

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

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

**Tuesday, 17 July 2007**

**(Extract from book 10)**

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**Tuesday, 17 July 2007**

**The PRESIDENT (Hon. R. F. Smith) took the chair at 2.03 p.m. and read the prayer.**

### ROYAL ASSENT

**Message read advising royal assent on 26 June to:**

**Appropriation (2007/2008) Act  
Courts Legislation Amendment (Judicial  
Education and Other Matters) Act  
Health Professions Registration Amendment Act  
Payroll Tax Act  
Professional Standards Amendment Act  
Statute Law Revision Act  
Water Acts Amendment (Enforcement and  
Other Matters) Act.**

### MAGISTRATES' COURT AND CORONERS ACTS AMENDMENT BILL

*Introduction and first reading*

**Received from Assembly.**

**Read first time on motion of Hon. J. M. MADDEN  
(Minister for Planning).**

### QUESTIONS WITHOUT NOTICE

#### **Disability services: commonwealth state/territory agreement**

**Mrs COOTE** (Southern Metropolitan) — My question is directed to the Minister for Community Services, Mr Jennings. On 13 February the minister informed the house in relation to the commonwealth state/territory disability agreement (CSTDA) that:

We will embark upon the renegotiation of the CSTDA with full vigour and in the full expectation that together we will allocate resources on an equal footing, if we can. We will rise up and meet those expectations in the future.

What position did the minister take in relation to the CSTDA negotiations? That is you, Minister.

**Mr JENNINGS** (Minister for Community Services) — I think a supplementary was required before I could answer the question, President, but I will answer it, because I assume the minister in question is me. I do not usually refer to myself in the third person, but in this regard I can say of the comments I made in February and of the comments I made before then and

have made since concerning the hope I have for the people of Victoria who live with disabilities or who care for those with disabilities that going forward there will be a collaborative and cooperative arrangement between the state and the commonwealth in relation to the commonwealth state/territory disability agreement, that I continue to hold that position.

A meeting is scheduled for 25 July at which I hope to renew a collaborative engagement with the commonwealth on this matter. I am fairly certain that the member will ask me a supplementary question, so I will hold some of my response in reserve. I can indicate that there have not been negotiations in good faith between the states, the commonwealth and the territories at this point in time. In fact I think quite often there has been mischievous reporting of matters in relation to offers by the commonwealth. In the surrounds and forums of ministerial meetings offers were not made to the states and territories by the commonwealth. Subsequently announcements were made by the commonwealth of a proposal for a fifty-fifty matching element of unmet need. That was announced outside the forum and was subsequently transmitted in correspondence from the commonwealth to the states and territories. Then — surprise, surprise! — that offer was withdrawn by the commonwealth.

**Mr Drum** interjected.

**Mr JENNINGS** — There is an extraordinarily disingenuous approach by the commonwealth in regard to this. There has not been one occasion on which people have actually made eye contact with one another, as I am making eye contact with Mr Drum.

**Mr Atkinson** interjected.

**Mr JENNINGS** — Mr Drum did intervene. I am happy to make eye contact with you too, because I will maintain eye contact with the people I want to work with.

**The PRESIDENT** — Order! The minister should have eye contact with me.

**Mr JENNINGS** — I will, President. In fact if I were negotiating with you, you and I would know where we stood with one another because we would front one another and face to face, we would say to one another what our intentions were. We would negotiate in good faith. Unfortunately that is not the environment in which the commonwealth enters into negotiations with the states and territories.

*Supplementary question*

**Mrs COOTE** (Southern Metropolitan) — The commonwealth government offered fifty-fifty funding for unmet need, but that was rejected by the state of Victoria. What alternative position to fifty-fifty funding does the minister propose to meet his commitment to allocate resources on an equal footing?

**Mr JENNINGS** (Minister for Community Services) — The proposition in the member's question in relation to the fifty-fifty unmet need component being rejected by the state of Victoria is something that would be very difficult for her to find any documentary evidence on. In fact at no point in time has the state of Victoria rejected an approach where it would enter into a framework in which we would find — —

**Mr Drum** — You have the letter they sent to you.

**Mr JENNINGS** — I look forward to Mr Drum or any member of the chamber indicating that there has been a rejection of an approach — an agreed way forward — by the state of Victoria in relation to how we could rise up and meet the needs of people with disabilities in this community into the future.

**Disability services: legislation**

**Ms PULFORD** (Western Victoria) — My question is to the Minister for Community Services. Could the minister update the house on the implementation of the new Disability Act, and in particular could he explain how the act enshrines greater rights for Victorians with a disability?

**Mr JENNINGS** (Minister for Community Services) — I thank Ms Pulford for her question and her concern about the wellbeing of people in our community with disabilities and those who provide care for them, both the care from within their families or from their loved ones and the professional care and support that is provided within the disability sector. Regardless of the vantage point of the various stakeholders, there are new strengthening provisions in the Disability Act which came into effect on 1 July that hopefully will provide for a greater quality of life for people with disabilities in Victoria in the years to come.

The act enshrines certain rights and opportunities, which I hope we as a community can rise up and meet, to ensure a greater quality of life for people in our community with disabilities. Those rights are enshrined within the legislation to ensure that there is appropriate planning of the service needs of individuals and that appropriate standards are applied to the delivery of those services.

Certain residential rights, which are akin to the residential tenancy rights which apply to all other citizens, apply to people with disabilities who live in accommodation and support services to make sure that their rights are protected and enhanced. In terms of the confidence that we have as a community to ensure that there are high-quality services provided, there is a new regulatory regime that applies to the appropriate registration of providers of support services to people with disabilities. There is a high benchmark and there are high standards of accountability and registration that accord with those services, whether they be accommodation, day centres, respite services or other forms of support.

The regulatory regime within the act has very clear expectations about how those standards should be met. Indeed there is additional scrutiny that can be applied to the sector because of the statutory officers that come under the act. That includes a senior practitioner, and I am very pleased to say the state has appointed Jeffrey Chan to the position of senior practitioner. He is responsible for making sure that the best standards of professional care and the highest quality of services do not overly intrude on the civil rights of people with disabilities, that the management and maintenance of a secure environment does not come at the cost of personal liberties and that there are opportunities for full participation, particularly by people in our community with intellectual disabilities.

Laurie Harkin has been appointed to the very important statutory officer position of disability services commissioner, and he will play a role in making sure that the sector adheres to the highest standards. He will also play a role in providing accounts to the Parliament of Victoria about how those standards are being met. Importantly he will mediate any disputes between people with disabilities and their service providers about the way in which the service is provided to them so as to enhance their rights and enable them to pursue the rectification or remedies of any matter where they think they may not be receiving an appropriate service.

There are also adequate opportunities within the scope of the act for advisory bodies and advocacy to take place. We have established a Disability Services Board, which will be headed up by Trish Malwoney, who will be a passionate and professional advocate for people with disabilities in our community in her work with that body in collaboration with the disability services commissioner. I have the good fortune of being advised on disability matters generally by the Disability Advisory Council of Victoria, which is headed by Rhonda Galbally and is made up of fantastic representatives from the Victorian community, some

who may have a disability themselves and some who may be carers of loved ones with disabilities. They come from the vantage point of knowing how the service provision works. They provide me with ongoing and timely advice about the wellbeing of those in our community with disabilities.

**Mr Drum** interjected.

**Mr JENNINGS** — Many aspects of this bill will enhance the life opportunities for people in our community with disabilities. I, along with many members of this chamber and members of this community, look forward to a more enlightened set of arrangements between people in our community with disabilities, and to perhaps not being subjected to the continual drivel of interjections by Mr Drum, who is already setting a new benchmark for interjections in the chamber. With a bit of luck we can all get on and live collaboratively in the state of Victoria in an environment which enhances the quality of life of people with disabilities, rather than a nagging or a hectoring environment such as that being adopted at this moment.

### **Schools: selective entry**

**Mr HALL** (Eastern Victoria) — My question without notice today is directed to the Leader of the Government in his capacity as Minister for Education. I refer the minister to the government's decision to establish two new select-entry schools, one in North Melbourne and the other in Melbourne's east. I ask the minister: why is this Labor government promoting an enhanced, publicly funded education for a select few?

**Mr LENDERS** (Minister for Education) — I thank Mr Hall for his question. I am delighted that it is a question on education, but I do take exception to his comment that we are providing education for a select few.

Victoria has over 800 000 students in schools, and there is a message coming from members of the community that they want choice within schools. They want choice between systems, and they want choice within systems. We have two select-entry schools in Victoria at the moment. They are Melbourne High School and MacRobertson Girls High School — a select-entry boys school and a select-entry girls school. About 2500 Victorians apply for entry to those schools at year 9, and the schools take about one-fifth of that number, so there is a great unmet demand from parents who are seeking select-entry school places for their students. They see — and parents make these choices — their child as a gifted student, and they want

them to be able to study with other gifted students in the government system.

We went into the election with a commitment to expand the number of select-entry schools from two schools to four schools, which Mr Hall has identified. His question asks why we are doing that. We are doing it because parents are asking us to provide choice within the government system for their sons and daughters so that they can get an education that suits them. It will be fascinating if there is ever a coalition government and Mr Davis and Mr Hall are around the same cabinet table. I would like to be a fly on the wall at that one because they have very divergent views. What I do say to Mr Hall is that he should talk to parents in his electorate of Gippsland. He should talk to the 200 families who choose, for example, to send their students to Trafalgar High School — my old school — which has a select-entry program. Students come from as far as Traralgon, which is 40 kilometres down the valley from Trafalgar from one way, and they come from Warragul in the other direction. They have a choice within the state education system where students in that instance attend a select-entry program at a school.

What we are doing is providing choice for parents who want their children, in a government school, to be challenged to the limit so that they will perform academically and their curiosity will be raised. I suggest to Mr Hall that if he has any anxiety about select-entry schools he should go to Trafalgar High School and talk to the principal about an accelerated program within that school, or he should go to Melbourne High School or MacRobertson Girls High School and ask their principals, the school communities and the students what they think of these programs. Or perhaps he should go when the examinations are being held for entry to these schools and 2500 students turn up looking for access to them. He could then see whether he thinks it is a good idea. I think it is.

We went to the election with a platform to go from two select-entry schools to four. It is my intention as minister to honour that commitment. I would say to Mr Hall that if we are serious about making Victoria an even better place to live, work, learn and raise a family, we need to get on with our commitment.

### *Supplementary question*

**Mr HALL** (Eastern Victoria) — By way of supplementary question, if the government's philosophy behind select-entry schools is to give students and their parents a choice of education, I ask the minister: how will country students be given

equality of access to educational opportunity? Does this mean that one or more select-entry schools will be established in every rural region?

**Mr LENDERS** (Minister for Education) — There are 1594 government schools in this state. I remind Mr Hall, who was a member of the Kennett government, that the last time a new select-entry school was created in Victoria was in 1905, so it has been 102 years since one has been created.

*Honourable members interjecting.*

**Mr LENDERS** — Philip Davis claims he was in government then. Perhaps his grandfather or great uncle was, but he certainly wasn't.

I say to Mr Hall that this is innovative; we are responding to families. With regard to his issue about country students, I draw his attention back to my response to his substantive question. He just needs to go 40 kilometres down the road from his electorate office to Trafalgar High School to see but one example where students from his electorate go for a select-entry program. The students get an accelerated program within that school. Students at Trafalgar High School, for example, travel 40 kilometres from Traralgon or 25 kilometres from Warragul to get a great education in a great school.

I am a bit biased; I think Trafalgar High School is a very good school — particularly the class of 1975. It is a great school. Literally hundreds of students have gone there. When I left the school there were 300 students; there are now 600 students at the school. Part of that is because of the choice it provides. Students from right across Gippsland go there. That is the way forward in education. We talk about individual pathways for students. We are providing them, and I would welcome Mr Hall getting on board.

### **Aboriginals: child protection**

**Ms DARVENIZA** (Northern Victoria) — My question is for the Minister for Aboriginal Affairs, Mr Jennings. I ask the minister to outline to the house his analysis of Aboriginal child welfare statistics in Victoria, particularly in light of the national consideration of these issues in other jurisdictions. I would also like to know what major programs are in place to address the protection of Aboriginal children here in Victoria.

**Mr JENNINGS** (Minister for Aboriginal Affairs) — I thank Ms Darveniza for her question and her consideration for the wellbeing of Aboriginal people and Aboriginal children. I note that from a

variety of different vantage points right across this nation there is scrutiny and concern about the wellbeing of Aboriginal children. Regardless of the motivation of people's interest in this issue and the course they actually embark upon to impose outcomes and regardless of whether they work in collaboration or not, it has to be acknowledged by all sections of the community that children are at risk and families are under stresses and strains. We should do whatever we can — and hopefully we will do it in an appropriate fashion with a degree of engagement and collaboration with Aboriginal people — to try to rise up and meet these very drastic and dire circumstances.

We do not baulk at acknowledging that in the state of Victoria we have every reason to be very concerned about the wellbeing of Aboriginal children. Hopefully, with the spirit of partnership between the Victorian government, agencies of the Victorian government such as the police and other providers of child protection services and the Aboriginal people themselves, we can in collaboration design services to try to weed out any form of abuse, including sexual abuse, which has actually been given some prominence in national debates of recent times.

In many ways I am dismayed to report to the chamber that the ongoing need for the state to intervene through child protection measures to support Aboriginal children is unacceptably high in terms of the incidence of child protection substantiations in Victoria. The most recent figures are that 67 per 1000 Aboriginal young people are subjected to child protection substantiations. Whilst this is a very high figure that represents the profound disadvantage Aboriginal people confront in the state of Victoria, it is also a measure of the focus and determination of child protection services, the Victoria Police and the various other agencies to make sure that we acknowledge this issue.

We do not sweep it under the carpet. We do not use tyranny of distance or any other excuse for why we do not intervene in this space. Unfortunately some jurisdictions around the country have not dedicated this effort, so in fact some of the statistical analysis across the nation — some of the most worrying aspects of the analysis of the child protection statistics — are in the jurisdictions of the Northern Territory and Western Australia, where there is the lowest incidence of reported child abuse against Aboriginal children. In fact at this point no jurisdiction can take any comfort from what the statistics tell it, because if you were going to err on the side of child protection intervention, you would err on the side of intervening in the lives of families in a supportive fashion in the way that we have embarked upon it in the state of Victoria.

Indeed the hallmark of the Bracks government time and again has been collaborative frameworks of engagement between the state and Aboriginal people about the way in which we should rise up and deal with these matters. In the first term of the Bracks government we established the Aboriginal justice agreement, which continues to be the benchmark for engagement on issues such as criminal justice, family violence, police protocols and community police arrangements, diversionary programs, the introduction of Koori courts and a variety of other measures that have been designed to include Aboriginal people in community policing, community safety and community strengthening programs.

In the second term of the Bracks government, and during my time as the Minister for Aboriginal Affairs, from the very early days we have implemented the response to the indigenous family violence task force recommendations, which involves a variety of healing services, counselling services and family strengthening services. They have been embarked upon for a number of years. Also during the Bracks government's second term the Lake Tyers initiative and the specific investment in relation to the support program for the Lake Tyers community was taken for many reasons, including the need to have pre-emptive early intervention rather than waiting for chronic dismay and despair to continue. Indeed the child protection reforms that come through the new act, the Children, Youth and Families Act, the Child First program and the family strengthening innovations that I have mentioned to the house before have all had a very high focus on the capacity of Aboriginal community-controlled organisations to be participants in those programs. There have been Aboriginal Best Start programs —

**Mrs Coote** — How much money?

**Mr Drum** — Have you received any outcomes, Minister?

**Mr JENNINGS** — I think there is a bit of a recurring theme, President, from two people in this chamber who have obviously been well and truly out of these debates and who are pretty desperate to participate in them today. I have not heard a lot from them during the last few years until today. I am glad to see they are joining the concerns of the government in terms of making sure they participate in community debates and community consideration of these issues. I look forward to their ongoing interest in these matters, if today is a benchmark. That is terrific, because within this situation there is some good news in terms of the cumulative effect of early intervention programs that have been the hallmark of child protection in Victoria.

We are not waiting to be at the tertiary end in terms of response. We want to drive services more and more into family strengthening and early intervention.

Our intervention has shown demonstrable success in the last two years, because the statistics about resubstantiations for Aboriginal children coming through child protection have decreased significantly — from 35 per cent in 2002 to 21 per cent in 2005–06. That is consistent with the state of Victoria focusing on early intervention, keeping the figures for substantiations of child protection cases very flat when we have seen those substantiations go through the roof in other jurisdictions. In fact in the comparable states of New South Wales and Queensland we have seen the number of child protection substantiations almost treble, whereas in Victoria they have remained flat during the life of the Bracks government because of our emphasis on support, family strengthening and family support programs to intervene in lives to make the families stronger and more resilient.

We will pursue any case of abuse against Aboriginal children with the full vigour of the law, and indeed that is the approach we adopt in Victoria. We will not shirk the issue, we will pursue those with vigour, but we will engage in community capacity building and a family strengthening capacity arm in arm with Aboriginal people, because we believe that is the appropriate way to go into the future.

#### **Disability services: commonwealth state/territory agreement**

**Mrs COOTE** (Southern Metropolitan) — My question is to the Minister for Community Services, Mr Jennings. I refer to the commonwealth government offer under the commonwealth state/territory disability agreement of dollar-for-dollar funding for unmet need in the disability sector across Australia. Western Australia and the territories accepted this generous offer, to the benefit of their residents. Why did the Bracks government refuse to accept the fifty-fifty funding offer relating to unmet need, thereby harming the wellbeing of thousands of Victorian families?

**Mr JENNINGS** (Minister for Community Services) — Anyone who was astute would realise that with the exception of the examples of Western Australia and the Australian Capital Territory, from memory, that question was exactly the same as the supplementary question that was asked of me a few minutes ago. I have given the answer. The offer has not been rejected by Victoria; and indeed the offer has subsequently been withdrawn by the commonwealth. At this moment no jurisdiction across this nation

actually has any degree of confidence that or any degree of understanding with the commonwealth that the fifty-fifty matching offer is still on the table.

*Supplementary question*

**Mrs COOTE** (Southern Metropolitan) — How much funding will the Bracks government commit to addressing unmet need and how many families will be assisted in the current financial year?

**Mr JENNINGS** (Minister for Community Services) — The answer to that question is, as I have indicated — throughout all of this year I have indicated this to the chamber — that the nature of the negotiations as to the agreed approach and the agreed funding formula between the state and the commonwealth that can be achieved will actually determine the quantum of the investment of the state of Victoria. I reiterate that that is something that we are prepared to negotiate with the commonwealth in good faith, eye to eye, in a spirit of goodwill and negotiations, not the nonsense that we have seen — a couple of people in this chamber try to pretend there was a genuine offer from the commonwealth — in the form of a disingenuous offer from the commonwealth that it would not follow through on by meeting with any jurisdiction. It has not met with any jurisdiction to discuss the approach that is at the heart of the member's question.

**Housing: land availability**

**Mr LEANE** (Eastern Metropolitan) — Today I have a bit of a dilemma in that I have two fine questions prepared but can ask only one. I will direct a question to the Minister for Planning. The federal Treasurer, Peter Costello, recently made comments in relation to land supply and housing affordability. Of particular interest were the comments he made in relation to conducting an audit of land that could be released for housing. I ask the minister to advise the house what the Bracks government is doing to ensure that there is an adequate supply of residential land in Victoria.

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome Mr Leane's question. I know he has a particular interest in this matter and a number of matters, and that is probably why he had prepared a number of questions to ask various ministers today. Obviously the federal government is under a fair bit of pressure when it comes to the issue of housing affordability. Of course housing affordability has been discussed in the media and speculated upon quite substantially of late. It is interesting how quite recently, and very late in its term, the federal government has

sought to blame state governments with regard to housing affordability. It is very happy to make accusations to state governments about the lack of land being released, and I want to make a few comments to clarify what the case is in relation to the adequate supply of residential land in Victoria.

First of all the federal Treasurer is making comments which are obviously tokenistic. They are a token gesture and basically a smokescreen in a federal election year. We are making sure there is sufficient land to accommodate the demand that is out there. Under our planning policies we have implemented what the development industry itself considers to be the best land release system of any city in Australia. This is not me saying that; it is the Housing Industry Association saying it. At the housing industry outlook breakfast held by the HIA, Simon Tennent, the executive director of housing and economics for the HIA, made very flattering comments about this state's land supply. I know Mr Guy was in attendance at that event, so he cannot deny the complimentary comments that were made on that occasion.

As a proportion of new houses and land prices in the five largest cities, the land component goes as follows: in Perth the land component is 63 per cent; in Sydney it is 57 per cent; in Adelaide it is 53 per cent; in Brisbane it is 45 per cent; and in Melbourne it is 40 per cent. Those figures show that the work we are doing — and the compliments by the HIA reinforce it — is taking the right approach and is an exemplar for all those other states across Australia and for the federal government, which has suddenly discovered housing affordability as an issue.

I have referred in this chamber on a number of occasions to the federal Treasurer, Mr Costello, being happy to claim credit for the increased value of each household, but he is not prepared to take credit for housing affordability on any front. I also remind members that for him to now proclaim that the federal government is going to conduct an audit of federal land and seek to have state governments involved in that is absolutely tokenistic. It is an absolute smokescreen, and I will tell you why, because where the federal government has released land — —

**Mr Somyurek** — Too little, too late!

**Hon. J. M. MADDEN** — That is exactly right; too little, too late. Where it has released land, predominantly that land has been Australian Defence Force land and, not surprisingly, highly contaminated land which needs extensive remediation — and of course that does not happen overnight. Even if it

conducts the audit and it finds surplus land, by the time it remediates the land or goes through a process it is going to be light years before it is released to the market. I remind the house again that where the federal government has released Australian Defence Force land — for example, in western Sydney — it has not allowed for any affordable housing or been prepared to subsidise any affordable housing in that land release. What it has sought to do with that land release is to release it at market prices.

**Mr P. Davis** — On a point of order, President, I have been listening carefully to the minister's response. He has been speaking for 4 minutes and 49 seconds, and in fact in all that time he has been speaking about a matter to do with federal government policy. I cannot understand how it is that he would continue to elaborate on that answer when in fact he has been asked a question about the Victorian state government's policy response.

**The PRESIDENT** — Order! I think the minister has been, whilst expansive in his answer, absolutely on song in terms of relevance with respect to the question. I do not uphold the point of order.

**Hon. J. M. MADDEN** — I will try to come to a conclusion very quickly, because I know it is paining the opposition to listen to this. Can I just say that we are doing what needs to be done. We are an exemplar when it comes to land release right across Australia. That is why we have ensured 25 years of land supply. When it comes to the federal government, we know what its position is. It is a bit like — to coin a phrase — the comment of Greg Chappell, I think, when he said, 'It is not that I am batting badly, it is just that I am not making runs'. That is the federal government's position. It is interested in housing affordability, but it is doing nothing about it.

### **Disability services: respite care**

**Mrs COOTE** (Southern Metropolitan) — My question is to the Minister for Community Services, who is obviously holding his head in his hands in anticipation. The minister frequently boasts of the government's significant funding of and flexible approach to providing respite to families caring for profoundly disabled children. However, no sooner had the Radford family admitted its 24-year old disabled twin daughters to respite care than it was told by his department that it could not look after them and they were sent back to the family. Is the minister aware of this complete failure of the respite system for the Radford family and other families in similar difficulties across Victoria?

**Mr JENNINGS** (Minister for Community Services) — I cannot recall whether the circumstances of the Radford family have been drawn to my attention, and I am very happy either to be reminded of them or for them to be drawn to my attention for the first time so I can investigate them or ascertain the circumstances of the family's hopes and aspirations for receiving quality respite care into the future. It would be a bit hard for me to gaze into a crystal ball in relation to what the particular needs of this family may be. I share the member's concern about trying to provide timely and appropriate support to carers of family members who have disabilities, who would expect to have adequate and appropriate relief provided through respite services. I share the expectation. I acknowledge that from time to time respite services are sorely stretched. Our collective commitment hopefully as a community and as a government providing support is to provide for timely and appropriate respite service. I am happy to accept any specific evidence or material that the member or the Radford family may want to provide to me so I can further consider the matter.

### *Supplementary question*

**Mrs COOTE** (Southern Metropolitan) — I thank the minister for his consideration of this matter. Given the minister's answer, whilst he is investigating the Radford family's circumstances, could he identify why the Radfords, who are in a dire financial situation, received an account from the department for \$79.50 for looking after their twin daughters in respite when the girls were in fact sent back to the family? Could the minister check with his department why it was so heartless in sending them this bill on top of all the other heartache they incurred?

**Mr JENNINGS** (Minister for Community Services) — I repeat my offer to the member and the chamber to explore this matter further and respond accordingly.

### **Planning: housing affordability**

**Mr THORNLEY** (Southern Metropolitan) — My question is for the Minister for Planning. It has been widely reported in the media that an increasing number of households are facing mortgage stress. I ask the minister to advise the house how the Bracks government's planning policies address housing affordability.

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome the member's question, because I know on a number of occasions in this chamber he has raised very pertinent issues in relation to housing affordability. As I

mentioned in my previous answer, in terms of relative housing costs we have the cheapest land of any mainland capital in Australia. That has not come about by accident. Planning plays a critical role. It does not determine all the housing affordability issues, but it does play a critical role in maintaining housing diversity, mix and choice and in ensuring that the overall planning system does not obstruct or delay good land development and decision making.

**Mr Drum** interjected.

**Hon. J. M. MADDEN** — In terms of land and lot supply — I know Mr Drum will be interested in this — Victoria is the only state to commit to a staged land release of up to 25 years of land supply. This equates to 180 000 lots in Melbourne's growth area municipalities, of which more than 80 000 lots are already zoned for development. This is about 9 to 10 years supply of zoned land. The government has also established the Growth Areas Authority to guide sustainable development in Melbourne's growth areas. As well as that we have sufficient land supply to provide for residential development for up to 25 years. We have also ensured that we have an effective and efficient statutory planning system.

**Mr Drum** interjected.

**Hon. J. M. MADDEN** — I say to Mr Drum that the cutting red tape project is ensuring that we reduce as much red tape as possible so that we operate more quickly and more effectively. In recent months we have implemented a program to reduce the time frames for planning scheme amendments, and performance targets have been put in place. This will deliver zoned land in a more efficient and effective manner. We are delivering diversity and mix when it comes to housing as well as well-located, affordable housing. Included in that are five regional housing statements that have identified projected capacity within municipalities until 2030. We are doing what we need to do, and we are asking local government to do what it needs to do.

We know that the federal government is doing nothing when it comes to housing affordability. Let us just remember that much of this debate about housing affordability and housing stress is very much related to mortgages. I will give the chamber a statistic: the four interest rate rises since 2004 have increased mortgage repayments on the median house price by more than \$65 000 over the life of the loan.

*Honourable members interjecting.*

**Hon. J. M. MADDEN** — The four interest rate rises since 2004 have increased the median home price

by \$65 000. Of course Mr Costello, the federal Treasurer, cannot deny that, but he seems to be ignorant of it, because he blames land supply rather than mortgages.

**Mr Guy** — On a point of order, President, the question to the minister related specifically to Victorian government policy on housing affordability. I believe the minister is now straying from the question, and I ask you to bring him back to it.

**The PRESIDENT** — Order! For clarification, is the minister finished?

**Hon. J. M. MADDEN** — I have just one more line, President.

**The PRESIDENT** — Order! In that case, there is no point of order.

**Hon. J. M. MADDEN** — We are doing what we need to do to make Victoria an even better place to live, work and raise a family.

### **Port Phillip Bay: channel deepening**

**Ms PENNICUIK** (Southern Metropolitan) — My question is for the Minister for Planning, Mr Madden. The inquiry into the supplementary environment effects statement for the Port of Melbourne Corporation's channel-deepening proposal is just over halfway through its hearings. The Port of Melbourne Corporation spent five days presenting its case, and on 6 July I was present when it tabled a revised environment improvement plan and also announced that it was going to proceed with booking dredges and site offices. Does the minister believe it is appropriate for the Port of Melbourne Corporation to in effect commence the channel-deepening project while the inquiry into the supplementary environment effects study is still under way?

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome Ms Pennicuik's question in relation to this project, because obviously it is a very significant project. That is why comprehensive environment effects statements and supplementary environment effects statements have been required. As you would be aware, President, a panel has been convened to hear these matters and to report to me on them. The Port of Melbourne Corporation will undertake what it needs to undertake in terms of managing what it needs to do either in reporting to the panel or in meeting any other business arrangements it may need to operate under. No doubt the authority will make those decisions accordingly.

It is worth appreciating that that panel will no doubt finalise a report in due time, that report will come to me and I will make the necessary decisions in relation to this matter. Until that time it is not appropriate for me to make comment on any of the submissions or actions in relation to this project by the respective organisations or individuals. I look forward to receiving that report, giving it full and thorough consideration and making my determinations accordingly.

*Supplementary question*

**Ms PENNICUIK** (Southern Metropolitan) — Is the minister prepared to assure the Victorian community that the inquiry process has not been undermined by the actions of the Port of Melbourne Corporation or the statements by the Premier?

**Hon. J. M. MADDEN** (Minister for Planning) — As I mentioned, the panel will report to me, and I will make my decisions accordingly. Take for example Nowingi, a project that was also — —

*Honourable members interjecting.*

**Hon. J. M. MADDEN** — That project went through a full and thorough process, and, that full and thorough process having been undertaken, the project did not proceed. Just because the government or an arm or agency of government is the proponent does not mean there are guarantees in relation to the outcome of a panel process or determinations or decisions by this planning minister in relation to any particular project. I look forward to receiving the panel report and advice from the department, giving them full and thorough consideration and making my determinations accordingly.

**Schools: teaching standards**

**Mr TEE** (Eastern Metropolitan) — My question is to the Minister for Education. Can the minister inform the house how the government is maintaining standards in the teaching profession and public confidence in teachers and the school education system?

**Mr LENDERS** (Minister for Education) — I thank Mr Tee for his question and his ongoing interest in the standards of the teaching profession, because as we all know the teaching profession is a critical ingredient in giving our people a chance to go forth into the 21st century. Mr Tee asked what we are doing as a government to try to address standards in teaching. He was not in this place five years ago when the Victorian Institute of Teaching Bill was passed to set up a regulatory body to deal with the profession of teaching. It treats teaching like any other profession that has a

regulatory body dealing with it and covers a whole range of other things.

Since that time we have seen a new standards-based regulation system for teachers, we have processed more than 35 000 registration applications and there are pre-service teacher education courses. Mr Tee is always in schools in the Eastern Metropolitan Region, where he will see the benefit of this. There has been a range of profession-wide disciplinary procedures. Many members of this house have from time to time raised issues about teaching. These are exactly the things that the Victorian Institute of Teaching (VIT) addresses. Going further to Mr Tee's point about what we are doing to maintain it, as was committed to by my predecessor in the second-reading speech, after five years we are conducting a review of the Victorian Institute of Teaching, to make absolutely sure that it is doing what it was created to do and going forward.

**Mrs Peulich** interjected.

**Mr LENDERS** — I take up Mrs Peulich's inane interjection that it is doing nothing. What we have is a professional body for teachers that is dealing with teacher standards and is a disciplinary body. Now I have announced a review. The reviewer is Mr Frank King. For those who do not know Mr King, Frank King is a great Victorian. He was the Secretary of the then Department of Finance and when the Kennett government got rid of that he became the Deputy Secretary of the Department of Treasury and Finance. He serves the state with distinction as president of the Emergency Services Superannuation Board and in a whole range of other areas. He is a great civil servant in this state. Mr King is heading up the review, which will hear submissions and report.

I urge everybody in this house who has any views on the teaching profession to make a submission to the VIT review, where it can be considered. Members opposite are often critical of the government setting up reviews, but this government is serious. After five years of seeing the institute in action, we are setting up a review to look at it, as we committed to do. I urge the Leader of the Opposition, Mr Davis, who often has lots of views on these issues, to put in a submission.

**Mr P. Davis** — Endless views.

**Mr LENDERS** — He has endless views on teachers, discipline and what happens in schools. I urge him to put in a submission to Mr King. I also urge Mr Hall, who has lots of views on this matter, to put in a submission. I urge everybody opposite to get on the phone to Moscow on the Molonglo and speak to

Ms Bishop, the federal Minister for Science, Education and Training, and get her to put in a submission, because she has views on everything. Mr King has until 18 September to listen to the views she has on everything, and then he can report back. What I say to those opposite is that this is a golden opportunity to make a submission. Mr King's report will be what informs this government on acting to make Victoria an even better place to live, work, learn and raise a family.

**QUESTIONS ON NOTICE**

**Answers**

**Mr LENDERS** (Minister for Education) — I have answers to the following questions on notice: 61, 62, 144, 169, 191–7, 300, 307, 308, 315, 322, 337, 339, 342–4, 347, 352, 354, 356–63, 379, 380, 381, 383, 386, 389, 406, 424–7, 457, 478.

**PETITIONS**

**Water: north–south pipeline**

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council of Victoria the proposal to develop a pipeline which would take water from the Goulburn River and pump it to Melbourne.

The petitioners are opposed to this project on the basis that it will effectively transfer the region's wealth to Melbourne; have a negative impact on the local environment and lead to further water being taken from the region in the future. The petitioners commit to the principle that water savings which are made in the Murray–Darling Basin should remain in the basin.

Your petitioners therefore request that the state government abandons their proposal to pipe water from the Goulburn River to Melbourne and calls on the state government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater.

**By Ms LOVELL (Northern Victoria)**  
**(326 signatures)**

**Laid on table.**

**Moorabbin Children's Traffic School: future**

To the Honourable the President and members of the Legislative Council assembled in Parliament:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the Victorian government's closure of the Moorabbin Children's Traffic School, East Boundary Road, Bentleigh East.

We oppose the closure of the Moorabbin Children's Traffic School and believe this facility has had a vital role in educating children in Melbourne's south-east in road safety.

We therefore request that the traffic school be reopened at East Boundary Road, Bentleigh East, and that the Victorian government restore funding for it to continue operation as it had up until the time of its closure.

And your petitioners, as in duty bound, will ever pray.

**By Mr D. DAVIS (Southern Metropolitan)**  
**(427 signatures)**

**Laid on table.**

**SELECT COMMITTEE ON GAMING LICENSING**

**Interim report**

**Mr RICH-PHILLIPS (South Eastern Metropolitan)** presented interim report, including appendices, extracts from proceedings and minority report.

**Laid on table.**

**Ordered to be printed.**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I move:

That the Council take note of the report.

I am pleased to present the first interim report of the Select Committee of the Legislative Council on Gaming Licensing. Since the committee was established in late February, it has held 10 deliberative meetings in undertaking its terms of reference. Early on in the committee's period of operation it resolved to focus on terms of reference 1.1(a) and 1.1(b), namely:

- (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 ... 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 ...

Following the committee's decision to focus on those first two terms of reference, the committee sought and obtained advice from the Clerk of the Legislative Council as to the committee's powers to require the production of papers and documents. Following that advice being provided by the Clerk, the committee, acting consistently with that advice, issued 39 summonses to various government agencies and

external parties, as detailed in the report, seeking the production of documents and papers relevant to the first two terms of reference.

The purpose of this report is to outline to the Legislative Council the responses that the committee has received with respect to those summonses and, in particular, to highlight the obstructions that have been placed in the path of the committee by the government, acting through the Attorney-General.

Following the issue of summonses to government agencies, the Attorney-General wrote to the secretaries of relevant departments indicating that the government would claim executive privilege in respect of all key documents that had been sought by the committee. As a consequence the responses to summonses from the key departments — the Department of Justice, the Department of Premier and Cabinet and the Department of Treasury and Finance — have been reduced as a result of the Attorney-General's intervention. With respect to the Department of Premier and Cabinet and the Department of Treasury and Finance there was a 14-week delay between the issuing of the summonses by the committee and the responses being received by the committee in relation to the documents that were sought.

The report lays out the correspondence received from the Attorney-General in arguing that the committee did not have the power to seek the documents that it did. There are substantial appendices to the report which clearly demonstrate the arguments that have been put by the Attorney-General and other parties in opposing the summonses that were issued. These raise important issues for the Council.

Since the committee proceeded down the path of seeking documents under summons, the Council has received advice from Bret Walker, SC, at the request of the Leader of the Government in relation to the Council's power to call for certain papers and documents from the government. The actions the committee took in issuing its summonses is consistent with the advice received by the Council from Mr Walker. Now there are issues for the Council as to what action, if any, it wishes to take and in what direction it wishes to proceed in following up the matters that have been raised in this interim report with respect to the presentation of documents by the government and certain other parties external to the government.

I note the government members of the committee have elected to provide a minority report, which I presume they will choose to speak about, but I note the minority

report comments on the appropriateness of the committee pursuing the terms of reference that it has. However, the minority report does not detract from the substantive report in terms of the issue it presents relating to the failure of the government to present certain documents. On my reading of it there is no attempt by government members to in any way read down what the majority of the committee has presented in terms of the approach of the government in not presenting the documents requested under summons by the committee.

I therefore present the report to the Council for its consideration. There are important issues now that we are operating in an environment where the government no longer has a majority, an environment where the independence of the Council is and has been expressed through the creation of a number of select committees. There are now questions arising for the Council to consider as to how it proceeds in ensuring these select committees are able to uphold the will of the Council as expressed through the resolutions creating them. I encourage all members of the Council to read the select committee's report and to read the correspondence from the Attorney-General, which has been presented as appendices to the report; the arguments made by the government which contradict the advice received by the committee from the Clerk and that received by the house from Mr Walker; and consider what action, if any, the Council wishes to take.

In conclusion I wish to thank the committee staff — Mr Richard Willis, the secretary to the committee, and Mr Anthony Walsh, the research officer — for their diligent work over the last four months in preparing summonses, following up witnesses and maintaining the volume of documents that have been received, and in particular for their work in the last 24 hours as the committee met and adopted the report. As members would appreciate, with select committees there are often a number of divisions, often very detailed matters that need to be recorded in the extracts of proceedings, and that work was undertaken very quickly and very diligently by Mr Willis and Mr Walsh, and I thank them on behalf of the committee for their work to date and their work in the last 24 hours in preparing this report.

**Mr VINEY** (Eastern Victoria) — The house needs to understand that this process started as a political witch-hunt, that it is continuing as a political witch-hunt and that this interim report is confirmation of the political witch-hunt. I will quote the last paragraph of the substantive interim report agreed to by the majority of the select committee:

The committee therefore formally reports to the Legislative Council its dissatisfaction at these matters and seeks direction from the house on how the committee might now fully discharge the responsibilities conferred on it under the terms of reference.

It is dated 19 March 2002 and is commonly known as the Urban and Regional Land Corporation report, or the Reeves report. Lo and behold, it is an identical final paragraph to the one in the report presented here today as the interim report of the select committee into gaming licensing.

In 2002 we had what was commonly known as a complete and utter witch-hunt, and the final paragraph of the report of that select committee is repeated word for word as the final paragraph of the select committee report tabled today. Not only that, we can go to another paragraph of this report, paragraph 39, which says:

The committee believes that . . . represents direct government interference in the affairs of the Legislative Council.

Paragraph 38 of the Reeves report reads:

The committee believes that such responses represent direct executive interference in the affairs of one house of the Parliament of Victoria.

Those two paragraphs of the select committee's report on gaming have identical wording to that used by the Liberal Party in its report, the Reeves report of 2002. This has been a continuation of the political witch-hunt that started on what I think was 14 February this year when the Leader of the Opposition moved to establish the select committee.

I urge members of the house to go through the report presented here today in detail. They should look not only at the report and the minority report — I will talk about that in a moment — but also at the proceedings. Time and again members will see where in the proceedings Mr Pakula and I, often with the support of Mr Kavanagh, attempted to get some balance into the report. There was an alliance of the Liberal Party, The Nationals and the Greens. They continually aligned themselves to maintain the fundamental biases in this report. There is no balance in the report.

One of the few amendments we were able to pass, as the report shows, is one that inserted back into the report some of the reasons the government has given explaining why it cannot comply with the summonses issued by the select committee. Why did we do that? Because the report prepared by Mr Rich-Phillips and put to the committee included all the details of Mr Walker's advice to the house, but did not include any of the responses of the Attorney-General based on the advice given to him by Peter Hanks, QC. The whole

process of the report has been manipulated along the way by the Liberal Party in alliance with the Greens and The Nationals to continue down the path of a witch-hunt against the government, and in particular against members of the government.

Let us get to the fundamental difficulty the government has with the select committee process as it stands today. The fundamental difficulty is not with the select committee having a look at anything. We have no problem with the accountability of the executive through the processes of Parliament, with a select committee of this house investigating any matter of executive government. We have no difficulty with that at all. We have consistently raised one fundamental problem. If you look at the proceedings, the report and the substance of the minority report, you will see that the fundamental problem we have is that this house has set up a select committee to investigate a tender in the middle of the tender process. It has been the consistent position of the government right back to 14 February, when Mr Lenders moved proposed amendments to the motion establishing the select committee, that it is fine for the select committee to have a look at the lotteries licence process but only after the tender is complete.

It is fundamental — I do not think any member of the house would deny that this is a fundamental fact — that if information pertaining to the detail of those tenders were to be presented to anyone outside of the proper processes for the appropriate analysis of the tenders, which are set out in the legislation passed by this chamber, the Gambling Regulation Act, that would be a basic breach of the tender process. That includes members of Parliament. People might say, 'Members of Parliament will keep this information confidential', but the truth is that what has happened in the select committee process shows that they do not. Even the President has had to remind members that select committee matters are confidential and should not be seen in the press.

Mr Pakula and I did not need to wait for the minutes; all we needed to do was look at the next day's *Herald Sun* to get the minutes of the first few meetings. There is no question that political investigations of politicians are very likely to leak, and we believe there cannot be any breach of the tender process that is before the select committee.

After the tender process is complete things will change, because some of the matters that are currently confidential will probably be more available to review and scrutiny. It is the fundamental position of the government, and it is put forward in the minority report, that paragraphs 1.1(a) and 1.1(b) of the resolution —

that is, the references of the Legislative Council requiring the select committee to look at the tender process — should be deferred until after the tender process is complete. That was our position at the beginning of this process, it is our position in this interim stage and it will continue to be our position right through to the final reporting of this matter.

Let me take the house to another fundamental problem that we have with this current report, and I urge all members of the house to think very seriously about this. When the select committee sent summonses to persons and companies requiring them to submit certain documents to the select committee, the select committee was in fact requiring those people to breach the Gambling Regulation Act, because that act requires certain documents to be maintained as confidential. There are penalties for people who breach that act, and there are no exceptions outlined in the act. There is no exception outlined in the act that exempts persons from delivering documents to select committees or any other committee of the Parliament. There are absolutely no exemptions in that act.

A majority of this house passed the new sessional orders in relation to documents, and I understand that certainly those members who believe the Bret Walker advice believe that the select committee does have the power to require those persons to breach the Gambling Regulation Act. But there is other opinion that does not agree with that. There is other opinion — for example, that of Mr Hanks, QC — that says there are a number of things that committees of the Parliament and the Parliament itself cannot have access to. When the house starts thinking about going down the path that Mr Rich-Phillips is obviously alluding to, of this house presumably either holding people in contempt for not providing documents or somehow using the processes of the new sessional orders to hold members of the executive in this house to account for not producing documents, the house needs to understand that if it does that it will be basing that on requiring people to break the law.

The house can say it has all the opinions in the world that say it has the power to do that, but it is not tested. There is no precedent relevant to Victoria that establishes the right of the select committee or this house to do that. In fact there are well-argued substantive opinions that have been put to the select committee through the letter from the Attorney-General that say that the house and its committees do not have that power. This house needs to think very carefully if it wants to start taking action against people who are being asked fundamentally to break the law or to undertake a process that will result in their being held in

contempt of this house. That is an absolutely intolerable path for members of this house to take people down when the law is not tested and when the law is unclear. That is essentially what it is doing in putting before the house this proposition, which is an absolute repeat of what was in the Reeves report in relation to seeking direction from the house on how the committee might now move in this matter.

There is a fundamental breach of the obligations of this Parliament to treat people fairly, in my view, because treating people fairly acknowledges that people participating in a process have agreed to comply with the process and the law of this Parliament that establishes that process. Now suddenly this house decides on political grounds that it wants to pursue a process that is in fact going to put those people in a significant conflict where they either break the law or are held in contempt by this house in one form or another.

We think there are some fundamental principles of review outlined in our minority report that the Legislative Council needs to adhere to in relation to any review of this process. They are: respect for the tender process and the independent probity oversight; respect for the laws and the constitution of Victoria; respect for the concerns of business in maintaining its competitive position and for the privacy of individuals and organisations; and respect for the precedents and practices of select committees and the Parliament of Victoria.

We believe that a whole raft of those fundamental and proper principles of review that the select committee and this house ought to follow have been breached in this process. They have been breached in the process by, in the first instance, the issuing of summonses rather than people being invited to present documents. That has not been the common practice of committees in this place. This select committee went straight down the path of sending out summonses to people instead of initially writing to them and asking them if they would like to cooperate and provide the documents that the committee sought.

There has not been respect for the cabinet processes, because the select committee has assumed it has the right to access executive documents, which are normally privileged documents, and has sought that information. There is a real danger that this select committee will damage the relationship between business and the government of Victoria if it continues down this path, because if this tender is breached through the processes of this select committee, business in Victoria will lose confidence in being able to do

business with the state of Victoria, especially if business thinks that when it supplies a commercially confidential tender to government that any old politically charged committee of the Parliament can delve around and look at it before it has even been evaluated and completed. If any member of this house thinks that is not going to cause damage to business, then they could not have worked in business.

There is a real danger that this committee, if it continues down this path, is going to damage that confidence. There is a fundamental principle that public servants and advisers to government — and this has been followed not only by this government but by the Howard government as well — ought to be able to give advice to government without fear or favour. They ought to be able to give advice, knowing that that advice will be treated as confidential and private to the minister, to the government or to the cabinet. That is at risk with the processes that this committee wants to follow whilst this tender is live.

During the establishment of this committee there was a speech made by Mr Davis, and in paraphrasing he said ‘If you see something going wrong you ought to go and have a look at it’.

**Mr P. Davis** — Wasn’t that a pretty good starting point?

**Mr VINEY** — I think that if you see something going wrong you can call the cops or you can call the Auditor-General or the Ombudsman. But what did Mr Davis do? He saw something that he thought was going wrong, but he did not go and get an independent person to come and have a look at this. He did not make that call. He set up a select committee of partisan politicians to investigate their political opponents. That is some independent process! That is what he has done. Lo and behold, members of the select committee took the cue. They took the cue all right: they have been partisan during the entire process, and they have been singularly focused on — —

**Mr P. Davis** — What are you afraid of?

**Mr VINEY** — Volume is not going to get Mr Davis anywhere. Mr Davis reminds me of the father in the television series *Family Guy*, and they appointed Stewie — Matthew Guy — to be on the committee. This is a bunch of partisan politicians who have taken their cue from Mr Davis and have gone down the path of continuing this partisan process of investigating their political opponents. They have paid no respect to the processes of government, no respect to the tendering process that is before the executive at the moment, no

respect to history, no respect to the constitution and no respect to the traditions of this place.

I know that the members opposite are incapable of reading or understanding authorities like *Odgers’ Australian Senate Practice* or *Erskine May*, but let me take them to those. It has been the consistent practice of all committees of the Parliament to invite people to appear or to submit documents before summoning or subpoenaing them. But what happened in this case? The committee went through the process of issuing summonses because some of its members wanted to make political points. That is what this is all about. It is a political process. I do not believe that anyone on the select committee really believes there is anything to be uncovered in this process. I think what some members are trying to do is find every opportunity to try to suggest that the government — and they are shouting at me — is trying to hide something. That is not true. As I said at the outset, if members of the select committee in this house were to determine that they would put off the investigation of the lotteries licence process until after it had been completed, they might be surprised at the level of cooperation they would get, but for them to follow the process of investigating a tender in the middle of the consideration of it is nothing more than a partisan political activity by a bunch of politicians investigating their opponents.

**Mr BARBER** (Northern Metropolitan) — Despite all that has just been said, members need to be aware that this is no longer an argument about the advisability of this select committee going ahead. It has now become an argument about the right of the Parliament itself to conduct such an inquiry. Even without the report, if you just examine the various bits of correspondence in the appendices you will be able to see that play itself out.

All the constitutional cases I have ever read reaffirm that we have a system here in Australia that is known as responsible government. That is capital R, capital G — Responsible Government. Members should have a look at *Lange v. ABC*, if they need to be walked through it, or check out *Egan v. Willis*. What is needed then is for members of the government, who have been here for a hell of a lot longer than me, to be taken through ‘Democracy for dummies’. An essential aspect is the power of this house to make laws and to scrutinise the government, and in order to do that it needs information. It is called a house of review. Every constitutional case that has looked at this has reaffirmed that principle. What we heard from Mr Viney was his setting up a bunch of different straw men, whom he then attacked very vigorously. But at the end of the day these pillars are still going to stand.

The powers of this Parliament are not particularly codified in a special act for that purpose in the way they are in some other parliaments. However, even if they were there would still be room to push forward with these particular measures, because the powers that we are talking about actually come from common law. They come from the Australian constitution and from the state constitution, which is a creature of the Australian constitution. They come from a long line of Westminster forms which in their time were revolutionary but which today are accepted. The catch-all name for that is responsible government — that is, ministers accountable to the people via their representatives in Parliament.

The government is effectively arguing, as will be seen in that correspondence, that every new statute it brings in here potentially limits and constrains those powers and restricts privilege. It is arguing that an ordinary act — and Mr Viney mentioned the gaming act — restricts the privilege of Parliament when we pass it, and thereby, conveniently for the government, the tools with which we can hold it accountable. Some of the different arguments the government has put forward are legal professional privilege, cabinet confidentiality, statutory secrecy, commercial in confidence and public interest immunity. These have been put forward by the government and have been picked up by some of the gambling companies and other actors that the government is seeking to protect while it protects itself, and they can all be seen in the correspondence.

Cabinet confidentiality is acknowledged. It has been acknowledged by the High Court and in the various judgements that I described earlier. Cabinet confidentiality — and cabinet responsibility that goes with it — has been breaking down. It has also been evolving. It has been breaking down because ministers no longer particularly take the responsibility they once would have taken for the actions of their own departments, and it is evolving because the public has higher and higher expectations.

For the moment cabinet documents — documents produced genuinely for the purposes of a decision or the recording of a decision by cabinet — are off-limits. That is well understood; it is not disputed. The Greens always look forward, so we look to some of the evolution that is occurring in this area — for example, in the Welsh Assembly, which actually publishes the outcomes of cabinet decision making and the decisions that were taken. We looked at the Western Australian commission on government report that came out after a series of corruption scandals, which also recommended a similar measure. I actually looked back to former Premier John Cain, who, despite being the father of the

FOI act, said that the cabinet oyster should be opened, where previously he had thought it might not.

The issues of statutory secrecy, commercial confidentiality and public interest immunity are effectively the same try-ons the government has been attempting with the FOI act. As I have said before, there is a much deeper source of authority than simply a particular act that is meant to bind particular individuals in their duties, and that is the ability of the Parliament to seek the information it needs to be able to make the best possible laws and to hold the government to account.

The government is essentially running the same set of arguments that it has been making with the FOI act ever since it has been in office. At the same time the government no longer answers questions in Parliament, it controls all the joint committees that it can possibly get hold of, it underfunds the watchdogs — the Auditor-General and the Ombudsman — and it opposes all mechanisms brought into this Parliament to try to increase accountability. And as I said earlier, it trashed the FOI act. You might then wonder what is left to hold a government accountable in a Parliament except the operation of a select committee.

With respect to the specific concerns the government may have about the release of documents where the public interest may not be served or where the issue of cabinet confidentiality has been raised, we have in fact through sessional orders set up a mechanism to deal with that — that is, sessional order 21. It is the process that was established in New South Wales and has certainly been backed by a case where the government went all the way to the High Court. In any case, at the moment the government is not entertaining that measure. It simply blankets and denies the committee everything on a range of grounds. There are boxes and boxes of documents, as Mr Viney said, all of which are already on the public record and downloadable.

We have created a mechanism to deal with these things. Mr Viney is now holding out hope that there will be some kind of compromise. If that is what the government is offering, the compromise is to work through that procedure, which we have agreed here as a sessional order. If the government is intending to go down the other path, which is to allow the courts to ultimately determine that matter, then it needs to be aware that the courts, while they are willing to determine that a privilege exists — and they will back that a privilege exists if it is reasonably necessary for the chamber to discharge its duties — will support that privilege and in fact will support it as an essential safeguard against the abuse of executive power, but

they will leave it to the house to determine how that privilege is used.

I hope all members will carefully read the material in the appendices and the brief summary that the report represents of progress to date and will consider these various issues, because I am reasonably confident that we as a chamber will be asked to take action in order to protect the ability of this house to do its job.

**Mr PAKULA** (Western Metropolitan) — When this select committee was set up government members expressed the view that it was potentially going to breach the integrity of the tender process and was in effect a political witch-hunt with the purpose of advancing the political agenda of the opposition and damaging the government. That was the view held by Mr Viney and me and nothing has happened that would change that view — certainly nothing that was done in the operation of the committee itself or in the compilation of the interim report.

The story of the 56th Parliament so far has been the alliance between the Liberal Party and the Victorian Greens. That alliance has been on glorious display. It has been on display in the setting up of this select committee, in the committee's deliberations and in the private caucuses that I have witnessed between Mr Rich-Phillips and Mr Barber. I feel a bit like Terry Wallace. If I have to hear any more sanctimonious claptrap from Mr Barber about accountability, scrutiny or responsible government I reckon I will spew. The only time accountability gets a look in in this whole process is when Mr Barber uses it as a crutch; when he uses it as a defence for behaviour that is absolutely and utterly political in nature. This is not about scrutiny, it is not about accountability; it is about politics, and it has been from the get-go.

I have read Mr Barber's defences in the *Age* and in the *Melbourne Times*. He has said that politically and ideologically the Greens are closer to the Labor Party than to the Liberal Party and that this is all about accountability. It is that ideological or policy closeness that makes the behaviour of the Greens all the more shameful and all the more tawdry. The Parliament and the community need to understand that this is not a short-term marriage of convenience. This has all the hallmarks of a long-term strategic alliance. It is a long-term strategic alliance of parties that have the same overall objective — that is, is to damage the Labor Party. The Liberal Party has that objective — —

**The DEPUTY PRESIDENT** — Order! I am at some disadvantage, because I was not here at the start of this debate, and I realise it is a fairly charged debate,

but I ask Mr Pakula to keep pretty much to the subject matter of the report that has been presented to the Parliament rather than using his contribution as a launching pad for a broad-ranging political debate that is not entirely pertinent to the report.

**Mr PAKULA** — Deputy President, I ask for some indulgence. The substance of the government's position is that the setting up of the committee and its interim report are political acts, and I am trying to create some context.

**The DEPUTY PRESIDENT** — Order! I accept that, and in that context I am prepared to entertain some debate of that nature, but I ask Mr Pakula to be fairly confined in that matter and to try to stick to the substance of what is before the house.

**Mr PAKULA** — Deputy President, I undertake to get to the substance within the next minute or two. The Liberal Party's ambitions to damage the Labor Party are pretty clear cut. It wants to become the government in Victoria, and it wants to retain government federally. The Greens' ambitions are for a couple of inner city seats in Victoria and federally. Nobody should be under any misapprehension about how far the Greens are prepared to go to see that objective met. Members of the Greens are prepared to boost the chances of the Liberal Party winning government in Victoria and retaining government federally, and they have demonstrated that in this place in every sitting week and on every tactical manoeuvre — and that has informed everything that has happened in regard to this committee, including the setting up of the committee — —

**Ms Pennicuik** — On a point of order, Deputy President, and with respect to what you just said to Mr Pakula, I do not think he is talking about the report, and it is not for him to — —

**Mrs Peulich** — Speculate.

**Ms Pennicuik** — Thank you. It is not for him to speculate about what our objectives are in the broader scheme of life.

**The DEPUTY PRESIDENT** — Order! Ms Pennicuik has entered into the debate rather than raised a point of order on the matter. I think Mr Pakula and I have a pact that as he resumes he will move into commentary on the report before the house rather than continuing the comments he has been making.

**Mr PAKULA** — This is my essential point. The alliance has informed everything that has happened in regard to this committee, including the creation of the committee, its operations and certainly the drafting of

the interim report. Time and again government members have sought reasoned and reasonable alterations both to the operations of the committee and its decisions. We sought reasoned and reasonable changes to the process of summoning documents without first requesting them, and about seeking legal advice from the very barrister who appeared in the case that the Liberal Party holds up as the precedent that it relies on. We heard Mr Rich-Phillips talk about the opinion by Mr Walker, SC. It is true that Mr Walker rendered an opinion, but he was counsel in the case that the Liberal Party relied on in its sessional order debate. As Mr Viney and I have argued, it is and always was extremely unlikely that he was going to render an opposite opinion when requested to do so by the committee.

The Attorney-General has written to the committee with advice from Mr Peter Hanks, QC. That letter is detailed in the appendix to the report. It talks about the Victorian position being entirely different from the New South Wales position. It talks about executive privilege, and it talks about cabinet documents and private information, including commercial in confidence, legal professional privilege, the powers of the select committee and the Gambling Regulation Act. That advice is entirely different from the advice from Mr Walker, who operates in another jurisdiction. We sought some reasoned and reasonable alteration to the conduct of the committee in regard to using Mr Walker, because our view was that he was unlikely to give unbiased advice.

We asked for reasoned and reasonable alterations to the committee's view about expecting people to breach the Gambling Regulation Act; about putting the tender process, and by extension every tender process, in jeopardy; about the principles of cabinet confidentiality; about the principles of legal professional privilege; and about respect for the divisions of the two houses of Parliament. On every one of those issues the Liberal Party said no, and on almost every one of those issues the Greens and The Nationals supported the Liberal Party.

I have to say that Mr Kavanagh has distinguished himself in the operation of this committee as a fair-minded person. I will be the first to concede that on some occasions Mr Viney and I may have been a little too robust in our defence of the government's position, and on those occasions Mr Kavanagh has not agreed with our view. He certainly did not agree with our view about Mr Walker's advice. But on many other occasions when we have put a fair, reasonable and balanced argument Mr Kavanagh has been prepared to support it. But we have had absolutely no joy with

breaking apart the alliance which has the objectives that we have already referred to.

We have put, and we have stated again in the minority report, that because of our view about the sensitivity of the tender process and because we do not want to ask individuals or corporations to break the law, we appeal for the investigations into the lottery licence tender process to be put off until the tender process has been completed. What we said was, 'Let us deal now with the issue of problem gambling and electronic gaming machines'. Frankly, that was the chance for members of the Greens and The Nationals, who have said time and again that it is an issue they care about, to show some balance.

It was a chance to have the issue of problem gaming and electronic gaming machines front and centre when the public hearings start in less than two weeks and when all the media attention will be on those public hearings, and at the same time to have the happy coincidence of not jeopardising the tender process, which the opposition parties say they do not want to do. We could have got two for the price of one: problem gaming front and centre and the tender process not jeopardised. That chance was squandered. It was squandered in the deliberations of the committee, and it was squandered in the interim report, because that is not what it is all about and never has been. It is more important to the shared vision, the shared agenda, of the opposition parties to have a couple of weeks of embarrassing or tricky headlines from Michael Warner in the *Herald Sun*. That is what this has always been about; it has never been about trying to actually find some solutions to problem gaming. By its refusal to bring the matter to the forefront of the committee's deliberations, the opposition has demonstrated that point.

**Mr KAVANAGH** (Western Victoria) — I want to make a couple of comments on things that have been said this afternoon. Primarily, although many good things were said, the term 'witch-hunt' was used, and I would like to comment on that. It seems to me that it is preferable to not ascribe motives to people who are performing actions scrutinising the government, because that is indeed our function here. It should be noted also that the Greens and The Nationals members of the committee have both on occasions supported initiatives by the government.

This is an important public issue. Although the government has made many good points and, in my opinion, made a very persuasive case that it would be preferable to leave the investigation until after the tendering process has been completed, that view has not

been accepted by the committee. Therefore, I ask that the government adopt a cooperative attitude towards the committee in the meantime and that it helps, rather than hinders, the work of the committee.

**Motion agreed to.**

**The DEPUTY PRESIDENT** — Order! I take this opportunity, on a matter of etiquette of the house, to indicate, because somebody almost transgressed, that behind the President’s chair is not a thoroughfare. Despite the fact that the ropes have been removed and the chair has changed, it is not allowed for members to pass behind the Chair.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE**

*Alert Digest No. 9*

**Mr EIDEH (Western Metropolitan) presented *Alert Digest No. 9 of 2007, including appendices.***

**Laid on table.**

**Ordered to be printed.**

**PAPERS**

**Laid on table by Clerk:**

EastLink Project Act 2004 — Order in Council of 12 June 2007 pursuant to section 7(6) of the Act.

Land Acquisition and Compensation Act 1986 — Minister’s certificate of 9 July 2007, pursuant to section 7(4).

Melbourne City Link Act 1995 —

City Link and Extension Projects Integration and Facilitation Agreement Fifteenth Amending Deed, 28 June 2007 and Sixteenth Amending Deed, 30 June 2007, pursuant to section 15B(5) of the Act.

Exhibition Street Extension Eleventh Amending Deed, 28 June 2007, pursuant to section 15D(6) of the Act.

Melbourne City Link Twenty-fourth Amending Deed, 28 June 2007 and Twenty-fifth Amending Deed, 30 June 2007, pursuant to section 15(2) of the Act.

M1 Corridor Redevelopment Deed Amending Deed, 30 June 2007, pursuant to section 15(2) of the Act.

Murray-Darling Basin Commission — Report, 2005–06.

Parliamentary Committees Act 2003 — Minister’s Response to recommendations in the Environment and Natural Resources Committee’s Inquiry into the Production and/or Use of Biofuels in Victoria.

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

Ararat Planning Scheme — Amendment C11.

Ballarat Planning Scheme — Amendment C116.

Bass Coast Planning Scheme — Amendment C70.

Bayside Planning Scheme — Amendment C61.

Cardinia Planning Scheme — Amendment C94.

Central Goldfields Planning Scheme — Amendment C10.

East Gippsland Planning Scheme — Amendments C53 and C54.

Frankston Planning Scheme — Amendment C43.

Golden Plains Planning Scheme — Amendment C30 Part 1.

Greater Bendigo Planning Scheme — Amendments C12 and C100.

Greater Geelong Planning Scheme — Amendments C54, C130 and C151.

Greater Shepparton Planning Scheme — Amendments C44 and C64.

Hepburn Planning Scheme — Amendment C41.

Hume Planning Scheme — Amendment C95.

Kingston Planning Scheme — Amendments C52 and C90.

Melbourne Planning Scheme — Amendment C96.

Moira Planning Scheme — Amendment C27.

Moorabool Planning Scheme — Amendment C42.

Mount Alexander Planning Scheme — Amendment C40.

South Gippsland Planning Scheme — Amendment C36.

Strathbogie Planning Scheme — Amendment C25.

Warrnambool Planning Scheme — Amendment C56.

Wellington Planning Scheme — Amendments C29 and C43.

West Wimmera Planning Scheme — Amendments C11 and C12.

Whitehorse Planning Scheme — Amendments C60 and C71.

Whittlesea Planning Scheme — Amendment C80.

Yarra Planning Scheme — Amendment C82.

Statutory Rules under the following Acts of Parliament:

City of Melbourne Act 2001 — No. 64.

Country Fire Authority Act 1958 — No. 67.

Disability Act 2006 — No. 60.

Docklands Act 1991 — No. 65.

Drugs, Poisons and Controlled Substances Act 1981 — No. 63.

Education and Training Reform Act 2006 — No. 61.

Environment Protection Act 1970 — Nos. 76 and 77.

Equipment (Public Safety) Act 1994 — No. 53.

Health Professions Registration Act 2005 — No. 62.

Magistrates' Court Act 1989 — Nos. 56 and 57.

Occupational Health and Safety Act 2004 — No. 54.

Road Safety Act 1986 — Nos. 71, 72, 73 and 74.

Subordinate Legislation Act 1994 — No. 55.

Transfer of Land Act 1958 — No. 66.

Transport Act 1983 — Nos. 68, 69 and 70.

Valuation of Land Act 1960 — No. 78.

Victorian Civil and Administrative Tribunal Act 1998 — No. 58.

Water Act 1989 — No. 75.

Working with Children Act 2005 — No. 59.

Subordinate Legislation Act 1994 —

Minister's infringements offence consultation certificate under section 6A(3) in respect of Statutory Rule No. 70.

Minister's exception certificates under section 8(4) in respect of Statutory Rule Nos. 51, 52, 56, 57 and 66.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 62, 64, 65, 67, 70, 71, 72, 73, 74 and 76.

The following proclamations fixing operative dates were laid upon the Table by the Clerk:

City of Melbourne and Docklands Acts (Governance) Act 2006 — 1 July 2007 (*Gazette No. G26, 28 June 2007*).

Education and Training Reform Act 2006 — remaining provisions — 1 July 2007 (*Gazette No. G26, 28 June 2007*).

Environment Protection (Amendment) Act 2006 — section 54 — 1 July 2007 (*Gazette No. G26, 28 June 2007*).

Water (Resource Management) Act 2005 — section 69 — 1 July 2007 (*Gazette No. G26, 28 June 2007*).

## BUSINESS OF THE HOUSE

### General business

**Mr P. DAVIS** (Eastern Victoria) — I desire to move, by leave:

That general business on Wednesday, 18 July, be taken in the following order:

1. notice of motion 32 standing in the name of Mr Drum in relation to the introduction of a bill to amend the Summary Offences Act 1966;
2. Mr Rich-Phillips's notice of motion given this day seeking the Legislative Assembly's leave for certain members of the Assembly to appear before the Legislative Council's Select Committee on Gaming Licensing;
3. notice of motion 24 standing in my name referring a matter to the Road Safety Committee for inquiry and report;
4. notice of motion 25 standing in the name of Mr Hall referring a matter to the Education and Training Committee for inquiry and report; and
5. order of the day 4, resumption of debate on the motion relating to public infrastructure.

**The DEPUTY PRESIDENT** — Order! The question is:

That the motion be agreed to.

**Mr Lenders** — On a point of order, Deputy President, I am trying to demonstrate cooperation from the government's side. We have not given leave. I am just trying to establish from the Leader of the Opposition, with the Chair's leave, that there were five items that were agreed to be discussed today, and I think Mr Davis has added his item on the bushfire task force.

**Mr P. Davis** — On the point of order, Deputy President, I have not included that, that is for further discussion.

**Leave granted.**

**Motion agreed to.**

## MEMBERS STATEMENTS

### Floods: Gippsland

**Mr P. DAVIS** (Eastern Victoria) — I would like to make a brief comment about recent events in Gippsland, in particular the floods which occurred following a large rainfall event on 27 June. That impact

was on the Macalister Valley and the communities of Licola and Newry, the Mitchell River and the communities of Lindenow and Bairnsdale, and the Gippsland Lakes and the communities of Loch Sport, Paynesville, Raymond Island and Lakes Entrance, and some others.

I wish to note the extraordinary efforts of the people who were involved in the emergency management processes: the State Emergency Service, Victoria Police, Country Fire Authority, Australian Red Cross and the municipal authorities which were directly involved. In addition to that, I acknowledge the real contribution being made now in the recovery process by volunteers of those communities and those from well outside Gippsland who are offering their time and physical labour to assist in the flood recovery process.

This will be an ongoing challenge for the Gippsland community for some time and comes on top of a very long period of drought, followed by bushfires, and in the case of Licola, a mud slide. I think we have just about had it all, and I hope the national disasters do not keep coming.

### **Floods: Gippsland**

**Mr HALL** (Eastern Victoria) — I encourage members to spend a further 90 seconds reflecting on the recent storm and flood damage incurred in much of Gippsland. The rain event caused enormous environmental damage to the Macalister Valley, particularly upstream of Glenmaggie. Throughout the region homes and buildings had muddy water flowing through them. The worst damage that I witnessed was in Newry and Tinamba, but homes in Traralgon, Sale, Lakes Entrance, Bairnsdale, Paynesville, Raymond Island, Loch Sport and many other small settlements also were affected by water damage.

Crops in the Lindenow flats were wiped out, stock was lost, bridges and roads were washed out, caravan parks and school camps were completely washed downstream. When tourism should have been flourishing in places like Lakes Entrance and Paynesville during the school holidays, these towns were effectively shut down. It will take many years for the Gippsland community to recover, but that recovery has been enhanced by the sterling work of emergency service organisations in the region. I pay particular credit to all those organisations involved.

I also wish to compliment the government for its prompt and substantial response to this disaster, particularly the personal leadership demonstrated by the Premier of Victoria, Steve Bracks. The assistance

committed to date has been substantial and most appreciated. More may be required in the future, and I hope any further required support is readily forthcoming.

### **Floods: Gippsland**

**Mr SCHEFFER** (Eastern Victoria) — The storms and floods which recently inundated large areas of Gippsland have badly affected many communities. In a very short space of time the shires of Wellington and East Gippsland have endured severe drought and extreme fire and have now sustained enormous damage resulting from the unprecedented severity of the floods of the past weeks.

Once again local community members and volunteers, the State Emergency Service, the Country Fire Authority, Victoria Police, the staff of the Victorian government departments such as the Department of Sustainability and Environment, the Department of Human Services and the Department of Primary Industries, the catchment management authorities, the Australian Red Cross, St John Ambulance, local government people, community organisations, local businesses and countless others deserve the very highest praise for their resilience and spirit.

Many people have been hit badly through loss of property and livelihood, and the commonwealth, state and local governments should be acknowledged for their speedy provision of resources and support. The Victorian government immediately established the Flood Recovery Ministerial Taskforce, worked with the Wellington and East Gippsland shires to assess what response was needed and immediately announced a \$60 million relief package. The Prime Minister and the Premier immediately announced the establishment of a \$1 million community recovery fund with equal contributions from the state and commonwealth. They also announced recovery grants of up to \$15 000 for eligible small businesses and primary producers.

The impact of the floods that I saw at Newry and at Paynesville on the Gippsland Lakes, along the Mitchell River at Bairnsdale and on the farms near Lindenow was extensive. East Gippsland and Wellington shires have prepared extensive recovery plans that will, in some aspects, take years to implement. The Victorian government will be working with affected communities over the long term.

### **Disability services: holiday vouchers**

**Mrs COOTE** (Southern Metropolitan) — In the past three weeks I have visited many parts of Victoria

and met with a number of advocates for the disability sector, and I have met with people with a disability and with their parents. I put on record my enormous admiration for all the people involved in the disability sector. Many of these people have to deal with challenges in their lives that able-bodied people can only imagine, but no-one that I met with complained or whinged about their situation at all. They were really inspiring. That is not to say that they were not seriously disgruntled with the Bracks government and its lack of consideration towards disability and in particular with the lack of recognition of unmet need.

People, and especially the elderly parents of middle-aged disabled people, are calling for the Bracks government to urgently address the issue of unmet need and to give them surety about the fate of their children in a world without support from their parents. Many of these disabled people and their parents cannot afford a proper holiday together — that is not just respite care — and I have had an excellent suggestion from one parent of a 39-year-old who said that the government should give disabled people and their elderly parents a \$1000 voucher annually to be put towards accommodation or airfares. I call on the Minister for Community Services, Mr Jennings, to implement this recommendation.

### **Rail: Brimbank level crossing**

**Ms HARTLAND** (Western Metropolitan) — My statement today is in regard to a meeting I was invited to at Brimbank City Council on 28 June to discuss the recommendations of the Victorian coroner in relation to a railway crossing accident at Furlong Road on 5 August 2004 in which three Brimbank residents were killed. The intention of the council was to meet with all local members of both the upper and lower houses of Parliament to ascertain the state of funding for railway crossings under the policy already established by the state government. I thought that was an excellent move on behalf of council, because rail safety should not be a subject that is dealt with along party lines, but I was disappointed when no other members of Parliament attended the meeting.

*Honourable members interjecting.*

**Ms HARTLAND** — There were no other members of Parliament at the meeting. I checked with the council this morning, and I was told that it had not been cancelled.

**Mr Pakula** interjected.

**The DEPUTY PRESIDENT** — Order! There will be no interjections during 90-second statements.

**Ms HARTLAND** — I advise Mr Pakula that I did not organise the meeting. As well as being members of political parties, we must also be advocates for our regions. Rail safety is an issue that should concern all of us. I suggest that Mr Pakula check with Brimbank council.

### **MVC Boxing Club**

**Mr LEANE** (Eastern Metropolitan) — On Sunday I attended the second meeting of the new MVC Boxing Club. This club has been named after the legendary Australian trainer and boxer, the late Michael Victor Canavan. The club is headed by the recently retired three-times super lightweight champion of Australia, Steve Marks, who has fought in title bouts around the world. Other boxing identities involved in this club are Johnny Famechon, Barry Michael, Gus Mercurio and Dave Russell. The club's goal is to reopen the original gym operated by Michael Victor Canavan in Bedford Park hall as a service to the citizens and youth of the eastern suburbs and eventually to build a new multipurpose facility that will accommodate a fully equipped gym and spectator seating.

I have found most people I have met who have been involved in boxing to be very disciplined in the way they go about life. I believe it is great that successful boxers are putting something back into the community, as is the case with this club. Considering the child diabetes problem we have had of late, it is great that there will be a new gym in the east where interested young people can get involved rather than sitting in front of their computer playing computer games for hours.

### **Dingley bypass: future**

**Mrs PEULICH** (South Eastern Metropolitan) — I have on several occasions spoken in this house of my very severe concerns in relation to roads and transport across the South Eastern Metropolitan Region and the failure by the Bracks Labor government to connect arterial flows and provide better public transport. One disaster seems to emerge on a regular basis. Some of you may be aware, for example, of the Mordialloc Creek Bridge debacle, which has added in excess of an hour in travelling time in either direction and which is intended to last for some 16 months. But more of that tomorrow when I present a petition.

The most recent debacle has been the Dingley bypass. It seems the government just cannot get its act together.

There was an article in the local paper entitled 'Roadworks on time and target', in which the Victorian regional manager was quoted as saying that basically it is on time but that future sections of the Dingley bypass need to be committed to on a state priority list. That was on 27 June.

On 2 July the Minister for Roads and Ports in the other place, Mr Pallas, said to me in response to an item I raised in the adjournment debate:

... in relation to the completion of the Dingley bypass (now referred to as the Dandenong southern bypass) ...

He went on to say:

As you would be aware, a reservation for this road exists between Warrigal Road and South Gippsland Highway.

He went on to basically ditch the Dingley bypass and betray members of the community of Dingley Village, who will be subjected to an absolute deluge of traffic at the opening of the South Road extension.

### **Sunshine Hospital: magnetic resonance imaging**

**Mr EIDEH** (Western Metropolitan) — On Thursday, 12 July 2007, a new and much-needed MRI (magnetic resonance imaging) machine costing \$4.5 million and funded by our government became available to families who attend Sunshine Hospital for medical treatment. The Minister for Health in the other place, Minister Pike, inspected a new addition to the medical imaging services provided by Sunshine Hospital. The new state-of-the-art MRI machine is essential in the early detection of tumours and for examining internal organs and will provide a critically needed service for residents in the Western Metropolitan Region.

This is another example of our government's ongoing commitment to ensure that residents of the western suburbs continue to receive quality medical services. In the last budget the government provided Western Health an increase in funding of 6 per cent. I am very pleased that the west will gain substantial benefits from the funding for the new MRI machine.

### **Floods: Gippsland**

**Mr O'DONOHUE** (Eastern Victoria) — The Gippsland region has had a terrible 12 months with devastating fires during the summer, mud and landslides at different places earlier this year and now severe flooding. Licola has had its road access cut; Newry experienced its worst flood in decades and towns around the Gippsland Lakes such as Paynesville,

Raymond Island, Lakes Entrance and Metung have experienced severe flooding. The floods hit on Thursday, 28 June, after the rain event of 27 June. I saw the municipal emergency coordination centres in both Sale and Bairnsdale in action the following day. The way the emergency services, government agencies and the Wellington and East Gippsland shires respectively coordinate and cooperate during these times of crisis is very impressive. I pay tribute to their professionalism, community spirit, skill and dedication. We as a community are lucky to have such people.

The relief package announced by the government is welcome. Some aspects of it, however, are disappointing, and indeed it should be seen only as a start. In particular there is little funding for marketing Gippsland as a destination. The tourist operators I have met with and spoken to in Gippsland say there have been widespread cancellations of bookings. The government should fund a television advertising campaign as a matter of urgency before people start making or changing plans for the September and Christmas holidays. The government has not provided funding for farm fencing, notwithstanding the widespread destruction of farm fences, particularly in the Macalister irrigation district.

The ferocity of the floods was demonstrated by the enormous amount of debris that was washed into the Gippsland Lakes from Mount Wellington, including ash, topsoil, farm equipment and other material. This can be partly attributed to the effects of the bushfires, which again raises the question —

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

### **Floods: Gippsland**

**Mr PAKULA** (Western Metropolitan) — I was also fortunate enough to travel to East Gippsland last week with the community cabinet. Among the towns I visited were Sale, Metung, Bairnsdale, Lakes Entrance and Maffra. As other speakers have said, coming on top of fire, the floods have been a terrible blow and, given that they came at the start of the school holidays, the timing could not have been worse for tourism operators. There was also a significant impact on roads. I give particular thanks to Arch Kincaid, a works officer from the Shire of Wellington, who drove me around to places like Hagens Bridge, Lannigans Bridge near Glenmaggie Weir, the town of Newry, Bushy Park and Valencia Creek to see the damage first hand. I was able to see not only the state of the roads and bridges but also the swollen nature of the Avon and Macalister rivers.

The two key points that I make coming out of that are that the \$60 million recovery package announced by the Premier will go a long way towards at least repairing the physical damage done to East Gippsland and that, from what I saw, East Gippsland is rapidly getting back on its feet. As part of a government campaign I will certainly be urging my constituents to spend their hard-earned holiday dollars in East Gippsland. I hope all other members of the house do likewise.

### **Police: Streetsmart initiative**

**Mr VOGELS** (Western Victoria) — I take this opportunity to call on each member of the Victorian Parliament to get involved as a sponsor of Streetsmart, which is an initiative of the Victorian Police Citizens Youth Clubs. Its ultimate aim is to address youth suicide, depression, drug abuse et cetera. People at Streetsmart also teach real-life skills such as how to gain employment and apprenticeships. They teach about going to university or TAFE and about road safety et cetera. Streetsmart books are distributed to all secondary schools. Many schools also choose to give the book to year 12 students as part of a package when they are leaving. For many years Victoria Police has been involved in working closely with our youth through Blue Light events to help build a relationship, a bond, between police and teenagers. This is an important relationship. Mutual respect is gained, with police being seen as friends rather than just as enforcers of the heavy hand of the law. This initiative adds further to the cause.

Like all publications, Streetsmart handbooks cost money, so sponsorship is needed to help with printing and distribution costs. There is a great opportunity for major businesses to be sponsors of this very worthwhile campaign in their local schools. Those who are interested can view the handbook by clicking onto the Streetsmart handbook icon in the bottom left-hand corner of the [www.bluelight.com.au](http://www.bluelight.com.au) home page or by going to [www.smarthandbooks.com.au](http://www.smarthandbooks.com.au). I commend this initiative to the house.

### **Youth: drugs**

**Ms PULFORD** (Western Victoria) — In recent weeks I was privileged to have the opportunity to visit two important facilities that help young people in Geelong and south-western Victoria who are battling drug and alcohol dependency. During Drug Action Week, just under a month ago, I was shown the facilities for the drug prevention and treatment program at Barwon Youth in Geelong. Shannon Luttrell, the senior project officer at Barwon, explained the wonderful work that is being done through the youth

access program, in which three outreach workers operating in areas across south-western Victoria, including Colac and Portland, help those aged between 12 and 21 who are at risk of alcohol or drug use and abuse.

Two weeks ago I was in Newcomb, where I was given a tour and briefing on the detox unit by Max Broadley, who is the manager of the Youth Substance Abuse Service (YSAS), which is now in its 10th year of operation. I was invited to see the Geelong arm of its operation, after visiting its display in Queen's Hall in this very building during our last sitting week. I hope that was an opportunity that many of my colleagues also took up.

Through these two visits I had the opportunity to see the great work that is being done throughout south-western Victoria and in Geelong to support young people — some of them very young — with a drug and/or alcohol dependency. I commend the work being done by the people at Barwon Youth and YSAS in helping to get young people back on track.

### **Goulburn Valley Health: police memorials**

**Ms LOVELL** (Northern Victoria) — Last Friday, together with the Minister for Police and Emergency Services, the member for Shepparton in the other place and Ms Darveniza, I was honoured to attend the dedication of the Eyre-Tynan emergency department and the Ray Denman short-stay unit at Goulburn Valley Health. Both the emergency department and the short-stay unit have been named in honour of police officers from our region who lost their lives in the line of duty. Ray Denman, a first constable at Numurkah, was shot while attending a domestic incident in 1964. Present at the dedication was Ray's daughter, Gail Jenkins. Gail, who was only a child when she lost her father, now works for Goulburn Valley Health. With this living memorial she will have a daily reminder of her father who was taken from her in tragic circumstances. Gail's daughter also attended the dedication ceremony.

While growing up in Shepparton, Damian Eyre aspired to follow his father, Frank, and brother, Daryl, into the police force. Unfortunately Damian and young Bendigo constable Steven Tynan were the police officers who answered that fateful hoax call to Walsh Street on 12 October 1988. I spoke with Damian only a few days before his untimely death. He was so excited and proud to at last be achieving his lifelong ambition. Damian's proud parents, Frank and Carmel Eyre, his brother, Daryl, and sister, Julie, along with Daryl's partner and Julie's children, were all in attendance to witness the

dedication. Steven Tynan's parents, who are forever united with the Eyre family through tragedy, were also in attendance. I congratulate the Blue Ribbon Foundation on making a \$125 000 donation to Goulburn Valley Health and on its continued work in establishing living memorials to honour police officers who have lost their lives in the line of duty.

### **McCaughey Centre, University of Melbourne: opening**

**Mr THORNLEY** (Southern Metropolitan) — Yesterday I had the pleasure of attending the official opening of the McCaughey Centre, the VicHealth Centre for the Promotion of Mental Health and Community Wellbeing, as part of the School of Population Health at the University of Melbourne. I have been watching this project for a while. Among the many good things that people at the centre will be doing is running the Community Indicators Victoria program. The program is incredibly important because over time it will establish systematic longitudinal data across a whole range of very important social indicators, and it will do that at a local level.

It is only by getting that sort of longitudinal data that we can rigorously and consistently track the impact of various social and human capital investment programs. In doing so we can find out what is really working and what is not working and continue to improve what we do. By doing it at a local level we can also ensure that the targeting is effective and track how real policy changes are impacting on the ground. Until those sorts of data sets are in train, we will never be as effective as we might be in really developing strong social policy, whoever is in government.

This is an incredibly exciting policy development. It is a fitting tribute — one of many, I am sure — to the extraordinary longitudinal contribution of both Davis and Jean McCaughey over many years. The centre is named in their honour, and I was excited to be there when the Minister for Victorian Communities in the other place, Minister Batchelor, opened the centre yesterday.

### **Eltham East Primary School: healthy lifestyle programs**

**Mrs KRONBERG** (Eastern Metropolitan) — The Eltham East Primary School, through its principal, Ms Claire McInerney, and the school councillors, especially the president, Mr Andrew Evans, and treasurer, Mrs Sandi Monaghan, is to be commended for its ongoing commitment to healthy lifestyle programs for students, which, as it happens, also flow

on to their carers. The school has adopted a holistic approach in encouraging students to make healthy eating choices and to undertake physical activities. Now the school is seeking further funding to expand on experience gained through its bike education program in concert with the Kangaroo Ground Primary School and by its participation in the Great Victorian Bike Ride in 2005.

The organisers have a splendid long-term aim of encouraging lifelong cycling habits. Results of the bike program thus far point to growth in the percentage of students who regularly choose to ride to school. Underpinning these healthy choices is the school's Walking School Bus program, which operates along four regular routes. Expansion of the program will include real-life team participation in the Great Victorian Bike Ride, firstly in 2007 and ideally in 2008 and beyond. Already families from both schools have been undertaking training rides on local bike tracks during winter. In the winter climate students are encouraged to cycle for health and fitness, whilst becoming familiar with and gaining an appreciation of the local area. The school plans to involve other local private schools in the Nillumbik municipality in its cycling program in future years. By involving the community in health and fitness programs the Eltham East Primary School —

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

I have previously referred to the thoroughfare behind me. Some members may have noticed the brief appearance and disappearance of the Minister for Planning. Can I say that that was a most discourteous appearance in the house. There was no acknowledgement of the Chair and, more importantly, the minister moved through the chamber from one door to the other without participating in the proceedings of the house. If members need to go somewhere, they ought to avoid the house and use other thoroughfares around the building. I ask Minister Jennings to convey to Minister Madden that his action was not appropriate.

**Mr JENNINGS** (Minister for Community Services) — As a matter of courtesy I will probably pass on those remarks to the minister, although I do not think I am obliged to. I note the goodwill the Deputy President is trying to engender in the chamber.

## STATE TAXATION ACTS AMENDMENT BILL

*Second reading*

### Debate resumed from 19 June; motion of Mr LENDERS (Minister for Education).

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I am pleased to rise to speak on the State Taxation Acts Amendment Bill 2007. The bill introduces three relatively straightforward changes to the Duties Act and the Taxation Administration Act which will be supported by the Liberal Party.

Part 2 of the bill relates to two amendments to the Duties Act. The first relates to land-rich provisions of the act, which apply where the land is held in a body corporate such as a company or a trust and, rather than the land itself being transferred from one owner to another and the stamp duty being paid on the transfer, the transfer occurs either through the sale of a company or through the transfer of units in a unit trust. What the legislation seeks to do in relation to unit trusts is clarify that the trustee is deemed to be responsible for the payment of stamp duty with respect to the land held by a unit trust rather than someone having to dig down into the structure of the trust to determine the ownership of units in the trust.

I understand this provision arises as a result of litigation that took place in the Supreme Court of Victoria and subsequently in the High Court of Australia as to where the liability for stamp duty on the transfer sat — whether it was with the trust or with the unit-holders in the trust. As a consequence of an adverse decision for the Commissioner of State Revenue in the Supreme Court of Victoria and consequently on appeal in the High Court of Australia, this legislation has been introduced to clarify the situation and make clear that the liability for stamp duty on land transfers held by a unit trust will lie with the trustee and not with the unit holders in that trust. The Liberal Party believes this is an appropriate mechanism to clarify the liability for stamp duty and accordingly supports the provision.

The second provision of the bill relates to the payment of stamp duty on the transfer of demonstrator motor vehicles. Currently the act defines a demonstrator vehicle as being a vehicle that is used for the purpose of the sale of another motor vehicle of the same class. The bill seeks simply to replace that wordy definition with a definition of a demonstrator vehicle based on the fact that the word ‘demonstrator’ is in common use in the motor vehicle industry and its meaning is well understood. From now on the application of stamp duty

at a different rate for demonstrator vehicles will simply be based on demonstrator vehicles as they are commonly known rather than through the more convoluted definition that is currently contained in the Duties Act.

The third provision of the bill relates to an amendment to the Taxation Administration Act concerning the application of penalty tax in the event of disclosure of particular matters. Currently under the Taxation Administration Act there can be a reduction in penalty tax that is levied by the State Revenue Office where a taxpayer who is subject to penalty tax discloses the matters that lead to the levying of that penalty tax. I understand from the departmental briefing that what has occurred is that there have been instances where the State Revenue Office has taken legal action against a taxpayer to enforce the state taxation regime and as a consequence of that legal action matters have been disclosed to the State Revenue Office. Under the current provisions of the legislation, which uses the phrase ‘that the taxpayer discloses’, it has been held that a taxpayer disclosing through legal action brought by the State Revenue Office is nonetheless a disclosure by the taxpayer and therefore the penalty tax should be reduced.

What the bill before the house does is simply insert the word ‘voluntary’, so that in future only disclosures of information by a taxpayer that are voluntary and do not occur in the course of prosecution or through legal action by the State Revenue Office will be eligible for a reduction in penalty tax. The Liberal Party believes this is an appropriate amendment to the act. It was certainly the intention when the principal legislation was passed that reduced penalty tax for disclosure by a taxpayer should apply only in the case of voluntary disclosure. If this matter needs to be clarified, as we understand from the department that it does due to the way it has operated, we believe it is entirely appropriate that the word ‘voluntary’ should be inserted and that in future the reduction in penalty tax should apply only where the disclosure by the taxpayer is voluntary, as intended.

I note that, although the bill is not significant in terms of size, the changes it makes are nevertheless important in having the Duties Act work more smoothly for the State Revenue Office and ensuring a more appropriate application of the provisions of the Taxation Administration Act. They are supported by the Liberal Party, and I wish the bill a speedy passage.

**Mr HALL** (Eastern Victoria) — I indicate to the house that The Nationals will not oppose the amendments to the Duties Act and the Taxation Administration Act 1997. They appear to be fairly

sensible and minor measures which make common sense.

I will comment quickly on some of the provisions of the bill. Firstly, clauses 3, 4, 5 and 6 amend the Duties Act regarding stamp duty payable on property transactions. Most of us in this chamber would be well aware that when properties are exchanged they attract stamp duty.

It can be quite a considerable sum, and some people try to avoid the payment of stamp duties if possible through clever mechanisms such as trusts and different company structures. We in The Nationals welcome measures to crack down on avoidance and make sure that all, not just the poorer people in our communities, pay what is required of them under Victorian law.

What clauses 3, 4, 5 and 6 do is complicated for the layperson, and I commend the minister's explanation in the second-reading speech of what these clauses do:

... when a trustee acquires an interest in different capacities, the interests are not aggregated for assessment purposes unless the trustee has acquired the interests for the same persons or associated persons. The amendments also clarify the charging provisions in relation to aggregated acquisitions.

That is the essence of what is contained in clauses 3, 4, 5 and 6.

Clauses 7 and 8 relate to amendments to the Duties Act, but this time in relation to stamp duty payable on the transfer of a demonstrator motor vehicle. Once again these are fairly simple amendments which I think make these provisions much easier for people to read and understand. Clause 7 simply replaces the phrase 'the use of the motor vehicle for the purpose of the sale of another motor vehicle of the same class' with the phrase 'the use of the motor vehicle as a demonstrator vehicle'. This seems to be a good, positive move to plain English which makes it easier for us to understand exactly what is meant by the terms used. Clause 8 makes a small change to the heading of part 4 of chapter 9 from 'Change of Ownership' to 'Change of Use', which more accurately reflects the composition of the clause that it refers to.

Clause 9 of the bill amends the Taxation Administration Act in relation to penalty provisions. It makes clear when and in what circumstances an automatic reduction in penalty tax applies. Again that seems to us a very sensible amendment which makes clear the application of this provision. That is all this very small bill does, and they are common-sense measures which we are happy to support.

**Mr BARBER** (Northern Metropolitan) — The Greens will support this bill.

**Mr SCHEFFER** (Eastern Victoria) — I will speak briefly from the government point of view, as most of the arguments have been canvassed. The State Taxation Acts Amendment Bill amends the Duties Act to clarify certain sections that relate to land-rich duty and motor vehicle duty. It also amends the Taxation Administration Act with regard to penalty tax reductions.

The Duties Act, as members know, contains sections that relate to duties that are imposed when land ownership is transferred. The purpose of those sections was to make sure that the payment of duties could not be avoided by using companies and trusts to buy land indirectly. The provisions of the Duties Act aim to impose the same duty on people no matter how they acquire the land. The present amendment to the Duties Act gives further clarification in relation to land-rich provisions in the principal act following a recent decision made by the Victorian Civil and Administrative Tribunal and a subsequent decision of the High Court.

The present amendment deals with the problem that was raised by decisions of the courts by making it clear that a trustee who holds an interest in land that is being transferred is deemed to have a beneficial interest and is therefore liable to pay duty on that acquisition. But the bill is specifically concerned with the acquisition of shares in land-rich land-holders. The definition of a land-rich land-holder can be found on the State Revenue Office (SRO) website.

**Mr Hall** interjected.

**Mr SCHEFFER** — Since Mr Hall asked, it can be a private company, a private unit trust scheme or a wholesale unit trust scheme that owns land in Victoria with a clear value of \$1 million or more. Clause 5 of the bill clarifies that where an interest in a land-rich land-holder is acquired by a trustee, the trustee will be taken to have obtained the interest beneficially. As well, a trustee who holds or acquires an interest in a land-rich land-holder is to be treated as a separate person in respect of each trust of which the trustee is a trustee.

In relation to motor vehicle duty the Duties Act provides an exemption on demonstrator vehicles to special dealers who carry on business dealings for the purpose of sale by retail. The exemptions have apparently caused some confusion in the marketplace, so clauses 7 and 8 of the bill make changes that aim to remove any misunderstandings. The substitution has

already been referred to: the words ‘the use of the motor vehicle for the purpose of the sale of another motor vehicle of the same class’ will be replaced by the much simpler expression ‘the use of the vehicle as a demonstrator vehicle’. That change is intended to provide greater clarity in the marketplace.

The bill also makes changes to the Tax Administration Act that clarify the original intention of the automatic penalty tax reduction, which is to reward taxpayers who genuinely disclose information to the SRO before they are required to — before they are found out — so that they declare up-front what their position is, and that saves the SRO considerable expenditure in conducting an investigation. These are common-sense reforms to both those pieces of legislation, and I commend the changes to the house.

**Mr EIDEH** (Western Metropolitan) — Since it was first elected to office the Bracks Labor government has worked tirelessly to ensure that the economic condition of the state of Victoria is at its absolute best. Under the guidance of the best Treasurer this state has known for a long time and with the diligence and integrity of the Bracks Labor government’s ministers, the economy of the state has gone from strength to strength. This bill is a further example of the government’s highly competent management, and it protects the rights of honest Victorians who comply with investigations under the Duties Act 2000 and the Taxation Administration Act 1997.

The changes in this bill extend and strengthen the legislation enacted in 2004 to prevent some persons defrauding the state through the evasion of lawful duties. The changes were suggested by the State Revenue Office, whose dedicated staff have great integrity. Minor changes are also made to the motor vehicle provisions to ensure clarity and avoid any confusion or misunderstanding. The intent of the changes is to serve the interests of the state of Victoria without imposing any undue burden on honest and law-abiding citizens. In each area citizens who cooperate with any investigation by the commissioner, thus saving both time and money, will have their penalties significantly reduced. That shows the good faith of the government and the attention it pays to competent and honest government. I commend the bill to the house.

**Motion agreed to.**

**Read second time.**

### *Third reading*

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

That the bill be now read a third time.

I thank all speakers for their contributions to the debate.

**Motion agreed to.**

**Read third time.**

## ACCIDENT TOWING SERVICES BILL

### *Second reading*

**Debate resumed from 20 June; motion of Hon. T. C. THEOPHANOUS (Minister for Industry and State Development).**

**Mr KOCH** (Western Victoria) — I am glad to be able to speak to the Accident Towing Services Bill 2007 and in so doing to establish the purposes of this bill. As we are all aware, it is a new stand-alone bill and its purposes are set out in clause 1:

- (a) to promote the safe, efficient and timely provision of accident towing services and other related services by —
  - (i) licensing the operation of tow trucks that provide accident towing services; and
  - (ii) accrediting operators of accident towing service businesses and managers of depots from which accident towing services are provided; and
  - (iii) accrediting tow truck drivers when driving licensed tow trucks or providing accident towing services; and
  - (iv) providing for other matters related to the provision of accident towing services; and
  - (v) providing for matters related to the storage and repair of motor vehicles; and
- (b) to make consequential and related amendments to the Infringements Act 2006, the Melbourne City Link Act 1995, the Police Regulation Act 1958, the Road Safety Act 1986 and the Transport Act 1983.

As I mentioned earlier, this is new stand-alone legislation that is focused purely on the accident towing industry itself. We appreciate that accreditation has been widely accepted across most industries, especially in relation to transport, bus activity and also the use of taxis statewide, so it is something that comes as no surprise. It picks up from earlier codes of practice that were put in, but I will refer to that a little bit later. Importantly, the new legislation deregulates the trade

towing industry but, as I mentioned, with accreditation it further regulates the accident towing industry.

The opposition suggested quite a few amendments in the earlier stages of the introduction of the Accident Towing Services Bill. The standout issue from our point of view related to the period between the making of an application for a licence and the time when accreditation was gained. That was earlier proposed to be a 90-day period. More recently the minister, on reviewing this bill, indicated that that period will go from 90 days back to 30 days. That is certainly where our amendment would have been going, but I have to say that I would have thought that periods of less than 30 days should have been possible in relation to the accreditation and licensing of applicants.

I do not think there is any doubt at all that the towing industry has had a very colourful history over a long period of time. Most of us would be very aware of that either from personal experience or from our knowledge of how the towing industry worked in earlier times. I have to say that on many occasions not only did bullying take place, but some of the operators, in their eagerness to secure work, rushed to accident scenes and caused more accidents. Spotters fees were paid, and many people sought to be spotters and to carry out that job with distinction. They received a small remuneration for assisting in finding accidents and reporting them to various towing houses. The last people in the chain were the people who had suffered an injury due to the accident that had taken place. With the pressure involved in towing services trying to gain work, many of the injured parties were overlooked, and in some cases police and other emergency rescue services were impaired in carrying out their activities.

There is absolutely no doubt at all that the industry needed tidying up. In saying that, I should mention that it was regulated by the Kennett government, and codes of practice were initially put in place. That was done because at the time towing services had to be tidied up. They were unmanageable and out of hand. I think we recognise that the industry did need regulating. Accreditation can only help the industry in gaining better services, not only for those who perform those services but also for those who require them. On many occasions these are accident victims, injured or otherwise.

One of the biggest concerns we have with the bill is that it contains further regulation which brings forward authorised officers in this industry for the first time. From our point of view we now have more industry police. When is this situation going to stop? We now have authorised officers or police involved in parking,

WorkSafe activities, water regulation, occupational health and safety and transport, to name a few. We are beginning to wonder where this will stop and whether we will end up with more authorised officers than participants.

**The DEPUTY PRESIDENT** — Order! I inform Mr Madden that the chamber is not a football field where we do laps. If he needs a thoroughfare, he should take a different route. When he comes into the house, he comes in to participate in the house. He has used the house twice as a thoroughfare. It is not on. It is a discourtesy to the house and to the Chair.

**Mr KOCH** — The size of this bill should give us a little bit of concern. The bill has 190 pages, which is quite extraordinary. It has over 30 pages dedicated purely to enforcement, which should concern us all.

Divisions 5 and 6 of the bill deal with searches. The power to enter and search tow trucks for compliance purposes provided in clause 181 is rather onerous. A lot of it would be anticipated, but I think from the point of view of the bill it is overonerous. Clause 182, which is the power to enter and search tow trucks for the purpose of obtaining evidence of contravention, is another provision that is drawing a long bow. As we go on it seems many jobs have been found for our inspectors. Clause 183 concerns the production of identification by inspectors before vehicle searches. Clause 184 goes on to describe the production of identification during searches. I would have thought that some of the provisions in this are duplication, and to me it is overonerous.

Clause 186 in division 6 concerns the entry or search of premises with consent. Then we have clause 188, which is entry without consent or warrant. Again, we can have witch-hunts going on, as we have seen in so much other legislation that has gone through the house, where we find that these industrial officers have been put in place to make sure that legislation is carried out. Many operators will be burdened with the costs and the inconvenience that will take place through the introduction of these ongoing, overonerous checks on activities within their own industry.

We certainly support the deregulation of the trade towing industry. We obviously recognise there are two different industries here: accident towing and trade towing. It is important that trade towing be deregulated. Certainly accident towing and trade towing perform different roles. It is also important to mention that the bill regulates towing services only within the metropolitan area. Towing services in regional Victoria have never been regulated to the same degree. I think

that is quite obvious. The ratio of accidents in the metropolitan area outweighs those in regional Victoria. The competition between towing services is far greater in the metropolitan area. For that reason I think it is sensible that towing services in regional Victoria remain deregulated.

I do not think there is any doubt that over the last 20 years we have seen a fall in the use of and requirement for accident towing in regional Victoria. This was specifically identified with the introduction of the 2005 legislation, which I think we were all supporters of. That has had a big effect on the accident rates across the state, and more particularly in regional Victoria.

I have to say that if more money were spent on our road networks in regional Victoria, we would see even greater falls in the rate of accidents. Quite obviously if there is little activity, it makes it very difficult for towing services in regional Victoria — be it trade towing or accident towing — to remain viable. Today we see that the Royal Automobile Club of Victoria depots still pick up most of the towing services across regional Victoria, but now they are working over larger areas. I know my local RACV outlet in Hamilton, for instance, works over an area with a radius of 150 kilometres, whereas 20 years ago that business would have had its hands full within a 25-kilometre radius of Hamilton. It goes to show that regional towing services should remain deregulated, but I certainly support the legislation from the point of view of metropolitan towing services.

As members are aware, the administration of the system will go from the Victorian Taxi Directorate across to VicRoads. The allocation of towing services to accident scenes will remain the province of the RACV, as it has been in recent times. I think the RACV has done a very credible job in the orderly management of servicing accident scenes with tow trucks. No longer do we have the situation where victims of accidents are intimidated as they were some time ago, before the industry was regulated. I have certainly had my own experiences in regional Victoria, principally with vermin, not that we can do much about vermin and fatigue to reduce road accidents. That demonstrates the need to have good and viable regional services in place.

In my case, the last time I had to call on accident services was nearly two years ago when I hit a kangaroo whilst returning from Ballarat to my home in Hamilton. On that occasion the accident happened shortly after 11.00 p.m. and the car was not towed away until 3.00 a.m. the next morning. We have limited services in regional Victoria that work around the clock

and do their best to remove vehicles from the road overnight or whenever an opportunity arises.

Currently we have only 1585 tow trucks operating within the state. As members would be aware, 880 of those are associated with trade towing, and there are only 705 licences for accident towing, 40 of which are associated with the heavy haulage that takes place more on our highways than in the metropolitan area.

One of the concerns that towing operators keep raising with me — probably more regional operators than metropolitan operators; metropolitan operators certainly do not get to my office but I am sure they may visit my colleagues in the metropolitan area — is in relation to insurance coverage for vehicles.

Twenty five years ago most people had comprehensive cover on their motor vehicles. Today we find the position has changed. In many cases people have third-party property insurance, and in some cases unfortunately a car is not insured. Obviously this puts an onus back onto repairers. When they go out and retrieve vehicles for clients who have no insurance at all, which is becoming more common these days, there is a reluctance for people to invest more in the towing industry, especially in regional Victoria. Although we do not want to see any compulsion in relation to insurance, it is important that insurance should be further encouraged to protect those parties involved in accidents and who may have been hurt in those situations.

As I mentioned earlier, roads in regional Victoria need greater funding and greater support to reduce the numbers of accidents taking place. I am sure other members of the house travel along regional roads on a regular basis as I do. The two big roads that I use are the Western Highway, which goes right through the middle of western Victoria, and the Princes Highway, particularly when I am travelling from Geelong to the South Australian border along the coast. The Princes Highway from Geelong and through Winchelsea and Colac in particular is in a deplorable state and there are many accidents down there. If more resources were put into the Western Highway and we had a duplicated road beyond Ballarat, there would be a great gain for all road users, and I am sure it would provide a great saving in lives.

Unfortunately many accidents on the Western Highway are associated with large transport, be it articulated vehicles or B-doubles. Some 3000 of these vehicles move both ways daily between Melbourne and Adelaide, and regrettably the carnage is far higher than it should be. There have been many pleas for more

funds and more resources to be put into these two roads. The government does not appear to be listening in relation to these two highways. Of course, until such time as it does we will continue to suffer the trauma.

Speaking of trauma, the other thing which is very evident in regional Victoria is the lack of a rotary wing aircraft in relation to search and rescue. We appreciate that every other part of Victoria is serviced by a rotary wing aircraft for that purpose. We are losing lives across Western Victoria unnecessarily, particularly to road accidents and to a lesser degree to offshore accidents. In the case of road accidents there is a great demand for a rotary service to be based in Western Victoria to assist in relation to trauma. The sooner treatment is received the higher will be the rate of recovery and the lower the risk of loss of life. As we all know, a great opportunity has been overlooked in relation to a helicopter being based in Warrnambool. It was well supported by the petroleum industry, and all it required was a fit-out by the government. Regrettably we did not see that come to pass. Some \$60 million was involved; it is an opportunity that has been lost. Those occasions do not come past on a regular basis.

We implore the government to give more consideration to making a rotary aircraft service available so it can go to the scene of an accident, pick up those who have suffered severe injuries in a motor vehicle accident and get them to the trauma centres in Horsham, Hamilton, Warrnambool, Ballarat and Geelong far more efficiently than can be achieved by road. Although we are told these services are available from a helicopter service in the northern part of Victoria — out of Bendigo — regrettably that helicopter usually has to go to an airport to refuel before it can make an emergency dash to a trauma scene and back to a trauma centre in one of our larger hospitals. Unfortunately this takes quite a bit more time. The more that time is taken up in these activities the less likelihood there is of a quick recovery.

The opposition does not oppose the introduction of the Accident Towing Services Bill, but regrettably Victorians will continue to pay more, get less and wait longer for the introduction of a lot of the services which will give quicker relief to many communities. The other thing that has to be borne in mind here is that this is more legislation being introduced. Its implementation will not be carried by the government but by repairers and towing services. Somewhere along the line this continues to undermine the viability of towing services throughout Victoria, and at some stage the government should make a bigger commitment to the introduction of this legislation than just bringing it into the house and forcing it on industry. The opposition does not

oppose this legislation and looks forward to its introduction.

**Ms PENNICUIK** (Southern Metropolitan) — The Greens support the Accident Towing Services Bill. In particular I want to make some comments about the introduction of an accreditation scheme for towing operators, managers and drivers to help ensure that these persons are of appropriate character and act with integrity and in a manner that is safe, timely and law abiding. We know that in the past a lot of sharks operated in this industry and people were harassed at accident scenes by tow-truck operators. These are good amendments that will build upon the amendments that have already been made to the industry.

I want to draw attention to clauses 152 and 153 in particular, which provide that repairers cannot commence work to repair a car unless they have been authorised to do so by the owner of that car. If they do so without that authorisation, they are not entitled to sue for any charges incurred. That is a good move as well.

I note that concerns have been expressed about the deregulation of the trade towing area — that is, tow trucks that do not operate at accident scenes. Arguments for and against have been presented, and I will be interested to see how this works in practice. I encourage the government to keep an eye on the deregulation of that area, because there is still some scope in regard to removing illegally parked cars et cetera for altercations to arise. To my way of thinking that sector of the industry should probably be accredited as well. With those brief comments, the Greens will support the bill.

**Mr DRUM** (Northern Victoria) — The Nationals will not be opposing the Accident Towing Services Bill 2007. We understand that this bill has been introduced to promote the safe, efficient and timely provision of accident towing services and other related services, mainly by licensing the operators of the tow trucks that will be providing accident towing services. An accreditation scheme will be put in place for the operators of accident towing services and also for the businesses and managers of the depots from which the towing services originate. Tow-truck drivers who are licensed to drive the trucks will also be accredited.

The bill provides for other matters relating to the provision of accident towing services, including the storage and repair of motor vehicles. As Ms Pennicuk just mentioned, specific agreements will be reached before licensed operators can commence work on the restoration of a damaged vehicle. The bill in effect brings together the regulations and legislation around

tow trucks and creates legislation specifically for the tow-truck industry.

That legislation is a mishmash of provisions from the Infringements Act 2006, the Melbourne City Link Act 1995, the Police Regulation Act 1958, the Road Safety Act 1986 and the Transport Act 1983. The Nationals support the fact that it will create a tighter focus on the tow-truck industry and effectively give that industry its own legislation under which it can go forward with a lot less confusion. It will also deregulate the accident towing sector of this industry.

The bill is reasonably straightforward, and The Nationals support the main aspects of it. It leads to some other issues that we need to talk about while we have the opportunity. Northern Victoria has an extensive road network where operators are forced to attend many accidents. Over the past couple of years members of The Nationals have been pushing to clarify in the mind of the government that if we spend more money on country roads, then we will be saving country lives. It has been largely to the credit of the motor vehicle industry that the road toll has found its way down from the horrendous mid-1970s annual road toll of over 1000 deaths in Victoria. It is currently less than half that — I think it is probably closer to a third — but unfortunately still too many lives are lost. The improvement is due largely to the huge advances that have been made in safety and in the interior, chassis and manufacturing processes of the vehicles that most Victorians drive today.

I am led to believe that the number of serious crashes which result in serious injuries has not declined by anywhere near as many as the number of fatalities, so we need to be mindful of the fact that we still have far too many serious crashes. I commend the government on its 47 Too Many campaign that runs spasmodically in our media. As I have said previously in this place, and I say again, it is an advertisement which really hits the mark. It highlights the fact that serious accidents are a way of destroying people's lives, and many Victorians never recover the lives they led prior to a serious accident. One only has to stumble across a serious accident for it to have a significant effect on one. I commend the government and hope it will continue to push the 47 Too Many campaign, which is based on the fact that 47 people are seriously injured in this state every day. That is something that we need to fix.

The Nationals will continue to push the 'Fix country roads — save country lives' message to try to make sure the government understands the poor state of repair of our country roads. The C-class roads are the

responsibility of our local shires, but many of them are simply unable to provide the funds to fix many of their roads. I know that the Loddon shire, which is one of the poorest in this state, effectively has a rotation system. After paying for all the other necessities, it has an amount of money left over for its road maintenance program which will enable it to fix 3 kilometres of C-class road every year. With over 900 kilometres of C-class bitumen roads in the Loddon shire, it will have a 300-year rotation in trying to get its roads up to speed — and that will simply never happen.

We need to understand that if it were not for the Roads to Recovery program, under which federal money comes straight through and bypasses the state, our regional municipalities and country shires would be in even more serious trouble than they currently are in trying to maintain their road networks. While it is good that the government has moved to put in place some accreditation and high standards for the towing sector, it needs to look at some of the grassroots problems associated with many of the accidents in this state. They include the fact that so many of our country roads do not have correctly sealed shoulders or proper warning signs at intersections. We are all aware of the recent tragedy in the Kerang region which has led to a very strong campaign around making rail crossings safer.

We understand that since 1993 the regulations have improved dramatically and the towing industry is so much better off than it was historically. I was privy to a conversation with a chap who at one stage had been trapped in an accident. He recalled how, whilst he was trapped in the wreckage of the car, the tow-truck operator passed through the broken windscreen a clipboard with the form on it that he was expected to sign prior to being released from the mangled wreckage. It really was a dog-eat-dog world, and I am sure a lot of accidents were caused by tow-truck drivers on their way to accidents, such was the ferocity of the competition surrounding the picking up of business from crashes around the state.

While we have come a certain way, this is a welcome piece of legislation which will hopefully put even more structure and accreditation into the industry to give Victorian consumers more confidence that the people who attend accidents are qualified and that the sector has regulation and accreditation standards which have to be met. With the 72 000-odd tow-truck journeys that are made in this state each year, involving more than 760 operators, this legislation has been well received and we hope it will lead to further improvements. As I said earlier, The Nationals will not be opposing this legislation.

**Mr ELASMAR** (Northern Metropolitan) — I rise to speak on and support the Accident Towing Services Bill 2007. After appropriate consultation held in 2005–06 with the towing services industry it was agreed that a framework for change be implemented that introduced a modern accreditation process for the industry.

The administration of the new legislative regulations will be enforced by VicRoads. The benefits of this are demonstrable — faster clear-up times at road crash sites, which will enable traffic to resume faster and provide motorists with a clear access to their destinations. VicRoads will have an additional allocation of seven and a half new staff positions to perform tasks associated with the new regulations. The imposition of standards and a methodology to ensure that only fit and proper persons be authorised to provide a crucial service to the community is welcomed by everyone.

Being at the scene of a crash is probably one of the most distressing experiences that any one of us has suffered. The knowledge that in the future when a towing service is called upon to give assistance, particularly roadside assistance, that towing service will be bound by responsibilities and regulations has to be a bonus. Parents with children old enough to drive understand all too well the fear and anxiety we go through when we see our children happily driving off into the unknown. In times past it was not an unusual occurrence for more than one truck to arrive at the scene of an accident, and then, to make matters worse, for arguments to ensue that left the motorists involved in the accident, who were by that time angry, hurt or just confused about what to do, totally ignored by the warring parties. This bill aims to put a stop to all of that.

Proper regulation of the industry and sanctions on those who do not abide by the legislation are needed. There is a need for the establishment of a strict accreditation process to ensure that only those people who meet the probity checks and fully understand their obligations at the scene of a road accident will be able to carry out the role and function of a towing service operator. The accreditation process was developed in consultation with the Victorian Taxi Directorate and modelled on the taxi operator and commercial passenger vehicle accreditation regimes in the Transport Act. It also provides for the automatic refusal of accreditation for persons with a criminal history. The aim of this amendment is for all Victorians to receive a higher quality of service at critical times in their lives when they need all the help and professionalism they can get.

Whilst the new arrangements under the Accident Towing Services Bill will not come into effect until

2009, an order in council would enable the provisions outlined to transfer across to the Transport Act 1983. I commend this bill to the house.

**Mrs PEULICH** (South Eastern Metropolitan) — This is not a natural area of expertise for me.

**An honourable member** — Come on!

**Mrs PEULICH** — We all have a few of those, but I rise to place on record concerns that have been raised with me. Obviously in the south-eastern region there is quite an industry that is associated with towing. All I do now is place on record the issues that have been raised with me. As I mentioned when I spoke to some of my colleagues, they basically fall into three categories: the level of consultation given the prolonged time over which this has presumably taken place, with a working party; the concerns about the regulation of the accident towing industry given that obviously no subsidies are provided by the government in relation to this; and of course concerns — there are always concerns — about the use of authorised officers, especially when we are dealing with small business. Small businesses are very wary about who these authorised officers are and how they will operate, and of course the intrusions into their lives.

The Victorian Automobile Chamber of Commerce in particular was very critical of the number of provisions in the legislation it was not familiar with and the number of amendments that were introduced in the other chamber. Clearly if there had been an adequate process of consultation, that should not have been of concern. The feedback that I get also is that in many ways the industry has been working quite well. My attention has not been drawn to any significant deficiencies, and from that angle the people who made representations to me felt that there was no need to go down this track. I am placing their views on the record. They are concerned about whether the balance that has been struck is the correct balance. They were a bit bemused by the fact that there was deregulation of trade towing and regulation of accident towing, and they believe this does not augur well for their industry.

As was mentioned by the previous speaker, there are something like 72 000 accidents per year. It is a fairly substantial industry. I think Mr Koch said there are 1585 in the industry, 705 working as accident towers and in excess of 800 in trade towing. The concerns from the accident towing sector are to do with the licensing of operators; the accreditation of drivers, managers and owners; the fact that this is all at the cost of the industry; and the fact that this will mean an additional burden on business, more red tape, obviously

more cost and will weaken the industry as a whole. Only history will tell whether in actual fact this is the case and whether the balance has been struck in the right way.

Among the issues that have been raised with me are some concerns about the deregulation of trade towing licences. The government has deemed that drivers of trade tow trucks will be dealing with people in the community who are not in a vulnerable position, but there were concerns that nothing in the legislation actually prevents them from attending an accident scene. I am not an expert on that, but I would just like to flag it as an issue that was raised with me.

Lastly of course is again the introduction of authorised officers with search powers. In the last few weeks two pieces of legislation have been introduced that provide authorised officers with significant powers. This government is absolutely obsessed with authorised officers; it loves them. I am sure there are bureaucrats and ministerial staffers alike all beavering away as we speak thinking about into which other areas in legislation these authorised officers could be introduced. The concern is that the people who do the work will be the appropriate people with the appropriate skills. The bill before this chamber provides the authorised officers with power to enter and search tow trucks for compliance purposes and for the purposes of obtaining evidence of contravention — and of course, as members will appreciate, in the small business sector there are always sensitivities that need to be considered. It will be interesting to see how this works.

I look forward to tracking the fortunes of this industry at a future point in time. Again, I suspect that we will be back probably sooner rather than later perhaps tweaking the legislation and making further amendments. I wish the legislation all the best and the industry, of course, a viable future, notwithstanding the lack of support obviously offered by the government.

**Mr PAKULA** (Western Metropolitan) — I am not sure if that was a speech in support of the bill by Mrs Peulich. I rise to support the bill. Its provisions are reflections of wide industry consultations that were held in 2005 and 2006. As previous speakers have to some extent already covered, the purposes of the bill are fairly straightforward. They are to ensure that towing operators are of appropriate character, that they have the appropriate level of technical competence and they behave with integrity and in a satisfactory, timely, safe, efficient and law-abiding manner.

Importantly this bill strengthens regulation where the strengthening and increased targeting of regulation is needed, and that is particularly in the case of accident towing and general accreditation. At the same time the bill reduces regulation and red tape where it is not needed any longer. That is in regard to trade towing, whether in breakdowns or clearways where the market is already extremely competitive and where consumers are able to make an informed choice. This legislation ensures that trade towing operators do not need a licence. The licence that trade towing operators have had to avail themselves of is a cost on their businesses. This government recognises that there is a level of competition in that particular segment of the towing market that means it can operate at a very high standard without the sort of regulation that licence and accreditation implies.

The legislation also recognises that accident towing is a completely different kettle of fish. In accident towing circumstances the people relying on the tow are in many cases stressed, vulnerable and injured. It is absolutely appropriate in those circumstances and in that part of the industry that regulation is both enhanced and targeted. You have a particular set of circumstances at an accident scene where consumers are in a less commanding position than is the norm not only because of the lack of information that a normal market would have but because of the trauma and in many cases the urgency of the accident scene. There is also the situation that tariffs for accident towing are fixed. There is very little incentive for towing operators to monitor and enhance service levels and there is a central allocation scheme that actually gives operators something akin to a monopoly right in a given geographic area.

Under the new accreditation scheme accident towing operators will be required to set up a complaints-handling system. The effect will be that operators and drivers who do not meet acceptable customer service standards can face warning, suspension and, in extreme cases, licence cancellation. It means that in the most sensitive element of the industry — namely, accident towing — we do not revert to the sort of harassment and in some cases criminal behaviour that was a feature, as Mr Koch pointed out, of the accident towing industry when it was previously deregulated. We certainly do not need Tony Soprano running accident towing in Victoria. But we also do not need to unnecessarily burden the trade towing part of the industry with regulation that is no longer necessary given the competitive nature of that part of the industry. We think this bill strikes an appropriate balance between deregulation on the one hand and protection of vulnerable consumers on the

other. I commend it to the house and hope it is unanimously supported.

**Mr THORNLEY** (Southern Metropolitan) — I rise to support the Accident Towing Services Bill 2007. This is a significant reform to the accident towing industry. It stands as another link in the hard work of this government in continuing to reform and improve the regulatory environments of a whole range of industries.

As part of the recent discussions we had at the national reform agenda leading into COAG (the Council of Australian Governments), it was very interesting for me to spend some time with the folks at the BCA (Business Council of Australia), the AIG (Australian Industry Group), VECCI (the Victorian Employers Chamber of Commerce and Industry), the New South Wales Business Chamber and other peak business bodies to see how well regarded this government is in terms of its performance on competition and regulatory reform and its leadership of regulatory reform, particularly the consistency of interstate regulation that has been driven through the national reform agenda. On a smaller scale, this is a continuation of those traditions and that competence. It is commendable for that reason because it is thoughtful reform. It is not reform that is caught up in some vacant ideological battle about whether we believe in markets or whether we believe in the state. It is reform that understands the role of the government is to design markets to be effective.

In this particular case there are two different markets — the accident towing market and the trade towing market. If you wanted those markets to be effective, you would have a different shape to the design of each of them. This change provides that very different shape because they are very different markets. If you want good results from both markets, you need to have a different design for each. Philosophically this is fundamentally doing the sorts of things that good governments do. It does not get the attention that other things do because it is not caught up in some crazy ideological battle, but it is exactly the sort of thing we would like to see.

In a little bit more specific terms, over the past two years Victoria's road safety performance has been very good. But no matter how good your road safety performance is, there will always be accidents. Indeed currently there are about 72 000 tows per year from accidents and 764 accident tow trucks.

The objectives of this bill include the encouragement of the safe, efficient and timely provision of towing services and ensuring that those who provide the

services are of appropriate character, as Mr Pakula referenced earlier. To uphold those expectations, the bill introduces a contemporary accreditation regime to provide assurance that towing operators, depot managers and tow-truck drivers are of suitable character. I contrast this with the mode of deregulation witnessed in the 1993–95 period. That would be a good example of the ideological mythology that there is this thing called the free market and that everything else is some form of modification to that esteemed goal. The reality is that there is no such thing as a free market; all markets are designed. The question is whether you have good market design or bad market design, not less of it. What we saw then was an attempt to live under the fiction that, if you have less market design, that somehow delivers better market results. Lo and behold, what we found was that that was not the case, that it led to a whole range of unintended consequences and that ideological market design is vastly inferior to fact-based market design.

The bill's proposed accreditation regime extends also to ensuring a suitable standard of service. That is particularly important, because in a sense this is an industry of momentary mini monopolies. Ultimately there is no competition that can keep the operators honest at the point of accident, so it is important that we have regulatory regimes that ensure that people play by a set of rules that deliver a good standard. In a sense the only way you can enforce that standard is retrospectively with customer service and complaints provisions. Whilst it is difficult to determine what happens on the ground through a competitive process, you can have a retrospective process to assess whether operators are delivering at the appropriate standards and are enabling people to express any concerns after the event. Obviously people are often not in a position to express their concerns during the event, given the trauma and the nature of the situation in an accident towing environment.

The bill also aims to confer necessary functions on VicRoads and facilitate the transfer of responsibility from the director of public transport. Consumers will benefit from this, as the regulatory responsibility for the act displays the closer alignment with the role of VicRoads and is better resourced when ensconced within a dedicated road agency rather than being delegated to a public transport office. Moreover, the industry will be rewarded by greater access to VicRoads counter services, policy development strategists, authorised officers, and road management and safety experts and resources. It is a much more sensible home for this industry, within the broader institutional framework.

The second market the bill will help to redesign is the accident towing market. This is a much more competitive market and therefore one that can do with a lighter touch of regulation to enable the forces of competition to continue to prevail and to remove any deadweight costs that might have existed under the more restrictive regime. It differs from the accident towing market because of its more competitive nature. It is a market segment that allows consumer and customer loyalty to facilitate choice and for that to occur with greater repetitiveness and frequency.

These observations have buttressed the bill's aim of deregulating the accident towing industry and streamlining the sector into consistency with other states. Again, this is part of the national reform agenda aimed at ensuring that wherever possible there is consistent regulation across the states so that larger or interstate operators — or indeed service providers such as lawyers, accountants and others — can deal with a consistent regulatory regime. Deregulation will eliminate the burdensome costs to the accident towing business of having an unnecessarily large level of market structure in the past. This initiative again upholds the government's commitment to dispensing with unnecessary red tape and is part of our broader reform to reduce the regulatory burden on Victorian business. For all those reasons, I support the bill.

**Mr EIDEH** (Western Metropolitan) — Coming in with a long history in the transport industry, I have a strong understanding of the many issues involved in accidents and towing services. With that in mind I welcome this latest initiative of the Bracks Labor government, which is designed to further improve the towing industry and to enhance safety on our roads. I commend the government's absolute commitment to road safety and its many initiatives over the years, initiatives which will be added to in the future as the Bracks government further strives to ensure that there are fewer injuries and deaths on our roads.

All that having been said, there are still too many accidents on our roads and no government can legislate them away. We can only do our very best to reduce them and the trauma associated with them. Those in the towing industry have assisted in critical roles, often attending at accident sites before anyone else and so offering a range of support to the people involved. They attend to the vehicles as quickly as possible and clean the roads of any accident debris, thus making it both easier and safer for others to continue using our roads.

The bill adds to previous legislative improvements in this area and adds a number of advances, including a more focused and relevant accreditation scheme that

centres on towing companies improving customer service standards through a monitored dedicated complaints handling system. This will also add a new source of information for VicRoads that could be critical in ensuring improvements to road safety across the state. I thank the member for Brunswick in the other place, Carlo Carli, for his leadership in this critical area.

There are many more legislative improvements. The changes outlined in the second-reading speech incorporated by the Leader of the Government will result in an even better system with greater integrity and far more customer-focused attention than we have had to date. The current regulatory framework has stood the test of time for 20 years but, as with other areas, is now out of date — hence the changes being made through this bill.

We wish to ensure that tow-truck operators are people with integrity. Probity checks will add significantly to assurances that they are such people and can be trusted with the damaged vehicles of Victorians and with the contents of those vehicles. In essence, this bill will ensure that our standards are at least equal if not superior to those in the other states. It will establish Victoria's first stand-alone accident towing services act, which is a significant improvement that will be of benefit to all. I commend the bill to the house.

**Mr SOMYUREK** (South Eastern Metropolitan) — I rise to make a very brief contribution to the debate in support of the Accident Towing Services Bill 2007, which reforms Victoria's towing services industry. More specifically the bill promotes the safe, efficient and timely provision of accident towing and other related services. It also ensures that people who are providing accident towing services are of appropriate character and are technically competent to provide those services, that when providing the services they act with integrity and in a manner that is safe, timely, efficient and law abiding, and that in particular regard is had for the vulnerable accident victims themselves.

The bill is designed to put the safety of road users first. Traffic accidents are traumatic experiences for everyone involved. Nothing could add more to this trauma than shonky tow-truck drivers with no technical expertise and no integrity. The bill introduces a new framework for the regulation of accident towing services, including the introduction of a modern accreditation scheme for accident towing operators, depot managers and drivers, focusing on customer service for road accident victims, the removal of unnecessary regulatory constraints on the accident towing sector and formalising the transfer of regulatory

responsibility for the towing industry from the director of public transport to VicRoads.

The removal of unnecessary regulatory constraints on the accident towing sector — that is, from the towing sector that deals with breakdown, clearway and non-accident tows — means that an additional cost is actually lifted from the accident towing industry, therefore making the industry more efficient and no doubt passing on the cost savings to consumers.

On the other hand the accident towing industry, as I have said, will remain tightly regulated to ensure that people in the industry are of the appropriate character and can provide the necessary service and care to accident victims.

It is hard to imagine the days of deregulation in the early 1990s. Those days were described as the bad old days by people who were in the industry. There were many reports of harassment and alleged criminal behaviour within the tow-truck industry. The road accident victims sometimes travel with the tow-truck driver away from the scene of the accident. The accident victim's car is a valuable possession, even though it has been involved in an accident. In those circumstances the motor vehicle is fairly important and the possessions inside the vehicle cannot always be taken away with the accident victim. I congratulate the government on introducing the bill and I commend the bill to the house.

**Motion agreed to.**

**Read second time.**

*Third reading*

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

That the bill be now read a third time.

In concluding the debate I will respond to some of the issues that have been raised. This bill establishes Victoria's first stand-alone Accident Towing Services Act and provides a modern and secure platform for better performance in the towing industry. It continues and improves on a proven regulatory framework which has supported the accident towing industry by bringing criminal and undesirable practices in the industry under control, protecting crash victims, and enabling road accident scenes to be cleared safely and efficiently in the interests of road safety and congestion management.

The bill also seeks to assist the industry to improve its performance by introducing a targeted accreditation

scheme to ensure that complaint systems are introduced, thereby encouraging accident towing participants to become more focused on providing better customer service. The bill also enables VicRoads to determine whether service quality is an issue that should be addressed, and to enforce the regulatory framework more effectively. Accreditation is introduced with minimal compliance costs to the industry and modest increased monitoring costs for government.

Victoria is the national leader in best practice regulation. Examples include our third wave of national reform proposals at the Council of Australian Governments and ongoing commitment to reducing the regulatory burden on business. The bill provides further evidence of this by regulating only to the extent necessary to address market failures in accident towing and to provide wider public benefits such as protecting accident victims and improving road safety and traffic management. It also removes the regulation of trade towing, which is no longer necessary in a competitive market, thus reducing existing industry compliance costs in this sector.

I would like to take this opportunity to thank the Victorian Automobile Chamber of Commerce for its extensive input into the consultation process, and the Royal Automobile Club of Victoria and Victoria Police for their very valuable input during the development of the bill. This bill is the most significant initiative in accident towing control since the industry was first regulated. It is also a further essential step in the broader reform and modernisation of transport legislation in Victoria and, in particular, the restructuring and the improvement of the Transport Act, using the best contemporary process and performance-based regulation and compliance techniques. It again demonstrates the government's continuing determination to protect vulnerable accident victims and improve road safety and traffic management for all road users by pursuing best quality reform to correct market failures.

**Motion agreed to.**

**Read third time.**

**ADJOURNMENT**

**Hon. J. M. MADDEN** (Minister for Planning) — I move:

That the house do now adjourn.

### Floods: Gippsland

**Mr P. DAVIS** (Eastern Victoria) — I raise a matter for the attention of the Minister for Tourism in the other place. The issue I wish to draw to the attention of the minister relates to the consequences of the floods that occurred as a result of the inundation of Gippsland by large rainfall events on 17 and 27 June. Approximately 7 inches of rain fell broadly in the East Gippsland area on 17 June, followed by 13 inches of rain falling on what people may know as Mount Wellington, which has essentially two water catchments, the Macalister River and the Mitchell River. The net result of all of this was a profound impact on the community, particularly on the tourism industry. There was damage to river valleys, flood plains and homes. There was dislocation of families. People were literally without homes.

The result of the floods and their associated media attention, particularly television images consistently portraying a devastated region night after night, has caused a calamity for the tourism industry in Gippsland. Given that the school holiday period coincided with this event, the impact has been disastrous for businesses which rely on that peak winter holiday activity level to sustain their cash flow through into the warmer months. The result is we have had virtually zero tourism activity during the winter school holidays, which concluded yesterday, and there have been cancellations into September. We simply do not even know the loss of bookings that have occurred going forward.

The reason I raise this for the attention of the minister is because the government has failed to provide an appropriate package of assistance to the region, in particular to get Gippsland back into business. From a tourism industry perspective it has provided only \$20 000 for a marketing campaign. On my estimation that would buy about four television advertisements, which would do nothing to compensate for the negative image of the nightly news stories. In 1998 the then Kennett government provided a \$300 000 tourism marketing package that was delivered to air, and I ask the Minister for Tourism to respond appropriately to that.

### Floods: Gippsland

**Mr HALL** (Eastern Victoria) — I raise a matter for the attention of the Minister for Police and Emergency Services in the other place regarding the evacuation of flood-affected victims in the Newry and Tinamba areas.

On the morning of Thursday, 28 June, I happened to be in the municipal emergency centre in Sale and later that

morning the Premier, the Treasurer and the Minister for Agriculture in the other place also attended that briefing. As part of the briefings they received, and during the course of the meeting I sat in on, it was brought to the attention of the various emergency services workers in that room that there had been some evacuations by air from the Newry area and that there were a significant number of people who needed to be evacuated from flood-isolated homes. At the end of the day the count was somewhere like 91 or 92 people who had to be evacuated by air.

I stand by the comments I made in my 90-second statement this morning praising the emergency services people; they did a magnificent job under some very difficult circumstances. The result was they had a large number of people to evacuate in a short amount of time. The police helicopter was used to airlift those evacuees and did a magnificent job in doing so. However, it could not cope with the 90 or so people who had to be evacuated. It was brought to my attention that the East Sale Royal Australia Air Force search and rescue helicopter was called in to assist with those evacuations.

What I want from the minister is a satisfactory explanation and perhaps an investigation into why the Gippsland-based Helimed 1 air ambulance was not used for the purposes of evacuating those people. It is a locally based helicopter service, which is well experienced in search and rescue work. If members cast their minds back to just a short few years ago, they will remember that 12 people in the Sydney to Hobart yacht race were lifted off a stricken yacht by Helimed 1. It did a magnificent job in rescuing those people. It could have been used to assist in the evacuation of those flood-affected people. Thankfully everything turned out the right way and no lives were lost, but there could well have been more serious consequences.

I seek an investigation by the Minister for Police and Emergency Services in the other house and an explanation of why Helimed 1, which was on stand-by and available for such purposes, was not used in the evacuation of those people in the Newry and Tenamba areas.

### Children: same-sex parents

**Mr BARBER** (Northern Metropolitan) — My adjournment matter is for the attention of the Attorney-General in the other place. I was recently approached by a family who fear the effects of discrimination on their young child. They are a typical family in that the parents have been together for seven years; they planned for two years to have a child and they now have a 19-month-old girl who loves her

Nono's cooking, loves her parents reading stories to her at night, loves her bath and is the centre of attention at family gatherings. This child, like most young children, is confident that her world is safe and secure. However, they are not a typical family in that her parents are in a same-sex relationship and fear the impact of discrimination on the child as she grows.

The law does not recognise the non-biological parent of such a relationship as a legal parent, which would be of real concern should anything befall the biological parent. The non-biological parent is not on the child's birth certificate and has to carry a copy of a parenting order around with her. The biological mother is classified on forms as a single mother. Megan and Lisa have read the recommendations of the assisted reproductive technology and adoption final report of the Victorian Law Reform Commission and believe its implementation would, in their words 'make a huge difference to our family (including grandparents)'.

Specifically in relation to the concerns raised by this family, the report recommends that when children are born to lesbian couples, non-birth mothers should have the same powers and responsibilities in respect of the child as all other parents; that legal recognition of non-birth mothers should be achieved in the same way as it is for non-biological parents of donor-conceived children born to heterosexual couples — that is, by way of automatic statutory presumption; and that non-birth mothers should be registered as parents on their children's birth certificates.

The implementation of this report's recommendation through legislation is vital for families and children in Victoria. I believe there is some urgency that this should happen for the many thousands of families it would affect. I therefore request that the Attorney-General bring forward a bill to implement the findings of the Victorian Law Reform Commission final report into assisted reproductive technology and adoption.

### **Schools: chess**

**Mr THORNLEY** (Southern Metropolitan) — My adjournment matter is for the Minister for Education in the other place. It is perhaps not as momentous or significant as some of the other matters raised tonight, but it nevertheless provides a great opportunity. I draw to the minister's attention the opportunities available to many students within the education system to engage in the great game of chess and ask for the provision of more significant level of chess coaching and teaching throughout the system, and particularly in government schools.

**Mrs Coote** — You are not talking about the stock exchange program?

**Mr THORNLEY** — I am in favour of that as well, Mrs Coote; in fact I have spoken about business education in schools with the minister on another occasion, and I may do so again.

The game of chess is a terrific way for young people to learn skills of strategy, logic, planning and other important intellectual disciplines in a fun, friendly and mildly competitive environment. It is a great way for many young people to build their self-esteem, because they quickly become capable of beating all the adults in the room — some of us have seen this humiliating experience at a personal level — which is not something they can often achieve in many other fields until later in life.

The other great thing about the game of chess is that given that it has all these qualities, it is not a very resource-dependent activity. It is a game that any school can provide. It can give any student from any background the opportunity to compete on a pretty level playing field. The cost of chess boards and equipment is minimal. Probably the most significant cost to do this well is the cost of high-quality coaching, which makes an enormous difference. But one coach can do a very effective job with a group of even 15 to 20 students in an hour or so once a week, so the cost is modest. It is a great opportunity, and one that we have not fully taken up.

There is an opportunity to do that to a more significant level within the Victorian school system. It currently tends to depend on whether there is a parent, a teacher, or in some cases a student, who leads the effort in a particular school. I am thinking of schools like Greythorn Primary School, which has a terrific chess program. It engages a whole lot of young kids, who compete very effectively with much better resourced schools.

This is a nice, easy win. It is something that will help children from all backgrounds to learn important skills and enjoy doing so. It will not cost very much. There are terrific opportunities to create a little bit of additional valuable employment for recent immigrants — in particular, a lot of members of the eastern European and Russian communities which, because of their backgrounds, have a preponderance of members who are excellent chess players. I have met quite a number of people from these communities whose first job in the country was teaching chess — a very enjoyable and high-value way of contributing to their new society. I ask the minister to investigate

opportunities to increase the provision of chess coaching, tournaments and other services within the system generally.

### **HMVS *Cerberus*: restoration**

**Mrs COOTE** (Southern Metropolitan) — My adjournment matter is for the Minister for Planning. I quote from an article by Jon Andrews in the *Bayside Leader* of 5 June:

Lying in the water off Half Moon Bay, the historic wreck needs \$7 million to fund the construction of a new support platform. Without it, it is likely to collapse into the bay.

I have spoken at length about HMVS *Cerberus* in this chamber before, but I will remind members about it.

The *Cerberus* was launched in 1868. It is the only monitor warship left in the world. The ship not only has its hull but also gun turrets and guns. I acknowledge that the state government, under the former Minister for Planning, provided some funding towards the removal of the gun turrets, which was welcomed. The *Cerberus* was the first of the modern battleships. Preceding HMS *Devastation* by almost three years, the *Cerberus* was the first British warship to dispense completely with sail power and to incorporate the shallow draught. It is the only substantially intact surviving warship of any of Australia's pre-Federation colonial navies. *Cerberus* is the oldest surviving warship to have served in the Royal Australian Navy.

I am aware that Heritage Victoria has been commissioned to do a risk assessment study of the *Cerberus*, which is supposedly to be completed this month. I look forward with great interest to what that has to say, because I believe it will have a close look at what is possible and what is not possible for the reinforcement of this very famous ship. I ask the minister if, once the Heritage Victoria assessment has been completed, he will meet with the state and federal members of Parliament who are involved with the *Cerberus* in this particular area and commit the Bracks government to a strategy for restoring this important heritage icon.

### **Border anomalies: conference**

**Mr DRUM** (Northern Victoria) — My matter is for the Premier, and it relates to cross-border anomalies, which have been causing serious concern to many people in northern Victoria for a number of years. In 1979 the then Premier of Victoria, Sir Rupert Hamer, and the New South Wales Premier, Neville Wran, established the Border Anomalies Committee to try to deal with the increasingly frustrating conflicts between

the regulations affecting communities on both sides of the Murray River. In 2001 the New South Wales National Party introduced a private members bill to the New South Wales upper house to establish a cross-border commission, but the bill was defeated by the Labor majority in the lower house. A further attempt by the National Party in 2005 was also unsuccessful.

In March 2001, to celebrate the separation of New South Wales and Victoria 150 years earlier, the Victorian Premier, Steve Bracks, and the New South Wales Premier, Bob Carr, signed a One City plan to form just one local government body for Albury-Wodonga as a way of getting through the cross-border anomalies. To date that agreement has not been acted upon, and there are still two local government bodies administering the two cities.

In 2003 the premiers of the two states met each other again and decided it was time to renew the lingering existence of the old Border Anomalies Committee, but they eventually decided to abandon what was left of it and deal with the issues within the appropriate department as they arose. That is what we have at the moment, and effectively nothing is happening. There is evidence that as each state follows its own legislative agenda cross-border anomalies are becoming more frequent and more destructive to the river communities. There seems to be only a half-hearted effort to try to fix the problem.

We have issues about which state is responsible for retrieving bodies out of the Murray River and we have issues about contractors who purchase grain harvesters. On the New South Wales side of the river stamp duty is applicable, and if you live on the Victorian side you have to pay an additional stamp duty. There are conflicting regulations regarding truck load limits, and restraints on loads make carting hay an absolute nightmare. The Nationals recently pointed to a range of disparities between regulations covering load limits on vehicles and requirements for professional registration, particularly as they apply to real estate agencies. The security industry's regulations in relation to firearms create further problems.

There is a conference coming up on 17 August in Albury, and when I received a letter seeking my interest and assistance I thought we would be invited by the Premier, but I have found out that I am not invited to the meeting, I am only invited for coffee. I seek from the Premier the reinstatement of members of Parliament at those talks so that we can do the work that we are effectively leaving to the bureaucrats, as there is the

potential that members of Parliament would be more likely to actually achieve an end.

### **Planning: Geelong**

**Ms TIERNEY** (Western Victoria) — My adjournment matter is for the Minister for Planning. The Bracks government has an unprecedented commitment to regional Victoria, and in the electorate of Western Victoria Region, Geelong is a significant beneficiary of funding associated with the transit cities initiative, which is part of the government's commitment to Melbourne 2030, its long-term plan to manage the state's growing population over the next 25 years. Geelong has been allocated \$5.8 million in this year's state budget to help the council revitalise the city centre. Some of the projects to be undertaken include the acquisition of land in the Geelong station precinct to enable the future pedestrian link to the Transport Accident Commission building and the waterfront as well as detailed design and scoping works to pave the way for integration of the station and cultural precincts.

Currently Geelong is growing at a similar rate to Melbourne. Bearing in mind the livability of Geelong and the subsequent pressure on land release that will come with population growth, the Bracks government's regional town development plans to assist provincial growth will be absolutely vital. On Tuesday, 12 June, the minister announced a \$200 000 funding boost for the City of Greater Geelong from this program to fast-track planning. This will assist the City of Greater Geelong to finalise structure planning, investigate infrastructure needs and prepare zoning proposals for the Armstrong growth area south of Geelong.

When complete the Armstrong Creek development will provide 20 000 lots to accommodate over 50 000 people. This is representative of the government's unprecedented commitment to the development and sustainable growth of regional Victoria. I call on the minister to monitor the planning and development process and to report to the Parliament on: firstly, how quickly the first homes will come on stream; and secondly, what the median house price is in the new development and the difference between that and the city of Greater Geelong's median house price.

### **Rail: Lakeside station**

**Mr O'DONOHUE** (Eastern Victoria) — My matter this evening is for the Minister for Public Transport in the other place. The release of data from the most recent census has confirmed that the Shire of Cardinia

is one of the fastest growing regions in Victoria and indeed in Australia. Within the shire the growth corridor of Beaconsfield, Officer and Pakenham has already experienced enormous population growth and will continue to do so for the next 20 years. That population growth needs to be accompanied by adequate infrastructure investment in roads, schools, health services, job opportunities and other forms of infrastructure.

I particularly want to address the issue of public transport. The Cardinia Road precinct within that growth corridor has several thousand residents now living in the Lakeside estate adjoining Cardinia Road. Eventually the Cardinia Road precinct will grow to have a population of 50 000.

**The PRESIDENT** — Order! I remind the member that he is unable to debate.

**Mr O'DONOHUE** — Thank you, President. The Cardinia Road precinct has been earmarked for the construction of a railway station. At this stage that railway station is not envisaged to be constructed until after 2011, which of course is after the next state election. Evidence proves that unless public transport facilities are provided early within the growth of the community, families will buy a second or third car, and once they do that they are lost to public transport — generally forever. They adopt the road as their mode of transportation and do not revert back to public transport.

If the people in the growth corridor, and in particular the people living in the Cardinia Road precinct, Lakeside and surrounds, are to adopt public transport as one of their modes of transportation, it is critical that the Lakeside train station is designed and constructed as soon as possible so that people have public transport services when they move into the area. The action I seek from the minister is to expedite as a matter of urgency the design and construction of the Lakeside railway station.

### **Floods: Gippsland**

**Ms LOVELL** (Northern Victoria) — My adjournment matter is for the Minister for Tourism in the other place. Last week, together with my colleagues, Philip Davis, Denis Napthine, the member for South-West Coast in the other place, and Edward O'Donohue, I spent a couple of days touring the flood-affected areas in Gippsland and talking to tourism operators about their plight. Members of the government had been there just a couple of days before and announced \$545 000 in funding that they said was

for tourism, but when that was broken down it was pretty disappointing for the operators.

There was \$85 000 for sponsorship of a road cycling event, \$240 000 for two pieces of infrastructure, and the government said there was \$220 000 to market East Gippsland. But the tourism operators and the local councils informed us that only \$20 000 of that money was to be spent on an Open for Business campaign to promote tourism. The other \$200 000 was to be divided equally between the two shires for a campaign to improve the general perception of the municipalities. It would not be specifically used for tourism.

The tourism operators down there are suffering a loss of business. A lot of cancellations are coming in for both the September school holidays and the Christmas period, and who knows how many bookings are lost because people are just not booking. This has been brought about by negative media coverage of the floods. People think that the roads are ripped up, the water is contaminated and there is a genuine reason not to go to the region. What the tourism operators need is assistance from the government to get the tourists back there now and to get those bookings coming in for the future. They need an immediate television campaign.

Following the 1998 floods the then Minister for Tourism, Louise Asher, the member for Brighton in the other place, went down there one week after the floods and announced a major television campaign to advertise the region and attract tourists back there, and it was most successful. Operators in Gippsland have lost two seasons now — their summer season due to bushfires and their winter season due to floods.

My request of the minister is for the government to show real support for these tourism operators in Gippsland by immediately committing to a major television campaign to attract tourists back to the region and to prevent further cancellations of future bookings.

### **Water: Hamilton–Grampians pipeline**

**Mr KOCH** (Western Victoria) — I raise a matter for the Minister for Water, Environment and Climate Change in the other place which concerns the public announcement of the building of a new pipeline connecting Hamilton to the Wimmera-Mallee system. It has been suggested that the Hamilton–Grampians pipeline will supply 2 billion litres of water each year to the Hamilton district from the anticipated water savings achieved through piping the Wimmera-Mallee open-channel system.

At the moment two options are being considered. One is a 47-kilometre connection to Rocklands Reservoir, and the other is a 44-kilometre connection to the Moora Moora Reservoir. It will be at least a year before survey and design of the pipeline route is finalised, and it will not be until 2010 that the pipeline construction is completed. Two-thirds of the \$30 million cost is to be met by local users, who will have to endure an 85 per cent increase in their water tariffs to access this water. Water savings from piping the Wimmera-Mallee open channel will be very welcome but should initially be delivered to the Glenelg River in both compensation and environmental flows which have been denied in recent years. Any additional water savings should be allocated to regional development.

Faced with grim predictions about the impact of climate change and increased population growth in regional centres like Hamilton, there is clearly a need to secure water supplies in the immediate future. However, there is concern in the Hamilton community about taking precious water from the Wimmera-Mallee region, a region that will be under ever-increasing stress with predictions of reduced rainfall. Surely Hamilton should be securing water from the south where forecast rainfall is higher. An opportunity exists far closer to Hamilton that would provide better long-term security for Hamilton's water supply. Water allocated and accessed from the Condah aquifer groundwater management area would not only be a more reliable solution but would require a pipeline of only some 35 kilometres and a far less arduous route than from the north.

The Hamilton community knows that users will have to meet at least part of the cost of securing access to water, but it wants assurances that the most appropriate and cost-effective solution will be implemented. The community also wants assurances that it will be consulted before it is committed to a final decision.

The action I seek from the minister is an undertaking that all avenues will be explored to ensure that innovative proposals will be investigated through community consultation, that an environment effects statement will be completed and that only the most affordable water resource be utilised for the Hamilton community.

### **Western suburbs: gang violence**

**Mr FINN** (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Community Services. The house may recall that last month I related a visit I made to the Sunshine railway station precinct with renowned western suburbs youth worker Les Twentyman. I related how I had seen at

about the time that school broke up a number of gangs lining up against each other to the point where violence was imminent. Unfortunately since that time there have been a number of new incidents, which makes this a very important issue indeed. Firstly, on the day that school broke up for the holidays a little over two weeks ago, there was an all-in brawl at the Sunshine station involving these ethnic-based gangs. That is something that we really cannot allow to continue. To make matters worse, on 6 July at a soccer club in St Albans a group of 40 people crashed a party.

I have here a letter from Mrs Rosanna Lauretta, who is the mother of a young lad, Joseph, who was severely attacked during the course of that party. She relates:

At 11:30 p.m. on that Friday we received a phone call from one of my son's friends telling us that we needed to get to the party fast. 'Joseph is lying in a pool of blood. He has been hit in the head with a machete. Get here fast', were the words my husband woke to.

The nightmare had begun and within minutes we arrived at the club to find our son bloodied from head to toe. His face was barely recognisable. He had blood oozing from his head, an eye that looked the size of a cricket ball, blood pouring from his mouth and more coming from his back, arms and hands. His lip was swollen, and he was missing teeth.

It was chaos. Teenagers were screaming and crying. It looked like a horror scene from a movie.

What we have right at this very moment in the Sunshine and St Albans area and in some other parts of the western suburbs is an immediate threat of all-out ethnic gang warfare. That is something that is going to threaten the safety of not just young people but every resident of the west. It does not involve just gang members but also those who are dragged into their activities in the streets and who are caught up in the violence.

I think it is important, and I beg the Minister for Community Services to take some action on this. In particular I would like him to convene a task force which would take action to knock this sort of activity on the head before it goes any further and before someone is killed. It is a very fortunate thing indeed that this young fellow was not killed on 6 July. I ask the minister to convene this task force of police, youth workers and other interested parties.

### **Moorabbin Children's Traffic School: future**

**Mr D. DAVIS** (Southern Metropolitan) — My adjournment matter is for the attention of the Minister for Police and Emergency Services in the other place. It concerns an issue that I have raised in this chamber a number of times: the Moorabbin Children's Traffic

School. It is an important traffic school which provides assistance and early training for very young children in the southern suburbs of Melbourne. This debate in the community has gone on for a long period now. I have raised the matter in this chamber before, and the minister has responded to me. Indeed I received his response yesterday. I want to raise some further matters and ask for further action on this issue.

I have to say that I am disappointed with the minister's response to the matters raised by the local community. The chamber will be aware that over the recent period a number of petitions have been tabled in this house, with a total of very close to 1000 signatures overall. People have signed to say that they would like a restoration of the police presence at the Moorabbin Children's Traffic School. What is important here is that there be that police presence and that resources and funding be made available to allow that to occur. I have to say that the minister's response on this matter appears to cast doubt on his willingness to examine this issue more fulsomely. In a sense what I am asking him to do now is to join me. I would like to host him into the area, to go to the site and to also visit the kindergarten parents in the area and a number of the school supporters of a reopening of the Moorabbin Children's Traffic School.

I should say that there is another aspect to this. The council has received an application from a private operator to run the school. That is a welcome development. There is no concern in the community about a private operator being involved, but that is not the same as having the presence of police — an official presence — on the site. The point that the community has made to me, and indeed to the minister, is that it is very concerned about these matters. I think the Minister for Police and Emergency Services would benefit greatly from inspecting the site and seeing the opportunities for expansion and training of younger people in their early education and interaction with police, because I think they offer a very important early role model.

The action I seek from the minister is for him to join me on a day at the site and in the vicinity to meet a number of the parents of school and kindergarten students in the area who are strongly advocating a return of the school in its full form.

### **Members: government facility openings**

**Mr ATKINSON** (Eastern Metropolitan) — I note with some dismay the continuation of a practice that excludes certain members of Parliament from the opening of government facilities but makes some considerable effort to include others. The exclusion is

apparently based fairly systematically on whether the local member of Parliament happens to be from parties other than the government. From my point of view it is not sufficient to argue that somebody might have done this in the past or that this is continuing a practice that other people have followed. It is simply a matter of looking at a government which claims to be open and transparent, claims to recognise the importance of this institution and the importance of representation of the community by its members but which in fact engages in practices that specifically exclude members of Parliament from openings of government facilities.

Recently one of the schools in my electorate had a major upgrade, and the Minister for Education in this house, Mr Lenders, attended at the school. I assume that Mr Leane also attended at the school. I put on the record that Mr Leane is quite a diligent local member, and I commend him for moving around the electorate and going to a lot of activities of his own volition. But on this occasion it was apparent to me that he had been taken along to the school by the minister, who had in fact issued a government press release which incorporated comments by Mr Leane on the school; it was the Doncaster school. In that context, as I said, I was dismayed that Labor Party members — members of the government — were specifically included in that activity whereas members of other parties were not given an opportunity to participate in that opening.

I am not interested in the cream cakes or the coffee, but I am interested in demonstrating a very real interest in my local schools and in other facilities within my electorate. The action I seek from the minister is an assurance that in future all members of Parliament will have opportunities to attend functions associated with government facilities.

**The PRESIDENT** — Order! I —

**Mr ATKINSON** — I raise the matter for the Leader of the Government in this house — —

**The PRESIDENT** — Order! Before Mr Atkinson resumed his feet, I was about to suggest that he had not in fact addressed his matter to any particular minister, and that someone with his experience should know better. I am still going to give him some leeway and allow him to address that.

**Mr ATKINSON** — For the Premier.

### Reponses

**Hon. J. M. MADDEN** (Minister for Planning) — Philip Davis raised the matter of flooding and rainfall

and tourism issues across East Gippsland, and I will refer that to the Minister for Tourism in the other place.

Peter Hall raised a matter of helicopter evacuation in the flood region of East Gippsland and the use of various craft, and I will refer that to the Minister for Police and Emergency Services in the other place.

Mr Barber raised the matter of same-sex relationship parental recognition, and I will refer that matter to the Attorney-General.

Evan Thornley raised the matter of chess education in schools, and I will refer that to the Minister for Education.

Andrea Coote raised the matter of the HMVS *Cerberus* for my attention. I can inform Mrs Coote that I have written to the federal Minister for Environment and Water Resources seeking his support in relation to this matter. I am looking forward to his response this year in relation to what can be done jointly for the HMVS *Cerberus* into the future.

Mr Drum raised the matter of border anomalies and the fact that he would only be getting a cup of coffee at the border anomalies event in the near future. I will refer that matter to the Premier for his consideration.

Gayle Tierney raised the matter of the Geelong transit city project and the regional development plans, particularly the Armstrong Creek announcement. It is very pleasing to know that we will be able to provide rezoning for 20 000 households across the region going into the future. Of course I will be monitoring that very closely, and I look forward to reporting on those matters and keeping the Parliament informed in relation to how that proceeds.

Edward O'Donohue raised the matter of the Lakeside railway station, and I will refer that to the Minister for Public Transport in the other place.

Wendy Lovell raised the matter of tourism marketing in the flood-affected areas of East Gippsland, and I will refer that to the Minister for Tourism in the other place.

David Koch relayed his interest in the Wimmera–Mallee pipeline, and I will refer that to the — —

**Mr Koch** interjected.

**Hon. J. M. MADDEN** — Yes, Hamilton's water supply, and I will refer that to the Minister for Water, Environment and Climate Change in the other place.

Mr Finn raised the matter of community violence in the Western Metropolitan Region, which is considered to

be gang violence, and I will refer that matter to the Minister for Community Services.

David Davis raised the matter of the Moorabbin Children's Traffic School, and I will refer that to the Minister for Police and Emergency Services in the other place.

Mr Atkinson raised the matter of invitations to openings of government facilities, and I will refer that to the leader of this house for the Premier. I am happy to relay that to him.

**The PRESIDENT** — Order! The house now stands adjourned.

**House adjourned 6.26 p.m.**