

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 28 June 2011

(Extract from book 10)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Standing Orders Committee — The Speaker, Ms Allan, Ms Barker, Mr Brooks, Mrs Fyffe, Mr Hodgett, Mr McIntosh and Mrs Powell.

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Drugs and Crime Prevention Committee — (*Assembly*): Mr Battin and Mr McCurdy. (*Council*): Mr Leane, Mr Ramsay and Mr Scheffer.

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Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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The Hon. D. M. ANDREWS

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The Hon. R. J. HULLS

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Knight, Ms Sharon Patricia	Ballarat West	ALP	Wreford, Ms Lorraine Joan	Mordialloc	LP
Kotsiras, Mr Nicholas	Bulleen	LP	Wynne, Mr Richard William	Richmond	ALP
Languiller, Mr Telmo Ramon	Derrimut	ALP			

¹ Resigned 21 December 2010

² Elected 19 February 2011

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Tuesday, 28 June 2011

The SPEAKER (Hon. Ken Smith) took the chair at 2.05 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

Office of Public Prosecutions: review

Mr ANDREWS (Leader of the Opposition) — My question is directed to the Premier. I refer the Premier to previous answers he has given in this place, and I ask: can the Premier again confirm that no-one in his government has declared a perceived or actual conflict regarding the investigations and subsequent report of Mr Frank Vincent in relation to the Office of Public Prosecutions?

Mr BAILLIEU (Premier) — I thank the Leader of the Opposition for his question. The answer I have given to this question on the previous occasion is entirely appropriate.

Office of Public Prosecutions: review

Mr HODGETT (Kilsyth) — My question is to the Deputy Premier as Minister for Police and Emergency Services. Further to media reports today, can the Deputy Premier confirm whether he made any representations to Mr Frank Vincent, QC, in relation to Mr Vincent's inquiry into the Office of Public Prosecutions?

Mr RYAN (Minister for Police and Emergency Services) — I thank the member for his very appropriate question. It avails me the opportunity to deal with matters that have been raised in the media today in the course of responding to the position put to me by the member.

I can tell the house that almost 20 years ago I was involved in a professional working association with Stephen Payne in a legal firm in Gippsland. In 1992, after I was elected to Parliament, that association concluded. Over the intervening years leading up to 2010 I have had infrequent and only intermittent contact with Mr Payne. During April 2010 Mr Payne, who was then employed by the Office of Public Prosecutions, contacted me. We subsequently met. Mr Payne expressed to me a number of his concerns about matters relating to the conduct of the office of the Director of Public Prosecutions. He indicated to me that his concerns were shared by others in that office and that he had been asked to convey those matters to me with the intention that they, in turn, be conveyed to the then government.

On Thursday, 13 May 2010, at 3.45 p.m., by appointment, I attended the office of a senior minister within the then Labor government. I conveyed the sentiments which had been outlined to me by Mr Payne. I did so without identifying Mr Payne by name. The minister was already aware of the concerns as I expressed them to him. The minister and I agreed that these were matters of great sensitivity. I undertook to the minister that I would make no public comment about the matters that we were discussing and that I would not discuss that meeting with the minister with anyone. Save for later that day confirming by phone call to Mr Payne that his concerns had been conveyed to the government, I have not spoken about that meeting until today. My purpose in meeting with the minister was to acquaint him with the matters conveyed to me by Mr Payne and to do so in a confidential manner. Several days later I received a telephone call from the minister, who indicated to me that he was about to meet Mr Rapke. We had a brief discussion, and the call then concluded.

Since May 2010 I have not met with or spoken to Mr Payne. The matters about which he contacted me were reflected in the subsequent media coverage over the ensuing months relating to the office of the Director of Public Prosecutions. I contributed absolutely nothing to that media coverage. I played no part in either the formulation or the practical implementation of the coalition's election policy giving rise to the review by former Justice Frank Vincent. At no time did I make any declaration of conflict of interest to the Premier, the Attorney-General or otherwise; rather, I simply exempted myself from relevant discussions concerning the Vincent review. I did so having regard to the undertaking that I had given the minister.

The Vincent review was conducted by former Justice Frank Vincent in a completely appropriate manner in accordance with his terms of reference. I made no contribution in any way whatsoever to that review. My sole purpose in contacting the minister was to convey the matters put to me by Mr Payne and to do so in the interests of reporting those conflicts within the office of the Director of Public Prosecutions, an office for which I have enormous respect.

Office of Public Prosecutions: review

Ms HENNESSY (Altona) — My question is to the Premier. Can the Premier confirm that the real reason the government will not release the Vincent report into the Office of Public Prosecutions is that it exposes conflicts of interest that have not been declared by senior members of the government?

Mr BAILLIEU (Premier) — I thank the member for her question. I refer to the response the Deputy Premier has just given — and it is clear that the member did not adjust her question as a consequence. I remind the house, as I did on the last occasion when we met, of the circumstances around the resignation of another member of the judiciary, former Chief Magistrate Michael Adams, and of reports on 31 October 2000. In that case it was commentary from the then Attorney-General:

The terms of Mr Adams's resignation are confidential but recognise the seniority of his office.

Ms Allan — On a point of order, Speaker, the Premier is starting to debate the matter and bring in material that is not relevant to the question. The question was very clearly about the Vincent report on the Office of Public Prosecutions and had nothing to do with these other matters, and we would hope the Premier would come back to answering the question he was asked.

The SPEAKER — Order! I request that the Premier come back to answering the question.

Mr BAILLIEU — As the Attorney-General has explained on a number of occasions, the report contains sensitive matters, and it was the view of the government that it would be inappropriate to release that report. I make the point again, as has been made in the public arena and I believe in this house as well, that that position has been supported by the Law Institute of Victoria.

Government: achievements

Mrs BAUER (Carrum) — My question is to the Premier. Can the Premier outline to the house the substantial additional benefits to the Victorian community of the government delivering on its election commitments to help families with the cost of living, in particular the reduction in stamp duty for first home buyers from 1 July?

Mr BAILLIEU (Premier) — I thank the member for her question and for her commitment to assisting first home buyers in particular. Friday is 1 July, and 1 July will be an important date because from 1 July a number of initiatives of this government kick in. That will obviously include stamp duty cuts to assist first home buyers, young farmers, pensioners and concession card holders, and self-funded retirees, helping them to purchase a home. Ambulance membership subscription fees will be cut in half. A number of other coalition initiatives kick in on 1 July, including free entry to the zoo.

The member asked particularly about stamp duty cuts for first home buyers. We committed at the election to reduce first home buyer stamp duty by 50 per cent over the first term of the government. We said at the time that from 1 July this year there would be a 20 per cent cut for eligible homebuyers, with progressive increases to 30 per cent from 1 January 2013, 40 per cent from 1 January 2014 and 50 per cent by September 2014. I am very proud to say that on 1 July — that is, this week — that 20 per cent cut will apply. I know the Treasurer is very proud of this and is keen to see this in place.

Eligible first home buyers purchasing a home worth up to \$600 000 will be eligible for a \$13 000 benefit if they purchase a new home in metropolitan Melbourne and \$19 500 if they purchase a new home in regional Victoria. This is in addition to the \$7000 available under the first home owner grant scheme for homes worth up to \$750 000. Specifically in terms of the stamp duty cuts, on a median house price of \$565 000, a 20 per cent cut from 1 July will mean nearly \$5800 in savings and on a \$400 000 home, a \$3200 stamp duty saving. Young farmers aged under 35 who buy their first farmland property valued up to \$300 000 will also be exempt from paying stamp duty. Young farmers will also be entitled to a concession for farmland properties valued between \$300 000 and \$400 000.

Getting into the property market for a first home buyer is a big step, and it is important that we attract as many young first home buyers as possible and indeed as many young farmers as possible. Additional measures were taken at budget time to improve housing affordability for pensioners, concession card holders and self-funded retirees. These are important steps. They help people who need the assistance to get into the market. They help with housing affordability. These are steps which are appreciated. We made commitments to them in the election campaign, and indeed we will be meeting those commitments and assisting first home buyers. We look forward to first home buyers being able to engage in the market for the first time. In doing so, we acknowledge the commitment this government made and the fact that we have met our promises.

Office of Public Prosecutions: review

Ms HENNESSY (Altona) — My question is to the Deputy Premier. I note the Deputy Premier's failure to declare his relationship with Mr Payne, and I ask: on what basis did the Deputy Premier exempt himself from decision making and did this include all cabinet and cabinet committee deliberations?

Mr Ryan — I did not hear the first part of the question. Can I ask the member to repeat it?

The SPEAKER — Order! Will the member repeat the question?

Ms HENNESSY — I am happy to repeat it, Speaker. I note the Deputy Premier's failure to declare his relationship to Mr Payne, and I ask: on what basis did the Deputy Premier exempt himself from decision making relating to the Office of Public Prosecutions and the Director of Public Prosecutions and did this include all cabinet and cabinet-committee-related deliberations?

Mr RYAN (Minister for Police and Emergency Services) — I thank the member for Altona for her question. In answering this we need to make clear a point that distinguishes this side of the house from that side of the house, and it is the fact — —

Mr Andrews — On a point of order, Speaker, I put it to you that the answer to this question is not an opportunity for the Deputy Premier to reflect on this side of the house. It is a requirement that he answer the question in accordance with the standing orders. The question related to comments he had just made about exempting himself from various decision-making processes. He needs to answer the question and not reflect on the conduct of this side of the house.

The SPEAKER — Order! I do not uphold the point of order. The Deputy Premier had only just commenced his answer to the question.

Mr RYAN — The important thing is that when you give an undertaking, you stand by it. If you give an undertaking to another member of this house, you stick by it, just as I did for 20 years when practising law — if I gave undertakings, I stuck by them.

Mr Andrews — On a further point of order, Speaker, the question related to whether the Deputy Premier had exempted himself from the meetings of cabinet and cabinet committees. It did not relate to this lecture on various matters that are not relevant to the question. The minister ought to answer the question and spare us the sermon.

The SPEAKER — Order! The answer was relevant to the question asked.

Mr RYAN — I made a commitment to the former minister, and I have stuck by it. I have faithfully stuck by it.

Honourable members interjecting.

The SPEAKER — Order! The member for Bendigo East is on a warning.

Mr RYAN — When you think through the logic, it follows that there was never any reason for me to declare any conflict of interest in relation to Mr Payne, because there fundamentally was no conflict of interest. I had a professional working association with Mr Payne. In relation to issues pertaining to the matters raised by the member for Altona, she will know — and the Leader of the Opposition should know — that in government one never speaks of decisions taken by cabinet, nor of the processes around those decisions.

Ms Allan — On a point of order, Speaker, the Deputy Premier has been dancing around this question for some time now. The question was very clear: did he exempt himself from the cabinet room, yes or no? It is a very simple answer for a simple question.

The SPEAKER — Order! Points of order are not a time to repeat the question.

Mr RYAN — Accordingly at all times I have conducted myself, as has the government, with complete and utter propriety in relation to this whole issue.

Mr Andrews — On a point of order, Speaker, in his previous answer the Deputy Premier was happy to reflect upon exempting himself from deliberations of the shadow cabinet. He now is unwilling to answer a question about the deliberations of the cabinet. The minister is obliged to answer the question: was he in the room or was he not? That is the question, and he ought to be able to answer it.

The SPEAKER — Order! The Deputy Premier is answering the question that was asked. It is up to the Deputy Premier to answer the question in the way he deems fit, as long as the answer is relevant to the question asked — and it was.

Mr RYAN — The review that was conducted by former Justice Frank Vincent in the end resulted in a dignified resignation by Mr Rapke, who will now otherwise continue his career. In answer to the specific question that has been asked of me by the opposition, the answer is yes.

Ms Allan — You did exempt yourself?

Mr RYAN — I did, because that is the way I do things, you dill!

Honourable members interjecting.

Water: concessions

Ms MILLER (Bentleigh) — My question is to the Minister for Community Services. What is the government doing to help Victorian families, who are facing the challenge of meeting rising costs, with their water bills?

Ms WOOLDRIDGE (Minister for Community Services) — I thank the honourable member for Bentleigh for her question, for her job as a great member for Bentleigh and for caring for people who are suffering under cost of living pressures. The Baillieu government is working very hard to ease the pressure on Victorian families. A particular area of concern has been water bills. It was just last week that the Minister for Water announced that prices are set to rise significantly for metropolitan families. Customers of Yarra Valley Water will see their prices rise by 15 per cent, and South East Water and City West Water customers will be faced with rises of 14 per cent. In dollar terms, bills will rise between \$94 and \$118.

The obvious question to ask is: why is this the case? Why are families being subject to such pressures? The answer is very clear: it is a legacy of the Labor government. These price rises were locked in as part of the five-year water plans under the previous government. The bad news for Victorian families is that their cost of living pressures and water price increases will not end here, because Labor's legacy will be ongoing.

Mr Nardella interjected.

The SPEAKER — Order! The member for Melton!

Ms WOOLDRIDGE — As a result of the Holding desalination tax, families are going to pay an additional \$400 every year for the next 27 years. That is nearly \$2 million every single day for the next 27 years, as a result of the desalination fiasco — as you would well know, Speaker, as it is in your own electorate. The Baillieu government is working very hard to ease these pressures.

From the end of this week, from 1 July, we are increasing the concessions for water and sewerage at a cost of \$62.9 million — that is \$62.9 million going into the pockets of Victorian low-income families. That will make a difference each and every day in terms of their being able to tackle the pressures they are under. The concession cap will increase by 10.3 per cent, with the cap going from \$245 to \$270.20. That will provide bill relief for more than 700 000 households. That is about 32 000 families who will access the concession for the

first time this coming financial year — a great result for low-income families. Unlike those opposite, the Baillieu government understands that there are significant pressures on Victorian families. That is why this \$62.9 million is the biggest ever amount of funding for water and sewerage concessions. That is a significant investment for these families.

What would we have seen if we had not made' this investment? What was in the budget was a 3.1 per cent increase. The difference between the Baillieu government increase at 10.3 per cent and what we would have seen if the previous administration had continued, 3.1 per cent, is a significant investment for Victorian families. Unlike the previous government, we are getting things done, and unlike the previous government we are delivering for Victorian families. Low-income Victorian families are better off as a result of the investments by the Baillieu government in water and sewerage concessions.

Director of Public Prosecutions: resignation

Mr ANDREWS (Leader of the Opposition) — My question is to the Attorney-General. Can the Attorney-General rule out that neither he nor anyone on his behalf conveyed to Mr Jeremy Rapke that if he did not resign, the Attorney-General would publicly express no confidence in him?

Mr CLARK (Attorney-General) — The answer is no.

Schools: literacy and numeracy

Mr SOUTHWICK (Caulfield) — My question is to the Minister for Education. Can the minister inform the house of any recent decisions by the federal government that will affect literacy and numeracy funding in Victorian schools?

Mr DIXON (Minister for Education) — I thank the member for Caulfield for his question and for his incredible commitment to education in his electorate. Victoria has been awarded \$9.4 million in rewards funding out of a possible \$31.3 million as part of the National Partnership on Literacy and Numeracy program. Victoria set very high standards and targets under that national partnership because we aim to produce better outcomes for more schools, involving more students and at more levels of education than the other jurisdictions.

But the higher aspirations obviously need to be matched with good policy. What we have found is that literacy and numeracy initiatives under the former government were not enough to reach the goals it had

set itself. Labor's policies failed to improve literacy and numeracy standards in Victoria. The Auditor-General bore this out in his 2009 report when he said that the previous government's policies had 'not resulted in a marked improvement in average literacy and numeracy achievement across age groups'.

Mr Eren interjected.

The SPEAKER — Order! The member for Lara!

Mr DIXON — This year the federal Labor government found the same outcome, and it has allocated Victoria less than one-third of the available reward payment for literacy and numeracy improvement.

It is very important that we look behind the facts of this matter. Under the partnership agreement every jurisdiction negotiates and sets its own targets for improving literacy and numeracy. What we have seen is that other jurisdictions were awarded all of their available reward payments. Do members know why that was the case? It was because they set themselves very low targets. The COAG (Council of Australian Governments) reform council has recognised the inadequacy of this system and highlighted the variability of the ambitions and the lack of transparency across the states and territories in the various frameworks they are using.

I have consequently contacted the federal Minister for School Education, Early Childhood and Youth, Peter Garrett, and pointed out the inequity of this current approach. I have argued for a far more consistent calculation of performance that better reflects the COAG reform council's draft performance report and that does not disadvantage aspirations. I said this to the minister for education in Canberra, because this is a government that is moving on literacy and numeracy. It is getting things done and delivering for Victorian families, and it is being penalised for it.

My argument to the federal government has been flatly refused, and I think this is just another example of the federal Labor government forcing the lowest common denominator approach onto education in Victoria and rewarding a lack of ambition and mediocre outcomes. Students and teachers at Victorian schools deserve a far better deal from the federal government in Canberra.

**Minister for Police and Emergency Services:
adviser**

Mr MERLINO (Monbulk) — My question is to the Minister for Police and Emergency Services. I refer the minister to his comments that Mr Weston would not be

returning to his ministerial office nor advising the government on police matters, and I ask: why?

Mr RYAN (Minister for Police and Emergency Services) — I thank the member for his question. Mr Weston is presently on leave. He will return to duties with the government in a role that will be defined shortly.

Honourable members interjecting.

Mr Merlino — On a point of order, Speaker — —

The SPEAKER — Order! The Minister for Police and Emergency Services had concluded his answer.

Honourable members interjecting.

The SPEAKER — Order! There is no point of order. The minister had concluded his answer.

Bushfires: government assistance

Mr NORTHE (Morwell) — My question is to the Minister for Bushfire Response. Can the minister advise the house on the coalition's continued support for bushfire-affected communities and outline new assistance the government is delivering as part of the next stage of reconstruction and recovery?

Mr RYAN (Minister for Bushfire Response) — I thank the member for his question, and for the wonderful assistance he extended to his communities during the terrible Gippsland and Black Saturday fires and the great work that he continues to do on their behalf. The coalition government is continuing to stand by these bushfire-affected communities in the reconstruction and recovery process.

Recently the Premier and I had the great pleasure of meeting with the community recovery committees at a special thankyou reception. The Leader of the Opposition was also present, as were other members of the parliamentary Labor Party. In conjunction with this reception I was able to announce \$750 000 for the skills, training, engagement and practical support program, otherwise known as STEPS, which is a two-year grants program to boost leadership and resilience over the medium and longer term in these bushfire-affected communities.

STEPS will be administered by the Foundation for Rural and Regional Renewal (FRRR) on behalf of the Victorian government. Not-for-profit community groups in the bushfire-affected areas will be able to apply to STEPS for grants of between \$100 and \$30 000 for programs and activities that support

leadership and capacity building across five key areas: community leadership programs, skills and training development, strengthening community networks and communication, mentoring, and practical support to improve capacity of community groups. In addition to the contribution by government, FRRR aims to source an additional \$1 million from community donors for STEPS, of which \$500 000, I might say, has already been sourced.

With the Victorian Bushfire Reconstruction and Recovery Authority due to cease operations at the end of this month, arrangements are now in place to ensure that the government continues to be responsive to the needs of the fire-affected communities. I pause to extend my congratulations to all those associated with the operations of VBRRRA, and I do so on behalf of the Parliament at large. A new fire recovery unit will succeed VBRRRA as from 1 July. It will be based in Regional Development Victoria and will ensure continuity. Experienced VBRRRA staff will lead the new unit.

Community engagement coordinators will continue with the new fire recovery unit to provide a direct point of contact for fire-affected communities and local councils. The bushfire communities support program is providing a dedicated helpline to those who are in need in communities such as Marysville, Flowerdale, Kinglake, Whittlesea, Hurstbridge and those many other communities, 70-plus of them, that were impacted upon by the fires. Bushfire community support workers will provide information on the different services that are available and link people into those services, events and activities in their local community. The rebuilding advisory service will continue until the end of 2011, providing advice, information and support for those who are looking to rebuild.

I also announced last week that small businesses and primary producers in the state's bushfire-affected communities will be able to access low-interest loans of up to \$500 000 under a newly expanded loan scheme. The government will also make non-property-secured loans of up to \$50 000 available to small businesses at a concessional rate of 3.2 per cent for the first five years to enable those businesses to get back on their feet.

As I said, we continue to work constructively with communities. We intend to ensure that we are able to provide ongoing support for those communities. It would help if the opposition were not scaremongering around issues such as recommendation 27 in the bushfires royal commission's report.

DISTINGUISHED VISITOR

The SPEAKER — Order! I would like to acknowledge the presence in the gallery of Ms Andrea McCall, a former member for Frankston. Welcome, Andrea. It is nice to see you here.

JUSTICE LEGISLATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2011

Introduction and first reading

Mr RYAN (Minister for Police and Emergency Services) introduced a bill for an act to amend the **Police Regulation Act 1958 in relation to protective services officers and to amend the Bail Act 1977, the Control of Weapons Act 1990, the Crimes Act 1958, the Drugs, Poisons and Controlled Substances Act 1981, the Environment Protection Act 1970, the Graffiti Prevention Act 2007, the Liquor Control Reform Act 1998, the Magistrates' Court Act 1989, the Mental Health Act 1986, the Road Safety Act 1986, the Summary Offences Act 1966 and the Transport (Compliance and Miscellaneous) Act 1983 and for other purposes.**

Read first time.

TRANSPORT LEGISLATION AMENDMENT (PUBLIC TRANSPORT SAFETY) BILL 2011

Introduction and first reading

Mr MULDER (Minister for Public Transport) — I move:

That I have leave to bring in a bill for an act to amend the Transport Integration Act 2010, the Transport (Compliance and Miscellaneous) Act 1983, the Rail Safety Act 2006, the Bus Safety Act 2009 and the Bus Services Act 1995 and for other purposes.

Ms RICHARDSON (Northcote) — Perhaps the minister could give a brief explanation of the bill — and perhaps a government briefing this time around.

Mr MULDER (Minister for Public Transport) — Briefings are available, and they should be taken when offered. The bill seeks to improve the reporting of incidents involving authorised officers, addresses concerns raised by Bus Association Victoria into time frames for safety inspections and makes other technical amendments to assist the bus association. It also puts in

place reciprocal arrangements for rail safety regulators and makes other technical amendments.

Motion agreed to.

Read first time.

FARM DEBT MEDIATION BILL 2011

Introduction and first reading

Mr WALSH (Minister for Agriculture and Food Security) introduced a bill for an act to provide for the resolution of farm debt disputes by requiring a creditor to provide a farmer with the option to mediate before taking possession of property or other enforcement action under a farm mortgage and for other purposes.

Read first time.

DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (DRUGS OF DEPENDENCE) BILL 2011

Introduction and first reading

Ms WOOLDRIDGE (Minister for Mental Health) introduced a bill for an act to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for the inclusion of substances as drugs of dependence and for other purposes.

Read first time.

Ms Green — Could I have an explanation of the bill from the minister?

The SPEAKER — Order! I am sorry. The member is a little bit late.

Ms Green — I did stand up.

The SPEAKER — Order! I did not see the member.

LOCAL GOVERNMENT AMENDMENT (ELECTORAL MATTERS) BILL 2011

Introduction and first reading

Mrs POWELL (Minister for Local Government) — I move:

That I have leave to bring in a bill for an act to amend the Local Government Act 1989 and the City of Melbourne Act

2001, to consequentially amend the Local Government (Brimbank City Council) Act 2009 and for other purposes.

Mr WYNNE (Richmond) — Could the minister give a brief explanation of the content of the bill?

Mrs POWELL (Minister for Local Government) — This is a bill to change the date of council elections. It will also allow the Melbourne City Council to have an electoral review.

Motion agreed to.

Read first time.

ABORIGINAL HERITAGE AMENDMENT BILL 2011

Introduction and first reading

Mrs POWELL (Minister for Aboriginal Affairs) introduced a bill for an act to amend the Aboriginal Heritage Act 2006 and for other purposes.

Read first time.

Statement of compatibility

Mrs POWELL (Minister for Aboriginal Affairs) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Aboriginal Heritage Amendment Bill 2011.

In my opinion, the Aboriginal Heritage Amendment Bill 2011, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill will amend the Aboriginal Heritage Act 2006 (AH act) by inserting provisions to retrospectively authorise approvals of cultural heritage management plans given in good faith by employees, officers or directors of registered Aboriginal parties for the purposes of the AH act.

This amendment will ensure that statutory authorisations made in reliance on these decisions are not rendered invalid. This will preserve the position of project proponents who have relied on these decisions in progressing projects and protect the state of Victoria from potential legal liability.

Human rights issues

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

The bill is compatible with section 19 of the charter act in that it upholds the rights of indigenous people to practise their culture through decision making in relation to the management and protection of Aboriginal cultural heritage.

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

The bill does not limit any rights.

Conclusion

The Aboriginal Heritage Amendment Bill 2011 is compatible with the Charter of Human Rights and Responsibilities Act 2006.

Jeanette Powell, MP
Minister for Aboriginal Affairs

Second reading

Mrs POWELL (Minister for Aboriginal Affairs) —
By leave, I move:

That this bill be now read a second time.

This bill will amend the Aboriginal Heritage Act 2006 by inserting provisions to retrospectively deem that approvals of cultural heritage management plans given in good faith by employees, officers or directors of registered Aboriginal parties are taken to have been given by the registered Aboriginal party for the purposes of the act.

The legislative and administrative regime established by the act was introduced in 2006 by the former government and came into effect in May 2007.

This amendment will ensure that statutory authorisations made in reliance on these decisions are not rendered invalid. This will preserve the position of project proponents who have relied on these decisions in progressing projects, thereby removing the unnecessary uncertainty created by legal questions recently raised by the Victorian Civil and Administrative Tribunal. There are a number of private and public projects that are potentially affected.

Objectives of the Aboriginal Heritage Act 2006

One of the key objectives of the Aboriginal Heritage Act 2006 is to accord appropriate status to Aboriginal Victorians with traditional or familial links with Aboriginal cultural heritage in protecting that heritage.

Another objective is the protection or management of Aboriginal cultural heritage through the preparation and approval of cultural heritage management plans for

projects that may impact on Aboriginal cultural heritage.

Relevant traditional owner organisations may be approved as registered Aboriginal parties — or RAPs — under part 10 of the act. One of the functions of a RAP is to evaluate and approve or refuse to approve cultural heritage management plans that relate to the area for which the party is registered. Nine RAPs have been appointed to date for areas that in total amount to 56 per cent of the state of Victoria.

The act does not provide authority for the department or the minister to monitor the performance of RAPs.

Each RAP independently operates under their own constitution, and they each have their own approval processes for authorising cultural heritage management plans.

Importantly, when the previous government established the RAPs as non-government organisations, they were given the unusual role of exercising statutory authority.

Both under the previous government and this government, cultural heritage management plans have been registered under the belief that those individuals approving the plans were authorised to do so. The effect of the VCAT decision is to raise questions about the authorisation process.

VCAT decision

On 26 May 2011 the Victorian Civil and Administrative Tribunal found there was no approved cultural heritage management plan in respect of the activity that was the subject of the proceeding before the tribunal. This was on the basis that the employee of the relevant RAP who approved the plan in good faith did not have formal delegated authority from the board to approve the cultural heritage management plan as required under the organisation's constitution. This employee was employed by the RAP to undertake this work on its behalf and believed she was authorised to do so.

VCAT's finding has implications for 43 plans approved by employees of this RAP and, by extension, may possibly impact on the decisions of at least two other RAPs affecting a total of 67 plans altogether.

Impact on planning approvals

The potential invalidity of these cultural heritage management plan approvals has significant implications for other planning approvals and statutory authorisations.

When required under the act, for example, due to the likelihood of Aboriginal cultural heritage in a place, section 52 of the act prohibits any other decision-makers from granting a statutory authorisation unless a cultural heritage management plan has been approved.

The Victorian Government Solicitor's Office (VGSO) has advised that all statutory authorisations granted on the basis of an invalid approval of a cultural heritage management plan will also be invalid. This means that all statutory authorisations, including permits, issued in relation to the 67 impacted plans may be invalid. I am advised that some 15 of these are currently in progress with another 18 due to commence in the near future.

It is in the interests of the state of Victoria that the uncertainty in relation to the legality of these projects is resolved as a matter of urgency. This is the case in relation to both private and public works projects that would need to be halted while the issue of the validity of approvals was resolved.

VGSO has advised that retrospective legislative validation of the affected plans is the only mechanism that will provide this certainty.

While the proposed legislation will have retrospective effect, the result is simply to maintain the position that proponents are currently in and does not remove or affect rights.

The proposed amendment will have the effect of deeming that the person who has purported to make the decision to approve the plan had the authority to do so. It will not affect any rights a party may have in relation to other defects that may have occurred in the decision-making process. It is not intended that the proposed amendment will impact on any pending litigation.

The proposed amendment is designed to ensure that project proponents are able to confidently proceed on the basis of approvals that have been given in good faith.

I thank the opposition and the Greens for their support in allowing this bill to be dealt with as a matter of urgency, and I invite their input into the review of the act and the RAP inquiry.

I commend the bill to the house.

Mr WYNNE (Richmond) — This is a slightly odd situation we find ourselves in, in that this bill is being brought on for debate but it is being brought on with a sense of goodwill and bipartisanship across the

Parliament to essentially deal with a decision that has been made by the Victorian Civil and Administrative Tribunal (VCAT), which has brought into doubt the question of the delegation that arises for registered Aboriginal parties (RAPs). In this particular instance it was in fact the Yorta Yorta, but more generally the question has been raised of whether the delegation is sound in relation to a whole range of other decisions that have been made by representative Aboriginal parties.

In commencing my contribution I thank the Minister for Aboriginal Affairs and her staff for the courtesy of the briefings they provided to me. The spirit with which this debate will be conducted today suggests that from the point of view of both the government and the opposition we need to get this bill through the Parliament and approved by the Governor as expeditiously as possible. We will do all we can to facilitate that.

As the Minister for Aboriginal Affairs indicated, we have nine RAPs in Victoria at the moment covering in the order of 54 per cent of the state. I think it is an important acknowledgement in a bipartisan way that we of this Parliament believe that Aboriginal people ought to have a responsibility to speak in respect of land that they have both a physical and cultural connection to. It was the ambition of our government — and I know the Aboriginal Heritage Act 2006 is under review through a parliamentary committee process at the moment, as is required after five years of its operation — to fulfil the important aspiration that in the future we have RAPs that cover the whole of the state.

As members of the house who take an interest in these matters would be aware, some of these issues are quite hotly contested. The Aboriginal Heritage Council, under successive leadership, has done a fantastic job in dealing with the complexity and overlapping claims that attend many RAP applications. I acknowledge that the heritage council has in an assiduous way made a deep commitment not only to listen to the aspirations of Aboriginal communities but also while wrestling with some of the complexities of those overlapping claims has had to make decisions that some who aspire to RAPs have found disappointing. Nonetheless it has been a robust process that has stood the test of time extremely well since the act came into effect in 2007.

The bill before us today, as the minister indicated, will insert a new provision that will have the effect of retrospectively validating cultural heritage management plans that were approved in good faith by registered Aboriginal parties. I want to emphasise that point, because it is important. I have had the opportunity of

reading the decision of Deputy President Mark Dwyer of VCAT, who addressed these questions. In his decision Mr Dwyer said clearly that in relation to the Yorta Yorta matter it would appear that the cultural heritage adviser did not have delegated authority to approve the cultural heritage management plan (CHMP) and that the CHMP had yet to be effectively approved by the Yorta Yorta nations. He said that in reaching this view, he made no adverse finding in relation to the adviser. He said it appeared the adviser was acting in good faith but was under a misapprehension about the extent of her authority

It is important for us to acknowledge that point, because in relation to the Yorta Yorta matter and in terms of a range of delegations of RAPs that may be in question, in every single circumstance RAPs have acted properly and with integrity and have believed they have implemented their delegations in an appropriate fashion. Whilst there is doubt there, we ought to have that doubt cleared up. The second-reading speech addresses some of those questions. This concerns a number of projects. I understand from the briefing I was provided with that 15 projects are currently under way, 3 of which are private and 12 of which are public works projects, including key water infrastructure projects. It is important we are able to bring certainty to the process.

As the second-reading speech states and as the government has advised me, the Victorian government solicitor has said this was the only course of action open to the government. We understand that. We do not often undertake retrospective legislation; it is introduced on only very rare occasions. The retrospective validation of these decisions creates certainty for the project proponents, the RAPs and the state of Victoria more generally. The bill does not apply to any other decision or action taken by RAPs and is limited to those approvals made in good faith. In that context the opposition supports the bill.

Finally, it is important for us to acknowledge that the Aboriginal Heritage Act 2006 has been in place since 2007. Importantly the act has been tested at VCAT and it is clear it is sound and that the implementation of it in relation to this delegation is the matter we are seeking to clear up. The actions of all nine RAPs are retrospectively dealt with in the bill, so absolute certainty is brought to the process. For those for whom RAPs are not available, the director of Aboriginal Affairs Victoria, under the delegation of the minister, has responsibility for signing RAP applications where there is not a representative Aboriginal party in place. A very large number of applications are dealt with in, as I

recall, the 30-day statutory period — or it might be a little bit longer — for applications to be made.

I acknowledge that the development of the Aboriginal Heritage Act 2006 has been underpinned by extraordinary consultation. You will recall, Speaker, that in the past I have acknowledged the important contribution made to this by the Urban Development Institute of Australia (UDIA). It is one of the key interest groups which, in many respects, could potentially be most affected by the implementation of the legislation. Tony De Domenico, UDIA executive director, has, more than most people, played a fantastic leadership role in acknowledging that for some people in the development community there were challenges in understanding how the act worked and how it would be implemented. On every occasion that I have heard Mr De Domenico speak publicly he has been more than fulsome in his support for the Aboriginal Heritage Act 2006 and indeed the Aboriginal Heritage Council as well. We look forward to the bipartisan parliamentary committee review of the heritage act that will be undertaken once the terms of reference are finalised.

During the time when I had the honour of being the Minister for Aboriginal Affairs, one of the most crucial things I learned was that absolutely fundamental to the welfare of Aboriginal people in our community is an understanding of the crucial relationship between them and their land. If I learned one thing as Minister for Aboriginal Affairs, it was about that sacred relationship that exists between Aboriginal people and their land. This is what the Aboriginal Heritage Act 2006 is about. It is about saying that not only do we acknowledge that relationship but we acknowledge it in a way that has a legal framework around it and that respects the right of Aboriginal people to speak for their land, particularly where developments are going to occur on their land.

Aboriginal people will have the opportunity to interface with government and the private sector on the development of culturally sensitive sites to ensure that the rich cultural heritage that is still so much a part of this great state of Victoria is not only maintained but enhanced and celebrated. I commend this bill to the house and sincerely wish it a speedy passage.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

PETITIONS**Following petitions presented to house:****Olivia Newton-John Cancer and Wellness Centre: funding**

To the Legislative Assembly of Victoria:

The petition of the people of Victoria draws the house's attention to the Baillieu government's refusal to commit to funding for the final stage of the Olivia Newton-John Cancer and Wellness Centre at the Austin Hospital.

In particular, we note that, once completed, the Olivia Newton-John Cancer and Wellness Centre will be a world-class facility, providing the latest cancer treatment and care to patients.

The petitioners therefore request that the Legislative Assembly of Victoria urge the Baillieu government as a matter of urgency to provide funding to complete the Olivia Newton-John Cancer and Wellness Centre.

By Mr BROOKS (Bundoora) (55 signatures).**Children: Take a Break program**

To the Legislative Assembly of Victoria:

The petition of the following residents of Victoria draws to the attention of the house that funding for the Take a Break occasional child-care program, which is provided at more than 220 neighbourhood houses and community centres across Victoria, will cease after 31 December 2011.

The Take a Break occasional child-care program allows parents and guardians to participate in activities including employment, study, recreational classes and voluntary community activities while their children socialise and interact with other children in an early learning environment.

Full funding for the program was provided by the previous state Labor government but will not be continued by the Baillieu government beyond December 2011.

The cut to funding will mean that families across Victoria will be unable to access affordable, community-based occasional child care to undertake tasks that benefit the family and allow them to take a break.

The petitioners therefore request that the Legislative Assembly of Victoria urgently call on the Baillieu government to reinstate funding for the Take a Break occasional child-care program.

By Mr CARBINES (Ivanhoe) (40 signatures).**Rail: North Shore station**

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the Baillieu government's failure to commit to a planned \$1.5 million upgrade to North Shore railway station.

In particular we note:

1. North Shore station is the first entry point to Geelong for domestic and international tourists travelling on the Overland train service from Adelaide.
2. V/Line commuters use North Shore station to travel to and from Melbourne.
3. Despite being cared for by a dedicated group of volunteers, North Shore station is in desperate need of an upgrade.

The petitioners therefore request that the Legislative Assembly urge the Baillieu government to commit to the \$1.5 million upgrade of the North Shore station as a matter of urgency.

By Mr EREN (Lara) (693 signatures).**Vietnam: communism**

To the Legislative Assembly of Victoria:

The petition on the human rights abuses in Vietnam draws to the attention of the house that, since the uprising of the North African and Middle East peoples demanding greater freedom and democracy, the dictatorial communist government of Vietnam has blatantly increased its persecution of political dissidents and human rights campaigners in Vietnam.

The petitioners, the people of Australia and Australians of Vietnamese descent therefore respectfully request that the Legislative Assembly of Victoria:

1. Condemn recent escalation of summary arrests, illegal detentions, trials, sentencing and imprisonments by the Vietnamese communist government of human rights campaigners.
2. Demand an immediate and unconditional release of all political prisoners and religious leaders from prison or from home detention.
3. Express its support for the rights of Vietnamese people to demand political changes, freedom and democracy.
4. Call upon the Vietnamese government to accede to the legitimate demand of the people of Vietnam for a multiparty, free and fair election.

By Mr THOMPSON (Sandringham) (362 signatures).**Alpine National Park: cattle grazing**

To the Legislative Assembly of Victoria:

The petition of the people of Victoria draws to the attention of the house the Baillieu government's refusal to answer questions about the return of cattle to the high country.

1. The Baillieu government ignored both scientific and departmental procedures when authorising the 'scientific study' and calls to answer questions on the scientific justification for the 'study'.

2. The Baillieu government is refusing to provide details regarding the arrangement with graziers taking part in the 'study'.
3. Anecdotal evidence suggests this study has damaged the environment and threatened endangered species.

The petitioners therefore request that the Legislative Assembly of Victoria urge the Baillieu government to immediately provide answers and details on the issues listed above and rule out any further cattle grazing in our national parks.

By Ms GREEN (Yan Yean) (13 signatures).

Tabled.

Ordered that petition presented by honourable member for Ivanhoe be considered next day on motion of Mr CARBINES (Ivanhoe).

Ordered that petition presented by honourable member for Lara be considered next day on motion of Mr EREN (Lara).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 7

Ms CAMPBELL (Pascoe Vale) presented *Alert Digest No. 7 of 2011* on:

Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2011

Justice Legislation Amendment (Infringement Offences) Bill 2011

Sentencing Legislation Amendment (Abolition of Home Detention) Bill 2011

together with appendices.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Land Acquisition and Compensation Act 1986 — Certificate under s 7

Melbourne City Link Act 1995:

City Link and Extension Projects Integration and Facilitation Agreement Nineteenth Amending Deed

Exhibition Street Extension Thirteenth Amending Deed

Melbourne City Link Twenty-Ninth Amending Deed

National Parks Act 1975 — Reports under s 17

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Banyule — C59

Campaspe — C76

Greater Dandenong — C134

Hume — C152

Mildura — C47

Monash — C96

Port Phillip — C62

Stonnington — C112

Warrnambool — C61 Part 2

Wellington — C50 Part 1

Yarra Ranges — C80, C90 Part 3

Statutory Rules under the following Acts:

Corporations (Ancillary Provisions) Act 2001 — SR 34

Dangerous Goods Act 1985 — SR 37

Magistrates' Court Act 1989 — SR 36

Transfer of Land Act 1958 — SR 35

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rules 34, 36, 37

Victorian Electoral Commission — Report on the Broadmeadows District by-election held on 19 February 2011.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 8 February 2011:

Victoria Law Foundation Amendment Act 2011 — Whole Act — 23 June 2011 (*Gazette S193, 21 June 2011*)

ROYAL ASSENT

Message read advising royal assent on 21 June to:

Appropriation (2011/2012) Bill 2011 (*Presented to the Governor by the Speaker*)

Appropriation (Parliament 2011/2012) Bill 2011 (*Presented to the Governor by the Speaker*)

Environment Protection Amendment (Landfill Levies) Bill 2011

Equal Opportunity Amendment Bill 2011

Justice Legislation Amendment (Infringement Offences) Bill 2011

**State Taxation Acts Amendment Bill 2011
Statute Law Revision Bill 2011.**

JOINT SITTING OF PARLIAMENT

Victorian Health Promotion Foundation

The SPEAKER — Order! I have received the following communication from the Minister for Health:

The Victorian Health Promotion Foundation (VicHealth) is established under section 16 of the Tobacco Act 1987 (the act) to promote good health and disease prevention in the community.

Under section 21(1)(f) of the act, three (3) members of VicHealth are members of either the Legislative Assembly or the Legislative Council and elected by both houses jointly.

The previously elected members are:

Ms Kirstie Marshall, OAM, MLA

Mr Richard Dalla-Riva, MLC

Mr Hugh Delahunty, MLA

On leaving parliamentary office, irrespective of whether MPs are returned to Parliament, the positions are automatically vacated. Subsequently, VicHealth now requires the re-election of three new members.

I would be grateful if you could place this matter on the agenda for a joint sitting of both houses. In order to maintain the membership of VicHealth at the optimum number I would appreciate if this matter could be resolved quickly.

I have forwarded a similar request to the President of the Legislative Council.

Mr McINTOSH (Minister for Corrections) — By leave, I move:

That this house meets the Legislative Council for the purpose of sitting and voting together to elect three members of the Parliament to the Victorian Health Promotion Foundation and proposes that the time and place of such meeting be the Legislative Assembly chamber on Wednesday, 29 June 2011, at 6.15 p.m.

Motion agreed to.

Ordered that message be sent to Council acquainting them with resolution.

BUSINESS OF THE HOUSE

Program

Mr McINTOSH (Minister for Corrections) — I move:

That, under standing order 94(2), the orders of the day, government business, relating to the following items be considered and completed by 4.00 p.m. on Thursday, 30 June 2011:

Accident Towing Services Amendment Bill 2011

Address-in-reply to the Governor's speech

Consumer Acts Amendment Bill 2011

Parliamentary Salaries and Superannuation Amendment Bill 2011

Terrorism (Community Protection) Amendment Bill 2011.

In moving this motion I note that the house has resolved to have a joint sitting tomorrow evening at 6.15 to elect members of Parliament to the Victorian Health Promotion Foundation. I also note that there are four bills to be completed by 4.00 p.m. on Thursday. There is also the opportunity to complete the address-in-reply. I indicate to the house that the government's intention is to deal today with the Consumer Acts Amendment Bill 2011 and the Accident Towing Services Amendment Bill 2011 and then on Wednesday — and I will move a motion about this later on — to deal with the notice of motion in relation to amendments to sessional orders and also with the Parliamentary Salaries and Superannuation Amendment Bill 2011 and the Terrorism (Community Protection) Amendment Bill 2011.

That should provide ample time on Thursday for all members who want to make their contribution to the address-in-reply to the Governor's speech. I think the amount of time will be quite adequate to deal with these various bills and to give an opportunity to all members to make contributions on them. Accordingly I am happy to support my own motion.

Ms ALLAN (Bendigo East) — In rising to support this motion I am pleased to make a contribution on the government business program. As the Leader of the House has just outlined, there is a range of bills and matters for our consideration this week.

In speaking on the government business program, I refer to the passage of the Aboriginal Heritage Amendment Bill 2011, which has just gone through the house. I acknowledge the work of the government and in particular the Minister for Aboriginal Affairs who

has worked with the opposition and provided significant information to our shadow spokesperson in this area to enable the passage of the bill through the Parliament. I hope it has a similarly easy passage through the upper house, with similar levels of cooperation.

I also make comment on the range of bills that are before us for the remainder of this week, which I note is the last week before we have a bit of a break. As members of Parliament it is not a break from our parliamentary duties, but it is a break from our day-to-day engagement in this chamber, which some of us may be looking forward to more than others. Over the course of this final week there will be an opportunity to debate a number of items.

I make comment in passing on the Parliamentary Salaries and Superannuation Amendment Bill 2011. It will be a challenging bill for this house to debate because it goes to the right of members of Parliament to speak freely, fulsomely and openly in this chamber on matters they are passionate about. The bill has sat on the notice paper for quite some time — indeed, since it was placed there by the government back in February, I believe. It is a bill that members, at least on our side, feel very strongly about and I think every member on our side would like to have the opportunity to speak on this bill. I appreciate the conversations I have had with the Leader of the House about affording many members the opportunity to speak on this bill. I hope that every member who wants to speak on this bill has the opportunity of doing so, given that it goes directly to the role of each of us as individual members of Parliament.

Putting aside party affiliations and other groupings that might exist in the chamber, this bill goes to how we as individuals stand up in this chamber for the things we believe in, how we prosecute those matters in the chamber and how we are afforded the opportunities to do so. I hope that debate is accommodated during the course of the week. Whilst there are other matters in the program that are indeed important — and due opportunity will be given to debate those items over the course of the week — I look forward to a lengthy debate on the Parliamentary Salaries and Superannuation Amendment Bill 2011. I note that the Leader of the House has said we will be moving to debating that bill tomorrow. For the reasons I just outlined I hope that during the course of tomorrow and Thursday all members will be given the opportunity to speak on that bill.

Without further ado, I indicate to the house that the opposition will be supporting the government business

program this week. Our support is very much based on the fact that we have been given an indication that there will be plenty of opportunity to debate the Parliamentary Salaries and Superannuation Amendment Bill 2011. I hope that opportunity is forthcoming during the course of the week and that the debate is not curtailed, as in the past debate on other bills on which a commitment has been given on speaking times has been curtailed. I hope that does not happen this week but that all members get the opportunity to speak on that important bill. I look forward to the debate on that bill and other pieces of legislation before the house this week.

Mr HODGETT (Kilsyth) — I rise to support the motion by the Leader of the House proposing the government business program for this sitting week, being those five items listed on the program: the Accident Towing Services Amendment Bill 2011, the address-in-reply to the Governor's speech, the Consumer Acts Amendment Bill 2011, the Parliamentary Salaries and Superannuation Amendment Bill 2011 and the Terrorism (Community Protection) Amendment Bill 2011. Working cooperatively with the Opposition Whip, members will have ample opportunity to make a contribution to debate on the bills in the government business program.

As has been stated, members have just dealt with the Aboriginal Heritage Amendment Bill 2011. I am pleased by the support of the opposition to facilitate the passage of this bill through both houses of Parliament this week. The address-in-reply still sits on the notice paper, and this week will be the final opportunity for members to make contributions to the motion to adopt the address-in-reply to the Governor's speech. We will have enough time to allow speakers on both sides of the house to speak on that motion before it is voted on.

The opposition has indicated that it has a number of speakers on several bills, including the Parliamentary Salaries and Superannuation Amendment Bill 2011 and the two bills we will be going to this afternoon: the Consumer Acts Amendment Bill 2011 and the Accident Towing Services Amendment Bill 2011. The program will allow ample time for debate before the 4 o'clock guillotine on Thursday. I look forward to working with the Opposition Whip to enable speakers to have the opportunity to make their contributions to the debate on those bills. I am pleased that the opposition is supporting the government business program this sitting week.

Ms KAIROUZ (Kororoit) — I am also pleased to make a contribution on the government business program. As was said before, the opposition will not be

opposing the program. As mentioned by the Leader of the House, the manager of opposition business and the Government Whip, a few bills are up for debate. Members on this side of the house have been afforded the opportunity to speak in the debate on the Consumer Acts Amendment Bill 2011, which is to follow shortly, and later this evening in the debate on the Accident Towing Services Amendment Bill 2011. The Government Whip has indicated that he has at least 10 speakers on each of the bills. We are pleased to offer at least the same number of speakers on each of the bills.

Another bill on which a long list of members would like the opportunity to speak is of course the Parliamentary Salaries and Superannuation Amendment Bill 2011. This bill has been on the notice paper for about three months now. Members on this side of the house have very strong views on this bill and would like on behalf of their communities to be given the opportunity to speak and put forward their views on this bill and of course the other bills.

I look forward to the debate on the bills listed as orders of the day on the government business program. I look forward to a lengthy debate, particularly on the Parliamentary Salaries and Superannuation Amendment Bill 2011, and I hope the government will afford members on this side of the house the opportunity to express their views.

Mr CRISP (Mildura) — I rise to support the motion moved by the Leader of the House, and I welcome the opposition's support of this motion. I also thank the opposition for its help with the Aboriginal Heritage Amendment Bill 2011, as this allowed us to take care of some difficult housekeeping and to get some business off the list as quickly as we could before it caused any difficulties.

I note that the manager of opposition business and the member for Kororoit have spoken at some length about the Parliamentary Salaries and Superannuation Amendment Bill 2011, but I tend to disagree with the manager of opposition business about members not being able to speak openly on this bill. I also note that, despite those strong objections to this bill, the opposition still supports these measures. I think the balance needed within the house is to be able to speak openly and yet not overstep the mark, and that is what this bill is about. You can be cautioned by the Speaker and you can be removed from the chamber by the Speaker, but being named is a serious matter. I think all of us agree that being named is a serious action. I look forward to some of the opposition members'

contributions to the debate on this bill, but I note that they are not opposing it.

Also on the agenda are the Accident Towing Services Amendment Bill 2011 and the Consumer Acts Amendment Bill 2011, which makes technical but important changes to quite serious issues in the Estate Agents Act 1980 and the Owners Corporations Act 2006. The Terrorism (Community Protection) Amendment Bill 2011 is one that we all wish we were not debating, but unfortunately the world is not like that any more. With those comments I am pleased to support the government business program, and I welcome the opposition's support.

Ms BEATTIE (Yuroke) — I also rise to support the government business program. It seems that the love is spreading throughout the chamber today. However, there are some important bills to be debated this week in what are to be the last sitting days before a long break in the Parliament. We on this side of the house are not used to having such a long break, because when we were in government we worked every month of the year. We did not have the long break. However, I look forward to seeing many members on the other side of the house going to catch their planes out of Melbourne Airport when they go on their long winter breaks.

Moving on to the government business program, I also look forward to speaking on the Parliamentary Salaries and Superannuation Amendment Bill 2011, because this bill is a fundamental attack on the rights of members of Parliament. I think it is a fundamental right of every member of Parliament to be able to speak without fear or favour in this house. I also will be speaking vigorously against this bill, just as I maintain my right to speak on behalf of my constituents.

There are other important bills. While the Aboriginal Heritage Amendment Bill 2011 has already been debated, another bill coming up is the Accident Towing Services Amendment Bill 2011. More contributions will be made on the address-in-reply to the Governor's speech. Also coming up is the Consumer Acts Amendment Bill 2011 and of course the Terrorism (Community Protection) Amendment Bill 2011. These are all important bills, and I look forward to speaking on some of them. With those few words, I repeat that the opposition is not opposing the government business program.

Motion agreed to.

MEMBERS STATEMENTS

Terry Tierney and Anthony Pisano

Ms BEATTIE (Yuroke) — Today I would like to congratulate two constituents of mine from Yuroke: 18-year-old Terry Tierney of Craigieburn and Anthony Pisano, also 18 years old, of Greenvale. Terry and Anthony have established a group called Freedom — Raise Awareness for Depression and Suicide Prevention. They set up the group because of their personal experiences with people going through difficult times. They wanted to provide an open forum for difficult issues to be discussed, no matter how big or how small. The actions of these two fine young men are commendable.

Terry and Anthony have committed, if their Facebook group reaches 10 000 members, to walk from Melbourne to Sydney to raise awareness of depression, drug addiction, self-harm and suicide prevention. I urge all members of this place and members of the wider community to support Terry and Anthony's effort by joining this Facebook group so that they can reach their target of 10 000 members.

I look forward to hearing of the success of Terry and Anthony in the future, and I once again congratulate them on their openness and courage in relation to these issues, which are of great concern to the broader community.

Stamp duty: first home buyers

Mr WELLS (Treasurer) — This statement highlights a significant achievement and the reaching of a milestone by the Baillieu coalition government — that is, the delivery and implementation of a key 2010 state election commitment to significantly cut property stamp duty for eligible first home buyers from this Friday, 1 July.

The coalition went to the election with a commitment to progressively cut stamp duty for first home buyers purchasing a home for up to \$600 000 by 50 per cent, with the first cut of 20 per cent to take effect for contracts settled from 1 July. This will increase to a cut of 30 per cent from 1 January 2013, 40 per cent from 1 January 2014 and 50 per cent by September 2014. This important election commitment to ease the cost of living burden and improve housing affordability for many young Victorians was a key feature of the coalition's policy platform that resonated strongly within the community during the election campaign and continues to do so.

The Baillieu government is delivering the keys for the first home buyers who have been increasingly priced out of the home buyers market over recent years due to increasing property prices and cost of living pressures. The coalition understands how long it takes to save up for your first home and that massive stamp duty taxes are often the difference between the excitement of making a successful bid and the disappointment of being locked out of the property market.

Public transport: western suburbs

Ms HENNESSY (Altona) — I rise today to bring to the attention of the house the challenges faced by commuters in the west. On this occasion the issue I wish to emphasise is the lack of available car parking at the Hoppers Crossing railway station. I have raised in this house on many occasions the unprecedented growth occurring in the western suburbs. Recent Australian Bureau of Statistics figures again confirm that the city of Wyndham is the fastest growing region of Australia. Recently we have had timetable changes on the Altona loop, which has then had a downstream impact as commuters have attempted to park at other railway stations. Recently Wyndham City Council indicated its intention to implement new parking restrictions in associated streets. This has further compromised and complicated people's ability to park. The council is seeking to effectively balance some of the challenges that arise because of contested space.

The real issue is that development continues in the west, and as development continues all levels of government need to step up to their infrastructure responsibilities in respect of both key critical economic infrastructure and some of the other smaller issues, such as car parking associated with railway stations. What I do not want to see is local set against local in respect of where and how car parking should occur. This issue also demonstrates that we perhaps need to review the provision of buses in the city of Wyndham.

Planning: Caulfield Village

Mr SOUTHWICK (Caulfield) — This morning I had the pleasure of joining the Minister for Planning, the Honourable Matthew Guy, in my electorate to announce the approval of a planning scheme amendment that will allow for a \$1 billion development near the Caulfield Racecourse. As part of this development Caulfield residents will see an improvement in the quality of open space facilities for the community. I am pleased this agreement between the Glen Eira City Council and the Melbourne Racing Club that I helped facilitate has led to such a wonderful result. Facilities for the community to enjoy will

include a picnic area by the lake, a large off-leash dog area, walking and jogging paths and a junior soccer pitch. I look forward to continuing to engage with the community on ways to utilise this fantastic facility.

Jewish Community Council of Victoria: under-age drinking initiative

Mr SOUTHWICK — Being a proud parent and somebody who has worked on a number of youth issues, I am proud to be part of a coalition government that has introduced legislation banning adults from supplying alcohol to minors in private homes unless parental consent is given. The change hands back control to parents and opens up the discussion between parents and their children on alcohol consumption. I am proud to be supporting a local initiative run by Debbie Zauder and Rimma Sverdlin under the Jewish Community Council of Victoria, which looks to combat teen drinking. I recently attended Leibler Yavneh College, where one of these programs is running. This program is a good model that could be taken up by other schools and other community groups to reduce children's consumption of alcohol.

Roei Sadan

Mr SOUTHWICK — Roei Sadan will be here from Israel. He has been on a four-year journey trekking around the world on his bike.

Fr Bill Beagley

Ms CAMPBELL (Pascoe Vale) — I wish to pay tribute to Fr Bill Beagley, parish priest at St Alban's Anglican Church, Coburg West, since January 2003, and his wonderful family. Bill has been a tireless worker for his parishioners, the local community, the wider Anglican fellowship and prisoners at Port Phillip prison. Some of the great work he has done to improve people's lives includes the following achievements. He transformed the foyer between the church and the hall to make it a more effective community centre. It is now used by a dance school, play groups and Weight Watchers among others. He developed a men's group. With his wife, Leanne, and their three lovely daughters, Rachel, Sarah and Tess, he ensured the annual St Albans Anzac Day service and breakfast was a very special spiritual occasion, as well as one of great fellowship. He provided visitation and services to three nursing homes.

Bill is a prison chaplain, with parish support, at Port Phillip Prison. Following on from that, he has encouraged and developed support for babies in prison.

This is a major achievement and the highlight of Bill's ministry in the community, which is not limited to just our parishioners but clearly extends to a much broader community. His is a tough gig. Just for something completely different, he has been a stand-up comic at the Melbourne International Comedy Festival. He provided religious education at Pascoe Vale Primary School for around three years, and he was the area dean for three years. Well done, Bill!

Yea: cittaslow town

Ms McLEISH (Seymour) — We all know we are time poor — we do not have or do not make enough time to sit down and enjoy the pleasures of life. Doing things that impact positively on our health and wellbeing are often put on the backburner in the 'race' that seems to be the normal pattern of life for many of us. Recently residents of Yea decided to act on this and took the concept to a different level by working hard to have the town recognised as a cittaslow town. The term 'cittaslow' has Italian origins and can be translated as 'slow city'. When you think of this definition in terms of what it may mean for your lifestyle, you realise that it really encourages you to take the time to appreciate family and friends and the environment.

Yea is the perfect community to be declared a cittaslow town. It has a beautiful natural environment, it is friendly and locals are proud of the food and wine they produce. The announcement was made in Yea recently in true cittaslow fashion. Members of the committee and the community took their time. They worked with each other and used local produce to prepare a wonderful meal, of which I was pleased to partake. Of course, in line with the cittaslow concept, it was consumed at a leisurely pace. Committee members were joined by many local food producers and representatives of the Murrindindi Shire Council and the Yea Business and Tourism Committee. The members of the small committee — Adele Anderson, Helen Jolly, Adam Dennis, Rebecca Bowles and Dianne Bartels — are to be congratulated on its achievement. Yea is the first town in Victoria and the third in Australia to have this title bestowed on it.

Flemington: neighbourhood renewal program

Ms PIKE (Melbourne) — Today I want to speak about neighbourhood renewal. Neighbourhood renewal is a terrific program which emanated from the then Office of Housing and commenced around 10 years ago. The purpose of the neighbourhood renewal program was to supplement the Office of Housing capital works that were taking place in certain areas, particularly those of low socioeconomic status. The first

of these programs commenced in Wendouree. At the same time as the Office of Housing was upgrading a lot of the housing in that area, additional funding was provided to make sure that jobs could be created, that people had access to high-quality health and education services, and that the aspirations of that community could be lifted. That has certainly been the outcome.

I was delighted that Flemington was most recently chosen as a neighbourhood renewal site. I am very concerned that funding continues to flow for neighbourhood renewal, because these communities desperately need jobs and they desperately need an opportunity to improve the life chances for all the residents of those communities. I will continue to work to make sure that Flemington, in my community, remains a neighbourhood renewal site so that people's lives can improve.

Bushfires: royal commission recommendations

Ms MILLER (Bentleigh) — I rise today to condemn the previous government for the misinformation that was provided to Victorians on the true costs of implementing the royal commission's recommendations following Black Saturday. The suggestion of a \$20 billion figure is absolute nonsense and is completely inconsistent with information from the royal commission. Members of the Labor government, which showed blatant disrespect for the truth, failed to implement the royal commission's recommendations when they had the opportunity and they are now attempting to instil fear into Victorians through the use of a media scare campaign. The royal commission stated that only those electrical assets in areas of the highest bushfire risk need to be replaced. These are not necessarily required to be underground.

Ms D'Ambrosio — On a point of order, Acting Speaker, I think the member is misleading the house. That is not the recommendation 27 of the royal commission. That is misleading the house, and I request that the member withdraw that comment.

Mr Kotsiras — On the point of order, Acting Speaker, there is no point of order. The member knows that; she is only playing games. There is absolutely no point of order.

The ACTING SPEAKER (Mr Tilley) — Order! I am happy to rule on that. There is no point of order.

Ms MILLER — The coalition government, a government which fixes the problems and builds for the future, has commissioned the Powerline Bushfire Safety Taskforce, and has already put \$50 million on

the table in this year's budget through its Safer Electricity Assets Fund to start improving the safety of assets in country Victoria.

Bentleigh residents, like all Victorians, are involved with their hearts, minds and actions. They have donated and volunteered, and they have shed tears over the lives lost in the Victorian bushfires and deserve to know the truth about this important government action.

Ambulance services: subscriptions

Ms MILLER — Bentleigh residents will be delighted to know that the coalition government is acting to make ambulance cover more affordable for all Victorians. From 1 July, ambulance membership costs for families and singles will halve. That is a significant and much-needed decrease. I am proud to be part of a government that supports Bentleigh residents and all — —

The ACTING SPEAKER (Mr Tilley) — Order! The member's time has expired.

Breast cancer: football match

Ms GRALEY (Narre Warren South) — I recently had the pleasure of attending the inaugural breast cancer awareness footy match between the Hampton Park junior and Fountain Gate girls football clubs. I was honoured to present the inaugural Breast Cancer Awareness Cup to the victorious Fountain Gate Gators following their comprehensive 40-point win, and a pink Breast Cancer Network Australia footy to the Hampton Park team.

The girls on both teams wore pink guernseys and armbands — some even wore pink nail polish — and they held a collection for the Breast Cancer Network Australia. It gave me so much joy to see young girls playing footy with such gusto for such a great cause. It was a really heart-warming and uplifting day as well as being lots of fun in all that mud!

Football at all levels has become a fantastic forum in which to raise awareness about breast cancer. The Hampton Park Junior Football Club team included Biannaka Hazelden, Caitlyn Verlow, Jasmine Chippendale, Jessica Walker, Kadijeh Maliki, Lauren Contarino, Maddison Ross, Madeline Martin, Tamaleahia Price-Stokes, Tayla Beck, Brianna Kapetanovski, Dana Reedman, Jessica Pettit, Jessie Beck, Katrina White, Leah Duffy, Maddison Taylor, Sarah Bishop and Tameka Arnephy.

The Fountain Gate Junior Football Club was represented by Alison Jordan, Codie Freeman, Jayde

Manfield, Kayla Dingle, Kirsty Caldwell, Lucy Smeaton, Rachael Maxfield, Tegan O’Meagher, Charleen Rieck, Demi Dick, Jessica Bakker, Keah Brennan, Kirsty Macdonald, Madison Johnston, Skye O’Keefe, Tiffany Brodie, Chloe Nogher, Jamea Drake, Jessica Quental, Kelly Michaels, Lauren Hojnacki, Paige Panczel and Tayla McEwan.

I congratulate both the Hampton Park Junior Football Club and the Fountain Gate Junior Football Club along with the umpires and the organisers on the entertaining match and on their commitment. Go, girls!

Edward and Elizabeth O’Toole

Ms RYALL (Mitcham) — I take this opportunity to congratulate Edward and Elizabeth O’Toole of Blackburn North, who were awarded the Order of Australia medal in this year’s Queen’s Birthday honours for service to the community of Whitehorse through social welfare and service organisations, particularly for their voluntary work at the Box Hill RSL. Edward and Elizabeth started the Whitehorse Day Club in the year 2000, and it is now the largest day club in Victoria. The club organises day trips, holidays, guest speakers, musicians, games and luncheons to give back to those who put their lives on the line in defence of Australia’s borders. This is a most fitting honour, and I congratulate and thank Edward and Elizabeth for their service to the community.

Robert and Beverley Hoskins

Ms RYALL — I would like to congratulate Robert and Beverley Hoskins, who were also awarded an Order of Australia medal for their service to the community of Blackburn in this year’s Queen’s Birthday honours. This is a most suitable recognition of their wonderful dedication to volunteering for many local community organisations, including the Blackburn Football Club, the Whitehorse Day Club and Nunawading Rotary as well as 30 years with the Red Cross. My warmest congratulations and best wishes to them both.

Taralye oral language centre: open week

Ms RYALL — On 17 May I had the privilege of attending the closing ceremony of Taralye Week at the Taralye oral language centre for hearing-impaired children, where I spoke with staff, students and parents. Taralye is a not-for-profit organisation that supports 0-to-6-year-olds who are hearing impaired and their families. Taralye Week was about showing the community the progress that is being made by hearing-impaired students and teaching the public about

the services it offers to Victorian families. I congratulate all the team at Taralye on a very successful week.

Bishop Vincent Long Van Nguyen: ordination

Mr MERLINO (Monbulk) — I rise to congratulate Vincent Long Van Nguyen on his ordination as Australia’s first Asian Catholic bishop. On Thursday, 23 June, I had the pleasure of joining the Leader of the Opposition and the Minister for Education at a very moving ceremony at St Patrick’s Cathedral. The ordination was conducted by Archbishop Denis Hart along with Cardinal George Pell and the Apostolic Nuncio to Australia, Giuseppe Lazzarotto, before other bishops, priests and a packed audience of predominately Vietnamese Australians.

The new bishop spoke beautifully about his journey to that special moment, including his experience as a refugee fleeing war-torn Vietnam. For eight days the then teenage Vincent was crammed onto a boat with 147 other people. Unlike so many others, he survived the perilous journey and after 16 months in a refugee camp found his way to Australia. His story is one of a triumph of the human spirit. When he mentioned his experience as a refugee and the ‘fair go’ spirit he encountered in Australia there was rapturous applause, as there was when he said that the Vietnamese were the new Irish of the Catholic Church — and when he proudly proclaimed his allegiance to the Sydney Swans!

Vincent, a Franciscan, was ordained Titular Bishop of Tala and Auxiliary Bishop of Melbourne. He will be a wonderful leader based in the culturally diverse western suburbs. He has made members of our Vietnamese community extremely proud, and his story is one that should be proclaimed loudly in the national debate on asylum seekers.

Refugee Week: art and craft exhibition

Mr MERLINO — I congratulate the Shire of Yarra Ranges on its Freedom from Fear art and craft exhibition that was held as part of Refugee Week. Janet Wilson, a Montrose resident and community artist, has been working with individuals, families and refugee groups through the migrant information centre to assist with the exhibition. Well done, Janet!

Children: Take a Break program

Mr WELLER (Rodney) — I wish to express my disappointment at the Gillard government’s decision to discontinue funding for the Take a Break occasional

child-care program. Families right across my electorate are understandably upset by the move and deeply concerned about their future child-care options. Without a doubt the cessation of the Take a Break service will have a detrimental impact on many country communities right across regional Victoria.

In recent weeks I have been contacted by parents from Kyabram, Nathalia, Tongala, Barmah and Merrigum who are desperate for this important service to continue in their communities. Without it many families have no access to affordable child care. Federal government funding for this program, originally funded on a 70 per cent commonwealth and 30 per cent state basis, was discontinued in the May 2010 budget, which meant that services were due to cease on 30 June 2010. The then Victorian government continued funding the program until 30 June 2011 as a one-off commitment.

Upon its election the coalition government formally requested the Gillard government to reinstate the Take a Break occasional care funding, but its request was refused. The Victorian coalition government extended the transition arrangements until 31 December 2011, but the state cannot be expected to take over the federal government's funding responsibility. I congratulate the Baillieu-Ryan coalition government on committing to reinstate Victoria's funding share if the federal government honours its responsibility. It is now up to the Gillard government to come on board and reinstate its funding.

Lalor Tennis Club: awards

Ms HALFPENNY (Thomastown) — On Sunday, 26 June, I had the privilege of presenting awards to junior members of the Lalor Tennis Club who were finalists and runners-up in the district tennis league's autumn competition. I congratulate them all.

I also congratulate the club on winning the extremely important City of Whittlesea reconciliation award for its work in supporting indigenous kids in the area. The Lalor Tennis Club has been going strong for over 50 years and has built up a current membership of over 200 members representing more than 22 different nationalities and cultures. It is a club that focuses not only on tennis coaching and achievement but also on inclusion and participation within its community.

I would like to make special mention of two individuals who do so much for the club and the kids who belong to it. One of them is Ian Goolagong, a most dedicated and caring coach who has earned great respect from and developed a fantastic rapport with the kids he coaches. I also want to mention Dein Vindingi, who is so very

committed and gives up much of his time to make sure that things run smoothly and that the club maintains its inclusive and supportive culture for the enjoyment of all.

Northern Saints Football Club: function

Ms HALFPENNY — On Saturday, 16 June, I had the pleasure of speaking at a lunchtime event at the Northern Saints Football Club in Fawkner. While the footy was in full swing outside, lunch was available inside and a great variety of stalls were selling goods. The event was held to encourage the partners and parents of players to become involved in the club and to acknowledge the contributions of the many volunteers at both junior and senior levels.

There was a great feeling of community spirit on the day. Congratulations to the organisers and the many people who worked hard on the day, including the president, Peter Lohner, along with Paul, Bruno, Franca, Rosanna, Tiziana — —

The ACTING SPEAKER (Mr Tilley) — Order! The member's time has expired.

Murray Valley electorate: community events

Mr McCURDY (Murray Valley) — I would like to congratulate the Rotary Club of Yarrowonga Mulwala on its hugely successful Sunday market. Held on the third Sunday of each month at the Yarrowonga Showgrounds, the market has over 100 stalls selling a wide range of goods. Funds raised from the market assist and support local projects and include \$60 000 contributed in three instalments for the Yarrowonga-Mulwala respite house.

On Saturday night I had the privilege of attending the Lions Club of Wangaratta changeover dinner at D'Amico's Licensed Restaurant. It was a great night, and what this club can achieve is inspiring. I congratulate longtime member Ray Dunstan on being honoured with the Melvin Jones award. One of the Lions major activities, the annual Wangaratta Swap Meet and Collectables Market, is a not-to-be-missed event with over 500 sites and 5000 patrons.

Joy and Greg Johnson

Mr McCURDY — Congratulations to dairy farmers Joy and Greg Johnson of Oxley Flats, who are up for a national award for their dairy farm management. The Johnsons have again won the Westpac Dairy Business of the Year award for the northern region, and will join regional award winners at the award finals. The Johnsons run 180 cows on their property and share

farm with Jody Boyd. They supply Murray Goulburn Co-operative.

Cobram Estate: awards

Mr McCURDY — I would like to extend my congratulations to Cobram Estate, which took out two of the three top awards at the Los Angeles International Extra Virgin Olive Oil Competition. No other producer has won two Best of Show awards in the same year. With olive groves at Cobram, Boundary Bend and Boort, Cobram Estate pitted seven olive oils against more than 600 entries from 20 countries and walked away with the double. There is no doubt Australia and the Murray Valley are up there with the world's best.

Living Longer Living Stronger: funding

Ms DUNCAN (Macedon) — The Baillieu government is at it again: cutting funding to vulnerable groups within our community. This time it is senior Victorians who will pay the price, with the axing of the Living Longer Living Stronger strength and fitness program for seniors. This popular and cost-effective program is run by the Council for the Ageing and since 2003 has improved the health and wellbeing of over 17 000 Victorians. The Sunbury Aquatic Centre and the Sunbury community health centre in the Macedon electorate are 2 of 110 centres to have their programs axed. This decision adds to a previous failure of the state government in not providing new funding for the Go for Your Life initiative for seniors. These funding cuts show a lack of understanding of and support for senior Victorians, denying them access to vital exercise and physical fitness programs that can improve their health and quality of life.

Labor funded Living Longer Living Stronger because it recognised the benefits of weight and fitness programs for older people. This is another example of Take Away Ted and his agenda to hit communities that can least afford it while treating the rest of us like mugs. The scrapping of the School Start bonus, the Take a Break program, the Home Wise program and the Go for Your Life program, on top of cuts to internet access in kindergartens and to literacy teachers is further evidence of this mean-spirited government failing Victorian families.

Anglicare Victoria: awards ceremony

Mr ANGUS (Forest Hill) — Last Friday I had the great pleasure of attending the 2011 Anglicare Victoria eastern region graduation and awards ceremony. It was a night to recognise the contribution made by foster carers and their commitment to improving the lives of

young people in foster care. It was also an opportunity to acknowledge and honour those selfless individuals and families who devote themselves to caring for children who, through no fault of their own, find themselves in difficult domestic circumstances. Newly accredited foster carers were recognised, as were carers who had been providing loving care and safety for children for 5, 10 and even 20 years. Other special achievement awards were also presented. Congratulations to all those foster carers who give of themselves selflessly to assist these vulnerable Victorians. I also congratulate Mr Paul McDonald, the CEO of Anglicare Victoria, together with his team, on the great work they are doing.

Schools: former government performance

Mr ANGUS — Recently I met with the principal of one of the schools in Forest Hill, and she was lamenting the backlog of maintenance issues facing the school. In particular she mentioned the school's leaking roof and the fact that buckets had to be placed in the corridor to catch the water during heavy rain. This issue reflects the incompetence of the Labor government, which neglected basic school maintenance work during its term in government. After 11 long years of financial waste and mismanagement, it is great that Victorian schools now have a government committed to attending to required maintenance work on an ongoing basis. This is clearly highlighted by the fact that in the recent state budget the new coalition government allocated \$100 million for the Maintenance Fund for Victorian Schools. This is a responsible way to address Labor's negligence over the last 11 years.

Taylor's Lakes Primary School: achievements

Ms HUTCHINS (Keilor) — I rise to acknowledge a great school and a great principal in the electorate of Keilor — they are respectively Taylor's Lakes Primary School and its relatively new principal, Chris Sevier. With a population of 580 students and 26 classes, it is a thriving school with strong links to the local community. The school has a strong focus on literacy and numeracy, as well as a demonstrated striving to develop the whole child. It has innovative music, visual arts and physical education programs that aim to challenge and stimulate the kids. I witnessed these programs firsthand when I visited the school on 17 June. The students have the opportunity to participate in the school choir, and I witnessed the school samba band performing in the main music room.

The school is currently undergoing a major redevelopment with funds secured through the federal government's Building the Education Revolution

program, which will deliver new facilities, such as six prep classrooms, a new ICT lab, a large extension to the school library, a large extension to the administration block and additional meeting rooms. The new building's facilities are close to completion and will expose the students to even better learning opportunities to assist their development. I hope the Premier's recent cuts to the education budget do not affect the great work of this school's literacy coaches.

Rail: Mildura line

Mr CRISP (Mildura) — Labor's failed candidate at the last election has been busy promoting a fast train service to Mildura. My question to the Leader of the Opposition is whether he will back his candidate and make not just a promise but a commitment to a fast train service to Mildura, or is the failed Labor candidate misleading the community? The Labor candidate cannot resist a swipe at the Kennett government, yet conveniently ignores several broken promises to restore the train during Labor's 11 dark years of government. Labor swept under the carpet its own feasibility study, an option which points out the high-cost issues of grade separation and track deviations.

Much is made by Labor of the socioeconomic benefit of a fast train, ignoring the feasibility study finding that the fast train rail service rates only two points higher on the study's social impact assessment than a daytime service. These issues were considered difficult enough to result in the Brumby government's extension of V/Locity services to Maryborough being limited to a maximum speed of 130 kilometres per hour. Will the Leader of the Opposition back his candidate and commit Labor to the \$1 billion-plus needed to deliver this project?

Ross Lake

Mr CRISP — On another matter, congratulations to Ross Lake. Well done on your Queen's Birthday honour, a just recognition for your tireless work for the community of the Mildura region.

ReLink Australia: football fundraiser

Mr FOLEY (Albert Park) — The past few days have been big ones for community fundraising for two of the major groups in the Albert Park district.

On Sunday the annual community cup football match between the Espy Rock Dogs and the Megahertz was held at Elsternwick Park. It was attended by at least 15 000 people throughout the day and raised funds for ReLink Australia. ReLink has grown from a local

organisation delivering support to those experiencing homelessness through programs based around sport, the arts and health and fitness. It now delivers these programs to communities right around Australia, particularly communities involving indigenous populations, refugees and young people. Well done to the organising committee, headed by Jason Evans, and to the hundreds of volunteers. It should be noted that the Espy Rock Dogs from south of the river turned around last year's unbelievable defeat with a comprehensive victory against the Megahertz from the wrong side of the river.

Sacred Heart Mission: concert

Mr FOLEY — Last night the Sacred Heart Mission held its fourth annual Heart of St Kilda concert at the Palais Theatre, where over 2000 people supported St Kilda's largest and best-known community organisation that feeds, houses and keeps alive and engaged and linked into their community literally thousands of people every year. All the artists, the management and staff of the Palais, the master of ceremonies, Brian Nankervis, the chief executive officer of the Sacred Heart Mission, Michael Perusco and the outgoing chair of the mission, His Honour Judge Michael McInerney, should be acknowledged for another fantastic fundraising effort on behalf of our most disadvantaged citizens.

Country Fire Authority: Rowville brigade

Mr WAKELING (Ferntree Gully) — Recently the member for Benambra, who is also the Parliamentary Secretary for Police and Emergency Services, and I were updated by Country Fire Authority management regarding the coalition government's commitment to identify a future site for the Rowville CFA. The CFA was able to advise that work is progressing well in identifying a prominent location that would meet the future needs of the brigade. Furthermore, as evidenced by the enshrining of the volunteer charter into legislation, the volunteer members of the brigade have been kept updated of current developments. A public announcement will be made after the purchase of suitable land has been finalised.

Ferntree Gully junior football club: dinner

Mr WAKELING — I recently had the pleasure of the attending the Ferntree Gully junior football club's annual dinner. During the evening, John Evans and Gary Bass were both inducted as life members of the club. Both men have been great servants of the club and I congratulate them on their recognition.

The ACTING SPEAKER (Mr Tilley) — Order!
The time for making members statements has expired.

CONSUMER ACTS AMENDMENT BILL 2011

Second reading

**Debate resumed from 2 June; motion of
Mr O'BRIEN (Minister for Consumer Affairs).**

**Government amendments circulated by
Mr O'BRIEN (Minister for Consumer Affairs)
pursuant to standing orders.**

Ms D'AMBROSIO (Mill Park) — I rise to speak on the Consumer Acts Amendment Bill 2011. I wish to state that the opposition will not be opposing the bill, but opposition members will be raising a number of concerns for the attention of the minister and will be making a particular request. I hope that in his summing up the minister will be able to provide a response to these concerns. I note the amendments that have been tabled by the minister making what I am advised are perfunctory changes to the bill and I will comment on those towards the end of my contribution.

This is an omnibus bill which amends a number of acts — the Estate Agents Act 1980, the Owners Corporations Act 2006, the Fair Trading Act 1999, the Conveyancers Act 2006 and the Consumer Affairs Legislation Amendment (Reform) Act 2010 — and repeals the Companies (Administration) Act 1981. With respect to the first act, the Estate Agents Act, which deals specifically with conflict of interest sales, the bill removes third party oversight for consumers where an estate agent purchases or attempts to purchase real estate or a business that they have been commissioned to sell.

Until the introduction of this bill, responsibility for third party oversight lay with the director of Consumer Affairs Victoria (CAV) and more recently with lawyers and conveyancers. As I understand it, the bill still requires estate agents to meet certain criteria for exemption from being able to enter into such transactions. A real estate agent must not purchase a property or business unless they meet the requirements for exemption.

As the minister said in his second-reading speech and confirmed through the briefing that was provided to the opposition by Consumer Affairs Victoria, the motivation here is that the onus should fall on the estate agent alone to demonstrate that they have acted in the best interests of the vendor. As a result, and as I

mentioned earlier, there will be no third party signing off on the fairness of a transaction. The opposition contends that this may be interpreted as a watering down of consumer protections. Where it may be more acutely felt is, for example, in the case of older Victorians who may have lost their life companion through death and who may need to sell their home to move into a retirement village. They may not be in the best emotional state to deal with the business of selling their property, their house. As a result, there may be a situation — and this is certainly not a significant issue in the community — of a rogue real estate agent seeking to take advantage of the emotional state of a vendor and using it as an opportunity to gain some benefit that is not equitable for the vendor. As the provisions of the bill would work there would be no third party oversight in such a situation. Currently, oversight is provided to ensure that a vendor receives a fair market value for their property or business. The exemption can apply only if the agent has obtained a vendor's acknowledgment and consent to the agent obtaining a beneficial interest. The agent must act fairly and honestly and must not be paid a commission or other remuneration.

As I understand it, the notion that a real estate agent should bear responsibility in such a transaction is certainly the best course to take and no-one would argue with that. It is the responsibility of an estate agent, and they must be accountable for it. However, members know that sometimes it is not enough to simply state something. That is why we have a strong consumer protection regime in Victoria across a whole range of transactions — because the best of intentions and the best of statements about where responsibility and integrity in behaviour in certain professions lie do not always play out in reality on the ground.

Officers from Consumer Affairs Victoria explained in their briefing that by removing the third-party oversight role it would be absolutely clear that the responsibility for behaving honourably would lie solely with the estate agent. I would contend that if the motivation were to achieve a clear signal of where the onus should lie, then the government perhaps may have chosen to consider the viability or otherwise of banning altogether the practice of real estate agents buying properties or businesses that they have been commissioned to sell. That is a possibility. It could perhaps have been a worthy option to consider, but that does not appear to have been done in this case.

As it is proposed, a vendor can only have a transaction reviewed once it has occurred and then only through the court. Advice from Consumer Affairs Victoria shows that over the past three years there have been

42 allegations of breaches of the act on the question of these kinds of purchases where, as I said, the real estate agent seeks to obtain a benefit from purchasing a property or a business that they have been commissioned to sell. According to CAV, there have been five court actions in the previous five years arising from allegations of improper behaviour or breaches of the act as it currently stands. Whilst it appears that unfair practice among real estate agents on this question is not rife — and I am certainly not here to contend that it is rife — nevertheless it is important for the government to keep track of future allegations as they arise. To this effect, I ask the minister whether he would be prepared to have Consumer Affairs Victoria provide information in its annual report on allegations of breaches together with allegations that may be actioned through the courts and their outcomes as a result of this bill passing through the Parliament.

We need to ensure that consumers are protected. As the opposition remains concerned about the possibility of the watering down of these rights from unfair behaviour, I think it would be useful for the annual report to reflect incidents of allegations that arise and also court actions that may be pursued by consumers who feel aggrieved or believe they have been wronged. I have had discussions with the Consumer Action Law Centre on this matter. It too has concerns about the effects of this amendment and believes there may be a diminution of consumer protection. It believes it is important to have third-party oversight where exemptions apply.

The Real Estate Institute of Victoria has indicated to me that it strongly recommends to its members that they avoid the issue altogether in terms of the purchasing of properties or businesses that they have been commissioned to sell. That is a consistent policy that it has developed through its own experiences. The Real Estate Institute of Victoria is a very responsible organisation and one that serves not just its members' interests, as it is charged to do, but also has a very good eye for the need to have good outcomes when it comes to consumer protection.

The bill seeks to amend a number of other acts, and I will talk about some of those. There are about four changes proposed to the Owners Corporations Act 2006. The bill looks at new rules for the management of owners corporations and their powers and functions to delegate as well as their power to make a rule restricting the voting rights of people who have been appointed to act as a proxy for a committee member where they have not been elected or coopted to the committee. The bill also seeks to clarify the rule in *Foss v. Harbottle*, in that it does not apply to owners

corporation disputes. What that does is seek to strengthen the position of lot owners in owners corporations, and that is a worthwhile thing. This change means that a lot owner will be free to pursue a claim that could be categorised as a dispute of the owners corporation. There are also new provisions to make the service of documents easier for the Victorian Civil and Administrative Tribunal so that it can serve them on lot owners, particularly those overseas, in a manner deemed appropriate. It was interesting to hear VCAT's observation in the briefings that it had not really had the legal ability to serve documents overseas, and this amendment seeks to allow it to do that.

Changes to the Conveyancers Act 2006 come as a result of the fact that on 1 July 2013 the licensing of conveyancers will be transferred to the national occupational licensing system, meaning that conveyancers will be able to work across all jurisdictions. This is part of a national harmonisation approach, which is a very sensible approach. Currently Victoria does not allow conveyancers to do legal work on the sale of businesses, but conveyancers in all other mainland states can. The bill proposes to allow Victorian conveyancers to do legal work on the sale of businesses. Victoria has a very proud record of promoting national harmonisation of laws, and we certainly understand the importance of reducing red tape and making it easier for good laws to be applied equally across jurisdictions. This adds to the momentum that commenced under the previous government.

There are a number of other changes that will be given effect to by this bill, including a number of amendments to a number of acts, some of which are minor or consequential in nature, and I will just touch on some of them. The government is seeking to defer the default commencement dates for the Associations Incorporation Amendment Act 2009 and the Associations Incorporation Amendment Act 2010 from 1 December 2011 until 1 December 2012. I understand that this deferral is to provide more time for the Associations Incorporation Act 1981 to be reviewed. I look forward to news from the government on this front. The previous government made some significant reforms in these areas, and we hope that what is to come will add value to those reforms.

Another deferral to a commencement date is to the Consumer Affairs Legislation Amendment (Reform) Act 2010. According to the government this is to allow the schedule of infringement offences in the Residential Tenancies Act 1997 to be replaced by regulations and for several other matters to be dealt with. I pause on the matter I have just talked about to note that according to

the briefing we received from Consumer Affairs Victoria there is a need to incorporate regulations for residential tenancies rather than to address the infringement offences in two separate lots. It makes sense to defer the date of the commencement of this particular act, thus ensuring that the two processes of regulations for residential tenancies are brought together to create a smoother administrative process. For uncollected goods, the federal register will be established in October, if not at a later date. It appears from the briefing that there is something of a guessing game about when the federal register will be settled, and so the bill buys some time. It is a sensible way to move on.

With respect to uncollected goods, the Victorian Automobile Chamber of Commerce (VACC) made a request of government to raise the threshold of the value of motor vehicles as scrap vehicles. There has been a rise in the value of scrap vehicles and raising the threshold is a consequence of that reality in the community. This part of the bill serves to acquit that request of the VACC. The amendment also allows the disposal by private sale of high-value goods including vehicles, provided notice is given and a reasonable belief is held by the person selling the goods that the best price can be received from the private sale.

The Companies (Administration) Act 1981 is redundant as a result of the take-up by the commonwealth of responsibility for trustee companies. I take the opportunity to reflect again that, led by Victoria, over the past 10 years some great strides have been made in developing legislative harmony across jurisdictions. This provision is a continuation of the good solid work that has already been done to in some respects make seamless the laws that impact on all of us equally.

The new national consumer protection laws that commenced on 1 January are another example of great strides having been made and I welcome them. Those laws were strengthened by the previous government's championing of consumer rights, and opposition members are proud of that fact. I take the small opportunity I have here to reflect on that fact.

This omnibus bill makes a number of other amendments. It removes from the Anglican Church of Australia Constitution Act 1960 reference to the commissioner for corporate affairs. This is necessitated by the repeal of the Companies (Administration) Act 1981. The bill also affords the opportunity to give effect to a request by the Anglican Church of Australia to allowing as only an option that certain documents can be certified by the Primate. Other methods that exist for

allowing certain documents to be certified are maintained.

Further amendments arising from the repeal of the Companies (Administration) Act 1981 include amendments to section 62 of the Health Services Act 1988. Given that the position of the commissioner for corporate affairs will cease to exist, certain winding-up documents that are currently required to be lodged with the commissioner for corporate affairs will be required to be lodged with the Australian Securities and Investment Commission.

Similarly, some great strides have been made in consumer protection in Victoria. I take the opportunity to note that the national energy consumer framework provides some very strong protections for energy consumers. I know the Minister for Consumer Affairs is charged with the important role of seeing that framework through the Victorian Parliament at some stage. I understand that that will happen between now and 2012. That is my understanding of how this national framework for energy consumers will be implemented, through South Australia having already passed its legislation.

In terms of negotiations, the framework was running very hot. Last year the then Minister for Energy and Resources held out against the drive from other jurisdictions to set maximum standards across a range of key issues. Because Victoria had built up a strong, robust series of laws protecting consumers on energy issues — as an example, wrongful disconnection of energy supply — the previous government, through the leadership of the then Minister for Energy and Resources, held out and basically said that it would not let those good, solid, robust protections go, that they would be quarantined and it would stand by them and uphold them.

What is important here is that the current Victorian government has the opportunity to see through the commitment of the previous government. I welcome any positive, clear guarantees from the minister that those better consumer protections will be maintained in legislation here in Victoria when the government decides to bring to Parliament the national framework for energy customers. I look forward to that and hope that those important conditions are maintained in our law.

The bill addresses a wide variety of other provisions, many of which are perfunctory but nevertheless important. I reiterate some of the concerns I raised about changes to the Estate Agents Act 1980. I hope that the minister is in a position to say that there will be

clear monitoring, through the annual report of Consumer Affairs Victoria, of future allegations of breaches and court actions and outcomes because that will be advantageous and it will be useful for us to be reassured that consumer protections are not being watered down as a result of this measure.

I have only just seen the house amendments moved by the minister. I would have appreciated a bit more notice, but I accept and take in good faith from the minister's comments that these are very much perfunctory changes that are of no consequence policy wise but are intended to tidy up a couple of points of definition that need tidying up. I reiterate that the opposition does not oppose the bill but has some concerns about it on which I hope the minister will reflect in his summing up.

Mrs BAUER (Carrum) — I rise to speak in support of the Consumer Acts Amendment Bill 2011. At the outset, it is pleasing to note that the opposition will be supporting this bill. I congratulate the Minister for Consumer Affairs on introducing a bill that will facilitate significant improvements to a number of existing acts involving our consumers. These improvements are sensible and responsible and have already been well received by our community.

This bill is another step by the Baillieu government towards improving the consumer protection framework in Victoria. The bill amends several consumer acts to improve their operation and makes several statute law revision amendments. We are fixing the confusion and some of the anomalies which existed under the former government and which that government created.

This bill amends the Estate Agents Act 1980, the Owners Corporations Act 2006, the Fair Trading Act 1999, the Conveyancers Act 2006, the Consumer Affairs Legislation Amendment (Reform) Act 2010, the Associations Incorporation Amendments Act 2009, the Associations Incorporation Amendment Act 2010, the Personal Property Securities (Statute Law Revision and Implementation) Act 2010 and the Consumer Affairs Legislation Amendment Act 2010.

There will be a wide variety of reforms and changes. The bill proposes amending provisions in the Estate Agents Act 1980 that deal with conflict-of-interest sales. This indicates this government's commitment to improving the real estate regulation that currently exists. The Real Estate Institute of Victoria has already thrown its support behind these proposed changes to the act. It is pleased that the coalition government is creating a system where agents will have to take

responsibility for their actions — a new approach with fair outcomes for vendors.

The amendments to the Estate Agents Act 1980 are of particular importance to Carrum due to the ever-increasing popularity of real estate in our area and the attraction of living in this beautiful electorate. There are currently 46 working licensed estate agents in Carrum and over 2000 working licensed estate agents statewide who will be affected by these changes. I have spoken to real estate agents in my community, including Patterson Lakes Real Estate, Eview Real Estate Partners in Chelsea and Mitchell Torre Real Estate in Patterson Lakes, about the proposed changes. They told me these changes will have far-reaching and wide-ranging effects on their businesses, sales, communities, day-to-day lives and work. They are amendments that will remove the uncertainty that is ever present and was present under the previous government.

These amendments will spell out simply and clearly that if an estate agent is to obtain a beneficial interest in a property sale, they cannot sell the property without direct written consent from the vendor and they must not receive an agent's fee. This is a major change to the existing legislation, which tries to protect the vendors but is complicated and hard to enforce. Currently vendors who wish to use an agent who will obtain a beneficial interest in the sale are required to get the consent of an accountant, a conveyancer or a legal practitioner. This is just another hurdle in an already complex transaction.

This bill will remove that requirement and allow vendors and agents the flexibility to come to a mutually acceptable arrangement and agreement without the need for third-party consent. It is important that the legislation be flexible enough to encompass many different scenarios and that it not be too onerous to abide by. This particular amendment delivers on these requirements. Selling a property is something most of us do only a handful of times throughout our lives. Most vendors come to the table with little or no experience, yet they are selling their main asset, which is often their much-loved home. The clearer our legislation is, the simpler it is for all parties involved to follow it and the easier it is to enforce.

Any contravention to this legislation will require a full refund of any commission paid. Agents found to be in breach of this amendment to section 55 of the Estate Agents Act 1980 will be subject to penalties of up to two years imprisonment and/or 240 penalty points on their estate agents licence. We are sending a clear message that this act will be a significant deterrent to

any agent who considers flouting the legislation. This amendment bill will mean much better protection for vendors selling properties right across the state of Victoria.

Having worked in real estate for a short time in the 1980s, I am well aware of the public's general opinion of real estate agents and the perception people sometimes have of real estate agents. They can sometimes be seen in a negative light.

Mr O'Brien interjected.

Mrs BAUER — Thank you, Minister! That is right. I believe the clearer the rules of engagement, the easier it will be for vendors and real estate agents to form positive and successful partnerships in their efforts to sell their properties. Vendors, agents and buyers all need to feel protected when it comes to such a valuable and often personal financial transaction. By amending the existing legislation we are setting clear rules, reducing confusion, fixing the problems and thereby fostering the confidence of both vendors and consumers.

The Real Estate Institute of Victoria has told us it does not like the current act, and it has welcomed the facilitation of improvements. The legal profession has also welcomed these proposed changes to remove the current uncertainties. Nobody likes the current legislation or the act. We are creating a system in which agents must take responsibility for their actions. They cannot pass on this responsibility to conveyancers and lawyers, and they must stay within their boundaries.

In closing, I again commend the Minister for Consumer Affairs for a bill that will facilitate significant improvements to a number of existing acts involving consumers. I congratulate the government on sensible, common-sense and responsible improvements that have already been well received in our community. I commend the bill to the house.

Mr SCOTT (Preston) — I rise to speak on the Consumer Acts Amendment Bill 2011, a bill to amend the Estate Agents Act 1980, the Owners Corporations Act 2006, the Fair Trading Act 1999, the Conveyancers Act 2006 and the Consumer Affairs Legislation Amendment (Reform) Act 2010, to repeal the Companies (Administration) Act 1981 and to make other minor and consequential amendments to several acts and for other purposes.

Consumer affairs law is something which, as a member of Parliament, I take a deep interest in for the simple reason that both major parties were founded to represent different aspects of the production process.

Members opposite represent the owners of the means of production and members on our side of the house represent those who work. Consumers play an important role in our community, and one which goes beyond the production process. Over time consumer affairs law has developed. On this side of the house there is a great tradition of acting on behalf of consumers and protecting consumers against the interests of large business. This is a bill which the opposition is not opposing, and I will examine various aspects of it in my contribution.

Regarding the Estate Agents Act 1980 this bill makes changes relating to rules governing the purchase of real estate or businesses by estate agents when they are being commissioned to sell that real estate or business. This is an important issue and one that I intend to make the largest contribution on. There is a very clear principal agent problem. Real estate agents have a certain reputation — perhaps because of a small minority of bad apples that exist among that profession — largely because of what is referred to in economics as asymmetrical access to information. Real estate agents often have greater access to information than the person who wishes to purchase or sell a property, and that leads to a situation in which the opportunity exists for that agent to take advantage of access to such information. In fact professions in which there are large issues of asymmetrical access to information often suffer because of the actions of persons who take advantage of that disparity of information access. Some of those professions have developed reputations based on the actions of a minority of persons in those areas.

In this particular area there is a very clear principal agent problem because if someone is selling a piece of real estate on behalf of someone else, but then intends to purchase that real estate, there is clearly a conflict of interest relating to their role. That is why these sorts of transactions have been subject to regulation through previous pieces of legislation and are regulated through this bill. The fact that significant penalties for misconduct exist demonstrates the magnitude of the issue of conflict of interest. I note that in this bill the stipulated penalty in new section 55(1) and (2), to be inserted by clause 4, is 240 penalty units or imprisonment for two years.

A penalty unit refers to a monetary unit which is adjusted for inflation on a yearly basis; from memory a single penalty unit is currently valued at around \$120 or \$130. These are serious matters because there is an issue that arises when such contracts are entered into. It needs to be ensured that in cases where real estate agents purchase a property they have been

commissioned to sell they act in the interests of the consumer to whom, as has been noted, they have a fiduciary duty. Parliament needs to ensure that in such circumstances the interests of consumers are protected.

As has been stated, until recently vendors and purchasers were required to have the consent of a third party for such a transaction; previously this was the director of Consumer Affairs Victoria. That requirement was recently modified to be the consent of a legal practitioner, conveyancer or accountant. I note that the shadow minister for consumer protection raised concern about the removal of that requirement for consent and about creating a process whereby there would have to be written acknowledgement in a form approved by the director stating that if the principal is aware a person interested in obtaining a beneficial interest in the real estate or business and he or she consents to that person obtaining that interest and acts fairly and honestly in relation to the transaction, he or she is unable to obtain a commission for undertaking such a sale.

There were concerns raised by the shadow minister that this may be considered a watering down of regulation because there is no longer a third party involved in the transaction and the transaction would be taking place between the person purchasing the property — in this case the estate agent — and the vendor. This is an issue that I hope the minister will respond to. I note the suggestion that, where there are prosecutions, it could be reported to the Parliament through the annual reporting process. The shadow minister made that suggestion, and I think it is a sensible one which will provide an understanding for the Parliament and the broader community of the nature of problems that exist, the level of issues that have arisen and the success of the regulatory framework. That would be a useful contribution, and I hope the minister takes up that suggestion because it would allow greater understanding of the nature of the problem.

I also note the scale of the problem that has been referred to by the shadow minister. From memory there have been five court actions relating to these sorts of matters in the last five years. It would be interesting to see whether, with the introduction of the new act, the magnitude of prosecutions increases or decreases and whether there is a change. I think it would be useful additional information for Parliament and the broader community, and I hope it is taken up by the minister.

This bill also outlines other changes. Amendments to the Owners Corporations Act 2006 relate to delegation proxies and the services of notices. Amendments to the Fair Trading Act 1999 relate to the conduct of bodies

corporate and clarify the jurisdiction of courts and the Victorian Civil and Administrative Tribunal in relation to matters under the Australian Consumer Law. Amendments to the Conveyancers Act 2006 aim to remove the restriction on work involving the sale of businesses. Amendments to the Consumer Affairs Legislation Amendment (Reform) Act 2010 relate to the disposal of uncollected goods. This bill also aims to repeal the Companies (Administration) Act 1991.

None of those changes are opposed by the opposition, and I expect the bill to pass. I note there were house amendments circulated by the Minister for Consumer Affairs today which related to technical matters. An assurance was given by the minister, and I am sure he would not mislead opposition members about house amendments. It is a very serious matter, and I am sure he is acting honourably in relation to that matter.

Ms Asher — He always acts honourably.

Mr SCOTT — I note the Deputy Leader of the Liberal Party defending the honour of the minister; I was not impugning it.

An honourable member interjected.

Mr SCOTT — I am intrigued by the interjection, but it is disorderly to respond to interjections so I will not. This bill builds on a very large body of consumer law which was enacted during the term of the previous government and which led the way on the development of national consumer law and strengthened the Fair Trading Act 1999. In particular I touch upon the regulation of consumer law relating to residential parks. There has been a longstanding issue in my electorate relating to the rights of tenants of residential parks. The previous government introduced an act to give greater rights to residential tenants who rent or own in those circumstances. It is a combination of owning a demountable unit on land that is leased.

The previous government has a proud record of taking steps to protect the interests of consumers in such a way that does not destroy the benefits of the market. The important balancing act in all consumer law is to protect the interests of consumers while not destroying the benefits that accrue from competition and the ability of consumers to purchase services on favourable terms within the market. There are particular areas, as I touched upon earlier, where there is asymmetrical information in the market and protection is required, and I hope that all members of this house realise that there are certain circumstances in which the state should step in and legislate to protect consumers. We have moved on from the ancient Roman concept of

caveat emptor being the only basis on which consumers are protected.

The opposition will not be opposing this bill, but I say again that it builds on a very proud tradition of consumer affairs legislation. I note the contributions of members of the former government, such as the member for Footscray, the former member for Mitcham and the member for Mulgrave, in building that legislative program, which has ensured that consumers have greater protection than they did previously. As I said, the opposition will not be opposing this bill.

Ms RYALL (Mitcham) — I rise in support of the Consumer Acts Amendment Bill 2011. This bill is about improving the operation of a range of consumer acts and modernising the statute book in relation to consumer affairs. It is about strengthening our laws. Where we find laws that have fundamental flaws from a consumer protection perspective, we need to act. This bill deals with a number of those issues.

Section 55 of the Estate Agents Act 1980 was designed to prevent agents or their representatives from gaining a beneficial interest in properties they are engaged to sell. The bill makes sure that delegations to owners corporation committees are clear and enables owners corporations to restrict the voting rights of particular proxy holders of committee members. It also makes clear the standing to have disputes of owners corporations heard by the Victorian Civil and Administrative Tribunal and gives greater flexibility for the service of documents under the Owners Corporations Act 2006. The Conveyancers Act 2006 is amended, as is the Fair Trading Act 1999, to bring it in line with commonwealth legislation. It also repeals the Companies (Administration) Act 1981.

The bill also amends necessary legislation so that the National Institute of Accountants is able to change its name to the Institute of Public Accountants, to be known as the IPA. Lastly, in addition to changing default commencement dates in several acts the bill enables uncollected goods, including vehicles and high-value items, to be disposed of by private sale where the receiver believes the best price can be achieved through this method, and that is something I certainly agree with.

This bill is fundamentally about improving the protection of consumers in this state, which is something the Baillieu government is committed to. A person's home is often their biggest and most valuable asset, and when selling it they need to have confidence that an agent or their representative is working in their best interests. Whilst there is some commonwealth

legislation in this area, there is a need to amend relevant acts in Victoria. For example, section 6 of the commonwealth Secret Commissions Act 1905 prevents an agent from secretly buying from or selling to himself or herself. However, there are a number of reasons that the government is amending the Estate Agents Act 1980 to address situations where an agent obtains a beneficial interest in a property they have been commissioned to sell.

The Secret Commissions Act 1905 is a commonwealth act, and as such Victoria would have to rely on the commonwealth to prosecute offences. This raises constitutional issues with respect to the prosecution of natural persons where the offence is committed solely within Victoria. The commonwealth could rely on the corporations power and the interstate trade and commerce power to launch prosecutions, but neither captures natural persons. The commonwealth act does not spell out the fiduciary responsibilities of estate agents, and this bill is intended to reinforce those — so we certainly have specifics from the minister in this situation.

The commonwealth legislation is limited to the agents themselves, while the relevant sections of the Estate Agents Act 1980 are much broader and capture related parties such as agents and/or their representatives and associates. Where we have had the opportunity to strengthen consumer protection laws, we have done so. In this instance we needed to reinforce the fiduciary responsibilities of estate agents and their representatives. Penalties apply, including the possibility of two years imprisonment or penalty points leading to a fine to the tune of \$28 668.

It is unfortunate that we have some unscrupulous real estate agents who have used the existing flaws in the law to avoid accountability and gain beneficial interests for themselves. Where there are flaws in legislation, unfortunately there are people who will seek to exploit them. With such a big investment — and many of us have been through the process of purchasing a home — we would like to be assured that when selling that asset we are able to deal with people who must respect their fiduciary responsibilities and comply with relevant laws.

Under the existing law, prior to this bill being enacted, real estate agents are able to not go to the director and declare their situation or circumstances. This bill removes the ability of the agent or their representative to take matters into their own hands and act deceitfully. There are severe implications if they are found to have done that. I congratulate the Minister for Consumer Affairs on his further strengthening of the consumer

protection framework, and I commend the bill to the house.

Ms CAMPBELL (Pascoe Vale) — I rise to speak on the Consumer Acts Amendment Bill 2011 and to highlight, as other speakers have done, that the opposition will not oppose it. It is an omnibus bill that covers a range of legislation. Given that our shadow minister for consumer protection, the member for Mill Park, gave a very comprehensive overview and the member for Preston took a particular interest in the Estate Agents Act 1980, I want to devote a fair portion of my contribution to the amendments to the Owners Corporations Act 2006 and the Conveyancers Act 2006.

Before moving to those acts, however, I want to reinforce the comments of both the shadow minister and the member for Preston on how critically important it is that Consumer Affairs Victoria carefully monitor the effectiveness of the change that has occurred to the Estate Agents Act 1980 in relation to a real estate agent ensuring that a vendor's interest is maintained when they end up becoming the purchaser of a property. Consumer Affairs Victoria has picked up that some lawyers are a little reluctant to sign off on legal documents in relation to transactions for house purchases and to ensure that the estate agent has done the right thing by the vendor. It is also aware and has highlighted previously that the director of consumer affairs does not want to be overly burdened with administrative matters that are considered by some within the department to be slightly inappropriate for her to be responsible for.

However, I want to highlight that no matter what legislation we pass we have to be primarily concerned with fairness for consumers. That is what the Estate Agents Act 1980 is about, and that is what Consumer Affairs Victoria was established to achieve. If lawyers are concerned about their potential liability if documents are not signed appropriately, if Consumer Affairs Victoria thinks there is a significant amount of work that could be passed to someone else and if we have moved to the stage of having sign-off on documents by the real estate industry, then we have to monitor that very carefully.

I can think of an example about which I wrote to the Minister for Consumer Affairs a month or so ago regarding a particular property that was advertised for a certain amount of money and sold for a sum significantly above that. It seemed the reserve price was not within the advertised price range. The correspondence I received did not give me any comfort whatsoever that Consumer Affairs Victoria had taken

its responsibilities seriously. If we are moving amendments to the Estate Agents Act 1980, we need to know that Consumer Affairs Victoria will be carefully watching that consumers interests are protected.

The member for Preston highlighted the great disparity of power in relationships when dealing with real estate. When you are a vendor and your house sits in the hands of an estate agent your power is considerably diminished. Even people who are in the highest professional echelons in this state become extremely nervous when they are selling a house — and rightly so. People become extremely concerned that they might not be represented fairly. In the end, so much of in the real estate industry is based on honesty and integrity. I appeal to Consumer Affairs Victoria to pick up its monitoring regime when matters are brought to its attention and request that people's licences be withdrawn where appropriate, that considerable fines be drawn up as appropriate and that vendors have a sense of fairness when they sell.

It would be interesting, given that as members of Parliament we all have communication budgets, if each of us in our electorate reports asked people if they had concerns about the sale of particular properties in order to identify the concerns of our local communities. It might not be a bad idea. In my next electorate report I might ask people whether they have concerns. I will then raise it with the good folks over at Consumer Affairs Victoria, and I look forward to their being the champions they are supposed to be for consumers in ensuring that the legislation is implemented.

I want to mention briefly the amendments to the Owners Corporations Act 2006. I think this is a welcome change. I am very pleased the bill clarifies that an owners corporation, managed by the lot owners, can by resolution at a general meeting delegate any power or function to the committee, the manager, a lot owner, the chairperson, the secretary or an employee of the owners corporation. It is important that people who are in those owners corporations know that if they wish, they can transfer responsibility outside, but if they have the skills to ensure that the provisions of the Owners Corporations Act 2006 are maintained and honoured, then they can do so in a different way from what has been done in the past.

Finally, on the Conveyancers Act 2006, in my experience the conveyancing industry does a sensational job. I think it is a good move that conveyancers have the opportunity to do the legal work on the sales of businesses. The reason I say that is because conveyancers have particular expertise in a discrete number of legislative requirements, and they

know them well. If a client, be they a purchaser or vendor, has just a conveyancer to deal with, rather than a conveyancer and a lawyer, it makes life much smoother. Dealing with the one person, particularly towards the end, when transactions need to occur, simplifies matters for consumers.

With those brief comments, I wish the bill a speedy passage. I also implore Consumer Affairs Victoria to ensure that the real estate industry is closely monitored and that matters raised by aggrieved vendors or potential purchasers who have been aggrieved by a failure, as they see it, of the real estate act to be implemented are given the excellent attention that Consumer Affairs Victoria provides in most other cases.

Mr CRISP (Mildura) — I rise to make a contribution to the debate on the Consumer Acts Amendment Bill 2011. The purposes of the bill are to amend the Estate Agents Act 1980 in relation to estate agents purchasing real estate or businesses; to amend the Owners Corporations Act 2006 in relation to delegations, proxies and services of notices; to amend the Fair Trading Act 1999 in relation to the conduct of officers, employees or agents of a body corporate and to clarify the jurisdiction of the courts and the Victorian Civil and Administrative Tribunal (VCAT) in relation to matters under the Australian Consumer Law (Victoria); to amend the Conveyancers Act 2006 to remove the restriction on work involving the sale of businesses; to amend the Consumer Affairs Legislation Amendment (Reform) Act 2010 in relation to the disposal of uncollected goods; to amend the commencement arrangements in the Associations Incorporation Amendment Act 2009, the Associations Incorporation Amendment Act 2010, the Personal Property Securities (Statute Law Revision and Implementation) Act 2010 and the Consumer Affairs Legislation Amendment (Reform) Act 2010; and to repeal the Companies (Administration) Act 1981. This bill represents another step by the government to improve Victoria's consumer protection framework, and it amends the acts I have listed to do so.

I want to acknowledge that prior to becoming a member of Parliament, the member for Murray Valley worked for some time as a real estate agent, so it will be interesting to listen when he makes his contribution. Part 2 of this bill, which amends the Estate Agents Act 1980, deals with the issue of conflict of interest. In particular it deals with an agent obtaining a beneficial interest in property that they have been commissioned to sell. We live in a world of ever-increasing complexity, and some of the changes made by the bill have come about because of those complexities. The

old procedure was based on the principle of honesty. It was managed so that if someone believed they had a conflict of interest, they went to the director of consumer affairs to get clarification on how to operate in such a situation. However, those who wished not to be so honest or transparent were able to not ask the director and go ahead with what they were doing. Such behaviour has caused some concern and is the basis for the amendment made by the bill, which will clarify matters and introduce a system that will tighten up the law governing estate agents in such situations.

This bill also means that the law in Victoria will operate in a manner similar to the law in Queensland and New South Wales. By providing clarification and moving forward I hope we can avoid some of those embarrassing moments which I know are very rare in the real estate industry but which create a great deal of public attention.

I refer next to part 3 which makes amendments to the Owners Corporations Act 2006 which focus on proxies. This is always a difficult area, whether dealing with a real estate organisation or any other organisation. Part 3 clarifies delegations to owners corporation committees, allows an owners corporation to restrict the voting rights of certain holders of proxies of committee members and clarifies the standing of the Victorian Civil and Administrative Tribunal in owners corporation disputes, including flexibility for the service of documents. It appears that increasingly problems with proxies are vexing for members of owners corporations. This bill provides clarification on such matters. There is a lot of complex law involved in this, which I do not think we need to go into, because far more interesting for the people in the Mildura electorate are changes to the Conveyancers Act 2006.

This bill amends the Conveyancers Act 2006 to remove, from 1 July 2012, the restriction on conveyancers undertaking legal work on the sale of businesses. This change is made because conveyancing will be transferred to the national occupational licensing system. When this occurs, the cross-border issue, which is one of the great curses for those of us who live in the Mildura area, will come up. Currently conveyancers on one side of the border can work on business sales, but those on the other side cannot do so. The bill removes that anomaly. However, the bill places an onus on those who are going to be involved in the conveyancing of businesses to have some training and to apply to a business licensing authority to have their qualifications recognised. As Victoria moves into alignment with the national system, that is an important consideration.

The amendment of the Personal Property Securities (Statute Law Revision and Implementation) Act 2010 is also an interesting aspect of this bill. One of the more awkward issues that must be dealt with in consumer law is what a business or person should do with uncollected goods. That issue is complicated and a headache for any person in a business that has uncollected goods. The change to the commencement date of the act will bring Victorian law into line with federal law and so provide a clearer system for the disposal of uncollected goods, particularly motor vehicles, which can have a significant value. This value can be maximised by private sale, rather than by some other means of disposal, such as scrapping a vehicle. This is always a difficult issue. I am sure all of us have left something behind somewhere, then gone back for it and discovered it is no longer there. For businesses, the question is: how long do they hang onto something waiting for its rightful owner to turn up?

The bill also amends a number of other acts. In particular, it amends some starting dates of acts to ensure alignment with some federal government changes, so that we are not caught in an embarrassing situation where our state legislation sunsets before the commonwealth is ready to pick up responsibilities. These changes give us room to manage the transfer of some of those responsibilities in the statute book.

With those words, while this bill is a regular piece of the work undertaken by Parliament it is an important piece of this Parliament's work, and I wish the bill a speedy passage.

Mr EREN (Lara) — I also would like to make a contribution to the debate on the Consumer Acts Amendment Bill 2011. This bill amends many acts, namely, the Estate Agents Act 1980, the Owners Corporations Act 2006, the Fair Trading Act 1999, the Conveyancers Act 2006, the Consumer Affairs Legislation Amendment (Reform) Act 2010 and the Companies (Administration) Act 1981. It also makes minor amendments to several other acts, namely, the Associations Incorporation Amendment Act 2009, the Associations Incorporation Amendment Act 2010, the Personal Property Securities (Statute Law Revision and Implementation) Act 2010 and the Consumer Affairs Legislation Amendment Act 2010.

Having said all that, I indicate that we all need to acknowledge that Victoria's population is growing. Victoria is a very attractive place to live, and our population has grown steadily over the 11 years that the previous government was in office. Along with that population growth, certain businesses are required to make all the transactions associated with property

settlements and property sales, and real estate agents obviously play an important role in making sure that those sorts of transactions are proceeded with in accordance with the law and in a manner that accommodates the needs of people wanting to live in Victoria.

The bill before the house is yet another reform that is required, and at the outset I say that the opposition does not oppose it. However, I have some real concerns about what effects it will have on consumer protections for vendors, and specifically how it will affect vendors whose properties real estate agents want to purchase. That is what I want to briefly focus on. I do not want to dwell too much on the bill before the house; some eloquent contributions that were made previously to mine made all the relevant points. I want to concentrate on vulnerable Victorians, particularly the elderly population and the culturally and linguistically diverse (CALD) communities in Victoria, who need more protection than others, particularly those vulnerable ones who have been stung before by various scams. I refer particularly to property purchases or property sales.

A home is probably the biggest asset that a Victorian will have, either to purchase or sell, and accordingly it is important, particularly for those vulnerable Victorians, that people not be stung. That is where governments come in and make good laws to ensure that consumers are protected accordingly. These changes will mean that the responsibility will be with the real estate agent alone to demonstrate that they have acted fairly and in the best interest of the vendor throughout the process. Unfortunately there will be no third party signing off as to the fairness of the sale, which is of huge concern to me. This lack of protection puts many vulnerable Victorians in particular at an even greater risk.

My electorate is very diverse and has many needs. Proudly I have many migrant communities in my electorate with large populations. We have a proud history in Geelong, particularly in my electorate, with our migrants. Many members would know of *Pako Festa* and how much of a success that is. Many migrant communities attend that special day once a year. Thousands of people come and share the experiences of other migrant communities in Victoria. They have a wonderful experience, in terms of both the contributions made with the delicious foods that are on offer and the marvellous costumes the various communities wear throughout the day. I am conscious of making sure that the CALD and aged communities particularly are not somehow more vulnerable as a result of this legislation.

I put the case strongly that certain safeguards should be in place to make sure that those particular consumers are protected. If one of these members of the community is selling their property, they have to take the real estate agent's word that they would be getting a fair market value for their property; they would have no way of knowing if it was correct or if they were being taken advantage of. By and large there are wonderful real estate organisations and commercial businesses in Victoria. But because such large amounts of money, in the order of many millions of dollars, are changing hands in this industry, some safeguards need to be in place for the unscrupulous real estate agents who would take advantage of vulnerable Victorians.

We have a proud history. When in government we paved the way for consumer protection. The member for Footscray, the former member for Mitcham and the member for Mulgrave, who is now the Leader of the Opposition, were all fantastic ministers. They were part of a government that introduced tremendous legislation to make sure that consumers in Victoria are protected against unscrupulous operators.

We ensured we looked after all Victorians by leading the way in key policy development for national consumer law, reinforcing the Fair Trading Act 1999 to regulate telemarketing and introducing mandatory conciliation and model contracts for the building industry. We modernised legislation and significantly reduced the red tape for business in Victoria, while also ensuring that it was easier to register a business and do business in Victoria. We also ensured that unsafe toys for children were identified and destroyed, and cracked down on dubious rooming house operators and crooked car dealerships.

Having said all that, we want to be firmly on the record as having a lot of concerns about, as I have stated, particularly those vulnerable Victorians who may be exposed to a real estate agent who may not be telling the whole truth about the value of their property. I urge the government to make sure that mechanisms are in place to protect particularly those aged Victorians and those Victorians with a migrant background.

As I said, although we are not opposing the bill before the house, we want to put forward our concerns to make sure that as a result of this legislation those vulnerable Victorians are not impacted on in an adverse way, and that safeguards are put in place to ensure they are protected. As we proudly protected them during the 11 years that we were in government, we expect this government to do the same for those vulnerable Victorians.

Mrs FYFFE (Evelyn) — I am pleased to rise to speak on the Consumer Acts Amendment Bill 2011. The overall objective of the bill is to amend a range of consumer acts and other legislation to improve their operation. The bill contains several measures to improve real estate regulation, a key component of the government's plan for consumer affairs, and continues a project to modernise and simplify the consumer affairs statute book. It redrafts section 55 of the Estate Agents Act 1980, which restricts estate agents and agents' representatives from obtaining a beneficial interest in properties that they have been commissioned to sell. This will make the legislation similar to equivalent Queensland and New South Wales legislation.

The bill also clarifies delegations to owners corporation committees, and allows owners corporations to restrict voting rights of certain proxyholders of committee members. The bill also makes amendments to new uncollected goods provisions to increase the value limits for motor vehicles and allow the disposal of high-value goods by private sale where the receiver of the goods is of the opinion that the best price could be obtained by private sale and notice has been given.

Previously those working in the real estate industry were permitted to have an interest in a property they were commissioned to sell. This system potentially meant that a vendor could receive a price below market value. Under the old act any real estate agent was able to appeal to the director of Consumer Affairs Victoria, requesting permission to have an interest in any property they were commissioned to sell. There are two problems with this. Firstly, there is no definitive way to ensure that the agent is working in the best interests of their client; and secondly, many unscrupulous agents did not register their interests with the director. The bill removes this allowance from the legislation, meaning that real estate agents are no longer able to take a commission from the sale of a property they obtain an interest in, ensuring fairness for anyone who sells property in Victoria.

This amendment brings restrictions on real estate agents into line with those in other jurisdictions such as in New Zealand, New South Wales and Queensland. Usually I am against the increase of regulations and laws to make us what can sometimes be referred to as a nanny state, but when it comes to protecting the most valuable asset of a person or a family it is important that we regulate to ensure, as much as possible, that they will not be ripped off by unscrupulous people.

The bill also makes amendments to provisions regarding owners corporations, making them akin to

trading corporations in relation to their management and operation. Currently owners corporations are required to individually approve most things that their committees do. The amendments will allow owners corporations to delegate functions to their committees, leaving them free to operate and manage the cooperative. This is similar to trading corporations, which are free to operate without the requirement of constant approval from shareholders. However, certain powers will be enshrined in the legislation, meaning that they will not be able to be delegated to the committee, such as anything that requires an absolute or unanimous resolution. The bill also restricts anyone with a conflict of interest from holding a proxy vote for a committee member. With those brief words I commend the bill to the house and wish it a speedy passage.

Mr FOLEY (Albert Park) — It gives me great pleasure to rise to make a few comments in regard to the Consumer Acts Amendment Bill 2011 and in doing so continue the clearly bipartisan support for this legislation as well as support the amendment moved by the minister. The bill shows the breadth of activities of the Minister for Consumer Affairs and the breadth of the consumer affairs stable of legislative tools that are brought to bear for the people of Victoria, as well as the very wide range of responsibilities the Minister for Consumer Affairs has. As many of us have noted, through its omnibus provisions this bill amends a wide variety of acts, including the Estate Agents Act 1980, particularly in relation to estate agents purchasing real estate or businesses; and the Owners Corporations Act 2006 in relation to very important issues of delegations, proxies and serving of notices. In my electorate, which has one of the highest rates of rental accommodation in the state, a number of which properties are owned interstate and internationally, that is quite an important issue in terms of the smooth operation of owners corporations.

The bill also deals with the Fair Trading Act 1999, particularly in relation to the governing of body corporates. It clarifies the jurisdiction of the courts and the Victorian Civil and Administrative Tribunal and, as the minister noted in the second-reading speech, makes the operation of that act consistent with equivalent provisions in the Competition and Consumer Act 2010, under which the commonwealth seeks to promote enforcement outcomes. The logical and nationally consistent operation of this very much national and increasingly international sector of the market is an important goal that all sides of the house share.

The bill deals with the Conveyancers Act 2006 to remove a form of restriction on the work involved in

the sale of businesses. It also amends the Consumer Affairs Legislation Amendment (Reform) Act 2010 in relation to the manner in which uncollected goods are disposed of and seeks to repeal the Companies (Administration Act) 1981. The bill also deals with a wide variety of other minor technical and incidental amendments to a range of legislative instruments that the Minister for Consumer Affairs has responsibility for. It is one of those more obscure amendments that I wish to bring to the attention of the house and particularly to the minister's attention under his wide-ranging portfolio.

Tucked away in the second-reading speech is reference to a very small amendment to the Sex Work Act 1994 where, to quote the minister:

The bill provides for a 1 penalty unit infringement penalty for the offence of failing to produce an identification card. This penalty was inadvertently omitted from previous amending legislation.

I draw attention to this amendment because of the nature of the electoral district of Albert Park. With some 17 licensed brothels and a number of unlicensed brothels operating in my electorate this is a perpetually interesting and complex matter that my community deals with. The last series of amendments to this legislation dealt with the manner in which appropriate and reputable persons would be obliged to provide identification cards so as to ensure that a whole range of checks and balances on the system of employment in brothels were dealt with. The addition to the act of a provision for a 1 penalty point infringement is, of course, necessary to ensure the smooth operation of that legislation, but that same series of amendments also dealt with an issue whereby upon advice the Minister for Health was in a position to deal with the regulated process under which brothel workers would be subject to medical checks.

For reasons that date back to the Cain and Kirner governments and indeed to the Kennett government, under this legislation sex workers were subject to monthly sexual health checks, conducted almost exclusively at the University of Melbourne sexual health centre. Following many years of research Professor Christopher 'Kit' Fairley, who heads that centre, was able to demonstrate on an evidence base that there was no more regulated group of workers in the state than brothel workers. He indicated that monthly health checks were a misuse of state resources to achieve a public health outcome. The legislation, again through a very sensible amendment pursued by the Kennett government and related to advice that the Minister for Consumer Affairs was the responsible minister for the Sex Work Act 1994, dealt with this area

to amend that monthly check arrangement, whereby it would be dealt with by the Minister for Health through a regulatory form.

That amendment was duly passed by the last Parliament, and on the expert advice of Professor Fairley and the University of Melbourne sexual health centre clinic, the changing of monthly health checks of sex workers to a more infrequent arrangement was duly proposed by the Department of Health to its minister, with wide industry and public health sector support, so it came as something of a surprise to learn that the Minister for Health has rejected that advice and the public health evidence before him and continues to institute the previous 1994 legislative arrangement for health checks to be conducted for workers in that sector on a monthly basis. It is interesting to note the position of Professor Fairley, who I understand has written to the Minister for Health seeking an explanation on this matter but has not yet received a reply.

I call on the Minister for Consumer Affairs to consult with his ministerial colleague, the Minister for Health, and to enquire as to how that public policy decision was arrived at or perhaps in this case how the view of his department was overridden. There is no other mechanism via which these important issues, in particular those in relation to street sex work — important at least in my electorate and in those areas I share with the member for Prahran and to a small degree with the member for Caulfield — can be dealt with. There is no mechanism at the moment via which these issues can be dealt with in an appropriate way by this government.

Again dating back to the Kennett government, the Sex Work Act 1994 provides for a Sex Work Ministerial Advisory Committee to work across government and advise the minister on the operation of the act. However, some seven and a bit months into this government's life, that commitment has not been met. The committee's advice has not been sought, and it continues to be without a chairperson. I had the pleasure of chairing that committee in the Parliament under the former government, but following the election it was inappropriate for a member of the opposition to continue in that role. At that time I urged the Minister for Consumer Affairs, as the responsible minister, to act in accordance with his legislative obligations under the act to seek the advice of public health stakeholders, the police and those who work and operate in the industry in the interests of trying to ensure that this legal — and we might not like it — but nonetheless interesting sector of Victoria's regulatory environment operates properly, particularly in my electorate.

Having said that, it is a bit disappointing that the minister's only utterance in this area has focused on the policing aspects of the legislation. I understand we are yet to see the instrument brought before the Parliament by which the minister, as the coordinating minister, will seek to transfer his responsibilities under the Sex Work Act 1994 to a policing function. I urge the minister, with the greatest respect, to seek the advice of the Department of Human Services and his own department on what is the best practice model, both within Australia and in other comparable jurisdictions, to ensure that there are good health outcomes, good public outcomes and good outcomes for my community in this area.

Mr McCURDY (Murray Valley) — I have great pleasure in rising to speak on the Consumer Acts Amendment Bill 2011, another bill that reduces red tape and allows Victorians to grow and prosper. This bill has many parts to it, beginning with amendments to section 55 the Estate Agents Act 1980 to assist with property sales and conflict-of-interest laws. This bill amends the Owners Corporations Act 2006, and it does so in four parts. It also makes some amendments to the Fair Trading Act 1999 and deals with some conveyancing anomalies.

Let me begin by congratulating the Minister for Consumer Affairs on the intelligent, forward-thinking and user-friendly changes brought about by this bill. After 11 years of spin and discreet, secret dealings, I am proud to be part of a government that cuts through the jargon and makes it easier for businesses to do business, for communities to cooperate and for families to fulfil their needs.

The sale of real estate can be a frustrating, exhausting and, some say, character-building exercise. For most people, it is something we only do once or twice in our life. To that end we need to ensure that it is as seamless a process as possible. As a non-practising real estate agent, I understand the real estate sector and in particular section 55 of the Estate Agents Act 1980. We need to ensure that the rules that govern land sales and transfers help, not hinder, the whole process.

The Estate Agents Act 1980 requires some changes — for example, to section 55, by which vendors who are wanting to sell can be restricted in selling due to a conflict of interest involving the agent they are dealing with. The current act has been changed over time. Immediate family members of real estate agents, including their parents and relatives, could not originally buy property without going to the director of Consumer Affairs Victoria and getting permission from both him or her and the vendor. That provision was a

bit of overkill — like using a sledgehammer to drive home a drawing pin.

Other changes were made over the years, and there was a mellowing of the legislation. Instead of the director of Consumer Affairs Victoria being required to sign off on the deal, you would need the consent of a legal practitioner, a conveyancer or an accountant — none of whom are valuers. That practice, which required a third party, was nearly always a waste of time. If it was going to actually help people, having a third party involved might be okay; however, I do not think that is required. The current system will not completely alleviate the problem of agents who wish to be dishonest, but in line with current-day trends it is about putting the responsibility back onto the estate agent rather than imposing rules and regulations that they need to adhere to.

I want to give an example of how the Estate Agents Act 1980 and these transactions impinge on vendors and purchasers. The presence of an underbidder is very important when you are selling real estate, whether you are selling at auction — and we have all seen the auction shows on TV — or whether it is a private sale or to a lesser extent a public tender. Even a public tender is more often than not just the beginning of the negotiating phase, not the end of it. In all these situations the underbidder provides the market with the urgency and the benchmark, and the process ensures that competition is healthy. Any time you have legislation, rules or regulations that remove an underbidder, you are effectively handing the power to the purchaser. We all know that when we are negotiating, the minute one side has an upper hand it becomes a one-horse race and only the purchaser can win.

These changes are about reducing some of those rules so that an underbidder can be more proactive, whether that is a real estate agent, a member of his or her family or someone else in the community. Given section 55 of the act, too often an agent or their family member can be the underbidder, and quite often that is the case in small rural communities, although it happens in all communities. We do not want to take away that competition; we want to see a fair system for people selling their properties.

The exemption provided in the bill still requires permission from a vendor before a sale can go ahead. The responsibility now goes back to a real estate agent to act honestly and with integrity and they must continue to do so, because one of the key elements in this is that a real estate agent is not to obtain a

commission out of such a deal if they go ahead and turns out to be the purchaser.

The bill makes four important changes to the Owners Corporations Act 2006. It introduces new rules of management for an owners corporation and the power for such a group to be able to delegate its powers and functions. In particular it allows for a group of lot owners who might own the common property to be directed in how it is managed, which is in contrast to trading corporations whose directors are generally free to manage the companies without shareholder interference. It also gives an owners corporation power to restrict proxy votes, because sometimes proxy voters are inappropriate; they may well have a conflict of interest. We are looking out for the wellbeing of tenants and co-owners, and that is a fair outcome. The bill also provides clarity regarding legal disputes. Finally, it includes provisions to assist the Victorian Civil and Administrative Tribunal and co-owners to recover arrears that may very well be from overseas co-tenants.

The final part of the bill that I would like to discuss relates to conveyancing and the sales of businesses. In Victoria conveyancers can act on behalf of vendors or purchases in for the sale of land, but expressly they are prohibited from undertaking legal work when it comes to the selling of a business. So far this has not been a problem; it has been accepted practice. On 1 July 2013 the licensing of conveyancers will be transferred to the national occupational licensing system, which will put some changes in place to allow conveyancers from other states to work on sales of businesses within Victoria. It would be ludicrous were Victorian conveyancers not able to do this, and the bill will bring us into line with other jurisdictions.

The coalition government aims to be fair and transparent in allowing for all to compete on this level playing field. The amendment to the Conveyancing Act 2006 allows for Victorian conveyancers to do so. Of course checks and balances will be put in place. The Business Licensing Authority will see that conveyancers have the appropriate qualifications, so I do not think there is any fear that there will be any problems if conveyancers start to trade in businesses rather than just working on property transactions.

In conclusion, this government is reducing red tape and making things fairer for Victorians; it is assisting those who create jobs and provide services and those who are making a difference in our communities. The buying and selling of real estate can be very complicated for those who do not do it very often — sometimes only once or twice in their life. We want to make it easier for people to live the dream and to own their own home or,

more particularly in this case, to sell their home if they want to upgrade to better premises.

We want to make it a more competitive market. Whether you live in Yarrowonga, Tungamah, Numurkah or even in metropolitan Melbourne you want a competitive environment and you want to see that when your property is for sale you get the opportunity to sell to a purchaser at the best possible price. Your opportunities and your ability to make these family decisions is made easier by the Baillieu government. I believe that helping to make this market more competitive outweighs the risks associated with a dishonest real estate agent. In any industry, if people are going to be dishonest, they will find ways to get around the situation. This will just make it easier for people to sell their land and provide underbidders and more competition.

Real estate agents are fiduciaries, and as such they are expected to act in the best interests of their principal. We have to juggle the associated risks, whether it is a conflict of interest on the one hand or a reduction in competition on the other. Section 55 of the act has flaws in it. The director of Consumer Affairs Victoria, the lawyers, the conveyancers and the accountants are not valuers, and I really do not believe they are the right people to sign off on these things. Opposition members have spoken about diminishing the power in the hands of real estate agents, and there are concerns. But I believe those concerns are outweighed by the reduction in competition that would go with it. With those words, I commend the bill to the house.

Mr LANGUILLER (Derrimut) — It gives me pleasure to rise to record that the opposition will not be opposing the Consumer Acts Amendment Bill 2011, which seeks to amend the Estate Agents Act 1980 in relation to estate agents purchasing real estate or businesses, and I think that is an important amendment. Fundamentally I concur with the previous speaker, the member for Murray Valley. I am aware that he made a contribution from a position of knowledge given his past activities in the sector. I believe that putting the onus on older people and senior citizens in the community in particular to report any problems with a sale or a purchase may well translate into a watering down of the protections that consumers should have. Nevertheless I think in general terms this legislation is good.

The bill also seeks to amend the Owners Corporations Act 2006 in relation to delegations, proxies, and the service of notices. As members we see lots of situations in our electorates where rentals take place and where the act applies. The bill also amends the Fair Trading

Act 1999 in relation to conduct regarding bodies corporate and clarifies the jurisdiction of the courts and the Victorian Civil and Administrative Tribunal in relation to matters under Australian consumer law. It would be remiss of me not to note that when it comes to consumer protection and consumer law, back in the 1970s and 1980s it was primarily the Labor Party and, to a large extent at the time, the trade union movement that funded the first groups that aimed to protect consumers. I recall that at that time it was quite innovative to talk about protecting consumers. I think we have come a long way, and that is all for the good.

The bill also seeks to amend the Conveyancers Act 2006 to remove restrictions on conveyancing work involving the sale of businesses, to amend the Consumer Affairs Legislation Amendment (Reform) Act 2010 in relation to the disposal of uncollected goods and to repeal the Companies (Administration) Act 1981.

In the few moments I have remaining I will refer to the Owners Corporations Act 2006. The bill provides for four changes to that act. There are new rules for the management of the owners corporation and the owners corporation's power to delegate its powers and functions; power to make a rule restricting the voting rights of people who have been appointed to act as a proxy for a committee member where they have not been elected or co-opted to the committee; clarification that a lot owner will be free to pursue a claim that could be characterised as a dispute of the owners corporation; and new provisions to make the service of documents easier for the Victorian Civil and Administrative Tribunal, so it can serve them on lot owners in any manner deemed appropriate, particularly those overseas.

It is incumbent on opposition members to record how proud we are of our track record and the good reforms that we put in place in relation to Consumer Act amendments and to various protections whilst we were in government. We led the way in policy development for national consumer law. We have always understood how important it was, and is, to harmonise and to develop national consumer law. When in government we strengthened the Fair Trading Act 1999 to regulate telemarketing, and we introduced mandatory conciliation and model contracts for the building industry. It is very important that mandatory conciliation was introduced right throughout Victoria; we brought good reforms into the sector.

We modernised legislation and significantly reduced red tape for businesses in Victoria. I feel very proud of that fact because we on this side of the house do not see

a conflict between being pro-business — making sure that businesses can be very successful and that we grow the economy — whilst at the same time enabling the economy to generate jobs to create a good quality of life for working mums and dads in Victoria. I am very proud of that, and it is very important to place that on record.

When in government we used information technology to make it easier to do business and register a business in Victoria. I am not quite sure how long it takes to register a business in Victoria, but I was reading a document indicating that it takes between two and three days. I think that compares exceptionally well with registration across the world, so we are doing very well.

The former government was involved in identifying, raiding and destroying unsafe toys for children, and who could not be supportive of that? We did that, and we did it well. We cracked down on dodgy rooming house operators, prosecuted dodgy car dealers and increased funding for financial counselling.

With these remarks, the opposition does not oppose the Consumer Acts Amendment Bill 2011. I commend the bill and wish it a speedy passage.

Mr SHAW (Frankston) — I rise to talk about the Consumer Acts Amendment Bill 2011. We on this side of the house are members of the party for small business. Many real estate agents are small business owners, and I am glad that I can count the ones in Frankston as supporters of mine and of our party.

This bill is about what we can do for small business, and one of the things we are doing is reducing red tape and bureaucracy. The bill makes amendments to five different acts: the Estate Agents Act 1980, the Fair Trading Act 1999, the Owners Corporations Act 2006, the Conveyancers Act 2006 and the Consumer Affairs Legislation Amendment (Reform) Act 2010. The bill also repeals one act, the Companies (Administration) Act 1981. There are also some minor changes made to some other acts that I will talk about as well as section 55 of the Estate Agents Act 1980 and the Conveyancers Act 2006.

Referring to the Estate Agents Act 1980, to dumb it down a bit, if I may, I want to use an example of a client and supporter of mine whom I rang about an hour ago — John Rault from Century 21 John Rault Real Estate in Somerville. I rang him and said, ‘Mate, what do you think about this new legislation that we are introducing?’, and he said he likes it. He said that a while ago when he worked for a business as a real estate agent, his brother bought a property from him.

When that happened, he had to get an agreement from the owner, get proof and feedback from potential buyers, do research in the area and send all this off to Consumer Affairs Victoria. He also had to send off a sworn declaration that it was sold for a fair and reasonable price and that had to be done by a valuer. If Consumer Affairs Victoria was not happy with that, it would send it back and ask for more information. Once Consumer Affairs Victoria was happy and it was signed off, the buyer immediately had to put down a 10 per cent deposit and there was no cooling-off period. I am not sure about that, but that was what John Rault said off the top of his head. He looked at this bill and said, ‘We are pretty much doing all this stuff anyway, but instead of waiting for the director to sign off on it, it will be an agreement between myself and the vendor and we will come to that agreement as long as the vendor is no worse off’.

The good member for Murray Valley was saying before that accountants cannot do certain things that it is up to the valuers to do. I agree with that, but as an accountant, I recognise that we have a fiduciary duty to our clients and we have to do the best for them. That responsibility is also held by real estate agents, lawyers and the like. This bill really just puts the onus back onto the real estate agent, with the customer saying, ‘Hey, mate, I would like to buy your property. This is how much I am going to pay you. This is the fair market value’. As long as the vendor is no worse off, that is not a problem as far as that is concerned. The member for Pascoe Vale said, ‘What about the repercussions? What is going to happen if this person gets ripped off?’. The laws are already there if somebody gets ripped off. That situation is not covered by this bill because there are already laws to address that.

The bill also does not allow people who are employed by the real estate agent’s firm, such as associates, to purchase property that the estate agent has been commissioned to sell. The meaning of the word ‘associate’ can be quite broad. I know that in the accounting profession just about anybody you ever shook hands with is an associate. The term covers relatives and also an owner or director of a corporation or trustee company. As long as you have a written and signed consent from the vendor, everything looks like business as usual, and real estate agents can go about their business. Real estate agents are very proactive in their communities. They work very long hours, seven days a week, with extended hours and house inspections. This is a pretty good outcome in cutting red tape and doing what we can as the party for small business. We want to cut through that bureaucracy and red tape.

I would also like to talk about something that is closely related to the real estate industry, which is conveyancing. As an accountant who was involved in filling out form 19 and preparing section 52 statements — I will explain for the benefit of you guys over there who have never run a business — when you sell a business and someone purchases it — —

Ms Green — You can't help yourself, can you, you slimeball?

Mr SHAW — I can't help myself, Greenie. I can't help myself at all.

The ACTING SPEAKER (Mr Morris) — Order! The member for Frankston will address his remarks through the Chair, not across the chamber.

Mr SHAW — Conveyancers will be able to do work that was limited to members of the legal profession before. I know that I would prefer to pay a conveyancer rather than a lawyer. We all know that lawyers seem to get their fingers into everything, and especially something as basic as this. The accountants will do the sale of the business, which is very simple, send it off to a conveyancer who will do all the legal work, and it will all be done. Conveyancers in the rest of Australia are able to do that. We are bringing Victoria into line with what is happening nationally and saying that Victorian conveyancers are able to compete with the interstate ones as well. That is very simple and reasonable.

The bill is quite dry, but what really excited me was that when I went to the back of the bill I saw accountants up there again. They have changed the National Institute of Accountants into the Institute of Public Accountants in about four different acts, so that got me pretty excited. Another one that did not get me quite as excited was the Sex Workers Act 1994. The former government made it an offence for a licensee not to produce their licence, but guess what? It did not put a penalty on it. An offence with no penalty! I did not get that, but then I thought, 'I do get it, because it is that party over there'. There was no consequence for action, and that is why part of our election platform was about being tougher on crime. We have passed legislation on tougher hoon laws and there are more police on the streets. I am grateful that there are 35 extra police in Frankston, the highest number allocated in the state. That is fantastic.

We want to send that message through the courts. We have a clear mandate to be tougher on crime. Whether that is dealing with hoons and kids carrying knives or abolishing suspended sentences — whatever it is — we

have put 1600 extra police on, including 100 extra transit police and 940 protective service officers. What a fantastic mandate! It shows the lack of ability of the now opposition, which put something up as an offence but did not provide a penalty. That is fantastic legislation!

I thank the house for the time I have been given to speak on the bill, and I commend the bill to the house.

Mr LIM (Clayton) — I rise to speak on the Consumer Acts Amendment Bill 2011. I say at the outset that Labor has a very proud record in relation to consumer protection. I could go through the long list of our achievements, because we walk tall and proud among other states in Australia.

This omnibus bill makes amendments to a number of acts, including the Owners Corporations Act 2006, the Fair Trading Act 1999, the Conveyancers Act 2006 and the Consumer Affairs Legislation Amendment (Reform) Act 2010, and it repeals the Companies (Administration) Act 1981. However, the most significant amendment relates to the conduct of real estate agents, particularly in cases where they are to obtain a beneficial interest in property for which they are handling the sale.

Clause 4 of the bill amends the Estate Agents Act 1980 by substituting section 55 of the act and inserting a new section 55A. Specifically, clause 4 of the bill substitutes the following into section 55:

“55 Restriction on agent purchasing property

- (1) An estate agent must not obtain a beneficial interest in any real estate or business that the estate agent has been commissioned by any principal to sell.

Penalty: 240 penalty units or imprisonment for 2 years, or both.

- (2) An agent's representative employed by an estate agent must not obtain a beneficial interest in any real estate or business that the estate agent has been commissioned by any principal to sell.

Penalty: 240 penalty units or imprisonment for 2 years, or both.

The legislation states very clearly that an agent or their representative must not buy a property for which they are handling the sale. Serious penalties are attached for breaching this provision. It is a very strong statement indeed. However, somewhat surprisingly, given what would appear to be such a strong principle, the bill goes on to insert into section 55(4) of the principal act that a breach does not occur if certain conditions are met, such as written acknowledgement and non-payment of commission. The very strong legislative prohibition

ends in a whimper by providing some fairly broad exemptions.

I am very concerned for members of my community from non-English-speaking backgrounds, because such legislation gives them no protection. There is such an obvious conflict of interest in the situation of an estate agent purchasing a property for which he or she is handling the sale that I wonder whether the conflict of interest can ever be satisfactorily overcome, no matter how honest the intentions of the agent are and no matter how well informed the vendor is in giving their consent. It is very difficult for those who are not familiar with the system to negotiate it when it is fair, let alone if they are dealing with people who are manipulating the system.

In other areas the balance of power between the professional and the individual obtaining the service is so heavily in favour of the professional that consent to certain things cannot be given, but in the case of the estate agent the focus is the property. For most people, a home is the most significant asset or investment they will ever own. There can be a marked imbalance in the relationship between the agent and the vendor — for example, an elderly, infirm vendor who has lost his or her spouse and is preparing to go into some form of supported accommodation. That is a situation I have come across quite a few times. In such a situation the imbalance of power in the relationship is so strong that I do not believe that conflict-of-interest issues can ever be overcome, and we need to seriously consider that type of circumstance.

I do not believe the government has made the case for overriding conflict of interest, let alone eliminating that conflict. I am not confident that there will not be complaints and legal disputes arising out of new section 55 of the Estate Agents Act 1980. I hope the minister will have a good look at this area and, if there is a need for amendment, that he will allow for that. The opposition is not opposing the bill, but this is a serious concern that needs to be taken into account.

Ms McLEISH (Seymour) — I rise in support of the Consumer Acts Amendment Bill 2011, which will amend a range of consumer acts and other pieces of legislation to improve their operation. Amendments that improve operational elements of bills are important as they result in all types of savings, particularly around time, which translates into productivity in a workplace and ultimately savings all round that can be converted into dollar savings as well. I see these sorts of amendments as good, common-sense improvements, but they also represent our government's commitment to making things easier for everybody.

When things are easy to work with and understand and when there is clarity it is simpler for everybody, and this extends to business processes as well. When those processes are slick and seamless it is simpler and quicker for everybody concerned. At the end of the day this is another step in improving the consumer protection framework in Victoria. This is about good governance and good government, and as such I am pleased to speak on the bill, which will improve the overall operation of consumer legislation.

As previous speakers have mentioned, this bill deals with a number of acts, including the Estate Agents Act 1980, the Owners Corporations Act 2006, the Fair Trading Act 1999, the Conveyancers Act 2006 and the Companies (Administration) Act 1981, which will be repealed through this process. The amendments relate to operational elements and they make life easier for everybody, which allows our time to be spent on the real work rather than dealing with wasting time on re-work or trying to understand, determine or clarify issues that need interpreting.

There are several elements in the bill that will improve real estate regulation, which fits with the overall aim of the government to modify and simplify the consumer affairs statute book. It is pleasing to note that during this process relevant stakeholders were invited to comment on clauses of the bill while it was being drafted. The engagement and commitment of stakeholders are always important. I am proud to stand by a government that willingly does this and invites people to provide feedback and have input, because where there is feedback and input there is great buy in from stakeholders. People feel they have been engaged and have been heard; they understand. That is pretty important from my point of view.

I will address some of the detail. Firstly, real estate regulation is always required. It is something that is talked about constantly, because consumers want to ensure that they are given a fair go. Our government is looking after Mr, Mrs, Ms or Miss Joe or Jo Average. Our government is committed to improving real estate regulation. Both vendors and purchasers want a fair deal, and that is fair. They want to know when they are buying and selling that they are on a level playing field. A conflict of interest may involve a real estate agent acquiring an interest in a property they are being commissioned to sell. To date it has been easy to bypass requirements, and all they have had to do is gain the consent of the director of Consumer Affairs Victoria. A couple of measures had been trialled in terms of the regulations, but there was still confusion. Some people had felt they had been unfairly dealt with. Our government then came up with a much more

creative solution: it found a different way of achieving the fairness that is required.

This legislation prohibits an agent or an agent's representative from obtaining that interest. There are substantial penalties. I recall a number of years ago when I was involved in selling a property the agent declaring to me that her brother was going to buy the property. It made me quite uncomfortable, and I thought, 'Why am I selling this property if the agent thinks this is such a good deal?'. Where there is a conflict of interest, it needs to be well managed and controlled.

I want to put a broader context around the issue of conveyancers and their involvement in the sale of businesses. For Victoria to move forward it is important that our businesses operate on an level playing field. Where there is not a level playing field and where unfairness is perceived, we need to think about how we should respond. People get up in arms fairly quickly and say, 'No, you have got to have a fair deal; everyone should be given a fair go'. In instances in business where people are not playing on a level playing field, they are at risk of losing business to those operating on a playing field that is more advantageous. It is great to be able to support local businesses where you can, but it is not always possible. One business operator may miss out on work because another person who is not far away is able to undertake work that the first business operator is restricted in doing due to different licensing arrangements. This is the case for conveyancers in Victoria.

The licensing of conveyancers will be transferred to a national system on 1 July 2013. Licensed conveyancers will still be able to do the work they could undertake in their original jurisdiction. This is where the issue starts to be noted. In Victoria those licensed conveyancers are able to work only on land sales and not on business sales, which is not the case in other states. When this changes, the playing field will be such that Victoria will be unable to compete equally. This amendment bill will level the playing field so Victorian conveyancers can compete and work on business sales on the proviso they are suitably qualified. This change is endorsed by a study undertaken by the Allen Consulting Group, which found that the cost of restricting what conveyancers can work on outweighs the benefits. It is important that operationally this change will level the playing field so that Victoria will have a competitive advantage in all situations, particularly concerning border situations involving big towns like Albury-Wodonga, for instance. The amendments to the Fair Trading Act 1999 ensure consistent enforcement outcomes with the commonwealth Competition and

Consumer Act 2010. It is good that there be some consistency between those acts.

As the member for Frankston said, the Sex Work Act 1994 is being amended because a penalty had been omitted. Someone could be found to be doing something wrong, but no penalty would apply. The minister in the second-reading speech was particularly kind when he referred to the provision being inadvertently omitted. That was a nice way of saying there had been a bit of a stuff up; there had not been a realisation that there needed to be some penalties in the act. The minister was particularly kind to the former government on that issue.

To get back to why we are doing this, there have been some oversights by the previous government, but our government is committed to tidying up issues and making things a lot easier operationally for those doing the work at the coalface. We are providing clarity so we are not having to stop, interpret and think what things really mean or where the challenging areas are. Through this process we are looking out for consumer protection, because at the end of the day we need to be a government that stands up for Mr, Mrs, Ms and Miss Joe Average, because they are really important in the bigger scheme of things. I am pleased to commend this bill to the house.

Mr NORTHE (Morwell) — It gives me great pleasure to rise to speak on the Consumer Acts Amendment Bill 2011. This bill does a number of important things. Firstly, it amends the Estate Agents Act 1980 in regard to the dealings of estate agents and the purchase of real estate or businesses. This aspect of the bill is critically important. We have seen some changes over a period of time with respect to this particular part of the bill. Section 55 of the Estate Agents Act 1980 has been redrafted. Other members have highlighted the importance of ensuring that the vendor, the agent and the agent's representative fully understand the market value of a property.

Prior to 1 January the decision as to who could sign off on such agreements was really at the discretion of the director of Consumer Affairs Victoria. There were obvious concerns about that and also — with due respect to the director — whether that person understood the real market values of properties across Victoria. We on this side of the house believe this legislation will ensure that there are much better practices and scrutiny, along with surety for vendors and the agents representing themselves.

From 1 January a lawyer, conveyancer or accountant could sign off on whether that agreement would be

determined between a vendor and an agent. This legislation ensures that there will be a written agreement between the agent and the vendor. This will align Victorian practices with those in Queensland and New South Wales. I highlight the importance of ensuring that those in the argument about the sale of property or a business come to an amicable agreement. What the Victorian government has proposed through the Minister for Consumer Affairs is a very sensible approach to achieving this. We want to ensure that our consumer affairs regulations are adequate and strong. What we are proposing today through this legislation is an important aspect of that.

The sale of property or a business is a major deal for many people. I am sure people in this house have sold property or businesses. It is a massive step, and it is imperative that the government has the right measures in place to ensure that all the regulations surrounding the process are sound and appropriate and that the best deal is provided to the vendor. From a real estate perspective we want to make sure that agents can also hold their heads high, knowing they have gone through the right mechanisms to come to an agreement.

In his contribution the member for Frankston mentioned the importance of small business, and I agree it is important. We want to make sure that we continue to generate support for business throughout Victoria. The laws that we are speaking about today are an important part of that and of planning generally. I have experienced the situation in my electorate of Morwell where we have had a lack of supply of residential land for development. The new Minister for Planning has rezoned a significant portion of land in our electorates. From that we will see land prices drop significantly and more investors enter the market. In question time today members heard the Treasurer speak about the first home buyer grants and how well received they will be. The point I highlight is that over time we will see significant growth with the purchase of real estate across our communities. It is important that we have the right measures in place so that when agents act to acquire land, vendors will be confident in the laws and regulations governing the process.

There are other aspects of this legislation, including amendments to the Owners Corporations Act 2006. The bill clarifies delegations to owners corporations committees. It also allows owners corporations to restrict the voting rights of certain holders of proxies of committee members. It clarifies the standing of the Victorian Civil and Administrative Tribunal to have owners corporation disputes heard by VCAT and provides more flexibility for VCAT for the service of documents under the act.

Owners corporations play an important role across Victoria. With this legislation we are in part making sure that owners corporations are empowered a bit more and that some balance is restored to their committees. We are also allowing them to have a greater say in the structure of their committees and, if disputes arise, we want to ensure that lot owners are able to pursue a dispute through VCAT. In the past that was probably something that lot owners were not able to do. Through these amendments we are aiming to provide powers for lot owners to pursue any claims specified within the legislation, thereby empowering them. That is outlined in the case of *Foss v. Harbottle* which the minister articulated in the second-reading speech.

The bill also makes amendments to the Conveyancers Act 2006. It removes from 1 July 2012 a restriction on conveyancers undertaking legal work on sales of businesses. In her contribution the member for Seymour spoke about the national accreditation system that will be available from 1 July 2013. We are aligning ourselves with other states. At this stage Victoria and Tasmania are the only states that do not allow conveyancers to undertake the legal work involved in the sale of businesses. It must be said that the bill provides restrictions and for competencies that will need to be achieved by the conveyancers; it does not make the change just willy-nilly.

The amendments made by the bill also ensure that we are productive and that businesses can be sold through other vehicles. Far too often in this state we can do better in the cessation of businesses and so forth. There is a real opportunity through this aspect of the bill to allow conveyancers to do that. Accredited conveyancers doing this type of work will hopefully ensure that some businesses do not just close their doors. There may be opportunities through that, and we need to do all we possibly can to support businesses in our state. As we know, they are the hubs of many communities, particularly regional communities, and we need to make sure we support them in the best ways we possibly can.

There is also a redraft of section 144 of the Fair Trading Act 1999. That simply imputes liability to principals for the actions of officers, employees and agents to bring the act in line with the commonwealth Competition and Consumer Act 2010. There are also amendments in this bill with regard to new uncollected goods provisions that will increase the value limits for motor vehicles to allow for the disposal of those goods by private sale. Again, that aspect of the bill is about getting bang for buck. In closing, these are very important measures. I congratulate the minister and his staff for providing a

very comprehensive overview of the important points in this legislation that will make things better not only for consumers but also for owners corporations and others, which will see the important parts of this legislation.

Mr BATTIN (Gembrook) — It gives me pleasure to speak on the Consumer Acts Amendment Bill 2011. Today we have heard plenty from this side of the chamber in relation to why we are amending these acts, and it has much to do with providing better protection for consumers to ensure that they have confidence, especially when selling a property, which can be one of their largest investments. Consumers need confidence in those who represent them when they are selling or purchasing a house, which can be one of the most stressful times of someone's life. It is also one of the largest investments most people make during their lives, and we want to make sure they have confidence that the laws in place protect their rights when they are making decisions that affect an investment that could change the rest of their lives.

The bill proposes that an agent or an agent's representative be prohibited from obtaining a beneficial interest in a property they have been commissioned to sell. As it stands the bill redrafts section 55 of the Estate Agents Act 1980, which restricts estate agents and agents' representatives from obtaining beneficial interests in properties they have been commissioned to sell. This aims to deliver fairer outcomes to vendors and to operate in a manner similar to legislation in Queensland and New South Wales. The bill clarifies delegations to owners corporation committees, allows owners corporations to restrict the voting rights of certain proxy holders of committee members, clarifies the standing to have owners corporations disputes heard by the Victorian Civil and Administrative Tribunal and provides for more flexible service of documents under the Owners Corporations Act 2006.

The bill amends the Conveyancers Act 2006 to remove a restriction on conveyancers undertaking legal work on sales of businesses from 1 July 2012; redrafts section 144 of the Fair Trading Act 1999 to impute liability to principals for actions of officers, employees and agents, which will bring it in line with the commonwealth Competition and Consumer Act 2010; makes amendments to uncollected goods provisions to increase value limits for motor vehicles; and allows for the disposal of high-value goods by private sale where the receiver of the goods is of the opinion that the best price can be obtained by private sale and notice has been given. The bill also removes default commencement dates in several acts; repeals the Companies (Administration) Act 1981, with

appropriate savings and transitional provisions; and includes necessary amendments to legislation to reflect the change in name of the National Institute of Accountants to the Institute of Public Accountants.

I refer first to section 55 of the Estate Agents Act 1980. We all know there are many good real estate agents out there, but in the past we have heard of circumstances of ones who are willing to flout the law. We want to make sure we protect those who are purchasing or selling their property. It is important to note that under previous legislation those who were looking to buy a property and obtain a beneficial interest would have had to report that to a director. This bill deals with the people who would tend not to do that. If they were looking for a financial interest under illegal terms, they would not report themselves prior to doing it. That would not make sense. The bill also adds a penalty of up to 240 penalty units or an imprisonment period of two years, both of which can apply.

There are some exemptions from this proposed section for an estate agent or an agent's representative seeking to purchase a property they have been commissioned to sell, and I will go through the conditions. The estate agent or agent's representative must get the vendor's written acknowledgement that the vendor is aware that the estate agent or agent's representative is interested in obtaining the interest and consents to the estate agent or agent's representative obtaining that interest. The other conditions are that the estate agent or agent's representative act 'fairly and honestly in relation to the transaction', that 'no commission or other reward is payable' with respect to the transaction and that the vendor be left in 'substantially as good a position' as they would if the real estate or business were sold 'at fair market value'.

I note the condition in relation to commission. Commission is something that many people bring up when selling properties, and the amendments ensure that someone gaining a financial interest in these properties, whether an agent or what have you, does not receive a commission so that it is a fair dealing going through. This exemption will ensure that the onus is on the estate agent alone to demonstrate that they acted in the best interests of the vendor. In doing so, the strict duties owed by agents to their principals — in this case owed by the estate agents to the vendors for whom they are acting — will be reinforced.

The conveyancing provisions are the next part of the bill I will discuss. The aim of the bill is to remove an existing restriction on conveyancers undertaking work on the sale of a business, which is contained in section 4 of the Conveyancers Act 2006. It has been

mentioned many times that our target is to have everyone on a level playing field and to give everyone the opportunity. It has been mentioned that we are one of the few states that does not allow this, and we want to make sure that our conveyancers have the opportunity to work on the entire transaction in the sale of a business and that we get a fair and open market. I reinforce that I support the bill, and I commend it to the house.

Mr KATOS (South Barwon) — It gives me great pleasure to rise in support of the Consumer Acts Amendment Bill 2011. The purpose of this bill is to amend a range of consumer acts and other various legislation to improve its operation, and it contains several measures designed to improve real estate regulation. It also seeks to modernise and make simpler the consumer affairs statute book.

In my view the main purpose of the bill is to amend section 55 of the Estate Agents Act 1980. This section restricts agents and their representatives from obtaining a beneficial interest in properties they have been engaged to sell. Fundamentally, when an agent is engaged they have a fiduciary duty to their principal to act in a proper manner. If a purchase were to take place through which the agent obtained a beneficial interest in the property, it would clearly be a conflict of interest because the agent or representative would have a duty to the principal.

A similar situation arises in the fish market — I have some knowledge of it from previous dealings — in which fishermen sell their fish to the market and an agent is engaged to sell the fish on their behalf and receive a commission for doing so. Obviously it would not be a fair situation if they were able to pull the fish off the floor and not have them go through a proper market process. It is a similar situation with real estate. If such a transaction takes place — that is, when a beneficial interest is to be obtained — vendors and purchasers have until recently been required to obtain the consent of the director of Consumer Affairs Victoria. However, less scrupulous agents simply did not get the permission of the director and went ahead anyway.

In an attempt to correct the situation this was recently changed, so that if an agent sought to purchase a beneficial interest in their client's property, they would need to obtain the consent of a legal practitioner, an accountant or a conveyancer. Still all they had to do was simply obtain the permission of a third party. The bill proposes that an estate agent or an estate agent's representative will be prohibited from obtaining a beneficial interest in the property that they have been

engaged to sell. The bill gives various examples where an estate agent is considered to have obtained a beneficial interest in the property. There are strict penalties for breaching this section, with a penalty of up to 240 penalty units and/or two years imprisonment.

There is an exemption to this. However, the real estate agent must be able to demonstrate that they have written acknowledgement by the vendor that they are aware that the real estate agent or their representative is interested in purchasing the property. This is a bit of common sense. If an agent is interested in purchasing the property, there is a mechanism for them to do it in a proper manner. The vendor must also consent to the agent or their representative obtaining a beneficial interest in the property. There must be a written acknowledgement and there must be consent given for this transaction to take place.

If this permission is given, the estate agent or their representative must act fairly in the transaction and a fair market value must be paid. If the agent obtains a beneficial interest, no commission or other reward is payable with respect to that transaction. That is also a logical course of action. If there is an agreement between the agent and their principal for the agent to purchase, obviously they have obtained a beneficial interest in the property and therefore no commission will be payable. This change to section 55 of the act also brings Victoria into line with other jurisdictions and is part of a move towards a national licensing system.

The bill also makes changes to the provisions of the Owners Corporations Act 2006 which will clarify delegations to owners corporation committees. The committee will have all powers and functions that can be exercised by the owners corporation except for matters requiring special or unanimous resolution, the power of delegation and any matter reserved for a general meeting.

The Conveyancers Act 2006 will also be amended by the bill to remove a restriction that presently exists which prohibits conveyancers undertaking legal work on the sale of businesses. As previous speakers have mentioned, Victoria is the only jurisdiction where this is not permitted. This is obviously common sense, and it is another move to bring Victoria into line with a national system. It is much better to have uniform laws across the entire country. This amendment will come into force from 1 July 2012.

Section 144 of the Fair Trading Act 1999 will also be amended so that a principal has liability for the actions of officers, employees or agents. This is another

measure that brings state legislation into line with commonwealth legislation, which is once again a sensible outcome. The bill also makes a number of amendments to statute law, but I think the main crux of the proposed legislation is making it an offence for a real estate agent to obtain a beneficial interest in a property without consent. I commend the bill to the house.

Sitting suspended 6.30 p.m. until 8.02 p.m.

Debate adjourned on motion of Mr HODGETT (Kilsyth).

Debate adjourned until later this day.

JOINT SITTING OF PARLIAMENT

Victorian Health Promotion Foundation

Message received from Council acquainting Assembly that they have agreed to joint sitting to elect members to the Victorian Health Promotion Foundation.

ACCIDENT TOWING SERVICES AMENDMENT BILL 2011

Second reading

Debate resumed from 5 May; motion of Mr MULDER (Minister for Roads).

Ms ALLAN (Bendigo East) — I am pleased to lead the response from the Labor opposition on the Accident Towing Services Amendment Bill 2011. For the benefit of the Minister for Roads — who I am delighted to see is here in the house and hopefully will be here for the duration of the debate — I am pleased to advise him that the opposition will not be opposing this bill.

While the minister is in the chamber, I would like to — —

Honourable members interjecting.

The ACTING SPEAKER (Ms Campbell) — Order! I am sure everyone has had a delightful dinner. If members would like to discuss what they have enjoyed, they might like to go outside. Otherwise, will members please take their nominated seats. We will have the opportunity to hear the member for Bendigo East.

Ms ALLAN — I am pleased to have your assistance, Acting Speaker, because I have the full

attention of the Minister for Roads and I can say that I would like to thank the minister and his office for arranging a briefing for myself and my staff with the relevant officials from the Department of Transport and VicRoads on the details of the bill. So thank you to the minister.

With the introduction of this bill, Parliament is being asked to consider the next iteration, if you like, of regulation of the Victorian towing industry. Members of the house would be aware that regulation of the industry was first introduced back in 1983. Prior to that — and again, many members of the house may recall some of these issues — there was some concern, and in some instances there was widespread concern, about how some in the towing industry responded and provided their services to people in need. We have to remember that most people need the services of the towing industry often as a result of a motor vehicle accident, and that is obviously when people are probably more vulnerable in how they respond to the services with which they are being provided. If they have been injured, hurt or even shocked, it is a difficult time for people. It was recognised broadly that the industry was affected by some poor practices and that, most importantly, people in that vulnerable situation that I have just described were more exposed to those poor practices.

As a result of the first and then subsequent stages of legislation, the delivery of towing industry services and the fees that are charged have been regulated through legislation. As we know, the Minister for Roads has the responsibility for setting the fees for the accident towing and storage industry, which is done following a review of fees. The review is required to be undertaken by the Essential Services Commission, a matter I will come back to shortly as it relates to the legislation before the house.

The legislation enacted in 1983 also introduced the allocation scheme for the industry, which has become an important feature of the towing industry. The system was designed to see a tow truck dispatched and arrive at the scene of an accident within 30 minutes. There has also been an effort to build fairness into the industry and into the system of allocation of work in the industry. Over the past nearly 30 years this regulated approach has appeared to have served the community adequately, with many of the poor practices being largely a thing of the past, although from time to time, as in most walks of life, there are exceptions. The legislation the house is being asked to consider today is the latest update in the regulation of the towing industry.

I will go into a bit of background to the bill. The bill is largely a response to the Essential Services Commission report and implements those recommendations in the report that require legislation. Earlier I referred to the requirement of the minister to instruct the ESC to undertake a review of fees before changes can be made to the fee regime. In September 2009 the Minister for Roads and Ports in the former Labor government commissioned the ESC to do this work and to undertake a review of the system, and a final report was provided to the minister in June last year. The first recommendation contained in the report is that accident towing and storage charges should be increased by 12.5 per cent. This recommendation was accepted by the previous government and was gazetted on 29 October 2010.

The ACTING SPEAKER (Ms Campbell) — Order! I am sure everyone has lots to talk to each other about — their weekends, dinner and so on — but if they want to continue with those conversations, I ask them to please leave the chamber. If members wish to be in the chamber, I ask for a little silence.

Ms ALLAN — I was just indicating to the house that the first recommendation from the Essential Services Commission report has already been implemented; that is, the increase in charges by 12.5 per cent. A number of other recommendations are in the ESC report. Not all of them are addressed in this bill — and I will come to that in a moment — but the majority of them are. To date the Liberal-Nationals government has not released a formal response to the package of recommendations that were found in the Essential Services Commission report; perhaps the government could take that on board and provide that to the industry. However, this bill implements the recommendations in that report that require legislative amendment.

The bill amends the Accident Towing Services Act 2007 and regulates the price of accident towing and storage services in metropolitan Melbourne. The key provisions in the bill are about the pricing of accident towing and related services. The bill contains a measure to extend the minister's power to determine what is a basic salvage fee and notes that complex salvage jobs will not be regulated; definitions of 'basic' and 'complex' salvage services are found within the bill. The bill also provides for annual indexation, from 1 July 2011, of all regulated fees — for example, for accident towing, storage and basic salvage fees — within metropolitan Melbourne.

At this juncture I note that this is an area I would appreciate some feedback on from the government

while the bill is between this house and the other house. I ask for an explanation as to how it will apply this indexation in the coming financial year, given that the bill will not be passed in time for 1 July 2011, which is the date required under the legislation. Perhaps it could provide some advice on how those indexation fees will be provided for into the next financial year.

The bill also requires the Essential Services Commission to review the regulated fees every four years, and that non-regulated fees — those being outside of metropolitan Melbourne; previous legislation has dealt with the industry within the metropolitan area — and complex salvage fees be 'reasonable'. There are also other changes within the bill that will improve services to the local community, but these services will in some ways increase the cost of accident towing — for example, photographing salvage and providing more detail in invoices about what towing services were provided. It should also be noted that a minor provision in the bill will reduce fees by a productivity adjustment figure, as recommended by the essential services commissioner. This is a negligible adjustment. The opposition raises the issue that, in what is a highly regulated industry and sector, it is difficult to see where productivity gains can be made in an attempt to reduce fees. One area where there may be some movement in this industry is wages. I express concern that the wages of those who work in the industry may be squeezed as a result of the savings being sought by the implementation of this amendment.

I turn to some of the issues the Labor opposition would like to raise on this bill. The first is the issue of responding in whole to the report handed down by the Essential Services Commission. Earlier I indicated that to date the government has not provided a formal response to the ESC package of recommendations. This has created some uncertainty in the sector around what the government intends to do with particularly recommendations 8 and 9, and whether it will accept those recommendations, implement those recommendations or present a different view in its response to those recommendations. It is important that the government look to providing a fulsome report in the future.

The opposition would also urge the government to review whether there is a need to regulate the accident towing and storage fees in the Geelong area. Given its proximity to Melbourne and that it is a large regional centre in its own right, there is the capacity to introduce a regulated system within the Geelong area. I am not saying that it should or should not be introduced, but that is something that should be looked at by the government.

The opposition also has concerns about how the government consulted with relevant industry stakeholders. Normal practice for most ministers and departments is to consult with the major stakeholders — people who would be interested in having their views well and truly heard on proposed legislation before it hits the Parliament. Following the introduction of this bill some weeks ago I took the opportunity to meet with representatives of the Victorian Automotive Chamber of Commerce, a group that certainly has a strong interest in this area. The VACC has a high level of policy expertise, represents over 150 licensed towing operators and has considerable experience and expertise when it comes to questions relating to the regulation of this industry. I would like to thank those representatives for the time they gave me and my staff in discussing this bill.

Disappointingly for the VACC representatives, when I had met with them they had not had the opportunity to meet with the minister and the department to discuss the details of the bill. That was a bit of a surprise, because if you were in their shoes you would rightfully expect to have been briefed prior to the bill being introduced into Parliament. The VACC representatives raised with me some of their concerns about the bill. I make it clear that in raising their concerns they were not seeking that the bill fail; in fact they were keen on some elements of the bill, particularly the indexation of fees for the towing industry.

I would like to touch briefly on some other issues that were raised. Firstly — I have already mentioned this and I will not labour the point again — the VACC said that the industry was not consulted adequately prior to the introduction of this bill. Secondly, in its view the definition of salvage in the bill is unworkable. The definition is, I believe, a new one and the VACC considers it will create some confusion within the industry. Again, this may be something the government can address while the bill is between the two houses. Thirdly, other issues in the industry related to the trade of tow-truck licences must be addressed.

I am pleased to hear that subsequent to my meeting with the VACC the minister has met with that organisation and further consultation is to occur on the regulations and in particular the calculations of consumer price index increases as provided in the bill. However, as I have noted, some outstanding issues remain. I urge the minister to consult with the VACC on issues around transfer of licences, allocation area boundaries, depot conditions and permits.

Before I conclude, I note that the transfer of licences also needs to be examined. The bill does not fix a

number of issues for the industry. For example, no body in Victoria has the power to stop the transfer of tow-truck licences. This, combined with the review of the allocation areas that is in place, has the potential to lead to profiteering through the buying of a lower value licence in regional Victoria and then transferring that licence to an area that is still within the definition of regional Victoria but is much closer to the current metropolitan Melbourne boundary. This causes those in the industry some concern and is another area that the minister could look at addressing during the course of the review.

To conclude, as I said, the Victorian Labor opposition will not be opposing the bill, but once again I urge the government and the minister to provide a complete response to the recommendations in the Essential Services Commission report. This would provide clarity to the industry on how the government is going to respond to and whether it will implement all the ESC recommendations and not just those that have required legislative change and the amendments before the Parliament today.

I urge the minister also to follow up the issues that have been raised by the VACC, in particular the definition of salvage. If the minister wanted to examine this matter further and if, following consultation with the VACC and other bodies, he concluded that this definition was something he wanted to consider amending while the bill is between the houses, the opposition would certainly be open to discussing with him a further amendment to the bill and assistance if the amendment was agreeable to the opposition. With those comments, I reiterate that the opposition will not be opposing this bill and I commend the bill to the house.

Mr WELLER (Rodney) — It gives me great pleasure to rise this evening to speak in the debate on the Accident Towing Services Amendment Bill 2011. As mentioned by the member for Bendigo East, the bill is a result of the Essential Services Commission's review of accident towing and storage fees, which was published in a report of June 2010. From the outset I note that the tow-truck industry is very important in the quick return to the safe operation of our roads after an accident. We also need to remember that people are at their most vulnerable when they have been involved in an accident, so we need the least stress possible and as smooth a transition as there can be when there has been an accident.

The purpose of the bill is to amend the Accident Towing Services Act 2007 to implement certain recommendations made by the Essential Services Commission in its 2010 report entitled *Review of*

Accident Towing and Storage Fees and to make a number of other amendments to the Accident Towing Services Act 2007 to improve that act's operation. It makes minor consequential amendments to the Transport (Compliance and Miscellaneous) Act 1983 relating to the investigatory functions of the Essential Services Commission and to the Essential Services Commission Act 2001 relating to the function of the Essential Services Commission.

When going through the bill and looking at some of the clauses, the first one I looked at was the definitions clause. The member for Bendigo East raised a problem with this clause in that one of the definitions needed further clarification. I will read what the bill says. The term 'basic salvage service' has been introduced in this bill. Prior to this, legislation referred to 'salvage', not 'basic salvage service'. The bill provides that the term means:

- (a) using one or more tow trucks that are not heavy tow trucks; and
- (b) without using a mobile crane.

It provides also that:

heavy tow truck means a tow truck that is capable of towing a motor vehicle that has a gross vehicle mass of 4 tonnes or more.

Paragraph (2) of the definitions clause provides:

salvage, in the case of an accident damaged motor vehicle that, as a result of the accident —

- (a) is in a location that is not a road or a road related area; or
- (b) is embedded in a building or in an object that is not a motor vehicle; or
- (c) is overturned or on its side —

means the moving of the motor vehicle to a place on a road or road related area or into an upright position or both so that it may be towed by a tow truck without assistance.

When you need to get something in to move a vehicle so that you can get it into a position where a tow truck can move it, that is where you use the term 'salvage'. It is in the bill. I read the bill and understood that is what it means. Hopefully that clarifies something for the member for Bendigo East.

Going back to the bill, new section 212A of new divisions 2 to 4 which are inserted by clause 18 provides in part:

- (2) The Minister must consult with the Minister administering the Essential Services Commission Act 2001 before specifying a matter for review under subsection (1)(d).

- (3) The Commission must conduct and complete a review and make a recommendation to the Minister under this section.

If they do not do it before then, they have to do it no later than 30 June 2014. There will be a review, which is the proper thing to do. We undertake reviews of all the things we do to make sure they are working. This bill makes provision for that to happen from time to time — it is specified to take place every four years — we have a review to make sure the bill is working properly.

At page 17 of the bill, new section 212H is headed 'Charges to be adjusted for CPI'. The bill clearly sets out the following formula: A multiplied by B over C in brackets minus D. If members have not read the bill, they may well ask, 'What is 'A'?' The bill states:

"A" is the amount of the charge for the financial year immediately preceding the relevant year ...

And perhaps if members remember 'B' is inside the bracket:

"B" is the transportation group consumer price index for Melbourne published by the Australian Statistician in respect of the March quarter of the financial year immediately preceding the relevant year ...

Mrs Victoria — Is there a 'C'?

Mr WELLER — There is a 'C':

"C" is the transportation group consumer price index for Melbourne published by the Australian Statistician in respect of the March quarter of the financial year immediately preceding the financial year preceding the relevant year ...

We get to there, then we have the minus 'D':

"D" is the productivity adjustment figure specified in the recommendation under section 212A most recently made by the Commission or, if the Commission has not made a recommendation under section 212A that relates to the relevant year, "D" is 0.005.

Members of the opposition have problems with productivity gains, but I come from the farming industry and have been in business a long time, and I understand that if you do not increase your productivity, you go out of business. Let us take the dairy and grains industries of Victoria — —

The ACTING SPEAKER (Ms Campbell) — Order! This is very interesting and there have been lots of smiles on people's faces, but I ask that the member for Rodney go back to the Accident Towing Services Amendment Bill 2011.

Mr WELLER — I was talking about productivity, and members of the opposition were saying that 0.005 is too much to ask for. It is a very small amount to be asking for as productivity gains, and if the Essential Services Commission establishes that productivity gains have been greater, it can be a greater amount. Why should we not pass on those productivity gains to consumers? I would have thought members of both sides of the house would like to pass on productivity gains to consumers, especially when they would be going to consumers who are stressed.

Mr Herbert interjected.

Mr WELLER — The member for Eltham interjects and says it is a minus. If members look again at the formula, they will see that it is the sum of the whole lot — you have to take a holistic view. Further, new section 212I, under the heading ‘Offence to charge unreasonable sum or sum different to charge determined under section 211’, states:

- (1) A person must not charge an amount for the provision of an accident towing service, for the storage of an accident damaged motor vehicle or for the provision of salvage services unless —
 - (a) if a determination for the service has been made under section 211, the charge is determined in accordance with that determination; or
 - (b) if no determination for the service has been made under section 211, the charge is a reasonable charge for the provision of that service.

And we are backing it up: if you do not comply, there is a penalty of 30 penalty units. Further, new section 212I(2) deals with the factors a court must consider in determining what is a reasonable charge for the provision of an accident towing service but does not limit the factors it may consider. We have to remember that this bill also introduces a number of housekeeping amendments, including changes to simplify terminology in the act and an amendment to ensure that only licensed tow-truck drivers are able to attend accident scenes. You only want licensed drivers who behave properly and work swiftly to resolve a problem.

The member for Bendigo East had a crack at the government, saying we had not responded to all the recommendations. I say to the member for Bendigo East, and indeed other members of the opposition, that last October the former minister acted on only one recommendation, which was to increase the price by 12.5 per cent. The former government should have done the whole lot back then if opposition members are saying that we should be doing the whole lot now.

Ms BEATTIE (Yuroke) — It gives me great pleasure to speak on the Accident Towing Services Amendment Act 2011 and to follow such an erudite explanation of the bill by the member for Rodney. Indeed, it was such an erudite contribution that even members of The Nationals behind him were all struck by his mathematical performance. However, I will get to the substance of the bill, and of course the opposition does not oppose the bill. I note, Acting Speaker, that you brought the previous member back to the bill. I think he talked about what it is to tow and then he talked about cow — I note the similarity in the spelling, perhaps he got the two mixed up.

This bill has come about because in September 2009 the then Minister for Roads and Ports asked the Essential Services Commission to review accident towing and storage fees in Victoria. The regulation of the industry has come a long way.

I am sure everybody in this house will remember the old days when there were cowboys in the industry and it was first in, best dressed to accidents. Sometimes there were fights over who was going to tow vehicles, and accident victims were extremely traumatised by the carryings-on. My husband tells the story of when he used to be on school holiday. His family lived near a major intersection where there were many crashes. They used to sit by the window waiting for accidents to happen so they could call their favourite tow-truck operator and receive what could loosely be called a kickback, but it was pocket money for the kids. It might be an area that is known to the Acting Speaker, around the Pascoe Vale and Strathmore areas, where there are a lot of accidents.

The review came up with nine recommendations. The government has not responded to all the recommendations, and that is a bit of a disappointment. We would like the bill to implement all of the recommendations that require legislative amendment. The bill extends the minister’s power to determine basic salvage fees, but complex salvage will not be regulated. It provides for annual indexation from 1 July this year of all regulated fees — accident towing, storage and basic salvage fees — in metropolitan Melbourne. It requires the Essential Services Commission to review the regulated fees every four years. The bill also requires that non-regulated fees — that is, those outside metropolitan Melbourne — and complex salvage fees be reasonable. I am not quite sure about that, because we all have a different view of what ‘reasonable’ is.

I want to touch on recommendation 4 in particular, because that recommendation notes that towing

operators should be required to take a minimum of two photographs at salvage operations and that their invoice should include a detailed description of the work undertaken. I think that is a really good recommendation that should be taken up, because the commission revealed that consumers and stakeholders had commented on the inconsistency and lack of transparency in salvaging-related charging and invoicing in Victoria compared with what occurs in New South Wales.

In New South Wales there are requirements for tow-truck operators to provide standard invoicing that describes the accident towing services performed along with a minimum of two photographs where salvage activities exceeding 30 minutes are required. This enables insurers to assess the validity of those salvage charges. I would like to see that recommendation implemented at some stage. It is becoming quite common for photographs to be produced when there is a dispute over various things. Indeed people with mobile phones now can take photographs.

Some of the things with which the opposition is uncomfortable include the process around the bill. It seems that the major stakeholders were not consulted, and the Baillieu-Ryan government has released no formal response to the Essential Services Commission's review. That has created uncertainty as to whether the recommendations that do not require legislative changes will be accepted. Should they be accepted, the opposition would urge that a review of whether there is a need to regulate accident towing and storage fees in Geelong be conducted by the Essential Services Commission.

The minister has met with the Victorian Automobile Chamber of Commerce (VACC), and that is a good thing. The opposition was concerned that that meeting had not occurred. I understand further consultation will occur in relation to the regulations and the calculation of consumer price index increases. It is my understanding that the VACC represents over 150 licensed towing operators and that it has considerable experience and expertise. The government should take advantage of that experience and expertise when it comes to industry regulation.

The member for Bendigo East raised some issues. We would like to see consultation with the VACC on the transfer of licences, the allocation of those area boundaries and the depot conditions and permits. I just want to say a few words in relation to the transfer of licences. The number of licenses issued in the industry is not fixed, and nobody in Victoria has the power to stop the transfer of tow-truck licenses. Those are areas

of concern. When combined with the review of the allocation area, this may lead to profiteering, which the opposition is very concerned about, through buying low-value licences in regional Victoria and then transferring those licences to an area closer to the current metropolitan area. The member for Bendigo East raised that issue.

We understand that the towing industry is not a heavily unionised industry, but it does have some members and as a courtesy we have had discussions with the Transport Workers Union. It does not have a view on the bill.

In closing, the opposition does not oppose the bill. However, we ask the minister to further consider the areas of concern that I have raised.

Mr ANGUS (Forest Hill) — It is a pleasure to rise this evening in support of the Accident Towing Services Amendment Bill 2011. I want to start my contribution by looking at the purposes of the bill. In general terms, the purpose of the bill is to implement the recommendations of the Essential Services Commission (ESC) in its report entitled *Review of Accident Towing and Storage Fees*, which was released in June 2010. It will also make a number of other changes to improve the operation of the act.

Clause 1 states:

The main purposes of this Act are —

- (a) to amend the Accident Towing Services Act 2007 in order to —

do a range of things including —

- (i) provide for offences relating to the operation of tow trucks and the provision of services relating to the towing, storage and salvage of accident damaged motor vehicles;
- (ii) clarify provisions relating to the suspension of tow truck driver accreditations;
- (iii) regulate charges for salvage services —

and we have heard from other members in relation to that aspect. The bill will also:

- (iv) ensure that charges for accident towing services, motor vehicle storage and salvage are reasonable;
- (v) enable the Essential Services Commission to review charges determined for towing and related services;
- (vi) enable charges determined for towing and related services to be adjusted for CPI —

and we heard a very eloquent dissertation from the member for Rodney in relation to the calculation methodology used within the detailed paragraphs of the bill. The purposes clause concludes:

- (b) to make consequential and related amendments to the Essential Services Commission Act 2001 and the Transport (Compliance and Miscellaneous) Act 1983.

The very detailed purposes of the bill are clearly outlined in this clause.

I want to look at some of the other amendments that will be generated as a result of the bill and highlight a couple of them in my contribution. Firstly, the bill creates a power for the Minister for Roads to determine the charges applicable for basic salvage operations performed by tow trucks. As other members have said, the basic salvage operation is clearly defined in the bill. Secondly, there is a new requirement that any accident towing services, storage or salvage charges which are not determined by the Minister for Roads be reasonable.

Thirdly, there is a new requirement for the Essential Services Commission to undertake a review every four years of the accident towing service charges, storage of accident-damaged vehicle charges and basic salvage charges determined by the Minister for Roads. That is a very important matter which I will come back to shortly. The fourth significant amendment is the provision for the annual adjustment by reference to the relevant component of the consumer price index of all accident towing service charges, storage of accident-damaged vehicle charges and basic salvage charges, which again will be determined by the Minister for Roads.

The bill creates an express power to prescribe the way that salvage operations must be undertaken. It also provides for the authorisation of the storage of towed vehicles in holding yards other than those specified in the authority to tow, provided that those yards are approved for that purpose by VicRoads, and provides a requirement for tow-truck operators to take all reasonable steps to prevent loss of or damage to an accident-damaged vehicle stored by that operator.

Members can see that the bill has a comprehensive range of purposes. Some further reasons for the introduction of the bill include the enhancement of consumer protection in the operation of the vehicle towing and salvage industry. The bill addresses industry concerns by providing for the annual indexation of regulated accident towing charges and a four-yearly review of these charges by the ESC. As I

said, the bill makes comprehensive changes and makes this area of the law far more robust.

The amendments made by the bill reflect and are consistent with the Baillieu government's commitment to a strong governance model and a strong state economy by not allowing these matters to languish but to be dealt with in a timely and appropriate manner. The overall objective of the bill is to ensure that accident towing services are provided in a safe and timely manner. That is an important aspect from the community's perspective because, as other members have noted, anybody in the community who is in need of an accident towing service is vulnerable.

The bill regulates the price of some accident towing services in the Melbourne controlled area — that is, the Melbourne metropolitan and Mornington Peninsula areas. The regulation of charges is very important. We all know the pressures that can be felt when a person is in need of towing services and the stress that surrounds that particular situation. I can well remember in my youth, in the days before stop signs and so on, living in my parents' home, which was on a quite busy corner. There used to be motor vehicle accidents regularly on that corner, and it was not unusual for at least 12 tow trucks to arrive. The drivers would start menacing the motor vehicle drivers with a view to obtaining business for themselves and their panelbeating businesses. It was an extremely stressful situation back in those very old days. Thankfully that has improved, and this bill goes even further to bring about necessary improvements in this particular area of activity in the community.

The regular review of charges is another area that needs to be covered, as it is in the bill before the house. It was neglected by the previous government. I note that the last price review was undertaken in October and that the price has been effective from November 2010. Prior to that there was a price review in 2003. We can see the situation that arose with the languishing of those increases for some seven years. That caused a lot of angst within the community of operators dealing in this sector.

That matter is addressed once and for all through the introduction of the bill. We consider that this activity, like others, needs to be conducted on a commercial basis and the charges need to keep up with the consumer price index. It is very important that we not have delays of some seven years in price reviews as we had under the previous regime.

The recommendations of the Essential Services Commission have been well received and have propelled the bill into this place. It is important that

they are adopted. I strongly support the bill and commend it to the house.

Mr LANGUILLER (Derrimut) — It gives me pleasure to rise tonight to speak in support of the Accident Towing Services Amendment Bill 2011. The purposes of the bill are to amend the Accident Towing Services Act 2007 in order to provide for offences relating to the operation of tow trucks and the provision of services relating to the towing, storage and salvage of accident-damaged motor vehicles; to clarify provisions relating to the suspension of tow-truck driver accreditations; to regulate charges for salvage services; to ensure that charges for accident towing services, motor vehicle storage and salvage are reasonable; to enable the Essential Services Commission to review charges determined for towing and related services; and to enable charges determined for towing and related services to be adjusted in line with the consumer price index.

It gives me pleasure to speak on the bill because while it was introduced by the Baillieu government it is pretty much based on the work that the previous Labor government did. It would be remiss of me not to reminisce and remind the house that the first good work done in relation to the regulation of the tow-truck industry was, as members would remember, carried out by the then Cain government and the then Minister of Transport, Steve Crabb. That was fundamental work in relation to this industry.

Accident towing is the towing of accident-damaged vehicles by a tow truck from an accident scene, and the provision of such services is regulated in Victoria. The Accident Towing Services Act 2007 provides for the licensing by VicRoads of tow trucks, operators and drivers performing accident towing and storage services. The act and the Accident Towing Services Regulations 2008 together provide the regulatory framework for a central accident allocation scheme for towing work within defined boundaries; a licensing regime for tow-truck operators; accreditation requirements for operators, depot managers and drivers; restrictions on conduct; and price regulation of certain services.

Some of us are old enough to remember how the industry worked in the days prior to 1983 when unfortunately it was plagued by poor practices and service delivery. At any accident the victims were regularly — and I think some of us would have experienced this at that time — placed under pressure by the multiple tow-truck drivers attending the scene and competing for the work. They put pressure on the drivers at a very difficult time.

It is fantastic that we have such a tight regime now. As I understand it from the briefings, in other jurisdictions in Australia — New South Wales and the Northern Territory — there are even tighter regulations and regimes, and I welcome that.

A key feature of regulation of the industry was the introduction in 1983 of the accident allocation scheme. I should put on record again the good work done at the time by the Cain government and the then Minister of Transport, Steve Crabb. Under the scheme accidents occurring within a zone are allocated to licensees with depots within that particular zone. The system is designed to ensure that a truck can be despatched to an accident within 30 minutes. I think that is welcomed by consumers and indeed by everybody. It is good practice.

It is important to place on record the good work conducted by the former Minister for Roads and Ports, the member for Tarneit, who asked the Essential Services Commission to review accident towing and storage fees in Victoria. A very comprehensive review was conducted by the Essential Services Commission. I will read from the introduction of the report, written by the chairperson, Dr Ron Ben-David, which contains the key recommendations. The first of those recommendations is that:

all regulated accident towing and storage fees should be increased by 12.5 per cent as soon as possible.

In terms of this recommendation, the base towing fee, which includes the fee for the first 8 kilometres travelled by tow trucks, is currently \$168.45. It is proposed that that fee be increased to \$189.50, which is in effect an increase of \$21.05. The second recommendation is that:

fees should be increased on 1 July each year starting 2011 to account for changes in the consumer price index ...

The member for Rodney provided us with a good and well-articulated explanation for this. I must say he lost me — but never mind, it sounded good. Productivity is exactly what this is about. I concur with the member on that point, if anything. The third recommendation is that:

salvage charges should be regulated and accident towing operators should be required to provide documentary evidence of services performed.

The member on this side of the chamber who contributed before me referred to the importance of having photographs of incidents and accidents that take place.

The final key recommendation is that:

the Victorian government should review the nature and form of regulation to apply to accident towing and storage fees throughout Victoria, including whether there is a need to regulate accident towing and storage fees in Geelong.

The opposition's lead speaker on this bill, the shadow Minister for Roads, the member for Bendigo East, referred to this matter, put it to the government and requested that it be given consideration.

It is important that I place on record that we fundamentally welcome this legislation. Why would we not? We did most of the work. In 1983 another Labor government, the Cain government, put these regulations in place for the first time. Much of the work, including the consultation, the review and the reference provided to the Essential Services Commission, was conducted by the previous Labor government. It appears to me that the current government does not quite get how important it is to talk to people, to talk to the sector and to stakeholders and to hear their views. We do not oppose the bill, but we think it is important that we say to the government, including the minister, that it is important for it to take this sector into account.

The Baillieu government has released no formal response to the Essential Services Commission's review, creating uncertainty as to whether the recommendations that do not require legislative change — that is, recommendations 8 and 9 — will be accepted. I think that is important. I am confident the minister will take the matters that have been raised by the opposition into account and respond to them when summing up the debate on the bill. Should the recommendations be accepted — and this was put on the record simply and clearly by the lead speaker, the shadow Minister for Roads — the opposition would urge a review to be conducted by the Essential Services Commission as to whether there is a need to regulate accident towing and storage fees in Geelong.

In summing up, I say that I am happy to have placed a few comments on the record in relation to the Accident Towing Services Amendment Bill 2011. There are one or two truck drivers in my electorate in Sunshine and St Albans! They all welcome this regulation. They are happy to work within this framework. This legislation introduced by the coalition government responds well to work done by former Labor governments, which did most of the homework. I think it is good that we proceed and continue to tighten up this industry. I commend the bill to the house.

Mr BULL (Gippsland East) — I rise to speak in support of the Accident Towing Services Amendment

Bill 2011. While I will not go into numerical and mathematical data like the member for Rodney did a little earlier in the night, I can say this bill makes good points. It is good to see members from both sides of the house supporting the bill.

This bill implements the recommendations of the Essential Services Commission that are contained in its review of accident towing and storage fees. It regulates accident towing in Victoria by providing that accident towing businesses and drivers must be licensed by VicRoads. This bill is aimed at ensuring that those duties that are undertaken after accidents, including the clearing of debris, salvage towing and the storing of vehicles, are done in a safe and timely manner, as they should be.

The bill regulates the price of some accident towing services in the Melbourne-controlled area to ensure that motorists involved in accidents do not have to pay excessive amounts if they have an accident and need their vehicle towed. This is a very important point for consumers in our society. It has become an issue when fees have had to be negotiated at the scene of an accident because the scheme had no set mechanism to deal with rising costs. It can be a very traumatic time at the scene of an accident, as the member for Forest Hill, who had a very serious accident, explained. This is a critical time, and people need to be looked after.

The accident towing industry has not only borne increased costs without price increases but has also been hampered by a lack of certainty about when price increases should be determined. This bill provides that certainty. The absence of a formal adjustment process has meant that towing operators could be compromised in their ability to recover increased costs. This in turn could have longer term implications for the wider community, because it could threaten the viability of operators and therefore leave holes in service provision within the community.

The Essential Services Commission noted that, at the time of the review, accident towing and storage fees had not increased since 2003. To address this problem the bill introduces the requirement that these charges be reasonable, which I think is fair. It also provides that if an unreasonable charge is made, a court may require the operator to refund a portion of that charge. This will keep operators honest and make sure they continue to do the right thing by the community. This provision, which is consistent with the approach of the Essential Services Commission, will provide protection to consumers. Consumers know they will be charged a fair and reasonable price, and this will be achieved without the introduction of excessive regulation.

Another area dealt with by the bill is salvage services. Currently the act does not prevent tow-truck operators from charging for salvage services and does not regulate the charges that may be levied for those services. It also does not require documentation to justify the charges. This bill addresses those areas of concern.

Given the exclusive rights enjoyed by tow-truck operators in the controlled area outlined earlier, there is the potential that operators attending the scene of an accident could levy excessive salvage charges on consumers and perhaps even levy salvage charges when they are not required. We know that most people in the towing industry are fair, honest and good people, but there have been instances where this good reputation has been tarnished. This is of importance as the affected parties would generally have a limited ability to negotiate with tow-truck operators in the aftermath of an accident.

In dealing with salvage services it is important to distinguish between complex and basic salvage. The member for Rodney gave a great explanation before, but I might be able to do it in simpler terms. Complex salvage involves heavy or more difficult activities that require specialised equipment, including heavy tow trucks, cranes and so on. Basic salvage entails more common, run-of-the-mill salvage. This bill would ensure that basic salvage fees do not fall in real terms over time. They, too, will be subject to the annual indexation and four-yearly Essential Services Commission reviews that will apply to regulated accident towing and storage charges.

The bill provides further protection for consumers in the salvage area by including an express power to make regulations in relation to the conduct of salvage activities. This will enable regulations to be made which will improve salvage operations, including the implementation of the Essential Services Commission requirement that towing operators take at least two photographs at the scene of salvage works. What this will achieve is greater transparency and consistency within the industry, and it will go a long way to making sure the right thing is done. The changes to the salvage regime provide a balance that protects consumers from excessive salvage charges by operators while also enabling towing industry operators to levy reasonable charges over time to make sure their business is a viable proposition.

The bill also responds to industry concerns by reducing the maximum penalty from 60 penalty units to 30 penalty units for failure to renew accreditation under the act where a person was previously accredited under

the act and where that accreditation had not been suspended or cancelled but renewal had inadvertently been overlooked.

This bill will also enable tow-truck operators to store accident-damaged vehicles in secure areas which have been approved by VicRoads. This applies even if those areas have not been specified in the relevant authority-to-tow document but are within a short distance of the place identified in the authority to tow. This is a common-sense change that will benefit the industry.

The bill introduces a number of housekeeping amendments, including changes to simplify terminology in the act, which is pretty basic stuff. It introduces an amendment to ensure that only licensed tow-truck drivers are able to attend accident scenes for the purpose of towing vehicles for commercial gain. Once again we are making a common-sense change.

These are important changes to the legislative regime governing accident towing. They provide for a fair charging regime that balances the concerns of the industry against the concerns of the consumer in a manner that is sensible and achieves common-sense outcomes. I have discussed aspects of this bill with my local towing service operator in Bairnsdale, Brian Casey at G. P. Motors Pty Ltd. He has asked me a lot of questions about the bill.

Ms Allan — Nice plug. Send him a cheerio.

Mr BULL — We have been over a lot of the details of the bill, and he has advised, as the member for Bendigo East would appreciate, that this is a common-sense bill and that he is very happy with all the details in it. I commend the bill to the house.

Mr HERBERT (Eltham) — It is a pleasure to speak on this bill, which continues the good work that has been done by previous Labor governments over a number of years. I do not intend to speak a lot on the bill. The member for Rodney read much of the legislation into *Hansard*, so I will not need to go over that well-trodden ground. I will say that the bill builds on the recommendations of the Essential Services Commission report and enacts legislative recommendations made in that report. However, it needs to be said that there are other recommendations that the government simply has not acted on, which is a pity.

The towing industry is not the most glamorous subject that this Parliament has debated, but it is an industry of great importance as it relates to the safety of motorists on our roads. I do not think anybody in this house

wants to see the industry revert to a cowboy industry that is not properly regulated and does not provide good value for money and quick and efficient services for motorists in distress. That point is highlighted by the very simple fact that in 2009, according to VicRoads, there were something like 13 500 accidents involving injuries or deaths on our roads. Whilst we have brought down the road toll a bit, there were 267 fatal crashes. All of those accidents required quick and efficient tow-truck services to protect road users from further accidents as a result of cars and wreckage being strewn across the roads. These figures demonstrate the dangers of not having an efficient tow-truck service with operators who know what to do when there are accidents and dangers on our roads.

A few weeks ago there was an incident in the Burnley Tunnel, which many people here will be aware of, where three motorists were involved in a relatively minor accident. They were getting out to exchange details when along came a truck that collected one of the cars and threw it into the motorists. They flew across the road, with one of them being wedged between a vehicle and a concrete barrier. It was lucky that all three of them walked away with only cuts and bruises, but it highlights the need for the service that tow-truck operators often provide when they arrive at the scene of an accident in terms of sheltering those involved in the accident from the ongoing flow of traffic, which without good and efficient services can mean that an even worse accident may occur.

I will not say a lot about the bill, but there are a few parallels with my shadow ministerial responsibilities in the teaching profession portfolio. The bill has a number of key factors, one of which is that it extends the minister's power to determine basic salvage fees from time to time. Given the comments of Mr Hall, the Minister responsible for the Teaching Profession, that he would, if he had his way, like to see teachers the highest paid in the state, I think teachers would like the minister to have the power to determine that and would like to not be at the mercy of Treasury and a government administration that is backtracking on its commitments. That is the first similarity.

The bill regulates fees through the Essential Services Commission (ESC) every four years, and we heard the member for Rodney give the complex formula. Importantly, the bill provides for annual indexation from 1 July 2011 of all regulated fees — that is, towing, storage and basic salvage fees — in metropolitan Melbourne. Whilst there is a complex formula for that, the reality is that the formula will result in a rise of perhaps a little more than the consumer price index for each year, which in the March quarter currently sits at

3.3 per cent. That relates to the teaching profession in that teachers were offered 2.5 per cent, while under this legislation tow-truck drivers get 3.3 per cent. I am not saying that tow-truck drivers do not deserve it — they are hardworking people — but so do teachers, police and nurses. It highlights the hypocrisy of the government that we have legislation giving tow-truck drivers more than 3.3 per cent, according to the formula, but hardworking teachers, nurses and police get 2.5 per cent plus productivity.

The ACTING SPEAKER (Dr Sykes) — Order! The member has got his media release out of it; now he will come back to the bill.

Mr HERBERT — I made that point because it is very relevant. There is injustice in how tow-truck drivers are remunerated under this bill compared to other professionals in this state, who are being ripped off.

There are a number of issues in the accident towing industry that are not addressed in this bill but, given the opportunity, could have been addressed by the government — issues such as the power to stop the transfer of tow-truck licences. Currently profiteering is happening whereby people are buying low-value licences in regional Victoria and then transferring those licences to areas close to the current metropolitan Melbourne boundary. It is a profiteering situation that should have been addressed, given the regulatory nature of this bill. The manager of opposition business highlighted very well other deficiencies regarding this bill and the appalling stakeholder consultation that occurred.

No formal response to the ESC's review was issued by the government, and in relation to consultation with peak industry groups the minister had to be dragged kicking and screaming to a meeting with the Victorian Automobile Chamber of Commerce to hear its views on it even though — —

Ms Campbell interjected.

Mr HERBERT — That was after the opposition raised it. It was a shameful situation. When it came to this legislation the government had to be forced to consult with the peak group that represents 150 tow-truck operators. That is quite shameful and an indictment of the sorts of practices we see from the government all too often. Whether it is consultation, FOI requests or even answers in this place to simple questions about the integrity of government, we see a lack of effort and a lack of willingness to engage in conversation and debate. Having said that, I commend

the bill to the house. It has drawn on the previous regulatory reform by the Labor government and continues a system of reform in the tow-truck industry.

Mr WATT (Burwood) — It gives me pleasure to speak on the Accident Towing Services Amendment Bill 2011. It is interesting that the previous speaker said he would not speak much on the bill. I agree that he did not — he spoke on quite a lot of things other than the bill — but I will get to the bill. As has been said by other speakers, the bill will amend the Accident Towing Services Act 2007 to implement certain recommendations made by the Essential Services Commission (ESC) in its review of accident towing and storage fees completed in June last year. The bill will also make other changes to the act to improve its operation.

The act regulates accident towing in Victoria by providing that accident towing businesses and drivers must be licensed by VicRoads. The act also regulates the price of some accident towing services in the controlled area of Melbourne. The purpose of these regulations is to ensure that motorists do not pay excessive amounts to have their vehicles towed. We all know that after having an accident motorists have a limited ability to negotiate towing services. It is quite a traumatic time when you have an accident. The last time I had an unfortunate accident it was quite a traumatic experience. It is traumatic not just for yourself but also for passengers in the car, especially if you have young kids. It is quite a traumatic time, and it is very difficult to negotiate with tow-truck drivers when they arrive.

The most significant amendment the bill will make to the act is the creation of a power for the Minister for Roads to determine the charges applicable for basic salvage operations performed by tow-truck drivers. Other amendments include a requirement that charges not determined by the minister be reasonable. There is also a requirement for the ESC to review charges determined by the minister no later than 30 June 2014 and subsequently every four years. There is a provision for annual adjustment relative to the consumer price index (CPI) to charges determined by the minister. As the member for Rodney said, it is a fairly uncomplicated formula — $A \times B \text{ over } C \text{ minus } D$. I will not go into all that. If anybody wants to know, they can check what the member for Rodney said. I will not go into the detail of that, suffice it to say it is relative to CPI, taking out an adjustment for productivity. The provision for the adjustment relative to CPI will be determined by the minister on 1 July every year.

Other amendments include the power to prescribe the way in which salvage operations should be undertaken and an authorisation for the storage of towed vehicles in holding yards other than those specified in the authority to tow, provided that those yards are approved by VicRoads for that purpose.

There is a requirement for tow-truck operators to take all reasonable steps to prevent loss or damage to a vehicle stored by that operator. I think everybody would agree that if you are going to tow somebody's car, you should actually be looking after it, even if it is already damaged. We do not want to be creating more damage to vehicles. It is already a traumatic time for people when they have had an accident. The bill will also make additional amendments to the act to enhance its operation, including simplifying language and reducing the maximum penalty for driving a tow truck or accompanying the driver of a tow truck where the person has failed to renew their accreditation.

Getting back to the review that the Essential Services Commission is required to undertake, the commission may conduct the review in any manner that it deems appropriate, it may inform itself on any matter it sees fit and it may hold hearings, receive submissions or consult with any person it deems appropriate. When you have an accident, you do not have the ability to negotiate with a tow-truck driver as they arrive to collect your vehicle, and this particular bill will ensure that people are not charged excessive fees for that service. I commend the bill to the house.

Ms CAMPBELL (Pascoe Vale) — In rising to speak on the Accident Towing Services Amendment Bill 2011, I note the contribution made by the shadow Minister for Roads, the member for Bendigo East, and highlight that the opposition will not be opposing the legislation. The purposes of the bill have been outlined by previous speakers. The purposes of the legislation as outlined in the bill are absolutely clear. Just to recap, ever so briefly, the bill provides for offences relating to the operation of tow trucks and the provision of services relating to the towing, storage and salvage of accident-damaged motor vehicles; it clarifies provisions relating to the suspension of tow-truck driver accreditations; it regulates the charges; it ensures that those charges are reasonable; importantly, it enables the Essential Services Commission (ESC) to review charges determined for towing and related services; it enables charges determined for towing and related services to be adjusted by the consumer price index; and it makes consequential and related amendments to the Essential Services Commission Act 2001 and the Transport (Compliance and Miscellaneous) Act 1983.

It is in relation to the Essential Services Commission that I would particularly like to address my comments tonight. I refer the house to the recommendations and findings in the ESC's final report of June 2010 entitled *Review of Accident Towing and Storage Fees*, which as yet has not had a comprehensive reply from the current government. People who are familiar with business — and there are many in this house — would be only too well aware that good management is designed to ensure that an industry is efficient and operates effectively. When there is clarity, certainty and a long-term vision the industry can have confidence in its productivity and financial viability going forward and it is able to plan for the future. It is also plain good manners when it comes to the government providing the Essential Services Commission with an analysis of the recommendations and commentary on what it intends to do with those recommendations. That has been sadly absent.

I contrast that with the fabulous ministers in the former Brumby Labor government. Acting Speaker, I am sure you would be delighted to know that the previous minister, who instigated the Essential Services Commission report, had the opportunity to meet on a number of occasions with the towing industry, the insurance industry and the Insurance Council of Australia and had the benefit of their knowledge. We learnt tonight from the shadow minister that the Victorian Automobile Chamber of Commerce first had the opportunity of discussing this particular piece of legislation, the Accident Towing Services Amendment Bill 2011, when she sat down with them. It was only after the shadow minister spoke with the VACC that the government bothered to give them the courtesy of the opportunity to speak on the legislation. The Brumby and Cain Labor governments were instrumental in the work for the tow-truck industry.

The member for Yuroke talked about her husband and the tow-truck industry and how he managed to have his pocket money well and truly supplemented by being close to the phone at the intersection close to his home. I can only endorse those comments, because years ago my family ran a motor school from our home and we had the towing industry on the two-way radio system. The two-way radio system and the towing operator who shared that channel gave the children in our family a very interesting education in the towing industry.

It is good to see as a result of positive legislation by the Cain government, positive legislation under the Brumby and Bracks regimes and further enhancements by the current Minister for Roads that towing services are being further regulated and being given appropriate fees for the work involved.

I want to finish by endorsing comments made by the shadow Minister for Roads, the member for Bendigo East, and the member for Eltham about the need for the government to finally provide a fulsome response to the Essential Services Commission report of June 2010 entitled *Review of Accident Towing and Storage Fees — Final Report*, so that the industry has some certainty, so that tow-truck drivers know in more detail what their future should entail, and so that those who are unfortunately involved in accidents also have greater certainty.

Before closing I want to compliment the Insurance Council of Australia on its comprehensive work in the towing industry and its work with the previous government. The insurance council is now led by Rob Whelan, who when he worked for one of the insurance companies was absolutely invaluable in making sure that the industry operated more efficiently and that those involved in accidents were adequately cared for at such traumatic times.

Finally, I want to place on the record my appreciation for the work of call centre staff in so many of the insurance companies, who provide those who are often at the scene of an accident with very calm, thoughtful and thorough advice in relation to their insurance policies. I had the opportunity to spend a day in one of the call centres, and it was very heartening that everybody answered the phone with the name of the particular company and asked, 'Are you all right?' This was in contrast to my childhood days listening to that two-way radio, because the last thing any tow-truck driver asked in those days was, 'Are you all right?'. It was close to punch-up, if not literally punch-ups, around the injured parties. Let us hope that we continue to improve the towing industry, that there is more certainty and that the current government picks up at a faster rate the great work that was begun under Labor governments.

Mrs VICTORIA (Bayswater) — It is a great pleasure to rise to speak on the Accident Towing Services Amendment Bill 2011. I think what is being proposed in the house is very logical — and I am so pleased that both sides agree this bill should go through unhindered. A little later I also will recount some of my childhood memories, but the idea is that the Accident Towing Services Act 2007 needed to be amended. In 2010 the Essential Services Commission undertook a review called the *Review of Accident Towing and Storage Fees*. A number of findings within that report, which resulted from the review, are being brought in here by the Baillieu government.

We need to define some of the services being offered, because this bill deals with two particularly different aspects of towing — that is, towing and salvage. The accident towing services generally include things like cleaning up debris and salvage of the vehicle but also the towing and short-term storage of the vehicle. The idea behind this is that it all must be done in a safe and timely manner. In some regions this is being done by rogues — for want of a better word — who will take advantage of people who are in a situation where they are obviously very stressed and who, in some cases, are obviously going to lose their car, which is perhaps their only way of getting to work or getting the kids to school and that sort of thing. Such people are vulnerable, and they basically just want the car towed to a garage or towed to somewhere safe in order for it to get repaired as quickly as possible and get them back on the road.

For some time now a minister has been able to set parameters for those charges, and what we are doing in this bill is saying that we will give some certainty to the tow-truck drivers who have been doing the right thing. For example, it was up to a ministerial council to be able to say when adjustments could be made to those fees, and there was great uncertainty among those tow-truck drivers. And of course the cost of providing a service has increased incrementally each year, but this was not necessarily being reflected in the amount they could then gain as compensation for towing a vehicle. The ministerial determinations were there, but they were not necessarily keeping pace with rising costs. The problem with that situation was that the mechanisms for looking at these determinations were not automated. It happened basically whenever anyone thought of it, or when the minister said, ‘Okay, we haven’t done that for a while’, so it was open to interpretation. As I say, the industry bore a lot of those costs, and that was certainly unfair in an industry which — I will not say operators are not making a good amount of money — is certainly not as competitive as it has been in the past.

I know some members have spoken about remembering the bad old days, and I certainly remember a girl coming into school some 30-plus years ago and holding up a shiny new \$20 note. Of course none of us got anything like that amount of pocket money in those days.

Mr Burgess — It was 1966.

Mrs VICTORIA — It was a matter of getting, you know, \$2 or \$5 a week in pocket money, yet here she had this \$20 that she was very proud of. We said, ‘Where did you get the \$20?’. She was very excited to

say that she had been near a phone booth — a red phone in those days — and had put in her 20 cents and managed to call a tow truck to the scene of an accident — and they were the ones who got there first. So she was handed a really nice little — —

Mr Burgess — Twenty pounds.

Mrs VICTORIA — It wasn’t £20; I’m not that old. It was certainly \$20. But what a great way to make money. The only problem was that those who were first on the scene were the ones who could hand out the \$20, knowing full well that they could charge whatever they wanted to charge. Many operators were quite unscrupulous. The industry certainly needed regulation, and I think the changes made over the years have been good — and what we are doing today is making them even better.

Returning to the review, I point out that the Essential Services Commission report recommended mandatory annual indexation, but it also required the commission to have a look at least every four years at whether a gap had accrued. Even with indexation, the commission had to make sure that there was not some great anomaly or gap in the cost of providing the service and what was able to be charged, and so a little bit reasonable to the service providers.

There is a centralised allocation scheme which allocates accident towing work on a roster basis. The system is there obviously to stop the unscrupulous behaviour that had happened in the past but also to ensure there is a timely arrival of a tow truck to an accident scene, requiring it to be there within 30 minutes.

I looked at the VicRoads website and at the towing allocation boundary. There is that which is regulated and that which is outside, and the outside operators have been asked to provide the services in a reasonable and rational way — again, not to rip people off. When I looked at the towing allocation boundary I saw that it was actually quite large. It covers the whole of metropolitan Melbourne. It goes right out to the west, almost as far as Avalon Airport, and out past Melton. It goes up towards Whittlesea, comes across Diamond Creek to the east and out past Gembrook. It goes down almost as far as Langwarrin and around to Cranbourne and covers the whole of the Mornington Peninsula. So in many of the most highly populated parts of the state the services are controlled, and that is a good thing. The mechanism in the bill which requires that those who are outside that controlled area need to be reasonable in their fees and that those fees can be reviewed if they are ripping people off is a sensible provision for the consumer.

There is a maximum fee that can be charged for towing, salvage and storage. If we look at some of the other jurisdictions we see that New South Wales has the maximum fee, but that it is the only jurisdiction to have that maximum fee. It is interesting that the need was felt to bring that in there. The regulation says that a fee cannot be charged for the salvage of a light motor vehicle involved in an accident that is still at the scene of the accident if the salvage is from a road or road-related area. It also states that the cleaning of glass or debris from the accident scene cannot be charged for separately. That is ultimately incredibly important, because if a car is banged up badly enough that it needs to be towed, it is guaranteed that there will be some clean-up of the road as well, so it needs to be part and parcel.

If we look at what is being done in the Northern Territory we see that the industry is regulated by the Consumer Affairs and Fair Trading Act 2011, and that there is a tow-truck operators code of practice. There are recommended fees for towing services at police-controlled accident sites. The possibility is there for that to happen, but it has not been enacted because it is felt that the industry up there is competitive enough to keep everybody honest, if you like.

In Queensland the Tow Truck Act 1973 looks after the management of and standards for the towing industry. It also has a regulated area, which includes Brisbane, Cairns and Rockhampton, and there are maximum charges for standard towing services in those areas.

In South Australia it is pretty good. It is believed that its reviews should happen quite frequently, and they are mandated for every five years. People are looking for consistency there.

We are introducing some good safeguards for consumers but also, importantly, for tow-truck operators to ensure that their costs are being met and that they can be profitable businesses but without being unscrupulous. What we are doing is fair on everybody. I certainly wish the bill a speedy passage through both houses.

Mr TREZISE (Geelong) — I am also pleased to speak tonight in this debate on the Accident Towing Services Amendment Bill 2011, and in doing so I note that the opposition is not opposing the bill. In fairness to other people who may want to speak, I will talk for a short time and cut to the chase. As other members have noted, most of the recommendations of the Essential Services Commission have been picked up by the government and put into this legislation. However, there are a couple of recommendations that have not

been addressed by the government, and one of them relates directly to my electorate of Geelong. I will talk about that recommendation.

Recommendation 8 of the Essential Services Commission report has not been addressed by the legislation. It relates to the regulation of accident towing and storage in the greater Geelong area. In recommendation 8 the Essential Services Commission said that the Victorian government should review the nature and form of regulation to apply to accident towing storage fees throughout Victoria, including whether there is a need to regulate towing and storage fees in Geelong.

The Geelong region is the only region in Victoria where a self-management scheme operates. As I understand it, and as the name suggests, under the scheme the allocation of tow trucks to an accident is self-managed by the industry in the Geelong area. But unlike in the controlled area that operates in Melbourne, the fees that apply in Geelong are unregulated. In addressing this issue the Essential Services Commission noted that the allocation system was useful in Geelong, as the area has a high level of traffic flow and a significant number of tow-truck operators. But the parliamentary library research brief summarises the Essential Services Commission report as making the important point:

However, as fees are unregulated and consumers are not able to choose their preferred provider, there is a lack of competition and consumer choice.

This observation is of great concern to me as the local member in that region. In noting the situation, the Essential Services Commission went on to recommend that a further review should be undertaken into whether areas like Geelong should have price regulation. Obviously that is an important issue for areas like Geelong. As I said, this legislation obviously does not address this issue, except to say that it is unlawful to charge a price that is 'unreasonable', which is a pretty broad type of statement.

Because the government has to date failed to make its position clear on recommendation 8 in areas like Geelong, the industry itself is left in uncertainty, as are no doubt the consumers who require towing. The government should ensure that recommendations such as recommendation 8, which I have referred to, are addressed with some degree of urgency. I call on the Minister for Roads to look at the situation of regulating fees as it relates to Geelong. With those few words, the opposition does not oppose this bill.

Mr THOMPSON (Sandringham) — In commenting on the Accident Towing Services

Amendment Bill 2011, I can do so in a number of contexts. The first is in the context of road safety. In the last 40 years in Victoria we have seen a remarkable decline in the number of people killed on Victorian roads — from a high in the early 1970s era, approaching 1078 a year or thereabouts, to the toll last year, when the number of people killed on Victorian roads was the lowest on record. Furthermore, there has also been a diminution in the number of accidents on Victorian roads, which has led to a declining market. Forty years ago the towing industry would have been largely unregulated. In the days of 6 o'clock closing, on a wet night there could be a multicar pile-up, and the race would be on for tow-truck drivers to travel from many different directions to try to secure the work. It was a very robust arena.

Australia's most famous tow-truck driver in the last several decades would probably be Darryl Kerrigan of the movie *The Castle*. He was the man who had the philosophy that successful fishing was 10 per cent brains, 95 per cent muscle, and the rest was just good luck. That may have been how the industry operated a little bit as well. That is a pretty accurate quote. An element of that philosophy applied to truck operations as well — there was a lot of muscle as people endeavoured to work their way through the accident scene and gain consents and authorities to drive vehicles away to be stored. Sometimes the yards might have been a long way away, so both the salvage costs and the storage costs were high.

Members have commented on a range of provisions in the bill before us today, but the ones I wish to focus on initially are the offences provisions. New section 212I under division 4, which is inserted by clause 18 of the bill, stipulates that it is an offence to charge an unreasonable sum or a sum different to the charge determined under section 211. I am referring to page 19 of the bill. This section goes on further to note that:

- (1) A person must not charge an amount for the provision of an accident towing service, for the storage of an accident damaged motor vehicle or for the provision of salvage services unless —
 - (a) if a determination for the service has been made under section 211 ...
 - (b) if no determination for the service has been made under section 211, the charge is a reasonable charge for the provision of that service.

People could often find themselves incurring an expensive cost for the storage of a vehicle that is disproportionate to the real cost to the person storing it. There has been a development in motor vehicle wrecker yards in more recent years with multilevel

stacking and storage that has better utilised the space available. A moderated level of wisdom and reason has been incorporated into the storage of vehicles, and charges have to be reasonable.

The next offence I want to focus on is one on page 20 of the bill — that is, new section 212J under division 4, which is inserted by clause 18 of the bill and states:

212J Offence to pay for obtaining work in respect of accident damaged motor vehicle

A person must not, so as to obtain any work in respect of an accident damaged motor vehicle, offer to pay any consideration, other than any charges for the towing or storage of the motor vehicle charged in accordance with this Act.

Again there is this notion of precluding a subindustry from being established whereby there would be other charges and people endeavouring to profit from an area that does not relate to the immediate task required to be undertaken. In this new section it is clearly noted that it will be an offence to pay for obtaining work by other parties in respect of accident-damaged motor vehicles.

The final offence I wish to comment on is the one outlined under new section 212K under division 4, which is inserted by clause 18 of the bill, under the heading 'Offence to pay for handing over work in respect of accident damaged motor vehicle'. It goes on to state expressly that:

A person must not, so as to hand over any work to another in respect of an accident damaged motor vehicle, receive any consideration, other than any charges for the towing or storage of the motor vehicle charged in accordance with this Act.

There is an attempt to regulate activities that have caused some angst, pain and hardship in the community in days gone by.

Overall, with the improvements in road safety laws in Victoria — drink-driving laws, seatbelt laws and random drug test laws — along with improvements in vehicle safety and road design and the use of air bags, there has been not only a decrease in the number of people killed on Victorian roads but also a decrease in the number of people who have been injured. In addition, there has been a reduction in the volume of repair work being undertaken, despite an increase in the number of vehicles on Victorian roads with the increase in population.

The bill before the house is a good one. It will further regulate and strengthen the operation of the industry. Noting that paragon of tow-truck drivers, Darryl Kerrigan, there is the element of fairness. The writers of

the film *The Castle* had a view that Australian life had been portrayed in a negative way, and they did not want there to be this bleak view of Australians. The livelihood of the lead character in the film was that of a tow-truck driver as he provided for his family. His wife, Sal, was a great cook. There was a fairness that pervaded the street just by the airport where he lived, and I trust that this legislation will bring about a similar level of fairness for the tow-truck industry in Victoria.

The ACTING SPEAKER (Dr Sykes) — Order! The member for Narre Warren North, who was slow out of the box.

Mr DONNELLAN (Narre Warren North) — Yes, slow out of the box but always here and always desirous of speaking. It is an honour today to speak on the Accident Towing Services Amendment Bill 2011.

The ACTING SPEAKER (Dr Sykes) — Order! It had better be worth waiting for.

Mr DONNELLAN — We will just have to wait and see, won't we?

The key provisions in this bill relate to the cost of accident towing and related services. The bill extends the minister's power to determine basic salvage fees. It will not deal with complex salvage fees; they are a little more difficult. The bill provides for annual indexation, from 1 July 2011, of all regulated fees — that is, accident towing, storage and basic salvage fees — in metropolitan Melbourne. It also requires the Essential Services Commission (ESC) to review the regulated fees every four years and requires non-regulated fees — that is, those outside metropolitan Melbourne — and complex salvage fees to be reasonable.

The bill is the result of the ESC's inquiry into the industry. I note that at this stage the government has not made a formal response to the commission's report. We would hope it would in the future, but at this stage I guess we will have to take the bill as its formal response. I note that as well as this lack of a formal response, the government also omitted to talk to the VACC (Victorian Automobile Chamber of Commerce). It has now talked to that body, but I would have thought that the industry body would be the first the government thought of, having dealt with it for many years in relation to smash repairers and the like. I understand the VACC represents about 150 tow-truck operators, and I would have thought that when the bill was being put together that would have been one of the bodies the government would have talked to.

Going back some time, in 1983 the accident allocation scheme was introduced for the tow-truck industry. This

was to ensure not only fairness in the allocation of jobs but also that cars could be picked up within 30 minutes. I think that provided a fair and level playing field for all tow-truck operations. I looked at some of the Essential Services Commission's recommendations, one of which was the proposition that salvage operations be properly charged — in other words, tow-truck operators would not be able to get there and say, 'We did this much work, and we are going to charge \$500 for pulling the car out of a ditch'. I understand that photographs are required to be taken so that insurance companies and individuals involved in an accident are not ripped off, which is definitely a move forward.

I have a concern about the regulation of the industry. If you are going to regulate an industry, you need to make sure you do not diminish competition. Further, you need to make sure you provide a level playing field. In relation to this, there is the issue of boundaries and the transfer of licences from regional areas to the city, which is probably an omission from the bill. Hopefully it will be dealt with at a later date if such behaviour results from the government not having covered the issue. People would be able to buy a tow-truck licence in a regional area quite cheaply relative to one in the city — because as there are more cars in the city there are more accidents and probably a more profitable tow-truck operation. It would be concerning if tow-truck operators were able to buy licences cheaply in the regions and transfer them to start operations in Melbourne. If that happened, the bill definitely would not provide all people with a level playing field.

I note the stories of other members that in the past people in the tow-truck industry were very aggressive in the way they pursued jobs. I do not think it is an urban myth. Because the competition was so intense when I was a young man, which was a long time ago, probably 35 years ago, if you spotted an accident and rang a tow-truck business, they could afford to pay the spotter 50 bucks. You would hope that that level of aggressiveness was not brought back into the industry. My suspicion is that if people were able to purchase a licence in a regional area and start operations in the city, that would be the result and the industry would potentially go back to the bad old days. That issue needs to be dealt with. If regulations are to be introduced, they have to be consistent across the board. The government cannot diminish competition but must ensure that everybody has an equal chance. Under this bill people may not have an equal chance. I encourage the government to address that issue to ensure that at a later date the issue is addressed. With that short contribution, I commend the bill to the house.

Ms McLEISH (Seymour) — I rise to speak in support of the Accident Towing Services Amendment Bill 2011, and I am pleased to be able to make a contribution to the debate. As members have heard already, this bill amends the Accident Towing Services Act 2007. In particular it implements some of the recommendations put forward by the Essential Services Commission in its two-volume report entitled *Review of Accident Towing and Storage Fees* that was released in the middle of last year. At the time it appeared that no action was taken.

It is important to stop and recognise that towing services need to be provided in a safe and timely manner. These services are a little bit more than just putting a car on the back of a tow truck. There is the cleaning up of debris and salvage operations — and sometimes those operations can be quite complex — as well as the actual towing and storage of the vehicles. A number of players are involved, including the tow-truck driver and the person requiring the service. We need to be aware that a person who has had an accident is in a very stressful situation and needs to be provided with a service that will meet their needs and clear away their car and any debris as quickly as possible. We also need to remember that tow-truck drivers are operating in an industry and need to make a living as well. This is very much about making sure that we are providing a fair deal, that we are looking after consumers and at the same time making sure that tow-truck drivers are reasonably paid.

I refer to the comments made by the member for Eltham, who made quite a song and dance about wages paid to people under different awards. Perhaps he was condemning the current government, but he failed to mention that since 2003 there have not been increases in some of the charges associated with this industry. That has meant a significant fall in the charges in real terms. The opposition may have thought they represent tow-truck drivers, but they definitely let that group down during the previous eight years.

The act regulates charges through ministerial determinations, which is the basis of what I was just referring to. Previously when ministers were required to make determinations, they were done on such an ad hoc, infrequent basis that the industry was going backwards. The Essential Services Commission recommended that the charges be reviewed every four years to realign these charges with the underlying costs of service provision. The Baillieu government has committed to an annual indexation of the charges, which is a good thing and will ensure that these guys will not be forgotten.

I want to talk also about the complexity of the industry and the basic salvage operations. The fee for services within a controlled area will be prescribed, and it is expected that the charges outside those areas will be reasonable. These are not just for the towing services but also for salvage services which are necessary in more complex incidents. The more complex salvage operations involve heavy and more difficult salvage activities. More specialised equipment, including cranes and heavy tow trucks, might be needed. One can imagine a situation where accidents are not cleared quickly and easily, and those operations would be more costly than a basic salvage operation. It is important that these operations are looked at in terms of the type of work that tow-truck drivers are doing both within and outside controlled areas so that the two line up. There is also annual indexation.

Finally, I want to mention some further protections for consumers in this area. The government is concerned about protecting insurers. A number of members have spoken about the minister having the express power to make regulations about the way salvage activities are conducted. Also, towing operators are required to take at least two photographs and include them with an invoice, which provides clarity around the complexity of an accident as well as the type of work that can be expected to be undertaken by a tow-truck driver. That should improve the transparency and consistency involved with invoice practices. It will assist a person who may have been in a distressed state at the time of an accident and who had then been required to call on a tow-truck driver without taking a lot of notice of what happened because they were under stress. That is one avenue which will help to protect consumers.

The other aspect is that tow-truck operators will now have to take care with a person's material possessions that remain in a vehicle at the time of storage to make sure they are looked after and not taken, lost or damaged in any way.

The SPEAKER — Order! The time appointed by sessional orders for me to interrupt business has now arrived. The member may continue her speech when the matter is next before the Chair.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house now adjourns.

Rail: Sydenham line

Ms DUNCAN (Macedon) — The matter I wish to raise is for the attention of the Minister for Public Transport, and I am very pleased that the minister is in the chamber to hear it. The action I seek is for him to give an absolutely ironclad guarantee as a matter of urgency that when the Sydenham line is electrified and the station at Sunbury is upgraded to a premium station — and the other assurance I seek from the minister is that the guarantee extend to the upgrade of the station — it will also be staffed from the first to the last train.

The electrification of the Sydenham line to Sunbury was originally proposed in 1969, but it did not proceed until the previous Labor government was in office and the results of the Eddington report on the east-west link were released in 2008. That report determined that the Victorian government needed to make crucial funding investment decisions that would extend well into the future. At that time the Labor government took the initiative to do just that, as it understood that you need to invest in infrastructure if you want to improve the capacity of our trains. The Eddington report contained a recommendation that the Victorian government should continue to make better use of the existing network to increase capacity, including commencing work on the electrification of the network to Sunbury to boost services on the Sydenham line.

While record patronage growth has been experienced across the metropolitan rail network, it has been particularly strong on the Sydenham line. Electrifying the line to Sunbury will allow provision for more peak-hour metropolitan services for a growing local community; it will carry an additional 3000 people. As part of the electrification project both Diggers Rest and Sunbury stations and car parks are to be upgraded. Diggers Rest station will be refurbished and will comply with the provisions of the Commonwealth Disability Discrimination Act 1992. It will include a new park-and-ride facility which will provide an additional 550 car parking spaces. This will also benefit people in Sunbury, who see an increase in the number of car parking spaces at their station. The upgrade to Sunbury station will include the refurbishment of the existing waiting rooms, the installation of security cameras, improved station and platform lighting and, importantly, an increase in the number of station staff.

This is an important project for Sunbury. The minister has previously given guarantees to the Public Transport Users Association that a number of stations — in fact about 20 — will be upgraded, but we know when the last budget was released there were no provisions for these upgrades or for the staffing that would follow. We know the \$55 million that the previous government had allocated is no longer to be seen. This money will be used to support the government's protective services officers initiative, which we know is already over budget. I ask that the minister ensure that Sunbury does not suffer the same fate as the other 20 stations and that he guarantee this upgrade — —

The SPEAKER — Order! The member's time has expired!

Planning: sale of green wedge produce

Mrs FYFFE (Evelyn) — My request for action is directed to the Minister for Planning. I ask the minister to review the planning schemes in the green wedge zone to allow for value-added product. I wrote to the minister on this topic recently.

Under current legislation farmers and growers are permitted to sell their produce from the farm gate. In the Yarra Valley we have apples, cherries and strawberries — to name just a few products — sold from where they are grown. Unfortunately with the standards set by the supermarkets, large quantities of very good fruit that may have only a slight blemish are rejected. Farmers and growers are not allowed to value-add to these — that is, turn them into jams, sauces or pies and so on — and sell them from the farm gate.

The ban is appropriate in stopping industrial-scale operations from occurring in green wedge zones, yet it also bans very small set-ups, which would add to the tourist attractions in the area. This rejection of fruit by the supermarkets means a huge loss of profit for our hardworking growers. Growing the produce involves a lot of hard work and a lot of money spent on picking. If produce is rejected for not being red enough or for having a spot, it has to be dumped, unless farmers and growers are lucky enough to be able to participate in a farmers market. Unfortunately the opportunities are limited and it takes a lot of time to do that. If growers were allowed to sell value-added produce, farms and orchards would become much more profitable businesses. The current practice is not only a terrible waste of food but also a severe economic inefficiency in producing food only to throw it away.

The current legislation could also be said to be contradictory in that wineries can turn their grapes into wine and sell that value-added product at their gate. They can also purchase grapes from an adjacent vineyard or a vineyard in the region, or even a vineyard outside their region, turn them into wine and sell that from their property. Other growers are not allowed to do that — for instance, you cannot juice your apple seconds and sell the juice from your property. The potential benefits of allowing farmers to sell juices, jams, pies and cakes from their farm gates would be vast. In past years wine has turned the Yarra Valley into the premier tourist destination in Victoria. If we could find a way to allow the cherries, apples, pears, strawberries and other produce to be value-added, just like grapes, the tourism industry in the valley and elsewhere in Victoria could undergo another boom, creating wealth and jobs for the community. This applies not only to the Yarra Valley but also to other areas where we have excellent growers of produce who find it difficult to survive particularly in the markets that are controlled by the major supermarkets.

Floods: city of Casey

Ms GRALEY (Narre Warren South) — My adjournment matter is for the attention of the Minister for Water, and it concerns the capacity of drains in the city of Casey to cope with heavy rainfall, like the rainfall we saw in the summer floods at the start of this year. The action I seek is that the minister ensure that all problem areas identified by Casey City Council and in Melbourne Water's investigation be addressed.

The city of Casey, but in particular the area covered by my electorate, is still recovering following the summer floods. At the time, roads and schools were closed and people left their homes. The effects of the floods are still being felt, with homes in some areas still empty. People are still displaced, and some are still trying to deal with insurance companies that are sometimes unwilling to give flood victims a fair go.

Michele Halsall, a really good, solid worker in my area, has been assisting local residents since the floods hit, and she is now in the process of starting a support group for people still recovering. I say well done to Michele. She reports that flood victims have sometimes found the applications for financial assistance confusing and difficult to fill out, so there is obviously room for improvement on the part of government and the departments in this area.

The level of flooding we saw in Casey was unprecedented. However, residents of certain areas were telling me that their streets had flooded several

times in the past. Soon after the floods, Troy Rasiah of Narre Warren contacted me to say it was the fourth time in five months that Golf Links Road had been flooded and left inaccessible. I received several other concerns about that particular area, including from residents who contacted me well before the summer floods.

Golf Links Road and Narre Warren-Cranbourne Road in Narre Warren are in one of 11 problem areas that Casey council has referred to Melbourne Water. The others are Rachel Drive, Cranbourne North; Shrives Road and Centre Road, Narre Warren; Waverley Park Drive and Huon Park Road, Cranbourne North; Valley Fair Drive, Narre Warren; River Gum Creek Reserve, Hampton Park; Mary Street, Hampton Park; Paterson Drive, Lynbrook; Tinks Road and Josephine Avenue, Narre Warren; Homestead Road and Centre Road, Berwick; and Rimfire Drive, Hallam. The council has requested that Melbourne Water provide plans to improve drainage to prevent flooding at these locations.

The community does not accept that this flooding was a 1-in-100-year event, as certain areas in Casey flood regularly. I understand that Melbourne Water's investigation will conclude sometime in July. The residents of Casey expect the problems to be fixed. Given the anguish that so many of them have experienced, I strongly believe they deserve a quick and comprehensive response. I ask that the Minister for Water ensure that all problem areas identified by Casey council and in Melbourne Water's investigation be addressed.

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

Agriculture: Morwell electorate

Mr NORTHE (Morwell) — I seek an action from the Minister for Agriculture and Food Security. It is for the minister to visit the Morwell electorate to discuss state government initiatives that will assist the agriculture sector in our region.

One might perceive that agriculture is not a major player in the Morwell electorate, but it is. One may have that perception when comparing it with the energy and manufacturing industries in my electorate; however, agriculture is certainly a major player as well. For evidence of that, one need only look at certain communities in the electorate such as Cowwarr in the Heyfield district, which has a very strong dairy sector, and Toongabbie, where there are a number of sheep farms. Members of the Anton family, for example, are prominent farmers in that region. In the Hazelwood

district and in Traralgon South, the Black family is very well known in the sheep industry. Communities such as Callignee, Yinnar, Boolarra and Flynn are prominent in the dairy sector.

As we know, agriculture is an important asset in these rural communities. In fact if you took agriculture away from these smaller communities, they would struggle. Agriculture is a very strong sector in our community. If you look at the figures for the agriculture, forestry and fishing sector in Latrobe city, you see that the output in the last financial year was somewhere in the vicinity of \$177 million. It represents in excess of 600 jobs in the agricultural sector in our state. If one looks at the land in Latrobe city, one sees that approximately 30 per cent of it is used for agricultural purposes, and that gives some indication of the importance of the sector.

Whilst the state government and the minister have introduced some significant initiatives that have been embraced by the farming communities, it must be said that there are many challenges, whether they be smart meters, a carbon tax, conflict between coal reserves and agricultural reserves, or land valuations. I know our community is strongly supportive of the notion of supporting young farmers to get into the industry and also of the farm debt mediation scheme, which was announced today and will certainly provide some encouragement to our farmers. I call on the minister to visit our region as a matter of urgency.

You Yangs Regional Park: closure

Mr EREN (Lara) — I wish to raise an urgent matter for the attention of the Minister for Environment and Climate Change. The action I seek from the minister is that he immediately take whatever measures are necessary to reopen to the public the You Yangs Regional Park in my electorate of Lara.

Since February the park has been closed due to major flood recovery works. Back then the Premier announced that funding would be provided to have the You Yangs reopened. When announcing those funds he said that the works were urgent and would be completed by Easter. That was almost three months ago. It is well and good for the Premier to encourage all Victorians to 'get behind the tourism operators this Easter, and provide a much-needed economic boost to our flood-affected businesses', but Easter is well and truly gone — it was many months ago in fact — and the You Yangs are still not open to the public.

At about the same time, the Grampians National Park and areas of Wilsons Promontory were also affected by floods but, as I understand it, they have reopened their

doors to visitors, while the You Yangs, for some reason, have been missing out. The closure has had a huge effect on many of my residents as well as visitors to the area.

Mountain bike riding is very popular in the You Yangs, and I have spoken to many avid cyclists who are very disappointed at the long delays and postponed events. This is costing potentially thousands of dollars for the townships of Lara and Little River which very much depend on tourist dollars. The area has been called a mecca for mountain bike riding, and many thousands of people visit the park. It is getting rave reviews all over the internet. People are saying how wonderful that park is for mountain bike riding. But it is not just the bike riders; it is walkers, horseriders and rock climbers who also have had to go elsewhere because these frequent users have been unable to access the park, and the townships that are close by are losing valuable tourist dollars.

The government needs to act quickly to do what is needed to reopen the vitally important tourist attraction which is the You Yangs. The Premier promised it would be open by Easter, and unfortunately for the electorate of Lara, that was yet again a promise broken by this lazy Baillieu government. Again I ask the Minister for Environment and Climate Change to honour the commitment made by his Premier and take whatever measures are necessary to reopen to the public the You Yangs Regional Park in my electorate of Lara.

Berwick: commemorative statue

Mr BATTIN (Gembrook) — I call on the Minister for Multicultural Affairs and Citizenship to visit my electorate and provide funding for a statue in our main street. I support the application to the Victorian Multicultural Commission by the Australian Hellenic Organisation in support of the Olympic Spirit, and I believe this application is an ideal candidate for the community grants program. I encourage the minister to look favourably on the application to erect a statue of Olympic great Spyridon Louis in High Street, Berwick, as a symbol of the friendship between Australia and Greece. This application has been ongoing for many years, and I understand the City of Casey has been very supportive of it for the many years it has been around.

I would like to talk a bit about the two statues — the one of Edwin Flack that is currently in High Street and the new one we hope to see erected in the near future. Edwin Harold 'Teddy' Flack was born on 5 November 1873 and died on 10 January 1935. Born in London, Teddy relocated to Berwick at the age of 5. He was an

outstanding tennis player and athlete. Teddy was the first Australian Olympian and only representative from Australia in the 1896 Olympic Games. He competed in the 800 and 1500-metre events, winning both, which was a great effort after travelling from Australia and having only six days on land. He was extremely ill with seasickness and thought this may affect his results. Teddy also competed in the marathon, which I will talk about shortly. There is a bronze statue in High Street, Berwick, to commemorate a true sports champion from our local town.

As I said, the proposed new statue would be of Olympic great, Mr Spyridon Louis, who ran the first Olympic marathon in the 1896 Athens Olympic Games. He won the event against our local athlete, Teddy Flack. The race had 13 Greek runners and 4 runners from other countries. After the 32 kilometres the lead was taken by Teddy Flack. Teddy was not used to running these long distances and collapsed a few kilometres from the finish line. Mr Louis went on to claim victory in the event. Mr Louis's last public appearance was in 1936 to present an olive branch to Adolf Hitler as an offering of peace. I support this application for the erection of a statue, and I call on the minister to fund it to ensure that we continue the ongoing friendship with Greece.

Rail: Hallam station

Mr DONNELLAN (Narre Warren North) — I raise a matter for the Minister for Public Transport. The action I seek is for the minister to provide an upgrade of the Hallam station to premium station standard, including the provision of toilets, staffing from first to last train and improved car parking for residents. The residents of the city of Casey want staff available from the beginning to the end of the daily train service for ticket sales, including concession cards and V/Line tickets, the answering of customer queries and the general running of the station, including bookings for bicycle locker hire. We also want a high standard of passenger amenities such as open male, female and disabled toilets; closed-circuit TV cameras; bright lighting; bicycle cages and lockers; and an enclosed waiting room at some stations. That is what the residents of the city of Casey want and expect.

In recent years the previous government doubled the parking at this station, costing some \$2 million, but more needs to be done. We also doubled the car parking at the Berwick station, and people are very happy about that. I have also had requests for a bus service from Endeavour Hills to Hallam station, which I have previously written to the minister about. The Hallam station is the only station servicing my

electorate — and it is not a premium station. We upgraded all other stations in the area during the period in office of the last government, including the Narre Warren and Berwick stations. I am very happy that we now have toilets at Berwick and Narre Warren stations, following their upgrading to premium stations, and this will certainly help the current government with its protective services officer (PSO) piddle problem. I did not want our local police to have to run a service every few hours to collect PSOs for a piddle. It would not be a good use of their time.

I know the Hallam station needs toilets, and I encourage the minister to consider upgrading that station to a premium station so that the facilities will meet the public's expectations and so that the PSOs, if they turn up to Hallam, will have a reasonably comfortable time. I urge the minister to consider this. It would probably only cost a million dollars. The station is heavily used. Many people park on the roads near the Hallam station, and we do not want those people fined again, as they have been many times before. They need car parking to be available, they need public toilets and they need an upgraded station. I commend my recommendation to the house.

Housing: work and learning centres

Mr NEWTON-BROWN (Pahran) — The matter I wish to raise is directed to the Minister for Housing and Minister for Children and Early Childhood Development. The action I seek is that the minister meet with the board of representatives of the Inner South Community Health Service to consider placing one of the new work and learning centres in the Horace Petty estate in Prahran.

On 3 May this year the minister announced that the government would pilot work and learning centres on public housing sites as part of our commitment to help young people get a job, to reduce their disadvantage and to help make Victoria a fairer place to live. The minister announced on 3 May that five of these work and learning centres would be developed over four years in partnership with the Brotherhood of St Laurence. Each centre will operate for up to three years with over \$4 million in funding to employ staff who will provide public housing tenants with career guidance and job search training. The idea is that co-locating employment and training initiatives on social housing estates will facilitate successful outcomes. The estates in Prahran house high concentrations of unemployed people and people with low levels of education. Locating one of the work and learning centres in Prahran will facilitate employment

and learning opportunities and help break that cycle of disadvantage.

Housing: Heidelberg West

Mr CARBINES (Ivanhoe) — I raise a matter for the attention of the Minister for Housing. The action I seek is for the minister to attend a Heidelberg West Neighbourhood Renewal Steering Committee meeting at the committee IT hub in Heidelberg West. We meet monthly on Thursday afternoons from about 4.30 pm until 6.30 p.m. Those meetings cover a range of issues, and obviously the neighbourhood renewable steering committee includes residents of Heidelberg West, of which I am one, and representatives of a number of agencies such as Banyule City Council, Banyule Community Health Service and other community organisations.

We have been working very hard on a range of initiatives in the Heidelberg West community, particularly concerning the renewal of housing stock and concerns around the maintenance of and access to public housing. We have noticed that over the past couple of years we have been able to do work to rebuild places like Malahang Reserve to make them appropriate for the local community to work there and use the facilities. There has been a range of social housing investment throughout Heidelberg West thanks to the work of the previous Labor government, and the Rudd and Gillard Labor governments federally through Building the Education Revolution.

What we would like to put on the agenda for our meeting with the minister is a range of issues, including the recent GHD Consulting report into the condition of housing stock in Heidelberg West. That report is yet to be released by the government — a report we would like to discuss with the minister and be briefed on. We would also like to have a discussion about a recent Somali housing forum and some of the concerns that were raised by the local community in relation to the housing needs of the Somali community. We would like to ask the government what its plans are for investment in public housing, particularly around Perth Street, just up the road from where I live, and a number of other housing estates and vacant land in Heidelberg West. The northern region of the Office of Housing does not have the required funds to invest in new housing stock on these sites. There is nothing in the budget for the office to be able to increase housing stock in Heidelberg West.

We are seeing the wash-through of a number of projects that have been funded by the commonwealth in conjunction with the previous Labor government. What

we would like to see is the Baillieu government's plan to invest in and improve public housing stock in Heidelberg West and to respond to the needs of the local community with regard to a number of vacant sites, such as those in Perth Street.

We encourage the minister to come and meet the hardworking committee. It has achieved great gains in the past, and I am sure it will achieve great gains in the future. We are very keen to have the minister meet members of the committee so they can work with her and with the government to continue to improve the lives and aspirations of people living in public housing in Heidelberg West. I look forward to a favourable response from the minister in terms of reporting back to the committee.

Walhalla and mountain rivers region: ministerial visit

Mr BLACKWOOD (Narracan) — I raise a matter for the attention of the Minister for Tourism and Major Events. The action I seek is that the minister visit the Walhalla and mountain rivers region and meet with the Walhalla and Mountain Rivers Tourism Association.

The Walhalla and mountain rivers region is located on the southern edge of the Victorian Alps. It is just over 2 hours travel to the east of Melbourne or 30 minutes travel north of the Latrobe Valley. The region is home to the towns of Erica, Rawson and Walhalla. The region also includes the localities of Moondarra, Coopers Creek and Aberfeldy and the ski resort at Mount Baw Baw, which is Melbourne's closest ski resort. The region is blessed with natural beauty in Baw Baw National Park, Tyers Park and Moondarra State Park, and state forest makes up nearly all of the area other than the towns.

The Walhalla historic township is the jewel not only in the crown of our local area but also in the crowns of Gippsland and Victoria. The mix of the township's beautiful location in a deep mountain valley, its gold-era heritage and the Walhalla goldfields railway gives Walhalla the wow factor that draws people from all over the world to visit Australia's valley of the gods.

Mount Baw Baw alpine resort shares the jewel-in-the-crown status in our area with the Walhalla historic township. Combined, Walhalla and the resort boost visitor numbers to the area, which has a significant positive impact on all of the high-quality tourism attractions in the region. Mount Baw Baw alpine resort makes a significant contribution to the regional economy. Studies show that the resort's year-round operations provide a minimum of 94 jobs

and generate \$7 million per year. Mount Baw Baw alpine resort is acknowledged as one of the winter product leaders, and it is a significant member of Gippsland's tourism community. Winter visitation to Mount Baw Baw has continued to increase over the past 10 years; in fact it grew by 35 per cent between 2009 and 2010.

The summer market is also growing, particularly since the opening of the South Face Road in 2007. The South Face Road has provided a vital link between Mount Baw Baw and the Erica, Rawson and Walhalla townships. It has opened up a tourism loop that has boosted tourism visitation for many towns in the Baw Baw shire as well as Moe in the Latrobe municipality.

All the members of the Walhalla and Mountain Rivers Tourism Association have worked extremely hard and taken significant risks to establish their high-quality tourism businesses. A visit from the Minister for Tourism and Major Events would give them a huge boost in morale and an opportunity to discuss the challenges they face and detail the successes they have achieved. It would also provide another example of the commitment and support the Baillieu government is determined to deliver to regional communities.

Responses

Ms ASHER (Minister for Tourism and Major Events) — The member for Narracan raised a very important matter for my attention. He wishes me to visit the Walhalla and mountain rivers region and meet with the Walhalla and Mountain Rivers Tourism Association. I have been to the member's electorate on many occasions. He is a very strong exponent of the businesses within his electorate. He is well aware that tourism contributes over \$15 billion to the Victorian economy. The example he referred to was Mount Baw Baw's economic contribution to his area of \$7 million per year and at least 94 jobs.

Over the whole of the state tourism creates 185 000 jobs. The member for Narracan has raised the importance of the sector with me on many occasions. I have had the pleasure of visiting his electorate on numerous occasions in the past. I would be delighted to accede to his request and meet with the Walhalla and Mountain Rivers Tourism Association. Whilst I love my football club, I expect I will soon have a lot of spare time on weekends, or if not, on weekdays! I will be delighted to make that visit.

In reference to the township of Walhalla, I am aware of the significant investment in the tourism sector by small business people in Walhalla. They are reliant on

government tourism marketing and on visitation to those regional areas. Similarly the Mount Baw Baw alpine resort is a very important part of the government's ski tourism policy. The member made reference to the resort's popularity during the summer period. Something the government wishes to encourage is that resorts are used in the off-season as well.

I draw the member's attention to some funding in the recent budget for regional tourism. There is a \$1 million funding program directed specifically to regional tourism operators to improve skills and service standards. I am not saying it is necessarily needed in the member's electorate, but it is a very important program to ensure that tourism businesses are competitive in a very tough market. A regional tourism campaign of \$1 million is funded in 2011–12 and 2012–13. The member for Narracan has already achieved funding for the Old Gippsdown heritage park, which is in his electorate. He has been a forceful advocate for tourism and small business in his region.

As I said earlier, I would be delighted to visit the member for Narracan's electorate and meet with the tourism operators there. I think it is important that members of Parliament advocate individual businesses that have invested and risked so much and have provided the foundations of Victoria's economy. I will be delighted to meet with members of the Walhalla and Mountain Rivers Tourism Association. I acknowledge the points that the member for Narracan has already made, and I look forward to that meeting and to my visit as soon as it can be scheduled.

Mr WALSH (Minister for Agriculture and Food Security) — I will respond to the adjournment matter raised for my attention by the member for Morwell. The member for Morwell asked me to visit his electorate and in particular to talk to farmers in that area. As he explained in his contribution, around 30 per cent of the land in his electorate is used for agriculture. Most people think of the Latrobe Valley as being home to the power industry, but there is obviously a very important agricultural sector there as well. I have had the pleasure in the past of going to Yinnar several times for United Dairyfarmers of Victoria dinners when Peter Owen was president of the UDV a number of years ago, so I have been there several times.

An honourable member interjected.

Mr WALSH — They were. It would be a pleasure to come down and visit with him again. I was there recently and we went to Australian Paper, which is also in the member for Morwell's electorate. I had a very good visit there. The industry employs around

1100 people in his electorate and is a great contributor to the primary industry sector there.

We have had some positive discussions about the future supply of timber to Australian Paper in relation to its products, particularly Reflex paper. I must admit that I was bitterly disappointed recently when negotiations that I was having with the Yarra Ranges council had to be terminated because the council decided that it did not want to use Reflex paper.

Mr Wynne — Why was that?

Mr WALSH — I do not know. Australian Paper is produced under Australian forestry standard accreditation. I must admit I was very disappointed that there was the opportunity to create additional jobs at the Yarra Ranges council but because of what it has done — because it does not want to support the industry it was trying to attract — we have had to call off those negotiations.

Australian Paper is one of the great businesses in the member for Morwell's electorate. It will be a pleasure to go down there. Being one of the younger people in this house, the member for Morwell would well know how important it is to attract young people into agriculture. He was asking about what the Baillieu government has done to help attract young people into agriculture. I reinforce to the house the assistance that the Baillieu government has given to young people entering agriculture, particularly when the Premier went up to Serpentine and announced a 50 per cent increase in assistance by the Rural Finance Corporation of Victoria for interest rate subsidies for first farm buyers. I also highlight the announcement the Treasurer made about stamp duty assistance for first farm buyers and the first farm buyers grant. There is money in the budget next year for marketing co-ops —

Mr Wynne interjected.

Mr WALSH — I am answering the member for Morwell about visiting and talking about farming.

The SPEAKER — Order! The minister should ignore interjections from the other side.

Mr WALSH — The member for Morwell would be well aware of the commitment the Baillieu government has made to the Victorian Young Farmers organisation to reinvigorate it and to get more community leaders into our area. It will be a pleasure on Friday night to meet with the Latrobe City Farm Ratepayers Association, a group that I have met with previously as the Victorian Farmers Federation president and a group that is very focused on making sure that the farmers in

the city of Latrobe get a fair deal when it comes to council rates. It will be a pleasure to be there with the member for Morwell to meet with that group this Friday.

The member for Narre Warren South raised with me the capacity of drains in the Casey City Council area to cope with future heavy rainfall events. As the member for Narre Warren South would know very well, the Baillieu government is committed to increasing the use of stormwater and recycled water in the future. On coming into government I appointed a ministerial advisory council to give me advice on how to make sure we utilise stormwater and the recycling of water better in the future. The member for Narre Warren South would also know that if you design the stormwater system well, there is the opportunity to have areas that will store stormwater so private property is not flooded.

Mr Wynne — Can you point to examples of that?

Mr WALSH — I can point to examples of that. There are some very good examples of that. There is the opportunity to design the flood system so it can act with local storages, and those local storages can be used to harvest water for non-drinking purposes such as the watering of sporting ovals and public spaces. I will talk with Melbourne Water about how the drains in the city of Casey can be investigated.

Ms Graley interjected.

Mr WALSH — I am getting a report in July; that will be great. That is not in the notes that I have. It is something I take a great interest in. I think we need to manage our waterways better. If we can reduce the amount of water that goes into the streams in heavy rain events, we can deliver a good outcome for the streams as well. We are focused on how we can manage our stormwater better.

Mr KOTSIRAS (Minister for Multicultural Affairs and Citizenship) — The member for Gembrook raised a matter with me regarding the possible installation of a statue of Spyridon Louis in his electorate. I have also been approached in support of the statue by the members for Mill Park and Dandenong North, and I have received a letter of support from a member for Northern Metropolitan Region in the Council, Jenny Mikakos. I have been advised that Mike Tyler, CEO of the City of Casey, discussed with the former chairperson of the Victorian Multicultural Commission, George Lekakis, on 26 July 2010 a proposal for a statue to be installed in the median strip of High Street. Spyridon, as the member said, won the marathon in the

first modern Olympics in 1896. The VMC also received a request from the Australian Hellenic Organisation in Support of the Olympic Spirit and Ideal for a \$25 000 grant to install a statue of Spyridon Louis next to the statue of Edwin Flack.

I am advised that on 26 July 2010 the former chair of the VMC made an offer of \$25 000 towards the project, subject to the organisation raising the remainder of the funds, and I have received confirmation that the City of Casey was in support of the installation of this statue. I have said before that I will honour all commitments made by the former government, provided that they were made in good faith. I am advised that the total cost of the project is \$42 980. I am happy to visit the electorate and discuss the project with the local member, other members and also the City of Casey, but in the meantime I will seek advice from the VMC on the merits of the application and advise all members who have an interest in this of my decision.

Mr MULDER (Minister for Public Transport) — I respond to an issue raised by the member for Macedon in relation to the Sunbury and Diggers Rest railway stations. The member raised the issue of the status of those stations and commitments by the former Labor government to upgrade those stations to premium status. The member would be well aware that prior to the last state election this issue was debated extensively in the media. The then opposition went to the election with a commitment to put Victoria Police protective services officers (PSOs) at each and every metropolitan and major regional station from 6 o'clock until the last train, seven days a week, and to provide the level of protection Victorians were looking for in their travel on the metropolitan network and also in major regional centres. The election was run and our policies were accepted by the Victorian community, and we intend to go down that path and deliver those commitments.

The member would no doubt be aware, because I have raised this matter in the Parliament on a number of occasions, that it is not just the travelling public but also people who work in the rail environment, particularly those who work at stations, who have been the subject of abuse and assaults in the past. This policy is not just about the travelling public but also about protecting people who work at stations, particularly at night. The debate has been held, and we have been supported in our policy commitment. At this point in time there is not a commitment by our government to proceed with premium stations; our commitment is to provide a higher level of safety at railway stations throughout the network everywhere and anywhere you travel at night there will be a very strong Victoria Police protective services officer presence at particular stations.

The member rightly raised issues in relation to the electrification project at Sunbury, and I recall very well prior to the last state election the member for Macedon doing the progressive barn dance — three steps forward, two steps back — in supporting V/Line but not electrification and then electrification but not V/Line. She was trying to balance the various interests in her electorate in terms of who she was and who she was not supporting. Nevertheless, this government will deliver the Sunbury electrification and the South Morang rail extension.

Irrespective of the massive blow-out in relation to the regional rail link project, we will also deliver that project for both metropolitan Melbourne and regional Victoria. That will have a significant impact on the Sydenham and Craigieburn lines. Additional services will be provided as a result of these projects, and I trust and hope that this time round there will also be a change to the train timetable as we roll out the additional services. I hope the opposition does not play politics with that — screaming, yelling, carping, whingeing and moaning about the additional services that will be provided and the changes to the timetable as a result.

I am prepared to have a look at those stations once these additional projects, including the Sunbury electrification, are up and running and to see whether or not there are opportunities to make some improvements to them. However, as I have said quite clearly, our commitment at this point in time is to improve safety across the metropolitan network and major regional stations, particularly for people who want to travel at night. Railway stations will become safe havens. Anybody who goes to a metropolitan or major regional railway station at night will know they are in a very safe environment.

The member for Narre Warren North raised an issue with me in relation to the Hallam station which highlighted the fact that over the last 11 years the station was neglected by the former Labor government. The member raised issues including the upgrading of car parking and toilet facilities at the station. I understand there is probably a degree of embarrassment for the member in that he stood up here within a matter of months of losing government and failed to recognise that he had had many years as a local member to do something about it but failed to do so. Now he has turned up in opposition and asked, 'What about it?'

Once again I point out to the member for Narre Warren North the commitment made by the coalition prior to the election that we will deliver for the people of Hallam, including our policy of making railway stations

in the metropolitan area of Melbourne safe havens for people who use them at night. Yes, there are issues in relation to car parking and upgrades to car parks, and we will look at individual stations across the metropolitan area to see what improvements can be delivered. We will take those concerns on board.

I will seek information from the department in relation to Hallam station, particularly in relation to car parking facilities, but I point out to the member that, if I were the member for Narre Warren North, I would be going out, selling the government's commitment and policy to make railway stations safe havens and pointing out to his community that as a result of the PSO policy that will be delivered by the coalition government Hallam station will be viewed as one of the safest places to be. One of the most important policy decisions across the metropolitan area is that after 6 o'clock at night the safest place to be will be a metropolitan railway station. If he wants to win votes in his electorate and if he wants to curry favour with his constituents, he should go out there at 6 o'clock at night, talk to the PSOs once they are allocated to stations and promote the policy to his local community.

Mr R. SMITH (Minister for Environment and Climate Change) — I rise to respond to the member for Lara, who asked me to ensure that the You Yangs Regional Park is opened. The You Yangs Regional Park was closed after the heavy rains we had in January, which washed away some roads and tracks and also exposed extensive areas of asbestos in about 90 locations throughout the park. The member clearly has an issue with the park taking a little longer to open than we originally thought. I am sure the member would not want the government to compromise the safety of Victorians by allowing people into the park while asbestos is exposed. The government has already spent \$1.5 million on restoring the tracks and paths that were damaged after the rains. The work has involved the removal of about 80 tonnes of asbestos, and that took some time. With a little more grace than the member for Lara has shown, locals have pitched in and helped to repair those tracks and pathways, and I think that is quite outstanding.

I am advised that the You Yangs Regional Park will be opening in the next couple of weeks. In saying so, I wonder why the member for Lara is not taking a big interest in his area or reading his local publications. Just last Friday the *Geelong Independent* had a very-well-written article headlined 'Lara's You Yangs "about to reopen"'. You would think that, if he had opened the paper — it came out on 24 June, just last week — and read this comprehensive article by Erin

Pearson, he might understand that all the details he is after are in this article.

The SPEAKER — Order! The minister is not to use props and should put the article down.

Mr R. SMITH — If he opens the paper, has a look and reads this very good article, he might understand what is going on in his electorate instead of coming in here and asking the government questions the answers to which are clearly detailed in publications in his own electorate. I am pleased to respond to the member in that regard by saying that the park will be opened. We did not want — —

Mr Eren — When?

Mr R. SMITH — In the next couple of weeks, if the member would listen. Labor members still have not learnt to listen, even after the last state election. The member still has not learnt to listen. He needs to listen.

Mr Eren interjected.

Mr R. SMITH — We did not want to compromise people's safety with asbestos. Dear, oh, dear!

Having responded to the member for Lara, I will pass on to the Minister for Planning the issue raised by the member for Evelyn regarding reviewing planning in the green wedges.

I will also pass on the requests to the Minister for Housing from the members for Prahran and Ivanhoe. From the member for Prahran the request was to meet with the Inner South Community Health Service and from the member for Ivanhoe to meet with the committee of management of Heidelberg West Neighbourhood Renewal.

The SPEAKER — Order! The house stands adjourned until 9.30 tomorrow morning.

House adjourned 10.50 p.m.

