

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Wednesday, 14 February 2007

(Extract from book 2)

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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

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Wednesday, 14 February 2007

The **PRESIDENT (Hon. R. F. Smith)** took the chair at 9.34 a.m. and read the prayer.

MEMBERS STATEMENTS

Australian Labor Party: election pledges

Mr GUY (Northern Metropolitan) — Last year and yesterday we heard from the Minister for Education about the Liberal Party, its policies and beliefs by way of a brochure. I went away and looked at what the Labor Party had as comparison. Indeed I did not find an A4 piece of paper, an A3 piece of paper or an A5 piece of paper. Instead the Labor Party has issued its beliefs on a business card. I now have in my hand a business card with a picture of the Premier, who looks like he has won a nightclub drink card competition.

What does this say about the Labor Party? It says that it will provide a budget surplus overseen by the Auditor-General — a promise broken; it says it will reduce school class sizes to a maximum of 21 or less — a promise broken; that it will make our hospitals cleaner and reduce waiting lists — a promise disgracefully broken; that there will be guaranteed and reliable supplies of gas, electricity and water — where do we go on this one! The last point is about cutting the rate of crime. We could talk to the people of Noble Park about what they think of that!

The literature says, 'It is not just a promise, it is a pledge'. It says the card should be kept to see that the party keeps its pledges. Did Labor keep its pledges in the past? The old favourite is this brochure from 1988 about keeping pledges. What is the guiding point about former Premier John Cain's broken pledges and about this Premier's broken pledges? It is that this house and the people of Victoria must remember one thing: you cannot trust the word of Labor.

Schools: Go for Your Life canteen kits

Mr LEANE (Eastern Metropolitan) — In the last couple of weeks I have visited a number of state primary schools in my electorate to personally deliver the Go for Your Life healthy canteen kits, which contain a lot of important information to assist schools in complying with the Bracks Labor government's policy to replace soft drinks and fatty foods in school canteens with healthy alternatives and have the schools run successful and profitable canteens.

Schools: non-English-speaking students

Mr LEANE — Whilst in conversation with the principal of Mooroolbark East Primary School, I was very impressed to learn of the measures the school is taking to assist recently enrolled non-English-speaking students. I was told that these students' families moved to Australia so that they could freely practice their religion — something they could not do in their country of origin.

It is a sad state of affairs to see our Prime Minister recently engage in a Pauline Hanson-like grab for the redneck vote by saying that everyone in this land should speak English and proposing meaningless citizenship tests. Maybe the PM needs to take a lesson in a Victorian primary school about being tolerant and patient with other nationalities, cultures, religions and maybe even their languages.

Bushfires: fuel reduction

Mr O'DONOHUE (Eastern Victoria) — When the 56th Parliament sat for the first time in the week preceding Christmas, much of Victoria was affected by bushfires, and indeed Melbourne was under a smoke haze. Sadly nearly two months later bushfires are still burning in Victoria, and it is likely they will continue to burn well into autumn. As it currently stands approximately 1.2 million hectares have been burnt, much of that in eastern Victoria. In fact I have heard it said that the area burnt in Victoria is as large as the entire country of Lebanon. I congratulate and thank all the volunteers who have worked so hard during this time of crisis. Without them things would have been much worse.

The ferocity of this season's fires on the back so soon of the fires of 2003 surely tells us that there is something seriously wrong with the way the government manages our forests. More must be done to reduce fuel loads during the winter and spring with increased controlled burns. The government should also take a lead from the New South Wales state Labor government, which has recently opened two state forests to graziers to ease the burden of drought and to reduce fuel loads.

What has occurred over the last three months has had devastating environmental, social and economic consequences. We must learn from the consequences of the lock-it-up-and-leave-it mentality to ensure that history does not repeat itself. The government must also act to ensure that tourists are attracted back to the region. The domestic tourism industry, already

struggling with high petrol prices and the attraction of cheap overseas holidays, needs to be supported.

Rail: western suburbs

Ms HARTLAND (Western Metropolitan) — During the recent election campaign I visited over 30 railway stations in the west. Most were unsafe and run down. From speaking to passengers I learnt of their concern that they did not get the same service as other people.

Most days I come to Parliament by train from West Footscray station, which is pathetically unsafe. It has no lighting at night, and it is in an industrial zone, so it is unsafe to walk from there. Because of the cancellations in the past month there have been days when I have literally not been able to get on to the train.

I will continue to come to Parliament on the train and will continue to campaign not just for a return of the cancelled service on the Sydenham, Werribee and Williamstown lines but also for an improvement to service in general. Members of the community want to use public transport because they see the link to emissions and global warming, but they have to have a safe and reliable service to be able to do that.

Holocaust: commemoration

Mr PAKULA (Western Metropolitan) — On Sunday night I was fortunate to attend the Holocaust memorial service at the Toorak Shule with Mr Thornley, some members opposite and some members of the other place. One of the speakers there was Mrs Ruth Elias, a Czech survivor of Theresienstadt and Auschwitz. Mrs Elias told her inspirational story of survival but also of her life's tragedy — having to kill her baby daughter to save her from Joseph Mengele's experiments.

Mrs Elias told her story to remind us of what happened but also to counter the new global scourge of Holocaust revisionism and denial. It has been pursued over decades by creeps like Irving and Toben but has now been taken to a new and dangerous level by Ahmedinejad of Iran. It is terribly sad and distressing that barely 60 years after the end of World War II people like Ruth Elias have to tour the globe to convince the world that the horrors inflicted on her, 6 million Jews and 5 million others who were killed, actually happened. Her story is important because it reminds us of what happened and helps ensure that it never happens again.

Air services: stamp duty

Mr D. DAVIS (Southern Metropolitan) — My matter today concerns the issue of inbound airline flights to Victoria. We discovered in the chamber yesterday that the Minister for Industry and State Development had no idea of the taxes that this government, through the Treasurer, John Brumby, and the Premier, Steve Bracks, has put on airlines flying into Victoria. It is an extraordinary situation for a state government to seek to bring inbound airlines to this state from overseas, as the minister said yesterday was his aim, when the method of attraction it is using is a new tax! It would hardly make an airline like Tiger or any of the other airlines think it is a great idea to fly to Melbourne. Why would they fly to Melbourne when they get taxed more than when they fly to somewhere else?

This is an extraordinary development, and the Premier, the Treasurer and the Minister for Industry and State Development have got to take a very hard look at it. It is harming Victoria's tourist industry, it is harming Victorian businesses and it is harming Victoria's freight. The importance of those inbound airline flights cannot be overestimated. Freight goes out in the holds of many of those planes, as does fresh fruit, fresh vegetables and, very importantly, cut flowers, as well as a whole series of other important freight components. Yet this minister is not even aware of the tax that his own government has imposed and is unprepared to take this issue seriously. I call on the Premier and the Treasurer to stop this.

Surf lifesaving: centenary

Ms LOVELL (Northern Victoria) — Before starting my statement, President, I seek your permission to have a photograph incorporated into *Hansard*. The photograph was taken at a function celebrating the 100th anniversary of lifesaving in Victoria in Queen's Hall.

The PRESIDENT — Order! By way of explanation, Ms Lovell has requested that the photograph be incorporated into *Hansard* as part of her 90-second statement. Ms Lovell approached me yesterday and explained the background and rationale for her request. I investigated the feasibility and indeed the possibility of it happening. It would be a precedent, and in the circumstances I am satisfied that all the criteria are met, and it is a precedent I am happy to create.

Leave granted; see photograph page 282.

Ms LOVELL — To mark the centenary of surf lifesaving in Australia 2007 has been declared the Year of the Surf Lifesaver. This is the first time this honour has been awarded to a community-based organisation. The surf lifesaving movement was formed in 1907 by a small group of volunteers whose aim was to provide a safe environment at Australia's beaches. To this day our beaches remain patrolled mainly by volunteers who share the vision of those foundation members.

When opening Surf House, the national headquarters of surf lifesaving, Sir Robert Menzies said:

If the voluntary spirit dies ... then democracy will die with it
... We are born free men ... If we are to preserve this, then let us preserve the voluntary spirit.

Surf lifesaving continues to preserve that voluntary spirit today. Our appreciation and admiration goes to all those volunteers who have patrolled our beaches over the past 100 years, and particularly to those volunteers who have patrolled Victoria's 58 surf and bayside beaches over this summer. Over the past 100 years, 520 000 people have been rescued by surf lifesavers, and many more have been warned of potential dangers before getting into trouble.

I was honoured to accompany my parents to a reception in Queen's Hall that marked the 100th anniversary of lifesaving in Victoria. The photograph from that event, which will be incorporated in *Hansard*, features my father, Maurie Lovell, with Sid Wookey, Eric McGee and Robert Mackinder, who were all members of the almost invincible Point Lonsdale rescue and resuscitation team of the 1950s and who all represented Victoria in surf lifesaving.

Aboriginals: welfare

Mr FINN (Western Metropolitan) — I do not know if it is appropriate at the beginning of my address this morning to wish members opposite a happy Valentine's Day, but I hope they take that in the spirit in which it is meant.

I have raised in this house, and outside on many occasions, my concern over a long period of time with the treatment of Aboriginal Australians and the lack of support they seem to be getting in a wide range of areas. I am talking particularly here about health, education and areas such as those — housing is another one of course. When one considers the amount of money — I understand it is some \$2.5 billion a year — that is poured into Aboriginal affairs in this country, I have often asked the question, and I ask it again today: 'Where does the money go?'. We are certainly not getting value for that money.

Upon attending the house yesterday I came up with at least part of the answer. I have a calendar which was produced by the Department of Justice, and it is quite a work of art. As members will see, it is a full colour, multipage calendar containing some delightful photos of the Attorney-General and former ministers. You have to ask how much this cost. It surely was not produced just for members of Parliament; it must have been more widely distributed than that. How much did this cost, and why was the money not spent on helping Aboriginal people? When they have so many needs why are we spending money on this calendar? That is the question this government really needs to answer.

Bushfires: Mitchell River catchment

Mr SCHEFFER (Eastern Victoria) — Last week I was privileged to join the chair of the East Gippsland Catchment Management Authority (CMA), Jane Rowe, Department of Sustainability and Environment works supervisor, Reg Morrison, and Professor Rodger Grayson of the department of civil and environmental engineering at the University of Melbourne to inspect from the air the impact of the Gippsland fires. Prior to our departure from Bairnsdale I was briefed by Graeme Dear, the chief executive officer of the East Gippsland CMA, and I thank him for his clear account of the factors that affected the movement and intensity of the fires, in particular fuel reduction burning.

Professor Grayson is a fluvial geomorphologist, and his interest and the interest of the East Gippsland CMA was to assess from the air the damage the fire did to the vegetation ground cover on the mountain slopes in the Mitchell catchment. The flight took us over the Dargo, Moroka, Wonnangatta and Wongungurra rivers that flow into the heritage Mitchell, one of the state's healthiest river systems, which supplies drinking water to Gippsland. The fires had seared thousands of hectares to bare earth and blackened leafless trees. The fear is that if there is strong rain before the ground cover comes back the topsoil slide will damage water quality. We landed at Upper Dargo to see close up the dramatic effects of such a silt slide, and Reg Morrison pointed to the willow and pest plant control works that were under way.

I commend the work of the East Gippsland CMA and thank Jane Rowe, Graeme Dear, Reg Morrison, Rodger Grayson, and pilot Grant Shoreland, for sharing their considerable expertise with me.

Valentine's Day: Liberal Party

Mr LENDERS (Minister for Education) — I rise on the occasion of Valentine's Day for two reasons.

Firstly, to wish Ms Pulford a happy birthday, but secondly to wish Liberal Party members all the joys of Valentine for their love-in next week when they go to Mansfield. In the spirit of Valentine's Day I can imagine Mrs Coote giving a bouquet of roses to David Davis to make up for their encounter in the parliamentary party room concerning the deputy leadership and to make up for their preselection experiences last year. I can imagine Mr Atkinson and Mr Dalla-Riva sharing a tent and telling each other tales about what has happened to them. On Valentine's Day I think they can start preparing for that.

On Valentine's Day I can also imagine how, with good spirits, around one camp fire Philip Davis and his factional friends will toast their marshmallows. Undoubtedly they will be revelling in his great achievement when with his dulcet tones he corralled three minor parties into his embrace and persuaded them to vote for him today, as he announced last week. I can imagine that around the other camp fire David Davis and his friends will be lamenting the success of Philip Davis. So on Valentine's Day I wish the parliamentary party well, I wish Interflora a lot of business in delivering flowers from one to the other, and I am sure the retreat next week will be one of the most joyous and loving occasions known to the Parliament of Victoria.

RULINGS BY THE CHAIR

Gaming: select committee

The PRESIDENT — Order! Yesterday in the Legislative Council several points of order were raised by Mr Viney and Mr Theophanous in relation to the notice of motion given by the Leader of the Opposition regarding the establishment of a select committee into gaming licensing. I propose to deal with each of those in turn.

The first issue concerns the scope of the terms of reference. Mr Viney claims that the terms of reference are very general and will open up the committee's capacity to investigate a number of things. Mr Viney is correct when he says that a select committee is set up for a specific purpose. I believe that is certainly the case with the proposed motion, which seeks to establish a select committee to inquire into a number of matters related to gaming licensing. The extent of the terms of reference are simply a matter for the council to decide.

The second issue relates to paragraph (8) of the motion, which enables the committee to commission persons to investigate and report to the committee on any aspects

of its inquiry. Mr Viney submitted that it is not appropriate for any committee of this house to be delegating its investigatory powers to another person. It is in fact not uncommon for committees to engage specialist assistance, and the proposed paragraph is consistent with section 30(1) of the Parliamentary Committees Act 2003, which confers similar powers on joint investigatory committees, subject to authorisation by the President or the Speaker. The standing orders governing the appointment of select committees are now also largely in line with the practices of joint investigatory committees.

I accept Mr Viney's concern about it not being appropriate for a committee to appoint a person as an investigator. The parameters of such an appointment, if the committee is established by the Council, therefore need to be clear. The committee will in the first instance be supported by two staff — a secretary and a research assistant — both of whom will be parliamentary officers. Any decision to appoint additional persons must therefore be taken carefully, based on a clearly demonstrated need for such an appointment and subject to funding being available. It is also crucial that any expert persons appointed be able to provide high quality assistance that is both independent and impartial.

The appointment of advisers by select committees is addressed in *May's Parliamentary Practice*, 23rd edition, at pages 768 to 769, where it clearly sets out the parameters of such an appointment and what would be a proper basis for any appointment by the proposed committee. *May* indicates in respect of select committees:

Committees are regularly empowered to appoint specialist advisers either to supply information which is not readily available or to elucidate matters of complexity within the committee's order of reference. Such advisers normally attend not only meetings of the committee at which oral evidence is taken but also meetings at which the committee deliberates. They do not examine witnesses or take part in voting. They are normally paid for work done on a daily basis.

The parameters outlined in *May* are clearly appropriate for the proposed committee.

The third issue relates to paragraph (9) of the notice of motion, which provides that the presentation of a report or interim report of the committee will not be deemed to terminate the committee's appointment, powers or functions. Mr Viney argues that the absence of a finish date breaches all precedents and quotes the practice of the Australian Senate and the House of Representatives in support of his claim.

Notwithstanding the position in the Australian Parliament, the Council's standing orders governing the appointment of select committees contain no requirement for a final reporting date. In accordance with precedent, a select committee exists until it presents its final report, if specified in the resolution of appointment, or until prorogation or dissolution. Although the most recent examples of select committees established by the Council required the committees to report by a specific date, the proposal does not therefore contravene any requirement of the standing orders. It is for the Council to determine whether the resolution should impose a deadline on the proposed inquiry.

The final issue was raised by Mr Theophanous regarding paragraph (10), which provides that the provisions of the resolution so far as they are inconsistent with the standing and sessional orders and the practices of the Council will have effect. Mr Theophanous argued that the Council will be unaware of what specific standing orders are inconsistent with the terms of the resolution. Any issues which arise concerning any inconsistency must therefore be considered by the President for adjudication.

The standing orders contain the basic provisions governing the operations of select committees. There may, however, be circumstances where such provisions should be varied in a particular instance. This is a matter for the Council to determine. Standing order 25.03 enables the standing orders and the rules of practice to be suspended or dispensed with by the Council. Whether or not this is done is simply a matter for the Council to determine. The provisions of the proposed motions are consistent with recent resolutions appointing select committees, and I find no reason to conclude that they are out of order in this instance.

In summary, I believe that the motion is competent and that ultimately it is for the Council to determine whether it agrees with the terms of reference proposed by Mr Davis. It goes without saying that any member can propose amendments to the terms of reference for the house to consider. The motion is therefore entirely in order, and I call on Mr Davis to formally move it.

SELECT COMMITTEE ON GAMING LICENSING

Establishment

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

That —

- (1) A select committee of seven members be appointed to inquire into and report on —
 - (a) the conduct, processes and circumstances (including but not limited to the probity thereof) pertaining to post-2008 public lotteries licensing in Victoria pursuant to the Gambling Regulation Act 2003 (the act) and any related matter;
 - (b) the conduct, processes and circumstances (including but not limited to the probity thereof) pertaining to the extension of Tattersall's public lotteries licence until 30 June 2008;
 - (c) the conduct, processes and circumstances (including but not limited to the probity thereof) pertaining to post-2012 electronic gaming machine (EGM) operator licensing in Victoria pursuant to the act, and any related matter;
 - (d) the adequacy or otherwise of the legislative and regulatory framework pertaining to the number, location, distribution and specification of EGMs in Victoria and any related matter;
 - (e) the effectiveness or otherwise of current measures to minimise and address the incidence of problem gambling in Victoria, the merits of alternative measures and any related matter;
 - (f) the financial position of the Community Support Fund (the fund) described in the act, including, but not limited to:
 - (i) payments into the fund under section 10.3.2 of the act (and its predecessors);
 - (ii) payments from the fund under section 10.3.3 of the act (and its predecessors); and
 - (iii) the criteria, processes and methodology for the selection of projects funded by payments referred to in subparagraph (ii) above; and
 - (iv) the community benefit statements prepared by those venues not required to contribute to the fund;
 - (g) any other associated matters dealing with gaming licensing issues.
- (2) The committee will consist of 2 members from the government party nominated by the Leader of the Government, 2 members from the opposition nominated by the Leader of the Opposition, 1 member from The Nationals nominated by the Leader of The Nationals, 1 member from the Australian Greens nominated by the

Australian Greens Whip and Mr Peter Kavanagh, MLC, from the Democratic Labor Party.

- (3) The members will be appointed by lodgement of the names with the President by the persons referred to in paragraph (2) no later than 4.00 p.m. on Friday, 16 February 2007.
- (4) The first meeting of the committee must be held no later than 4.00 p.m. on Monday, 26 February 2007.
- (5) The committee may proceed to the dispatch of business notwithstanding that all members have not been appointed and notwithstanding any vacancy.
- (6) Four members of the committee will constitute a quorum of the committee.
- (7) The committee will advertise its terms of reference and call for submissions and all such submissions received by the committee will be treated as public documents unless the committee otherwise orders.
- (8) The committee may commission persons to investigate and report to the committee on any aspects of its inquiry.
- (9) The presentation of a report or interim report of the committee will not be deemed to terminate the committee's appointment, powers or functions.
- (10) The foregoing provisions of this resolution, so far as they are inconsistent with the standing orders and sessional orders or practices of the Council will have effect notwithstanding anything contained in the standing or sessional orders or practices of the Council.

What is the highest charge on a member of Parliament? A member of Parliament is charged to act with absolute probity, with integrity, with uprightness and with honesty. It cannot be said that the Victorian community has confidence in the probity of government at this time in respect to gaming and gaming licensing. For that reason the opposition has expressed a view — I am sure that during the course of the day we will be advised that other parties in this place also hold the view — that there needs to be a careful examination of the issues relating to probity in respect to gaming in Victoria.

Why is that the case? It is clearly the case that through actions on their part, lobbyists or representatives of organisations involved in an industry that is one of the biggest industries in this state and is an industry which survives on the basis of the imprimatur of government have behaved inappropriately or, at the very least, have given the appearance of inappropriate behaviour. How can the people have trust in the government and the Parliament unless we, the members of the Parliament, are prepared to ensure there is absolute transparency. Irrespective of the evidence which is led during the course of this day on either side of the debate, I put it to the house that there is a high moral obligation on us all to ensure that the opportunity is afforded for the

Victorian community to be satisfied that the gaming licensing arrangements in Victoria are being administered appropriately.

Can I put it to the house that this is not the first time these issues have been raised and, quite properly, given public scrutiny:

The attack in Victorian Parliament was withering; the Premier stood accused of improper dealings after it was discovered he had been seen at a businessman's holiday house during negotiations over a gaming licence.

'If you are not a lunch mate, a holiday mate ... don't bother coming here. You won't get a fair go in Victoria', the member of Parliament railed.

He highlighted a string of complaints against the Premier, who had continued to meet up with a prominent political source, despite being in the middle of sensitive negotiations about gambling.

The member of Parliament who launched that attack was David White, a former minister and member for Dousta Galla Province in this house, in 1994. So let us understand the cant and hypocrisy of the government in railing against — —

Mr Viney — On a point of order, President, we are debating the establishment of a select committee to inquire into matters around gaming. It would appear to me that the Leader of the Opposition is proposing to debate the issues that are apparently going to be the subject of the select committee. I am a little confused. Are we debating here today — I am seeking your guidance — the conclusions of the select committee before it is appointed or are we debating whether or not we should establish it?

The PRESIDENT — Order! Mr Davis, as the lead speaker, is entitled to be quite expansive in his arguments. I see no point of order.

Mr P. DAVIS — For the edification of the honourable member who just took the spurious point of order I refer him to the *Herald Sun* of Friday, 17 November 2006, from which I was quoting. I thank the member for alerting me to the fact that he has not been following the debate in the press.

It is important for us to also note more recent commentary in the media. As recently as yesterday the *Herald Sun*'s editorial under 'Pokies secrecy' states:

The Bracks government is doing nothing to allay suspicions that it has something to hide over its handling of the licensing process of the \$2.4 billion-a-year poker machine industry.

The government is yet to appoint a judge to head the review of pokies and lotteries licensing — an election promise.

This promise followed allegations that former Labor minister David White had, as an industry lobbyist, assured Tattersall's of preferential treatment in tendering for a new poker machine licence in 2012.

The editorial concludes:

Dealings over this problematic industry demand absolute transparency.

These are the reasons for which the opposition has brought forward this motion, which the house will consider today.

In respect to the broad terms of reference, which go to an examination not of just lotteries licensing and electronic gaming machine licensing but also of the revenue flows in and out of the Community Support Fund, which I am advised has not been audited since 1996, these are important matters.

And not the least important issue is the issue of problem gambling. All members of this house would agree that the social impact on some families of problem gamblers is a major social tragedy. The Liberal Party has been concerned about this for some time, and it endeavoured in its election policy last year to set out some remedial measures. We attempted to deal with the issue in Parliament, but there was opposition from the government when we introduced a private member's bill. It is important that the Parliament has a further opportunity to look at the issues relating to problem gambling. Victorians spent more than \$1.2 billion last financial year on lotteries and more than \$2.4 billion on electronic gaming machines. Therefore the size and scope of this industry, and its intrusiveness, mean we need to ensure that it is properly regulated.

Gaming industries have an adverse impact across the lives of Victorians, and the public is entitled to expect very high standards in the industry. We must be assured that those who operate gaming ventures in Victoria are responsible and honest and that they meet the highest standards of probity. Likewise we must be assured that the actions of any government responsible for licensing gaming operators are beyond reproach. It is an essential role of the Parliament to place a check on the executive. We need only refer back as far as the Premier's own inaugural speech to confirm the importance of the executive accountability of Parliament. He said:

The Parliament and in particular members of Parliament have a duty to scrutinise the executive ...

Members of Parliament are one of the key watchdogs still left in the system.

Further:

In addition, parliamentary committees and committee chairs perform a crucial function in examining ministerial and departmental activities.

The Premier, then obviously a backbencher, went on to quote an article from the *Institute of Public Affairs Review* that talks about commentators having seen issues of corruption and misgovernment arising out of problems in our system of government and a small but convincing consensus emerging that one obvious and necessary path for reform was to assert the power of Parliament over the executive. It states:

This is perhaps most clearly approached in terms of accountability: it now seems clear that what is needed is an executive which holds itself accountable to this Parliament, a Parliament which can hold the executive accountable, and a parliamentary process which can be genuinely accountable to the electorate.

What we are talking about here are processes of the Parliament and transparency and confidence being instilled in the actions of the Parliament in holding the government to account. I put it to the house, therefore, that, consistent with the Premier's own personal views, the establishment of this select committee is one of the measures which is appropriate for that accountability. There are serious concerns with the probity of the current licensing process, which require the establishment of the select committee.

I have referred briefly to David White, who in representing Tattersall's has come into public discussion. The former gaming minister, who is also a member of the Labor Unity faction, which I understand has him aligned with the Premier, is a consultant to Hawker Britton, which is engaged by Tattersall's. He is close to the Premier, he is chairman of Yarra Trams and he is chairman of the Victorian ALP's policy committee. It is clear from notes of a meeting between David White and the Tattersall's board of trustees in November 2003 that David White was then in a process of seeking favourable treatment for Tattersall's. The notes state:

David ... said that the government is happy to have Tattersall's and Tabcorp continue in the duopoly and he feels that the process would be that both companies submit a tender when the time presents, and if the tenders are acceptable to the government, as to new terms post-2012, the others would not be asked to tender against the two of us ...

Further they state:

... The government has only one interest, and that is to protect the state's revenue base, and that the surplus in the budget regularly comes from the gaming industry. This is not going to change and that is why the government will always

be keen for the likes of Tabcorp and Tattersall's to continue ...

They also state:

... David states that the Tattersall's history has always been one that has necessitated change due to government pressure. Tattersall's is used to change and has become adaptable because of government pressure over the years, and this will most certainly continue, as is evidenced now ...

They also state:

... David thinks going public may be a condition of the extension of the licence, perhaps as the time draws near Tattersall's should initiate such a move ...

Although David White denied making the statements, he did not deny attending a meeting about which those notes were taken.

It is clear that the association between David White and the Premier has been established. Steve Bracks has admitted having a private dinner with David White, including spouses, at Lorne in 2003. While the Premier denied he discussed policy matters of government with David White, the fact is that that close association has been confirmed. After the revelations of the private dinner came out, the Premier said he would not take any phone calls that David White might make to his office. Of course we do not know what calls had been made prior to that time. Steve Bracks is reported as saying:

I don't have ... much contact —

with White —

at all ...

That is contradicted by the fact that there was close enough contact that there could be a so-called social engagement at a summer holiday resort.

John Pandazopoulos, member for Dandenong in the other place and the former Minister for Gaming, refused to deny that he had undertaken a secret meeting with representatives of Intralot, which was one of the bidders for the public lotteries licence. This again raised concerns about probity. It is quite clear that there were further discussions between David White, the Treasurer and the then Minister for Gaming.

Minutes from a Tattersall's board meeting referred to talks held nine days earlier between the Treasurer, John Brumby, the then Minister for Gaming and member for Dandenong in the other place, John Pandazopoulos, and representatives from Tattersall's. This meeting took place only weeks after David White's private dinner

with the Premier. The *Herald Sun* reported that the minutes state:

It has become apparent that the entire estate of the late George Adams, in its current form, will need to change due to commercial, political and beneficiary imperatives.

The trustees also met with the Treasurer and gaming minister to confirm the political preferences and it was confirmed at that meeting that the government's preference was for Tattersall's to be a 100 per cent listed entity.

Furthermore, it became apparent that if we did not follow this course of action, Tattersall's would be at a disadvantage in any future tendering processes or extension of our licences.

The issue of probity in relation to Tattersall's and Intralot arose out of an ABC *Stateline* report on 10 November 2006. The Solicitor-General provided a legal opinion that the Victorian gaming regulator's probity investigations in relation to the public lotteries licensing process had been inadequate and could not be relied on. The Solicitor-General is also reported to have found that Intralot had been denied natural justice. The report further claimed that the regulator had rejected the Solicitor-General's findings. A dispute between the regulator responsible for investigating the probity of licence applicants and one of the state's most senior legal figures concerning the adequacy of those probity checks undermine public confidence.

The delays and extensions in regard to the public lotteries licence have been to the detriment of taxpayers. The lotteries licence was originally to be determined during 2005. It was then delayed until early 2006, delayed again until late 2006 and then delayed yet again — on the last business day before Christmas — until 2007, necessitating a 12-month extension of Tattersall's lotteries licence until 30 June 2008. Victorian taxpayers received no premium payment for this extension, therefore it was a windfall to Tattersall's shareholders at the expense of Victorian taxpayers.

In 2006 the Bracks government introduced amendments to the Gambling Regulation Act which were designed to keep certain information and documents secret, including information acquired from the Minister for Gaming. This even extended to keeping documents secret from a court of law. This promotes a culture of secrecy in an industry where transparency and public scrutiny are paramount.

The Premier has acknowledged that there are serious doubts about the probity of the lotteries and gaming licence processes. In the wake of a number of revelations about secret meetings between himself and David White, the Premier announced the establishment of a panel to be headed by a retired judge, which he

said would 'publicly assess the recommendations of the current steering committee gambling licences review team'. However, this so-called public assessment will occur in secret, with no public submissions, no public scrutiny and no media scrutiny, and the recommendations of the panel will not be released until after the government has made its decisions on the licences. Moreover, this panel will not be able to call witnesses, force the release of documents or conduct any investigations of its own. Three months after the Premier announced the establishment of this panel we have seen no panel, no terms of reference and no legislation — a further admission that this panel is not up to the job of ensuring the integrity of gaming licence processes.

The select committee we are discussing today must be formed now to ensure the integrity of Victoria's gaming licence processes. Labor's after-the-event assessment is not good enough — that is to say, we need to know now that there are proper probity checks in place to deal with — —

Mr Lenders — By your kangaroo court.

Mr P. DAVIS — I pick up the minister's interjection. The fact of the matter is that the committee will have a look at the processes. It will not make a judgement about how the licences will be issued, it will look at the processes. There is no kangaroo court for the gaming operators. What this is actually about is a review of the probity of government — and the government has failed the test repeatedly. Indeed I remind the minister of his comments on Monday of this week, when the minister said:

After a tender is complete, you learn the lessons from the tender so you get it correct next time.

I think the minister is wrong. Firstly, I ask the minister, and he can respond when he has his turn later: if you see a crime being committed, do you wait until after the execution of a bank robbery, a house burglary or a personal assault before you intervene to ensure that justice is done? I put it to the minister that you cannot ignore or turn a blind eye to the potential of corruption or indeed the perception of corruption in government processes. It makes a mockery of the Parliament having the ultimate regard for the protection of the people of Victoria with respect to the way that government performs its duties, if the Parliament turns a blind eye to the level of public concern about the probity of government action.

This tender is too important to get it correct next time. We must get the tender correct this time. Where we can prevent a wrong from occurring we have a duty to do

so. Labor would have us stand idly by while concerns about the integrity of licensing processes are ignored until after the licences have been issued. Such a stance is nonsensical and an invitation to engage in improper conduct.

Public confidence demands that this inquiry be established. The *Herald Sun* of 17 November 2006 editorialises:

Victorians do not want government policy to be swayed by whispered conversations in the corridors of power or by the shadowy influence of old mates.

As John Ferguson wrote in the *Herald Sun* on 18 November 2006:

The only way to clear up the many doubts about the process is for Labor to agree to a full independent inquiry where Mr Bracks, Mr White and all the key players can be questioned under oath.

I turn again to the *Herald Sun* editorial of 13 February, which says:

... the *Herald Sun* reveals today that former gaming minister, John Pandazopoulos, has agreed to front the inquiry.

Mr Bracks should follow his example instead of relying on the flimsy excuse that parliamentary rules excuse his presence.

Dealings over this problematic industry demand absolute transparency.

I have tried to set out briefly the rationale for the motion before the Chair — that it is important for us to establish a select committee to deal with issues which have been to the fore of the community's mind as to the performance of government on probity with respect to gaming licences. I do not believe that without such an inquiry it is possible for the people or indeed the Parliament to have confidence in these matters. Importantly, we need to also understand the concern around the problem gambling issue. The people of Victoria have a right to expect parliamentarians to take up the concerns that are raised with them, and many hundreds of thousands of Victorians have expressed a view that these matters should be examined in some detail. This is an opportunity for the Parliament to be seen to be taking an initiative which is appropriate in the circumstances, the circumstances being the doubts which have been raised about the probity of the regulation of gaming in the state. I therefore commend this motion to the house and seek the support of all members in this place.

Mr LENDERS (Minister for Education) — I rise to speak on the general business motion moved by Philip Davis and indicate, firstly, that this is a fundamentally

flawed document. It is designed by a committee with no single objective, and if it were presented in a classroom as part of assessment it would be thrown out because it is nothing but a document done by committee. I will go through why it is a problem. Secondly, it is economically reckless. For probably the first time in the history of the state, halfway through a commercial tendering contract process a group of politicians who made up their minds in a secret meeting a week before — we will test whether they made up their minds in a secret meeting by moving some government amendments — have come forward and wish during that tendering process to trawl over the tender documents.

Let us see where this will go. Mr Davis rejects the term 'kangaroo court'. In his opening remarks Mr Davis was talking about what the committee would be looking for. He virtually said what the findings would be — and I take up the interjection of Mr Viney earlier on, when he said that we will probably read in the final report from the committee exactly what Mr Davis said today, which will be recorded in *Hansard*. That is the confidence I have in this. It is a contempt of the Parliament. We have just had a general election fought, where after 150 years —

Mrs Peulich — That is laughable.

Mr LENDERS — I take up Mrs Peulich's interjection about contempt of the Parliament and say it is a great disrespect to the Parliament. We have a situation where most parties in this place, particularly the Democratic Labor Party, the Greens and the Labor Party, all came forward strongly supporting a system of proportional representation and accountability. Yesterday Mr Kavanagh talked about the counsel of the many referred to in the saying on the floor of the Parliament House vestibule. We have a situation where a meeting has been held and an outcome has been agreed on even before there has been a debate in the Parliament. My premise will be tested by how members respond to the five amendments I will be moving on behalf of the government.

Going back to economic vandalism, if the Leader of the Opposition or other members of the Liberal Party or The Nationals genuinely believe that business will come to Victoria in the future with any confidence to tender, whether it be in this area or in any other area of economic development, and be subject to a political witch-hunt — let us not kid ourselves, Mr Davis might have conned the minor parties but this is designed to be a political witch-hunt, and I will go into the structure of the committee which reinforces that — and if they expect jobs to come to the state from investment if this

is the climate, they are kidding themselves. If they think that because they have patched together their alliance of four parties to include the Greens, business decisions will be made in the state of Victoria with those four parties together trying to rip down the government under any possible circumstance — that is the agenda of the Liberal Party, let us not kid ourselves; I will not speak for the minor parties, but it is the agenda of the Liberal Party to make the government look bad and bring down the state — the economic vandalism will be on their heads.

Mrs Peulich — You are prejudging the outcome.

Mr LENDERS — I take up the interjection about prejudging the outcome. Your leader just prejudged the outcome. I heard the media commentary last Thursday. The arrogance of Michael O'Brien, the member for Malvern in the other place, before a motion is even introduced into this place saying that the government is contemptuous because witnesses would not appear. What about this house and what about a debate before we start condemning people for not appearing before a committee that has not been created?

The government will move five amendments to the motion which will test my premise. There are two issues: the first is that it is economic vandalism — there are better ways of doing it — and the second is that it is an absolutely fundamental flawing of proportional representation.

Mrs Peulich — It is democracy.

Mr LENDERS — Mrs Peulich says it is democracy. The Labor Party has 47.5 per cent of this chamber but only gets 28 per cent of the seats on the committee. Does anyone call that democracy? The Liberal Party might call it democracy. It is not Labor democracy. I do not think it is Greens party democracy, and I do not think it is Democratic Labor Party (DLP) democracy.

To repaint the picture, my general point is that last week a general press release said that the parties had agreed to set up a committee, which is fine because it is a democracy and people are entitled to move for a committee. I do not have an argument with that, but what I do find interesting is that Mr Kavanagh's blog site says that the *Herald Sun* article announces the formation of the committee. This is being announced by a press release from the Leader of the Liberal Party and a blog release by the DLP says that the *Herald Sun* is announcing it.

If we are talking of a Parliament discussing outcomes, at the least one could have the courtesy of discussing it

in this house. Before the committee is even set up, Michael O'Brien, the member for Malvern in the other place, using typical Liberal Party bullyboy tactics, starts attacking any retired judge who might be involved in the probity issue. Somehow or other the Liberal Party and its allies think they are fairer and more objective than a retired judge. It is a Liberal Party tactic of bullying retired judges before one is even appointed. This is kangaroo court stuff and makes the Star Chamber look mild. Hughie Long looks like a Democrat with a small d.

We have a furious debate as to who should appear before the committee. I will be interested to see how Mr Kavanagh votes on some of these amendments. In his inaugural speech yesterday — and I appeal to Mr Kavanagh — he talked about the counsel of the many. I say to Mr Kavanagh that the counsel of the many involves 40 people having a debate and a vote, not something where the Liberal Party, the Greens, The Nationals and the DLP, without a debate presumably, going by the media articles, have agreed to this. The test will be how the amendments go.

It is fundamentally a disrespect to the Parliament. It is a foregone conclusion, an outcome already in Philip Davis's mind before the committee is even set up. This is a flawed motion. I appeal to the minor parties: if the outcome you want is an inquiry into some of these areas, then there are 12 joint investigative committees that can deal with references. Presumably the dulcet tones of Mr Davis have advised the minor parties not to put it forward. I would advise them to try that first before believing Mr Davis. All these matters could have gone to those committees, so the question goes to the motives of Mr Davis.

My first amendment is a fundamental one that goes to the issue of economic vandalism and recklessness. Mrs Peulich sighs. She was part of the Kennett government that preached about economic responsibility, about 'Saint' Alan Stockdale and fiscal rectitude. She should reflect on what she is presumably going to support — that is, the economic recklessness of having, halfway through this process, an investigation, a Star Chamber, which the Liberal Party controls. Let us not kid ourselves, the Liberal Party designed this to marginalise the minor parties.

What we as a government are proposing is to try to address this issue. We are not saying that the committee should not consider the tender; we are saying that it should only consider the tender after the public lotteries licence allocation process is concluded. I remind the house — I believe Mr Viney will say more on this — that a series of probity auditors go through this process

step by step. The government will then introduce a bill to appoint the retired judge — presumably the house will approve that rather than having a kangaroo court — to look at the process. There is nothing unusual about that.

Mr Davis, in his remarks about crime, forgets the basic premise that every government contract in this state goes through this process with tenders. Where there are criminal issues, the police are involved, the Director of Public Prosecutions is involved and the Office of Police Integrity and others are involved. Every contract in this state goes through the process after the event. It is after the event so that meddling public servants, meddling ministers and meddling parliamentary committees do not interfere in a contract, but after the process the whole tender is up for review. That is what the government is proposing, and that is why we are proposing an amendment that empowers the committee to review it after the contract is let. It is so that we do not have an economic vandalism issue and jeopardise jobs and investments in this state. That is the nature of our first amendment.

I again say to the minor parties that a discussion on this could have fixed the problem before people locked in behind a single result. I say to the Liberal Party that I will be fascinated to see in its future meetings with industry groups, whether it be the Victorian Employers Chamber of Commerce and Industry, the Australian Industry Group or the Victorian Farmers Federation, what they say when talking about investing in jobs in this state about what this sort of behaviour is likely to do to future investment in this state. Those opposite should hang their heads in shame.

The second and third amendments which I will be moving deal with the basic principle of proportionality and, dare I say the word, democracy. In this chamber there are 21 members of the coalition that has been formed behind this motion and there are 19 government members. This outrageous proposal from Mr Davis is for a committee comprising 5 members from this coalition and 2 from the government. The numbers in this chamber are such that this coalition outvotes the government 21 to 19, but here is a proposal of a majority of three for the minor parties.

Mr Birrell and Mr Forwood will probably be furious at how Mr Davis has betrayed the principle that even the Liberal Party had in the 54th Parliament where the select committees set up to investigate the Frankston council and the Urban and Regional Development Corporation were committees of 5 with 2 Liberal Party members, 2 Labor Party members and 1 member of

The Nationals. Why suddenly have we gone to a committee of 7?

Mr P. Davis — What about the Greens?

Mr LENDERS — I take up Mr Davis's interjection about the Greens. He has used his dulcet tones to form a coalition and convinced the minor parties in secret meetings. Velvet-tongued Philip has actually done this. I agree that if you want a coalition of four then everybody should be represented. I am not arguing about five people from the other parties, but I am arguing for four from the government. What Mr Davis has done is to charm a coalition —

Mr Jennings — He has hypnotised them!

Mr LENDERS — He has hypnotised them, that is correct, Mr Jennings. He has brought together a coalition of the gullible — not the willing, but the gullible. I know how offensive what Mr Davis has done is. What he has said is, 'I do not trust the Greens, so if they go off I will have a majority with The Nationals and the DLP. I do not trust The Nationals, so if they go off I will have a majority with the Greens and the DLP. I do not trust the DLP'. He has conned everybody into an alliance, but if any one of them has qualms about victimising people with kangaroo court witnesses and submitting interim reports before the federal election to advance the Liberal and National parties or if there is any social agenda that offends the Greens, then it does not matter because they are marginalised. He only needs to hold two of the three allies together.

Philip Davis has cunningly persuaded the other parties, and probably done so less bluntly than he dissuaded David Davis from being deputy leader. He has again manipulated an outcome. I will be interested to how the minor parties respond to my amendments, but if I were them I would hang my head in shame for one fundamental reason: the Labor Party fought for many years to reform this house. The Liberal Party and The Nationals rejected it at every single juncture, right up to the third reading. We voted 24 to 19 in favour of proportional representation. The opposition parties fought it at every juncture.

I appeal to the Greens and Mr Kavanagh: the whole issue of proportionality is being made a mockery of where a party that has 47.5 per cent of the seats gets 28 per cent of the votes. The Liberal Party will say, 'We are 15 and Labor is 19'. This is not Labor and Liberal, this is a coalition of four parties. If the coalition comes together, then that is fine, but the coalition of 21 takes five seats and the minority of 19 takes two. That is not democratic. I say to the Greens and the DLP: they

should hang their heads in shame if they support this motion and not the government's amendments, because it is a travesty.

Honourable members interjecting.

Mr LENDERS — I take up Mrs Coote's interjection. This is a vibrant and vigorous debate. It is a debate we could not participate in when the four parties had their secret meeting last week, a meeting we heard about when Philip Davis had the courtesy to ring me about 3 minutes before his press release went out to inform us of it.

What we urge to fix the anomaly is proportional representation. It will not only give Labor four seats but also empower each of the minor parties to affect the outcome. At the moment all of them are subject to Mr Davis's wily manipulation. He only needs two of the three, and we know what will happen.

My fourth amendment regards what Mr Viney calls the Kenneth Starr clause.

Ms Lovell interjected.

Mr LENDERS — I take up Ms Lovell's interjection. We have nothing to hide. We support all aspects of this inquiry, apart from what is addressed by my first amendment, which delays the reviewing of the licence until the process is concluded. We do not fear anything. We will participate in this committee, but we object to the economic wreckage. We will support this motion if our five amendments are accepted. We have nothing to hide; we just do not want to wreck the economy of this state as part of Mr Davis's mad agenda to embarrass the government, and to hell with the consequences for Victoria.

Mr P. Davis interjected.

Mr LENDERS — Mr Davis asks why we do not support the motion. We will, if the five amendments get up.

The fourth amendment relates to the Kenneth Starr clause. This is the one about empowering someone to investigate. There are two possibilities regarding this. One is that Liberal Party members are just bone lazy and do not want to turn up. I am sure our people on the committee will want to turn up as often as possible to talk. We will turn up as many days of the year —

Mr P. Davis — On a point of order, President, I am not attempting to protect the Chair, but I note that you gave an extensive ruling this morning including comments on the matter that the Leader of the

Government is raising. You said the provisions of the Parliamentary Committees Act are entirely consistent with the motion, and the member is trying to assert that —

The PRESIDENT — Order! There is no point of order. It was a nice interjection but irrelevant at this stage.

Mr LENDERS — There are two possible reasons for this clause — this is based on conjecture, because again it was not something Mr Davis touched on in his opening remarks. One possibility is that people are bone lazy and do not want to turn up, so they want to get someone else to do the hard work for them.

Mr Guy interjected.

Mr LENDERS — The alternative is a secret agenda, Mr Guy. I say again to The Nationals, the Greens and Mr Kavanagh: be wary of who is appointed. The reason we are moving an amendment saying it can only be an existing — as of now — member of the staff of the Legislative Council is that I do not trust the committee. It will appoint someone like Julian Sheezel or some Liberal Party apparatchik to be the Kenneth Starr of Victoria in 2007. The minor parties should quake, because only two of them are necessary for this Kenneth Starr to be appointed. Mr Kavanagh might not know Julian Sheezel, but Mr Hall and Mr Drum will know him — he is the man who tried to take Rodney and Shepparton — and of course Mr Barber will know him, because he is the guy he did his secret preference deal with.

What we want this amendment for is to stop anyone being appointed as part of a Star Chamber. Let it be a current staff member of the Legislative Council — we are relaxed about that — but let us not have this being part of the Liberal Party's secret agenda. It only needs two of its partners, not three, to appoint Julian Sheezel, or whatever other Liberal Party apparatchik it wants. The Republican Party in the USA gave us Kenneth Starr, who went from looking at some real estate dealings to looking at DNA samples on a dress. It can go anywhere, so we know where it will go. I apologise to Mr Viney for taking his line.

The fifth and final amendment I will move is a sunset clause amendment. I heed your ruling, President, that it is in the hands of the house. I put it strongly to the house that a sunset clause is necessary, and hence my fifth amendment. When you have an untrammelled committee — and this is important, and I imagine Mr Davis did not mention this to the minor parties in his secret meeting with them — it can go on for the life

of this Parliament. There is no set time of expiry. The terms of reference for the committee include any other matter. It could go through clause after clause. As long as the Liberal Party can hold together four of its five people on this committee it can do what it likes for the rest of this Parliament.

We propose a sunset clause. It goes back to my first amendment, that we should not inquire into the tendering until it is completed. The sunset clause says the committee expires six months after the tender is completed. If the house feels it wants to continue, it can renew the committee by 21 votes to 19, or whatever margin it likes. If it is the will of the house, it can continue the committee. But all the joint investigative committees — the 12 permanent committees of this Parliament — have much more limited terms of reference than the proposed committee. The distinction between this committee and the four-year committees is that this is the Liberal Party's insurance policy so that if it loses one of its three partners, it can continue its witch-hunt for the rest of the Parliament.

Mrs Peulich interjected.

Mr LENDERS — Mrs Peulich was part of the Kennett government, so she knows all about this. She was part of a very successful bid to knock off the Kennett forces for the vice-presidency, so she knows all about numbers. She is no fool, and she knows very well what this is all about. It is all about protecting Mr Davis's right to conduct his witch-hunt whenever he chooses for the rest of the Parliament, even if through carelessness on his part he loses one of his coalition partners.

In conclusion, the government opposes this motion unless its five amendments are agreed to. The amendments do not in any way diminish the capacity of the Legislative Council to have a select committee of review into gaming. This is all they do: firstly, they say that the committee will start two of its references — the rest can start immediately — after the tender is let. We are not saying it should not investigate the tender; we are not saying to Mr Davis, 'Do not conduct your witch-hunt on David White, if that is what you want to do'. What we are saying is, 'Wait until the tender is over on the first two terms of reference, but go for your life on the other ones'.

Secondly, we are saying we want a committee with proportional representation — something near and dear to three of the five parties in this place. I say to the DLP and the Greens: proportional representation is why you are here, and this is the most blatant abuse of proportional representation that I have seen. With 21, a

majority of 2 in the chamber becomes a majority of 3 on a committee of 7; 2 out of 40 becomes 3 out of 7. That is a blatant gerrymander — it would probably even make Sir Joh Bjelke-Petersen blush! I say to the Greens and the DLP: see it for what it is.

My final point on this issue is that we need to have an end time for this committee so that it can do its review and do it expeditiously. For those reasons, the government will listen with interest to how the minor parties respond, but it will pursue its five amendments at the end of debate because it believes that with the adoption of the five amendments this will be a much better motion, and one that all parties in this house can support. Therefore I move:

1. In paragraph (1)(a) and (b), at the end of each paragraph insert 'but that this term of reference not be dealt with by the select committee until such time as the public lotteries licence allocation process is concluded'.
2. In paragraph (2) omit '2 members from the government party' and insert '4 members from the government party'.
3. In paragraph (2), at the end of the paragraph insert 'The select committee will appoint either the Chair or Deputy Chair from among the government nominees.'
4. In paragraph (8), after 'persons' insert 'employed by the Legislative Council as at 14 February 2007'.
5. In paragraph (9), at the end of the paragraph insert 'but the committee will be required to complete its work and present its report within six months of the public lotteries licence allocation process being concluded.'

Mr BARBER (Northern Metropolitan) — The Greens will be supporting this motion with some amendments to be moved by Ms Pennicuik, which I believe have been circulated. We do so for three reasons: there is the high level of community concern on the issue; there is the issue of probity and transparency around not just these few matters but the whole industry; and there is the government's policy approach to the issue over the last seven years.

Victoria's pokies are among the most aggressive, voracious gambling machines in the world. The government's own Gambling Research Panel asked the community what it thought about them. Of those surveyed, 85 per cent said gambling is a serious social issue, 75 per cent said it is too widely accessible, and nearly the same number of the Victorian community said the number of poker machines should be reduced.

This motion is not, as was tried to be characterised by the government, a case of a disparate group of parties in an unlikely alliance. What we are is fair and square in the middle of the road with exactly 75 per cent of the

Victorian community. But the government has not been listening to that large majority and it has not acted on their concerns in any meaningful way. If the government is proposing to extend pokie licences for another 20 years from 2012 — and with six years to go it seems to be on final approach, hoping that it will just happen in a smooth fashion — then we are here asking ourselves a \$64 billion question, or we should be, and that is: do we even want pokies in Victoria, and, if so, under what conditions?

The community thinks the industry probably does more harm than good. Prior to and certainly during the election, people were becoming more and more concerned about the fact that pokies prey on the poorest and most vulnerable members of the community. They are a reverse Robin Hood tax. In other words, the way this industry operates offends the basic sense of social justice of the majority of Victorians.

On the issue of probity and transparency, pokie and lottery licences are licences to print money. There is nothing more sensitive that the government could decide on, and therefore there is nothing more important for the Parliament to have an oversight of.

The Greens have grave concerns about the robustness of democracy in Victoria. There are corporate donations to political parties, and in the case of Tattersall's and Tabcorp that is getting up to \$1 million over the time the Australian Electoral Commission has been keeping its electronic register. They are donations to Labor, Liberal and The Nationals, with a large chunk of that here in Victoria — talk about selling your soul!

The disclosure of those donations, the activities that swirl around them and the role of former ministers as lobbyists for the industries they once regulated are all great concerns of the Greens, and we raised them during the election. There is the secret ministerial advisory council and there is the illusory community benefits statements that clubs publish — for example, the provision of automatic teller machines, which the Greens think should be removed from gambling venues, are actually claimed as being for community use and therefore a community benefit, not to mention the spirit dispensers that are claimed as a community benefit in the Altona Bowling Club statement. Then there is the abolition of the research panel that just kept coming up with answers the government did not want to hear.

If I needed any further convincing of this, it was given to me during my attendance, as a member of the public, at the Public Accounts and Estimates Committee hearings last year. Firstly, I was not thrilled about the

way that the government, which controls the estimates committee, ran it. This is the audit committee for the state of Victoria, and where I come from audit committees have an independent majority. If the government is proposing changes to the Parliamentary Committees Act down the line, I will be moving that the estimates committee have a majority of non-government members, regardless of the makeup of the house. That is the practice at local government level and it is corporate practice.

Secondly, I noted the performance of the then Minister for Gaming at the estimates committee. When he was talking about his other portfolios of racing and tourism he was animated — he knew the story he was there to tell and he had the numbers at his fingertips — but when the questioning came around to the issue of gaming, his whole body language changed. He was not aware of simple things such as how much the government was spending on problem gambling. He was unable to give a good explanation as to how many problem gamblers there are in Victoria. That indicated to me that as gaming minister you are under the direction of other ministers in the government, and there is nothing you can achieve in your portfolio.

On the issue of probity and the question of business confidence, from my limited involvement with business tenders at the local council level, if I was thinking of tendering for a piece of business in Victoria and I saw that all the other main players had already lined up a former minister to advise them on how to get in the ear of the government, that would destroy my business confidence. I do not think the Victorian Employers Chamber of Commerce and Industry, the Australian Industry Group, the Business Council of Australia and the various other business allies of this Liberal-Labor duopoly here are in any hurry to run off to Kazakhstan and open a branch office there. The difference is democracy.

Then there is the government's approach to policy issues. Clearly the government does not see the issue of gambling the way the Greens do. On licensing, as I said, it is moving towards renewing licences for 20 years from 2012, and it wants a smooth transition. On rules and regulations, the Kirby report looked only at industry structure and was specifically banned from looking at specific problem gambling measures. The vast majority of submitters to that recent inquiry wanted those fundamental questions addressed, but Peter Kirby, the government-appointed chair, still managed to call for — and you have to translate this from bureaucratise:

... continuing a dialogue ... on many of the regulatory arrangements and details that would accompany the broader post-2012 industry and licence structure.

Broader, he means, than the terms of reference he was given. Caps have been minimal and are only in areas that are fully saturated with pokies. Local governments and local agencies that assist gamblers in those areas are saying the caps are ineffective, and members can read their submissions to that review.

There are the changes to the planning rules. I do not believe for a minute that the government is serious about giving local councils power over pokies. Up until now, even when local councils expressed a clear preference for no pokies, even when they made a strong case and even when they have been supported by the regulator, they have been overridden by the Victorian Civil and Administrative Tribunal (VCAT). If you boil down the reasoning there — I am not reflecting on the findings of particular cases — you find that the view of the government's legislative settings, if you like, is that the social and economic impacts of poker machines in every individual case must be positive because otherwise the government would not have legislated to allow them.

For some reason the regulator has not been permitted to defend its own administrative decision in VCAT. If it were any other administrative decision of the government and I was challenging it, I am pretty sure the body would be in there to defend its decision, but in those cases the Victorian Commission for Gambling Regulation has not been allowed to be there. It has fallen back on local councils expressing the values of their community to defend the government's decision in cases like the recent Romsey decision not to allow pokies.

In this context the government's decision to give councils more triggers for planning permits around pokies means that local governments will first have to consider the planning issues. It does not indicate that the government is prepared to give councils any power in this area or give the community more say. Councils have no capacity, they have no policies in place and they certainly have no policy freedom under the settings they are allowed. It is just another run-around.

What we are getting from the government is a kind of drip-feed of measures on pokies and on gambling more broadly. It is an attempt at each stage as the community's concerns build to try and hose them down a little bit. Again this morning, right here while we are debating this motion, there was the offer of the introduction into the Parliament of a bill to set up the inquiry the government announced during the election

campaign. Every time we raise the issue of pokies the government brings in a little bit more and a little bit more, but it is not —

Mr Lenders — That bill was announced during the election campaign!

Mr BARBER — I am happy to be corrected if that is the case, but this was the first I had heard about it.

Honourable members interjecting.

Mr BARBER — Don't argue about it guys. We will sort it out later.

In conclusion, I know that many members of this Parliament — and some of them even said it in their inaugural speeches — share the deep concerns of the Greens about the gambling industry and are disturbed by the momentum towards renewing pokie licences; their communities certainly are. With such a deep well of concern the government is going to struggle if it only offers to tinker with the details of the industry and has no sense of where it is going. Importantly, it is offering no upfront ethical position, but is just treating the whole question as the management of a set of administrative decisions. I think that is why we are debating this measure now.

Mr VINEY (Eastern Victoria) — Here today we have another example of a typical political operation by the Liberal Party, which has manipulated the minor parties into setting up a kangaroo court that will now be empowered to investigate almost anything, as Mr Lenders said in his earlier contribution. The Liberal Party proposes that the committee will have an investigator and no end date.

Let us just look at the context of what it has done. It wants to set up a select committee of this Parliament with no end date, so it will finish at the proroguing of the Parliament in November 2010. That is when this committee will finish. Subparagraphs (a) to (g) of paragraph (1) of the motion set out the proposed terms of reference. There are nine occasions when the motion either states that the committee is 'not limited to' or refers to 'any related matter'. A committee is to be set up with the capacity to investigate any related matter which is not limited to whatever the terms of reference are, and it is not limited to or confined by the terms of reference. It is able to investigate any related matter. The proposed terms of reference state that the committee will be allowed to appoint a special investigator — the Ken Starr type of investigation where someone goes out looking at real estate deals and ends up looking at the DNA of a spot on a blue dress.

The committee will have that power and it is proposed that it should be able to delegate it to an investigator. I understand the rulings of the President earlier, and I appreciate them. Because of the point of order I raised yesterday the President indicated that there are some proper constraints on this. But let us not pretend we do not know about what the Liberal Party was trying to do. Through its motion it was trying to set up a provision enabling the committee to appoint an investigator to undertake research and investigation on behalf of the committee. Liberal Party members are too damned lazy to go out and do the work themselves; they want to delegate it to some yet-to-be known investigator with an ill-defined role, a yet-to-be identified person with no specified role.

On top of that, and for the first time in this place, the proposal is not to put an end date on when the committee would meet. In fact not only is there not an end date, the motion states:

The presentation of a report or interim report of the committee will not be deemed to terminate the committee's appointment, powers or functions.

That is what the motion proposes, and that is unheard of. If members look at —

Mr Rich-Phillips interjected.

Mr VINEY — I am not arguing that Mr Rich-Phillips; it may well be within the power of this Legislative Council to put that provision in. What I am discussing is whether that process is proper, because it goes absolutely to the heart of what you are doing.

The Liberal Party wants to set up a select committee as a political witch-hunt. Let us think about it. People here have said they have some concerns about the process and the probity of this issue, and that is why they want this investigation. That is okay; that is what the Parliament is about, making sure that where there are concerns about something it properly investigates those matters. There is no problem whatsoever with that. But so far as I can find there has never been such a select committee as is now being proposed in this place, and if you look at the standard resolutions in *Odgers' Australian Senate Practice* or *House of Representatives Practice* or *May's Parliamentary Practice*, you find they all say that on the presentation of its final report the select committee process ceases. All of them refer to that.

Of course it is within the power of this Parliament not to have that provision but to have a different one. What I am saying is that it exposes what the Liberal Party is about. It exposes the fact that the Liberal Party is about

a political witch-hunt. Let us think about it. As I started to say before, people in here have expressed some concerns about the probity issues, and that is fine. The government has no objection to there being a proper investigation of that through a select committee. But how do we deal with concerns about a probity issue? The Liberal Party says, 'Let's get a bunch of politicians trampling all over the tender process'. That really instils confidence in the world that, given a bunch of politicians with political axes to grind, with all kinds of agendas, with political ambitions, with a federal election due and in the lead-up to a state election, that is absolutely going to be a proper process! What a joke!

If you want a proper investigation, you can refer to our position, which is set out simply in the proposed amendments of the Leader of the Government. We have no objection to a select committee, but there are a couple of things that we think would form a proper process for its management. Firstly, the select committee should not start investigating matters that are currently subject to tender. The committee could absolutely have a look at such matters afterwards, but it is not proper for the committee — a bunch of politicians — to be trampling all over the process in the middle of the process itself.

Our second proposal is made in the spirit of proportionality. Some of the minor parties will not be aware, though The Nationals are, that this government has been arguing for proportionality in this chamber ever since we came into office. Certainly in the time that I have been in here we have argued for proportionality. When members on both sides became Independents, we argued that in question time, general business and adjournment debates, those members should get a fair proportion of time.

Honourable members interjecting.

Mr VINEY — In terms of propositions before this chamber and their opportunity to move motions, that was absolutely our view.

Honourable members interjecting.

Mr VINEY — And by the way, we were never asked by the Independents to actually give up our time for that.

Mr Lenders interjected.

Mr VINEY — In fact that is true. Carolyn Hirsh, a former member for Silvan Province in this place, did ask us a couple of times, and we gave her time. Andrew Olexander, also a former member for Silvan Province, asked us once or twice, and we gave him some time.

But Dianne Hadden did not ask us. That was because she made her position clear: she wanted to be part of you lot. That is fine. I remember when the Leader of the Government, the former Deputy President Glenyys Romanes and I were members of the Standing Orders Committee — which Philip Davis and Mr Forwood, who is no longer here, were also part of — and we argued during all of the reviews of the standing orders that there should be proportionality. It remains our view that there should be proportionality.

But apparently proportionality in this place, by the look of this motion, is only to occur when it is in everyone else's interests and not the government's interest. Proportionality will occur unless you can get 21 votes that say it will not. That is what is proposed here. Proportionality will happen every time until you get 21 votes to say it no longer applies. That is a disgrace, and I think there are some new members of this place who were manipulated or bullied — I am not sure which — into that position.

In my view you cannot come in here and say, 'We want to be the beneficiaries of proportionality in debates, in question time and during the adjournment debates, but we do not want to pass that beneficial proportionality interest to the government when we want to have a go at the government and participate in a political witch-hunt' — for whatever cobbled-together reasons. If you look at this motion, you will see that it contains a bunch of cobbled-together reasons, because it is a motion by committee. You throw in problem gambling and then you throw in the Community Support Fund. The Liberal Party's principal interest is to have a go at the Premier and at David White, a former minister and member for Dousta Galla Province. That is what this is about; Philip Davis made that absolutely clear. We will do a word check of the final report against Mr Davis's speech here today, because what has been done here is that the draft report has been presented by Mr Davis today, before the committee has even been formed.

Mr Jennings — Ken Starr would be pretty lazy then!

Mr VINEY — That is right; Ken Starr will not have much work to do!

Our third proposed amendment is the proposition that the chair or deputy chair be held by a government member. *Odgers' Australian Senate Practice* says quite specifically that in most cases of select committees the government holds the chair, and it is rare that that is not the case. We have proposed that either the chair or deputy chair come from the government party.

Our next proposed amendment would amend the Kenneth Starr provision regarding the question of this committee having the power to appoint someone to investigate on its behalf. I am very grateful for the constraints that the President has outlined in his ruling, and I am very pleased that the President shared some of the concerns I raised in the point of order yesterday — —

Mr P. Davis interjected.

Mr VINEY — Mr Davis is laughing, but I listened carefully to what the President said. I acknowledge that the President said that it is in the hands of this Council to determine the breadth of the review. I understood that, and I am making a point here that that is the politics of it. I understand that the President also said it is in the hands of this Council to determine whether or not there is an end date, and I absolutely agree with that. I am making the point that that defines what this is about.

However, the President also said that he shares those concerns about the capacity of the committee to appoint an investigator to investigate on its behalf. He referred to *May* at pages 768 and 769, the section entitled ‘Specialist advice and assistance’, and said that he expects any such appointment by the committee will comply with those rules. I have had a look at that section, and it will go some way towards ameliorating this. But what that section does not say is that the motion should propose that the committee can appoint whoever it likes.

My view is that the proposed government amendment, saying that the person concerned needs to be a person appointed by the Legislative Council as of 14 February 2007, is appropriate. That is the protection against this committee going out and appointing a Liberal Party staffer or operative or someone else who the committee members know is a sympathiser or someone they know who has an axe to grind. Members cannot go out and appoint someone like that. They would have to appoint someone who is already an independent officer of this Parliament.

That would be a proper addition to the motion. Committee members could not go out and appoint whoever they liked to come in here and run a witch-hunt on their behalf. If they want people to go out and do their political research, they should employ their own people to do it; they should put their own staff onto it. The other alternative is that the lazy Leader of the Opposition could go out and do it himself.

Mr P. Davis — On a point of order, President, I have shown great forbearance during the attacks on my

character by the honourable member, but I am not prepared to allow the remark in respect to my work ethic to go unremarked. I ask you to request that he withdraw.

Mr VINEY — Are you asking me to withdraw?

The PRESIDENT — Order! There is no debate.

Mr VINEY — Are you seriously asking me to withdraw?

The PRESIDENT — Order! Mr Davis finds it offensive.

Mr VINEY — I withdraw. It is interesting, is it not, that Mr Howard was able to make similar accusations against Mr Beazley repeatedly and that those were repeated in here plenty of times. But the Leader of the Opposition has a glass jaw in this robust debate and he gets a little bit concerned about a few barbs going across the chamber.

The final amendment of the government is to fix an end date in relation to this, that being within six months of the conclusion of the public lotteries licence allocation process. I think that on balance none of the government’s amendments are proposing anything other than to make sure that this inquiry is properly structured, that it has proper time frames, that it has fairness in its structure and that we avoid the need to appoint any kind of Kenneth Starr. I think that the proposals from the government are deserving of support, certainly from the minor parties.

Whatever they think they signed up to in their secret deal, if they look at it in the cold, hard light of day, having heard the government’s arguments and having been the beneficiaries of this government’s commitment to proportional representation in this place, they ought to agree that there should be a proper balance and a proper process in this committee. We have not even proposed to amend the fact that nine times in paragraph (1) this committee is able to investigate anything it likes. We are happy for the committee to do that; we just want some balance in the way it is done.

Mr DRUM (Northern Victoria) — The government is making insulting insinuations by effectively saying that because we agreed to become involved in this inquiry somehow we are going to be beholden to the Liberal Party. It simply should not make that assumption.

The reason we see it is necessary to have this type of investigation is no fault of anyone but the government

itself. A quick look back through the recent history of the work carried out on the reissuing of these licences would show us that probity in the lead-up to the aborted 2006 review of the lotteries licence has been dodgy to say the least. In mid-2006 the Minister for Gaming clearly stated that he expected to be in a position to release the report on the public consultations by September 2006. He also said that the steering committee, the project team, would have discussions with interested parties that had lodged submissions on wage and licence arrangements, Club Keno arrangements and the funding arrangements for the racing industry for post-2012, and that the announcement of this post-2012 structure and funding arrangements was proposed for 2007. That was very clear. We all knew the time frames that the minister was working to. We understood the types of discussions, and we understood that licences were going to be involved in that announcement in 2007. He said that that announcement in 2007 would also cover the process and the timetable for the awarding of these public lotteries licences.

But by October last year the situation seemed suddenly to have changed dramatically. The minister issued a statement in which he said that more time was needed for the review. He said:

The government is committed to achieving the best outcome for Victoria and will not compromise the highest standards of probity simply to achieve a timetable.

What was interesting in all of that was that the issues surrounding probity should mean that we have some sort of clear and unshakeable integrity associated with the process. But it was the government's very lack of probity that was leading to the actual delays. That is the issue that is at the very crux of this whole investigation — that is, it is the government's lack of probity that has led to the delays. That has raised the attention of all of the other parties, and effectively it is now necessary to go in and investigate, not after the event but hopefully during the event, so that we can be assured and can assure Victorians that high standards of probity have been reinstated.

On 22 December last year, the last day of business for the parliamentary year and just on the eve of Christmas, the government in typical fashion announced that it was granting Tattersall's a \$100 million cheque through a 12-month extension simply because it could not meet the time lines. Tattersall's has done nothing wrong in this. It has every right to continue with the status quo if the government cannot make its decisions on its preferred time lines, but certainly giving that extra 12 months, putting these licences through to the end of 2008, was worth over \$100 million to Tattersall's.

Causes for concerns about the level of direct government interference in this issue have included allegations that the former Minister for Gaming, Mr Pandazopoulos, met directly and secretly with Athens-based gaming company Intralot. That was reported in the *Age* of 4 October last year. That is a claim that Mr Pandazopoulos has not rejected. There have been concerns. Former Labor minister David White has supplied information to the government that was damaging to Intralot — and that certainly is an issue that will have to be flushed out in the inquiry. The situation seems to be rather bizarre when you see that the Victorian Commission for Gaming Regulation ranked Tattersall's above Intralot 'considering documents alleging Intralot's founder ... had been involved in espionage and money laundering'. This turned out to be unsubstantiated to the extent that the Victorian Solicitor-General, Pamela Tate, was called in to intervene in the tender process and later found that Intralot had been denied justice in the review of the probity process and that that would probably lead to a legal suit against the state. Those are some of the behaviours that have been going on with the granting of these licences. It has been reported that Intralot is preparing a legal claim against the state.

To complicate matters further, we also know now that former minister Tony Sheehan has been a consultant and lobbyist on behalf of Intralot. We also know that the Secretary of the Department of Justice, Penny Armytage, has written to the Intralot chiefs thanking them for keeping this issue quiet and for keeping this bungled affair out of the papers until after the state election. She wrote:

I wish to thank you for continuing to exercise your discretion by not entering into or contributing to that public discussion, other than what may have been strictly necessary.

From the outside it seems that the granting of licences for public lotteries in Victoria has been contaminated by politics and former politicians now acting as consultants. The issue tends to stink of cronyism with the government dealing with its former members and its mates. We need to be aware of that.

An associated issue, which hopefully will be covered in this inquiry, is the lack of public scrutiny surrounding the possibility that we may find scratchies and the like emerging in supermarkets. It is an issue that the Victorian people have not been given a voice on. We have not heard about or had any warning that this may be the case, but in the inner circles of the gaming sector it is something that is being spoken about with a genuine fear — that is, at the announcement of the lottery licences we might find that there will be additional games springing up from additional venues.

We might be talking about the Coles and Safeway supermarkets being able to enter into the lotteries market. We need to take a step back and have a think about what that is likely to do for some of our problem gamblers who are, effectively, going to be faced with the decision of buying the groceries for the kids or going over to the corner of the supermarket and spending a bit of money on scratchies in the hope they might strike it lucky.

We have not spoken about the damage that could have on the newsagency industry. Newsagencies all around Victoria rely heavily on the revenue they receive from the existing scratchies market. To have that revenue greatly diminished and pouring more money into the supermarket chains is something that many Victorians would not be keen to see happen.

We will be supporting the inquiry and specifically looking at the conduct, processes and circumstances of the extension of those public lotteries post-2008. We see that as the biggest issue.

Whilst the inquiry does have a much broader context and we will have the ability, if we see fit, to investigate a range of other issues, one issue that continues to raise my ire is the way the Community Support Fund (CSF) is managed. Historically all governments have been guilty of abusing this fund, but this government has taken the skill to another level. As I understand it, the fund sits somewhere around \$130 million to \$150 million every year. It was specifically formed so it would support communities with projects that would otherwise not be funded, that would be on top of and additional to the standard programs and projects that are funded through other line items in the budget.

What has happened with the CSF is that the government has withheld the money that it has historically put into things such as libraries and has used the CSF money to fund things that have always historically been funded out of line items in the budget. The government has taken money out of drug and alcohol rehabilitation programs and the health budget and kept that money in reserve, and it has used this money — this new money — to fund drug and alcohol rehabilitation projects. All the time it has been using this money for very worthwhile causes, but those worthwhile causes have historically always been funded from other means. The government has been deceitful in the way it has been able to collar that money, put a handle on it, and not let that money get back into the communities for which it was first intended.

There is no doubt that the importance The Nationals place on this investigation committee will be based around the credibility of the inquiry. We only care about the credibility of the inquiry. We need to make sure that it is set up in a manner so that every witness called will be treated fairly, every piece of evidence presented will be fairly dissected, and we will make sure if there is a need for expert witnesses to be called, they will be called. There will be no allegiance or affinity with any political party and no bias. There will be no opportunity for anybody to allege that this inquiry is not conducted with the strictest integrity.

The Nationals are happy to support the amendments that have been put forward by Ms Pennicuik from the Greens. The Greens motion states that the chair of the committee will be a non-government member and that the deputy chair will be a government member. We are happy to support that. We are also happy to support the conclusion date, which is listed at no later than 28 February 2008.

However, in relation to the amendments put forward by the government, we do not agree with the fact that we can let this current process run its time with the issues surrounding the probity that I have already been through.

We do not believe it is in the state's best interest to enable this process to continue unchecked, so we will not support the first amendment. The government has moved that its numbers on the committee be increased from two to four members. It is a fact of life for members on opposition benches that we are party to various committees within this Parliament and we simply learn to work with the opposition chairs. We put the issues above the politics when it comes to investigative committees. I do not necessarily see the government's — —

Mr Viney interjected.

Mr DRUM — We are going to have representatives of the Labor Party, the government, representatives of the Liberal Party and representatives of the Greens, the Democratic Labor Party and The Nationals. As Mr Lenders said in his contribution, we used to have members of the Liberal Party, the Labor Party and The Nationals form our committees — and we will do that again. In my opinion the numbers do not seem as critical as the government is making out.

In relation to the fourth amendment moved by the government, I say that there may be an opportune time when it will be critical that the inquiry call expert witnesses from outside the Legislative Council.

Providing those people are beyond reproach and unaffiliated with political issues and parties, we may see the need for them not to be employed by the Legislative Council. We have covered amendment 5 by supporting the amendment that will be put forward by Ms Pennicuik.

We see a necessity to support and to be an active member of the inquiry. We stress that we will in no way be associated with any witch-hunts or with any political kangaroo court. We will simply be there to look at what has gone on, look at the process that should have been followed, see if that has been adhered to and reinstate some of the confidence that needs to be reinstated in the tendering process for these issues and for the future.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — On 27 March 2003 we saw Premier Bracks and former Premier John Cain, Jr, sit in the gallery behind where Ms Pennicuik is sitting and applaud, along with other government members, the passage of the Constitution (Parliamentary Reform) Bill of 2003. Throughout that debate we heard lofty rhetoric from government members about how the passage of that legislation would create a true house of review, a house that would keep the executive accountable.

Having moved forward just under four years we now see those reforms come into operation. Yet we also see that the response from the government is very different to the rhetoric of four years ago. Already since the start of the 56th Parliament we have seen the government flinch on the issue of accountability. We have seen, in response to questions from Mr Barber to the Leader of the Government, Mr Lenders, and to the Minister for Community Services, Mr Jennings, attempts to deflect issues for which ministers in this house are responsible. What we have not seen is a commitment to accountability to this house by this government.

So it is that the Leader of the Opposition has moved that there be a select committee. We have seen a shift in the government's rhetoric. In his contribution Mr Viney referred to the proposed select committee as 'a bunch of politicians trampling through a tender process'. How different the government's rhetoric is today from what it was four years ago. In fact yesterday a series of spurious points of order were raised by Mr Viney in an attempt to nobble the proposed select committee even before this chamber had the opportunity to debate whether it should be formed. Fortunately at the commencement of the debate we had a ruling from the President that the motion Mr Davis proposed to move this morning was both competent and in order and was a matter to be determined by the members of the

Council and not to be nobbled by members of the government.

In my contribution I would like to respond to the matters that were raised by the Leader of the Government and speak on the government's proposed amendments. At this point I place on record that the Liberal Party will not be supporting the government's five proposed amendments, and I will address each in due course.

I note that in speaking to the motion neither Mr Lenders nor Mr Viney, to their credit, has said that the inquiry is not necessary; neither of them has dared stand up and say that the processes have been pristine, but they have both attempted to water down and restrict the inquiry. The first argument advanced by the Leader of the Government was that somehow the proposed inquiry is 'economically reckless', to use his words. It is presumably in that vein that he has moved amendment 1 seeking to restrict the committee from investigating the issue of the public lotteries licence until after the process has been concluded.

It is the position of the Liberal Party that all parties dealing with the Victorian government should expect to be subject to appropriate scrutiny. Mr Lenders has said that the committee will lead to a flight of investment and a flight of jobs from Victoria. It can be assumed from Mr Lenders's comments that in his view and the government's view people will only deal with the Victorian government if they are assured of secrecy. The Public Accounts and Estimates Committee — —

Mr Lenders interjected.

Mr RICH-PHILLIPS — I am pleased Mr Lenders has raised the commercial-in-confidence issue, because the Public Accounts and Estimates Committee conducted an inquiry into the issue of commercial confidentiality and found it was often used at the request of the government and not at the request of the private sector party dealing with the government. More often than not it was used by the government to restrict the public disclosure of information that should properly be in the public domain. The use of this argument by the government today comes as no surprise to members of the Liberal Party, because we have heard it before.

For members of this place who are not acquainted with the operation of parliamentary investigative committees or select committees, having served on two of them I point out the following. One of them, the Reeves inquiry, received a lot of sensitive information about particular individuals. It related to the appointment of a

mate of the Premier's to head the Urban and Regional Land Corporation, and as part of that process the select committee received a lot of sensitive information about applicants for that position. I can say that that select committee, as other parliamentary committees do, treated that information with the sensitivity, security and confidentiality that it deserved, and the same would be expected of this committee. The select committee investigating this tender process would not publicly disclose commercially sensitive information any more than any other parliamentary committee has, and it is a spurious argument from the government to suggest that this inquiry should be delayed for that reason.

There is a long history of committees of this Parliament treating commercial-in-confidence information with the respect it deserves. This committee would be no different to any previous committee in that regard.

The second issue Mr Lenders raised was the Leader of the Liberal Party having spoken to the Greens, Mr Kavanagh and The Nationals. He argued that this was somehow a disrespect to the Parliament — having these discussions and then announcing the proposal to move this motion today. I say that is an example of gross hypocrisy on the part of Mr Lenders. I ask Mr Lenders and the government when the government last made a major policy announcement through this Parliament rather than through the media unit at 1 Treasury Place? When did the minister or the Premier last come into the Parliament and make a policy announcement here rather than through the media unit at the Premier's office? It is gross hypocrisy for Mr Lenders to raise that issue in relation to the preparation of this motion.

Another argument advanced by Mr Lenders in his contribution was that this matter should be considered by a standing committee rather than a select committee. What Mr Lenders did not point out was that in the last Parliament, and I understand it is the proposal for this Parliament, all standing committees were controlled by the government rather than by the opposition or Independents. I am not surprised that Mr Lenders would prefer to see this matter dealt with by a standing committee controlled by the government rather than by a select committee not controlled by the government. It is yet another demonstration of this government's commitment to openness and accountability to say, 'We will only have an inquiry if it can be controlled by our government'!

Another issue raised by Mr Lenders was the inquiry announced in the lead-up to the election into the issue of the lotteries licence and the government's intention to appoint a retired judge to look at the lotteries inquiry.

We heard about a new element of this matter from Mr Lenders this morning. He said the government has decided to legislate to appoint a retired judge. I note that this is the first time, on the public record at least, the issue of legislation has been put forward. If you look at the comments the Premier made in the media last week, there was no mention of legislating for a retired judge to be appointed. It gives rise to cynicism on this side of the house that this is something that was dreamed up in the Premier's media unit last night as a response to this motion rather than a considered response to this issue.

The second amendment proposed by the Leader of the Government is that four members of the government party be appointed to this committee. Mr Lenders spoke about proportionality. The first point I would like to make in relation to this is that there is precedent for this house establishing select committees. Three select committees were established in the 54th Parliament. I note that no select committees were established in the 55th Parliament, because the government used its majority to block all motions to establish such committees. However, three select committees were established in the 54th Parliament, when the government did not have a majority. The basis of the membership of those select committees was 2 members from the government, 2 members from the opposition and 1 member from The Nationals. In this reformed Legislative Council Mr Davis's motion follows a similar model. Again there will be 2 members from the government, 2 members from the Liberal Party and 1 member from The Nationals. In recognition of the presence of additional parties in this house the committee will also have a representative from the Greens and Mr Kavanagh will be a member of it. The model outlined in Mr Davis's motion is consistent with the establishment of select committees in this Parliament in the past.

On the issue of proportionality, to obtain a majority in the house the government requires the support of two non-government members. In the select committee proposed by Mr Davis the government would again require the support of two non-government members to have a majority. The select committee is consistent with the distribution of members in the house. For Mr Lenders to propose four government members on a committee of nine members and suggest that would be more democratic is a bit disingenuous. Paragraph (6) of Mr Davis's motion makes it clear that four members of the committee will constitute a quorum. If this house were to accept Mr Lenders's amendment, the four government members of the committee could constitute a quorum by themselves. We could have the absurd

scenario of meetings being convened in the Premier's office, in Mr Lenders's office — —

Mr Lenders — Change it to six!

Mr RICH-PHILLIPS — You did not change it to six, Mr Lenders, you left it at four, and you want four government members.

Honourable members interjecting.

The PRESIDENT — Order! Through the Chair, Mr Rich-Phillips! Minister!

Mr RICH-PHILLIPS — Mr Lenders said by way of interjection, 'Change it to six'. The point is that Mr Lenders has not proposed an amendment to change it to six. He wants four government members and four members to constitute a quorum. If this house were to accept Mr Lenders's amendment, the four government members would by themselves constitute a quorum of this committee. If Mr Lenders wanted six for a quorum, he should have proposed that amendment. He did not. He wants a quorum of government members.

The fourth amendment proposed by Mr Lenders says the only people — —

Mr Thornley — What about the third? You have gone from the second to the fourth.

Mr RICH-PHILLIPS — I thank Mr Thornley. The third amendment proposed by Mr Lenders seeks to insert the following:

The select committee will appoint either the Chair or Deputy Chair from among the government nominees.

The Liberal Party will not support that amendment. The Liberal Party does not support the proposition that this committee should be chaired by the government, therefore it will not support an amendment that entitles the government to chairmanship of the committee. We will not support Mr Lenders's amendment 3 for the simple reason that it is our belief that these committees should not be chaired by government members. I thank Mr Thornley for bringing the amendment to my attention.

The fourth amendment proposed by Mr Lenders is the Kenneth Starr amendment, so-called by Mr Lenders and Mr Viney. Earlier today you, President, clarified at some length the circumstances under which this committee would be able to appoint advisers. You quoted *May's Parliamentary Practice* in your ruling as stating:

Select committees are regularly empowered to appoint specialist advisers either to supply information which is not readily available or to elucidate matters of complexity within the committee's order of reference.

It is very clear from that ruling this morning that the provision in Mr Davis's motion allowing for the appointment of advisers is in order. Mr Lenders's proposed amendment is simply an attempt to nobble the capacity of this committee to appoint appropriate advisers. I will give Mr Lenders the benefit of the doubt, because he does not have a lot of committee experience in this Parliament by virtue of his ministerial appointments. However, as someone who has spent seven years on the Public Accounts and Estimates Committee and who served on two of the three select committees formed by this chamber in that time, I can tell the house that the role of a specialist adviser is particularly important.

For a number of inquiries the Public Accounts and Estimates Committee has done on technical areas it has been necessary to seek outside advice. That advice was from industry or academic experts. This is not, as the government has suggested, about appointing an investigator or a prosecutor to ferret out information; it is about receiving advice on what are technical matters. I would submit to this chamber that the issue surrounding the lotteries licence and the electronic gaming machine (EGM) licence — as well as, frankly, the operation of the Community Support Fund (CSF) — are matters on which the committee may at its discretion require expert advice, and to limit that to advice from existing staff of the Legislative Council is to deny the committee the capacity to receive expert advice.

Without any disrespect to the staff of the Legislative Council, I would submit that at least to my knowledge none of them are experts in the area of gaming regulation or tender processes, and it would not be appropriate to expect any of them to act as an expert adviser to this committee. It is just nonsense for Mr Lenders to suggest that the only expert advice that this committee can take on matters of tendering for the gaming licences is from the Legislative Council staff and not from independent experts in this field, and it is for that reason that the Liberal Party will oppose that amendment.

The fifth and final amendment proposed by the government is what Mr Lenders and Mr Viney claimed was setting an end date to this committee. In fact it is nothing of the sort, because what proposed amendment 5 does is establish a moving target. Mr Lenders's proposed amendment states:

... the committee will be required to complete its work and present its report within six months of the public lotteries licence allocation process being concluded.

That is not a fixed date. We do not know, and the government certainly has not disclosed, on what date the public lotteries licence allocation process will be concluded, so it is a moving target. The government, in claiming to set a fixed date, is merely putting an unknown constraint on the committee. We could in fact have the absurd scenario where the government concludes the lottery licence process and does not disclose that for six months, and then comes into this place and says, 'We finished the tender process six months ago, therefore your inquiry must conclude'. This is a moving target; it is not a fixed date. This proposed amendment does not give the committee any certainty as to when it should conclude its work, and therefore it will not have the support of the Liberal Party.

In concluding I note that thus far only two parties are objecting to this inquiry — they are the Victorian government, which is a major beneficiary of the lotteries licence to the tune of \$1.5 billion in revenue a year, and Tattersall's, which is also a beneficiary of the lotteries licence in Victoria. We have only two public objections to this inquiry, both from parties that are clear beneficiaries of the process. If the process surrounding the issue of the lotteries licence, the EGM licences and indeed the CSF is as pristine as the government would like to suggest, the parties to those agreements should not be afraid to lift the veil of secrecy and expose them to public scrutiny.

Mr KAVANAGH (Western Victoria) — I just wanted to explain in a few words why I will vote against the government's proposed amendments. The government has used the terms 'witch-hunt' and 'kangaroo court' quite often this morning, suggesting that the members of the committee have already decided what they will find. Speaking for myself, that is not true, and I would not be interested in looking for trivial things with which to embarrass the government. That is the case for me, but I am sure it is also the case for the Greens and The Nationals.

How the committee investigates seems to me to be properly a matter for it to decide. The government has expressed concerns about interfering with the tendering process; these are concerns that I too have considered, and it seems to me this is not an unprecedented process. As someone who has considered and studied how a developing country becomes a developed one, I have noted that one of the main challenges is developing a rule of law and confidence among investors that their investment will be subject not to the whim of the

executive but to legal rules. It seems to me that the work of this committee would be very consistent with that goal.

Part of the committee's aim would be to investigate ways to minimise problem gambling. The committee as proposed would be disproportionately represented by minor parties; that is true. However, it seems to me that given the nature of problem gambling and the record of both the major parties on problem gambling, a disproportionate influence by the minor parties in this matter would probably be a good thing.

The government has said several times that it was responsible for introducing proportional representation; that is true, and I acknowledge it and appreciate it. Of course a large part of the reason for introducing proportional representation is to put the government under close scrutiny, which is fair.

Ms DARVENIZA (Northern Victoria) — I am pleased to rise to make a contribution to this debate. I am not opposed to an inquiry taking place, but I am opposed to the kangaroo court that is being proposed to be set up by the opposition. I do support the amendments that have been put forward by the Leader of the Government, John Lenders. I want to talk a little bit about some of the action the government has taken to address problem gambling. One of the issues that has been raised by speakers from all persuasions of the opposition is that not enough action has been taken to address problem gambling. We have taken more action to address the problems to do with problem gambling and to protect consumers and the public than any other government has ever done. Since 1999 we have certainly done a lot more than those of you who were part of the opposition government ever did in the time you were in government.

An honourable member — What is an opposition government?

Ms DARVENIZA — Members of the opposition when they were in government. We are taking very real action to implement a comprehensive strategy to address problems in gaming, and we are spending a considerable amount of money to do that. We have the lowest density of gaming machine numbers of any state except for Western Australia. To take up Mr Barber's point regarding the capping of gaming machine numbers, we have capped the number of gaming machines in the state at 30 000, with 27 500 being outside casinos, and we have removed or are committed to removing 949 machines from vulnerable communities. This is indeed a big move by the government to ensure that gaming machines are not

placed in those areas where people are most vulnerable or that they are minimised in those areas.

What we saw under the previous Kennett government was that the areas which had the most gaming machines were those areas where people were most vulnerable and where people came from the lowest socioeconomic group. Those people could not afford to be involved in gaming, and yet it was presented to them in a way that was seen to be attractive; in fact the Kennett government did a lot in gaming advertising.

We can all remember the advertisements we saw on television that showed clowns, jugglers and flames being thrown from the towers along Southbank, encouraging us all to get out there and get gambling without any thought as to what it might mean for a small number of people in the community with gambling problems.

I take up a point made by Mr Barber when he talked about the secret ministerial advisory council and the abolition of the research panel. The ministerial advisory council on gaming is not secretive; in fact its members include people from across the industry who are involved in gaming. They are members of churches and people from the responsible gaming area, and the council has taken up the functions that were once held by the research panel. The ministerial advisory council has commissioned a range of research to be undertaken, so there is nothing secret about it.

Mr Barber also mentioned the performance of the previous Minister for Gaming in the other place, Mr Pandazopoulos, and said that his performance on gaming was lacklustre. I worked very closely with Mr Pandazopoulos when he was a minister in the last Parliament, and he certainly was not lacklustre on gaming at all. In fact during his time as a minister we saw the government make changes to capping and take action on problem gambling. The five-year strategy was put in place, with a total of \$132 million for an integrated approach to consumer protection and prevention as well as early intervention.

Mr Barber also mentioned the powers of councils and the government not giving powers to councils, whereas in fact the government amended the Victorian planning provisions back in October last year, and those planning provisions give local councils full planning control over gaming machine numbers by requiring a planning permit for the replacement of additional gaming machines in their communities. We have given local government bodies a much greater say over the positioning of a number of gaming machines in their municipalities.

I take up an issue that was raised by Mr Rich-Phillips in his contribution when he talked about the Premier making an announcement in a press release about an independent panel being set up to review gaming. It was back on 17 November 2006 when the Premier put out a press release which made the announcement that a re-elected Labor government would set up an independent panel headed by a retired judge to provide further guarantees of the integrity of the gaming licensing review process. The Premier said it would be an independent panel with four members, including a former judge as chair, a business person with expertise in corporate governance, a former senior public administrator or auditor along with a community sector representative. The Premier also said in that press release that the panel would be established by legislation and its recommendations would be bought to the cabinet by the Minister for Gaming.

I take up a couple of the comments made by Mr Drum in his contribution. Mr Drum talked about the government being a bit deceitful in the way it went about using and organising money for gaming. That certainly has not been the case. We have used the Community Support Fund for a range of different activities, including those areas where communities have been hit hard by gaming and the number of gaming machines in their municipalities. We have also committed enormous amounts of money in the last strategy that was announced by the previous minister — \$130 million — for programs to deal with problem gambling and to have an integrated strategy. That is certainly being very upfront about our recognising and acknowledging that there are problems out there and that they are problems we are prepared to put money behind to see rectified.

Mr Drum also raised a number of issues concerning the committee being proposed by the opposition and supported by The Nationals and some of the issues that it might be able to deal with. Mr Drum talked about issues to do with problem gambling and said that somehow gaming affected some small businesses. We do not need to set up a special committee to deal with those sorts of issues. We already have an Economic Development Committee that could deal with some of those issues raised by Mr Drum, and a committee for community services and family which could also have references of this type put to it and which would more than adequately be able to deal with those issues. We do not need this proposed committee to deal with those issues.

I want to talk briefly about some of the other initiatives that the Labor government has put in place. Since coming to office in 1999 the government has tripled

funding for problem gambling services and seen a decrease in gaming expenditure across the state. We are fast approaching a situation where the government has invested more in tackling problem gambling since coming to government than the Kennett government ever did in its entire time in government. We take it seriously. We know from the record of the Liberal Party that it has never taken problem gambling seriously. It only got around to looking at it in the lead-up to the last election. When it was in government problem gambling was not an issue for it. It was an absolute joke when it came to putting in place any provision for problem gambling or recognising there were areas in our committee that needed to be more protected from aspects of problem gambling. The Liberals spent many millions of dollars advertising the joy and the benefits of people getting out there and being involved in gaming. It is an absolute joke that the Liberals come to the chamber today with this resolution.

We are not opposed to having a look at gaming, but we are certainly opposed to the sort of kangaroo court that is being put forward. I support the amendments moved by the government.

Ms PENNICUIK (Southern Metropolitan) — Reform of the Legislative Council is wider than just a method of electing members. The key is for the Council to act as a true house of review to a greater degree than it has ever done in the past. The proliferation of electronic gaming machines — poker machines — is an issue of great concern in the community, including among people who do not use them. Hundreds of millions of dollars are involved. The community and the Greens have called for increased transparency and accountability and for a real debate on the number, location and distribution of electronic gaming machines in Victoria. That is why the Greens are supporting the establishment of this select committee of inquiry into gaming in Victoria.

We have heard the arguments raised by the government and considered its amendments. We support a report date for the committee. We have discussed at length the composition of, representation on and number of members on the committee and considered the pros and cons. We have decided that number proposed in the motion moved by Mr Davis is the best number to run the committee.

Regarding the government's amendment 1, we have taken advice on and have considered that amendment. We do not believe there is a problem with paragraph (1) of the motion, therefore we will not be supporting the amendment. As has been mentioned, we will not be

supporting government amendment 2 and will be moving one of our own. We will also be moving an amendment in response to government amendment 3. With regard to government amendment 4, we have taken advice and considered it, and the President has ruled that the motion as moved is completely in order. I will be moving an amendment with regard to government amendment 5 on the report date of the committee. Therefore I move:

1. After paragraph (6) insert the following new paragraph:
 - () The chair of the committee will be a non-government member and the deputy chair will be a government member.
2. After paragraph (8) insert the following new paragraph:
 - () The committee will present its final report to the Council no later than 28 February 2008.

Mr HALL (Eastern Victoria) — The Nationals have previously expressed real concerns about the processes employed by the government in the renewal of both the lotteries and gaming licences in this state. In fact the government's bungling of the renewal of the lotteries licence has done a disservice to Tattersall's and other companies that have been interested in those licences. I can understand it has been difficult on Tattersall's and others because of the way the government has handled this process.

Before the election we explicitly expressed our dissatisfaction about the process the government has employed. One would have to be blind Freddy to not acknowledge that there is great community concern about the processes for the renewal of these licences, and consequently we have long felt it would be appropriate for the Parliament to inquire into these matters. So when it was first mooted to us that a motion of this nature might be moved before the house we were certainly interested in having a look at and ultimately supporting a motion that would lead to an inquiry, particularly into the licensing renewal processes. We were less concerned about some of the other processes relating to gaming.

I did not intend to speak today, but I need to do so following the Leader of the Government's contribution to this debate. I want to respond to some of the accusations, claims and notions he put before the house. Firstly, I want to address the claim made by the Leader of the Government that this motion is the result of a secret meeting between a coalition of non-government parties. I reject that notion put forward by the Leader of the Government. The Nationals have not been part of a coalition in this Parliament since 1990, and I can assure

members that we are certainly not part of any coalition at the moment.

With regard to secret meetings, I have meetings all the time with members of political parties in my capacity as Leader of The Nationals. I meet with Liberal members from time to time, and I meet with government members from time to time, to discuss matters concerning the business to go before this house. In past Parliaments we have at times met as a group of all-party representatives to discuss business. Now with two new parties in the chamber, the Greens and the Democratic Labor Party, I am happy to meet with those parties if it is in the best interests of getting business through this chamber. I have no difficulties with meeting with members of other political parties, and to me those meetings are not secret meetings by any means. Indeed I was happy for there to be publicity surrounding the fact that this motion would be put before the chamber. I was happy to have it recorded that The Nationals had been part of the discussions to see the motion come before the chamber.

Going to the point that the Minister for Education claimed that we have shown disrespect to the Parliament by announcing that an inquiry will be established, if that is not a case of the pot calling the kettle black then I do not know what is. This government is guilty of doing that all the time by announcing that legislation or other matters will be brought before the Parliament prior to consideration of them. I do not know how many times over the years the government has suggested that it will pass legislation to effect some particular action while presuming that the Parliament itself will agree to the course of action provided for in the legislation. This government does it all the time. I admit previous governments have done it as well. They have forecast outcomes of matters that they intended to bring before the Parliament. It is often a good thing, because at least it gives an indication of what the Parliament will be considering and debating in forthcoming weeks.

I put on the record for Mr Viney and the minister that one of the things I was most happy with and most concerned should happen was that the government should know that this motion was to be debated in this chamber today. I thought it would have been unfair if we had given notice of motion yesterday afternoon with the expectation of debating it on Wednesday morning. Rather than showing disrespect to the Parliament, the advance publicity that this was to be debated today showed respect to the government by giving it the opportunity to examine these matters before the debate occurred in the Parliament today.

I comment on the claim made by the Leader of the Government that what this motion proposes is an act of economic vandalism. That is far from the case. It will not discourage investment or negotiations between private companies and government. What it will do is ensure that contract negotiations between private companies and the government will in the future be completely above board, with the knowledge that, if there is some suspicion about the probity of the matters, a select committee of Parliament can be formed to inquire into them. That will generate a greater degree of probity and honesty in those dealings. As many members have said in their contributions to the debate today, that is what this chamber is all about. We have the ability to set up a select committee — so that we can watch over such matters and ensure that they are conducted according to the law and in the open, honest and transparent way that the public expects. I completely reject the notion that this is an act of economic vandalism. I say it will provide future, and indeed current, negotiations on licence renewal with a standard. The negotiations will be required to be completely above board.

I go to what seems to be the main issue raised by the government in its opposition to this motion — that is, the numbers on the select committee. This motion proposes that there be seven people on the select committee. I do not think that is ideal by any means; in fact, I think it is two too many. We are a group of 40 people in this chamber, and seven is a rather large number to form a committee. If the committee were expanded to nine people, it would have almost a quarter of the members of this chamber on it. That would be absurd. If nearly 25 per cent of members were on the select committee, we might as well sit as a committee of the whole.

The Leader of the Government suggested that the previous practice for select committees involved a group of five — that is, five out of the previous 44 members of the chamber. I would have thought that about five was an ideal number to form a select committee. When we had only three parties in this chamber, 2 Labor Party members, 2 Liberal Party members and 1 member from The Nationals was a fair distribution for a select committee, and I think most members felt that way at the time.

We all knew that because of the introduction of proportional representation as the election system we would have more than three parties represented in the chamber. We now have five parties — the Labor Party, the Liberal Party, the Greens, The Nationals and the Democratic Labor Party. This morning government members said that it would be democratic if the number

of members of each party serving on the committee were proportionate to the numbers elected to this chamber and that four Labor members would be closer to the correct proportion. But, as I said before, that would mean the committee would have nine members.

Because representatives of five parties have been elected to this chamber, it is democratic that representatives from all five parties be given the opportunity to serve on select committees. Consequently there is a good argument, based on democracy, that members of The Nationals, the Greens and the Democratic Labor Party should be given the opportunity to serve on this committee. This is why the motion is structured as it is — so that members of each of the three small parties have that opportunity. If you increase the number from either of the major parties — the Liberal Party or the Labor Party — proportionately to the number of elected members, you will end up with a committee of nine members or even more.

It is fine for the government to talk about proportionality and democracy, but at the same time you have to talk about effectiveness. Swelling the committee's membership to nine would make it unworkable. It would be unwieldy to have a select committee of almost a quarter of the chamber. As I said before, five would be an ideal number but it cannot democratically represent all the parties in this chamber. So it is that we have agreed that seven members — somewhere in between — will serve on the select committee. It is the best number we could come up with.

I go to the issue of appointing outside people to investigate matters. I do not wish to repeat the argument put by the President in his ruling on an earlier point of order or the arguments put by others in the chamber about their distaste for people from outside being appointed to investigate. In my time in this place I have served on many committees, and I think each of them has at times appointed outsiders to conduct investigations into certain aspects of the committee's inquiry. That has been entirely appropriate. I therefore understand and agree with the President's ruling — I dare not disagree of course — that the select committee should also have the ability to use outside resources if and when required. I have to say that it is in the Parliament's best interests to ensure that the committee has credibility. I can give the house an assurance that, from the point of view of The Nationals at least, that credibility will be eroded if inappropriate advice is sought from outside the Parliament or if inappropriate people provide that advice. We will not be party to appointing someone to give a select committee advice if that reflects badly on the credibility of the committee.

The ability to establish select committees has long been in place in this chamber. Given the new voting system for Victorian upper house elections, the fact that we would probably have a greater diversity of parties in the chamber and the unlikelihood of one party holding a majority, we knew that select committees were likely to be used far more frequently. We knew that a greater number of select committees would be formed in the 56th Parliament, but we collectively take responsibility for the credibility of the work, and if this proves to be a witch-hunt or a Star Chamber or a cheap political exercise, then members can be assured that we will be looking carefully at our next involvement in any select committees of this Parliament. We want to make it work, and it is in the best interests of the chamber to make it work. Therefore we are going to use our best abilities as The Nationals on this select committee to make sure that it is credible, that it is appropriate, that it works and that it serves the people of Victoria, not the political representatives of any party.

In light of all the debate we have come to the conclusion that we will support the motion to form this select committee. I have commented on the amendments the government has moved. Members will therefore know that the amendments, apart from the two amendments that have been moved by the Greens, will be rejected by The Nationals. I am happy to indicate that The Nationals will be supporting the amendments moved by Ms Pennicuik today on behalf of the Greens. First of all, both of them go in part to two of the points made by the government in its proposed amendments — that is, that there will be a sharing of the chair and the deputy chair positions of this select committee and that there will be finalisation date for the committee.

I agree entirely that it is appropriate to put a termination date on the work of the committee. If the committee uncovers some issues that need further exploration, at that time it will be possible for us to come in here and debate whether or not the committee would serve a worthwhile purpose in continuing. It is appropriate to put a 12-month limit on the work of the committee, and I notice that amendment (2) moved by Ms Pennicuik gives effect to that. In its amendment (5), which talks about it being within six months of completion of the lotteries licence renewal, the government was probably looking for a similar time limit to be placed on the work of the committee.

Overall this is going to be an interesting time for those members who form the committee. I conclude my comments by imploring all of those on the committee and the parties involved to simply use it wisely and

make sure it has credibility, because we owe the people of Victoria that.

Mr GUY (Northern Metropolitan) — Thank you, President, for the opportunity to speak on what is quite an important motion for this chamber to consider. As members will be aware, gaming in Victoria has become a multibillion-dollar industry. In fact, as most members will be aware also, gaming revenues in this state have increased from around \$900 million to close to \$2.5 billion in the seven years the Bracks government has been in office. The increase in gaming revenue does not stand alone. As many members would know, there are a number of taxes and a number of revenue streams that have gone up massively under this government. It is entirely appropriate for this chamber and for this Parliament to have a proper audit of those industries and those revenues that come to government. I have noted a number of arguments from members opposite who have sought to denigrate or pour scorn on the idea of scrutinising some of those revenue streams or industries for a range of reasons with which I obviously disagree.

It is surely the role of any Parliament to scrutinise government. It is not the executive that is scrutinising itself, it is, as we know, this Parliament that is scrutinising the government. Transparency and standards are utterly important in politics. The processes and the probity of gaming in Victoria, given that it is such a large industry, are obviously incredibly important. Members opposite have said that if there are issues and concerns they should be raised here in the Parliament. I put it to members opposite that for the last seven years people have been putting their issues and concerns to this government via the use of the freedom of information (FOI) process, via the use of questions on notice and via the use of questions without notice.

But despite the promises in 1999 to open up the FOI system in Victoria, to have a code of conduct for ministers and to have a code of conduct for answering questions, none of those has been forthcoming, and the issues and concerns have not been dealt with. Seeking to have this Parliament scrutinise this particular issue by the normal means is obviously going to end in the same gridlock and in the same kind of stonewalling from the government.

I have a document in front of me that sets out one of Labor's plans during the 1999 election. It is called *Integrity in Public Life*, and I want to remind the house of a few of the things mentioned in that document. It says:

Labor will improve access to freedom of information ... crack down on consultancies and end taxpayer-funded political advertising.

I would like people to consider that statement in the light of where we are today.

Mr Viney interjected.

Mr GUY — I will take up Mr Viney's interjection that it is a government information campaign and note that further on in the document Labor says it will 'put an end to the ... public purse for inappropriate political advertising'.

Most importantly, this document makes a statement about the end of the use of commercial in confidence in FOI. Anyone in this Parliament will know that the Labor Party's rhetoric and reality are very different things. As I said in my members statement earlier today, what Labor pledged and what has been delivered are very different things. A government that was elected on being open, honest and accountable government — on transparency, on being a whole new broom — is not the government that has emerged. I remember watching — I think it was on Channel 2 on election night 1999 — the Premier, Steve Bracks, running into the Williamstown Lifesaving Club or wherever it was saying he would bring democracy back to Victoria. Here we have an opportunity to have democracy thrive at its very best, and it has been opposed, undermined and backstabbed by members opposite until we have reached this point. As I said from the start, the word of the Labor Party unfortunately cannot be trusted.

Some members opposite have talked about proportionality, but we have to remember that it is always about proportionality on their terms. It is always proportionality as determined by a factional chief or by Mr Viney over there or by a few others, but it is always proportionality on their terms, just as the whole debate is always on their terms and just as the supposed talk of the Premier with former minister Mr David White and their relationship has been on the Premier's his own terms. He says, 'Mr White and I have never been close', and, 'I know him but ...'. On being elected in 1999 who was the first person this government employed as a consultant? Who was the first of the many, including CPR Communications and Shannon's Way? What about the millions of dollars of taxpayers money that the Labor Party has put into its mates' purses?

Mr Finn — Would it be David White?

Mr GUY — Mr Finn, the first one was indeed David White. Such is the Premier's laissez-faire relationship with this man. He says, 'I think he is a mate; I am not sure'. Such was his relationship with Jim Reeves. Was he a friend of Jim Reeves? The Premier said, 'I am not sure; I may have been'. He went on holiday with Jim Reeves. It must have been some holiday for him to forget it.

The point is that we cannot trust the words coming back to us, and if we cannot trust them, then this Parliament must have a committee — which is what is being proposed — to scrutinise the government on its word. There has been very little audit of the Community Support Fund over a number of years. In fact, there has never been a public audit of the CSF moneys since the Labor Party has been in government, and yet these people were elected to be open, honest and transparent.

As I said before, it is exceptionally important for this chamber to be able to conduct this inquiry in a manner that the majority of the Council sees fit. The public is demanding that this inquiry be held. I will not read again the comments in newspapers and other media outlets that have already been mentioned by other members about why it is so important that this issue is scrutinised at another level by this Council. The suggestion by Mr Viney, Mr Lenders and others that this is going to be some kind of Ken Starr witch-hunt is ridiculous. In fact it is a poor reflection on their own performance to suggest that the majority of people in this chamber would allow something like that to occur on an issue like this.

References to manipulation or bullying have only come from one side, and it has been consistent over seven years. It has been consistent against industry groups that do not agree with the government and it has been consistent against interest groups that do not agree with the government. It has been consistent against a whole range of people who do not agree with this government. They have been manipulated and bullied by the Labor Party for seven years, and we see the reaction from the members opposite because finally this Council is in a position where it will put this government under serious scrutiny. It is very important for this motion to be agreed to.

I will wind up my comments by just reminding members opposite that it was the Labor Party that brought proportional representation into this house, as its members have said a number of times today, but in fact for around 80 years the Labor Party tried to abolish this house; it sought to scrap the Legislative Council. The Labor Party did not seek to come forward and

make it a more open, honest and accountable chamber, it sought to scrap it.

Mr Viney interjected.

The PRESIDENT — Order! Mr Viney has made his contribution.

Mr GUY — In conclusion, I simply remind members opposite that the election result has provided this chamber with an opportunity to scrutinise this government and its executive properly. It is very important that we now take this opportunity and work with a number of the other parties who may seek to support this motion, although they may not; it is up to them. I invite the Labor Party to change its bullying tactics and to come on board and support this motion, which is important in the implementation of what it promises, which is an open, honest and transparent government.

Mr PAKULA (Western Metropolitan) — I thank Mr Guy for his history lesson. I have been concerned that the opposition might be getting its act together. I have been concerned that after seven years sitting on the opposition benches the message from the demise of the Kennett government might have started to sink in; the message that power has to be exercised thoughtfully and moderately and fairly and reasonably, and not exercised capriciously or arrogantly. But I had no reason to fret because it has learned nothing after spending seven years on the other side of the chamber. It has been in a minority for the last four years, but that is no longer the case for one reason — because of the Bracks government's reform of this house to provide proportionality. As a result of that the Greens and the Democratic Labor Party are now represented in this house. What is the Liberal Party's response to that new reality? The Liberal Party's response is to give the government, which has 19 out of 40 members in this chamber, 2 out of 7 spots on this committee.

Let us put those numbers in context. Between them the Democratic Labor Party, the Greens and The Nationals have six members in this chamber. Six members deliver three seats on the committee. The government has 19 members in the chamber — —

Mr P. Davis — You would exclude them.

Mr PAKULA — I will take up the interjection. At no stage has the government suggested that the minor parties should not be represented on this committee, and in fact, in taking up Mr Davis's interjection I want to deal with a matter raised by Mr Hall. Mr Hall said the minor parties are all entitled to be on the committee, and that matter has not been disputed by the

government. What the government has said is that we can expand the committee to 9 members so that the government has 4 out of the 9 members, which is roughly in proportion to the government's numbers in this chamber.

Mr Hall said that the government having four members would be too many because that would be almost one-quarter of the chamber. Our response is that surely it is a matter for the government. If the government wants to provide the committee with four members from its side of the house, then surely is a matter for the government. In dealing with Mr Davis's interjection, I say he would know that at no stage has the government suggested that any of the minor parties not be represented on this committee. The government has suggested that four government members and five non-government members — —

Mrs Peulich interjected.

Mr PAKULA — I advise Mrs Peulich that it is actually not that hard to understand that if six members of the house deliver three seats on the committee, then 19 members of the house should deliver four seats on the committee. By its arrogance, by its disproportionate response and by its unreasonable exercise of power the Liberal Party has demonstrated that it has learnt nothing. It seeks to taint this committee before it has even commenced.

Mr Guy interjected.

Mr PAKULA — You are going to love talking about it, aren't you? What are we left to conclude? That it is a political exercise and not a probity exercise. It is a political exercise because of the Liberal Party's — —

Mr Guy interjected.

Mr PAKULA — I advise Mr Guy that there is only one way. It is a political exercise and not a probity exercise and the only chance that the government might have to get an impartial hearing from the Liberal Party would be if it put 1 Doyle, 1 Costello and 1 Kennett member on the committee, then we might have a chance to pick one of them off. This is a political and not a probity exercise. The Liberal Party wants to squib its responsibility to investigate by getting someone else to do its job, its dirty work. We know the Liberals are and have always been addicted to contracting out, but the committee should not be contracting out its investigative function. As a government we would have been quite happy if the motion had given the committee the power to call expert witnesses and to have expert witnesses report to it, but members opposite want to contract out the investigative function.

We know it is a political exercise, because the Liberal Party will not support a deadline for the committee. Why? Because the Liberal Party wants the committee to report not at a time of maximum importance with respect to probity concerns but at a time of maximum political advantage. That is why the Liberal Party would not support the deadline. We know it is a political exercise, because the Liberal Party wants to interfere with the tendering process while it is still incomplete. The Liberal Party members are more interested in politics than defending the confidence of business to invest in this state. They are more interested in politics than in defending the tendering processes, which should be able to be conducted without select committees trawling through documents to advance the political objectives of the Liberal Party. Despite the flaws — —

Mr Guy interjected.

The PRESIDENT — Order! Mr Guy has made his contribution.

Mr PAKULA — He is like a little mozzie, President.

Having gone through the flaws in the motion as it stands, and having said all this, I can say that the government looks forward to letting the committee do its work. I hope the committee will examine probity issues in gaming over the last 15 years and not just over the last 7 years.

Honourable members interjecting.

Mr PAKULA — Let us see what happens when the committee starts. Let us hope that the committee compares and contrasts the probity record of this government with that of the previous government. Let us hope the committee compares and contrasts the use of the Community Support Fund over the last seven years with its use during the seven years before that. Let us hope that the committee looks into the 566 per cent increase in electronic gaming machines between 1992 and 1999. Let us hope that the committee gives itself the wide remit, the wide brief, that it is apparently to have provided to it as part of the resolution that Mr Davis moved. We want the amendments we have proposed to be passed, because we want to be able to give this committee full-blooded support. We do not want the committee to be a kangaroo court.

Honourable members interjecting.

Mr PAKULA — How Mrs Peulich and Mr Finn can come up with the notion that the government's seeking four out of nine committee seats is going to be

a way for the government to crunch through an outcome is maths I cannot fathom.

Let us hope the committee compares and contrasts the three times the independent probity auditor has reported with the tawdry and questionable probity effort of the previous government. This is yet again an example of how the Liberal Party, at the very first opportunity it had to show that it had changed its ways and was not going to seek to exercise power capriciously or unreasonably, has dropped the ball. Its members have reverted to form. They are up to their old, arrogant ways, riding roughshod over the house. They have shown that if they are ever given the chance to govern again, the old, arrogant manner of the Kennett administration of saying, 'Ram it through because we have the numbers' will reign again in the state of Victoria.

Mr P. DAVIS (Eastern Victoria) — In responding to the comments made by all speakers, I will avoid the temptation to eulogise the quality of the debate. However, I do have to say that the issues that have been raised in this debate have given me great heart as to the approach that members are taking in the upper house this year. I have to say that contrasts markedly with the attitude of the government over the previous several years. For the first time in four years the government has taken an opposition motion with some seriousness.

Having said that, I move on to the points in some order. Firstly, comments were made about the announcement pre-empting the debate on this motion. I advise the house with respect to the Liberal Party's announcement last Thursday that it was made fully on the basis of a discussion between the non-government parties about there being no ambushes. It may be of interest to the house that before a parliamentary sitting week there is conventionally a discussion between the Leader of the Government, the opposition leader and the person who in the previous Parliament was the Leader of The Nationals — and I presume all of the other parties are consulted prior to the start of a sitting week. This is to ensure an orderly management of business to enable the government's legislative program to be managed in an orderly way and the Parliament's other priorities to be dealt with appropriately.

It was the Liberal Party's view and the view of the other non-government parties that coming into this sitting week there should be no ambush of the government. Hence there was agreement to give notice publicly several days before the house sat that we would be formally introducing this motion for debate today. I think that is a reasonable position, and as a matter of course I would expect now that the Parliament

has resumed its normal business after the election period it is possible that we will be able to give formal notice well ahead of business we wish to be considered by the house. We would expect reciprocity from the government as to the same level of notice.

In respect to the investigatory processes which the government is seeking by its amendments to circumvent, I remind the house that the Parliamentary Committees Act sets out clearly that joint parliamentary committees may commission a person to investigate and report on any aspect of a proposal, matter or thing being inquired into or being considered by a committee. The Parliamentary Committees Act, which governs the behaviour of the joint investigatory committees, clearly provides that it is possible to appoint external advisers. That is done because frankly the expertise for undertaking many inquiries does not exist within the Parliament itself. I intend no disrespect to the clerks, but I cannot imagine in respect to this inquiry that we would ask the clerks to go down to gaming venues with a bucketful of coins and come back with a report on how gaming operates in the state.

I have no preconceived idea about how the inquiry is going to be managed. That will be a matter for the collective members of the select committee, which will determine the work schedule; the order in which matters will be dealt with and in which witnesses will be called, if required; what documents will be required; and, importantly, whether or not they need additional support. I have at this point in time no concept about what might be required in addition to the resources of the Parliament, but certainly the capacity needs to exist. The President dealt with this point extensively. Indeed it was the dominant issue that he dealt with in his ruling earlier today, when he set out the precedents very effectively and made the point that this is entirely appropriate and that basically, therefore, the government has got it wrong.

In relation to the issue of counting heads regarding the number of members on the committee, I cannot believe how fatuous this proposition from the government is. The reality is that there are 40 members of this house. It is mathematically impossible to retain absolute proportionality once you step away from the basis of having 40 members in this house. If you appoint a committee, by definition mathematically proportionality becomes irrelevant, and the only basis that the government has for retaining proportionality is at a cost to the opposition. The motion before the house gives the government two members on the committee, the opposition two members on the committee and retains effectively the balance of power with the other non-government parties. I make the point strongly that

for the government to command a majority on the floor of this house it requires two additional votes. The net result of that is that within the committee that is proposed for agreement today, that status quo will remain. It will still require the government to persuade two other members of the committee — —

Mr Lenders interjected.

Mr P. DAVIS — I take up the interjection. The minister may well understand that there are two members of the Liberal Party being appointed — and maybe on some issues the minister will be able to persuade the members of the Liberal Party to support him. The point I make is that it is impossible mathematically to retain proportionality once you have a committee, therefore you have to look at the principles. The principles are for the committee to be objective and sufficiently independent that when it reports back to the house there will be some integrity in the report. That is best achieved by ensuring that the balance that is place in the house — that is, that the government requires two additional members to support it to command a majority — is retained in the committee structure. Having said that, I would also like to make the point that we are reminded every day when we come into this place, as we walk through the vestibule, of Proverbs 11.14:

Where no counsel is, the people fall: but in the multitude of counsellors there is safety.

Hon. T. C. Theophanous interjected.

Mr P. DAVIS — I take up Mr Theophanous's interjection, in which he accused me of plagiarising the Parliament. If he had listened, I was actually quoting from a document which was written a couple of thousand years ago. I think the Parliament has not been around as long as the Book of Proverbs. May I make these comments. The committee will have seven members appointed to it, and I am sure each of those seven members will have the confidence of the parties who nominate them and will work in a collegiate manner to achieve the outcome that is required. That outcome is to prove or disprove. It is to ensure that on issues that are in a sense controversial — which the government has claimed are spurious and about which the opposition has raised questions and sought answers from the government that have not been answered — at the very least the committee will be sufficiently independent of the opposition and the government to come to an objective view. I have every confidence that the members of the committee will be people of integrity, as are all members of this house, and that they will do the very best job they can to ensure there is objectivity.

In conclusion I remind the house of what I said at the beginning. This is about integrity, honesty and uprightness. It is about probity — the probity processes of the government of the day. It is about the members of this place performing the job which they have been solemnly charged with and which they took an oath to discharge — that is, to give the community great respect and hold the government to account. I urge the house to support the motion, to oppose the government amendments and to support the Greens amendments.

House divided on Mr Lenders's amendment 1:

Ayes, 19

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

Noes, 21

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

Amendment negatived.

House divided on Mr Lenders's amendment 2:

Ayes, 19

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

Noes, 21

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

Guy, Mr
Hall, Mr
Hartland, Ms

Rich-Phillips, Mr
Vogels, Mr

We are concerned about another tax impost and the stealthy way this measure has been applied retrospectively by the Victorian government. We oppose the application of taxes which were never intended to cover airline operations.

Amendment negatived.

The PRESIDENT — Order! The question is:

That amendment 3 moved by Mr Lenders be agreed to.

Amendment negatived.

The PRESIDENT — Order! The question is:

That amendment 1 moved by Ms Pennicuik be agreed to.

Amendment agreed to.

The PRESIDENT — Order! The question is:

That amendment 4 moved by Mr Lenders be agreed to.

Amendment negatived.

The PRESIDENT — Order! The question is:

That amendment 2 moved by Ms Pennicuik be agreed to.

Amendment agreed to.

The PRESIDENT — Order! The question is:

That amendment 5 moved by Mr Lenders be agreed to.

Amendment negatived.

The PRESIDENT — Order! The question is:

That the motion, as amended, be agreed to.

Amended motion agreed to.

Sitting suspended 1.08 p.m. until 2.12 p.m.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Tiger Airways: stamp duty

Mr D. DAVIS (Southern Metropolitan) — My question is for the Minister for Industry and State Development, the Honourable Theo Theophanous. I refer to the announcement that Tiger Airways is considering a base in Australia, the Bracks government's previous failure to secure Virgin airlines for Melbourne and the new Labor tax on international air carriers, of which the minister was totally unaware yesterday. The owner of Tiger Airways, Singapore Airlines, has been reported as commenting:

Will the minister explain to the house how the Bracks government's new tax on inbound international airlines can possibly secure the Tiger Airways headquarters for Melbourne?

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — I might begin by indicating to the house that this is typical of David Davis's tactics and the way he operates in this house. He thinks that if he bags the Victorian economy and everything that has anything to do with Victoria enough, somehow people will listen to what he has to say. He comes in here and has no agenda other than to talk down whatever it is that this government is attempting to do to bring jobs into this state.

As I outlined to the house yesterday, the real issue in aviation right now for Tiger Airways and for all the other carriers that want to come into Victoria is the federal government's restrictive policy. We could fill literally thousands of seats into Victoria and Melbourne if only the federal government would change its policy and permit greater liberalisation of what is allowed to come into this state. Instead of supporting the government in opposing what his federal colleagues are doing and trying to get an outcome which is good for Victoria, David Davis manipulates a tax issue by falsely claiming it is a new tax. He comes into the house and misleads the house in that regard. He is trying to say that this tax is the major issue when it comes to attracting overseas carriers. It is not a major issue.

I might point out the dishonesty of David Davis in relation to this matter. Let me just outline the so-called tax he is talking about. This is stamp duty which is applied by the Treasurer on general insurance. It does not apply only to the aviation industry, it is stamp duty which is applied to all general insurance taken out by industry. It is taken out by everybody. There is a possible loophole and a way around paying that stamp duty. Instead of insuring yourself in Australia, you can go offshore and insure yourself overseas. By insuring yourself overseas, even though the risk is in Victoria, you will not have to pay the stamp duty. What David Davis wants us to do is to facilitate tax avoidance. This is an existing charge. It is not a new tax. The member should stop telling lies to the house. This is not a new tax, it is an existing tax. It is simply the case that we want to apply this tax fairly in Victoria.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — That was hopeless. You are digging yourself deeper and deeper.

The PRESIDENT — Order! Mr Davis's supplementary.

Mr D. DAVIS — Will the minister immediately ask the Treasurer to withdraw this new, secret, retrospective state tax on inbound international airlines before irreparable damage is done to international air traffic coming into Melbourne Airport and Tiger Airways goes the way of Virgin airlines?

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — The member continues to misrepresent the situation — I would say blatantly lie, but it might be unparliamentary. The fact is if we allowed this tax avoidance, it would be an open invitation to every single business which insures itself with risk in this state to simply insure overseas with an overseas company. That is what it is about. That is what David Davis is promoting. The only thing that will stop Tiger Airways from coming into this state has nothing to do with the legitimate payment of stamp duty. The only thing that will stop it is the federal government's arrangements. The opposition should stand up and be counted alongside the Victorian government and support us in trying to bring Tiger Airways into this state.

Bushfires: government assistance

Mr VINEY (Eastern Victoria) — My question is to the Minister for Community Services, Gavin Jennings. Given the recent good news that the Great Divide fires have been largely contained, could the minister inform the house of the processes the government has put in place to help communities recover from disasters such as bushfires?

Mr JENNINGS (Minister for Community Services) — I thank Mr Viney for his concern. I am sure he is not alone across the chamber and across the community in his concerns about the wellbeing of communities that are recovering from the stresses, strains, strife and dangers as a result of the Victorian fires. I note Mr Viney's question, and I am very pleased to say that with the containment of the fire in the Swifts Creek area on 7 February the bushfire that has raged across the Great Divide for 69 days is now classified as contained. That is notwithstanding that there are some ongoing issues in terms of tidying up, mopping up and making sure the fire lines are contained.

To assist communities to deal with the range of social, economic and emotional circumstances that permeate those communities now and into the future, the government of Victoria recognises its obligation to stand shoulder-to-shoulder with those communities. It will do that through the regional recovery committees, which bring together the appropriate state agencies and representatives of local government and the local communities, by creating a space in which they can come together to air their concerns and by making sure they have a voice which will be responded to in relation to the ongoing issues faced by those communities. I am pleased to say that the Bracks government recognises its obligations to meet those issues now and into the future.

What I am about to share with the chamber is a bit of a paradox in that there is some relatively good news in terms of the permeation of the bushfires into and their impact on private property and the quality of life of Victorian businesses and families, because within the more than 1.1 million hectares that were burnt during the course of the fires, less than 60 000 hectares was private property. Given the huge level of risk to which our community and our state were exposed there was a comparatively minor impact upon private property and private lives and — —

Mr Vogels — Maybe they manage it better than the state.

Mr JENNINGS — I say to Mr Vogels that we could all be concerned about reviewing and reflecting on the circumstances of the fires, the way in which we rose up as a community to deal with them and the way in which we could mitigate their effects in the future. I am pleased to say that the government, through the bushfire task force of which I am a member along with my colleagues in the other place, the Minister for Regional and Rural Development, the Minister for Police and Emergency Services, the Minister for Water, Environment and Climate Change, the Minister for Local Government and the Minister for Tourism, is vigorous in its endeavours to make sure it listens and responds to communities.

One of the things I would like to report to the house is that we recognise the need for ongoing investment. We need to rebuild community facilities, rebuild physical infrastructure and look at appropriate access roads that have been damaged and closed over some period of time. We recognise the importance of making investments in that area. The government has already invested \$4 million, including reinvestment in the symbolic Craig's Hut, which is a prominent feature of the high country.

I am pleased to say to Mr Rich-Phillips that I am about to announce something in the chamber, because he accuses the government of never announcing things. As part of the response to communities we have committed \$240 000 to facilitate community development across a number of municipalities. I am pleased to say that after question time today — and I encourage members to allow me to get out of question time — I am meeting with representatives of the shires of Wellington and East Gippsland and the City of Latrobe to announce a further \$80 000 to assist each of those local government areas in relation to community development.

Mr P. Davis — Can the local members come along?

Mr JENNINGS — No, I do not think the municipalities want them at this point in time, but hopefully the member might embark on a conversation with them whilst they are here. They will actually leave this building with an additional \$80 000 for their communities to make sure community redevelopment takes place.

Melbourne showgrounds: redevelopment

Mr GUY (Northern Metropolitan) — I direct my question to the Minister for Planning. Can the minister advise the house on what grounds the planned supermarket development on state government land at the Melbourne showgrounds complies with Labor's Melbourne 2030 document?

Hon. J. M. MADDEN (Minister for Planning) — I am always grateful that the member asks me questions. I expect a number of questions from the shadow Minister for Planning in relation to many matters, but I am conscious of the matter that has been raised publicly in relation to the retail development at the showgrounds. As people would appreciate, this government has invested an enormous amount of money in the redevelopment of the showgrounds, and we are very proud of that.

As part of that submissions will come to me as the relevant planning authority in relation to a number of developments and proposals. One of those of course will be that supermarket. Whilst there has been no decision made in relation to that, I look forward to receiving that submission, having it arrive on my desk, giving it full and thorough consideration and receiving the respective advice on it from my department.

Supplementary question

Mr GUY (Northern Metropolitan) — Noting that this proposal includes a designated leisure facility which will consist of a two-storey tavern, can the

minister guarantee that he will not simply approve the project if this leisure facility is just a new pub loaded full of pokies?

Hon. J. M. MADDEN (Minister for Planning) — I understand that today is one of those days when the opposition would like to develop a theme around gaming and conspiracies. That is basically all it has to go on these days — conspiracy theories. I suppose if an opposition is bereft of policies on any of these matters, the only thing it has got to go on is conspiracy theories, so I will give that in. As I said to Mr Guy, I am very happy to receive advice in relation to what the proposal is and to give it full and thorough consideration. As the planning authority my job is to consider policy matters, take advice from my department and make the appropriate decision based on that advice, and I look forward to doing that.

Bushfires: government assistance

Ms BROAD (Northern Victoria) — My question is to the Minister for Community Services, Gavin Jennings. I am sure members in this place are all well aware of the devastating impact of bushfires right across Victoria on communities and on families. I therefore ask the minister to describe to the house the types of support provided to families affected by bushfires to assist the recovery process.

Mr JENNINGS (Minister for Community Services) — I thank Ms Broad for providing me with a supplementary opportunity to outline to the house the range of support services the government recognises as appropriate to provide to help individuals and families and their communities deal with emergency situations, including in some situations a loss of property, and assist them to re-establish themselves in new homes, and to try to resurrect some businesses that may have been made extremely vulnerable, if not put into doubt, because of the impact of the bushfires.

There has been some reporting in the press recently about individual circumstances that may have led the chamber or may have led the community to believe there has not been an allocation of funds under various programs and supports that I outlined to the house prior to Christmas in terms of emergency relief grants, personal expenses grants and re-establishment grants. As recently as last week there was an article that featured prominently a family from Toongabbie and whether they received any assistance.

I am pleased to be able to provide the house with some encouragement in relation to the fact that I believe that individual household has been the beneficiary of some

assistance. I will not go into the personal details, but I can assure the house that to the best of my knowledge that family has received some assistance and is currently in conversation with the appropriate officers of the Department of Human Services who are encouraging them to apply for other grants they may be eligible for.

Indeed 148 emergency grants have been provided to families across the state of Victoria, and that assistance has been augmented by a number of community relief programs — for instance, I know the Gippsland emergency relief program has played a positive role in providing financial support to members of Gippsland communities. The Victorian government allocated \$100 000 to commence a fundraising exercise through the Red Cross, and hopefully the Red Cross will generate significant contributions from members of our community on the basis of the generosity of spirit they show time and time again and will make funds available to Victorian citizens.

There are a number of specific programs in relation to expenses to deal with relocation costs that may be incurred by individuals and families who have lost their dwellings and need to establish temporary living arrangements. They are available to families within certain eligibility criteria, but are basically of the order of \$7300. Those funds are made available almost immediately upon the provision of the appropriate information to the government.

I also remind the chamber about the Business Recovery Fund which the state of Victoria entered into in collaboration with the commonwealth government. Both jurisdictions allocated \$350 000 to a fund to assist businesses to get back on their feet. That program is supported through the Rural Finance Corporation in Victoria.

Mr Hall — What about Peter McConachy, whose case I outlined yesterday? I have written to the bushfire — —

Mr JENNINGS — If Mr Hall had asked me about the family in Toongabbie, I would have actually had the detailed answer to that question. I was anticipating that, but you chose to ask my colleague a question about that matter yesterday. I am not quite sure of the circumstances of the individual family you have just referred to now, but I am happy to track down the individual circumstances and the community circumstances.

The PRESIDENT — Order! Mr Hall might be better asking his question the next time he has an

opportunity to ask a question. The minister to continue, through the Chair.

Mr JENNINGS — President, thank you for the assistance, and perhaps it is guidance to me to direct my presentation through you, President, rather than a reprimand for Mr Hall. I take it as a reprimand myself, but it is my intention to deal with these matters.

Gaming: problem gambling

Mrs COOTE (Southern Metropolitan) — My question is for the Minister for Community Services, Gavin Jennings. For every problem gambler it is estimated that an additional 5 to 10 people — family, friends, neighbours and workmates — are also affected. I acknowledge the assistance provided in this regard under community partnerships by groups such as the Western Bulldogs, the Country Women's Association, neighbourhood houses and the Gamblers Help line. What accountability measures are in place to evaluate the effectiveness of the community partnership funding?

Mr JENNINGS (Minister for Community Services) — I find myself in the very unusual situation of not being able to immediately account for that matter. I am pleased to say that I will take the appropriate steps to find out what those measures may be and report back to the member either at the earliest opportunity in the chamber or privately.

Supplementary question

Mrs COOTE (Southern Metropolitan) — I appreciate that. The Gamblers Help Services website details the location of the Gamblers Help agencies. If the government is serious about helping problem gamblers and their families, friends, neighbours and others affected, why are these agencies only open between 9.00 a.m. and 5.00 p.m., normal business hours?

Mr JENNINGS (Minister for Community Services) — I think this is going to be a general feature of the chamber and my generosity and spirit in terms of answering questions. I am not responsible for this program or these agencies, but I will do my best to ascertain my degree of responsibility. I think you might find that that is the case.

Mr P. Davis — You do not know.

Mr JENNINGS — I am pretty confident about that, and because there is a community concern and because this is an area of legitimate questioning, I will use my best endeavours to try to make sure this service does

permeate the needs of the community. That is what my interest may be in this regard, but I think the member will actually discover that I am not responsible for this program.

Australian Synchrotron: progress

Mr LEANE (Eastern Metropolitan) — My question is to the Minister for Major Projects and concerns the Australian Synchrotron project. Having visited this project a number of times during its construction stage, I have had an insight into this fantastic and unique project. Can the minister advise the house of recent developments in the Australian Synchrotron project and how the project is set to boost Australian research and development?

Hon. T. C. THEOPHANOUS (Minister for Major Projects) — I thank the member for his question. I know that he has an ongoing interest in the Australian Synchrotron project, which is a very important project to the Victorian economy in relation to jobs and in relation to investment in this state. All these issues are of course issues that do not resonate with opposition members, who do not care about jobs, do not care about investments and do not care about the synchrotron.

During the whole of the time the synchrotron has been under development we have only heard negative comments from opposition members, to the point where in a previous Parliament Richard Dalla-Riva said that we would never get anybody to invest in it. There were a range of other comments of a negative type, which is consistent with the way the opposition operates. I might say that they are not helping themselves and they are not helping the Victorian economy, but they do not care about that, but maybe they will at least start thinking about themselves a little bit and make some positive comments in relation to some of the things we are doing.

Mr D. Davis — You goose!

Questions interrupted.

SUSPENSION OF MEMBER

The PRESIDENT — Order! I am sure the minister did not hear Mr Davis's comment in reference to his being a goose, but I did. On the basis of previous discussions and recommendations in this house, I am using sessional orders, and Mr Davis can remove himself from the chamber for 30 minutes.

Mr D. Davis withdrew from chamber.

Questions resumed.

Hon. T. C. THEOPHANOUS (Minister for Major Projects) — I am happy to continue to inform the rest of the members in the house who may be interested in this important project about its development. The Victorian government is paying \$157.2 million to fully fund the cost of the synchrotron machine and the building. The beamline program is being funded by our national and international partners.

I am happy to inform the house that the Australian Synchrotron has now secured \$50 million in beamline funding commitments from a range of sources, including New Zealand, Monash University, Melbourne University, the Australian Nuclear Science and Technology Organisation (ANSTO), CSIRO, the Association of Australian Medical Research Institutes, and four consortiums that include state governments and leading universities — New South Wales, Queensland, Western Australia, South Australia and La Trobe. The commonwealth government recently announced that just under \$14 million in beamline funding will be provided through the National Collaborative Research Infrastructure Strategy.

Every government, a host of educational institutions, a range of research institutions and the commonwealth government are involved in this project. It is a fantastic project for Victoria and for Melbourne. The only group that I can see that is not on board with this project is the state opposition, which continues to bag the project and to make negative comments in relation to it.

I visited the synchrotron recently and I would encourage other members to have a look at it, because it is a phenomenal project. The amount of technology and the potential for continuing jobs and investment in research and development in this state that this project will deliver is difficult to overestimate. In fact an estimate made by the Centre for Strategic Economic Studies at Victoria University is that it could deliver as much a \$65 million a year to the Victorian economy. This is another wonderful project that has been delivered on time and on budget by the Victorian government.

Schools: problem gambling education

Mr P. DAVIS (Eastern Victoria) — I direct my question without notice to the Minister for Education. I refer to the daily scourge of problem gambling in the Victorian community. The Labor government has proposed to spend less than \$300 000 per annum on direct programs in Victorian schools to educate and inform our children about problem gambling at a time

when it is sucking in over \$1.5 billion a year in gambling tax revenues. I therefore ask: how can government programs be effective when the government is committing less than \$180 for each public school?

Mr LENDERS (Minister for Education) — I thank the Leader of the Opposition for his question. I say a couple of things to Mr Davis. Firstly, this government, as my colleague Ms Darveniza said during the debate this morning, has actually seen problem gambling halved by measures it has taken during its tenure in office. More significantly, I say to the Leader of the Opposition that there is a big question as to what he expects schools to be. I certainly support a school using its curriculum and time to educate for community standards and to help students become aware of problems they might face. As part of our election commitment we are putting a further 300 support staff into secondary schools. We are rolling out primary welfare officers and doing a range of things in schools so that important support is provided.

But I wonder if Philip Davis is saying that schools should start teaching values for or against gambling. If he is, he is totally contradicting his own federal leader, Prime Minister John Howard, who wrote an article headed 'I want best for our kids' which was published in the *Herald Sun* just last week. The piece written by the Prime Minister warns us all about the nanny state and against imposing values in schools. His article also goes on to discuss a few other things. Perhaps Mr Davis could do some research for the PM, because the PM's article goes on about how we do not teach history and geography in Victoria but give the subjects different names. If he had researched and checked this he would have found that we do teach them that we have for a number of years and that we call them history and geography.

Getting back to the point, I am certainly not averse to our spending more in schools on dealing with problem gambling — putting resources into dealing with what is a scourge in our community — but I do ask the Leader of the Opposition for some consistency. Is he saying it is inappropriate for a school to say, 'Do not buy a Tatts ticket', or is he saying that schools should be warning people about the obvious scourge of problem gambling, that when as adults or whenever people get up to their necks in debt and out of control and such things — —

Mrs Peulich — It's called life education, John; it has happened for a long time.

Mr LENDERS — Mrs Peulich interjects, and I take up the point. The Liberal Party cannot have it both

ways. From the Prime Minister down it preaches that secular values should not be imposed in our schools. The Prime Minister's words last week in the *Herald Sun*, the largest selling newspaper in the country, were that you should keep your secular values out of schools. In the next breath the Leader of the Opposition in this place says, 'We need strategies on gambling'. I have no problem with dealing with problem gambling strategies.

Mr P. Davis — I asked you a question.

Mr LENDERS — Mr Davis says he asked a question, but it was a value-laden question, like there is in the education debate. Either we go into schools and preach values or we have a secular education or we have a welfare balance in between. I invite the Leader of the Opposition, as the shadow Minister for Education, to come clean on what values he expects us to teach in Victorian schools. Does he expect us to say people should or should not buy Tatts tickets or does he go further? I invite him to be more specific and not try to be all things to all people, which is such a mantra for the Liberal Party.

Mr Davis's federal leader expressed a view on the values being taught in schools in the *Herald Sun* last week. I invite the Leader of the Opposition to come clean: does he agree with his Prime Minister or not?

Supplementary question

Mr P. DAVIS (Eastern Victoria) — As this is question time for ministers and not for leaders of the opposition, I will ask a supplementary question. I note that the minister has acknowledged the tokenism of the current government problem gambling programs in schools and that he alludes to the fact that he would be happy to commit further funds to problem gambling education in our schools. I therefore ask: will the minister follow the Liberal Party's policy by introducing social education programs in secondary schools, including education about the odds against winning and the risks of problem gambling?

Mr LENDERS (Minister for Education) — For the record — and Mr Davis is at it again, putting words into people's mouths — if Mr Davis goes back through *Hansard* he will find that my response to his substantive question was that there are programs and that I will always be happy to look at putting more resources into programs, if that is one of the key educational outcomes. Government spends almost \$11 000 per student in schools at the moment — more than the Kennett government ever did. The Kennett government closed 300 schools, sacked 8000 teachers

and obliterated the school welfare workers who dealt with these programs. Mr Davis's government got rid of the programs and the welfare officers in schools. I say to him, 'Let us have a balanced argument. Let us not put words into other people's mouths. Judge us by our results, which are that we have put more into education than that government ever did and more than the federal government does, which pays lip service to it'.

We will work for the best educational outcome for kids in every school in Victoria. We will do it. We will look for good ideas, and we will deliver.

Employment: south-eastern suburbs

Mr SOMYUREK (South Eastern Metropolitan) — My question is directed to the Minister for Industry and State Development. Can the minister advise the house of any recent investment announcements that have created more jobs and investment in Melbourne's south-east?

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — I thank the honourable member for his question. I know he has a great interest in employment in Victoria. When he asks the question in a general sense like that it is almost difficult to decide which of the many projects in this state that are delivering jobs I should report on to the house, but on this occasion I want to report to the house on a significant investment in Dandenong.

I recently attended the opening of the brand new Hino truck sales and service centre in Dandenong. For those who do not know about trucks, the Hino truck range is a very important range. It has had its traditional centre in Western Australia and has not had many facilities in the eastern states. It was looking around trying to decide where it was going to go in the eastern states, and it decided on very good grounds that it should come to Victoria — not only that, it decided to come to Dandenong. Automotive Holdings and Hino have invested \$20 million in this project, and the facility will employ 120 people.

When we talk about statistics sometimes we forget what we are really talking about in terms of the families that are involved when these jobs come online. What it really means is that 120 families in the Dandenong region will have long-term employment at this facility and will have a future as a result of action that has been taken. As the Minister for Industry and State Development nothing pleases me more than to be able to go and open these facilities and to be able to assist in bringing new investment into the state in the way we have over the course of many years. That is 120 jobs in

Dandenong, but that is not the extent of it. We have managed to achieve these outcomes through a set of policies which are multifaceted. They do not just rely on one thing; you have to go and get the business and bring it into Victoria.

Amongst the things we have done is to reduce business taxes, which is a very important thing. When we came to government in — —

Mr Guy interjected.

Hon. T. C. THEOPHANOUS — I will give you some statistics because you are obviously ignorant about the situation in relation to business taxes. Do not listen to David Davis because he does not have a clue. Make up your own mind.

The PRESIDENT — Order! Through the Chair, Minister.

Hon. T. C. THEOPHANOUS — When we came into government in 1999 Victoria had the second-highest rate of business taxes. Now we have the second-lowest. That is the difference — —

Mr Guy interjected.

The PRESIDENT — Order! Mr Guy's incessant interjections may not be annoying the rest of this house but they are annoying me. Be warned!

Hon. T. C. THEOPHANOUS — It is that kind of environment which has allowed us to create 355 000 new jobs in Victoria since 1999. This is an achievement of which we are proud. We are proud of the things we have done in health and education, but we never forget on this side of the house how important it is for people to have a job, and there are 355 000 Victorians who have a job as a result of electing a Bracks Labor government in this state.

Red-tailed black cockatoo: habitat

Mr BARBER (Northern Metropolitan) — My question without notice is to the Minister for Planning. The minister would be aware of the recent Victorian Civil and Administrative Tribunal decision that allowed a permit for the clearing of remnant bull oak vegetation in the West Wimmera shire, vegetation that represents the habitat of the critically endangered red-tailed black cockatoo, or Karak. Does the minister believe — and for the sake of clarity he could start his answer with the words 'Yes', 'No' or 'I do not know', and then go on and explain — his government's native vegetation framework is sufficient to protect this critical habitat and ensure the species does not move further towards

extinction. Will the government now amend the planning rules to stop clearing of this vegetation?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Barber's question. I am aware of the Victorian Civil and Administrative Tribunal ruling — I think VCAT made a decision yesterday in relation to this matter. To explain in a bit more detail the authority I have in terms of my responsibility as planning minister, my role is not to determine what is or is not native vegetation that should be protected. That is for the Minister for Water, Environment and Climate Change in the other place to determine. What I do as Minister for Planning is determine the appropriate planning controls and the planning authority in place in relation to that.

In this circumstance I understand a farmer wanted to clear his land to enhance his farming and remove the bull oak trees, which are the feeding grounds for Karak. I reinforce the fact that Karak was also the mascot for the Commonwealth Games, which I was particularly pleased about because that was a great way of providing recognition for an endangered species. I am conscious that in this instance VCAT made a decision to allow the farmer to remove that habitat. I am also conscious that this is an issue which will require the West Wimmera shire to work with the Department of Sustainability and Environment in relation to these matters to clarify what overlays are needed to protect this sort of habitat in other locations across the state.

I note Mr Barber's question. I am conscious that we should work as a government to ensure that we give clarity to those planning controls. I am sure the Minister for Water, Environment and Climate Change in the other place would want to reinforce the protection of that habitat in order to maintain protection for that endangered species. We look forward to working collaboratively with the West Wimmera shire to enhance our planning controls to make sure that where we have given significance to native habitat, we will maintain that and put in place controls to make sure we look after the habitat in the way it needs to be looked after.

Supplementary question

Mr BARBER (Northern Metropolitan) — On approximately how many occasions did the minister have his photo taken with Karak during the run-up to the Commonwealth Games, and will the government take any further action to ensure its survival?

Hon. J. M. MADDEN (Minister for Planning) — Sometimes is better not to say anything on certain

matters, but what I will say is that we are conscious of these matters. We were conscious of trying to protect and maintain the environment and habitat of the red-tailed black cockatoo. We did that through the Commonwealth Games, although that is long past, by making sure that we provided funds in recognition of the wildlife we are discussing today and making sure its habitat was protected. Whilst that is not my responsibility as the Minister for Planning, I am proud of my record in relation to that.

I am also conscious that as a government we have gone to great lengths to try to protect the native habitat of the red-tailed black cockatoo, and we will do what we can to make sure we continue to protect it.

Schools: capital works

Ms TIERNEY (Western Victoria) — My question is to the Minister for Education. Can the minister highlight the importance of the strategic approach needed for investment in capital works for Victorian schools?

Mr LENDERS (Minister for Education) — I thank Ms Tierney for her question and her interest in capital works in schools. As Ms Tierney and the members of the house would know, the government is committed to spending more than \$1.9 billion in the next four years to rebuild and modernise 500 schools in the state, which is almost one-third of our school stock. We have also rolled out a fair amount of maintenance for schools over the last couple of years to bring them into the 21st century, and have made a big overhaul of our portable classrooms program. That is something we are doing in a strategic sense. It is no good just pouring money into areas unless there is a target and it is strategic. We certainly have a plan, and schools are aware of that plan. Now we have the Building Futures program, under which individual schools subscribe to be a part of that plan.

The commonwealth also puts approximately \$100 million a year into capital works in schools in Victoria. I would be really pleased if we could get some of that money targeted far more strategically towards schools that need it. There are not many members of this house who have not raised issues with me about schools in their electorates. One of the things I have learnt in my 75 days in this portfolio is that people make contact with you about schools, so a strategic plan is very critical.

One of the first letters that came across my desk when I became minister had been sent to my predecessor when the government was in caretaker mode. It was from

Julie Bishop, the federal Minister for Education, Science and Training. The letter is headed 'Lack of compliance with recognition requirements at the Flying Fruit Fly Circus School'. The letter says, in part:

... the Australian government coat of arms was not displayed on the sign, while the Victorian government logo was prominently placed at the top of the sign.

I was trying to deal with strategic issues in schools, and I got a letter from Ms Bishop going on about where the commonwealth coat of arms was versus the Victorian government logo. The letter goes on further to say:

I would appreciate an explanation for the omission of the required details relating to the construction sign erected at the school.

So while trying to get a strategic plan in place I received my first letter from her. It is actually addressed 'Dear Lynne' because the government was in caretaker mode at the time, but it was for me. The letter goes on:

In order to avoid similar omissions in the future, I will now require that all wording and layout for construction signage be sent to the ... Parliamentary Secretary to the Minister for Education, Science and Training for approval prior to being erected at the construction site.

The final paragraph says that if that does not happen, the commonwealth government might take away the \$100 million in funding.

Ms Tierney asked about our strategic direction. I would like to have a strategic direction based on maintenance and capital works in schools where they are needed and not on a federal minister having to sign off on where a coat of arms should go. But not only that, before a school gets money, it must agree to have an opening ceremony.

Mr Koch interjected.

Mr LENDERS — If one of the schools in Mr Koch's electorate suddenly gets a \$150 000 grant for a toilet block, it must have an opening ceremony that the federal minister or her representative can attend or it will not get the money. But the federal minister is gracious, because there are exemptions. If you want an exemption from holding an opening ceremony at your school, what do you do? You apply in writing to the federal Minister for Education, Science and Training so you can avoid having an opening ceremony.

The first information I got on federal grants is on the federal department's website, and the first one-third is all about putting up the signs and the logo. The next two-thirds goes on about the need and the critical areas for capital. What we need is a strategic approach to

education. The commonwealth contributes a lot to education in this state. About 10 per cent of the recurrent funding for state schools comes from the commonwealth, as does a much larger proportion for non-government schools, and a large portion of capital comes from the commonwealth. What we need is an integrated strategic approach that is based on the needs of schools and strategic plans, and not about school communities filling in needless paperwork so that a federal minister can get her name on a building block and then come in and wander around. That is red tape gone mad. We need schools being built.

QUESTIONS ON NOTICE

Answer

Mr LENDERS (Minister for Education) — I have an answer to the following question on notice: 31.

GOVERNOR'S SPEECH

Address-in-reply

Debate resumed from 13 February; motion of Ms PULFORD (Western Victoria) for adoption of address-in-reply.

Mr VOGELS (Western Victoria) — Before commencing my contribution to the debate on the motion for the adoption of the address-in-reply, I take this opportunity to congratulate you, President, on your election as President of this chamber, and Bruce Atkinson on his election as Deputy President. The office of President is indeed an honourable position, and having worked with you in this chamber over the past four years, I am confident that you are a reasonable man and will discharge your duties fairly.

By November 2010, the date set down for the next election, the Labor government will have governed Victoria for 21 of the last 28 years. The Kennett era lasted a short 7 years, so for 75 per cent of the last 28 years we have been under a Labor government and for 25 per cent we were under a Liberal government. Since being elected to this place all I have ever heard from the other side of the house is that it was all Kennett's fault. Anything that has happened in the last 30 years has been the fault of the previous Liberal Kennett-led government. I suggest that history will show there is a huge difference between being elected to power with the economy going very strongly and being elected to power when the economy is on its knees. Everybody would agree by the end of the Cain-Kirner era the Victorian economy was on its

knees. That is history, and I thought I should put that information on the record.

In my address-in-reply contribution I intend to focus on my electorate of Western Victoria Region as well as on my shadow portfolio roles in agriculture, forestry and fisheries, which incidentally are very important to Western Victoria Region. I entered state Parliament in 1999 as the member for Warrnambool in the Legislative Assembly. One of the major reasons I wanted to get involved in state politics was my conviction that I should stand up and fight for a better deal for rural Victoria. As a farmer living in a rural community and through my community service involvement it became obvious to me that much more attention needed to be given to rural and regional Victoria and to the strengthening of our health systems, educational opportunities and failing infrastructure — local roads, bridges and recreational facilities — in rural areas. I believe that over the last 30 years they have all been neglected by all governments. As I said before, one of the major reasons I stood for Parliament in 1999 was to try to address some of those issues.

When I was elected in 1999 I was very disappointed to find that we were in opposition. However, that is called democracy, and I can live with democracy.

Mr Lenders — You did a pretty good job winning your seat!

Mr VOGELS — I did a good job winning my seat against the trend, but I am still in opposition. I was joined in the Parliament by the Leader of the Government, who has a Dutch background — actually he is not a bad man; he wears his clogs very well — as well as Johann Scheffer, who is another expatriate Dutchman. We are slowly taking over the place! However, as a member representing a rural constituency I have been very disappointed in the last seven years of leadership and governance by the Bracks government.

I will start by looking at the changes to the region I now represent. I suggest that anybody wishing to enter politics should not follow in my footsteps. As I said, I was elected in 1999 to the lower house seat of Warrnambool. There was a subsequent redistribution and that seat was abolished. In 2002 I had a crack at Western Province in this house and won. Then that seat was abolished. Maybe it will be third time lucky, because I am now a member for Western Victoria Region.

The Western Victoria Region comprises about 31 per cent of the state and has a population of approximately

600 000 people. It extends for about 400 kilometres from the eastern boundaries — that is, Melton, Werribee, Kyneton and picking up Geelong and all of Ballarat — right across the Western Plains and south-west Victoria to the South Australian border. It is a huge area. It is about 400 kilometres from east to west and about 300 kilometres from north to south. I am sure the members who represent it — Gayle Tierney, David Koch, Peter Kavanagh, Jaala Pulford and I — will find that we will do many kilometres over the next four years servicing this huge electorate. The area boasts some of Victoria's major natural attractions, such as the Great Ocean Road, the Otway Range and the Grampians, just to name a few. More recently this region has become the frontier of our new energy resources, delivering natural gas to the state of Victoria as well as to the rest of Australia.

When Labor was elected in 1999, revenue collected was about \$50 million a day. Today it stands at approximately \$100 million a day. This government has had a huge revenue take over the last seven years. One of the first promises I listened to in the other house was from John Brumby, the then Minister for State and Regional Development, saying he would standardise Victoria's railway lines, which I thought would have been a magnificent thing to do. Yet seven years later not one spike has been driven, not one sleeper laid, and our local road infrastructure is suffering badly because of that failure. Down our way the timber, gas, grain and mineral sands industries are all running B-doubles on our local roads, and the roads are suffering because of the heavy load on them. The standardisation which was promised has never been delivered. Let us hope that it is not off the drawing board. It is still one of the things we should be doing — and we should have done it.

The Wimmera–Mallee pipeline has also been an ongoing saga since I have been in this Parliament electorate. It was promised originally at a cost of about \$160 million; it went to \$250 million or whatever; I think at the moment it stands at \$500 million; and if you go to the Wimmera–Mallee area, people in the know say it is going to cost at least \$750 million. Yet we have only laid a couple of pipes, and not a drop of water has flowed through either of them. Most of the water has actually gone — has disappeared. The idea was to put in pipelines instead of open channels, from which we lose much water through evaporation, seepage and so on. But the water has gone. The reservoirs are empty. The dams are empty.

Regularly you hear government members talking about dams, saying, 'No new dams for the next 50 years, because dams do not make it rain'. Well, neither do pipelines. You can lay as many pipelines as you like,

but they will add not one drop of water to our supply system. Yes, if they are laid and the dams fill up and the pipelines are used, we will lose less water. That is why that pipeline should have been built, at half the cost, when it was first committed to. By now it would probably be nearly finished, instead of just starting.

While I am on the subject of water, I believe the Bracks government will stand condemned into the future for failing to address our water issues. Our forefathers realised that this was the driest continent in the world, and they had the foresight to put in place the infrastructure necessary to ensure we had reserves of water for many years to come, because droughts do come. This is why we still have water in this state — because of the foresight of our forefathers, who put in the dams and the infrastructure to make sure that when these dry years come we have water to draw on. As any farmer will tell you, if you are going to increase your stocking rate, you make sure you increase your capacity to store water. Otherwise you will go down the tube.

I hear Labor people trying to tell me with a straight face that we do not need another dam for the next 50 years, but we all know that that will be tested severely during this four-year term. I have mentioned the idea of putting a dam in the Otways on many occasions, and it has been pooh-poohed. There is a wonderful aquifer under the Otways called the Newlingrook aquifer, which we should have tapped probably three or four years ago. It would have kept the water supplies of Geelong and Ballarat going without a problem for the next 50 years. That aquifer is simply pouring fresh water — beautiful, potable water — into the ocean 3 or 4 miles out to sea. It should have been tapped, and now we are in this phase I have no doubt that as we head to the next election the Labor Party will pick up some of the opposition's views on water.

Another policy the Liberal Party had which I think is very important for the Western Victoria Region is our policy on local roads. As the shadow Minister for Local Government I visited every council across the state, and local roads and bridges were a huge issue. They still are, yet this government continues to say that these are not state government responsibilities and that it is the responsibility of ratepayers to maintain their local road infrastructure. Ratepayers cannot do that. They will never be able to do it. It requires the three tiers of government working together, all putting in a one-third share, to make sure our local road infrastructure does not collapse.

In the Western Victoria Region the government has failed to deliver the medical professionals needed to sustain our rural health care services. We have an acute

shortage of GPs and division 1 nurses, while our public dental health care services have waiting lists of anything up to four years. Despite seven years of promises and meetings there is still no all-emergency helicopter service across this vast electorate, the only region in Victoria not covered.

As shadow minister for agriculture, forestry and fisheries, it is my intention to liaise and work closely with relevant industries, community groups, stakeholders and farmers to keep the Bracks government accountable for its promises. Victoria has a fine record when it comes to producing food, and in the main our primary producers are working at world-best practice. They are dealing with international competition and government red tape and regulation every day of the week, and this is hindering them. Presently there is an underlying loss of confidence about the future of primary production in Victoria as a consequence of the trying challenges faced out there at present. Drought is probably the major challenge at the moment, and you cannot blame any government for that. We can blame people for not planning ahead, but we cannot blame governments for the droughts that are happening.

However, it is important to remember that we still have 37 000 farmers in Victoria who produce excellent food and fibre worth approximately \$9 billion annually, while generating approximately 130 000 jobs. Victoria has a target of \$12 billion worth of food and fibre exports by the year 2012, which is nearly double its present value of \$7 billion. These figures demonstrate the infrastructure and value of agriculture to the Victorian economy. It is the driver of employment in rural Victoria and the lifeblood of country Victorian towns. If we are to get anywhere near this target it will need to be derived from innovation and technology, agricultural education, skilled migration, water policy reform, land use planning and regulatory reform.

As far as fisheries are concerned, in Victoria about 8000 people depend on the seafood industry. About \$180 million worth of seafood products land at Victorian ports every year. We support commercial export fisheries of abalone valued at \$70 million, which at the moment is in danger of disappearing unless something is done urgently, and southern rock lobster valued at \$20 million. Aquaculture is becoming important, and recreational fishing is estimated to involve about 550 000 Victorians who purchase 235 000 licences a year and create economic activities estimated to generate around \$400 million.

I am also shadow minister for forestry. The forestry industry is basically on its knees because of the

incremental closing of our forests and the subsequent loss of access to resources. Presently the forest industry has an annual turnover of around \$540 million, generating employment for over 4000 people. There is an ongoing structural change in the native hardwood forest sawmilling sector, and the government needs to work with the industry to make sure any old growth forests that are lost are replaced by plantations and other timber resources.

Over the past five years wildfires have destroyed the equivalent of 100 years of logging. Just think about that: 100 years of logging has been destroyed by wildfires in the last five years. We have spent millions of dollars building a 50-kilometre containment line presently across the Great Divide to protect the Thomson Dam for Melbourne. Thousands of beautiful ash trees have been dumped into heaps, with log stumps also pushed into heaps. It is my understanding that logs harvested will be sold if they come from state forests, but logs derived out of national parks will be left to rot.

The whole issue smells of politics. We have a Victorian forestry industry that is on its knees due to a lack of resources, yet we are going to allow millions of dollars worth of assets to rot on a heap.

Mr DRUM (Northern Victoria) — President, I too would like to start my address-in-reply speech by congratulating you on your election as President of this chamber. If what we have seen so far is going to be a precursor to your four years, I think we are in for a very harmonious time in this chamber.

This must be said with the utmost respect to the Governor — and maybe it has always been the case — but I did not remember the first Governor's speech being so political. Obviously it is written by the government and is read out by the Governor, but certainly it was Labor Party policy and Labor Party rhetoric at its absolute best. It was a tough 45 to 50 minutes to sit through when we know that so much of what was read out is not actually as it seems. But that is the way of the system, and it is what we had to sit through at the opening of Parliament.

The budget surpluses that Labor continually stands up and trumpets are interesting. It claims that the previous government only spent three months with a AAA rating and this government has spent something like seven years with a AAA rating, but we do not need to go into the reasons why that is. The fact is that the previous Labor government broke the state to a point where it was nearly beyond repair.

In the seven years during which the current government has been able to produce budget surpluses, it must also be mentioned that throughout its respective departments there have been overruns in its budgets of over \$7 billion, so if the inflows of the revenue streams were not as strong as they have been over the last seven years, this government's inability to manage its own departmental budgets would have seen this state in the red to the tune of some \$7 billion. That is an area that needs to be highlighted at every opportunity. We still have a Labor government that struggles to manage money, particularly when it comes to major projects being able to be delivered on time and on budget. Every major project, whether it be the fast rail project, major hospitals, major police stations, Spencer Street station and so forth, continually overruns its budget.

The government also trumpets that it has returned democracy to the state of Victoria. I do not know how that works, because I thought we had always lived in a state of democracy.

Some of the challenges facing this state in relation to bushfires were mentioned, although the absolute severity of the bushfire was yet to raise itself at the time of the opening of Parliament. Some serious investigations by an independent or at least an all-party parliamentary committee need to take place in this state to get to the bottom of how our public land continually gets to a state where it is so susceptible to the fires that ravage our state. My time in Parliament has been just over four years, and yet we have seen three to four horrendous bushfires in both the east and the west of the state in that short time, with many millions of dollars in damage and many millions of hectares of land burnt, both public and private.

As to the drought, this government's actions were far more honourable during 2002 than they have been in the current situation facing rural communities. Whilst the government says it understands the impact and the crisis that is currently wreaking havoc on our farming communities, its inability to do anything has been staggering. At least the \$20 000 grants that were given out in the 2002-03 period were able to hit the mark and give many families an immediate opportunity to get food on the table, get the bills paid and the kids off to school for the coming year. But this time the government has been absolutely silent on its ability to look at cash grants. It has set up a task force consisting of three or four ministers who have effectively been able to provide very little to the farmers and other associated businesses in the drought-declared areas.

The government talks about the economy and how there are some challenges with it. As Mr Vogels

mentioned, and many opposition members will also mention, when this government came to power, it had a budget in the vicinity of \$19 billion. Now the government's revenue is pushing past the \$34 billion or \$35 billion mark, and the additional money coming in through institutions such as water authorities and other government-owned authorities puts it up over the \$36 billion level. Therefore we have a government that has almost doubled its income in the time it has been in office. I continually say to the many organisations that I talk to, 'How many families do you know that have been able to double their household budget in the last seven years and still have so many problems associated with their economies?'. Why can we not fix up our hospital system, fix up our public transport and do more to help the disabled and the disadvantaged?

We continually come back to a government that unfortunately seems to be totally committed to spin. It seems to be enough to satisfy this government if it can give a project a fancy name and acknowledge to itself that it is doing a great job, irrespective of the truth and the facts. If this government can somehow or other spin the project around to make it sound as though it is doing a good job, that seems to satisfy it. It says that it has some economic goals, which include cutting the administrative burden with a 15 per cent reduction in regulations over the next three years and a 25 per cent cut in regulations over the next five years. I am yet to see this government move anywhere near deregulation. It spent most of the last four years putting extra onus, burdens and regulation onto the small business sector, effectively making it harder, not easier, to get on with life when running a small business and be in a position where you might be able to offer somebody a job, which can help everybody. The most important task of government is to try to increase employment, because people can usually get through the other hardships associated with life providing they have an income stream going into their households. We have so many problems associated with poverty and therefore the justice system and young people running foul of the law. Many of these problems relate back to the fact that there is no income coming into the household.

Education and skills are supposedly a priority for this government. In relation to the TAFE system, when compared to the actual spend in the other states Victoria is a long way below the national average. We are spending over \$100 million less than the average of the other states. The TAFE system is a state government responsibility, and we are not holding up our end of the bargain. We are way below the national average.

The government says the education of our children is its no. 1 priority, but what the government is talking about

is education through government schools. When it comes to what it spends in non-government schools, this government is at the bottom of the ladder by quite a long way. If the government were to raise its level of spending in non-government schools to the national average it would be spending an additional \$80 million every year, and that is just recurrent spending. I am not talking about investing — would the government ever dare to invest! — in capital infrastructure for non-government schools. Whilst the government is full of rhetoric and talk about what it does and how important education is to it, if you drill down into some of the facts and see what it is doing as opposed to what it is saying, you see that there is quite a big difference. The government has big plans to rebuild schools by 2011 and to do even more by 2016. Then it changes the word 'rebuild' to 'modernise'. I suppose putting a new toilet block in a school constitutes modernisation. The government is qualifying what it says.

The biggest threat to our state at the moment is mainly to do with water. In my area of Bendigo and in the northern region of Victoria many communities are having serious problems with water. What has the government done in relation to groundwater? Nothing. We have been calling on the government to get it together. The Minister for Water, Environment and Climate Change is part of the Department of Sustainability and Environment and is responsible for the catchment management authorities, yet all the various departments and water authorities are in conflict with each other to get anything done. We need the minister to show genuine leadership and get out there. He should have stopped environmental flows out of Lake Eppalock into the Campaspe 12 months ago, but they stopped about two weeks ago. Some 5 megalitres a day was going there.

What is the government doing in relation to stormwater? Absolutely nothing. Large-scale stormwater projects could be part of the future. What is the government doing about using the 307 000 megalitres of recycled water that goes into the bay? Nothing. The government is happy to see these losses. The urban leakages are disgraceful; rural leakages and infrastructure improvements are not being addressed. There is talk about a \$1000 rebate for rainwater tanks connected to toilets. That sounds as though, if you install a rainwater tank and connect it to flush your toilet you are going to get a \$1000 rebate, but that is not true. It is there in the speech, but that \$1000 is only available if you put a very expensive greywater recycling system into your own house.

At the moment 47 000 megalitres of water is available to be saved in the Goulburn system. Can we get the

Bracks government to invest the money and generate those savings? No. It wants to move the precious little water that is available from one system and put it into another system. That 47 000 megalitres could be saved tomorrow if we had a government that was prepared to invest money in that strategy, but we cannot get this government with this water minister to improve our system.

We have a government that is more worried about catchy phrases for its projects. Over the last two or three years we have had the upgrade of our rail system, but that was not sexy enough, so the government tried to bluff all Victorians and call it a fast rail project. It was never going to be a fast rail project. We have a government that is fascinated with spin. We have speed cameras throughout the state, but what are they called now? The government got rid of their name because there are some ugly connotations about speed cameras becoming revenue-raising machines. Now they are called safety cameras. The government gives everything a new name that is a bit sexier than its previous name.

The Campaspe-Goulburn system pipes water from one catchment to the other, but that is not sexy enough, so it is called a super-pipe — in fact, it is called the goldfields super-pipe. It is not good enough to call the water project down in Gippsland some sort of a recycled water system, it is named the Gippsland Water Factory. When it comes to putting fruit into the schools, would this happen on Mondays or Tuesdays? No, it does not sound right. It has to be on a free fruit Friday. Why Friday? Because it sounds better.

This government is all about how it sounds, how it looks and the image it portrays. It has nothing to do with the issues. The government is governing as though it cares little about the issues. It cares only about how it is perceived. Unfortunately we are in the opposition, and we have to try to hold the government to account.

Mr D. DAVIS (Southern Metropolitan) — I am delighted to make a contribution to the debate for the adoption of the address-in-reply to the speech given by the Governor in this Parliament on 19 December last year. In doing so I will reflect on a number of aspects of the speech and pick up some points made by others during their contributions. I have to say that I have been impressed by the standard of the contributions made by the new members who have come into the chamber. Almost without exception they have made very good contributions, which augurs well for this chamber.

Obviously the chamber has a very different feel and flavour from the previous Parliament, and it may be

that there are advantages in that for Victoria. There are some disadvantages in the shape of the chamber now, but there are also greater opportunities, specifically for better scrutiny and improved measures to hold the government to account. We have seen that today in the chamber with the steps to ensure that there is an inquiry into aspects of gaming. That will see the government held to account on a number of areas where I know there are genuine community concerns.

When he gave his speech in December the Governor made a number of key points about climate change and a number of comments in particular about the need for security of water and other aspects. It is important to place on record a slightly less rosy view than the Governor painted of this government's performance on a number of those issues. I note that earlier in the day Mr Guy referred to a small card this government handed out when in opposition in 1999 prior to the change of government, which promised security of water and energy supplies. The six dot points that the now Premier Bracks committed to looks a very poor reflection of what has been achieved.

Looking back over this summer it is clear there has not been a secure water supply in this state. It is true that we are at the end of a drought, but the government has not provided security of water supply for our community, and I think that in the long sweep of history this government will be judged very harshly as one that has not invested in infrastructure in the way it ought to have. A primary responsibility in 1999 — to the extent that it was one of the six points on the Bracks pledge card — was the security of supply of water with critical infrastructure. I think the government will be judged very harshly in the long term for not having provided that security. Obviously there is a drought, and the government cannot be held responsible for the climate and weather. What the government can be held responsible for is its preparation, and it is particularly clear that over its last term the government did not invest in the way it should have. There was not the commitment of money to upgrade the eastern treatment plant, as the government promised in 2002. There was not a commitment to deal with certain energy-related issues.

You can even look at the rail issue. A day or two ago I had a conversation with someone about the government's investment in rail. Whilst we have a very flashy, up-front commitment to the so-called fast rail to regional Victoria — which is not much faster than the old system — we have seen the government's program of rail gauge standardisation stall and be scrapped. You would want to see rail gauge standardisation simply for industrial reasons to ensure that Victoria is integrated

into the national transport grid, but I would have thought you would also want to see a commitment to rail infrastructure if you were concerned about climate change.

The government has seriously dropped the ball. Early in the Bracks government's tenure \$96 million was committed to rail gauge standardisation, and the Auditor-General found that somewhere between \$15 million and \$17 million had been spent on consultancies and contractors looking at rail infrastructure and standardisation, but not 1 kilometre, not 1 metre — not 1 inch! — of standard gauge rail has been laid over seven years to date. The government has now scrapped that program. In the long term I think that will be seen to be a big and historic mistake.

The Bracks government has talked long and loud about addressing climate change, but the reality is very different. Whilst the state government is not the sole agency responsible, it could have done far more. The truth is that carbon dioxide output has continued to climb under this government and now much more carbon dioxide is being put out than in 1999. After seven-odd years of this government and a lot of rhetoric about climate change, the fact is that more carbon dioxide is being put out. There was the decision to, in an unsophisticated way, sign off on Hazelwood as a very dirty power station. I have said a number of times in this chamber that I do not pretend for a moment that any government could have easily stepped away from a renewal of licence arrangements for access to coal seams, but I think this government could have got a much better deal and outcome from that particularly dirty power station in terms of its greenhouse performance. I think Victorians want some action in that area. I remember a discussion in this chamber when I worked out how Mr Jennings, the Minister for Community Services, voted in the cabinet on this, but I do not know how others, like Mr Lenders, the Leader of the Government, might have voted.

I want to make some points about what will occur with the water infrastructure this government has promised. It is clear that the government won the election and fundamentally has the right to introduce much of its program. My concern is that the government's capacity to deliver major projects is weak. No evidence is available to suggest that it can deliver large-scale major projects; in fact all of the evidence is to the contrary. I will be very interested to see how as these — —

Mr Lenders interjected.

Mr D. DAVIS — A lot of the planning for that was actually done before the change of government, as Mr Lenders well knows.

Mr Lenders — The Hallam bypass was done during this government.

Mr D. DAVIS — A lot of the planning for it was done before — —

Mr Lenders — We planned the Monash Freeway and you claim credit for that — —

Mr D. DAVIS — I do not think we claim credit for every bit of the Monash. Let us face it, when former Premier John Cain was in government it was a car park, as Mr Lenders well knows. John Cain had a commitment to putting traffic lights on the Monash, so I am not sure that I would claim that as a remarkable success or even — —

Mr Lenders — If former Premier Henry Bolte had reserved some land it would have been easier — —

Mr D. DAVIS — I think we are stretching the friendship going back to Henry Bolte. That is a remarkable stretch. I want to say that the large pieces of water infrastructure will test the government. Parliament has a responsibility to scrutinise these things very closely. There is real need to hold the government to account and to make sure that projects are delivered in a responsible way, on time and on budget. The evidence is that this government does not do that.

Yesterday in this chamber the Minister for Industry and State Development, Mr Theophanous, made some comments about the Melbourne Convention Centre. The truth is that the government has begun to vary the contractual arrangements for the convention centre. It has allowed an extra five stories for the hotel on that site. It has split the project in half and there are detailed plans available for only half of the site. There are no detailed plans for the factory outlet section — the shopping precinct part of the project, if you wish to call it that. A real concern is developing that the project is proceeding in an ad hoc way, with construction starting before the plans have been cleared. That seems to be a novel approach to the management of major projects and will need very close scrutiny across this next period.

I also want to say something about the comments the Governor made about economic management and job creation, and I want to pick up the point the Minister for Industry and State Development sought to make earlier today when discussing the issue of inbound flights to Victoria. There is no doubt that this is a very important

aspect of developing the Victorian economy. My colleague Ms Lovell understands the importance of this for the tourism industry, but as I have said in this chamber recently it is also of significance to the fruit and vegetable market. Further it has important implications for cut flowers and other goods that are transported out of this state and around the world. Some 85 per cent of the goods moved out of Melbourne by air freight go in the holds of large passenger jets. The frequency and variety of those services and the locations they go to are important economic drivers for Victorian businesses. We need to expand the range of services coming into Melbourne.

I want to comment on the failure of this government to attract new airlines to the state and to pick up those opportunities. It is very trite for Minister Theophanous to blame the federal government. I too have some reservations about Qantas and the arrangements with many federal governments that have protected it and given it particular advantages. Minister Theophanous well knows that I am on the public record as making points about the need to liberalise our aviation policies at a national level. However, that does not remove the state government's obligation to advocate for that change. The Premier, the Treasurer and the Minister for Industry and State Development have been lazy and ineffectual in arguing for liberalisation, which would much advantage Victoria. Liberalisation of aviation policy should be a bipartisan position in this chamber and this state, because it will be to Victoria's advantage. Whatever the national arguments, it is in Victoria's interests to have a liberalised system where entrants into our aviation market who wish to fly further international routes are able to do so without impediment beyond the obvious issues of safety and protection.

However, I make the point that the development which was confirmed in this chamber yesterday and again today — with the Minister for Industry and State Development not being aware of his government's policy of imposing a new taxation arrangement on inbound airlines — is extraordinary. The idea that a new tax would be placed on airlines coming into Victoria and that it would be done in such a way as to discourage inbound airlines is, as I said, an extraordinary development. The minister appears to have difficulty in coming to grips with the impact this would have. He says he has an obligation to facilitate inbound aviation to this state. I accept that he has that obligation — that is his damn job — but at the same time he does not seem to understand that imposing such a tax will discourage inbound aviation. These are not insignificant taxes. It is worth again putting on the record the quote I used in question time today.

Singapore Airlines has made the point that it is far from happy. It is reported in the *Australian Financial Review* today as having said:

We are concerned about another tax impost and the stealthy way this measure has been applied retrospectively by the Victorian government. We oppose the application of taxes which were never intended to cover airline operations.

As I understand it, the State Revenue Office is now grazing its way through the various airlines, thumping them with back taxes and saying, 'You will pay'.

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

Mr KOCH (Western Victoria) — I would like to extend my congratulations to you, President, on your being elected to preside over the Legislative Council for the 56th Parliament. I am sure the house has confidence in your ability to manage it in a fair, practical and common sense manner, as has already been demonstrated. I also extend congratulations to my colleague the Deputy President, Bruce Atkinson, who will capably assist the President as required. I further congratulate returning and new members, who I believe will do all in their power to progress this wonderful state and to advantage all those who wish to live and work within its boundaries. I, like many other returning members, will miss some former members who have left for various reasons, in most cases for reasons not of their own making. People like Helen Buckingham, Geoff Hilton, Noel Pullen and Robert Mitchell all made valuable contributions for those they represented.

The government has been returned with a mandate, and I acknowledge that, but like many in the house I hope it goes beyond being seen as a do-nothing government and actually starts to give all Victorians better value for the extra tax dollars that continue to be pulled out of our pockets.

The 2006 election saw two Labor, two Liberal and one Democratic Labor Party candidate successful in Western Victoria Region after nine grouped tickets and one ungrouped ticket sought election. There are approximately 426 000 voters, spread over 70 238 square kilometres — or 31 per cent of Victoria's surface area — in this region, which stretches some 300 kilometres north to south and 400 kilometres west to east. Our major centres include Geelong — Victoria's largest provincial city — Colac, Warrnambool, Portland, Hamilton, Horsham, Stawell, Ararat, Maryborough, Ballarat, Bacchus Marsh and Melton. We also have many smaller centres with strong district communities.

Western Victoria Region is a marvellous cross-section of Victorians who derive their livelihoods from farming, fishing and mining, manufacturing, transport and retail, along with many service industries and government agencies including education, health, local government, police, emergency services and land management. Victoria is fortunate that Western Victoria Region makes such a large contribution to the state from its many natural assets. This region also makes a great contribution to our northern cousins beyond the Great Divide by making water — in most years — available for irrigation and agricultural purposes.

In more recent times the gas, timber and mining industries have joined our landscape of traditional land uses and are making a growing contribution to Victoria's prosperity. In the very near future the Iluka Resources mineral separation plant at Hamilton will spring into full production, securing a further 150 jobs. There will be a chance of greater employment opportunities if Origin Energy goes ahead with its proposed 1000-megawatt power generator at Hexham if and when the government declares what it has in mind for the Latrobe Valley.

The government made many pledges to Western Victoria Region during the 2006 election campaign. These included better security and police numbers in Geelong; the Geelong ring-road extension, even without federal financial assistance; the redevelopment of the Warrnambool hospital; gaining a viable outcome for the management of the Portland hospital; funding a transport intermodal facility at Dooen; the \$20 million redevelopment of the former Stawell Technical School; a new, fully manned, overdue, stand-alone ambulance station in Sebastopol; and the mother of all promises — finding permanent water security and viable long-term water supplies for urban Geelong and Ballarat. This is something the government has had years to do, but it has elected to sit on its hands instead and hope it will rain.

The opposition, and hopefully the other parties in the house, will keep the government under scrutiny to see that all these promises are delivered. The Bracks government has a shocking track record in delivering on previous undertakings, especially those given in regional Victoria prior to elections. The constitutional changes to the Legislative Council will forever dilute the past representation afforded to our constituents. This will especially be the case for those with portfolio responsibilities. Western Victoria, with the largest regional population, will simply not have the same representation it has enjoyed historically, whilst at the same time its needs continue to grow.

I know and recognise the vast size of the area we are now responsible for, having represented the former Western Province with my colleague John Vogels and travelled in excess of 100 000 kilometres annually, often in the early morning or late at night, to complete our day's work. This unfortunately will no longer be possible with such a large area to cover, which is really disappointing both from my own point of view and from the point of view of our constituents.

The long dry summer has taken a toll on our regional communities. Drought is never pleasant because it places unbearable demands on those on the land and in urban businesses and regional communities in so many ways. On top of this we see the government not being even-handed in its approach to supporting those in the greatest need. Examples of this are the approaches taken to rebates on water tanks and on local government rates, where exceptional circumstances have been declared for various farming communities. With water tanks, if you are not a water authority customer, no rebate is applicable; and with council rates, if the farmer has paid his or her rates prior to exceptional circumstances being declared for that shire, no rebate is available. My office has received many calls expressing disbelief at this heartless approach being taken by the Bracks government.

There is little doubt that over the last 10 years there has been a drift of younger people towards regional areas, mostly due to the cost of living in the metropolitan area coupled with the cost of housing and doing business. Generally we have seen in recent times housing approvals and commercial developments being stronger in rural areas than in the city, as was evidenced recently in western Victorian towns and in local government statistics. This has been repeatedly reported in recent weeks through most of our regional press. Places with good education, good health facilities and good employment have attracted many people, especially younger couples who now feel safer in raising their families in this favourable rural environment.

In closing, Western Victoria Region is a vital part of Victoria's success and is now seen as the best place to live and work, but it requires ongoing government support to achieve the outcomes that are available. For instance, there must be more done in Halls Gap to get that tourism icon back onto the footing it enjoyed prior to the devastating fires in January 2006. This issue is about greater tourism marketing and direct industry assistance — things that will also be required in Gippsland and the north-east if tourism is to also underwrite the economies of those areas. Halls Gap continues to struggle even 12 months after the last flames were put out.

Public housing also needs to be addressed right across Western Victoria Region but especially in Geelong, where a crisis point has now been reached with family housing applications continuing to outpace availability by grossly unsatisfactory margins. Demand has seen the number of families requiring this accommodation go from 959 in June 2000 to 1740 in June 2006 — that is up 81.4 per cent in six years, and it is still rising. This is an absolute disgrace when it is acknowledged that state revenue has doubled in the same period. Housing is a basic primary need for families to shelter their own so that they can make a worthy contribution to the communities they choose to work and live in.

Finally we note the gains being made by Grampians Wimmera Mallee Water on proceeding with the laying of the water-piping lifeline that has been so long in the making. Roads, especially the Princes Highway west of Geelong and the Wimmera Highway west of Ballarat, remain major concerns, with accidents and fatalities far exceeding acceptable levels that only highway duplication will address.

Probably one of the remaining significant frustrations being faced is in our fishing industry. The plight of abalone fishers along the south-west coast at Port Fairy and Portland, where an unchecked virus is creating havoc, may cause the industry untold damage. Already we have seen the shell harvest down by 90 per cent in some beds and licence values have fallen by over \$45 million in recent months.

Let me assure you, President, that all is not lost in Western Victoria Region by a long shot, but the government needs to deliver on all its election promises, with one exception. The Cobboboonee national park proposal comes at a great community cost and is not supported by locals. For reasons yet to be understood, the Premier flew into Portland to make this announcement without any consultation and against the local advisory committee's recommendation. How are communities that have done so much to protect and preserve these environments for their residents expected to accept these non-apprehensible actions for short-sighted political gain?

Like everyone else in the house, I look forward to continuing to make a valuable contribution to the Parliament of Victoria, in my case as Opposition Whip in the Legislative Council. I also look forward to continuing to represent all my constituents in Western Victoria over the next four years.

Debate adjourned on motion of Mrs COOTE (Southern Metropolitan).

Debate adjourned until next day.

INTERPRETATION OF LEGISLATION AMENDMENT BILL

Statement of compatibility

For Hon. J. M. MADDEN (Minister for Planning), Mr Lenders tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Interpretation of Legislation Amendment Bill 2006.

In my opinion, the Interpretation of Legislation Amendment Bill 2006, as introduced in the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

The bill amends the Interpretation of Legislation Act 1984 by providing for the updating of acts and statutory rules, to bring them into conformity with current drafting styles.

Human rights issues

1. *Human rights protected by the charter that are relevant to the bill*

The bill does not raise any human rights issues.

2. *Consideration of reasonable limitations — section 7(2)*

As the bill does not raise any human rights issues, it does not limit any human right and therefore it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not raise a human rights issue.

Justin Madden, MLC

Second reading

Ordered that second-reading speech be incorporated on motion of Mr LENDERS (Minister for Education).

Mr LENDERS (Minister for Education) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The Interpretation of Legislation Act 1984 makes provision for the construction, operation and the shortening of language used in acts of Parliament and subordinate instruments.

The bill has been recommended by chief parliamentary counsel in order to provide for the updating of acts and statutory rules to bring them into conformity with current drafting styles. It also provides for clarification and authorisation of some procedural matters relating to legislative drafting and reprinting conventions.

While the amendments proposed in this bill may appear to be of a minor, technical nature, it is important for the sake of clarity and certainty in the interpretation of legislation that such stylistic conventions and procedures be enshrined in the act. This bill also reflects a policy commitment by this government during the recent Victorian elections to reform legislation by ensuring that all laws are modernised and written in clear English.

Clauses 1 and 2 are standard provisions dealing with the purpose and commencement of the bill.

Clause 3 clarifies a process in legislative drafting. Under current practice, the introduction print of a bill to the Parliament is entitled an 'act'. Technically, a bill is not an act until it receives royal assent. Chief parliamentary counsel has advised that until a bill receives royal assent, the word 'Bill' should be used in the title, rather than the word 'Act'. With the passage of this bill, this practice will now be adopted.

The bill therefore provides that the Clerk of the Parliaments will substitute the word 'Bill' for the word 'Act' in the title of a bill after it has received passage through both houses of the Parliament and before it is presented to the Governor for assent. This alteration will not be taken as an amendment of a bill; rather, it more accurately reflects the legislative process.

Clause 4 provides that in reprinting an act the government printer may omit the date of assent. This practice will avoid any confusion between the date of assent and the date of the reprint.

Clause 5 provides that in preparing an act or statutory rule for reprinting or other publication, chief parliamentary counsel may authorise an alteration to be made to text or other matter forming part of the act or statutory rule, in order to give effect to any of the style changes set out in schedule 1 of the bill.

Clause 6 inserts the new schedule 1 containing stylistic changes. For example, it provides that in writing words such as 'subsection' a hyphen will no longer be used.

The purpose of these style changes is to make Victorian legislation consistent with the way other Australian jurisdictions draft their acts and statutory rules. These changes are also in keeping with a protocol on drafting national uniform legislation being developed by the Parliamentary Counsel's Committee. This committee is a national committee representing all drafting offices in Australia and New Zealand. The Standing Committee of Attorneys-General has also recently considered the matter of promoting greater consistency in drafting legislation arising from model legislative schemes.

Clause 7 provides that the act is to be repealed on the first anniversary of the first day on which all of its provisions are in operation, which is the day on which it receives royal assent.

In keeping with this proposal, chief parliamentary counsel has indicated that in future all amending acts will be repealed in this manner, one year after all of their provisions commence.

The period of one year is considered sufficient time for an amending bill to remain on the current statute books before being repealed, having served its amending purpose.

This proposal, which has been recommended by the Scrutiny of Acts and Regulations Committee, will save the time and expense of having to specifically repeal amending acts in statute law revision bills.

I commend the bill to the house.

Debate adjourned for Mr RICH-PHILLIPS (South Eastern Metropolitan) on motion of Mrs Coote.

Debate adjourned until Wednesday, 21 February.

ADJOURNMENT

Mr LENDERS (Minister for Education) — I move:

That the house do now adjourn.

Devilbend Reservoir: water access

Mr O'DONOHUE (Eastern Victoria) — I address my issue to the Minister for Water, Environment and Climate Change in another place. I address specifically the ability of water-cartage contractors to access non-potable water from the Devilbend Reservoir in Moorooduc for their water customers, but it could apply equally to any area where potable water is being used for non-potable purposes. The Devilbend Reservoir was, from its construction in the 1960s until the year 2000, when it was decommissioned, a part of the potable water supply system for the Mornington Peninsula. It was made redundant in the year 2000 as a result of a pipeline connecting the peninsula with Cardinia Reservoir. It occupies a site of approximately 1057 hectares, 420 of which form the reservoir itself, the remainder being mainly bush — hence it is known as the lungs of the peninsula. At full capacity the reservoir holds 15 000 megalitres. Despite the lack of rain the reservoir is still quite full.

Members of the house may not be aware that large parts of the Mornington Peninsula, particularly the rural areas, are not connected to the urban supply system. These people are responsible for their own water needs. As a result of the drought many of these people who in a normal rain year are self-sufficient in their water needs have had to augment their water supplies by purchasing water from licensed water-cartage contractors. These contractors access water from the potable water system at designated locations. They access potable water even when it is intended for non-potable purposes.

Many of the customers of the water-cartage contractors are farmers, industrial users or commercial users. They use the water for animals or stock, to clean equipment, for dust suppression and the like. It is a waste that potable water is being used for these purposes when other options are available. I know that these water-cartage contractors have spoken to Melbourne Water and Parks Victoria about accessing the water in Devilbend, and I further understand that virtually all the necessary infrastructure to allow this to happen already exists. Unfortunately common sense is yet to prevail and the reservoir water cannot be used.

I therefore ask the minister to intervene and do all things required to allow, during these times of water scarcity, licensed contractors to access water from the Devilbend Reservoir for non-potable purposes and through that action take some pressure from our dwindling potable supplies. In drought conditions with water storages now at approximately 35 per cent capacity, we should be maximising the use of all our water storages.

Taxation: managed investment schemes

Ms BROAD (Northern Victoria) — I wish to raise an adjournment matter for the attention of the Minister for Regional and Rural Development in the Legislative Assembly. The matter I raise is about investment in jobs in regional Victoria and in particular the recent decision of the federal Minister for Revenue to change the taxation rules governing managed investment schemes (MISs) effective from 1 July this year — that is what is proposed. There are concerns that hundreds of millions of dollars of potential investment and hundreds of jobs will be lost to regional Victoria, particularly in northern Victoria.

The action I seek is that the Minister for Regional and Rural Development urgently investigate why there has not been wide consultation with all stakeholders, as was promised by the federal minister, that he investigate the impact of this recent decision on Victorian businesses and families and that he advise me and the affected businesses and families of the outcome of his investigations.

The Bracks government has already been told of companies laying off employees as a result of this decision by the federal government. Clearly the federal minister has broken his promise to fully consult with all stakeholders before making a decision on the taxation arrangements for managed investment schemes. This decision drops a bombshell on regional communities and regional investors. Regional Development Victoria estimates that the changes to taxation laws will

jeopardise up to \$800 million of investment in horticultural MISs over the next three years. MIS agricultural and horticultural projects involve around 90 000 investors who have invested a total of \$321 million into regional Victoria over the past four years — and nationally there are even more jobs and investments at stake.

There could not be a clearer contrast between on the one hand the implementation of Bracks government policies on investment and jobs for regional Victoria — policies which have been implemented on a sustainable basis — and on the other hand this chopping and changing by the federal government after just a few years. As we all know, it is anathema to investors for the rules to be changing after just a few years, and there is also the impact on working families and businesses across Victoria. That is the reason I am seeking as a matter of urgency this investigation by the Minister for Regional and Rural Development and that he advise me of the outcome of his investigation.

Gaming: syndicate gaming

Mrs PEULICH (South Eastern Metropolitan) — Today we have heard a number of members raise issues related to gambling, and I also refer to a matter that has been raised with me by a number of people who work in the electronic gaming industry. It is in relation to a phenomenon called syndicate gaming.

Before I explain what that is, it clearly results from significant jackpots being available throughout a number of these electronic gaming venues, and of course number of those in South Eastern Metropolitan Region. In fact in South Eastern Metropolitan Region there are 3 councils which are subject to regional caps — the cities of Casey, Greater Dandenong and Monash — and which are within the 19 regions identified for regional caps. Obviously a significant amount of money is generated through electronic gaming. I think the last state financial report states that \$1.46 billion went to taxation revenue, which is equivalent to about 13.6 per cent of the tax take, and that included approximately \$911 million sourced from gaming machines. Just under a quarter of that amount, or nearly \$600 million, was lost in the southern metropolitan region, which of course includes the area that I represent.

The cities of Casey and Greater Dandenong recorded the highest net losses in the region, registering over \$107 million and \$105 million respectively. Casey topped the average loss per electronic gaming machine at \$122 047, and in Greater Dandenong the average loss per adult was approximately \$1000. Notwithstanding

that it is a legal industry, there are obviously some practices that the government and regulators need to be alert about. Syndicated gambling is one practice that, as I said, the government needs to take some action on. What it involves is spotters being placed in gaming venues and reporting to a syndicate when a jackpot is about to occur.

Mr Viney — On a point of order, President, the house today has established a select committee to look into a range of issues to do with gaming, such as problem gaming, electronic gaming machines and the Community Support Fund. As we discussed during the debate, that select committee has been given very wide terms of reference, including to inquire into ‘any other related matter’. I do not think we should be entering into these matters in the adjournment or other debates when a select committee has been appointed to investigate them. In other words, I do not think opposition members can have their cake and eat it too. They cannot have a select committee on these matters of concern and continue to use this house to raise them.

The PRESIDENT — Order! I am not of the view that there is anything to prevent Mrs Peulich from raising those matters at this time.

Mrs PEULICH — Entirely in order in terms of your ruling, President, given that there is no legislation before the house.

The PRESIDENT — Thank you for that! Please continue.

Mr Lenders — On a point of order, President, I have listened to Mrs Peulich for 2 minutes and 16 seconds. She has talked about action from the government but has not mentioned which minister she is seeking action from.

Mrs PEULICH — On the point of order, President, I would imagine it would come through the Minister for Planning, given that he has a role in the administration of it.

The PRESIDENT — Order! I am assuming that Mrs Peulich is directing the matter to that minister.

Mrs PEULICH — I am. What it involves initially is spotters entering a gaming venue. Then when a jackpot is about to occur a syndicate arrives and through coercion, payment or bribery takes over the gaming machine, collects the jackpot and moves on to the next venue. That clearly is not a legitimate practice. It is one that generates quite a degree of anxiety, even violence, on many occasions. I would like the minister to deal with those councils where problems are

occurring and to have a look at this problem and at how it can be controlled, because clearly it is not in the interests of good administration of the gaming industry.

Industrial relations: WorkChoices

Mr TEE (Eastern Metropolitan) — The matter I wish to raise is for the Minister for Industrial Relations in the other place. I request that he refer a recent report on WorkChoices to the workplace rights advocate. Families in my electorate are taking a hit from WorkChoices. They are finding it difficult to make ends meet and finding it harder to pay their bills.

Irregular working hours are making it hard to plan to spend time with the kids, and it is particularly hard to organise sporting activities on weekends. In light of this I was not surprised by a recent Queensland report which examined the impact of WorkChoices. The report found that under WorkChoices employees are worried about getting the sack, there has been a lowering of wages and conditions, workers have been discriminated against and harassed, and entitlements to overtime rates, Saturday, Sunday and public holiday penalty rates, rest breaks and annual leave loading have all been ripped away. The inquiry found cases of workers being unfairly sacked, such as pregnant women being made redundant for so-called operational reasons shortly after they announced that they were pregnant. If these things are occurring in Queensland, there is no doubt they are occurring in my electorate. Families have the double whammy now of wage cuts and interest rate increases.

My request to the state Minister for Industrial Relations is to refer the Queensland report to the workplace rights advocate. I remind the house that the workplace rights advocate is the independent watchdog set up by this Parliament to examine the impact of WorkChoices on Victorians. I ask the minister to refer the report to the advocate so that the advocate can consider the Queensland report when monitoring and reporting on the devastating impact WorkChoices is having on Victorian workers.

The request is made of the state minister because the plight of these families within my electorate has been ignored by their federal member of Parliament. I have requested the federal member of Parliament to conduct an independent inquiry, as has happened in Queensland, into the impact of WorkChoices in my electorate, but that has been ignored.

Mrs Coote — On a point of order, President, I have been listening carefully to this matter. It seems that the member is requesting action from the federal

government, not the state. From whom he is requesting action to deal with the matter is uncertain.

Mr TEE — On the point of order, President, it is a request for the state industrial relations minister to refer the Queensland report to the Victorian workplace rights advocate, which is a body established by Victorian legislation.

The PRESIDENT — Order! There is no point of order.

Mr TEE — The federal member representing my constituents, who is also the architect of WorkChoices, has disregarded their plight, and that is why the matter is being referred to the state industrial relations minister. The federal member does not want an independent inquiry into the devastation caused by WorkChoices in my electorate.

Housing: Altona property

Ms LOVELL (Northern Victoria) — I wish to raise a matter with the Minister for Housing in the other place on behalf of Mr Paul Moore, a resident in an Office of Housing property in Altona Meadows. Mr Moore has lived in this property for more than five years. He originally moved there to care for his then partner, who was HIV positive. The partnership has since split up. In March 2006 Mr Moore applied for a transfer, and in August 2006 was granted approval for an out-of-town transfer. Since that time he has been waiting for this move.

As an openly gay man, for the past three years Mr Moore has been the subject of repeated acts of harassment and intimidation in his current area and is in daily fear of his safety. He has had flares, rocks and other missiles thrown through his windows, and a lot of his electrical and white goods items have been stolen. He is the subject of constant verbal abuse and has had windows in his home smashed more than 70 times.

Mr Moore is particularly concerned about the cost to the state of Victoria of the repairs that are necessary as a result of the damage being inflicted upon his home. Mr Moore has been in contact with the police, who have told him that there is little they can do, and he is relying on the Office of Housing for this transfer.

Mr Moore visited the office and applied for a transfer, and the right to transfer was approved, but it has not happened. He again visited the Office of Housing on 1 February, and I have his application form, application 852990. It lists his preference for transfer to 'inner metro south, South Melbourne'. On 8 February Mr Moore received a letter from the Office of Housing

in reference to application 852990, but it lists his first preference for a transfer as the Altona district, the very district that he wishes to move away from, so there is an error in the Office of Housing paperwork. This is not unusual. As the shadow Minister for Housing I hear on a regular basis that the Office of Housing loses paperwork or mixes up paperwork. It concerns me that these applications are not being dealt with appropriately.

In the interest of Mr Moore's health and in light of the ongoing cost that is being incurred by the state of Victoria because of the continual damage being caused to Mr Moore's current Office of Housing property, I ask that the minister intervene immediately to have Mr Moore relocated to the South Melbourne area as a matter of urgency.

Rail: Sunshine and St Albans crossings

Ms HARTLAND (Western Metropolitan) — The matter I wish to raise today is a follow-up to the statement Mr Leane made yesterday about the fantastic work that has been done at Box Hill railway station to repair and upgrade the crossing. I would like to know when the government intends to spend similar kinds of money at the crossings at Sunshine and St Albans on the main line west.

The PRESIDENT — Order! Unfortunately Ms Hartland did not address her matter to a minister, and I am not sure that she gets a second bite at the cherry.

Water: eastern irrigation scheme

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Water, Environment and Climate Change in the other place. It relates to the eastern irrigation scheme, which serves irrigators in my electorate, the South Eastern Metropolitan Region.

On 8 January 2004 the then Minister for Water and current Minister for Water, Environment and Climate Change in the other place, Mr Thwaites, announced that the government would finally proceed with the eastern irrigation scheme. By way of press release he announced:

The project will give farmers in the Cranbourne and Five Ways areas access to a secure supply of high-quality water for their farms — delivering significant economic, social and environmental benefits.

Mr Thwaites said 43 farmers at 54 sites had signed up to the scheme so far and went on to say that the equivalent of 3200 Olympic swimming pools of class A

recycled water would be available through the scheme each year to customers. The press release went on to say the scheme would be operational the following summer. Of course, as is the record of this government, it was not. It was not until May 2005 that the scheme became operational, at which point the minister again released a press release. I quote from the press release:

'The scheme will deliver about 5000 million litres of class A recycled water each year to the Cranbourne-Five Ways area for the irrigation of market gardens, golf courses and Cranbourne racecourse' Mr Thwaites said.

In January this year the minister — who was Acting Premier at the time — issued a further press release announcing the first mandatory recycled water for Melbourne and pointed out that 40 000 homes in Melbourne's outer east between Cranbourne and Officer will be required to connect to class A recycled water, most of which would come from the eastern irrigation scheme.

This week I met with irrigators in my electorate who are attached to the eastern irrigation scheme to hear about their concerns. Their primary concern is lack of security in the supply of water, which is a complete contradiction to what Minister Thwaites said in his initial press release. One of the farms I visited last week reported that it is only receiving one-third of the water it has signed up for under the eastern irrigation scheme. In fact, when I toured the farm the water flow — the purple pipe flow — to the farm had stopped. It had been trickling earlier in the morning, and by the time I visited it had stopped. I am informed that irrigators have been told to shut off the use of their recycled water on alternate days. They have been told that the plant will be upgraded in November, but it has not occurred.

This situation is untenable. Irrigators are not getting the water that they have contracted to receive, the water that they are relying on and which Minister Thwaites promised in his press release of January 2004. I ask the minister to intervene to ensure that the security of supply he promised is delivered so that these farmers can continue to farm in the South Eastern Metropolitan Region.

Planning: St Helena development

Mr GUY (Northern Metropolitan) — I direct my issue to the Minister for Planning. It concerns a development in Evelyn Way, St Helena, which is near Greensborough. In the 1970s this area of just over 2 hectares was zoned to be fit for about 22 homes — 22 quarter-acre blocks. This was totally in keeping with what St Helena is — that is, a low-density, typical north-eastern suburb. Recently a developer — quite

rightly, as he is allowed to — submitted under the Melbourne 2030 plan a proposal that would fit 55 double-storey homes coming off the Evelyn Way cul-de-sac. Anyone who knows the area of St Helena — and I know it quite well — would know that this is utterly out of character.

I wish to point out two things. Firstly, a statement from the minister's office on 22 January said that Melbourne 2030 discourages inappropriate development. Secondly, in response to the Victorian Civil and Administrative Tribunal decision that this was to proceed, the member for Eltham in another place said this was a disappointing result. Either the member for Eltham is correct and the VCAT decision to allow this development to proceed was a disappointing result, and thus Melbourne 2030 is flawed, or he is incorrect and it is a good decision, Melbourne 2030 is right and 55 units should be built in Evelyn Way.

I point out for the record that the Minister for Planning is not in the chamber. He should be in the chamber, as should every Council minister — and we talked earlier today about laziness. I ask the Minister for Planning and Mr Lenders, the Minister for Education, who will no doubt answer on his behalf, to consider his answer as it will be distributed to all the residents in and around Evelyn Way. This is no doubt of concern to the member for Eltham in the other place, who will be interested to see the response. I ask: why is this project okay for St Helena? Why should residents of the area be forced to live amongst a high-density development when the area has been zoned low density for the last 30 years? How is this project an appropriate development for St Helena?

Rail: Nhill station

Ms PULFORD (Western Victoria) — My adjournment matter is to the Minister for Public Transport in the other place. I recently had the pleasure of opening the train station at Nhill. There is a very good reason the train station needed to be opened — that is, because the Kennett government closed it in 1999. It closed schools — and sold them, as we all know — hospitals, six regional rail lines and 26 regional train stations, including the one at Nhill. The Kennett government tried to close regional Victoria down because it thought — as is absolutely on the record — that regional Victoria was the toenails of the state.

A new day dawned in regional Victoria when this government started to open and rebuild schools, open hospitals and get the blood pumping in regional Victoria. The state government negotiated with Great

Southern Railways, and now the train from Melbourne to Adelaide stops at Nhill six times a week. The service was improved with timetable changes, and more people are using the service as a consequence. Now the people of Nhill are connected to public transport again.

The station at Nhill is lovely. The government has invested \$243 000 in signage, lighting and new seats. Many people turned out for the opening of the station.

When speaking to the people of Nhill it was suggested to — —

Mrs Coote — Was the train there?

Ms PULFORD — I arrived by train. The train was there in all its glory. When I was speaking to the people of Nhill it was suggested to me that the school bus could be used by the members of this community, who are enjoying their reconnection with public transport. A possible use for the bus after it has dropped the schoolkids off and before it picks them up again might be a service connecting Kaniva and Nhill to the nearby city of Horsham.

My request to the Minister for Public Transport is that the minister ask the Department of Infrastructure to investigate the viability of a bus service — perhaps a weekly service — that could transport people in Kaniva and Nhill to Horsham so that they could get to essential medical services, catch up with loved ones, shop et cetera and get back in time for the school bus to resume its main duty of getting the schoolkids home at the end of the day.

Schools: water harvesting and solar panels

Mr ATKINSON (Eastern Metropolitan) — I address my adjournment issue to the Minister for Education. I have been sweating on his being here. I refer the minister to the government's program to rebuild and modernise schools, which was an election commitment. I congratulate the government on that commitment. It was one of the most significant initiatives the government took in the election, and I think it won a number of seats based on that promise. I for one will certainly be sweating on the delivery of that program, and I know of a number of schools in my electorate that require rebuilding.

Blackburn High School has already been referred to by one of my colleagues in Eastern Metropolitan Region, and I hope that school has a fairly early start date in that program. There are a number of other schools, such as Nunawading South Primary School, which is also in the Mitcham electorate, that need some work.

However, on this occasion I want to raise with the minister the possibility of conducting as soon as possible at least a pilot program and a feasibility study on the harvesting of water and the installation of solar panels to collect power from the roofs of the schools that are to be rebuilt in the early part of the government's program. I have previously advocated on behalf of Antonio Park Primary School for these initiatives, but the government was not inclined to support it. I felt that was a bit of a mismatch with the rhetoric that is often put out by the government in regard to its environment credentials. I am mindful it is much more expensive to include the infrastructure for water harvesting or for solar power generation on already established buildings than it is on a new project. On new projects there is an opportunity to create something that is worthwhile and to get some greater economic benefit from such projects. I have noticed that in my electorate — and this is obviously well outside the area of the minister's responsibility — Westfield is rebuilding Doncaster Shoppingtown. It occurs to me that the government ought to be negotiating with a range of developers of projects such as that to make sure that solar power generation and water harvesting are part of those commercial projects.

With respect to the minister's scope, I ask him to give me some indication of a preparedness to investigate the possibility of introducing water harvesting and the installation of solar panels at schools as part of the rebuilding and modernising program at an early date.

Water: infrastructure

Mr DRUM (Northern Victoria) — My adjournment item is directed to the Minister for Water, Environment and Climate Change in the other place, Mr Thwaites. It relates to a press release put out by Goulburn-Murray Water detailing that it has identified some 47 000 megalitres of water savings that can be generated out of the Goulburn system. It is water that is untagged or unattached to any existing project. The water is outside the water that is yet to be identified and saved for the Living Murray program and the water savings that will then go on to the Snowy River program. This is untagged infrastructure that can take the water wherever it is needed. These infrastructure savings are available to whatever body is prepared to fund the project. If the South Australian government were to fund it, it could effectively secure this water. It could be the New South Wales government, the Victorian government or Coliban Water in Bendigo.

In a situation where a pipeline is being built to link the Campaspe system with the Goulburn system and at a time when Coliban Water is running around purchasing

many thousands of megalitres of agricultural water, we have this opportunity for the government to do the right thing. The government has had a choice all along — since the project was identified. It can do the right thing — that is, invest in infrastructure which will create savings — or it can do the cheap and nasty thing and simply go and buy the water from the most desperate farmer it can find.

I have heard a very clear sentiment expressed by the people of northern Victoria that they want to see the government act responsibly in relation to infrastructure savings. They want to see a government that shows some leadership, attends to the irrigation system and starts fixing up some of the leaks and inefficient systems by putting in place pipes and total control channel systems and by lining irrigation channels. If it does that, the government will end up walking away with a potential 47 000 megalitres of in effect new water.

As we face an uncertain future with a diminishing rainfall and a disparity in its distribution, we will have a situation where the ability to do these projects will be paramount to the very existence of people living in northern Victoria. I ask the Minister for Water, Environment and Climate Change, in conjunction with the Treasurer, to find the \$170 million-odd that is going to be needed to invest in infrastructure savings throughout the Goulburn system. The government can take those water savings and then deliver the water that has been saved to the urban water authorities and not take water away from the agricultural sector.

Responses

Mr LENDERS (Minister for Education) — There were a number of issues raised in the adjournment debate tonight. Mr O'Donohue raised an issue for the Minister for Water, Environment and Climate Change in the other place regarding the Mornington Peninsula water supply, and I will pass that on to the minister.

Ms Broad raised an issue for the Minister for Regional and Rural Development in the other place regarding investment in jobs in regional Victoria and commonwealth investment schemes, and I will pass that on to the minister for his attention.

Mrs Peulich raised an issue — eventually — for the Minister for Planning about gaming venues, and I will pass it on to the minister for his attention. Maybe she has gone looking for him.

Mr Tee raised an issue for the Minister for Industrial Relations in the other place asking him to refer items to

the workplace rights advocate, and I will certainly pass that on to the minister for his attention.

Ms Lovell raised an issue for the Minister for Housing in the other place regarding the relocation of a person in Altona Meadows, and I will pass that on to the minister for his attention. It is disappointing that Ms Lovell is not here. She had such fun talking down Victoria when Ms Pulford was on her feet that I was going to offer her one of the Victoria badges, because no-one the other side of the house seems to wear them anymore. They are about pride in the state. Anyway I will offer one to Ms Lovell the next time she is in the house so that she can say she is proud of the state of Victoria, instead of talking it down.

Mr Guy raised an issue for the Minister for Planning regarding a Greensborough planning issue, and I will pass it on to the minister for his attention.

Mr Rich-Phillips raised a matter for the Minister for Water, Environment and Climate Change in the other place regarding the eastern irrigation scheme, and I will pass it on to the minister for his attention.

Ms Pulford raised an issue for the Minister for Public Transport in the other place regarding bus service connections in Western Victoria. Ms Pulford does not need a Victoria badge because she is very proud of Victoria. I could give her a badge for her birthday, but she does not need one because she is proud of the state. I will pass the matter on to the Minister for Public Transport for her attention.

I will answer Mr Drum's matter next and then go to Mr Atkinson, who raised a matter for me. Mr Drum raised an issue for the Minister for Water, Environment and Climate Change in the other place regarding water savings in the Goulburn system, and called for infrastructure expenditure. I will certainly pass that on to the minister for his attention, but I also urge Mr Drum to put a call in to his federal colleague because the Prime Minister has promised money to Victoria for one big project, and we are still waiting for it. Any bipartisan or tripartisan support to get that money out of the Prime Minister would be much appreciated. If Mr Drum were to ring him on his hotline we would all cheer him on and publicly praise him for getting the \$170 million.

The final matter came from Mr Atkinson who raised a serious issue regarding building programs in schools and conservation measures. I can assure Mr Atkinson that every school in the state that is either new or has had a major refurbishment in the last two years has water tanks. That issue is taken up in all new and

refurbished schools. I take on board his position that retrofitting is less easy than installing new ones, but every new school in the state has them.

On the issue of solar panels, I will take further advice and get back to Mr Atkinson. I do not think it is mandatory, but most schools include them. Taking up his point, I recently went to Western Port Secondary College at Hastings, which is an amazing school because it has water tanks, solar panels and the like. But it is not just that the school brings good environmental practice into the curriculum, it also saves money. This is a school with a budget of \$4.5 million a year and, from memory, it saves about \$12 000 with some fairly simple and thoughtful processes. It has put switches on lights, it has solar panels and water tanks. I am happy to work with everybody in the house on what is an important project.

We have a real challenge in our schools. We roll out money so schools can invest in water audits, and in fixing leaking taps and a range of things. One of the things I am trying to encourage is for the schools to take up the offer of money. The take-up is not great and we are trying to work out how we can get more schools to take it up. The government says, 'Here is an interest-free loan from the Department of Sustainability and Environment for you to do a water audit and fix your taps. We get the money back out of your savings over the next four or five years'. It is a good project, but I am happy to work with anybody in the house on ways to improve energy efficiency, to encourage students to become involved in sustainability measures and to save money for schools in the process. I will certainly take it up with relish.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 4.33 p.m.

