred by an owner-driver. Of course when a contract is terminated there are no ongoing variable costs once the person has ceased working in that role. In fact the act should have allowed for the payment of the fixed costs that the owner-driver was liable for during the period of notice they otherwise would have received. That makes a lot more sense if they have a leased vehicle on which they have to make periodic payments which are ongoing irrespective of the fact that the contract has ceased. It is appropriate that under this bill that be the cost taken into account rather than variable costs, such as fuel and maintenance, which of course cease when the actual contract work ceases.

That second provision in the bill — part 3 — corrects an error in the Owner Drivers and Forestry Contractors Act. As I said, part 2 finally recognises the Australian Fair Pay Commission and the Australian fair pay and conditions standard. The rhetoric of the bill is completely over the top. Government members have argued their support for outworkers et cetera. While the government has railed with that rhetoric in the second-reading speech, the reality is that it has taken it 15 months to actually get to the point of introducing this change, which recognises what is happening at a federal level. More than anything, I think that demonstrates the real agenda of the government. We have a second-reading speech laden with attacks on the commonwealth, and yet the government took 15 months to adopt the federal language as now applies through the fair pay commission. I think that

demonstrates the priorities of the government in this regard, despite the rhetoric. As I said, the Liberal Party will not oppose these minor and technical amendments to the two principal acts.

Mr HALL (Eastern Victoria) — This piece of legislation amends two acts: the Outworkers (Improved Protection) Act 2003 and the Owner Drivers and Forestry Contractors Act 2005. I will address my remarks to the latter of those two acts — that is, the Owner Drivers and Forestry Contractors Act — and I will focus my comments on forestry contractors.

The first point I wish to make is that this bill itself is printed on fine white paper — probably some of the best white paper you could get. Indeed this white paper is the end product of a highly value-added process within the timber industry. It never ceases to amaze me that the opponents of the timber industry blithely ignore the question of where timber and timber products may be sourced if we end all timber harvesting in native forests on public land, because that is what some who do not support the timber industry want to see — that is, the end of all timber harvesting on public land.

It goes even further than that, because it is becoming increasingly difficult to harvest timber on privately owned land. The native vegetation regulations that we have in place in this state and most of this country now prevent a lot of timber harvesting on private land as well as public land. Indeed if the purpose is for regeneration of plantation material, it is not always possible to get a native vegetation clearing permit to achieve that end.

I despair for the future of the timber industry. In the recent past Our Forests Our Future, a program introduced under the current government, has taken away more than 30 per cent of the timber resource in this state. Before the last state election we also saw what I thought was a blatant political stunt from the government, when it circumvented a proper VEAC (Victorian Environmental Assessment Council) process in the consideration of the Goolengook Forest in East Gippsland. The VEAC process was underway at the time of the election and people, including me, had made submissions. At election time the government declared that, no matter what the outcome of that process, the result was going to be irrelevant because the government had made a decision to include the Goolengook Forest management area and national park. That process was terminated and, again, due process was ignored in respect of that.

We have also seen a current inquiry by the Victorian Environmental Assessment Council into the river red

gum forests. If accepted, the draft proposals would be devastating for those who make use of fine red timber products gained from the northern parts of Victoria. I despair for the timber industry and wonder what its future might be under this government.

I point out to the house that very few people realise that of the total land mass of Victoria one-third is either forest, park or reserve. Half of that, or one-sixth of the land mass of Victoria, is national park, and that figure is increasing. If the most recent VEAC draft proposals are accepted, that figure will increase. I wonder how far we are going to go in turning some of our productive forest areas into preserved areas of national park or reserves. Indeed I wonder how and from where our rapacious appetite for timber products will be met in the future. Is this fine white paper that we see our bills printed on to come from Indonesia or Third World countries? That is where we are heading in this country at the moment, in that we are refusing to properly manage and meet our own needs from the resources we grow in this country. All of us need to have a serious look at how we are going to meet our future needs for timber and timber products in this state of Victoria.

In my own electorate of Eastern Victoria Region the timber industry is one of the most vital industries, particularly in East Gippsland. The government recently contributed to the East Gippsland forest industries project, which was a socioeconomic study and report by MBAC Consulting. The report states that in the East Gippsland forest management area alone the timber industry provided 525 people with direct employment in harvesting and processing. If you add the multiplier effect to that, you are looking at 1200 jobs in the East Gippsland forest management area alone either directly or indirectly accounted for by the timber industry.

I point out that 91.5 per cent — a figure that comes from the report — of old-growth forests in the East Gippsland forest management area is already protected in parks or reserves. But if that other 8.5 per cent is excluded from the timber industry, there will be a loss of some 409 jobs and an economic loss of \$50 million to the area. We simply cannot afford further losses of our timber resource. I make that plea to the government in the context of this bill, because it does concern forest industry workers.

I want to refer to some of the changes the government has indicated will occur in the industry, including those made by this bill, which amends the Owner Drivers and Forestry Contractors Act. I mentioned earlier Our Forests Our Future, the government program that saw the cutback of some 30 per cent of resource available to

the timber industry here in Victoria. One of the ways that was achieved was by changing the licensing conditions associated with sawmillers. The system of having 15-year licences, which encouraged investment and best value-adding in the industry, has now been largely dismantled, and we are down to a tendering system in which companies compete on the open market for resource availability.

We have seen the fiasco that has caused and the inability for many of those involved in the industry to have continuity of resource supply. This has caused great uncertainty, which is not in the best interests of the timber industry itself and not in the best environmental interests of Victorians, because we are not seeing the investment required for best value-adding within that industry — and who would invest when the future is uncertain?

I have to say that it disappoints me that the government, through its commercial forestry agency, VicForests, is about to embark upon a similar process with harvest and haulage contractors within the timber industry. They are the very people that the Owner Drivers and Forestry Contractors Act was enacted to assist by providing some certainty to them if their contracts were terminated. There was a mistake when the original legislation went through. This bill corrects that mistake to some degree, and I welcome that. Still, instead of employing harvest and haulage contractors to undertake forestry and haulage operations within the timber industry, VicForests intends from 1 July 2008 to enter into a new tendering process.

People involved in harvesting and haulage pay many hundreds of thousands of dollars for the machinery they invest in — specialised harvesting equipment and specialised haulage equipment. We are talking of paying easily half a million dollars and upwards for some of that equipment. If all this work is now going to be put out to tender, the people involved in the industry will not have the confidence to invest in the machinery and materials they need. This is a retrograde step. Many in the timber industry now have lost jobs. I think those who have elected to stay should be given some certainty.

Both my leader, Peter Ryan, and I have had communications from the Victorian Forest Harvesting and Cartage Council and its chief executive officer, Mr David Drane. He wrote to us in May this year expressing great concern about these moves by VicForests. If the government is sincere and true to the sentiment expressed in the first paragraph of the second-reading speech, that 'the Victorian government is doing everything it can to ensure fairness for

vulnerable workers and contractors in Victoria', it will look at the workers in the timber industry and the contractors employed in harvesting and hauling timber and provide them with a bit of certainty, a bit of fairness and a bit of equity by extending their current employment arrangements rather than moving them on to what is — I am sure Labor members themselves would argue it is — a more tenuous position by putting all of their employment out to tender.

That is the very least the government could do for an industry that has really been knocked about in recent years and is looking for some support from a sympathetic government. It has that support from The Nationals. I call on the Labor government to implement the changes to ensure that fairness and equity apply to that industry and those workers.

Although The Nationals did not support the original legislation that went through the Parliament a couple of years ago, we acknowledge that this small amendment to the act will be of some assistance to those who might lose a contract in that industry sector. It is never a nice thing to happen, but it may help them in small part at least. We will not oppose this piece of legislation, but we call on the government to review the decision to tender out operations within the harvesting and haulage sector of the forest industries and to roll over existing contracts that apply there so that the people employed in that sector can have some certainty for the future.

Ms PENNICUIK (Southern Metropolitan) — The Greens will support the bill that is before us today, the first part of which amends the Outworkers (Improved Protection) Act 2003 to make sure that the pay and conditions of outworkers, which are contained in the Australian Fair Pay and Conditions Standard, will be protected. Notwithstanding the inadequacy of the Australian Fair Pay and Conditions Standard for the needs of the modern workplace, it is desirable that this amendment be made to the 2003 act. The bill also amends the Owner Drivers and Forestry Contractors Act 2005 in relation to the calculation of payment in lieu of notice as part of fixed overhead costs for contractors. We would support that.

I want to make some comments about outworkers. In my experience working in the area of occupational health and safety, outworkers are a group of workers who are at a disadvantage. We often hear that it is a good thing to be able to work from home and to have that flexibility, but outworkers, particularly those in the textile, clothing and footwear area, are not in a strong bargaining position. They are not in a workplace and are out of sight, and so they can be subjected to long hours of work without proper rest breaks, and they can

have inadequate, inappropriate or unsafe materials and equipment to deal with. It is a way for employers to abrogate their responsibility to provide a safe workplace for outworkers. Even though this bill amends the act to overcome an anomaly that has existed since the introduction of WorkChoices, outworkers are still among the most lowly paid and marginalised workers in the community.

The government has said that it has made, I think, 13 amendments to laws to protect workers in this state. But it remains a mystery to me why this Labor government has not rescinded the referral of its industrial relations powers to the commonwealth and brought those powers back to a state level to better protect all Victorian workers. We have had small amendments to acts presented to us here in this chamber, which I am happy to support if they are in the interests of working people, but we still have the situation where Victorian workers are the most exposed in the country to WorkChoices, yet this government has taken no real, decisive action to take back these powers, which it could easily do, and set up a state industrial relations system to better protect Victorian workers.

With those comments I say that we will be supporting the bill but not enough is being done to protect Victorian workers in this state.

Mr TEE (Eastern Metropolitan) — This legislation is another important step in fireproofing vulnerable workers, particularly outworkers, against a Liberal Party which seems to be hell-bent on destroying the rights of the most vulnerable.

As has been indicated, the bill in its first part deals with outworkers. We know they are a particularly vulnerable group of workers; the difficulties facing outworkers have been well documented. While it has been difficult to estimate the number of outworkers in the clothing industry, an Industry Commission inquiry has estimated that there are between 20 000 and 140 000 outworkers in Victoria. These workers are predominantly Vietnamese and Chinese but also include a range of other ethnic groups such as Arabic, Filipino, Khmer and Korean people.

A study on outworkers undertaken by Dr Cregan found that they were paid an average of \$3.60 an hour. A Senate Economics References Committee report found that they had a number of problems but that the common problems they experienced were low piece rates, which translate into low hourly rates, impossible deadlines to complete work, rejection of completed work, and physical and verbal harassment including coercion, bribes and threats. These stresses are

combined with a lack of training and often exacerbated by a lack of English language skills.

When we then look at WorkChoices and consider how the commonwealth responded to these well-documented needs of outworkers, it is fair to say that the commonwealth's response must surely deserve some form of recognition as setting a benchmark as the cruellest of blows to these most vulnerable workers. Under WorkChoices, as we know, all workers are treated badly, but with outworkers WorkChoices has set a new benchmark.

Under the changes that came forward in WorkChoices contract outworkers were stripped of even the most meagre of entitlements. Even the five miserly legislated minimums afforded to Victorian workers by the commonwealth were stripped from contract outworkers. They were stripped of rights to annual leave, they were stripped of rights to unpaid parental leave and they were stripped of their rights to sick leave. Under WorkChoices contract outworkers were even denied their rights to a legal minimum wage. The amendments before us today return some decency to contract outworkers, and they repair the catastrophic damage inflicted by the commonwealth. Where it can the bill restores award entitlements, it restores a minimum wage and it restores sick leave and annual leave. For that reason this bill is another brick in the wall built to protect Victorian families from the ravages of WorkChoices.

As has been indicated, the second part of the bill deals with owner-drivers. Here, too, we have a vulnerable group. The commonwealth Department of Transport and Regional Services has found that owner-drivers with no employees have an average profit of about \$20 000 per year. For an owner-driver this represents their wages as well as a return on their capital investment. Where the owner-driver business has an employee, the business makes a loss of about \$11 000 per year. It is no wonder that owner-drivers have one of the highest rates of business insolvency. The industry is simply not viable in the long run. In order to make a go of a business owner-drivers take extraordinary risks. They work long hours and have a number of associated health and safety issues including fatigue, speeding, poor health outcomes and higher rates of chronic injury.

The Owner Drivers and Forestry Contractors Act 2005 was put in place to try to ensure the viability of the industry, and this bill continues to build on that legislation. It ensures that on the termination of a contract any payment in lieu of notice will not include variable costs — that is, pay in lieu of notice will not include payment of costs that the owner-driver does not

have to pay. So, for example, pay in lieu of notice will include only costs associated with a finance agreement where such an agreement exists.

Again, the owner-driver legislation is a model for how government and industry can work together. The bill is supported by the Transport Industry Council, which was formed by the government to oversee the implementation of the legislation. As you would expect, the industry council has both union and employer representation. The commonwealth has a lot to learn about how industrial relations can be used to grow industry and protect workers. Both the owner-drivers and the outworkers legislation are good points for the commonwealth to start that education. For those reasons I support the bill.

Mr VOGELS (Western Victoria) — The Outworkers and Contractors Legislation Amendment Bill corrects mistakes in the Bracks government's Outworkers (Improved Protection) Act 2003 and the Owner Drivers and Forestry Contractors Act 2005.

The second part of the bill amends the Owner Drivers and Forestry Contractors Act 2005, which it was claimed at the time was vital to protect the interests of owner-drivers in the forest haulage sector. Since the election of the Bracks government there has been one undeniable fact, and that is that anybody involved in the forestry industry — whether it be timber mills, loggers, haulage contractors or those involved in value adding to our timber industry — has been well and truly done over. The state Labor government has sold out the regionally based hardwood timber sawmills and processors in Victoria, and for what advantage? We are still using the same amount of timber, if not more, but we are now resourcing it from unsustainable forest practices in Third World countries.

The Bracks government's Our Forests Our Future policy once provided for a sustainable yield available to the industry of 576 000 cubic metres of sawlogs which has been reduced by stealth in the last year or so to 450 000 cubic metres. This action alone has put timber haulage contractors at huge risk. Of the 52 sawlog customers that VicForests had in 2004–05, only 15 were successful in purchasing wood in the first auction and 16 were successful in the second auction. If there is no guarantee of supply of resources available at these auctions, then clearly as a haulage contractor you do not have much of a future because the resource is not out there. When recently asked during a meeting of the Public Accounts and Estimates Committee the minister did not even deny that the 450 000 cubic metres would be reduced in the future. He was clearly asked that question but said, 'I cannot give an answer to that. I do

not know what the bottom line will be'. In the last year it was probably not even 400 000 cubic metres.

I would like to quote from an email I received from Hallmark Oaks Pty Ltd in Cann River, which I think spells it out. It says:

My hardwood sawmilling operation, Hallmark Oaks P/L in Cann River, Far East Gippsland, has operated for 50 years.

It is the only sawmilling business left in Cann River, where there were up to seven mills operating, and employs 35 local people.

I have just had to stand down 10 of my employees for at least four weeks due to VicForests inability to supply logs.

This never occurred when we were operating a self-managed log harvesting and haulage syndicate.

We are now subjected to a VicForests managed mill door sales regime which precludes any control or influence.

I can only hope VicForests can supply sufficient logs in the next four weeks to save the stand-downs from becoming retrenchments.

Anything you can do to help would be appreciated.

It is signed by Bob Humphreys.

I want to conclude by saying that these changes to the Owner Drivers and Forestry Contractors Act 2005, which will change variable costs to fixed costs, will not save most of the haulage contractors in the forest industry. Due to the online auction system set up through VicForests, which timber mills are now locked into if they want timber, the continued reduction in the amount of timber made available and the ever-increasing cost of fuel and maintenance et cetera, the future of owner-drivers hauling logs under the new Brumby regime looks anything but promising — and this legislation will do very little, if anything, to save them.

Harvest and haulage contractors cannot invest hundreds of thousands of dollars in equipment and trucks when there is no security of supply. Putting all their employment up for tender regularly gives no certainty for this industry, and this bill is merely a bit of window-dressing.

Mr PAKULA (Western Metropolitan) — This bill is fundamentally a responsive amendment bill which has been necessitated by changing circumstances in the federal sphere and also by the need for finetuning in the owner-driver area. As Mr Tee indicated, the original act for the protection of owner-drivers and forestry contractors was an excellent piece of legislation which had the support of the transport industry, of the Transport Workers Union and of owner-drivers. It has

been greatly welcomed by the industry in that regard. This amendment fundamentally clarifies provisions for payment in lieu of notice when a contract is terminated and where notice of that termination is provided.

The changes contained in this bill for outworkers are more substantive. The original outworkers legislation was designed to protect a very vulnerable class of workers who fell through the cracks of a harsh federal regime. It should be recognised by the house that over recent years outworker employment, or outworker engagement, as it is more properly described, has exploded, and it has exploded for a number of reasons. They include WorkChoices itself and the unfair dismissal provisions therein and independent contractor legislation which has been devised federally. Significantly they also include changes to welfare laws, which have meant that newly arrived migrants have to wait two years for welfare and in certain circumstances are unable to find any form of income other than to be engaged as outworkers.

Since WorkChoices was brought in outworkers' entitlements to pay and conditions are no longer contained in awards but are instead contained in the Australian fair pay and conditions standard, as it is euphemistically known. But that standard does not protect outworkers who are classed as contractors; it only protects outworkers who are designated as employees — and that number of outworkers so designated is diminishing all the time. This amendment bill provides some protection to all outworkers regardless of their designation but brings to light an overlooked travesty not of the WorkChoices act itself but of the entire industrial regime that has been supported by the federal government. The previous minister for — I do not think he calls himself the minister for industrial relations federally; he is the minister for employee relations or however he describes himself —

Hon. J. M. Madden — WorkChoices.

Mr PAKULA — The Minister for WorkChoices, although apparently that name is not acceptable anymore either, and it is now something else. Mr Andrews, who was the minister, as we all know has now put his individual stamp on a new department — and he has done it very successfully, I must say. The Haneef situation was political mastery at its finest. Mr Andrews, as the relevant minister, trumpeted that the federal government was going to protect independent contractors from unwarranted regulation and unwarranted interference. Quite frankly that is fine if we are talking about genuine independent contractors — people who are really independent

contractors in the sense that has been understood for decades — but what if we are talking about protecting workers from phoney independent contracting arrangements?

I was at a briefing given by Mr Andrews when he was the relevant minister, and he was trumpeting his independent contractor legislation. I got up and asked him, 'Is your independent contractor bill going to protect workers from sham arrangements?'. He said, 'Of course it will. We do not want sham independent contracting arrangements any more than you do'. That is what he said, but in fact nothing was done to stop the growth of these phoney independent contracting arrangements.

Unfortunately it is a problem that is very real and is growing. It is not helped by the fact that organisations like the H. R. Nicholls Society present awards to employers who come up with the dodgiest sham contracting arrangements. It is being pushed by organisations like Independent Contractors of Australia (ICA), which is aggressively promoting this kind of engagement in a way that pays no real attention to the true nature of independent contracting. As I said, I do not think anybody has a problem with genuine independent contracting — with people who are generally self-engaged small businesspeople going along to companies or employers and offering their services as contractors, whether as tradespersons, semiprofessionals or film editors for TV stations. I have known people like that myself. That is a perfectly legitimate industrial arrangement, but that is not what is being pushed by the H. R. Nicholls Society, it is not what is being pushed by the Independent Contractors of Australia and it is not what is being pushed by the federal government.

Independent contracting is very different to individual contracts, and I think a lot of people do not understand the distinction. An independent contractor is not in any sense an employee. An independent contractor is responsible for their own superannuation, their own compensation, their own tools and their own uniforms. Theoretically they are not subject to direction and/or sanction by the employer. As I said, it has traditionally been the province of semiprofessionals, tradespeople and people like owner-drivers, who are a legitimate form of independent contractor. But in recent years, with the support of the federal government, the H. R. Nicholls Society and the ICA, independent contracting has been pushed and forced into spheres that it never previously existed in and for which the concept was never originally intended. I remember from my days as an official with the National Union of

Workers that members who were on a production line packing tea — —

Mr Vogels — Looking after dairy farmers.

Mr PAKULA — Let me say to Mr Vogels that the dairy industry is a great industry that never strays into these kinds of sham arrangements. I have never known it to happen, and I will, like Mr Vogels, defend it to the hilt. Some workers who formerly worked for Lipton were, after Lipton went offshore, moved into an arrangement where they continued to pack tea in a factory. They were employees in every customarily accepted sense of the word, but they were engaged as independent contractors, each one an individual small business freely providing labour — a ridiculous arrangement. It is rife in the clothing manufacturing sector, which is why we have these provisions about outworkers.

Members may recall that in what was probably the most diabolical example a 10-week dispute occurred at a company called Kemalex in Dandenong. Kemalex was a company most of the employees of which were women from non-English-speaking backgrounds who had a very limited command of the English language. They worked on a production line manufacturing small rubber and plastic componentry for the automotive industry. They were not trade qualified or semiprofessional in any way but people who were literally employees on a production line making parts for the automotive industry. Those people met none of the tests that we would regularly associate with independent contractors. They worked under supervision, and they worked under instruction. They were employees in every sense of the word except that their employer was endeavouring to create for them the legal fiction that they were somehow independent contractors.

Those workers had to endure 10 weeks partly on strike and partly locked out simply to maintain their recognition as employees. They did not want to become independent contractors. They wanted the protection that comes with being an employee of a company. My union pleaded with the federal government for the minister to intervene. The Australian Council of Trade Unions pleaded with the federal government to intervene, but the federal government did not lift a finger to intervene in what was clearly understood to be a sham contracting arrangement. That is what we mean by sham independent contracting arrangements. These arrangements do not happen by themselves. They are aggressively pushed for by a small cabal, a small section of the loony right, partly based in Melbourne and partly based in Adelaide. It is a well-known group

that aggressively pushes these arrangements as a way of undermining employment security. It is a sham, it is a scourge, it is growing and it is a planned attack not on unions and not on individual workers but on the institution of employment as we understand it.

While this legislation we are proposing today is important and valuable and will make a real contribution to protecting the rights of owner-drivers, forestry contractors and outworkers, it is a shame that it is so necessary — more than it would be if the federal government did not so brazenly disregard the growth of these sham independent contracting arrangements and stood with decent people to stamp them out.

Mr ELASMAR (Northern Metropolitan) — I rise to speak on and in support of the Outworkers and Contractors Legislation Amendment Bill 2007. As we all know, sweat shops have been around for centuries. Historically many workers, both male and female, have been exploited by ruthless employers. Notwithstanding reforming governments and militant trade unions there will always be the vulnerable and put-upon in our society who will work for less reward than the law provides. Outworkers, particularly in the clothing trade, often fly under the radar. They are believed to be among the most exploited workers in our community, due in most part to their invisibility, because many are locked away in their homes working all the hours they can to earn a pittance from unscrupulous operators.

I am certain that not one person in this house would disagree with the principle that all Victorian workers have the right to protection under the law. This amendment bill seeks to further establish and strengthen a fair and equitable process and to clarify for everyone, employer and employee alike, that whatever a worker's title, regardless of whether they are called an independent contractor or an employee, these people are entitled to be paid a fair day's pay for a fair day's work. It is clearly unacceptable in this day and age that outworkers — traditionally the sad truth is that most of them are female — who are clearly disadvantaged by their poor language skills and who are often vulnerable as to their migrant status, are exploited shamefully and systematically. Thankfully the Labor government has attempted to rectify this outrageous situation by legislating to protect the working standards — the pay and conditions — of those workers.

When it comes to owner-drivers the aim of these amendments is to safeguard contractors who have been dismissed by their employers and to quantify their entitlements so that everyone is clear and there can be no misunderstandings between the parties. The purpose of this exercise is to minimise financial harm to those

who can least afford it. It is to protect Victorian men and women who are employees in every sense of the word from unscrupulous employers who seek to take advantage of the current federal WorkChoices legislation to the detriment and disadvantage of ordinary Victorian workers — workers who should be protected and who deserve better. I commend this bill to the house.

Ms PULFORD (Western Victoria) — I rise to support the Outworkers and Contractors Legislation Amendment Bill. As other speakers have extensively detailed the purposes of the bill, I will restrict my comments to a degree. There is something a little bit sick about the culture in many Australian workplaces, but that is not the case in many other workplaces, including the dairy industry, which we all love and often speak of with great fondness in this place. However, we do know that the most vulnerable workers in our state and country are suffering greatly at the hands of the Liberal Party's great experiment on Australian workers.

The terrible act committed by the federal government does not affect in such a great way people who are in workplaces where the unions are well organised and where people are able through their skills or education to negotiate a contract. The people who are really feeling the point at the pointy end of WorkChoices are workers who are defined by their employers, sometimes against all reason, as independent contractors and outworkers, and, as has been well documented now, workers in the retail and hospitality industries — those areas of the economy we know employ the greatest proportion of vulnerable workers. The federal government has gone to some effort to sell this pup to the Australian people — some \$80 million of taxpayers funds — but we know the Australian public is not buying the story.

This government has a long and proud history of ensuring fairness for vulnerable workers in this state, including contractors. This is the 13th piece of legislation this government has introduced to protect people's rights in their workplaces. To date the Liberals have opposed all of them bar this bill and one other piece of legislation. I wonder if the message is finally getting through to the people at Crosby Textor that there is no benefit in beating up on workers and workers' rights. I note that, as is usual, the sentiment expressed by the lead speaker for the Liberal Party was not that the Liberals support this bill but rather that they do not oppose it — the negative doublespeak we have come to expect.

This bill seeks to amend the Outworkers (Improved Protection) Act, which was introduced by the government in 2003 and amended in 2005. As a consequence of WorkChoices, the curiously named Australian fair pay and conditions standard and the changes made by the federal government, many outworker entitlements to basic pay and conditions have been removed from federal awards. Only outworkers classed as employees still have that protection. This bill attempts to remedy that situation. The bill makes some minor technical amendments to the Owner Drivers and Forestry Contractors Act that reflect some of the experience of this act. They have the support of people working in this industry as employers and employees.

The culture the federal government is bringing to Australian workplaces is that employers who would like to pay their staff the bare minimum in wages they can get away with have a great many options for going about doing that. I note that earlier speakers commented on this, but I would like to recount the stories of some independent contractors I encountered in my previous profession. These people worked in a call centre providing market research services. They were the types of people who might ring you at home in the evening and ask your opinion about the state government or the federal government or any number of other market research or polling matters. These people would go to a workplace on a roster determined by their employer.

A snapshot of the demographic in that workforce was the same as that of any other call centre I ever had dealings with. They were predominantly female and predominantly young and inexperienced in matters of workplace rights. Many were at university, others were perhaps returning to the workforce after a break to care for young children, and there was nothing of the independent contractor about these people, except for the fact that their employers took absolutely no responsibility for their employment, their workers compensation, their occupational health and safety or their taxation and superannuation matters, which were all entirely their business, to be managed as their own small business, for each and every one of these university students and others.

It is incumbent upon us to provide the best protections we can for workers, for the most vulnerable employees in the state. This bill is another step the state government is taking to provide whatever safety net and whatever framework we can to protect people from the ravages of WorkChoices, but the underlying problem is that employers think they can describe workers as independent contractors.

One of the many examples of this in the last few weeks was the gentleman who was appearing in the Liberal Party advertisements. His young employee was having a bit of trouble recouping his lost wages, and when it all got a bit hard the explanation given was that he was an independent contractor. It seems that in the worst of cases — hopefully it is not too common an experience — when an employer really cannot be bothered with the details and some of the paperwork involved in employing people, it is a little easier to place the entire onus on the staff member, despite its being obvious on every indication that that person is in fact an employee.

I commend the bill. We will continue to support decency and fairness in Victorian workplaces, and we believe that that is something that will truly result in a change in federal government.

Mr LEANE (Eastern Metropolitan) — This bill represents an important amendment that needs to be brought in here since the introduction of the federal government's attack on workers that is WorkChoices. This bill ensures that outworkers' award conditions are not forcibly removed by employers making workers enter into sham contract arrangements. When you take into account the award that covers the textile workers, you realise that the rates delivered by that award are not any great amount of money by today's standards. I think it is a disgrace for people to try to introduce sham contract arrangements to actually undercut that low rate of pay.

One of my union mates, Jenny Kruschel from the Textile, Clothing and Footwear Union of Australia (TCFUA), and I have had a long discussion about the hardships of people who work in this industry under the award and people that actually do outwork as well. I think they are some of the most vulnerable people in our workforce, and we need to protect them. I commend this government for its part in doing that.

Members of the Howard government are great advocates of sham contractor arrangements in their endeavours to enter our country in the race to the bottom. I think it was Senator Nick Minchin, the Leader of the Government in the Senate, who stated it was his dream that Australia's workforce would one day be made up of sole contractors — very interesting. Nick Minchin also mentioned to big business — something he did not think would get into the national press, but it did — that the Howard government was sorry it had not gone further in its attacks on workers entitlements in the WorkChoices legislation, but the problem it had was that people did not like the legislation, so it could not go any further. Of course people did not like the

legislation, because the linchpin of WorkChoices is AWAs (Australian workplace agreements), and they are just another type of sham contract arrangement. It means if you give up your conditions for a couple of dollars — in the Spotlight case it meant giving up conditions for a couple of cents — you might keep your job.

I know the federal government is running around saying that the mining industry relies on AWAs in its struggle to camouflage its sham contractor arrangements. The way it is carrying on you would think, in the resource area, whatever is being dug up out of the ground would disappear if there were no longer AWAs. I am not an expert in the mining industry, but you would think there might be 50 different classifications of miners that do different types of work — I am guessing, there could be 50 or 60 or even 100 — so if the industry has 35 000 AWAs that are supposed to be individual contracts, you have to ask yourself what is different about all 35 000? What is different in all 35 000 that makes them all individual contracts? I would say they are all basically the same. This is Johnny Howard's patent bargaining style. They would all be the same, and what would be the same is that the workers have all given up penalty rates and allowances in these individual contracts basically to keep their jobs.

I commend this government on this bill. It shows its commitment to stopping sham contract arrangements. I also commend the TCFUA for the great work it does continually in this area.

Ms DARVENIZA (Northern Victoria) — I am very pleased to rise and make a contribution to the debate on the Outworkers and Contractors Legislation Amendment Bill 2007. One of the reasons that I am pleased to rise in support of this bill is that, since coming to office in 1999, this government has done much both in terms of legislation and in other ways to assist outworkers. Outworkers are often migrants for whom English is a second language.

More often than not they are women. Frequently they are people who are unable to stand up and represent themselves because they lack an understanding of the English language. They certainly do not feel empowered, and they are often workers who are taken advantage of in a range of different ways, such as the wages they are paid, the terms and conditions under which they are employed, the physical environment they are forced to work in and also the type of work they do and the repetition of that work. They often work in very poor conditions that are either hot or cold. Sometimes women outworkers bring small children and

toddlers along to work with them because they have no other child-care options. As members of Parliament it is important that we are aware that people work in these circumstances. It is also important that the government does all it can to assist workers who find themselves in such situations.

This bill proposes some technical amendments to the Outworkers (Improved Protection) Act 2003 and the Owner Drivers and Forestry Contractors Act 2005. The amendments to the Outworkers (Improved Protection) Act will ensure that Victorian outworkers are provided with the same wages and conditions as federal award employees would receive in a post-WorkChoices environment.

In 2003 the introduction of the Outworkers (Improved Protection) Bill provided an enormous leap in the protection of this vulnerable group of workers. As I said, they are often unable to represent and stand up for themselves. They are frequently unaware of their entitlements and just how badly they are being treated in terms of their pay and conditions of employment. The amendments to the Owner Drivers and Forestry Contractors Act 2005 will provide payment in lieu of notice to reflect the views of the industry arising out of the operations of the act, so all contractors will receive payment in lieu of notice in respect of relevant fixed costs.

These are very important amendments to this important legislation. Our government was involved in comprehensive consultation with stakeholders before bringing this bill to the Parliament. The key stakeholders who have been involved in consultation include the Textile, Clothing and Footwear Union of Australia, the Australian Industry Group, the Victorian Employers Chamber of Commerce and Industry, and the Australian Retailers Associations. They have had an opportunity to inform the government about their views on the bill we have before us today. There has also been consultation with the Transport Industry Council, which is supportive of the amendments to the Owner Drivers and Forestry Contractors Act, and members of the Forestry Industry Council, including the Department of Primary Industries, the Victorian harvest council, the Victorian Association of Forest Industries, VicForests, the Australian Paper Industry Council and the Construction, Forestry, Mining and Energy Union forestry division, which also support the amendments before the house today.

This is a good bill which will amend the act to protect and improve the conditions of work of those people who work in outworker situations, some of whom are the most vulnerable workers in this state. What this

government is doing is what it has done in previous years — that is, taking the steps to ensure that it gives the maximum protection to those who are the most vulnerable in our community. I commend the bill to the house.

Mr THORNLEY (Southern Metropolitan) — I rise in support of this bill. It is a good example of the day-to-day work of government in continuing to improve the labour market and to adjust any imbalances that exist in it. There is a broader context in which this bill should be placed, which is the contrast between the approach of this government and the rest of the Australian Labor Party to these issues and that of those opposite and their colleagues in the federal government.

This bill is a good example of a basic philosophical statement of this government and the Labor Party that ensures vulnerable workers are protected. That is part of a balanced approach to industrial relations which recognises that, rather than some bizarre ideological class war between whether you are pro-business or antibusiness, which is a meaningless concept, the purpose of an industrial relations regime is to let the many good employers and the many good employees get about their business and work cooperatively together and go forward. It is also about dealing with those rare but unfortunate situations where you have rogue employers — the bottom 5 per cent of people who do not want to treat their workers properly. Similarly an industrial relations regime needs to deal with and address the situation where the very small minority of employees may be letting their team down.

With this bill we are concerned for people who are primarily in the outworker environment and who are most vulnerable to that bottom 5 per cent of employers — or whatever the number might be — who willingly exploit people. This bill sensibly ensures that those people are not exploited and are given the basic protections that are afforded all other employees.

This has a simple balance to it that makes sense. It reminds me of the same balance that we brought to the discussions about retirement savings through superannuation and the same balance that we brought to discussions about workplace safety. In all of these cases we were always told by those opposite that what we were doing was unaffordable for business, bad for the economy and all those sorts of things. In fact what we find out is the contrary. These things are all good for workers, good for business and good for the economy. Ultimately exploiting people and putting them at risk creates a whole range of other social and therefore economic costs which far outweigh what minimal

benefit may be provided to the unscrupulous employers who do so.

This bill is also a good example of our consultative approach. Rather than going on some mad ideological crusade, like those opposite would suggest, we sit down with people and work on how the 95 per cent of us can all be productive in the workplace and work together. That is why the second part of the bill has been supported by all the relevant industry councils. We do not need to have mad ideological battles on these things. We sit down in a productive, practical way in the workplace, find out what works best and what is fair and economically the most rational thing, and bring it forward, whether that is about technical amendments — for example, in the owner-drivers and forestry contractors section of this bill, where there is the distinction between the payouts to cover the fixed costs that would otherwise be incurred but not the variable costs. It is a seemingly small point, but again it ensures there is a fair and balanced outcome so that if people's contracts are terminated, there is payment in lieu, and that payment in lieu is an appropriate and economically rational payment that matches their costs. This is good, practical, common-sense, consultative reform, which is supported by the industry, supported by the workers and supported by almost all employers.

I contrast that with the types of policies proposed by those opposite and by their federal counterparts. That is where they put themselves in the position of defending the 5 per cent — that small number of unscrupulous employers who are the only people who actually benefit from the policies of those opposite. The policy formally known as WorkChoices, which some of them will be familiar with, is a classic example of this. Ninety-five per cent of employers are happy to sit down and negotiate with their employees en masse and with their representatives through a trade union, but the mad ideologues opposite want to have everyone negotiating their own individual contract. Most businesses would need to have a human relations department the size of this room, with no net economic benefit. It is ideological madness with no purpose.

It is when we look at issues like sham contractors that the real historical context comes out, because every single time Labor has proposed a minimum wage or the labour movement has asked for an increase in the minimum wage those opposite have opposed there being a minimum wage and have opposed increases in the minimum wage. Every single time Labor talks about superannuation and workers retirement savings and introduces the bills and looks to up the rate, those things are opposed by those opposite and their federal counterparts.

The same is true of sham contracting. The purpose of sham contracting is of course to get underneath the minimum wage requirements and to get out of having to pay for other benefits that accrue to ordinary employees, such as superannuation. Sham contracting is but another means by which the mad ideologues opposite can try to get around the battles that they have lost already about the right for people to have a minimum living wage and the right for people to have retirement savings — things which are good for the economy but which are opposed by those opposite.

As if that were not enough, they then spend tens of millions of dollars of taxpayers money trying to tell people who are disadvantaged by this that they are not disadvantaged. Not only is this outrageous as a waste of public money and not only is it outrageous that the chief executive officer of the Workplace Authority was hired, on the advice of the advertising agency, as the person who was most telegenic for such advertising rather than as the person who was best qualified to deliver good public administration, but it is politically idiotic. Not only is it politically idiotic for the federal government, which is losing on this issue two to one or more because ordinary people know that they are being disadvantaged and will not be snowed in relation to it, but the federal government then spends \$75 million of public money reminding them that it is the most important issue for them to worry about.

Not only is it an outrageous misuse of public money but it is also politically dopey and does not achieve the things that the federal government has set out to achieve. If it would concentrate on the real issues, on the details and on providing a regime where employees and employers and representatives of employees in the trade union movement could work cooperatively together on sensible reforms, such as the ones outlined in this bill, it would not be an issue for them and they would not need to spend \$75 million telling everybody that the policy formerly known as WorkChoices is not as bad in their lives as it appears in reality to be. I support the bill and commend it to the house.

Mr SCHEFFER (Eastern Victoria) — It is also a pleasure to rise and speak on the Outworkers and Contractors Legislation Amendment Bill. This bill will provide further industrial protection to outworkers and will assist contractors in the forestry industry in their negotiations with the businesses that hire them. The amendments are aimed to further safeguard the conditions of working people in Victoria. The Victorian government has a strong commitment to maintaining and promoting fairness in conditions for workers. These straightforward amendments to two acts, the Outworkers (Improved Protection) Act and the Owner

Drivers and Forestry Contractors Act, are intended to promote industrial fairness for vulnerable workers and for contractors working in the forestry industry.

The amendments to these acts are being made as a result of the federal government's WorkChoices legislation causing so much concern right across the Australian community, because it erodes job security, reduces wages and undermines working conditions. The millions of workers who are employed by businesses that have fewer than 100 employees absolutely feel themselves to be far less secure than they were before WorkChoices. The workers who are being pushed onto Australian workplace agreements know that they are losing conditions they once had, such as overtime, shiftwork loadings, penalty rates, public holidays and rest breaks.

The amendments to the Outworkers (Improved Protection) Act contained in this bill are set against this background. While the amendments themselves are small, they will have a significant impact on the lives of the workers to whom they are directed. As a result of WorkChoices many of the industrial entitlements relating to the pay and conditions that outworkers had have moved out of federal awards and into the Australian fair pay and conditions standard, which provides such protection as it does only to those outworkers who are classified as employees. This has enabled some employers to escape the requirements of the protections by employing workers as so-called contractors.

The amendments in this bill make it very clear that all outworkers in Victoria have an entitlement to basic industrial conditions irrespective of whether someone wants to categorise them as employee or independent contractor. Transitional arrangements have been in operation to protect outworkers against unscrupulous employers forcing outworkers onto so-called contracts that strip them of their conditions. These amendments make it clear beyond doubt that the minimum entitlements are continuous and apply to all outworkers.

In relation to the other part of the bill, the amendments to the Owner Drivers and Forestry Contractors Act, the government has introduced some technical amendments clarifying how businesses in the forestry industry should pay out contractors when a contract is terminated. The amendment provides that when a contract is wound up the contractor's variable costs — that is, those costs that increase or decrease in relation to the level of activity of the business, such as fuel, for example — will be deducted from the payment in lieu of notice. Contractors will be entitled to payment in lieu

of other fixed costs — that is, those expenses that do not change in relation to the level of business activity.

The amendments are of a minor nature, but they will make a significant difference to the lives of working Victorians, especially to outworkers and haulage contractors. I commend the bill to the house.

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, on behalf of the government I thank all members who made a contribution to this 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.

Public transport: eastern metropolitan area

Mrs COOTE (Southern Metropolitan) — My adjournment matter is for the Minister for Public Transport in another place. It has to do with transport for the frail and elderly in the eastern region, but it relates equally to all areas in Victoria. I refer specifically to a 58-year-old woman with a disability who requires wheelchair access. This woman is bright and articulate. She wants to be an advocate for her community and engage with her community — she wants to get things done. She is being severely hampered by the lack of transport in the outer-eastern region. She seeks help on these issues and would be very happy to work constructively with the government to make certain that some changes can be made.

The concerns that this woman brought to my attention are affecting people throughout Victoria. I refer to some of them. She said that many buses do not have low floors, so wheelchair-bound individuals just cannot get onto them. Buses do not cater for people with a disability, and in the eastern region they are not available regularly enough at all. She has a particular concern with taxis. She alleges that most drivers of

maxi-taxis live in the northern regions, spend a lot of time at the airport and will not come to the eastern region because it is not where they live. She has found that that is seriously hampering transport and flexibility for the frail, elderly and those with a disability.

The woman cited some issues. For example, the driver of one maxi-taxi refused to take her because she was not a regular user. She said also that because there are so few maxi-taxis there are up to 2 to 3-hour waits at the local hospital when people have been there for a consultation. She said the elderly have to wait that length of time as well. She said that ordinary taxis will not take wheelchairs, although if you pay drivers cash under the counter they will, and she has paid an additional \$5 for a driver to do that. She cited an instance of an ethnic driver who would not take a blind man's guide dog. This is unacceptable. She also said that many drivers do not speak English and do not know where to go. As for trams, she said there are none.

I request that the minister appoint at least 10 maxi-taxis to the Eastern Metropolitan Region as a matter of urgency and conduct an in-depth study into the lack of transport services to the aged and disabled in the Eastern Metropolitan Region in particular and metropolitan Melbourne at large.

Housing: timber flooring

Mr HALL (Eastern Victoria) — I wish to raise a matter for the attention of the Minister for Planning. It concerns the 5-star energy housing rating and in particular the concession given for timber subflooring. The minister will recall that I asked about this in questions without notice on 23 May. In response to my question the minister advised me — I already knew, but he advised me again — that he had given the industry a four-month extension on an exemption for the use of timber floors and their ability to attract 5-star energy ratings because of the deficiencies in the current software used to assess energy ratings. That software was called FirstRate 4 — or FR4. The minister gave the concession for a period of four months, with the condition that some new, revised software would be introduced and therefore this four-month concession would give the industry time to adjust to the new software that was to be produced.

As it has turned out, the concession runs until 31 August — so it has not got long to run; another 10 days — and the new software still has not been published. There have been some delays, and we are now advised that the new software to assess energy ratings will not be available until 31 August, which is

coincidentally the same date as the current concession expires. People in the industry argue very strongly that they need time to adjust to the new system of rating which the minister promised he would give them in his answer to my question on 23 May. I point out also that the timber subflooring industry in Victoria is a \$70 million industry and certainly provides a lot of jobs for Victorian timber processors, timber merchants and builders throughout the state.

My request to the Minister for Planning is to extend the four-month concession probably by another four months, or at least until this new software is up and running and accepted by the majority of those who are involved in assessing energy ratings for houses so that timber floors can be fairly assessed for their ability to add to the energy ratings for housing in the state of Victoria. I ask the minister to look urgently at continuing this exemption for timber flooring until such time as the new software is well and truly in the marketplace and tested.

Coode Island: chemical storage

Ms HARTLAND (Western Metropolitan) — My adjournment matter tonight is for the attention of the Minister for Police and Emergency Services in another place. As I said during a members statement earlier this afternoon, today is the 16th anniversary of the Coode Island chemical fire. In that time I have campaigned for a community-alerting system. This system would allow local residents to know when there is a chemical fire and what dangers there are. Unfortunately it took until six years ago for a project team and trial to be set up with the Maribyrnong City Council, through Theo Pykoulas, and with Robyn Betts from the Department of Justice. I would like to say that these are rare and unusual public servants who knew how to work with the community and understood the fear that people often had when the fire alarms went off late at night.

A highly successful trial with over 1000 participants was run. People were able to have quick access to information via phones — both home phones and mobiles. This was also tried for the Maribyrnong flood plain and for the Yarra Ranges and the Northern Grampians during the fire seasons in 2006, but unfortunately the government has not funded this program. When the Maribyrnong City Council wrote to Bruce Esplin, the emergency services commissioner, he stated that the project should be one of significance. According to the government's policy, that has to be negotiated as a national approach rather than a state approach. As this was a highly successful program, that should have happened quickly; unfortunately it has not happened.

The action I ask of the minister is to either put more pressure on the federal government or have the state government fund the program itself.

Eastern Metropolitan Region: flood management strategy

Mr TEE (Eastern Metropolitan) — My adjournment matter is for the Minister for Water in another place. I ask that the minister develop and implement a flood management strategy for my electorate. This would involve ensuring that his department and Melbourne Water work together with local councils to develop and implement the strategy, and I ask that this work be done urgently.

My interest in this matter arose following the issuing of the Port Phillip and Western Port flood management and drainage strategy discussion paper. This important paper provides an historical overview of the impact of storm damage in and around Melbourne. The overview includes details of flooding in December 2003, when 106 millimetres of rain fell in 2½ hours in the cities of Whitehorse and Manningham, and again in July 2004, when there were severe localised storms across the eastern suburbs of Melbourne. The overview concludes that, because of its location, Melbourne is historically prone to flooding. The discussion paper goes on to suggest that climate change associated with global warming means that the region ‘faces significant flood and drainage management issues’.

I share the conclusion of the discussion paper. The increased risk of flooding is something I believe we should all take seriously. As we know, the consequences of flooding, including the risk to life, are horrific. Often property and possessions are lost, some of which are irreplaceable. We cannot put our heads in the sand like some of the Howard government’s climate change sceptics. We need to act now to ensure that we are ready for the impact of climate change — change that will increase the likelihood of flooding.

I ask the minister to take steps to develop and implement a strategy to ensure that we are ready to minimise the impact of flooding.

Police: Yarra Junction station

Mr O’DONOHUE (Eastern Victoria) — My issue this evening is for the Minister for Police and Emergency Services in another place. It relates specifically to the proposed rebuild and upgrade of the Yarra Junction police station. The people of the Upper Yarra are serviced by two main police stations, one at Warburton and the other at Yarra Junction. Both

stations operate on a 16-hour basis, and at different times one of those stations may be closed during that 16-hour period. The two stations work cooperatively, and the police up there do a great job working with those communities. Although not a long way from Melbourne, the communities of the Upper Yarra are real country towns, and the police in those areas do a great job in protecting the communities.

But sadly the police at Yarra Junction have been let down by the Bracks government and now the Brumby government. Before the budgetary period that finished on 30 June — the 2006–07 budget — it was announced by Minister Holding, then the police minister, that the Yarra Junction police station was set for a \$1 million redevelopment, and it was widely acknowledged that the police station at Yarra Junction was substandard. In fact the officer in charge of the station, Sergeant Kevin Lague, said policing out of the existing building had become increasingly difficult. The member for Gembrook in another place said that police had long been working in substandard conditions.

In June 2006 a spokesman for the then minister was quoted in a local paper as saying that planning and design work was expected to start soon and a tender for construction was to be released soon after. He said that the station would be built on the same site, with construction due for completion towards the end of this year. At this stage nothing has happened on site. I understand some drawings have been undertaken and some discussion about layout et cetera has taken place, but no substantive works have been carried out. As I said, the member for Gembrook has admitted that the police are working in substandard conditions. Therefore I ask the minister to expedite the finalisation of plans and then construction and upgrade of the Yarra Junction police station so that the hardworking police of Yarra Junction — and, more broadly, the Upper Yarra — have facilities that are safe and allow them to do their job properly.

Eastern Palliative Care: biography service

Mr LEANE (Eastern Metropolitan) — My adjournment matter is for the Minister for Health in the other place. I had a very enlightening discussion with Lyn Hayes, who is an executive at Eastern Palliative Care. Eastern Palliative Care services the local government areas of Manningham, Maroondah, Whitehorse, Monash, Knox and Yarra Ranges. It gives people with terminal, life-limiting illnesses a choice to be cared for in the comfort of their own home as long as possible, to live as normally as possible, to receive assistance from specialist palliative care nurses who work for Eastern Palliative Care and to continue

receiving care from their own doctor and have the support of family and caregivers. The organisation does a fantastic job.

I am very impressed that this is another group that uses volunteers. About 100 volunteers are prepared to go into the homes of people who find themselves in this situation. They do some practical tasks but also lend them an objective ear. One thing I think is very impressive is an initiative that Eastern Palliative Care has started within the last year or so. It has started a biography service. People who work for Eastern Palliative Care go into the homes of the terminally ill and produce biographies for them. This takes away a bit of the pain and anguish they feel at what they are going through and gives them an opportunity to go back to the good times in their lives, talk about their family members and their experiences in life and have a book produced that can be kept for the family for all time. I think it is a fantastic initiative.

Mrs Coote — A great idea.

Mr LEANE — It was featured on the *7.30 Report* a while ago. I agree, it is a great idea. The action I seek is that the minister investigate the possibility of this program being embraced in other parts of Victoria, because it can play an important part in making things easier for people in palliative care.

Hepburn: spa redevelopment

Ms LOVELL (Northern Victoria) — My adjournment issue is for the attention of the Minister for Major Projects. It regards the tender process for the Hepburn Springs bathhouse. The bathhouse redevelopment has been handled extremely badly from the very beginning. The first announcement by the government promised to complete the redevelopment as a staged project that would not require the complete closure of the facility. The second announcement came when the government reneged on its original commitment and announced that the bathhouse would close for 14 months to allow for the redevelopment. This caused a lot of concern among the accommodation providers and retailers in the Hepburn Springs area, who rely on the patronage of visitors to the bathhouse.

When the closure was announced many in the local area wanted the new lessee to be appointed prior to the closure — it occurred last October — to enable the lessee to have input into the design of the new facility. Unfortunately this did not occur, and the government said it would commence a tender process for a new lessee in July of this current year — a time line that many locals were critical of as they said it would not

allow enough time for the lessee to purchase equipment, fit out the building and recruit staff to allow for the opening early in 2008.

The time line has been made even tighter due to an error in procedure with the opening of the tender process, which meant that the tender process had to be recommenced in August 2007. The current tender timetable indicates that the government did not expect to appoint a preferred respondent and finalise the lease until December 2007. The Hepburn Springs community is most concerned about this timing as the bathhouse needs to be opened by early February 2008 in order to capture the significant opportunities that are afforded by the Labor Day long weekend and Easter.

The action I seek is for the minister to review the tender timetable to assess whether there is any opportunity to streamline the process so that the successful tender may be announced as early as possible to allow the new lessee enough time to purchase equipment, fit out the building and recruit staff in time for an opening in early February 2008.

Agriculture: genetically modified canola

Mr BARBER (Northern Metropolitan) — My adjournment matter is for the attention of the Premier. I have received some dozens of letters from constituents in relation to the ban on genetically modified (GM) canola. They have asked me to submit their letters to the Premier and undertake to receive a response. In summary the concerns of the constituents are that GM foods may contaminate our environment and food supply.

Apart from requesting support for an ongoing state ban through to 2013, in their letters they specifically request that foods made using gene technology be fully labelled — currently they are not — and that the current review of gene technology that is being undertaken and the ban itself be opened up to a wider review involving consumers and local government. This would particularly allow the new scientific evidence of the health and environmental impacts of GM canola that have been discovered since it was first licensed in 2003 to be discussed and considered in a transparent way, rather than the way it is currently occurring involving just a few industry stakeholders.

Rail: internet access

Ms PULFORD (Western Victoria) — My adjournment matter is directed to the Minister for Public Transport in the other place, Lynne Kosky. Train travel in regional areas is booming. V/Line patronage

rose by 30 per cent in the last financial year, in part as a reaction to the price reductions that the Labor government introduced. Services have been added across the V/Line network, and it is fabulous that the Labor government has shown regional Victorians that it truly does govern for all Victorians. That is a fair stretch from what happened when those opposite were in power, when six regional train lines and 26 regional stations were closed in the dark, dark years of the Kennett regime.

As well as opening regional stations and lines, the Labor government has developed the regional fast rail project, which has been key to many improvements in regional rail travel. Along with improved trains, tracks and timetables, fibre-optic cable has been laid along the Ballarat, Bendigo, Geelong and Traralgon lines. As a regular user of the train service between Ballarat and Melbourne, and given the increase in patronage on V/Line services, I believe it would be of great benefit for commuters and other train travellers if wireless internet access were provided to them along those four routes.

Access to the internet would allow people who often do work while enjoying the faster and more relaxing journey to and from a regional centre to get more work done. It would also provide entertainment for the many young people who carry laptops on these journeys. If this were able to be carried out, it would make Victoria's excellent regional rail services, which are already the envy of other states around the country, even better and more user friendly. I seek that the Minister for Public Transport work with V/Line to develop the ability for V/Line passengers to connect to internet services.

Aberfeldie Primary School: upgrade

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Education in the other place. As a part of my ongoing program of visiting schools throughout the Western Metropolitan Region, last week I visited the Aberfeldie Primary School. The school has a great school community, which afforded me a very warm welcome. I publicly thank it for that. Members of the school community outlined to me a number of the programs at the school and told me about the hopes and aspirations they have for their school and for the children who attend the school. They then took me on a tour of —

Mr D. Davis — Brumby lives near there, doesn't he?

Mr FINN — No, he is in Strathmore — way out of Broadmeadows, I can tell you. They then took me on a tour of the school. There was one building block in particular that concerned me somewhat. It is a rather dilapidated building which is, believe it or not, considerably older than I am. In fact one teacher I spoke to while on the tour showed me the classroom in which she was taught, which was just down the hall. I could tell that this particular block was of a substantial age.

Mr D. Davis — Has it been classified?

Mr FINN — It should be classified. As I say, it is getting on — it is a bit long in the tooth. I was appalled by the condition of some of the classrooms. In two of the classrooms I went into the ceiling had actually collapsed in part where water had come in after rain. This was one place where I think the drought was welcomed. Rain is not something that they look forward to, because rain coming in is a regular occurrence. In fact one teacher showed me the corridor where they put the buckets to collect the water that comes in from the roof. That is done to prevent children slipping and sliding on the linoleum. Much as the staff do a great job in trying to keep the place dry, particularly the floor, I am sure there is an element of danger for the students that is totally unacceptable. Quite clearly both staff and students at Aberfeldie Primary School deserve better than this.

I ask the minister to act urgently, preferably before the next downfall of rain, to provide an environment in which teachers can work and children can learn in relative comfort and, most importantly, safety.

Eastern Health: aids and equipment program

Mr D. DAVIS (Southern Metropolitan) — My adjournment matter is for the attention of the Minister for Health in the other place or perhaps the Minister for Community Services in the other place, who may jointly administer much of the program I wish to discuss. It concerns the aids and equipment program administered by Eastern Health, in this case through Box Hill Hospital. I seek the minister's assistance with respect to Julie Green and Ricky Alder, who have disabilities and who seek the specific aids and equipment that are available through that program.

There have been some changes to the aids and equipment program over recent years. In 2004 a requirement was introduced for a podiatrist to examine the need for shoes under the aids and equipment program which has directly impacted on Julie Green and Ricky Alder. They both have disabilities in this

regard, and the cost of the required podiatrist's report is not eligible for rebate under the program. Notwithstanding that, they have obtained the report.

Previously there was a regular arrangement where they were provided with updated shoes. One of the changes to the program in 2004, as I understand it, was that only custom-made shoes would be provided under the program. At that time Julie Green and Ricky Alder had not had custom-made shoes; they had shoes of a specific type — which were not general shoes — which suited their particular requirements. They have now obtained the podiatrist's report, which indicates the need for custom-made shoes in order to comply with the program.

They also have a report from their general practitioner requesting that specific shoes be provided to them, but they have not received the assistance that, on the basis of those reports, would seem to be reasonable. In my view they should have been provided with this assistance to enable them to move more freely in their activities of daily life. They should be able to engage with the community, and this significantly prevents them from moving around. Not supporting people to enable them to integrate into the community to the full extent possible does not seem to be a smart approach.

I make the point that this seems a particularly harsh and cruel step that the government has taken, and I am disappointed. I do not believe Julie Green and Ricky Alder have got the support that is required from local members of Parliament, who are Labor members of Parliament, because their requests have been rejected. I seek assistance and reconsideration of their case from the minister.

Water: fluoridation

Mr ATKINSON (Eastern Metropolitan) — My adjournment item is for the Minister for Health in another place. Last year I raised with the then minister the possibility of her supplying me with information about any public health studies that had been done on the impact of fluoride in our water supply. I got a very glossy brochure kit full of all sorts of things and extolling the virtue of fluoride, but none of it actually reported on any public health studies that had been done on the impact of fluoride.

I note that Warrnambool is now about to fluoridate its water, and the purpose of my adjournment item tonight is to get the minister to undertake a public health audit of Warrnambool before fluoride is added to the water — she might also look at Hamilton, which I

understand is also about to fluoridate its water — and then subsequently to look at the impact.

I note that recent research in America suggests there are some real concerns about fluoridation of the water supply, including the fact that dental fluorosis now affects one-third of American children and that the American Dental Association has specifically warned parents against using fluoridated water when preparing infant formula. There has also been major research indicating little difference in decay rates between communities with fluoridated and non-fluoridated supplies.

I am not a scientist and therefore I am not in a position to judge this matter from the information available. I have gone fairly widely and asked people in the medical profession and people in the scientific community if they can point me to studies that have been done on the impact of fluoride in the water supply and, where fluoride has been added to the water supply, the impact on public health. Some of the areas I am particularly interested in are whether there has been any impact, for instance, on diabetes or attention deficit disorder in children or Alzheimer's disease or arthritis or a range of other public health matters that I do not think there has been any attempt to explore.

There is a view that fluoride is benign and that it is only good, that it is terrific for teeth and that it does nothing else. I am not of the view that any substance is that benign, and I ask the minister to at least undertake an audit to establish that in the case of the water supply at the two locations I have referred to.

Fire blight: New Zealand imports

Mr VOGELS (Western Victoria) — I raise an issue for the Minister for Agriculture in the other place, the Honourable Joe Helper. It concerns the announcement that New Zealand intends to take Australia to the World Trade Organisation because of our stance in protecting our apple and pear industry from fire blight.

Food production constitutes the largest horticultural industry in Victoria, with a market value of approximately \$1 billion. Victoria produces more fruit than any other state in Australia, contributing 20 per cent of national food production in 2003–04. Fruit is predominantly grown in the Goulburn Valley region, along the Murray River and around Melbourne. In 2003–04 Victoria produced 36 per cent of Australia's apples, worth \$160 million, and 87 per cent of its pears, worth \$83 million.

New Zealand has been trying to get apples into Australia for about 86 years and obviously it is not happy with the outcome at present. Biosecurity Australia produced a report offering to open the door to New Zealand apples under strict conditions, but New Zealand believes these strict conditions are too harsh. Australia and Victoria need to ensure that exotic pests and diseases are kept offshore. Quarantine restrictions internationally and domestically are vitally important to fruit growers in Victoria in addressing the advance of fruit fly and diseases such as fire blight.

According to the federal Minister for Agriculture, Fisheries and Forestry, the Honourable Peter McGauran, New Zealand has complained of delays in finalising a quarantine and inspection work plan that will govern the importation of apples to Australia. However, Australia cannot take any chances. We know that New Zealand orchards contain the bacterial disease fire blight, which is not present in Australia. The action I seek from the minister is to vigorously support the Australian Quarantine and Inspection Service in ensuring that our fruit industry is protected from any possibility at all of being infected by exotic pests and diseases. Biosecurity Australia's inspection risk analysis draft report and the apple and pear industry unanimously concur that fire blight bacteria can be present and survive on apples even when that fruit is sourced from what appears to be a symptom-free orchard.

Maryborough District Health Service: tenders

Mr KOCH (Western Victoria) — My matter is for the Minister for Health in the other place and concerns the recent tender process used by the Maryborough District Health Service for the supply of food and beverage services. Small business operators in Avoca and Dunolly were denied opportunities to bid for the supply of food and beverage services to their local hospitals because of deceptive advertising by the Maryborough District Health Service.

An advertisement appeared in the *Maryborough District Advertiser* on 3 July for tenders to supply meat, frozen food, bread, milk, fresh fruit and vegetables, fruit juice and bakery goods for the Maryborough District Health Service. This advertisement failed to mention that it was also for the supply of these goods to the Avoca and Dunolly hospitals.

Avoca traders, who have been struggling with low trade as a result of the recent prolonged drought, are appalled by a process that saw tenders awarded to outside regional and metropolitan companies. While not opposed to the competitive tendering process, these

traders were given no warning that they had to submit a tender and were only told last week that their services were terminated. At the very least as a courtesy Maryborough District Health Service should have notified its suppliers of long standing that a tendering process was under way for new contracts, but what really disappoints them is that no effort was made by the health service board to support existing local businesses in these smaller centres.

This treatment is in stark contrast to the locals and volunteers who have supported the Avoca hospital opportunity shop, donating in excess of \$100 000 over the past 15 years. While Maryborough District Health Service claims it has adopted a competitive process according to the guidelines, the manner in which it was initiated demonstrated negligence towards local communities. These people are bewildered in light of their considerable contributions to their hospitals over the last three decades.

Alas, Maryborough District Health Service, red faced and with cap in hand, has come back to the local butcher who has been supplying meat to the hospital for 30 years. Although shunned due to his costs being slightly higher, he was asked to continue supplies to the Avoca hospital as the winning metropolitan supplier failed to deliver. The bungled tender process has left these small-town communities stunned and feeling as if their considerable contributions have been meaningless.

My request is for the minister to ensure that Maryborough District Health Service readvertises its tender for the supply of food and beverage services to all three centres individually so that local businesses have the opportunity to submit tenders for their hospital for the next contract period.

Education and Early Childhood Development: SmartSalary program

Mr P. DAVIS (Eastern Victoria) — I raise a matter for the Minister for Education, who regrettably is now in the other place. The matter I raise for her attention is salary packaging for teachers. The Department of Education and Early Childhood Development's SmartSalary packaging program limits the choice of eligible vehicles to those on an approved novated leasing list. That list in effect precludes appropriate choices being made by education department staff under their salary packaging arrangements because the list specifically excludes smaller, more environmentally friendly and efficient vehicles such as the petrol-electric hybrid Toyota Prius, the 1.6-litre Ford Focus and the 1.9-litre diesel Astra, all of which would be regarded as much more environmentally friendly and fuel efficient

than a 6-litre V8 Holden Statesman, a Ford Territory, a Ghia Turbo Sports Utility Vehicle or a Holden Crewman Cross 8 6-litre utility, which are all available under the novated leasing plan.

It seems completely illogical, at least to me and the constituent who has contacted me in regard to this matter, that there should be such a limit, and I seek the minister's cooperation in having that salary packaging arrangement reviewed to enable the current prohibition on the purchase of smaller four-cylinder vehicles, petrol-electric hybrids and diesel vehicles to be removed.

Hon. T. C. Theophanous — What car do you drive?

Mr P. DAVIS — The minister interjects, asking what vehicle I drive. I drive, I suspect, exactly the same type of car as the minister, and I look forward to comparing notes with him about that after this debate.

The PRESIDENT — Order! It is not a debate.

Mr P. DAVIS — It is an adjournment debate, with great respect.

The PRESIDENT — Order! It is not a debate.

Mr P. DAVIS — It is called the adjournment debate. In any event I would like the Minister for Education to respond to this request by — —

The PRESIDENT — Order! As a point of clarification, there is no longer an adjournment debate; it is the adjournment, and we do not debate. Therefore the minister will not be directly responding to the member.

Mr P. DAVIS — I would like the education minister to respond to the concerns that have been raised in respect of the illogical government policy on salary packaging.

Skills training: apprenticeships

Mr DRUM (Northern Victoria) — My adjournment matter is for the Minister for Skills and Workforce Participation in the other place. In regional Victoria at the moment we have the ridiculous situation of apprentices undertaking apprenticeships but not being able to receive the official training component of their apprenticeships. Whilst we have a severe skills shortage in regional Victoria and many trades cannot be sourced by clients wishing to have work done around the house or in the building sector, we have the problem of apprentices, who are employed by employers, not being

able to receive their training by way of the normal process. That process may be by way of one-week blocks at TAFE colleges in regional Victorian cities or students from regional Victoria coming to Melbourne to do full-week blocks at TAFE colleges here. Others do one day a week at their respective regional TAFE colleges.

Training can also be delivered by registered training organisations (RTOs). Skill Training Victoria is one such organisation which trains apprentices in regional Victoria. RTOs are growing in popularity because they are able to deliver on-site training. They go out and work with apprentices on site with their employers. This is becoming very popular with employers. Quite simply the situation is that many apprentices cannot get to Melbourne or a major regional city to attend the necessary training, so they are throwing in their apprenticeships, throwing in their opportunities to become tradesmen and taking up the easier option of becoming trades assistants. This is a tremendous waste of talent and a tremendous waste of the resources of regional Victoria, all because under the current regime these young men and women cannot receive the training they need.

Registered training organisations are cheaper and have better success rates of apprentices completing their apprenticeships when compared to TAFE colleges. Skill Training Victoria currently has over 60 apprentices on its waiting list and a need for at least 100 funded places to enable it to meet the requirements of apprentices and employers in regional Victoria. The only thing stopping these young Victorians from receiving their training is Labor Party and Office of Training and Tertiary Education policy, which is forcing young men and women out of becoming tradespeople and having them become trades assistants.

I call on the minister to immediately ensure that registered training organisations in regional Victoria receive an allocation of funded places that will enable them to cater for the unmet demand that currently exists. As I said, in Skill Training Victoria's case there are more than 100 places. If we can put these policies in place, it will encourage employers to put apprentices on rather than discouraging them from doing so.

Responses

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — Mrs Coote asked a question for the Minister for Public Transport in the other place in relation to access for people with disabilities. I am very happy to pass that on to the minister.

Mr Hall raised a matter for the Minister for Planning in relation to 5-star energy rating appliances and other matters. I will pass that on to the minister for response.

Ms Hartland raised a matter for the Minister for Police and Emergency Services in the other place in relation to Coode Island alert issues. I will pass that on as well.

Mr Tee raised a matter for the Minister for Water in the other place in relation to flood management strategies. I will pass that on to the minister for response.

Mr O'Donohue raised a matter for the Minister for Police and Emergency Services in the other place in relation to the Yarra Junction police station. I will have that responded to.

Mr Leane raised a matter for the Minister for Health in the other place relating to Eastern Palliative Care. I will pass that on to the minister for response.

Ms Lovell raised a matter of the Minister for Major Projects, which is still me, in relation to the Hepburn Springs bathhouse redevelopment. She mentioned the closure of that bathhouse, which of course occurred in the lead-up to the last election. Since then I have had responsibility for this development. Having had a private discussion with the member about it, in which she suggested to me that we might look at our processes more carefully, I think the best way to approach this might be for me to get an appropriate report from the department on exactly where this project is and what the chances are of it reaching the proposed opening date the member mentioned. I will report back directly to the member in relation to that as soon as I have that information.

Mr Barber raised a matter for the Premier in relation to the use of genetically modified canola. Obviously it is an issue he feels very strongly about. I will pass on his concerns to the Premier for response.

Ms Pulford raised a matter for the Minister for Public Transport in the other place in relation to patronage on the system. I will pass that on for response.

Mr Finn raised a matter for the Minister for Education in the other place in relation to Aberfeldie Primary School. He informed us that he is going around checking on all the schools in the electorate. I am very pleased for him to do that; I just wish he had done a bit more of it when the Kennett regime was in power. In any case, I will pass on his request for response by the minister.

David Davis raised a matter for the Minister for Health in the other place in relation to a podiatrist's report for constituents of his. I will pass that on for response.

Mr Atkinson raised a matter for the Minister for Health in relation to what public health studies there are in relation to fluoride. I am happy to pass the question on, although I must say that I think the debate over fluoride has well and truly been had in the community.

Mr Vogels raised a matter for the Minister for Agriculture in the other place in relation to apple growers and quarantine issues. I will pass that question on for response by the Minister for Agriculture.

David Koch raised a matter for the Minister for Health in relation to the supply of food to a local health service and wanted to ensure that local businesses have an opportunity to provide that food.

Mr Koch — Maryborough.

Hon. T. C. THEOPHANOUS — Maryborough. I will pass that on to the Minister for Health for response.

Philip Davis raised a matter in relation to education and the sorts of vehicles that can be purchased under salary packages for teachers. I will pass that on, but the member would be aware that there is a tension between the policies of environment and of having, as much as possible, public vehicles being those that are built in Australia. We look forward to the Ford Focus being built here so we can overcome that policy issue. I will pass his question on to the Minister for Education in the other place for response.

Mr Drum raised a matter for the Minister for Skills and Workforce Participation in the other place, Jacinta Allan, in relation to apprenticeships and trade assistants. I will pass on his concerns in relation to that for the minister to respond.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 6.36 p.m.

