

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

**LEGISLATIVE ASSEMBLY
FIFTY-SEVENTH PARLIAMENT
FIRST SESSION**

Thursday, 13 October 2011

(Extract from book 14)

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

By authority of the Victorian Government Printer

The Governor

The Honourable ALEX CHERNOV, AO, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

Premier and Minister for the Arts	The Hon. E. N. Baillieu, MP
Deputy Premier, Minister for Police and Emergency Services, Minister for Bushfire Response, and Minister for Regional and Rural Development.	The Hon. P. J. Ryan, MP
Treasurer	The Hon. K. A. Wells, MP
Minister for Innovation, Services and Small Business, and Minister for Tourism and Major Events	The Hon. Louise Asher, MP
Attorney-General and Minister for Finance	The Hon. R. W. Clark, MP
Minister for Employment and Industrial Relations, and Minister for Manufacturing, Exports and Trade	The Hon. R. A. G. Dalla-Riva, MLC
Minister for Health and Minister for Ageing	The Hon. D. M. Davis, MLC
Minister for Sport and Recreation, and Minister for Veterans' Affairs	The Hon. H. F. Delahunty, MP
Minister for Education	The Hon. M. F. Dixon, MP
Minister for Planning	The Hon. M. J. Guy, MLC
Minister for Higher Education and Skills, and Minister responsible for the Teaching Profession	The Hon. P. R. Hall, MLC
Minister for Multicultural Affairs and Citizenship	The Hon. N. Kotsiras, MP
Minister for Housing, and Minister for Children and Early Childhood Development.	The Hon. W. A. Lovell, MLC
Minister for Corrections, Minister for Crime Prevention and Minister responsible for the establishment of an anti-corruption commission	The Hon. A. J. McIntosh, MP
Minister for Public Transport and Minister for Roads	The Hon. T. W. Mulder, MP
Minister for Ports, Minister for Major Projects, Minister for Regional Cities and Minister for Racing	The Hon. D. V. Napthine, MP
Minister for Gaming, Minister for Consumer Affairs, and Minister for Energy and Resources	The Hon. M. A. O'Brien, MP
Minister for Local Government and Minister for Aboriginal Affairs.	The Hon. E. J. Powell, MP
Assistant Treasurer, Minister for Technology and Minister responsible for the Aviation Industry	The Hon. G. K. Rich-Phillips, MLC
Minister for Environment and Climate Change, and Minister for Youth Affairs	The Hon. R. Smith, MP
Minister for Agriculture and Food Security, and Minister for Water.	The Hon. P. L. Walsh, MP
Minister for Mental Health, Minister for Women's Affairs and Minister for Community Services	The Hon. M. L. N. Wooldridge, MP
Cabinet Secretary	Mr D. J. Hodgett, MP

Legislative Assembly committees

Privileges Committee — Ms Barker, Mr Clark, Ms Green, Mr McIntosh, Mr Morris, Dr Napthine, Mr Nardella, Mr Pandazopoulos and Mr Walsh.

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

Joint committees

Dispute Resolution Committee — (*Assembly*): Ms Allan, Mr Clark, Ms Hennessy, Mr Holding, Mr McIntosh, Dr Napthine and Mr Walsh. (*Council*): Mr D. Davis, Mr Hall, Mr Lenders, Ms Lovell and Ms Pennicuik.

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

Economic Development and Infrastructure Committee — (*Assembly*): Mr Burgess, Mr Foley, Mr Noonan and Mr Shaw. (*Council*): Mrs Peulich.

Education and Training Committee — (*Assembly*): Mr Crisp, Ms Miller and Mr Southwick. (*Council*): Mr Elasmarr and Ms Tierney.

Electoral Matters Committee — (*Assembly*): Ms Ryall and Mrs Victoria. (*Council*): Mr Finn, Mr Somyurek and Mr Tarlamis.

Environment and Natural Resources Committee — (*Assembly*): Mr Bull, Ms Duncan, Mr Pandazopoulos and Ms Wreford. (*Council*): Mr Koch.

Family and Community Development Committee — (*Assembly*): Mrs Bauer, Ms Halfpenny, Mr McGuire and Mr Wakeling. (*Council*): Mrs Coote and Ms Crozier.

House Committee — (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Ms Campbell, Mrs Fyffe, Ms Graley, Mr Wakeling and Mr Weller. (*Council*): The President (*ex officio*), Mr Drum, Mr Eideh, Mr Finn, Ms Hartland, and Mr P. Davis.

Law Reform Committee — (*Assembly*): Mr Carbines, Ms Garrett, Mr Newton-Brown and Mr Northe. (*Council*): Mrs Petrovich.

Outer Suburban/Interface Services and Development Committee — (*Assembly*): Ms Graley, Ms Hutchins and Ms McLeish. (*Council*): Mrs Kronberg and Mr Ondarchie.

Public Accounts and Estimates Committee — (*Assembly*): Mr Angus, Ms Hennessey, Mr Morris and Mr Scott. (*Council*): Mr P. Davis, Mr O'Brien and Mr Pakula.

Road Safety Committee — (*Assembly*): Mr Languiller, Mr Perera, Mr Tilley and Mr Thompson. (*Council*): Mr Elsbury.

Rural and Regional Committee — (*Assembly*): Mr Howard, Mr Katos, Mr Trezise and Mr Weller. (*Council*): Mr Drum.

Scrutiny of Acts and Regulations Committee — (*Assembly*): Ms Campbell, Mr Eren, Mr Gidley, Mr Nardella and Mr Watt. (*Council*): Mr O'Brien and Mr O'Donohue.

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE ASSEMBLY
FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. K. M. SMITH

Deputy Speaker: Mrs C. A. FYFFE

Acting Speakers: Ms Beattie, Mr Blackwood, Mr Burgess, Ms Campbell, Mr Eren, Mr Languiller, Mr Morris, Mr Nardella, Mr Northe, Mr Pandazopoulos, Dr Sykes, Mr Thompson, Mr Tilley, Mrs Victoria and Mr Weller.

Leader of the Parliamentary Liberal Party and Premier:

The Hon. E. N. BAILLIEU

Deputy Leader of the Parliamentary Liberal Party:

The Hon. LOUISE ASHER

Leader of The Nationals and Deputy Premier:

The Hon. P. J. RYAN

Deputy Leader of The Nationals:

The Hon. P. L. WALSH

Leader of the Parliamentary Labor Party and Leader of the Opposition:

The Hon. D. M. ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Leader of the Opposition:

The Hon. R. J. HULLS

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Lim, Mr Muy Hong	Clayton	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	McCurdy, Mr Timothy Logan	Murray Valley	Nats
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	McGuire, Mr Frank ²	Broadmeadows	ALP
Asher, Ms Louise	Brighton	LP	McIntosh, Mr Andrew John	Kew	LP
Baillieu, Mr Edward Norman	Hawthorn	LP	McLeish, Ms Lucinda Gaye	Seymour	LP
Barker, Ms Ann Patricia	Oakleigh	ALP	Madden, Mr Justin Mark	Essendon	ALP
Battin, Mr Bradley William	Gembrook	LP	Merlino, Mr James Anthony	Monbulk	ALP
Bauer, Mrs Donna Jane	Carrum	LP	Miller, Ms Elizabeth Eileen	Bentleigh	LP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Morris, Mr David Charles	Mornington	LP
Blackwood, Mr Gary John	Narracan	LP	Mulder, Mr Terence Wynn	Polwarth	LP
Brooks, Mr Colin William	Bundoora	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Brumby, Mr John Mansfield ¹	Broadmeadows	ALP	Nardella, Mr Donato Antonio	Melton	ALP
Bull, Mr Timothy Owen	Gippsland East	Nats	Neville, Ms Lisa Mary	Bellarine	ALP
Burgess, Mr Neale Ronald	Hastings	LP	Newton-Brown, Mr Clement Arundel	Prahran	LP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Noonan, Mr Wade Mathew	Williamstown	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Northe, Mr Russell John	Morwell	Nats
Clark, Mr Robert William	Box Hill	LP	O'Brien, Mr Michael Anthony	Malvern	LP
Crisp, Mr Peter Laurence	Mildura	Nats	Pallas, Mr Timothy Hugh	Tarneit	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Pandazopoulos, Mr John	Dandenong	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Perera, Mr Jude	Cranbourne	ALP
Dixon, Mr Martin Francis	Nepean	LP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Duncan, Ms Joanne Therese	Macedon	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryall, Ms Deanne Sharon	Mitcham	LP
Eren, Mr John Hamdi	Lara	ALP	Ryan, Mr Peter Julian	Gippsland South	Nats
Foley, Mr Martin Peter	Albert Park	ALP	Scott, Mr Robin David	Preston	ALP
Fyffe, Mrs Christine Ann	Evelyn	LP	Shaw, Mr Geoffrey Page	Frankston	LP
Garrett, Ms Jane Furneaux	Brunswick	ALP	Smith, Mr Kenneth Maurice	Bass	LP
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Ryan	Warrandyte	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Southwick, Mr David James	Caulfield	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Sykes, Dr William Everett	Benalla	Nats
Halfpenny, Ms Bronwyn	Thomastown	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Helper, Mr Jochen	Ripon	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Hennessy, Ms Jill	Altona	ALP	Tilley, Mr William John	Benambra	LP
Herbert, Mr Steven Ralph	Eltham	ALP	Trezise, Mr Ian Douglas	Geelong	ALP
Hodgett, Mr David John	Kilsyth	LP	Victoria, Mrs Heidi	Bayswater	LP
Holding, Mr Timothy James	Lyndhurst	ALP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Hulls, Mr Rob Justin	Niddrie	ALP	Watt, Mr Graham Travis	Burwood	LP
Hutchins, Ms Natalie Maree Sykes	Keilor	ALP	Weller, Mr Paul	Rodney	Nats
Kairouz, Ms Marlene	Kororoit	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Katos, Mr Andrew	South Barwon	LP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
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

CONTENTS

THURSDAY, 13 OCTOBER 2011

DISTINGUISHED VISITORS.....	3691, 3726	<i>Cheryl Siely</i>	3700
PUBLIC INTEREST MONITOR BILL 2011		<i>Education: former government achievements</i>	3700
<i>Introduction and first reading</i>	3691	<i>Geelong: Active in Parks program</i>	3701
BUSINESS OF THE HOUSE		<i>Geelong Football Club: premiership</i>	3701
<i>Notices of motion: removal</i>	3692	<i>Port Melbourne Football Club: achievements</i>	3701
<i>Adjournment</i>	3695	<i>UnitingCare: East Burwood centre</i>	3702
<i>Standing and sessional orders</i>	3702	<i>Taiwan: national day celebration</i>	3702
PETITIONS		<i>Ferntree Gully electorate: art exhibitions</i>	3702
<i>Planning: green wedge development</i>	3692	VICTORIAN COMMISSION FOR GAMBLING AND	
<i>Castlemaine hospital: funding</i>	3692	LIQUOR REGULATION BILL 2011	
<i>Lawn bowls: television coverage</i>	3692	<i>Second reading</i>	3703, 3745
<i>Electricity: smart meters</i>	3692	<i>Circulated amendments</i>	3745
<i>Police: Red Cliffs</i>	3693	<i>Third reading</i>	3745
<i>Rail: Thomastown station</i>	3693	CHILDREN, YOUTH AND FAMILIES AMENDMENT	
COUNTY COURT OF VICTORIA		(SECURITY OF YOUTH JUSTICE FACILITIES)	
<i>Report 2009–10</i>	3694	BILL 2011	
MAGISTRATES COURT OF VICTORIA		<i>Second reading</i>	3713, 3745
<i>Report 2010–11</i>	3694	<i>Third reading</i>	3745
DOCUMENTS.....	3694	CRIMES AND DOMESTIC ANIMALS ACTS	
MEMBERS STATEMENTS		AMENDMENT (OFFENCES AND PENALTIES)	
<i>Noble Park Football Club: premiership</i>	3695	BILL 2011	
<i>Queen Elizabeth Centre: achievements</i>	3695	<i>Second reading</i>	3725, 3732, 3745
<i>Tourism: international events</i>	3695	<i>Third reading</i>	3745
<i>Melbourne Convention and Visitors Bureau:</i>		QUESTIONS WITHOUT NOTICE	
<i>chief executive officer</i>	3695	<i>Public Interest Monitor: independence</i>	3726
<i>Parliament: procurement policy</i>	3695	<i>Royal visit: program</i>	3726
<i>Kenneth Davison</i>	3696	<i>Employment: government performance</i>	3727
<i>Dunkeld Racing Club: facilities</i>	3696	<i>Economy: achievements</i>	3728
<i>Hamilton Performing Arts Centre: upgrade</i>	3696	<i>Minister for Health: legal expenses</i>	3728, 3729, 3730
<i>Rugby World Cup: Wallabies</i>	3696	<i>Rail: passenger services</i>	3728
<i>Carbon tax: economic impact</i>	3696, 3702	<i>Youth: government initiatives</i>	3730
<i>Coptic Christians: Egypt</i>	3696	<i>Police: government initiatives</i>	3731
<i>Multiculturalism: federal inquiry</i>	3696	GAMBLING REGULATION AMENDMENT	
<i>Victorian certificate of applied learning:</i>		(LICENSING) BILL 2011	
<i>funding</i>	3697	<i>Second reading</i>	3741
<i>Mount Waverley Cricket Club</i>	3697	<i>Third reading</i>	3745
<i>Monash-Waverley community information and</i>		EMERGENCY MANAGEMENT LEGISLATION	
<i>support centre</i>	3697	AMENDMENT BILL 2011	
<i>China: national day celebration</i>	3697	<i>Second reading</i>	3745
<i>Thomastown West Primary School: rebuilding</i>	3697	<i>Third reading</i>	3745
<i>Chris Klimevski</i>	3698	ENERGY LEGISLATION AMENDMENT (BUSHFIRE	
<i>Century Club: afternoon tea</i>	3698	MITIGATION AND OTHER MATTERS) BILL 2011	
<i>Old Geelong–Forsyth roads, Hoppers Crossing:</i>		<i>Second reading</i>	3746
<i>upgrade</i>	3698	<i>Third reading</i>	3746
<i>Beneath Dark Skies</i>	3699	EXTRACTIVE INDUSTRIES (LYSTERFIELD)	
<i>Moonee Valley Racing Club: funding</i>	3699	AMENDMENT BILL 2011	
<i>Mordialloc Community Nursing Home</i>	3699	<i>Second reading</i>	3746
<i>Royal Air Forces Association: commemoration</i>	3699	<i>Third reading</i>	3746
<i>All Souls Opportunity Shop</i>	3699	ADJOURNMENT	
<i>Accommodation and Care Solutions</i>	3700	<i>Disability services: Bellarine constituent</i>	3746
<i>Roads: high-productivity freight vehicles</i>	3700	<i>Mechanics Institutes of Victoria: funding</i>	3747
<i>Graham Bromwich</i>	3700	<i>Roads: flood damage</i>	3747
<i>Paynesville: Sunrise segment</i>	3700	<i>Kilmore Racecourse: funding</i>	3747
<i>Carla Kleverlaan</i>	3700	<i>Austin Hospital: occupational health and safety</i>	3748
<i>Loretta Bartley</i>	3700	<i>Gippsland Rotary Centenary House: funding</i>	3748
		<i>Disability services: individual support packages</i>	3749
		<i>Rail: Balaclava station</i>	3750
		<i>Victorian Arabic Social Services: funding</i>	3750

CONTENTS

<i>Rail: Wodonga station</i>	3751
<i>Responses</i>	3751

Thursday, 13 October 2011

The SPEAKER (Hon. Ken Smith) took the chair at 9.33 a.m. and read the prayer.

Mr Noonan — On a point of order, Speaker, yesterday you ejected me during question time for interjecting. At the end of question time the Leader of the Opposition raised that matter with you. In your response you indicated that we have a special relationship, one that relies on our eye contact. Indeed you made that eye contact with me yesterday, as you are making it with me now. I was tempted to wear sunglasses today to perhaps give myself some protection, but I resisted. In all sincerity and seriousness, I wonder whether you might in the future extend to me the practice that you extend to other members of this place and give me a verbal warning before you eject me in the future.

The SPEAKER — Order! I thank the member for that, and he is on his first warning of the day.

Honourable members interjecting.

Ms Allan — On a point of order, Speaker, I appreciate that it is Thursday, and I appreciate that the member for Williamstown has raised a matter with some levity, but at the heart of his point of order he was raising a matter of substance. If members opposite are not interested in listening to this, they could always pop out of the chamber.

The SPEAKER — Order! I ask the member to get to her point of order.

Ms Allan — I ask that you actually provide a ruling for the member for Williamstown. His request was that he be treated equally and fairly.

The SPEAKER — Order! I gave an indication yesterday that I intend to stick to the two warnings indication I committed to earlier. I gave my reasons as to why the member for Williamstown was put out of the chamber yesterday. Today he has raised the issue again. I intend to use the two warnings with everybody in the house unless they do something that is outrageous; if they do, they will go out.

Honourable members interjecting.

The SPEAKER — Order! I do not wish for this to continue on any further. I want to get on with the business of the house. I gave a ruling yesterday in relation to what I intend to do, and that is what I do intend to do.

Mr Andrews — On a point of order, Speaker, I simply seek your clarification. You have made a ruling, and I am grateful for that, but in your response to the member for Williamstown you issued him with a warning. Does that warning stand or was it flippant or tongue in cheek, as some of his contribution was? I am simply seeking a clarification, which I think we are all entitled to.

The SPEAKER — Order! That is not a point of order. As the member would understand, the whole thing was done with a great degree of good feeling and levity. Let us leave it at that.

DISTINGUISHED VISITORS

The SPEAKER — Order! I would like to acknowledge the presence in the gallery of a former member for Essendon and former Speaker of the house, Judy Maddigan.

PUBLIC INTEREST MONITOR BILL 2011

Introduction and first reading

Mr McINTOSH (Minister for Crime Prevention) — I move:

That I have leave to bring in a bill for an act to establish a principal public interest monitor and deputy public interest monitors and to confer functions on those public interest monitors under the act and under the Major Crime (Investigative Powers) Act 2004, the Surveillance Devices Act 1999, the Telecommunications (Interception) (State Provisions) Act 1988 and the Terrorism (Community Protection) Act 2003, to amend other acts and for other purposes.

Ms HENNESSY (Altona) — I ask the minister to provide a brief explanation of the bill.

Mr McINTOSH (Minister for Crime Prevention) — Finally this state will have a Public Interest Monitor that will provide increased oversight of the accountability and integrity of law enforcement bodies and assist judges, magistrates and tribunal members appearing at hearings and making submissions in court and tribunal matters on the application of the public interest. Finally!

Motion agreed to.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 1 to 7 will be removed from the notice paper unless members wishing their notice to remain advise the Clerk in writing before 2.00 p.m. today.

PETITIONS

Following petitions presented to house:

Planning: green wedge development

To the Legislative Assembly of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly the current review seeking to turn green wedge land into commercial and housing developments.

The protection, nurturing and enhancement of green wedge land has been supported by both political parties for over 30 years in recognition of the important role that open space plays in improving the mental and physical health of the community and maintaining the livability of Melbourne. They are the lungs of our city.

We are concerned that the current review of the green wedge, which only looks at opportunities for commercial and housing development, does not get the balance right because it does not consider the impact that bulldozing green wedges will have on the environment, the mental and physical health of the community and the livability of Melbourne.

We are concerned that once gone the green wedges are gone forever and that future generations will regret the destruction of the green wedges.

The petitioners therefore request that the Baillieu government stop the current review which only recognises green wedges as a development opportunity, agree to strengthen and grow rather than reduce green wedge space and works with the community to enhance and improve Melbourne's green wedges.

By Ms HENNESSY (Altona) (117 signatures).

Castlemaine hospital: funding

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-Ryan government's election promise to upgrade Castlemaine hospital.

In particular we note:

The Nationals leader Ryan's concerns that 'Castlemaine's hospital is more than 100 years old and is located in a number of disjointed buildings built on the side of a hill';

the Baillieu-Ryan government made an election commitment to upgrade Castlemaine hospital.

The petitioners therefore request that the Legislative Assembly urge the Baillieu-Ryan government to meet its election commitment to upgrade the Castlemaine hospital.

By Ms EDWARDS (Bendigo West) (690 signatures).

Lawn bowls: television coverage

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws to the attention of the house the recent decision by the Australian Broadcasting Corporation to cancel its coverage of the sport of lawn bowls.

The petitioners therefore request that the Legislative Assembly of Victoria urge the federal Minister for Broadband, Communications and the Digital Economy to restore coverage of lawn bowls on ABC television.

**By Ms MILLER (Bentleigh) (119 signatures),
Mrs BAUER (Carrum) (79 signatures),
Mr SOUTHWICK (Caulfield) (710 signatures),
Ms WOOLDRIDGE (Doncaster) (67 signatures),
Mr ANGUS (Forest Hill) (87 signatures),
Mr SHAW (Frankston) (67 signatures),
Mr BURGESS (Hastings) (115 signatures),
Mr DELAHUNTY (Lowan) (334 signatures),
Ms RYALL (Mitcham) (40 signatures),
Mr NORTHE (Morwell) (219 signatures),
Mr McCURDY (Murray Valley) (77 signatures),
Mr BLACKWOOD (Narracan) (42 signatures),
Mr DIXON (Nepean) (245 signatures),
Mr MULDER (Polwarth) (30 signatures),
Mr THOMPSON (Sandringham) (30 signatures),
Ms McLEISH (Seymour) (14 signatures),
Mrs POWELL (Shepparton) (104 signatures) and
Mr KATOS (South Barwon) (34 signatures).**

Electricity: smart meters

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws to the attention of the house the infringement on our right to live freely and securely and to choose what we are subjected to in our homes and businesses by the continued compulsory installation of smart meters (AMI) without an 'opt-out' provision for customers or full disclosure of future costs and possible health and environmental risks that smart meters may impose.

The petitioners therefore request that the Legislative Assembly of Victoria immediately:

1. issue a halt to the mandated installation of smart meters (AMI);
2. direct all power companies to offer a permanent 'opt-out' for all customers;

3. require letters to be sent to all customers informing them that radiofrequency radiation (RF) is classified by the World Health Organisation as a 2B carcinogen, and smart meters emit RF;
4. make provisions to customers who have had smart meters installed and would like them removed to reinstall non-wireless dial or interval meters at the option of the customer and at no cost.

By Mr HODGETT (Kilsyth) (23 signatures).

Police: Red Cliffs

To the Legislative Assembly of Victoria:

This petition of residents of Red Cliffs and surrounding communities in Victoria draws to the attention of the house the need to increase police presence in our district.

The petitioners register their dismay after years of vandalism with damage estimated to be in excess of \$500 000 to the local bowling club, local businesses, public and private property.

The petitioners therefore request that the Legislative Assembly of Victoria take action to increase staff levels at the Red Cliffs police station and install a closed-circuit TV system as a proactive step in ensuring that this criminal activity is not repeated.

By Mr CRISP (Mildura) (629 signatures).

Rail: Thomastown station

To the honourable the Speaker and Members of the Legislative Assembly in the Parliament assembled in the state of Victoria:

The petition of the residents of the city of Whittlesea, their families and friends draws the attention of the house to the need for the new Thomastown railway station to include a passenger and public ramp to be included as access to the new pedestrian overpass at the Thomastown railway station.

There are growing fears that because the existing level footway across the Thomastown railway line is to be removed for the new pedestrian overpass, security factors which will affect the elderly, disabled and parents et cetera with prams, when the installation of new lifts fail to operate fully, thus forcing pedestrians who cannot use a long, high stairway, and such pedestrians are forced to go around streets and level crossings to get from one side of the Thomastown railway station to have access to the station and/or retail shopping centre.

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

**By Ms HALFPENNY (Thomastown)
(295 signatures).**

Tabled.

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

Ordered that petition presented by honourable member for Altona be considered next day on motion of Ms HENNESSY (Altona).

Ordered that petition presented by honourable member for Bendigo West be considered next day on motion of Ms EDWARDS (Bendigo West).

Ordered that petition presented by honourable member for Thomastown be considered next day on motion of Ms HALFPENNY (Thomastown).

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

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

Ordered that petition presented by honourable member for Mitcham be considered next day on motion of Ms RYALL (Mitcham).

Ordered that petition presented by honourable member for Carrum be considered next day on motion of Mrs BAUER (Carrum).

Ordered that petition presented by honourable member for Nepean be considered next day on motion of Mr SOUTHWICK (Caulfield).

Ordered that petition presented by honourable member for Doncaster be considered next day on motion of Ms MILLER (Bentleigh).

Ordered that petition presented by honourable member for Lowan be considered next day on motion of Mr NORTHE (Morwell).

Ordered that petition presented by honourable member for Shepparton be considered next day on motion of Mr McCURDY (Murray Valley).

Ordered that petition presented by honourable member for Polwarth be considered next day on motion of Mr KATOS (South Barwon).

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

Ordered that petition presented by honourable member for Bentleigh be considered next day on motion of Ms MILLER (Bentleigh).

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

Ordered that petition presented by honourable member for Forest Hill considered next day on motion of Mr ANGUS (Forest Hill).

Ordered that petition presented by honourable member for Murray Valley be considered next day on motion of Mr McCURDY (Murray Valley).

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

Ordered that petition presented by honourable member for South Barwon be considered next day on motion of Mr KATOS (South Barwon).

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

Ordered that petition presented by honourable member for Seymour be considered next day on motion of Ms McLEISH (Seymour).

COUNTY COURT OF VICTORIA

Report 2009–10

Mr CLARK (Attorney-General) presented report by command of the Governor.

Tabled.

MAGISTRATES COURT OF VICTORIA

Report 2010–11

Mr CLARK (Attorney-General) presented report by command of the Governor.

Tabled.

DOCUMENTS

Tabled by Clerk:

Ballarat Health Services — Report 2010–11

CenITex — Report 2010–11

Coronial Council of Victoria — Report 2010–11

Crown Land (Reserves) Act 1978 — Orders under s 17D granting leases over Torquay and Jan Juc Foreshore Reserve (two orders)

Dental Health Services Victoria — Report 2010–11

East Grampians Health Service — Report 2010–11

Eastern Health — Report 2010–11

Financial Management Act 1994:

Financial Report for the state of Victoria 2010–11, incorporating the Quarterly Financial Report No 4 — Ordered to be printed

Reports from the Minister for Health that he had received the reports 2010–11 of the:

Chinese Medicine Registration Board of Victoria

Victorian Assisted Reproductive Treatment Authority

Victorian Pharmacy Authority

Forensic Leave Panel — Report 2010–11

Gambling Regulation Act 2003 — Report of the Gambling and Lotteries Licence Review Panel to the Minister in relation to the invitation to apply stage for the grant of the monitoring licence under s 10.2A.11 — Ordered to be printed

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

Ballarat — C119

Campaspe — C90

Greater Geelong — C164, C184, C241

Greater Shepparton — C116, C157

Moira — C68

Portland District Health — Report 2010–11

Seymour District Memorial Hospital — Report 2010–11

Southern Health — Report 2010–11

Special Investigations Monitor, Office of — Report 2010–11 under s 126 of the *Police Integrity Act 2008*, s 105L of the *Whistleblowers Protection Act 2001* and s 61 of the *Major Crime (Investigative Powers) Act 2004*

Surveillance Devices Act 1999 — Report 2010–11 under s 30L

Victorian Health Promotion Foundation — Report 2010–11

Victorian Institute of Forensic Medicine — Report 2010–11

Western Health — Report 2010–11.

BUSINESS OF THE HOUSE**Adjournment**

Mr McINTOSH (Minister for Corrections) — I move:

That the house, at its rising, adjourns until Tuesday, 25 October 2011.

Motion agreed to.

MEMBERS STATEMENTS**Noble Park Football Club: premiership**

Mr HOLDING (Lyndhurst) — Congratulations to everyone at the Noble Park Football Club on achieving back-to-back premierships in the Eastern Football League with its win over Scoresby. Well done to president Kevin Wright, coach Mick Fogarty, Craig Anderson and the entire Bulls team. To Peter O'Brien, who was best on ground, it was a great finale to a fabulous career. It was a great game to watch, but I am not sure whether the member for Scoresby enjoyed it quite as much as I did. Go Bulls!

Queen Elizabeth Centre: achievements

Mr HOLDING — Last week I was thrilled to visit the Queen Elizabeth Centre in Noble Park in my electorate of Lyndhurst. The centre provides support for young parents and children during the challenging early years. To the newly arrived CEO, Athina Georgiou, as well as Kirsty Evans, director of nursing, and all the staff and supporters of the Queen Elizabeth Centre, I say thank you for the work you do. The centre provides a number of services including a day service, residential service and training in parenting skills development. I cannot imagine anything more valuable than supporting parents and children during those early formative years when so many of a person's life opportunities are determined. Well done, and keep up the good work.

Tourism: international events

Ms ASHER (Minister for Tourism and Major Events) — As I have done before, I draw to the attention of the house the fact that securing business events plays an important role in Victoria's tourism industry. The Victorian business events industry is estimated to be worth more than \$1.2 billion, and it generates over 22 000 jobs. In that context I am delighted to announce today that Melbourne has been successful in its bid to host the following world-class events: the 25th World Congress of the International

Society for Forensic Genetics will be held in 2012; the meeting of the International Committee for Conservation of the International Council of Museums will be held in 2014; the World Congress of the International Association for the Scientific Study of Intellectual Disabilities will be held in 2016; and the congress of the International Union of Prehistoric and Protohistoric Sciences will be held in 2017. It is our hope that these events will attract around 4400 delegates and generate \$22.8 million for the state economy.

Melbourne Convention and Visitors Bureau: chief executive officer

Ms ASHER — On a related matter, I would like to congratulate Karen Bolinger on her appointment as the new CEO of the Melbourne Convention and Visitors Bureau. I look forward to working closely with her to secure an ongoing number of events of a business nature.

Parliament: procurement policy

Mr SCOTT (Preston) — I rise to draw the attention of members to what I believe is a potentially corrupt business practice by the office supplies company Office Corporate. Office Corporate sent an email to my office on 20 September that read:

Receive an Apple iMac or iPad free just by ordering your toners and inks through a reputable company 13 years in the business.

The email also promised other gifts including MP3 players and cameras. As at yesterday the company's website still carried offers such as:

Get one of the hottest items from Apple for free. All you have to do is purchase office supplies you're going to purchase anyway.

It further promises that:

With every \$100 spent you have the chance to instantly win a share of \$30 000 during the months of October and November!

I do not think I need to remind members that it is improper to provide secret commissions to individuals for them to purchase supplies through the Parliament, nor do I have to remind members of the Ombudsman's report *Corrupt Conduct by Public Officers in Procurement*, which relates to exactly this matter — that is, the provision of gifts to individuals placing orders in return for the purchase of what were then, in the case of the Ombudsman's report, inflated prices for those products. This is a very serious matter which I

intend to refer to the Presiding Officers for further action.

Kenneth Davison

Mr DELAHUNTY (Minister for Sport and Recreation) — Today I reflect on Kenneth Davison, who passed away on 23 September 2011, aged 90. Ken was a member of the Royal Australian Air Force and was present at the bombing of Darwin in February 1942, the first time Australia had been attacked by an aggressor nation. Ken was a founding member of the Darwin Defenders, and his contribution as Melbourne branch president and national vice-president was extensive. On behalf of Victorians, I extend my deepest sympathies to Ken's wife, Peggy, his family and his friends. Lest we forget.

Dunkeld Racing Club: facilities

Mr DELAHUNTY — Last week I inspected the Dunkeld racecourse and announced a state government grant of \$60 000 towards a \$124 000 project for new roads and footpaths. The Dunkeld Cup attracts 12 000 people to this picturesque racecourse. Congratulations to the Dunkeld Racing Club!

Hamilton Performing Arts Centre: upgrade

Mr DELAHUNTY — Last Saturday I was honoured to open the forecourt of the Hamilton Performing Arts Centre. The forecourt completes a \$2 million project to rejuvenate the centre which has included upgrades to the cinema, the entrance foyer and the cafe. With the Premier, who is also the Minister for the Arts, and Mr Koch, a member for Western Victoria Region in the Assembly, I was also privileged to attend a dinner to celebrate the 50th anniversary of the Hamilton Art Gallery.

Congratulations to the Hamilton community for continuing to provide a venue that showcases local, state, national and international talent!

Rugby World Cup: Wallabies

Mr DELAHUNTY — This weekend the eyes of the world will be on the Australian Wallabies as they compete for a finals berth at the 2011 Rugby World Cup in New Zealand. I call on Victorian sports fans to be bold and wear gold tomorrow in a demonstration of support for the mighty Wallabies.

Carbon tax: economic impact

Mr DELAHUNTY — Lastly I want to say that it was a sad day yesterday, when Australia brought in a new tax to fix up the federal government's budget.

Coptic Christians: Egypt

Mr DONNELLAN (Narre Warren North) — On behalf of members of the local Coptic community I would like to acknowledge the distress and fear of the Coptic community in Australia and of course in Egypt. It has been very difficult to witness the violence against men and women, and I hope to see a return to peace as soon as possible.

I am sure many members here today have friends and relatives in Egypt, and I extend my sympathies to those who are injured and my deep and sincere condolences to the families of those who have been tragically and senselessly killed during the violence. I understand that the Coptic Christian community around the world will be feeling afraid and angry, and I share their fear. I am concerned that the transition of power in Egypt has left a power and a security vacuum. I understand that the most vulnerable people in Egypt are Egypt's Coptic community, and I send them my sympathy and best wishes

The Australian government is doing all it can to assist. Federal immigration minister, Chris Bowen, has moved to extend all visas for Egyptians until the political situation calms down, and I believe that the Prime Minister, Julia Gillard, is meeting with His Grace Bishop Suriel in Canberra very soon — I think in the coming days. I have met with His Grace Bishop Suriel before, and I understand he has a good relationship with the federal government. I will continue to do what I can at a state level to make sure that we are monitoring the situation and doing all we can to help Egyptians here in Australia.

Multiculturalism: federal inquiry

Mr KOTSIRAS (Minister for Multicultural Affairs and Citizenship) — The Victorian government recently made a submission to the federal parliamentary inquiry into multiculturalism in Australia. There were two main messages. They were, firstly, that multiculturalism and citizenship are complementary and that you need both for a cohesive and united society. This is because Australian citizenship is the basis on which a strong and unified society can be built where individuals learn from each other and together can forge a more inclusive and harmonious society based on our commitment to Australia, its democratic institutions, its laws, its values

and the notion of a fair go for all. Secondly, we called on the commonwealth to draw on the longstanding and bipartisan acceptance and promotion of our cultural, linguistic and religious diversity in Victoria. This is because our diversity, with its inherent social, cultural and economic benefits, is far too important to do otherwise.

Our submission included a total of 18 recommendations which will deliver a cohesive society where all people will be treated equally, regardless of their background. Amongst these recommendations we called on the federal government to introduce an Australian multicultural act, to provide an Australian citizenship certificate to all children born in Australia, to provide additional money to states that deliver compulsory language education, to better coordinate settlement planning and services by working with all state governments and to establish a multicultural business advisory body to develop a national strategy.

Victorian certificate of applied learning: funding

Ms NEVILLE (Bellarine) — I have been contacted by schools in my electorate that are deeply concerned about the cuts to funding for the Victorian certificate of applied learning (VCAL).

Bellarine Secondary College, Newcomb Secondary College and Geelong High School all have large and well-supported VCAL programs. For example, Bellarine Secondary College receives \$63 757 to support and coordinate its VCAL program, which currently involves 80 students.

The funding of coordination and administrative work to support VCAL is crucial. It enables the schools to provide a high level of individual support and to develop a curriculum that meets the needs of students who might otherwise not continue their education. The VCAL curriculum includes workplace learning components and involves external agencies. This requires initial coordination and ongoing, regular contact.

The argument that the coordination allowance originally provided to set up the program would not be needed to maintain it reflects a lack of understanding of the complexity of VCAL and the needs of the students involved. The coordination role involves too much ongoing, significant work to maintain the program for it to be simply tacked on to the workloads of other teachers. It is short sighted and a false economy to cut funding for the coordination role that underpins the success of VCAL.

Like other schools, the experience of Bellarine Secondary College is that the VCAL program has led to a significant boost in retention rates, ensuring that more students complete their schooling to year 12. Parents, students and staff are rightly concerned about the undermining of VCAL, and I urge this government to rethink this short-sighted decision.

Mount Waverley Cricket Club

Mr GIDLEY (Mount Waverley) — Mount Waverley Cricket Club is one of the oldest and largest cricket clubs in the eastern suburbs of Melbourne. The club fields four senior sides playing on turf in the Victorian Sub-District Cricket Association, and it also runs a full program of junior cricket.

I recently had the opportunity to meet with club committee members, including Brad Sheehan and Tim Boyce, for morning tea. The meeting was a great opportunity to gain a better understanding of the goals and culture of this fine and longstanding club. I thank the committee for this opportunity and wish the club great success in the upcoming cricket season.

Monash-Waverley community information and support centre

Mr GIDLEY — On another matter, the Monash-Waverley community information and support centre offers confidential assistance and information on a wide variety of community issues such as budget and tax advice and emergency assistance to Waverley residents. Importantly, the service is provided by volunteers without charge. On Monday, 26 September, I attended the centre's 42nd annual general meeting and afternoon tea in Waverley. I recognise and pay tribute to the volunteers and committee members of the Monash-Waverley community information and support centre, who continue this organisation's longstanding history of dedicated community service.

China: national day celebration

Mr GIDLEY (Mount Waverley) — On Monday, 19 September, I attended celebrations for the National Day of the People's Republic of China, which was on 1 October. The event was an opportunity to mark a historic milestone whilst looking to the future — a future aspiring to continuing economic development and liberty for all peoples.

Thomastown West Primary School: rebuilding

Ms HALFPENNY (Thomastown) — I rise to congratulate Thomastown West Primary School, in my electorate, on its success in finally securing the required

funding from the education department for its school regeneration project. The whole school community, led by school council president Slav Ilic, education union delegate Oscar Rosa and principal Leon Bell, and supported by the excellent teachers, staff, students and their families, should be proud of the dignified and dedicated way in which it has fought for the school and its right to be treated fairly by this government.

The Thomastown community can now look forward to the state-of-the-art facilities and classrooms — real places to thrive and learn — that were originally envisaged when the last Labor government agreed to rebuild the school as part of its policy to regenerate all Victorian government schools by 2016. I commend the school community for standing up to this government and fighting to give Thomastown residents what they deserve — a first-class school building and first-class facilities for students to learn in.

Chris Klimevski

Ms HALFPENNY — On a sad note, I note the passing of Mr Chris Klimevski, who was an active and involved member of the Thomastown community, and I express my deepest sadness and condolences to Chris's wife and family.

Century Club: afternoon tea

Mrs BAUER (Carrum) — As Victoria's population continues to age, more people will join the exclusive club of over-100s. In recognition of this, I decided to form the Century Club to recognise those people who have lived for 100 years or more and contributed so much to their family, friends and communities over the years.

The inaugural Century Club afternoon tea was held in Queen's Hall at Parliament House on 3 October. A total of 47 centenarians, their carers and family members attended a wonderful afternoon tea hosted by me and attended by the Premier, the Minister for Ageing, Mr David Davis, and other members of Parliament, including the Treasurer, the members for Mitcham, Gippsland East, Bentleigh, Frankston, Sandringham, Murray Valley, Seymour, Forest Hill and Kilsyth and, from the Legislative Council, Ms Crozier, a member for Southern Metropolitan Region, and members for Northern Victoria Region Ms Lovell and Mrs Petrovich.

Members who could not attend but whose constituents did attend include the Minister for Education, the Minister for Mental Health, the Minister for Innovation, Services and Small Business, the Minister for

Environment and Climate Change, the member for Prahran, the member for Bayswater and Andrea Coote and Craig Ondarchie, members for Southern Metropolitan Region and Northern Metropolitan Region respectively in the other place.

Special for me was the attendance of centenarians from my electorate, Jean Henderson, Ern Bates, Winifred Curry and Annie Webb and the cutting of the celebratory cake with the group's two oldest representatives, 105-year-olds Marjorie Cook and Frances Rush. Mrs Cook, who was born on 5 January 1906, took out the honours as the oldest participant by just 18 days from Mrs Rush, who was born on 23 January in the same year. The event was a huge success, and I am looking forward to a bigger and better one next year.

Old Geelong–Forsyth roads, Hoppers Crossing: upgrade

Ms HENNESSY (Altona) — I wish to raise a matter regarding a local road intersection in my electorate, the intersection of Old Geelong Road and Forsyth Road. It is a very dangerous intersection, and the road is incredibly congested. The previous Labor government had committed to fixing that road, and it is a matter that requires the Minister for Roads and VicRoads not to dither but to actively take it up and address it.

I recently met with representatives of the Wyndham City Council, which has identified this particular intersection and road as an important priority from an infrastructure perspective. It is also important to note that there have been six reported casualties on this road. Certainly in the city of Wyndham, tragically, there have been 10 road deaths this year. It is important that the government take action, particularly in respect of this intersection.

The growth in population in the city of Wyndham also exacerbates the problem. There has been a recent announcement in respect of further development in Truganina. Adding to that we have the Baillieu government leading the charge for further development in Point Cook, and it has identified the important Point Cook green wedge area for such development. There may be 3000 new houses in this area, yet there is not one new dollar for roads, despite the fact that we have had the Baillieu government claiming credit for every single project that the previous Labor government funded.

Beneath Dark Skies

Mr NORTHE (Morwell) — I recently had the pleasure of attending the launch of an inspiring and aptly named book, *Beneath Dark Skies*. The book is a compilation of stories from local residents in the areas of Callignee, Koornalla, Le Roy and Traralgon South who endured the horror of the Black Saturday bushfires in 2009. Personal stories from our amazing local representatives are conveyed, along with accounts from representatives of the government, local community and service organisations and the terrific charitable organisations and agencies that assisted so much in the recovery phase.

The book also pays tribute to the 11 people who lost their lives in the Churchill complex of fires, and it highlights the emotions of family members who lost loved ones on that fateful day. *Beneath Dark Skies* is an engrossing read, which is complemented by stark and powerful photographs. I commend all those who have conveyed their stories. One can only imagine the difficulties in reliving such a horror day and the days that followed. The stories carry descriptions of people's experiences, varying from pure fear to amazing courage, but most of all they describe in many circumstances a neighbour helping a neighbour in their time of need.

A special well done to Ange Gordon and the Traralgon South and District Community Recovery Committee, the Victorian Bushfire and Reconstruction and Recovery Authority, Ric McFarlane and the Westpac team, along with author Melina Schamroth for their support and dedication in constructing such a compelling book. A copy of the book has been donated to the parliamentary library and is also for sale through various Westpac branches throughout Victoria.

Moonee Valley Racing Club: funding

Mr MADDEN (Essendon) — With the Spring Racing Carnival under way and the Cox Plate around the corner, I want to draw attention of the house to the fact that the Minister for Racing is on the record as stating that the Cox Plate should be moved to Flemington immediately and that the Moonee Valley racing track is too short and does not attract crowds or the best horses. I also want to highlight that that was on the back of an announcement made by the Baillieu government and Tabcorp in July that they had struck a deal worth \$410 million to preserve Tabcorp's licence in the Victorian wagering industry for the next 12 years. In a joint press release the Minister for Gaming and the Minister for Racing called this deal an outstanding result for the entire — and I repeat, entire — racing

industry. This announcement was made while the Moonee Valley Racing Club was in the final weeks of proposing its grand master plan for the racecourse. This proposal to develop high-rise residential living for some 6000 residents can only go ahead with the demolition of the grandstand and the existing track. The chief executive officer of the Moonee Valley Racing Club, Michael Browell, said that was in an effort to ensure the long-term viability of the club.

I call upon the Minister for Racing to change his view and also to make sure that he supports the Cox Plate, turns up to the Cox Plate and allocates some of the windfall gains to the club rather than engage in his continual big-noting of the revenues that the Baillieu government is attracting without investing in the Moonee Valley Racing Club. If the minister does not seek to invest in the club, Essendon residents will not like him either.

Mordialloc Community Nursing Home

Mr THOMPSON (Sandringham) — I pay tribute to Mordialloc Community Nursing Home, its office-bearers, Bill Nixon, Lesley McGurgan, Arthur Sheaman, Reg Marlow, Kevin O'Dea, Wendy Johnson and John Woodward, and its committee members, Dennis O'Sullivan, Pam Campbell, Wilma Pimm and John Box, for their dedication and commitment to the organisation. Some of them have served since the inception of the nursing home in 1986.

Royal Air Forces Association: commemoration

Mr THOMPSON — On Sunday, 18 September, the Royal Air Forces Association's Melbourne branch commemorated the 71st anniversary of the Battle of Britain at the Shrine of Remembrance. It was presided over by Brendan Betchley, Stan Moss and Ray Brookes. The air force band performed an outstanding rendition of the theme from *Those Magnificent Men in Their Flying Machines*.

All Souls Opportunity Shop

Mr THOMPSON — The All Souls Opportunity Shop held its annual general meeting in Sandringham in August. Its hardworking committee and band of volunteers have distributed money towards medical research, church communities and benevolent organisations for approaching six decades. This successful year was highlighted by cash sales approaching \$190 000 and distributions of almost \$140 000, totalling over \$2 million of distributions since its inception in 1957.

Accommodation and Care Solutions

Mr THOMPSON — I recently had the opportunity to launch the art show for Accommodation and Care Solutions. The organisation's staff have worked in the hospital system, care planning and coordination, rehabilitation, nursing and psychology. It is a specialist care provider, valuing independence and quality of life.

Roads: high-productivity freight vehicles

Mr PALLAS (Tarnait) — In a breathtaking show of hypocrisy and revisionism the Baillieu government has a secret plan to roll out what it once described in opposition as monster trucks throughout Melbourne's suburbs. Despite being staunch critics of the former government's on-road freight efficiency trials when in opposition, the government has a secret plan which would see super monster trucks — as they were described by the former opposition — running through Melbourne communities at all hours of the day and night without the many restrictions put in place by the previous Labor government.

On 9 September 2011 the Parliamentary Secretary for Transport and a member for Eastern Victoria Region in the Council, Edward O'Donohue, assured an industry forum that the Minister for Roads was keen to see more use made of high-productivity freight vehicles in metropolitan areas and that it was an area he would be devoting considerable attention to. This is the same minister who in opposition criticised the limited larger truck trial used by the previous government as being akin to a cancer that was slowly spreading its tentacles into every nook and cranny of Melbourne. Thousands more trucks could roar through Melbourne suburbs night and day under the Baillieu government plan, with no plan to divert the trucks away from communities and without one new dollar being spent on infrastructure upgrades.

The former Labor government had a trial in place that balanced the needs of the community with those of the industry. That is why we implemented conditions such as restricting the times when these trucks could travel. But it appears the Baillieu government wants to dump these restrictions and override the community's needs for the wants of industry. This means Melbourne can expect more, larger and longer trucks travelling through its suburbs 24 hours a day.

Graham Bromwich

Mr BULL (Gippsland East) — I would like to congratulate Graham Bromwich, who was recently awarded life membership of the Bairnsdale Tennis

Club. This worthy recognition is a result of more than 30 years of service. During this time Graham has been a member, player and administrator, and he thoroughly deserves this accolade.

Paynesville: *Sunrise* segment

Mr BULL — Paynesville has been voted one of the happiest towns in Australia as part of a nationwide competition organised by Channel 7's breakfast show *Sunrise*. Residents of Paynesville came out in force and showed why Paynesville — and East Gippsland — is clearly one of the best places to live.

Carla Kleverlaan

Mr BULL — I wish to acknowledge Carla Kleverlaan of Orbost, who competed in this year's world beach volleyball championships in the UK. Carla is hoping to participate in next year's Olympics. To date she has managed through her own personal dedication and determination to be within reach of her goal, and I wish her all the best in realising her dream.

Loretta Bartley

Mr BULL — I wish to pay tribute to Loretta Bartley of Lake Tyers, who in the company of her sons, Rod and Paul, attended the Century Club afternoon tea at Parliament last week. Mrs Bartley said one of the secrets to her longevity was a glass of brandy each day. She had a great time, and I thank her and her sons for attending.

Cheryl Siely

Mr BULL — I also acknowledge the achievements of Cheryl Siely, who was a recent recipient of a Victorian Aboriginal Education Association Incorporated Wurreker award for her work with the L2P and Aboriginal Driver Education programs. Cheryl, a member of the Gunai Kurnai people, said she loves working within the Koori community and spoke about how important it is to help young people get their drivers licences and put them on the pathway to employment and education studies.

Education: former government achievements

Mr HERBERT (Eltham) — On the morning of Friday, 4 November, I will attend the Building the Education Revolution (BER) opening of Sherbourne Primary School and in the afternoon I will attend the opening of Greenhills Primary School, whilst on 25 November I will attend the opening of Lower Plenty Primary School. All three schools have had major rebuilds, thanks to substantial capital funds from

both — I say both — state and federal Labor governments.

In the cases of Lower Plenty and Greenhills, every classroom has been totally replaced with new, state-of-the-art buildings. Whilst I will undoubtedly have more to say about these and other new school building opening ceremonies in future contributions in Parliament, it is worth noting that these capital works are just a fraction of the rebuilding of Eltham electorate schools that occurred under Labor.

It is a tragedy for education in this state that the flood of vital major school rebuilds has slowed to a trickle and almost come to a grinding halt under this government. It is even more disgraceful that the Liberal education minister and his cronies parade around the state at school openings, gloating about what are Labor achievements, whilst at the same time they are slashing and burning vital education programs. However, no-one is fooled — not schools, school councils, parents or teachers in this state or in my electorate. They recognise this hypocrisy, and they will do so until this government changes its tune and starts investing its own money in education in this state.

Geelong: Active in Parks program

Mr KATOS (South Barwon) — On Monday, 19 September, I was delighted to join the Parliamentary Secretary for Health, who is the member for Ferntree Gully, for the launch, over a game of bocce, of the Healthy Parks Healthy People physical activity program in the Geelong region.

Parks Victoria and the People and Parks Foundation, together with G21, are trialling the pilot, which is sponsored by Medibank Private Community Fund and has the support of the Department of Planning and Community Development. The Healthy Parks Healthy People program is a pilot program that aims to connect more people to parks and open spaces to improve health and wellbeing.

Geelong Football Club: premiership

Mr KATOS — Geelong is still celebrating the Geelong Football Club's third premiership win in the last five years, following its 38-point win over Collingwood. Geelong celebrated with a lunchtime parade last Wednesday and with an evening ecumenical service of thanksgiving at St Mary's Basilica in recognition of the achievements of the Geelong Football Club, at which I had the pleasure of speaking.

The positive effect that the Geelong Football Club has on our city is immense, and our community is fortunate

to share in this fantastic achievement. The success of the club brings a positive spirit to our community, as locals and supporters from far and wide speak with pride and passion about their beloved football team. The economic benefits of the premiership are significant. The City of Greater Geelong's economic development department estimates that the boost to the region from last Wednesday's premiership parade in Geelong was \$1.7 million. The benefit to businesses across Geelong in hospitality, hotels, restaurants and retail has been encouraging, and we hope this continues into the festive season.

I wish the club continued success in 2012 and look forward to more premierships.

Port Melbourne Football Club: achievements

Mr FOLEY (Albert Park) — I rise to acknowledge another chapter in the history of the most successful football club in Australia, the Port Melbourne Football Club, and to mark its perfect premiership season in 2011. In 2011 the club, under president Peter Saultry, coach Gary Ayres and captain John Baird, was led through what was the perfect season, having been undefeated premiers and named VFL (Victorian Football League) club of the year as well as Shane Valenti having been the winner of the J. J. Liston Trophy for the league's best and fairest. This was capped off by the club running over its traditional rival, Williamstown, by 144 points to 88 points. What is more, club stalwart Toby Pinwill won the Norm Goss Medal for best on field.

But perhaps the Port Melbourne Football Club's greatest achievement for 2011 was driving a stake through the heart of the AFL-propagated myth that stand-alone clubs in the VFL have no future. Against the prevailing tide of affiliated clubs that are subservient to the AFL parent, Port Melbourne showed what a stand-alone club can achieve. Turning its back on the model pushed by the AFL, which has sought to make VFL clubs the second-rung, second-string competition, Port has shown that a strong, well-run community-based club can attract top players and act as a real club rather than just an extended interchange bench for the AFL.

In particular I would like to acknowledge the efforts of club stalwart Peter Saultry. Peter has been the heart, body and soul of the Port Melbourne Football Club for 30 years and has seen the club through thick and thin. Salts has led the club with passion, commitment and drive.

UnitingCare: East Burwood centre

Mr ANGUS (Forest Hill) — On 4 October I had the pleasure of visiting the UnitingCare East Burwood centre in the electorate of Forest Hill, having attended its annual general meeting on 26 September. It was a great opportunity to hear about the activities of the centre. The chairman, Barry Horn, board member Don Sinclair and the centre's manager, Pamela Young, showed me around their premises.

The centre does much good work in the electorate of Forest Hill. It is a welfare agency that offers a range of services, including family and individual counselling, elderly day care, emergency food and clothing relief, and in some cases no-interest loans. I congratulate the staff and many volunteers who are responsible for the delivery of this wide range of very valuable services in the local area.

Taiwan: national day celebration

Mr ANGUS — It was a pleasure to attend recently the reception in celebration of the 100th National Day of the Republic of China (Taiwan), hosted by Mr Calvin Yen, the director-general of the Taipei Economic and Cultural Office. As secretary of the Parliamentary Friends of Taiwan I was pleased to be able to attend this reception and catch up with many members of the Taiwanese community.

Carbon tax: economic impact

Mr ANGUS — What a sad day it was yesterday for all Victorians when the illegitimate Brown-Gillard federal government pushed its illegitimate carbon tax through the federal Parliament. This is a socialist wealth redistribution tax that will adversely impact on all Victorians. Businesses in this state will also be drastically impacted at a time when they can least afford it. It is estimated that there will be a loss of some 24 000 jobs in Victoria as a result of the new tax.

What a betrayal it is that state Labor MPs have not stood up to Greens leader Bob Brown and Prime Minister Gillard and advocated on behalf of their constituents, rather than allowing them to be subject to this disgraceful Labor-Greens tax.

Ferntree Gully electorate: art exhibitions

Mr WAKELING (Ferntree Gully) — The arts community is alive and well in the city of Knox. Just last weekend the member for Bayswater and I had the pleasure of visiting the U3A Knox art and craft exhibition and also the Ferntree Gully Arts Society art

exhibition, both fantastic events. Congratulations to all involved.

The ACTING SPEAKER (Mrs Victoria) — Order! The time for members statements has expired.

BUSINESS OF THE HOUSE

Standing and sessional orders

Mr McINTOSH (Minister for Corrections) — I move:

That so much of standing and sessional orders be suspended to allow that:

- (1) On Wednesday, 26 October 2011:
 - (a) the house meets at 7.00 p.m.;
 - (b) the order of business be as follows:
 - (i) question time;
 - (ii) formal business;
 - (iii) statements by members (standing order 40);
 - (iv) government business;
 - (v) adjournment under sessional order 8.
- (2) On Wednesday, 9 November 2011, the matter of public importance be omitted from the order of business on that day and, instead, a grievance debate occur under standing order 38.

In doing so I indicate that the purpose of the motion is to facilitate the orderly conduct of Parliament on the day that Her Majesty the Queen will visit Victoria. The Queen will come to Victoria on 26 October, and there will be a number of formal arrangements for Her Majesty. This motion will facilitate that process and enable it to occur.

As members will see from the notice paper, the primary change is that on that day the house will not meet at the usual time of 9.30 a.m. but will meet at 7.00 p.m. It will commence with question time and then proceed with the normal business of the day. I have already indicated that to enable the house to have adequate debating time during the course of that week, the house will sit for an additional hour on that Wednesday given that the house will meet and commence question time at 7.00 p.m. rather than 8.00 p.m. There will also be additional time, as I have indicated. The intention of the government is to sit beyond the normal 10 o'clock to about 11 o'clock on Tuesday and Wednesday nights, adding an additional hour each night to the debating time of the house.

The government business program, which is yet to be set for that week, will accommodate the needs of the house, and there will be adequate time to debate the important bills before the Parliament.

The opposition has asked me about the details of the Queen's visit. I have not been able to provide the details, as at the moment I do not have all the formal details, except that I understand Her Majesty will be in Victoria for some 4 or 5 hours in which a number of events will be held, including a formal reception at Government House. Again the details of that are a little bit obscure to me. As I understand it, it is the palace that sends such invitations to people; it is certainly not something the government controls. Certainly there would be an expectation that both sides of politics would be represented in that, but in what capacity is yet to be seen. As I said, this motion will facilitate the orderly conduct of the house on the day the Queen visits Victoria.

Ms ALLAN (Bendigo East) — I rise to speak on behalf of the opposition on the motion that has been moved by the Leader of the House. I indicate that the opposition supports this change to the standing and sessional orders to accommodate the Queen's visit to Melbourne. While she is in Melbourne on that day, 26 October, the Queen will be undertaking the important task of opening the new Royal Children's Hospital. This is a project that Labor is very proud of. It symbolises Labor's investment during its time in government. It demonstrates how you invest in a project, how you build a project and how you complete a project. I think if the Queen were to visit in a couple of years time, she would not have anything to open, because this is a government that is not investing in new infrastructure, but that is an aside.

The Leader of the House indicated that there is still a lot of work to be done on the details of the Queen's visit, and I acknowledge the challenges that go with the preparation of the Queen's program. However, I note that the opposition is looking forward enormously to participating in the various events of that day. I understand opposition members will be attending the opening of the new Royal Children's Hospital, as we have been invited, and we look forward to hearing the details of the other activities planned for the course of the day.

In order to accommodate the Queen's visit on 26 October, we are supporting this change to the sitting timetable. That is primarily because, as the Leader of the House indicated, the change will not diminish the time available for debate on bills during the course of that sitting week. If there had been a diminution of the

sitting time available for debate during the course of that week, we may have had some concerns. I believe there may be an informal motion at some point to have an additional hour on the Tuesday night and to have time available on the Wednesday night and in the following sitting week. I acknowledge that the opposition is very much in support of a change to procedures on 9 November, when debate on a matter of public importance will be omitted and in its place the grievance debate, which was to have been held on 26 October, will be substituted.

The opposition is able to support this motion moved by the Leader of the House for those arrangements to be put in place. As I said, we look forward to seeing the opening of a project that Labor people are so proud of. It is a proud Labor project where over \$1 billion was invested in a new children's hospital that will make such a wonderful difference to the lives of young children in this state. We will certainly be celebrating the achievement of such an important piece of infrastructure that has been funded by Labor and delivered by Labor. It will stand as a great legacy to Labor's time in office. It is absolutely something —

Honourable members interjecting.

The ACTING SPEAKER (Mrs Victoria) — Order! Can I have some order in the chamber please.

Ms ALLAN — It is interesting to note that the minister at the table, the Minister for Gaming, is more interested in talking about whose name is on the plaque. We are not fussed about names on plaques; we are fussed about investing in infrastructure projects. That is why we have a great legacy along the boulevard that is Flemington Road of an investment in health infrastructure and the future of this state. Perhaps as she tours the hospital the Queen might have the opportunity to remark to the Premier that he should get on and make some investments in infrastructure for the future.

Motion agreed to.

VICTORIAN COMMISSION FOR GAMBLING AND LIQUOR REGULATION BILL 2011

Second reading

**Debate resumed from 12 October; motion of
Mr O'BRIEN (Minister for Gaming).**

Ms WREFORD (Mordialloc) — I rise in support of the Victorian Commission for Gambling and Liquor Regulation Bill 2011. This bill represents a giant leap

forward in the management of gaming and liquor licensing in this state. Over time, this important set of regulations has gone from being simple and workable to one giant, unbelievably complicated knot — the type of red-tape knot that Labor is famous for. This bill is designed to untangle that knot and make the system work much better again.

This bill is also part of this government's program to restore community confidence in gambling and liquor regulation after 11 years of Labor. The community knew, and made it clear at the last election, that things had been let slip. This whole area needs reform. Victoria expected better, and we are delivering something better — much better.

This bill delivers on our election commitment to bring gambling and liquor regulation under one authority, to modernise Victoria's management of gambling and liquor industries and to reduce inefficiencies. It will end the jurisdictional madness where a liquor licensing inspector can see a gambling operator breach the law and do nothing and where a gambling inspector can see an intoxicated patron being served with drinks and have no power to respond. The bill does this by pulling all the inspections under the umbrella of the new Victorian Commission for Gambling and Liquor Regulation. It removes the director of liquor licensing and the Victorian Commission for Gambling Regulation, and it removes the separation between the two bodies.

Liquor licensing, in particular, needs steady reform. Alcohol consumption patterns and community expectations have changed dramatically over the past 10 years. In recent times Victoria has seen significant changes in alcohol-affected behaviour that does not seem to correlate with what happens in the rest of the world. The previous government took the view that these problems were the fault of society, operators and everyone except the offending individuals and the government's liquor licensing system. A significant part of that comes back to discipline and the way young adults think compared to those of previous generations. However, Victoria's liquor licensing regime must be reviewed to keep up with the changing times.

Importantly, what liquor licensing needs is greater consistency. It is very frustrating and confusing for licensees when a change in the local liquor licensing inspector means a change in the rules. Even patrons must find it strange that in some areas there are very strict accords and in other areas there are not any at all. It certainly frustrates operators with multiple venues that the rules can be very different for each one of their venues.

Under the outgoing regime, the consistency issues were partly caused by structuring and the restrictive opportunities for the commissioner to get involved. For example, a licensing panel would hear a case. That panel's interpretations were then forwarded to the director of liquor licensing for a decision. The director was not at the panel hearing so would not hear all the evidence, yet the director had to then make a final decision. Under the proposed regime, commissioners will hear the cases directly so will have a better understanding of the views of the applicant and the objector. It will be better for objectors and applicants because they will know that their views have been heard directly by the decision-makers. There will be a lot less chance of information being lost in translation. With a set of commissioners, as opposed to one director, decisions should be based on a broader range of experiences and understandings.

The bill improves the interaction between objectors and applicants and the decision-makers, but it does not change the rights of objectors and applicants. The overriding rules remain the same, but the system applying and adjudicating the rules is much improved. Additionally the new system takes some of the pressure off VCAT (Victorian Civil and Administrative Tribunal) in respect of liquor licensing. The commission will play some of that role. It will provide greater fairness to the community and applicants in an affordable setting. It will also provide a forum where decision-makers are specifically qualified to deal with the complex issues that come with liquor and gambling. There will be an internal review mechanism, so the finding of one commissioner can be appealed and reviewed by three commissioners.

It is a much-improved appeal system. The appeal will be heard directly by three qualified experts rather than having a long wait for it to go before a generalist tribunal, which is more expensive and cannot include the level of expertise of the commissioners. Also, problem venues will be dealt with quickly by an expert panel rather than this process being drawn out before a generalist tribunal. It will give the licensing body a much quicker mechanism for acting. This is particularly important because previously some of the time frames for action to occur were much too long.

This bill creates a strong, authoritative and transparent regulator which will be consistent and predictable in its decision making. There will be fewer surprises for everyone. Combining liquor licensing and gambling regulation under one umbrella makes things far more efficient. Gaming venues require licenses, so now the one inspector will be able to check on both gaming and liquor in the one visit. This will be a far more efficient

use of the time of inspectors and venue operators. It will also be a far more efficient use of inspectors. The efficiencies gained will not involve staff cuts or savings. The benefits will be reapplied to the organisation through, for example, the recruitment of additional staff or the provision of money for compliance and education.

The timing of this regulation is particularly important. Significant changes to the gambling regulations come into effect in August 2012, particularly the new 10-year gaming machine licenses. It is preferable to implement this bill in advance of those regulatory changes so that the system is running at its best when those changes come in. To implement this legislation at the same time as those changes would make life overly complicated for everybody.

In summary, this bill represents a giant leap forward in the management of gambling and liquor in this state. It establishes a new Victorian Commission for Gambling and Liquor Regulation and removes the director of liquor licensing and the Victorian Commission for Gambling Regulation. It untangles a Labor red-tape knot, and it will restore community confidence in gambling and liquor regulation. It delivers on our election commitment. It improves efficiency and consistency and ends the jurisdictional madness. Commissioners will be experts in the field, and the community will benefit from their diverse experience. They will hear the applicants and objectors directly.

There will be an internal review mechanism. Pressure will be taken off VCAT, and action can be taken more quickly at lower cost. This bill creates a strong, authoritative and transparent regulator which will be consistent and predictable in its decision making. There will be fewer surprises for everybody. I commend this bill to the house.

Mr WYNNE (Richmond) — I rise to make a contribution to the debate on the Victorian Commission for Gambling and Liquor Regulation Bill 2011. In doing so I indicate that the opposition does not oppose this bill. There are aspects of the bill that make sense, but I will indicate some concerns, as a number of my colleagues have done during their contributions. I note that the Minister for Gaming is at the table. I hope he may take the opportunity, either when summing up the debate on the bill or during the time when the bill is between houses, to address a number of concerns and issues that require some clarification.

The bill establishes the Victorian Commission for Gambling and Liquor Regulation (VCGLR). It makes amendments to the Gaming Regulation Act 2003 and

Liquor Control Reform Act 1998 to enable the new commission to exercise powers under the act. As we know, the new Victorian Commission for Gambling and Liquor Regulation will perform all of the regulatory roles under the relevant gaming and liquor acts. It will have broad powers, including those in relation to investigation and discipline, licensing, registration, compliance and advice to the government, and importantly, public education and its own self-driven work. There will be a chairperson who will be a commissioner. One or more commissioners will be appointed as deputy chairpersons, and there will be as many additional commissioners as the minister considers necessary. Commissioners will be appointed by the Governor in Council on the recommendation of the minister.

There are some issues in relation to the structure of the commission. It is not particularly articulated. The bill does not specify how many commissioners there should be, but it states they can be appointed in a full-time or part-time capacity, although a quorum in the commission will involve three commissioners. Remuneration has not been specified at this stage.

I note the contribution of the previous speaker, the member for Mordialloc, who indicated that the commissioners need to have qualifications and have adequate knowledge and experience in the area. I note there is no articulation in the bill of the form of qualifications that will be required of commissioners. Given the sensitivities of these particular functions, particularly in the areas of gambling and liquor licensing, I hope that today, as this bill progresses through the house, the minister might take the opportunity to articulate to us the broader scope of the sorts of experiences that will be required of the people he is expecting to appoint. We can then all have some comfort in relation to those broader experiences that we all hope would be brought to bear in this new structure.

We note that Jane Brockington has been appointed as the executive commissioner to the current Victorian Commission for Gambling Regulation. The government announced at the time of her appointment that Ms Brockington will become the CEO of the new body. However, my understanding from my colleague who was briefed on the bill is that the CEO will be appointed by the chairperson. There has been a pre-empting of that by the government.

The disclosure of interest, as the minister would know very well, is very important in all of this issue. It is important that if any of the commissioners have an interest in a matter being heard, they must disclose it to the chairperson. If the chairperson has an interest in a

matter, they must disclose it to the minister. But there is no requirement for a commissioner to remove themselves from a matter being heard. Again, we seek some clarification from the minister. We need to know how, if a commissioner or a chairperson has an interest in a particular matter, they would propose to address this potential conflict of interest. It is a matter of some concern to us. We would be grateful if either today or while the bill is between houses the minister could provide us with some clarity on how that conflict-of-interest matter will be addressed both in terms of the chairperson and commissioners.

I acknowledge this legislation is a clear policy position of the previous opposition before it came into government. It said it would bring these two bodies together to, in its view, provide a more coherent response to gambling and liquor licensing. The coalition's election gaming policy states:

Such a body —

the new VCGLR,

will also be accountable for exercising administrative powers via oversight by VCAT.

In this context we note there is a significant departure from that position. It would be helpful to members of the house if the minister, or his representative in another house, could elaborate on why the government has moved away from his policy position —

Mr O'Brien — No, we haven't.

Mr WYNNE — You have moved away from your policy position in that both arms — that is, liquor licensing —

Mr O'Brien interjected.

The ACTING SPEAKER (Mrs Victoria) — Order! Through the Chair!

Mr WYNNE — I will read it again for the minister:

Such a body will also be accountable for exercising administrative powers via oversight by VCAT.

For some reason between the election and the development of the bill the government has sought, in our view, to move away from the important oversight role of VCAT (Victorian Civil and Administrative Tribunal) in relation to liquor licensing.

Currently, as the minister knows, as part of VCAT's role in liquor licensing an applicant or an objector can appeal a decision of the director of liquor licensing, an application for review of a late-hour entry declaration

and disciplinary actions. The director of liquor licensing, the Chief Commissioner of Police, a licensing inspector or a local council can apply to VCAT in relation to liquor licensing matters. We are concerned at what we perceive to be a potential diminution in the independent oversight role of VCAT. It is an important role, as I am sure the minister would be well aware, and from my own experience in local government it is apparent that liquor licensing matters are very hotly contested —

Mr O'Brien interjected.

Mr WYNNE — They are extremely complex, as the minister interjects. Nonetheless, we seek from the minister some justification as to why the purview of VCAT is not being made available to members of the community, local government authorities, the applicant or indeed the objector in relation to liquor licensing matters, because we know very well that in a domestic context and in a community context — from my own experience in local government and indeed from my former role as the Minister for Local Government — these are hotly contested issues, whether they be the extension of hours, the potential impact of a liquor licensing facility within the general community, amenity, car parking or noise. In my own area of Fitzroy, Collingwood and Richmond we are addressing these questions virtually every single day of the week, because it is a booming entertainment precinct, as the minister is very well aware. They are hotly contested issues in the community, and I would submit to the minister that the capacity for an independent body such as VCAT to have oversight of those particular issues is fundamental to the restructure that is being put in place in relation to gambling and liquor licensing.

We understand the thinking behind seeking to have a coherent response to gambling and liquor licensing issues. We acknowledge and support the proposition that the minister has put here, but I think there are still serious questions for him to address, particularly in relation to the conflict-of-interest questions for the commissioners and how he seeks to address those and, most importantly, the question of an independent review by VCAT of liquor licensing matters. It is in that context that the minister has the opportunity to address some of those questions in his summing up on the bill, and we would be grateful for that. Alternatively, he could provide an opportunity for my colleague the member for Mill Park, as the responsible shadow minister, to have those matters addressed between the houses, because we think it is a significant step back to move away from the independence of a VCAT appeal process to address questions of liquor licensing that are embedded in the context of this bill.

Mr SOUTHWICK (Caulfield) — I rise to make a contribution to the debate on the Victorian Commission for Gambling and Liquor Regulation Bill 2011. Every now and again a government is able to stand up and say that it is proud to deliver a good idea that not only simplifies things but also streamlines matters and returns efficiency to a system, and that is what this bill does. The coalition is delivering on another election commitment — a combined regulator for gambling and liquor. We are streamlining the system and making it more efficient and more transparent.

The Victorian Commission for Gambling and Liquor Regulation (VCGLR) will be a modern, world-class regulator using a commission-style decision-making approach for gaming and liquor matters. We are moving to restore community confidence in the regulation of gambling and liquor, which, after 11 years of Labor, is badly in need of reform. This is a practical, common-sense measure that will deliver better decisions and fairer outcomes for the community. It is something that the community has called for, and it is something that the industry has called for, particularly in terms of transparency. This bill will ensure that we get both.

I was interested to hear the contribution from the member from Richmond, in which he talked about particular matters to do with licensing and questioned the role of Victorian Civil and Administrative Tribunal (VCAT) in looking at addressing some of these matters. I would like to point out one of the efficiencies of this bill. I am only going to make a brief contribution today, because a number of members on my side have spoken and I do not wish to reiterate what has already been said. I would like to talk in particular about what this bill does in terms of streamlining the work of VCAT. We hear every day in our electorate offices about how VCAT is clogged up with matters and how long people have to wait for their matters to reach VCAT. VCAT is a generalist body, and while it does a good job it does not have the expertise that the VCGLR will have.

What we are doing is putting together an expert group that will be able to look at issues on their merit and decide upon them in an efficient matter and with a level of expertise without clogging up VCAT. That is one of the key elements this bill seeks to address — that is, taking gaming and liquor licensing matters to a specialist body so that they can be addressed and decisions made. Industry will then be very clear about how it is to proceed, and the community will also be very clear about the process. The bill will ensure that we have transparency when it comes to these matters. VCAT will then be able to get on with doing what it does, and this will ensure that we get a more timely

response in the other very important matters that VCAT seeks to address.

One of the other things I want to mention in my contribution is the important opportunity provided by this bill to combine the role of an inspector to look at licensing and gambling matters at once. Apart from the efficiency element in this, what we will be able to do is to ensure that we have an industry that works a lot better by taking advantage of the expertise that one person will have in going and looking at both matters. Quite often a gambling inspector, while they are checking out gambling facilities, will attend venues that are serving alcohol and will see minors being served alcohol. They are able to do nothing to fix the matter other than making a phone call to another authority or the police. Likewise a liquor inspector could observe activity in terms of gambling or gaming that is not responsible, and they are able to do nothing about it. This will streamline the system and ensure that we have efficiency, transparency and a much better system that we have long been in need of. I commend the bill to the house.

Mr PERERA (Cranbourne) — I wish to speak briefly on the Victorian Commission for Gambling and Liquor Regulation Bill 2011, which will establish the Victorian Commission for Gambling and Liquor Regulation (VCGLR). The establishment of a new commission was an election commitment of the coalition. Although it is not exactly what was committed to by the coalition, the opposition is doing the honourable thing by not opposing the bill.

Gambling and liquor are like twin brothers that can destroy families if not handled in moderation. They go hand in hand. At present gambling and liquor outlets are invariably located in close proximity to each other or in the same premises. A lot of alcohol consumption takes place in gambling outlets, therefore it makes a lot of sense to have both gambling and liquor dealt with by one commission.

The bill makes changes to the Gambling Regulation Act 2003, the Liquor Control Reform Act 1998, the Casino Control Act 1991, the Racing Act 1958 and other acts, enabling the new commission to exercise powers under those acts. The VCGLR will have broad powers, including investigative, disciplinary, licensing, registration and compliance powers. It will also provide advice to government and undertake public education and self-driven work. I guess the commission will also have the task of overseeing the new player limit regulation if it passes through the federal Parliament. It would be a great reform to protect vulnerable people in our society.

The bill empowers the minister to determine the number of commissioners to be appointed to the commission. This includes a chairperson and a deputy chairperson. I have not heard of a situation where a statutory commission has been set up without the number of commissioners on it being specified. This is another indication the Baillieu government is not on top of things. This commission will play a major and important role in modern Victoria, as liquor and gambling are embedded in our culture. If the government does not determine the required number of members of the commission at the time of setting it up, that will be a worry. This indicates the government's indecisiveness. Will the commissioners be appointed on a part-time or full-time basis? The government has not worked that one out either. A lot of work has to be done in this space.

Without knowing the total number of commissioners, the government has already determined the quorum as three — interesting. For example, if the minister eventually decides to appoint 20 members, a quorum of 3 will be a mere 15 per cent of the total, which is absurdly low. That would not constitute a meaningful quorum to represent the full commission in any way, shape or form.

The commissioners' remuneration package has not been specified either. When will that be done? Should that not be known to members of this house before they pass the bill? There is no set period specified for a term of office apart from the maximum period being set at five years. The minister can appoint commissioners at any time for up to five years and reappoint the same commissioner, or somebody else, every 6 to 12 months. If that is the case, the commissioners will be under an obligation to the minister.

The only qualification required to be a commissioner is the minister's assessment that a candidate has appropriate knowledge, experience and expertise. There is no standard. The bill provides too much power and flexibility for the minister in setting up the commission. This can be a recipe for disaster in a modern democratic society. It is incumbent upon the government to work through these issues before presenting the bill to the Parliament. Does that mean the government is too lazy or does not care?

A single inspectorate will exist for gaming and liquor regulation. The inspectors will be appointed by the chairperson. It is not clear to me whether the inspectorate will be reporting to the chairperson, the commission or the CEO. If the inspectors are not reporting to the chairperson, I do not think it is

appropriate for the chairperson to appoint the inspectorate.

During the bill briefing the opposition was advised that the CEO will be appointed by the chairperson. The chairperson will not be appointed until the bill is proclaimed. However, it is interesting to note that the government already made a decision in August this year to appoint Ms Jane Brockington as the new CEO of the commission. The chairperson, who is supposed to appoint the CEO of the commission, has not yet been appointed. However, the CEO has been appointed by the government, which is not supposed to appoint the CEO. The common practice is that the person who hires fires as well. Can the chairperson fire the person appointed by the government? None of this is specified in the bill. It would take a gutsy commissioner to sack a CEO appointed by the government.

If a commissioner has an interest in a matter being heard by the commission, it is appropriate that he or she declare his or her interest in the matter and step aside to avoid sitting on the hearing. That is the normal practice I know of in our society and our system of government, but this bill does not make it mandatory for commissioners, including the chair, to remove themselves from matters being heard. There is no penalty for the commissioners for not disclosing their interests or sitting on hearings they may have an interest in. The bill only states that guidelines must be developed to specify the types of interest to be disclosed. There are no sanctions. It would have been better to at least develop the guidelines before presenting the bill to the Parliament.

In describing the new commission the coalition's election policy on gaming said:

Such a body will also be accountable for exercising administrative powers via oversight by VCAT.

The government has broken this promise and moved away from the role of VCAT (Victorian Civil and Administrative Tribunal) in liquor licensing. Currently VCAT's role in liquor licensing includes jurisdiction when an applicant or objector appeals a decision by the director of liquor licensing; jurisdiction over an application for a review of a late-hour entry declaration; and jurisdiction to hear applications by the director, the chief commissioner, a licensing inspector or a local council for disciplinary action against licensees.

It was a great arrangement to have a third party as an independent umpire. This bill provides for these VCAT powers to be assumed by the new commission. An internal merits review for licensing decisions will be introduced. Three or more commissioners, excluding

the original decision-maker, can collectively conduct an internal merits review of a decision, but the matter will not be heard by VCAT. An appeal can be made to the Supreme Court but only on a point of law. If an applicant or objector is not satisfied with a decision or an appeal taken to the commission, their only recourse is to appeal to the Supreme Court — and only on a point of law. This will be very expensive for objectors, and it will make it very difficult for a positive outcome to be achieved for people without the means to take the matter to the Supreme Court.

It is unprecedented that the same organisation that makes the original decision is allowed to make a decision on the appeal as well. This is not how appeal processes generally work in a modern democratic society. It is quite fundamental to our system to have a third party as an independent umpire. For example, municipal council decisions can be appealed to VCAT; Department of Immigration and Citizenship decisions can be appealed to the Migration Review Tribunal; and so forth. That is why the Law Institute of Victoria has also advised the government that its strong view is that appeals to the Victorian Civil and Administrative Tribunal are the preferred course.

The member for Caulfield stated that VCAT has been incapable of resolving these matters because it does not have expertise. This is far from the truth; VCAT has been doing an admirable job. If there is a long delay, what the government has to do is pump them with resources so the waiting list can be reduced. That is what governments do; that is what they are there for. I sincerely hope that this commission will not soften the tough laws brought in by the Brumby government, such as the maximum penalty for carrying prohibited weapons being increased to 12 months in jail or a fine — —

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

Mr CRISP (Mildura) — I rise to make a contribution to the Victorian Commission for Gambling and Liquor Regulation Bill 2011. The bill will establish the Victorian Commission for Gambling and Liquor Regulation. It will implement the commitment that the government made in the 2010 election campaign regarding gambling and liquor policies, and it will create a new integrated gambling and liquor regulator to replace the Victorian Commission for Gambling Regulation and the director of liquor licensing. The bill does not increase the obligation on licensee applicants, nor does it increase the regulatory burden on licensees after the licence has been obtained.

This is about delivering yet another election commitment. This area needed a tidy up, and the Victorian Commission for Gambling and Liquor Regulation will be a modern, world-class, commission-style decision-maker. It is going to restore community confidence after 11 years during which things got very difficult, particularly in the liquor area. It had become very apparent, particularly across country Victoria, that liquor licensing had become problematic for many of our outlets. It is a program of reform that the minister has started, and he is to be congratulated on the efforts he is making to reform liquor laws.

I know a great deal of work is being done to assist smaller liquor licence outlets, because this issue is very important to many smaller communities. Once the commission is established, I am sure it will address some of those issues. Sometimes in little country towns the hotel is all that is left, and it becomes the shop, the post office and a whole lot of things. As those communities unfortunately decline and drink a little less, they need to integrate these functions. Furthermore, some of the packaged liquor laws are still onerous.

I know that the minister and the minister's office is spending a lot of time looking at this as the government works its way through some of those difficult issues we have inherited. That is why we are undertaking this reform. It is needed not just in the areas I have mentioned but also in quite a number of other areas. Barely a month goes by without some evidence emerging of the confusion, bureaucracy, inconsistency and lack of transparency in liquor licensing. We will be dealing with that.

Once we have established this independent authority regulator with some robust governance, it will have to be staffed. It will be a multimember commission headed by a chairperson — moving away from that single decision-maker model, which has caused some issues in the past. It is important that objectors can still be dealt with in a fair way by the decision-makers. Yes, Victorian Civil and Administrative Tribunal has a lesser role or has been replaced, but there is still the opportunity for someone to take their grievance to the Supreme Court if they so wish. It is my observation that VCAT is certainly busy enough with all the other things it does, and this legislation will allow the commissioners, who are experts, to deal with the issues that arise.

Problem liquor venues are something I want to talk about because this has been very much part of the coalition's concern about the law and order issues that

face Victoria. Those problem liquor venues will be dealt with quickly and decisively by the specialist regulator rather than being caught up in protracted proceedings.

With those points in mind, I think this is an excellent bill, an excellent bit of common sense from the minister and his staff, and delivery of a fine policy for Victoria. I am pleased to support the bill.

Ms BEATTIE (Yuroke) — I rise to speak on the Victorian Commission for Gambling and Liquor Regulation Bill 2011. I note that it was a coalition election commitment to establish the VCGLR (Victorian Commission for Gambling and Liquor Regulation), and basically it is enabling legislation. It makes amendments to the Gaming Regulation Act 2003 and the Liquor Control Reform Act 1998, and it enables the new commission to exercise powers under those acts.

I have a couple of concerns, and I note that others have called on the minister to address their concerns between the houses or perhaps in the Council — but preferably between the houses — and I support those calls. Much has been made of the role of Victorian Civil and Administrative Tribunal in this legislation — or the fact that VCAT really has no role in it at all. I want to speak on that. Several contributors have said that the time delays at VCAT are a problem and also that the expertise at VCAT is a problem. I think if the coalition government were to give VCAT more funding and perhaps use expert sessional people to fill roles, that would overcome those concerns. The previous speaker said, ‘Well, you can appeal to the High Court’. I would put it to members that the costs associated with appealing to the High Court are beyond the means of most individuals and community groups who are concerned about decisions. However, I do note that this was a coalition election commitment.

A commissioner has already been appointed, and my understanding is that it is Jane Brockington, who is a former senior public servant. However, the Law Institute of Victoria has concerns about this too, because it has recommended that the chair of the VCGLR be an individual with a legal background, and I would support that. I think the myriad problems that could occur call for somebody with a legal background who can sort through the mire.

The commission will consist of a chairperson who is also a commissioner, one or more commissioners who will be appointed as deputy chairpersons and as many additional commissioners as the minister considers necessary. I note that the commissioners are appointed

by the Governor in Council on the recommendation of the minister. The structure is vague; the bill does not specify how many commissioners there should be, and it states they can be appointed in a full-time or part-time capacity. The quorum for a meeting is to be three commissioners. You could have a situation where you appoint the same number of commissioners as there are players in a football team or a cricket team, but the quorum is still three, which seems to be fairly confusing. Usually a quorum is at least half the number of members plus one, but in this case it is going to be three of an unknown quantity.

According to the bill a person is qualified to be appointed as a commissioner if the minister is satisfied that he or she has the appropriate knowledge, experience and expertise. Again it is at the whim of the minister as to what is the appropriate knowledge, experience and expertise. The bill does not state the type of experience it should be or how many years of experience, expertise or knowledge there should be. Once again it is fairly confusing. The bill also states that meetings and inquiries must be held in public unless there are special circumstances, and those special circumstances are listed, which is a very good thing. The commission may also delegate powers to a commissioner or a member of staff, and again I find that confusing.

During its briefing the opposition was advised that the CEO will be appointed by the chairperson, who will not be appointed until the bill is proclaimed, which raises the question of the government’s decision to appoint Ms Brockington as the new CEO in August this year. It is, as the old saying goes, putting the cart before the horse. Although I do not doubt Ms Brockington’s knowledge, experience and expertise, the government has pre-empted the decision of the independent chairperson by making her the new CEO of a yet-to-exist regulator. It is all very confusing.

Currently an objector can appeal a decision of the director of liquor licensing to the Victorian Civil and Administrative Tribunal. They can make an application for a review of a late-hour entry declaration or disciplinary action. I think the role of VCAT is a really important one. It gives ordinary people a chance to appeal things. Often extensions to liquor licences can be fraught with difficulty. In my electorate a couple of years ago the Woolworths chain applied to open one of its outlets right next door to a small, independent operator, and the community was quite outraged about that. I do not seek to diminish what ‘next door’ means. The door to the new Woolworths outlet and the door to the small, independent trader were right next door to each other. The community was outraged because the

small, independent trader had been there for a number of years and was well respected in the area. Indeed that small, independent operator knew most of the kids in the area, so if the kids came in wanting a bottle of grog, Mr Demarco would say to them, 'Hang on, Johnny or Colin, I know your mum, and I know you're not 18 years of age, therefore you are not getting a bottle of grog', and he would see them off.

Woolworths is a big chain. It appointed staff from outside the area, so they did not have the same local knowledge. The locals were outraged about having two liquor outlets next door to each other. They appealed, I have to say unsuccessfully, to VCAT, but at least the locals thought their story had been heard. Individuals with their modest means and the local Catholic Church also appealed the decision, although in the end they were unsuccessful. It has been said that you can go to the High Court instead, but a body like the High Court can be quite intimidating for local residents, even if they have the means to hire counsel to go there.

With those few words, we are not opposing the bill. However, we ask the minister to address some of the opposition's concerns in a positive way while the bill is between houses so we can go to the community and assure it that this really is a good bill which looks after the interests of everybody and perhaps not just the big end of town.

Ms McLEISH (Seymour) — I rise to make a contribution in support of the Victorian Commission for Gambling and Liquor Regulation Bill 2011. The key purpose of the bill is to create a combined regulator for gambling and liquor. The single, integrated regulator will fall under the newly created Victorian Commission for Gambling and Liquor Regulation, to be known as the VCGLR, which is a bit of a mouthful. It will be an umbrella organisation for both gambling and liquor. The commission's structure for liquor licensing decisions will make use of expert commission members to deliver timely and consistent decisions through a transparent decision-making process. In short, this means there will be improvements in consistency and standards. The commission will replace the Victorian Commission for Gambling Regulation as well as the director of liquor licensing.

I am pleased to say that this is yet another pre-election policy being implemented by the coalition, and I commend the minister for his work both prior to and following the election to bring the bill to fruition. It brings the tally to well in excess of 116 or so commitments that the government has fulfilled in its first year in office. Despite noises from opposition members, I think that is a pretty good record.

If we look at previous liquor and gambling regulators, we see there are a few words we could use to describe them, like 'inconsistent, lacking transparency, confusing and bureaucratic'. I recall when my mother and her brother were the licensees of the Railway Hotel in Yea, liquor licensing was extremely tightly regulated and decision making and business growth were impacted by that. A visit by the liquor licensing commission had everybody trembling in their boots, such was the regulation and control at the time.

This bill is a practical and common-sense reform that will deliver better decisions and fairer outcomes for licensees and the community — and I am thinking of small and large business owners. When the industry was deregulated it went very much in the opposite direction, and where it failed it was just banded here and there. However, there are only so many patch-ups you can do, so the advent of this new body is a very positive thing.

Looking at the new regulator, there will be structural and process changes and there will also be moves to change the culture. Culture change within organisations takes a lot of time and effort; it is not done in 5 minutes. There will be a number of things that will help bring about that cultural change. This is not a rehashed proposal; the new body will have a robust governance and decision-making structure. The proposal also brings together the obvious synergies of gaming and liquor, because as most people realise, gaming venues have a liquor licence as well. This bill prescribes the functions of the commission which were previously performed through the director of liquor licensing or the Victorian Commission for Gambling Regulation.

A number of speakers have talked about the quorum requirement of three commissioners, and what I think is good about the appeals process is that it is based on actual knowledge and expertise. The bill will also mean that if gaming inspectors see a breach of a liquor licence when they are at a venue, they will be skilled up so that they can act rather than just make a phone call and wait for somebody else to come, and vice versa. This is skilling up an existing workforce; there are no job losses here. It is skilling up these people in terms of compliance obligations and education in the areas of both gambling and liquor. When you have a skilled-up workforce with increased capability which improves the capability of the organisation as a whole, you will start to lift people's morale. We will see the workforce becoming more skilled, and that will be an early way to start changing the culture.

Importantly, the bill does not increase the obligation on licence applicants, nor does it increase the regulatory

burden on licensees after a licence is obtained. Keeping the red tape to a minimum and supporting small business is extremely important as we go forward. I congratulate the minister on his work and commend the bill to the house.

Mr SHAW (Frankston) — I appreciate the opportunity to contribute to the debate on the Victorian Commission for Gambling and Liquor Regulation Bill 2011. I will make a couple of points. First of all, the legislation which is being put through the house and which is agreed to by the opposition constitutes another election commitment being met by the coalition government. As other members of this side of the house have said, that is a tremendous effort by the coalition.

This bill establishes the Victorian Commission for Gambling and Liquor Regulation. It is a common-sense approach to replace the Victorian Commission for Gambling Regulation and the director of liquor licensing with one regulator. Business does not like regulation. It knows that it has to have it, but it does not want too much regulation. It wants to be able to go about its business and do what it has to do. This bill reduces regulation and provides transparency and confidence to the liquor industry in Victoria, which is badly in need of reform. This is a practical, common-sense reform which will deliver better decisions and fairer outcomes for the community and for licensees.

I want to quickly talk about why the replacement of those two bodies with one makes sense. Currently if a liquor officer when going around sees something untoward happening in the gaming area, they are not able to do anything about that. My thinking is, and this legislation says, that that is going to change. It can work the other way around in that currently if a gaming regulator were to walk into a gaming venue and see some minors being served alcohol or something untoward happening in that area, they could not do anything about it except maybe make a phone call. Under this legislation both the liquor and gaming representatives will have the same rights — the same regulatory powers. That is a common-sense approach. It creates those synergies, bringing those two groups together, keeping in mind that over 500 gaming venues also have liquor licences. Currently a gaming inspector can observe alcohol being served, but if they see something untoward happening, they cannot do anything about that other than make a phone call.

For business the bill creates a strong and transparent regulator that will be consistent and predictable in its decision making. This will mean there will be fewer surprises in the industry. We know that business is

currently going through some unstable times. We have a federal government that would like to throw around a mining tax and has just thrown up a carbon dioxide tax. We think, ‘Oh, my goodness; what is going to happen in industry?’. Here we are as the party for business, and we are creating a more stable and consistent environment in which people can conduct businesses well. Businesses are going to have the confusion of this federal carbon dioxide tax coming up, but we at a state level are trying to remove regulatory burdens so that businesses can thrive. People have said to me in my practice as an accountant, ‘Geoff, I want to be able to buy a small business. What do I do?’. I say, ‘You just go ahead and buy a big business, because Labor is in power, and just wait, because it will be a small business very soon’.

What we are doing here is creating consistency in the regulatory environment of gaming and liquor licensing. It is a common-sense approach. I congratulate the minister on his work in this area and on all the other bills we are putting through this house. I commend the bill to the house.

Ms MILLER (Bentleigh) — I am delighted to speak on the Victorian Commission for Gambling and Liquor Regulation Bill 2011. I will make a brief contribution on behalf of the small businesses in the Bentleigh electorate.

The bill is about the creation of a combined regulator for gambling and liquor. Through the bill the Liberal-Nationals coalition government will establish the Victorian Commission for Gambling and Liquor Regulation by combining the current functions of the Victorian Commission for Gambling Regulation and the director of liquor licensing.

Up until now the system has been somewhat confused. It has been inconsistent, and a lot of bureaucracy has been involved in the process. It is desperately in need of reform. I note the comments made by the member for Frankston that, under Labor, if someone buys a large business and sits around long enough, it will become a small business. I am delighted to say that the Baillieu government has identified this problem. I commend the minister for taking the initiative to address this important issue. We are delivering on yet another election commitment. The 500 gaming businesses in Victoria will welcome this initiative and will benefit from the process.

As it stands we have two different bodies. There is a lot of bureaucracy and uncertainty involved in going through the Victorian Civil and Administrative Tribunal process. The bill will simplify the system by

creating one organisation, and then matters will go through the process. The other benefit will be to workers, who will be upskilled so that if they see inappropriate behaviour in a gambling or licensed venue, they will be able to address it at the time. That is terrific, because otherwise there would be a delay in the process. It would be dysfunctional and unclear. Victorian businesses want certainty, clarity, efficiency and cost effectiveness, and I believe this process will deliver those things.

The other point I wish to note is that the shadow minister for gaming and racing, Mr Pakula, recently said on radio that the government's implementation of its commitment to merge gaming and liquor regulation was causing uncertainty, which has caused people to walk away. I found that a strange comment, because it is simply not true. Over the last nine months only four gaming inspectors have left — less than half — which represents a low turnover of staff compared with the previous year, during which six staff members departed.

The streamlining of the two bodies into one means that problems that occur in venues can be addressed at the time, as I said. It makes sense to have one regulatory body. It will be more effective, efficient and cost effective. The business operators in my electorate who I have spoken to have told me that they welcome this reform and that it is long overdue. I am delighted that the Baillieu government will take action after the 11 years in which the previous government did nothing. Yet again we are going to fix the problems caused by a lack of action.

Mr Hodgett — Fix the problems; build the future!

Ms MILLER — That is exactly right — we are going to fix the problems and build the future. We will build businesses in Victoria so that they have certainty for the future.

In short, the bill is simple and decisive. It will create certainty for small and large businesses in Victoria. I commend the bill to the house.

Debate adjourned on motion of Mr HODGETT (Kilsyth).

Debate adjourned until later this day.

CHILDREN, YOUTH AND FAMILIES AMENDMENT (SECURITY OF YOUTH JUSTICE FACILITIES) BILL 2011

Second reading

Debate resumed from 12 October; motion of Ms WOOLDRIDGE (Minister for Community Services).

Mr MORRIS (Mornington) — Before you come into this place you often have policy interests or even agendas, but it is amazing how different the actual experience can be once you are elected. One of the most unexpected and certainly the most interesting policy excursions for me has been my involvement in the areas of justice and corrections — in particular youth justice and youth prisons — courtesy of my time on the Drugs and Crime Prevention Committee, along with the member for Yuroke and others.

In the course of various inquiries I had the experience of visiting the Parkville Youth Residential Centre, the Malmsbury youth justice centre and a juvenile detention facility in New Zealand whose name did not spring to mind when I was thinking about what to say today — all very different and all with their own issues. I make that point to indicate that I have some experience in this area, albeit — and thankfully — limited experience.

One of the features of the 56th Parliament was a series of rolling crises that seemed to occur within the community services portfolio, including the youth justice area. There were two significant lowlights — firstly, the escape of six young prisoners from the Eastern Hill unit of the Melbourne youth justice centre in May 2010, and secondly, the notorious Ombudsman's report entitled *Whistleblowers Protection Act 2001 — Investigation into Conditions at the Melbourne Youth Justice Precinct*, which was tabled on the second-last sitting day prior to the state election. The timing of that release allowed little opportunity for the report to be considered or the incumbent government to be questioned or indeed for issues to be raised and the normal accountability processes to occur.

Before I address the substance of the bill I will briefly discuss some of the issues that arose from that escape, the subsequent Comrie report and the Ombudsman's investigation. I do that because the amendments made by the bill before the house largely derive from those events and investigations.

The Comrie report focuses on three main themes: firstly, security arrangements at Parkville; secondly, an investigation of the escape itself; and thirdly, some related and contributory factors in the escape. The report clearly identifies the shortcomings of the facility. It recommends urgent action on the problems which Mr Comrie identified as presenting, in his words, substantial risks to the department, the community and the staff and clients of the precinct. Mr Comrie also noted:

Many of the young offenders at the MYJC have a substantial history of violence and have been sentenced by the Children's Court to terms of custody in recognition of the threat they pose to the community. Indeed, from 2001 to 2009 the number of young offenders in custody for offences of violence has increased dramatically from 23 per cent to 76 per cent of the total held in custody by the department. This situation presents significant challenges for the department and should be the catalyst for a thorough review of all relevant policies and procedures, especially those that impact on safety and security.

As I indicated earlier, the Ombudsman's report was tabled late in the day and is a damning indictment of the youth justice regime operated by the former government, a regime that was rightly described by the then shadow minister as a 'toxic environment'. The report indicates that the prevailing conditions at Parkville were in breach of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the Australasian Juvenile Justice Administrators Standards for Juvenile Custodial Facilities, recommendations from the Royal Commission into Aboriginal Deaths in Custody and, last but not least, the government's own health regulations, including the Food Act 1984. No wonder the government tried to hide the report in the rush of events that surround the end of any Parliament.

The Ombudsman's report contains a total of 27 recommendations and in conjunction with the Comrie report provides an excellent framework for the operation of youth justice facilities in Victoria. What has been done in terms of these recommendations? Substantial progress has been made against all recommendations of the Ombudsman and in the eight action areas identified by Mr Comrie.

The proposed changes in the bill were recommended by the Comrie review specifically to address the current unsatisfactory security arrangements at Parkville, to protect the community and to uphold law and order. The bill will enable the state's \$5 million investment to create a single point of entry for the precinct to perform its full security function and will provide a strong legislative framework for security improvements at the

youth justice facilities across the state. I commend the bill to the house.

Mr NOONAN (Williamstown) — I rise to join this debate on the Children, Youth and Families Amendment (Security of Youth Justice Facilities) Bill 2011. One of the virtues we hold dear as Victorians and Australians is the notion of opportunity. 'Opportunity' is one of those catch-all words that we in politics and society like to use. We use the word 'opportunity' because it engenders hope and possibility. When we think about hope and possibility we are often drawn to thoughts about children and their futures. We want our children to do well, so we work hard to ensure that they are given the opportunities that many of us here in the Parliament are afforded. Sadly, though, there is a group of young adolescents that the Department of Human Services calls 'youth justice clients', some of whom are as young as 12 and 13, who have not been given the same opportunities as the vast majority of young people.

Many of these young people have a set of complex needs associated with socioeconomic disadvantage, childhood abuse and neglect, exposure to family criminal behaviour, substance abuse and/or mental illness, a lack of family and social supports and homelessness. These circumstances often result in a pattern of poor behaviour leading to poor decision making and ultimately for some of them custodial sentences in one of our three youth justice centres. Victoria has long been considered a leader in youth justice services. As an example, our unique dual-track sentencing system allows adult courts to sentence a person aged between 18 and 20 years to a youth justice centre as an alternative to adult detention. The youth justice facilities also promote opportunities for rehabilitation and target ways to minimise the likelihood of reoffending and further progression in the criminal justice system.

In recent times Victoria's position as a leader in this area has been challenged following the escape of six young boys from the Melbourne youth justice centre in May last year, the subsequent Comrie report and the Ombudsman's investigation. Those reports identify security deficiencies at the Parkville facilities and recommend a range of improvements. The Ombudsman's investigation found that the centres had seized contraband, including tobacco, syringes and sharp objects. According to the Department of Human Services the Comrie review:

... concluded that the focus on welfare and rehabilitation at the PYJP has been out of balance with security requirements.

The previous state government accepted the recommendations of those reports and moved swiftly to install new managers at Parkville. As the Minister for Community Services outlined in her second-reading speech, a number of other security enhancements have been implemented since those recommendations were made, including:

... the installation of closed-circuit TV around the precinct, enhanced surveillance and supervision of night operations, improvements to the physical fabric of the site, and improved monitoring to prevent staff misconduct and improve their compliance with operational policies and procedures.

The minister also made reference to the previous state government's decision to fund the \$5 million single-point-of-entry building which is now well and truly under construction. The bill takes the next step in lifting the security arrangements at the state's youth justice centres. It includes three key provisions that other speakers have spoken about. The first focuses on reducing the risk of contraband entering the facilities by giving legal authority to security officers to conduct a comprehensive search of every person entering and exiting a youth justice facility, and this includes, if required, frisk and strip searches under certain conditions.

The bill also creates new security offences and boosts the penalty for a person who, without authorisation, attempts to enter a youth justice centre, communicates or attempts to communicate with a detainee in contravention of a clear order from the secretary of the Department of Human Services or attempts to take or send contraband items in or out of a youth justice facility. The bill will also make it an offence for a person to disclose confidential information relating to security arrangements in youth justice centres in a way that is not authorised. Each of these provisions is relatively straightforward and appears to be in keeping with the recommendations of both the Comrie report and the Ombudsman's investigation.

I return to the Comrie review for a moment to offer a few more comments in reference to his finding that there has been too strong a focus on the welfare and rehabilitation of young offenders and that this focus has been out of balance with security requirements. One of the things that can happen in these circumstances is that the balance can swing back too far and become an overemphasis on security facilities at the expense of programs that are aimed at rehabilitating young people, which are about changing behaviours and ultimately diverting them from a life of crime.

I talked about opportunity in my opening remarks. In my case I have had an opportunity to work with some

inspiring people to help change the course of hundreds of youth offenders in Victoria. I had the privilege of being elected as the founding chair of the YMCA's Bridge Project, a program specifically designed to assist young people to make the transition from the youth justice centre into meaningful work and training places. Since its inception in 2006 the Bridge Project has assisted 650 young people through a simple model of intensive support, mentoring, training and finding ongoing employment. The project has also secured ongoing post-release employment for more than 150 young people, which is a remarkable effort.

What started as a simple concept to build bridges between young ex-offenders and the community has now become a multi-award-winning program. Late last year the Bridge Project made news on the national stage by being one of just a handful of projects to receive a national crime prevention award. In recent times the project has also successfully established its own social enterprise called Rebuild, allowing ex-offenders to work together and rebuild their lives as part of a small maintenance and gardening service. The most remarkable aspect of this project is that less than 3 per cent of young people who are supported through the Bridge Project have reoffended again. This compares with an average reoffending rate that normally exceeds 60 per cent.

Such has been the impact of this project to date that KPMG anticipates that the annual saving for the state from this point forward will be in the vicinity of \$8 million through reductions in reoffending rates. The previous state Labor government provided substantial funding to assist the Bridge Project, and I am very pleased that the Baillieu government has continued to maintain support for this program, committing \$285 000 earlier this year to support the program through to February 2012. Given the Bridge Project's proven track record in substantially reducing reoffending rates, my recommendation to the Minister for Community Services — and I am pleased that she is the minister at the table — is to find a way to embed a project like this into the overall recurrent funding pool for youth justice services. One of the key arguments for adopting this approach lies in the potential cost savings that will accrue to the state through reducing reoffending rates and stopping this revolving-door mentality.

Let me return to the theme of opportunity. I will restate that it is fit and proper for the state to be enhancing the security arrangements at our youth justice centres, but this should not come at the expense of rehabilitating young offenders. Our obligation as a Parliament and as a society is to provide opportunities, especially for

young people in our youth justice system. To do that, the state government must consciously invest in programs such as the Bridge Project. I have had the wonderful opportunity to work with outstanding people such as Matt Feutrill and Sherilyn Hanson from the Bridge Project to assist young offenders. It is incumbent on this state government to maintain a focus on supporting young people in their transition from custody to the community. Anything less from this state government would further entrench the lack of opportunity experienced by the vast majority of youth offenders who move through our youth justice centres each year.

In closing, it occurs to me that the minister now has her own opportunity to make a difference in the lives of young offenders. The minister has an opportunity to leave her own positive mark on an area of government that does not always enjoy the attention that it ought to. For the sake of the many young offenders who will move through the system over the coming years I hope the minister gets it right.

Mrs VICTORIA (Bayswater) — I too rise to speak in the debate on the Children, Youth and Families Amendment (Security of Youth Justice Facilities) Bill 2011. I note that the Minister for Community Services is at the table, and I wish to commend her for the initiatives in this bill. I know they will go a long way towards making life better for some of our youth who are at risk. There are a lot of terrific initiatives in this bill. It goes to the idea of what we all want to achieve, which is securing our children. We also have to look at preventive measures, but I will get onto that in a minute. This bill will amend the current act to allow for increased security at our juvenile justice centres.

The bill came about after recent reviews, including the Comrie review, which other speakers have referred to. The Comrie review was looking specifically at security arrangements at the Parkville centre, which used to be known as Turana. There was an escape of six young offenders. It is certainly not the best situation for young offenders to be in — to be thinking that they can escape custody — but it was also a very nervous time for the community when they were out and about. The fear of the unknown is probably one of the greatest fears you can have as a community member. Knowing these people were out there unsupervised made for a bit of a nervous time.

The security measures introduced by the amendments made in the bill include the empowerment of authorised officers to search anyone, both offenders and visitors, entering a youth justice facility. One would think that is a fairly logical inclusion. The bill will allow the seizure

of prohibited items, which is again very logical. It will require certain seized items to be handed to police, which is a great requirement. It will also strengthen provisions surrounding the confidentiality of security information. In the past that has not necessarily been a main focus. The bill brings security confidentiality into focus, which is not just logical but also the type of inclusion that should be mandatory. Obviously that is what we are doing today.

Due to the introduction of diversion programs, offenders who end up with a custodial sentence in a juvenile justice centre are not those who have committed small crimes; they are offenders who have reoffended or committed an offence that is on the more serious side. For offenders who do not fall into those categories there is the option of community-based supervision orders as well as diversion programs. The goal of society should be to never have to incarcerate young people. We know anecdotally that young people who go into these centres do not necessarily come out knowing less about bad practices. It is far better for them and their future if we can have them go into diversion programs and the like.

I want to talk about a couple of programs that I know very well. These are fantastic initiatives. There is one in my electorate that I have participated in. Leaps and Bounds Bayswater, which is situated on the same site as the Bayswater Secondary College, caters for 13 to 17-year-olds who are referred from a number of sources but who quite often do not fit into school and are restless. The aim of the Leaps and Bounds Bayswater course is to motivate and inspire students where traditional education has failed them or been unsuccessful.

There is also the Ropes program, which is run out in Mount Evelyn. I have been out there and taken part in this program. It is a wonderful situation whereby magistrates can divert young people off to this program, especially young people aged 12 to 18, and they learn to build trust. It is a one-day course; it does not go for a long time and they are given the option, if they do not want to do it, to have an alternative sentence. The program has put an awful lot of children back on track. In fact it has been so successful that the recidivism rate in our outer-east program is down to just 12 per cent.

We know diversion programs help a lot of kids, but when they are not able to be helped or do not want to be helped, then we unfortunately have to put them into a custodial centre. To make sure that they are safe and secure and that the centre is safe and secure is something that we as a state have an obligation to do.

There are lots of initiatives within this bill that I commend the minister for bringing to the house. Some of these initiatives are already in place, including the single entry into the facility at Parkville rather than the three or four entries that were there. Everything that has been put into this bill is highly logical and is there for the protection of our young people, and I commend the bill to the house.

Ms DUNCAN (Macedon) — I rise in support of the Children, Youth and Families Amendment (Security of Youth Justice Facilities) Bill 2011. There are a number of key provisions in this bill. Its purpose is to amend the Children, Youth and Families Act 2005 to improve security measures at youth justice centres. The amendments to the act will enable searches of people upon entry, upon exit and within youth justice facilities. New provisions setting out powers and functions in relation to the seizure of certain articles will be inserted, replacing the existing provisions in the act and the children, youth and families regulations of 2007. Existing offences which prohibit particular actions that compromise security will be amended, and the bill will also insert into the act a new secrecy provision aimed at protecting the security of information about youth justice facilities. I will say a bit more about that in a second and ask the minister to perhaps clarify some of that.

The bill imposes further restrictions upon communication with detainees. As the bill states, these communications are only prohibited where the communication threatens the security of the facility or any person, and a person can only be charged with an offence under this provision if they have first received a warning. A range of other measures — for example, seizures of contraband — are also amended by this bill.

As has been said previously, the bill arises as a result of two inquiries. One was the report by Neil Comrie in July 2010 which followed the escape of six boys from the Melbourne juvenile justice centre and the other was the Ombudsman's report in October of that year following a whistleblower's allegations about conditions at Parkville. Earlier I heard a member say something about the government trying to hide this report, but I do not know that that was the case; in fact the government at the time announced some \$16 million over four years to address the measures that were highlighted in that report. It is also important to keep in mind — because we have a way of reinventing history in this place — that the Comrie review found the escape had occurred as a result of a breach of the existing and required security procedures at the centre. We should not get too carried away with the suggestion that this was some sort of open facility or that security

measures were non-existent. While it is important that security be maintained and improved, we should not overstate or oversimplify these issues or the measures that are now part of this legislation.

Briefly, I ask the minister to offer some clarification around the secrecy provisions that apply to departmental officers, for example, as well as to volunteers and contracted service providers such as YMCA workers who provide sport and recreational programs within these facilities. The provisions also apply to a person appointed by the department or an independent body conducting an investigation of, or visiting, a youth justice facility. The question is how far does this extend — for example, if parliamentary committee members were visiting a youth justice facility, would it therefore preclude any discussions around what they might have seen or heard during their visit? Could that be said to be a threat to the good order of the facility? That might be something the minister is able to clarify for us. As is usual and appropriate, there are exceptions to the disclosure provisions, including evidence in criminal proceedings as one example. With those few comments, I commend the bill to the house.

Mr McCURDY (Murray Valley) — I am delighted to rise and make a contribution on the Children, Youth and Families Amendment (Security of Youth Justice Facilities) Bill 2011.

An honourable member interjected.

Mr McCURDY — Yes, the member did catch me off guard, but I am now raring to go, thank you very much. I would like to acknowledge the minister in the house, Minister Wooldridge, and the fine work she is doing in this area. It is an important part of our community, and I appreciate that it is a difficult task.

The Baillieu government made many election commitments with regard to law and order and enhancing community safety in the Parkville Youth Justice Precinct — the former Melbourne Juvenile Justice Centre and Turana Youth Training Centre — which as we all know is designed to accommodate 15 to 17-year-old males in the four units and the remand centre. The juvenile justice centres, and the Parkville precinct in particular, were the subject of two reviews: the Neil Comrie review after the escape of six boys in May 2010 and the Ombudsman's investigation following allegations about conditions. Both those reports were highly critical of the security arrangements and the conditions at the Parkville precinct.

This bill honours a coalition commitment to analyse the situation and to implement the appropriate changes, and

upgrading security is a major factor in that. In July 2010 the Comrie review looked at the adequacy or inadequacy of security arrangements at the Parkville precinct following the escape of the boys from the youth justice facility. The review highlighted the need to address security deficiencies, and here we are today with further amendments to the Children, Youth and Families Act 2005. The Victorian Ombudsman's review of the Parkville precinct in October 2010 agreed with the findings of the Comrie review.

The overall objective of the bill is to enhance the security of the Parkville youth justice precinct in accordance with the recommendations of the Comrie review and the Ombudsman's report and with the government's election commitments on community safety. It is also to ensure that the bill is consistent with the principles of youth justice and that it facilitates positive long-term outcomes for young people involved in the youth justice system.

The issues were clearly raised, and this government is now responding because security is of high priority in our community, including in our prisons and youth justice centres. It is absolutely vital for their successful operation. This bill will repeal existing search powers and insert new provisions to enable searches of people upon entry to, exit from and within youth justice facilities to restrict the flow of contraband in and out of youth justice centres. It will also amend the existing provisions relating to security offences to ensure that actions that compromise the security and good order of youth justice facilities are prohibited and to raise the penalties attached to security offences committed by adults.

The legislation will also ensure that the \$5 million investment to create a single point of entry to the precinct will improve perimeter security of the site and promote community safety. It will create a strong foundation for security improvements at the youth justice facility centre. This will position Victoria to build a safer community into the future as the government develops a long-term strategy for the youth justice custodial centres.

The Ombudsman's recommendations and the eight action areas raised by the Comrie review have been made clear. They include that there be closed-circuit television throughout the precinct and scaled-up supervision and compliance monitoring at night. The client units will also be renovated, following the Ombudsman's report noting of their conditions.

In summary I say that both the Comrie review and the Ombudsman's report identified the deficiencies, and

this bill goes a long way towards addressing some of the anomalies. We recognise that we still have a long way to go in these areas, but we need to have confidence that this government will work towards achieving this end. I commend the bill to the house.

Ms CAMPBELL (Pascoe Vale) — I rise to support the Children, Youth and Families Amendment (Security of Youth Justice Facilities) Bill 2011. At the outset I state that I am personally firmly committed, as I know the opposition is, to the dual-track system. It is a system that has put Victoria in a positive light internationally in relation to how we deal with young offenders in terms of both punishment and rehabilitation. I have had the opportunity to hear a number of people speak on this piece of legislation, and they have continually highlighted how we are highly regarded internationally because of our approach.

The approach is not just philosophical in terms of ensuring that children or immature people are treated differently, but also its financial benefit to the state has been proven. Even if we did not want to look after young offenders differently because that is the correct thing to do, it is financially important that we continue to operate a dual-track system that is very much focused on treating immature people differently to those in the adult correction service.

The second point I want to make is in relation to the Comrie review. That review was of great benefit to the minister at the time, as I am sure it is to the current minister and his departmental staff. From my perspective it was pleasing to see that it will enable the minister to conduct a reorganisation in relation to management issues. It is extremely helpful that someone of the status of Neil Comrie has brought down a report recommending that departmental changes occur to assist the minister in the delivery of a good outcome in terms of both custodial sentencing and young offenders in this state.

Members of the house and those currently working in juvenile justice might like to go through the archives and pull out a report known as the Baird report, written by Graeme Baird, which also addresses a number of important issues. With a change in management in juvenile justice, I am sure the benefit of Graeme Baird's wisdom would be appreciated. I bring that report to the attention of the minister and her departmental officers, who can no doubt provide her with a copy of it.

The third point I want to make on this bill is about a point that has been raised in the Scrutiny of Acts and Regulations Committee report which looked at the related regulations. I refer to the *SARC Alert Digest*

No. 11, which was tabled on Tuesday, and I refer particularly to pages 2 and 3 of that *Alert Digest*, which relate to this bill. I am aware that the regulations affecting this piece of legislation are currently being worked on by the department, and SARC also understands that they are currently under way. But as those who have been around juvenile justice, the Department of Human Services and the Parliament for any length of time know, regulations can be notoriously bogged down by umpteen committee meetings, and sometimes people get a little confused about the major issues.

I want to reassert how important it is that the regulations that are currently being developed contain a number of the provisions that are applicable in the adult Corrections Regulations 2009. Why do I say that? Because there are more robust regulations that are based on human rights as well as security in the adult corrections system. I refer to the SARC report at page 2, which refers to this bill. The committee noted that:

... new section 488AD(6) provides that all searches in youth justice facilities must be carried out 'expeditiously' and 'with regard to the decency and self-respect of the person searched' and sets out some specific protections relating to strip searches.

It also noted those in a footnote. On page 3, the report highlights that:

... the committee observes that the bill's provisions for strip searches of detainees in youth detention facilities lack a number of the express protections presently applicable (under the Corrections Regulations 2009) for strip searches of adult prisoners.

The committee has written to the minister seeking information about when further safeguards for strip searches of detainees will be incorporated into the Children, Youth and Families Regulations 2007 and whether or not they will include express safeguards equivalent to those in the Corrections Regulations 2009.

For the benefit of the house I will highlight some of the provisions in the adult Corrections Regulations 2009 which we believe need to be brought to the attention of the department so they are covered in juvenile justice legislation. Strip searches for adult detainees are presently governed by Corrections Regulations 2009, as I said, while juvenile detainees are governed by the Children, Youth and Families Regulations 2007. 'Strip search' is defined in the Corrections Regulations 2009 to expressly exclude any requirement that the person be touched by a person or persons conducting a search.

The committee thinks that is an important provision for the juvenile regulations. Regulation 69(1)(b) of the Corrections Regulations 2009 provides that 'the search must not be conducted by more officers than is reasonably necessary to ensure the safety of the officers and the prisoner'. As you will see from our report, we are not greatly concerned about that because we seem to have that covered within the legislation.

Regulation 69(3) of the Corrections Regulations 2009 requires that any opinion that a strip search is necessary must be believed 'on reasonable grounds'. Obviously that is because we want to ensure that both detainees and officers have an absolute understanding that strip searches are done when it is necessary, not because an officer may wish to intimidate a prisoner or a youth detainee. It cannot be done as a form of punishment. It has to be done on reasonable grounds.

Regulation 69(6)(a) requires that an officer ensure that a strip search is conducted 'as expeditiously as possible to minimise the impact on the prisoner's dignity and self-respect, avoiding any unnecessary force'.

Regulation 69(6)(b) requires that a search be 'conducted in a private place or an area that ... provides reasonable privacy' and only in the presence and sight of persons needed to secure safety. That also appears to be covered by this legislation. Regulation 69(6)(c) expressly bars anyone from touching the prisoner's body unless reasonable force is necessary to compel obedience. Regulation 69(6)(d) and (e) require that the prisoner be allowed to dress in private and that alternative clothes be supplied if the prisoner's clothes are seized. Regulation 69(7) requires a register to be kept setting out details of every strip search. That of course protects both the prison officer and the prisoner.

It has also been brought to my attention that it has been extremely helpful to alert people to what they may expect if they are to be the subject of a strip search. I highlight that also for the benefit of the members of the department who are here listening to the debate. I thank members for the opportunity to speak on this legislation. Victoria must keep the dual-track system.

Mr SOUTHWICK (Caulfield) — I rise to speak in the debate on the Children, Youth and Families Amendment (Security of Youth Justice Facilities) Bill 2011. This follows yet another election commitment by the Baillieu government to deliver a safe and secure Victoria. You have heard me speak on a number of occasions in this house about delivering safety, security and consistency to all Victorians. It gives me particularly great pleasure to talk on this bill, because with this bill we are helping our young people by ensuring there is a proper detention process and system in place for them.

Some of the issues this bill seeks to address arise from a report conducted by Neil Comrie that came out in 2010. Mr Comrie reviewed the adequacy and security arrangements at the Parkville juvenile justice precinct following the escape of six young offenders. The review highlighted the need to address a number of deficiencies in the Parkville precinct through amendments to the Children, Youth and Families Act 2005. There was a second report, this time by the Ombudsman, which looked at inadequacies at the Parkville precinct that were raised by a whistleblower. I will draw members' attention to part of the Ombudsman's report which speaks about the actual state of the Parkville precinct. It is appalling that the previous government left the precinct with lax security and with a number of different exits and entrances at a facility which houses young offenders, many of whom are first-time offenders.

I note that the member for Pascoe Vale talked about how important it is to rehabilitate our young people. I could not agree more, but these young people have been confronted with an appalling facility that has been left this way thanks to the previous government. The opposition ought to be ashamed of itself for the way it left this precinct. We are again left to fix up the mess and to clean up the previous Labor government's inadequacies, and that is what we are doing. The most important element is a \$5 million single-point entry to the building. This is a tightening of security at the precinct, so there are not multiple entries. There will also be proper security at that entry, and it will be properly monitored. This is an important change; it is something that should have been done a long time ago. If these changes had taken place earlier, they would have ensured that the previous security breaches did not happen.

The member for Pascoe Vale also spoke about search provisions and issues regarding who should be searched and how they should be searched. This bill clears up the situation with respect to search provisions. The bill also makes sure that there will be tighter security to prevent illegal substances and illegal weapons being brought into this prison. For first-time offenders in particular to be confronted by this sort of thing, when in many cases they are being rehabilitated, is not on. We are tightening up the facility and ensuring that these young people are not threatened by further illegal activity when they are being held in detention in these prisons. That is why we are tightening security, and that is what this bill addresses.

This is an important bill. It is just the beginning, but it is a very important beginning, of what we need to do in Victoria to ensure that we have secure prisons and

secure detention facilities and to ensure that young offenders are only first-time offenders.

Mr Foley interjected.

Mr SOUTHWICK — I hear the member for Albert Park rabbiting on over there, but I know that he would also want to ensure that first-time offenders are in fact first-time offenders and not repeat offenders. That is what are seeking to do — ensuring that these facilities are clean, that they are tight, that they are secure and that people do not reoffend in the facilities that they are in. I commend the bill to the house.

Mr FOLEY (Albert Park) — I am glad the member for Caulfield noticed I was in the chamber. I think his level of paranoia precedes him in this particular matter. There was simply a polite exchange about admiring the work of the Acting Speaker.

It gives me great pleasure to rise to make a few comments in regard to this important bill. Despite the lock-them-up-and-throw-away-the-key contribution we just heard, it is very important for us as a community to support the position of all young people being recognised and supported to achieve their full potential, especially those who are subject to youth justice services. In this context the current bill, particularly as it seeks to deal with the security of the Parkville youth justice facility, makes a significant contribution to the pointy end of the justice system that deals with young people.

As we have heard, the bill deals with issues arising from the escape of a number of young offenders in 2010, a subsequent review by Neil Comrie and a report by the Ombudsman following a whistleblower's application. We have heard that provisions in relation to security entrances, powers of search and seizure and a whole range of other increased security powers will be introduced by this bill. Custodial sentences are only a part of it; they should be the last resort of the youth justice system and be reserved for the most serious of offenders. As we have heard in a number of contributions to debate today, how to keep youth offenders out of custodial arrangements is a particularly significant issue.

I want to draw the attention of members of the house to one particular organisation in my electorate. I am glad the member for Caulfield is still in the house, because that organisation also services his electorate. It is the St Kilda Youth Service, or SKYS as it is now more commonly known. It specialises in programs for disadvantaged or at-risk youths in our local communities. Many of its clients are homeless. They

are subject to youth justice diversion orders and protective orders and are generally disengaged from mainstream education. Far too many of them suffer drug and alcohol dependency issues. These are young people with chaotic lives.

We have heard today about two inquiries that dealt with the pointy end of what happens once such young people are locked up in the system. The people at SKYS seek ways of keeping young people out of that system. It is particularly disappointing to know that the contribution of SKYS has been set back in recent times by the activities of those on the government benches. Sadly the reduction of funding for VCAL (Victorian certificate of applied learning) cuts into the some of the work done by youth in this area. It is sad the member for Caulfield has departed the chamber, because students referred by Caulfield Park Community School to a VCAL program run by SKYS have been particularly disadvantaged by those VCAL cuts that are designed to keep these people out of the area.

The whole issue of keeping young people out of facilities like the one in Parkville starts at places like Caulfield Park Community School. For some it might end at Parkville, but it starts at Caulfield Park Community School. These cuts affect programs that assist young people to develop their skills in such a way as to avoid coming to the pointy end at Parkville where they experience body searches, strip searches and security issues. Programs to avoid that is what we should be focused on as a community.

Although the measures to be taken by the bill to make the youth justice system a little bit more secure are no doubt welcomed, what is disappointing about this bill is that when a whole-of-government approach is taken to this issue, the youth justice system will have more customers. That is the very sad consequence of the actions being taken by those opposite. It would be lovely to see the minister, in her summing up of the debate on this bill, the leading wet of the cabinet who sits opposite and is responsible for this bill, take more of a brave stand against the lock-them-up-and-throw-away-the-key brigade that exists in cabinet to make sure that the programs that keep young people out of these facilities are supported rather than cut back, as we have seen in recent times.

Mr ANGUS (Forest Hill) — Is a pleasure to rise today to speak on the Children, Youth and Families Amendment (Security of Youth Justice Facilities) Bill 2011. Clause 1 clearly outlines the purpose of the bill:

The purpose of this Bill is to amend the Children, Youth and Families Act 2005 to change the security arrangements for youth justice facilities.

That is a fairly brief way to address the content of this bill, but if we refer to its background, we can see the bill arises from an incident that occurred in the Parkville youth justice centre precinct in 2010. Following that incident there was an inquiry instituted by the previous government which involved Mr Neil Comrie, who reported in July 2010. He found that the security of the Parkville precinct was inadequate. That view was also reinforced by an Ombudsman's own-motion investigation in October 2010, which followed a whistleblower outlining some of the prevailing conditions at the Parkville precinct.

This is another election commitment of the Baillieu government in relation to the issue of law and order. Like many of the new bills that have come into this chamber since the government was elected, this bill addresses the whole issue of law and order. The bill is our commitment to look at this issue, analyse the security and management of the Parkville youth justice centre precinct and implement appropriate responses, including upgrading the security at the site.

The reports I mentioned a moment ago — the Comrie report and the Ombudsman's report — were both highly critical of the security arrangements and conditions at the Parkville precinct and the services provided to young people in custody. It is a matter that this government is not going to let rest. It is a matter that we are going to get on with and address.

On that note the new government has already undertaken a range of improvements, and I would like to spend a couple of moments of my contribution identifying those. We have installed closed-circuit television throughout the precinct and scaled up supervision and compliance monitoring at night. We have renovated client units after the Ombudsman noted the appalling conditions in his report. We have expanded education and training for young people in custody by introducing an extra class session every day, revising timetables, creating larger class sizes and adding new TAFE short courses. It is a matter not just of punishment but also of improving the lives of and outcomes for the clients of the Parkville precinct.

We have also committed \$4.15 million over four years to implement comprehensive workforce improvements in youth justice custodial services. We have allocated \$1 million in the 2011–12 budget for planning and feasibility to develop a long-term strategy for the future of youth justice custodial centres. They are all important components of dealing with this problem within our community. It is interesting to note as an aside that from 2001 to 2009 the number of young offenders in custody for offences of violence has

increased dramatically from 23 per cent to 76 per cent of the total held in custody by the department. It is a trend that is of great concern to us and the broader community and is one that this bill will go quite some way towards addressing. I will not tarry. Suffice it to say that this is another solution to a problem that existed before the election. We are coming in, and we are solving the problem. I commend the bill to the house.

Mr LIM (Clayton) — It is a great pleasure to join the debate on the Children, Youth and Families Amendment (Security of Youth Justice Facilities) Bill 2011. My contribution will take a different angle, because we have heard so much about the different aspects of how this bill has come about as a result of the Comrie review and the Ombudsman's report and so on. I was surprised by the member for Pascoe Vale, who did not mention, when she spoke about how our juvenile justice system is a shining example worldwide and is recognised as such and respected internationally, that it was under her watch that some of those positive visionary things happened. I feel that in a place like the Parliament we act in an adversarial way towards each other. We are too negative, and we rarely pay respect or due regard to the good work our members have done.

In my early years here in this chamber I was perturbed every year when I read the annual reports of the youth parole board. I hope that by bringing this to the attention of the minister at the table, the Minister for Local Government, or the Minister for Community Services, who is not in the chamber at the moment, the message will get through that we should continue with our tradition of caring. We know that we have to be very firm and forceful with young offenders, but we have to be fair as well.

I recall the early settlement of the Indochinese community in Victoria. We have all heard about the young Vietnamese, Cambodians and Chinese from the three countries in Indochina who came here as unattached youngsters; they would tag onto a family, but they were not true members of the family. Those families had no tradition as such of settling in a third country. The youngsters were let loose, and they could not cope with their new environment. They formed gangs, became involved in drugs and became violent. As a result they were locked up.

Every year for three or four years in a row the youth parole board consistently mentioned in its reports that the number of young offenders from this community was growing out of proportion to the population of Victoria as a whole and that the juvenile justice system had to handle and meet the challenge of this growing

number of young offenders. Ironically we are now seeing the same thing happening with the Sudanese and other new African communities. If members look at the last two reports of the youth parole board, they will see exactly the same story.

What the former Minister for Community Services, the member for Pascoe Vale, did all those years ago is figure out that unless the system was culturally specific and culturally relevant, these people were going to come out and reoffend, because nobody was catering for them inside or outside the system. I thought the approach of lock them up and throw the key away or the gung-ho style of taking no prisoners displayed by members on the other side of the chamber, if my reading of their contributions was not wrong, was very disturbing. After all, these are young people.

In the early years I felt that we should send them back; they should not be here. But after 20 years they are now contributing members of the community. They are decent people; they are fathers, responsible husbands and all that, and it is really encouraging. This is because the former Minister for Community Services, the member for Pascoe Vale, had the decency and the vision to use scholarship within the Indochinese community so that their own people could be trained and go into the system to look after the young offenders. They went in to care for the young offenders and respond to their needs and to train them while they were inside or when they came out by providing them with special traineeships et cetera, so that they could become useful, contributing members of the community.

I think that we tend to forget a little thing like that or overlook it. But our system is a shining example; we are leading the world. We should keep this tradition, and we should be proud and walk tall in the knowledge that the Victorian juvenile justice system is second to none.

The bill deals mainly with security arrangements to make sure that young offenders never escape again. It introduces mechanisms to check for and confiscate articles and so forth. You can do all of these things, but unless you have a human touch and facilitate these young people — help, guide and nurture them — they will come out and reoffend rather than contribute to the community. No matter how much legislation we put through, no matter how many mechanisms we put in place and talk about, unless we deal with young offenders as human beings we are going to fail them and fail ourselves.

Mr WAKELING (Ferntree Gully) — It gives me pleasure to rise to contribute to the debate on the Children, Youth and Families Amendment (Security of Youth Justice Facilities) Bill 2011. As other speakers have mentioned in their contributions, in July 2010 Neil Comrie reviewed the adequacy of security arrangements at the Parkville youth justice facility following the escape of six young offenders. Many of us will remember the news stories about that event at the time. The Victorian Ombudsman also reviewed the Parkville precinct, and this bill is delivering amendments to the current operations of that facility in light of both those investigations. In effect the bill seeks to enhance the security of the facility in accordance with the recommendations of both reports and, more importantly, in accordance with the government's election commitments around community safety. It will ensure that the facility is consistent with the principles of youth justice and that it provides for a positive, long-term outcome for the young people involved in the youth justice system.

The bill will principally do three things: repeal existing search powers and insert new provisions to enable searches of people upon entry into and exit from and within the youth justice facility; amend the existing provisions relating to security offences to ensure that actions which compromise the security and good order of youth justice facilities are prohibited; and create a new provision for the protection of sensitive and confidential information related to security arrangements at these facilities.

I have had quite a bit to do with the area of youth justice. In opposition I assisted the then shadow minister, now the Minister for Community Services, in my role as shadow parliamentary secretary for community services. I saw some of the great work that was being done by youth justice organisations like Whitelion and also by the YMCA's Bridge Project, and the member for Williamstown would certainly be aware of the great work that has been undertaken. However, in regard to this specific facility there were clearly concerns about the way in which it was operating and about the living facilities. Anyone who saw the photos in the report would have been shocked to see the conditions in which people were actually living.

I am very pleased to see that this government is again delivering on its election commitment, which is what this community would expect, to improve the facilities for those who are incarcerated in a youth justice facility. I was a little confused in relation to the contributions from those opposite. I was under the impression, from their contributions, that they were opposing the bill. I assume, however, despite the

comments of the members for Clayton and Albert Park, that they are supporting the bill. That just did not come across; it was lost in translation on the floor of the house. Having said that, this is an important piece of legislation, and I am proud to stand in this house to say that I will be supporting this bill. This is something that needs to be put into place swiftly, and I look forward to the bill's speedy passage through the Parliament.

Ms HALFPENNY (Thomastown) — I rise to make a brief contribution to the debate on the Children, Youth and Families Amendment (Security of Youth Justice Facilities) Bill 2011. Contrary to what the previous speaker may have been saying, we in the opposition are not opposing this bill because we recognise the validity of the findings of the Comrie review and also the Ombudsman's report on the conditions at Parkville.

The last Labor government accepted the recommendations of those reviews, and this bill is about implementing not all but some of those recommendations. However, we on this side of the house have some concerns about how some of those measures may be implemented and used. Victoria has had a proud history — over the last decade at least — of incarcerating the smallest number of young offenders, preferring instead to see young offenders diverted into rehabilitation programs, which has been very successful. For those young people sentenced to serve time in custody, the focus has always been on rehabilitation and using the state's intervention in a young person's life as a chance to turn that young person's life around, and this has also been the approach in the lead-up to these situations. When we hear from members opposite speaking about young offenders — or about anything to do with offenders, young or old — often it is about locking them up and throwing away the key. We do not believe this is the right thing to do with our young people.

In the wider context of youth justice as it may impact my electorate of Thomastown, I have concerns that the government is letting down young people in the community, which could lead to further offences being committed. It is well known that young people can find themselves involved in criminal activity when they feel they have nothing productive to do. This government is scrapping things like the apprenticeship completion bonus, and it is ripping the guts out of the Victorian certificate of applied learning, which may lead to young people not being encouraged to continue their education or not having opportunities such as apprenticeships that allow them to lead fulfilling and productive lives. Many young people in the electorate of Thomastown will now be wondering what, if anything, this government plans

to do for or offer them in terms of opportunities to thrive and grow as citizens once these programs are gutted.

At the same time the increasing rhetoric we hear from those opposite seems to be saying to young people that they will be dealt with by a sledgehammer and that it will be their own fault if they do not have opportunities and turn to other ways of getting on in life. Despite that, the measures included in this bill are appropriate for a small number of young offenders who may have reached a level of criminal maturity that means they need to be treated in a certain way. I truly hope that there is an overarching approach to young people and youth justice that is humane, understanding and all about rehabilitation, not revenge or payback.

Mr BULL (Gippsland East) — I rise to speak in favour of the Children, Youth and Families Amendment (Security of Youth Justice Facilities) Bill 2011. This bill honours our commitment to analyse the security and management of the Parkville youth justice precinct and implement appropriate responses, including the upgrading of the site.

In 2010, as we have heard from previous speakers, the Parkville precinct was the subject of two reviews following the escape of six teenage boys from the Melbourne youth justice centre in May 2010. Both reports were highly critical of the security arrangements, the conditions at the precinct and the services provided to the young people in custody. Many problems were highlighted. Both of these reviews identified multiple deficiencies in relation to security and made a number of recommendations to better minimise the likelihood of escape and improve general safety around the Parkville precinct.

The most significant security improvement was the creation of a \$5 million single point of entry, which is currently being constructed. To make use of this, legislative changes are required or officers will not be able to perform their functions appropriately and properly. The intentions of the Comrie review recommendations cannot be carried out without this legislation, and this bill therefore provides the legal authority to make the key changes around security in practice. One of those changes relates to search provisions, and it establishes the right to search all people, whether they be staff, detainees or visitors, before entry and exit. This will prevent people from entering the facility without a security clearance and confirmation of their identity, and it will tackle the introduction of contraband by staff, visitors and detainees.

Inside the facility searches will be conducted only where the officer in charge considers they are deemed to be necessary for the security and good order of the facility or for the safety of detainees or staff. The bill also establishes more clearly the manner in which searches can be conducted. It creates new security offences and boosts penalties for adult offenders in order to improve the security within and around the grounds of the facilities. It is another example of this government getting tough on crime.

It is proposed that Victoria Police will be the responsible authority for enforcing these security offences, which is obviously a very important step. The amendments provide a very sound framework on which to build a strong security platform at Victoria's youth justice centres. The provisions extend the search powers to create additional offences to the extent necessary to uphold security and good order at youth justice facilities and to protect the broader community, detainees and staff. This was not the case previously.

These legislative changes were recommended by the Comrie review to address the problematic security arrangements at Parkville, to uphold law and order and to protect the community. Already this government has a very strong record of putting in place a number of key initiatives and proposals that not only protect the community but also get a lot of tougher on crime. I am more than happy to commend the bill to the house.

Ms McLEISH (Seymour) — I rise to speak in the debate on the Children, Youth and Families Amendment (Security of Youth Justice Facilities) Bill 2011. As many members have already said, the bill comes about because of a couple of reports into the security arrangements at the Parkville facility. One came from Neil Comrie following the escape of a number of offenders last year and the other came from the Ombudsman as a result of a whistleblower's complaint about conditions at Parkville. I am pleased to hear that the opposition is not opposing the bill. When you look at the change in the type of offences that have occurred in the last decade and at the people who have been put into the security centres, you see that the acts which have been committed have become more violent. A number of areas have been highlighted where security can be and needs to be tightened to meet the changing needs of those who enter the Parkville facility.

I want to highlight a couple of areas. The bill will improve the legislative framework to deliver the security enhancements that are under way. To date, there have been numerous entry points to the Parkville facility. The upgrade will mean there is only one entry

point. I would have thought that could have happened previously, certainly as things hotted up at the centre. In the last budget \$1 million was put aside to investigate long-term options for Parkville, because it is clear that the capacity of our centres needs to be expanded not just at Parkville but also at Malmsbury.

Another area of the bill I want to point to is the search provisions. We know from other correctional facilities that often visitors bring with them substances or things that they should not have and that they should not pass to those in custody. The amendment will enable security officers to search people on their entry to and exit from the facility. Once they are inside, the officer in charge will consider whether such a search is necessary for the security, good order and safety of detainees and staff. The safety of everybody in these facilities is important.

Another area I want to touch on relates to the new security offences and the penalties that will be put in place for adult offenders in order to improve the security both in and around the facility. It will be an offence for persons who are not authorised to do so to attempt to enter a youth justice centre, to communicate with a detainee or to take, send or attempt to send things in or out. The Parkville facility is in open parkland, and there have been instances of people hovering outside trying to communicate by throwing things over the walls, which has brought about the need for this amendment. The number and type of offences have increased, so it is important that action be taken to ensure the security of those who work in the centre and to look after those who are in there to give them a maximum chance of rehabilitation. We want to make sure that offenders are confined to the centre on only one occasion. If we look at some of the 18 to 20-year-olds who go to Malmsbury, we see they have a good chance of rehabilitation. I commend the bill to the house.

Mr GIDLEY (Mount Waverley) — I am pleased to rise to support the Children, Youth and Families Amendment (Security of Youth Justice Facilities) Bill 2011. Other speakers have said that the bill is part of a comprehensive package from the Liberal-Nationals coalition government to ensure that, for the first time in more than a decade, the Victorian government takes seriously its responsibilities for providing security facilities for people who have been convicted of a crime. That is the difference between those of us on this side of the house and those on the other side. As I said, it is part of a comprehensive package and, whether or not you put it with our commitment to abolish suspended sentences or our commitment to ensure safer streets by making sure we have a viable police service

that has the resources to do that, it is consistent with the principle that we have a responsibility to protect public safety. We understand that for a decade Victorians have been let down on that matter, and we are going to do something about it.

As part of the package the bill has a clear objective of ensuring that there is an improvement in security at the Parkville facility as well as in many other aspects where there have been shortcomings as identified in the Comrie report. Those matters have been touched on this afternoon, but the key point in the bill is that it makes it very clear that the coalition has a commitment to public safety. We understand that when somebody is convicted of a crime there is an element of rehabilitation, but there is also an element of punishment. The community needs to be protected and victims need to see justice being done. One great way to do that from a victim's rights point of view is to ensure that the state of Victoria has facilities which are secure and which meet the needs of the criminal justice system. What a refreshing change after a decade of a Labor government that would not understand victim's rights if it fell across them on a footpath. The Liberal-Nationals government does understand. I congratulate the minister on her work in putting this together, and I commend the bill to the house.

Debate adjourned on motion of Mrs POWELL (Minister for Local Government).

Debate adjourned until later this day.

CRIMES AND DOMESTIC ANIMALS ACTS AMENDMENT (OFFENCES AND PENALTIES) BILL 2011

Second reading

Debate resumed from 12 October; motion of Mr WALSH (Minister for Agriculture and Food Security).

Mrs BAUER (Carrum) — I am pleased to make a contribution to debate on the Crimes and Domestic Animals Acts Amendment (Offences and Penalties) Bill 2011. I commend the minister on this legislation and acknowledge the fine work he is contributing to our community to ensure a safe and secure Victoria. The purpose of this bill is to amend the Crimes Act 1958 to create new offences relating to the death or endangerment of a person caused by a person failing to control a dangerous, menacing or restricted breed dog and to amend the Domestic Animals Act 1994 to increase penalties for offences under that act and create

a new offence relating to the transfer of ownership of restricted breed dogs. These tough new laws will send a clear message to owners of restricted, dangerous and menacing dogs that, if their animal kills someone or endangers someone's life, they will be held accountable. I am pleased to hear that members of the opposition are supporting this bill, and I welcome their support.

Dogs are an integral and important part of our community. They are treasured members of our families, and they are in homes across Victoria. Most dog owners are responsible. They buy their dogs from reputable breeders and sources, they inform themselves about the temperament of the breed, and they ensure that their dogs have adequate training and appropriate socialisation. All dogs, however, have the ability to attack small children and inflict damage on our community. Owners need to be accountable for their dogs' actions, and this bill is about protecting our community and society. Young children and young families, in fact all members of our community, need to feel confident when they go out in the community — —

The ACTING SPEAKER (Mr Weller) — Order! This would be an appropriate time to break for lunch. The member for Carrum will have the call when the debate resumes.

Sitting suspended 1.00 p.m. until 2.03 p.m.

Business interrupted pursuant to standing orders.

DISTINGUISHED VISITORS

The SPEAKER — Order! Before calling on questions I welcome into the gallery Mr David Pisoni, the state member for Unley in South Australia. I welcome him to our Parliament.

QUESTIONS WITHOUT NOTICE

Public Interest Monitor: independence

Mr ANDREWS (Leader of the Opposition) — My question is to the Minister for Crime Prevention. I refer the minister to his startling admission just an hour ago that he or another government minister will be responsible for briefing the proposed Public Interest Monitor, and I ask: is it not a fact that this Public Interest Monitor is really just a political interest monitor?

Mr McINTOSH (Minister for Crime Prevention) — I thank the Leader of the Opposition for his question. Perhaps just as a matter of clarification, it was said during a very long and heated discussion, but certainly the Public Interest Monitor will be completely independent of government. The fact is that there will be no briefing. The fact is that it will just be a normal retaining. The fact is that there will be absolutely no input from any government agency, minister or department whatsoever. It will be completely independent.

Royal visit: program

Mrs VICTORIA (Bayswater) — My question is to the Premier. Can the Premier advise the house of the program for the forthcoming visit to Melbourne of Her Majesty the Queen and the Duke of Edinburgh?

Honourable members interjecting.

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

Mr BAILLIEU (Premier) — I am pleased that Her Majesty the Queen and His Royal Highness, Prince Philip, the Duke of Edinburgh, will be visiting Melbourne during their royal tour later this month. This will be the 16th occasion on which the Queen has visited Australia. As we approach Her Majesty's diamond jubilee it is extraordinary to reflect on the fact that the Queen was the first and implicitly the only reigning monarch to visit Australia — she first came here on her extensive tour in 1954.

I am especially pleased — and I know the Leader of the Opposition would likewise be pleased — that Her Majesty has agreed to open the new building for the Royal Children's Hospital on 26 October. Members will know that there is an attractive historical symmetry to this event. In 1953, in one of her first acts as the new sovereign, Her Majesty conferred the prefix 'Royal' on the then Children's Hospital, and 10 years later, in 1963, when the Royal Children's Hospital moved from Carlton to new buildings at Parkville, it was the Queen who officially opened those new buildings, so Her Majesty's connection with this hospital stretches back some 60 years. It is therefore good news that the Queen has accepted the board's invitation to open this new \$1 billion development.

It will be a special day for all those who have contributed. I reflect on and acknowledge the work of the previous government — indeed, of the Leader of the Opposition in his previous role — and all who have contributed to the development of the hospital over the

years: the architects, builders, clinicians, nursing staff, administrative and support staff, parents and wonderful volunteers. In mentioning the volunteers I remind the house that this year also marks the 50th anniversary of the Royal Children's Hospital Volunteer Service. The hospital was originally based in Carlton. At that time all the volunteers were women, and they initially worked in the sibling creche, helping to care for the brothers and sisters of hospital patients. Today there are more than 300 men and women from diverse backgrounds who volunteer at the Children's, and we recognise them all.

I am also pleased to advise the house that the Queen and Prince Philip will visit an exhibition of indigenous art at the Ian Potter Centre of NGV Australia. I am sure this will be of great interest to them both. Members may be aware that Prince Philip was one of the first to give significant recognition to the talent of indigenous artists. He acquired works of Albert Namatjira for his own private collection more than 50 years ago. The royal visit to the Ian Potter Centre at Federation Square will allow many Victorians to see Her Majesty and His Royal Highness. I hope and trust that many Victorians will take that opportunity.

This visit will take place in the 150th year of the National Gallery of Victoria, which in that time has become one of the world's great galleries. There will also be a state reception at Government House given by His Excellency the Governor and Mrs Chernov. I know a particular emphasis has gone into inviting as many young Victorians as possible on that occasion.

The Queen has obviously been undertaking a punishing schedule for over 60 years, given that she took on many of her father's duties as his health declined after World War II. It would not be unreasonable to imagine that she and Prince Philip would be seeking to ease back a little, but I know their sense of duty is such that they are very committed to this visit. I am delighted the Queen will be visiting Victoria before she travels to Perth for her other important duties as head of the commonwealth in connection with the Commonwealth Heads of Government Meeting there.

I am sure members on both sides will join me in welcoming the visit, particularly given the special emphasis that we will put on the commitments of successive governments of Victoria to world-class paediatric health and treatment. I thank all members of the house for their support.

Employment: government performance

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier, and I ask: when will Victorian families see a comprehensive jobs plan from this government, given that Victoria has again bucked the national trend and seen its unemployment rate rise, from 5.2 per cent in August to 5.3 per cent in September, with almost 5000 additional Victorians added to the unemployment queue? I ask the Premier when we will see a comprehensive jobs plan.

Mr BAILLIEU (Premier) — I thank the Leader of the Opposition for his question. The Victorian economy, including the jobs market, has performed solidly in 2011. Yes, the unemployment rate in Victoria rose slightly to 5.3 per cent in September from 5.2 per cent in August, and that was mainly due to a rise in the participation rate. This is the second-lowest unemployment rate of any mainland state, despite Victoria not being a resource state. At the same time we have had substantial pressures on important industries from continuing economic and investment uncertainty that has been generated by the federal government's carbon tax announcement, the strong dollar, struggling consumer confidence, economic volatility internationally and some cooling of activity in the housing market.

Victoria's labour market is proving to be resilient in a testing environment. Over the last nine months more than 19 000 jobs in total have been generated in Victoria, and that represents more than 48 per cent of the net jobs that were added to the national workforce over that period. That is more additional jobs than in any other state, including Western Australia, over this time.

Victoria has received other good news on the jobs front. I note that the Minister for Manufacturing, Exports and Trade opened Extrusions Australia's new \$11 million plant in Truganina, a major new commitment. At full production the plant will employ around 100 people, almost doubling the company's current workforce. Yesterday I mentioned my recent visit to China. A declaration of commitment was signed in Beijing as part of the signing ceremony for separate long-term contracts worth more than \$2 billion over 15 years, between Qenos — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition and the member for Bendigo East!

Mr BAILLIEU — These contracts have just been finalised in recent weeks. They represent a significant vote of confidence in the Victorian economy and will secure jobs at Qenos.

In addition, from that visit to China, as I previously mentioned, China South Rail has announced it is looking to establish its headquarters in Melbourne with an initial \$5 million investment and 20 new jobs, showing great faith in Victoria's future. ZendeX, the leading provider of Cloud-based help desk software, opened its Asia-Pacific headquarters in Melbourne this month, which will bring at least 20 new jobs to Victoria over the next 12 months.

Last month the Minister for Manufacturing, Exports and Trade announced a major investment of \$140 million in the Somerton plant of the large global manufacturer, Nexteer. This represents one of Victoria's biggest automotive investments in two decades and is a vote of confidence in manufacturing in this state. We remain focused on growing activity and jobs in this state.

Economy: achievements

Mr SHAW (Frankston) — My question is to the Treasurer. Can the Treasurer inform the house of the impact on the Victorian economy of the 2010–11 annual financial report, which was tabled earlier today?

Mr WELLS (Treasurer) — I thank the member for Frankston for his question and for his keen interest in Treasury matters. I tabled the annual financial report for 2010–11 earlier today. What that shows is that the government as at 30 June 2011 had a surplus of \$517 million. This is a strong financial result, despite some external economic challenges. What is even more significant about the result is that it incorporates a cut of \$512 million in regard to the reduction in GST. The amount also incorporates a flood payment from the federal government, of which \$101 million was expended in 2010–11 and \$399 million will be expended in 2011–12. If we took that out of the equation, the underlying surplus would be \$118 million.

As part of the election commitments that we took to the November 2010 election we said we would implement savings of \$1.6 billion. When we came into office and found the financial mess that was left by the previous government, with the cost blow-outs we had to increase the savings level from \$1.6 billion to \$2.2 billion to make sure that the budget would be solid. For those savings we focused on advertising, consultants, ministerial staff and administration expenses. We had

to implement these savings to make sure that we get good solid outcomes. We are faced with interesting times ahead, and the carbon tax is one of the issues that we will need to deal with. The figures show that the Victorian economy is resilient. State final demand, retail sales, building approvals and the labour market are all underlying strengths in the economy.

Our expenditure growth in 2010–11 was 3.6 per cent. That is important, because over the last 10 years we had a revenue growth of 7.3 per cent, and under Labor we had an expenditure growth of 8 per cent. We have been able to slow that growth to 3.6 per cent. The net assets of the public sector rose by just over \$6 billion, and the capital expenditure for 2010–11 is a record \$6.6 billion. This government is committed to a AAA credit rating, a strong balance sheet and a \$100 million surplus. This is good news for the Victorian economy.

Minister for Health: legal expenses

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. I refer the Premier to his Minister for Health's approval of the appointment of some 100 persons to health and hospital boards — many of whom are paid, I might add — in the time since he has been the Minister for Health, and I ask: can the Premier give an assurance to the house and all Victorians that no-one appointed to a hospital board by the Minister for Health in any way contributed to the payment of his legal bills?

Mr BAILLIEU (Premier) — I thank the member for his question. The appointments made by this government are all done on merit.

Rail: passenger services

Mr WAKELING (Ferntree Gully) — My question is to the Minister for Public Transport. Can the minister update the house on improvements in the performance of passenger rail in Victoria?

Ms Allan interjected.

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

Mr MULDER (Minister for Public Transport) — I thank the member for Ferntree Gully for his question, for his long interest in public transport and for the role he played, along with the member for Scoresby, in delivering the feasibility study for a rail line to Rowville, part of which is in his electorate. I also thank the member for Doncaster for the work she has put in in terms of the Doncaster planning study. Then there are the Melbourne Airport and Avalon feasibility studies. It

is a great era for public transport in Victoria, and this is a government that is dedicated to public transport.

In terms of the performance of the public transport network, you could not get — —

Honourable members interjecting.

The SPEAKER — Order! I would like some silence in this house so that I can hear the answer from the Minister for Public Transport. I ask all members to be silent.

Mr MULDER — The difference is stark: it took 11 years to put the public transport network on its knees, and it has taken 11 months to pick it up and put it back where it should be.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition is on a warning.

Ms Allan — On a point of order, Speaker, you consistently seek the cooperation of the opposition, which we are happy to provide; however, the minister is clearly debating the question. He is inciting the opposition to comment. I request that you have him come back to answering the question, otherwise we will start to remind him of his opposition to the upgrade of the regional rail link and his sale of the rail network.

The SPEAKER — Order! I do not uphold the point of order.

Mr MULDER — It has been a great 11 months. I will just report on Metro Trains Melbourne's performance under the new coalition government, which is actually a record. In June punctuality was 88.2 per cent and delivery was 98.7 per cent. In July punctuality was 91.9 per cent and delivery 98.7 per cent. In August 90.2 per cent of trains ran on time and delivery was 99 per cent. In September 89 per cent of trains ran on time and delivery was 98.6 per cent. In July 2011 Metro achieved the best suburban train punctuality result in five years — another record.

These achievements are due to the coalition working hand in hand with Metro. There are 635 new weekly services. We have been able to lift the speed restriction of 30 kilometres an hour on Siemens trains due to the fitting of sanders. The government's \$100 million Maintaining Our Rail Network Fund has brought the total maintenance budget to \$900 million. The extra funding for nuts-and-bolts maintenance allows Metro to fix the problems and make the system more reliable. We said we would get back to basics. We are getting

back to basics, and we are delivering. It took 11 years to pull it down, and it has taken 11 months to fix it up.

On the Frankston line more than \$350 000 is being spent this year to replace electrical overhead lines and three pedestrian crossings.

Honourable members interjecting.

The SPEAKER — Order! I can hear the member for Macedon. She is on a warning.

Mr MULDER — Unlike the head-in-the-sand approach of the former government, we have taken a real interest in the day-to-day running of the services. I get updates to my phone on a regular basis throughout the day. I report that my last update of the day is that 90.44 per cent of trains are running on time — what a stark difference to the 11 dark years of the Labor government and its appalling record on public transport. We have been in office for 11 months, and we have turned this around.

V/Line achieved a 7.1 per cent increase in passenger trips in 2010–11. V/Line patronage for 2010–11 was 13.5 million compared with 12.6 million in 2009–10. V/Line broke its rail patronage records every month in 2010–11. There is more good news coming forward — —

The SPEAKER — Order! There may be more good news, but the minister is going to have to save it.

Minister for Health: legal expenses

Ms GREEN (Yan Yean) — My question is to the Premier. I refer the Premier to his previous answer and to the appointments of Liberal Party members and supporters, including Anthony Starkins, Charles Gillies, Tim Wilson, Ian Quick and Sandra Mercer Moore, to health and hospital boards by the Minister for Health, and I ask: given that the minister failed to declare who paid his legal bills, how can Victorians be sure that those I just named were not among the donors who helped pay them?

Dr Napthine interjected.

The SPEAKER — Order! The Minister for Ports is on a warning.

Mr BAILLIEU (Premier) — The Minister for Health made the disclosures he is required to make under the members register of interests act. As I remarked before, the appointments undertaken by this government have been made on the basis of application

and merit, and indeed many members of the Labor Party have been appointed to positions.

Honourable members interjecting.

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

Youth: government initiatives

Ms RYALL (Mitcham) — My question is to the Minister for Youth Affairs. Can the minister update the house on support the government is providing to the scouts and guides movement and other steps the coalition is taking to support young Victorians?

Mr R. SMITH (Minister for Youth Affairs) — I thank the member for Mitcham for her question. This year the guides are going to celebrate their 100th year and the scouts are going to celebrate their 102nd year. I think all of us in this house agree that these organisations have made a fantastic and significant contribution to young people right across Australia. The Victorian coalition government recognises this contribution, and we share the values they attempt to instil in young people, such as respect and helping the community. Certainly we all support encouraging kids to get outside, have a good time and make new friends.

That is why this coalition government has committed \$5 million over four years to improve scouts and guides facilities, to increase the participation of young people from culturally and linguistically diverse backgrounds and to increase support for Victoria's scouts and guides volunteers. I take some pride in the fact that this is the first time any Victorian government has supported the scouts and guides movement in this way. The coalition government's scouts and guides facilities grants program was launched a few weeks ago and will allow scouts and guides groups across Victoria to apply for funds through their organisations to improve the safety, functionality and longevity of facilities they currently use.

A number of halls currently in use were built in the 1960s, and modernising those halls is a priority of this grants program. It is an opportunity to replace facilities, upgrade toilets and kitchens and increase disabled access. Included in that \$5 million is \$440 000 which has been committed to upgrading scout facilities and building a high-ropes course at Gilwell Park. The member for Gembrook and I were recently at Gilwell Park for the cuboree. It was fantastic to see literally hundreds of kids having a fantastic time at that camp, and it will be a pleasure to provide other facilities for those kids. Also very impressive was the enormous

amount of time and effort that volunteers had put in to make sure those kids had such a good time. We certainly enjoyed the day, and I have to say that it was tough to go back to the office.

The chief commissioner of the Victorian branch of the scouts, Bob Taylor, voiced his support for the funding. He said it was fantastic that the Victorian government had recognised the importance and benefits of scouting and guiding in today's society. I think that is a great endorsement.

In addition, we have recently announced a number of other programs. We announced \$200 000 for the Be Heard! community radio grant, which will give country radio stations the opportunity to mentor kids in rural and regional areas in the broadcasting industry. There is another \$200 000 for SYN FM to help put kids through its program of broadcasting and radio opportunities.

We have also announced over \$12 million in the Engage! program, which will focus on providing early support for young Victorians, encourage them to actively participate in their community and help them get skills for future employment. We have announced the putting together of the Involve Committee, which is a new youth ministerial advisory council that will provide young people from across Victoria with the opportunity to provide input to the government and encourage youth participation. This initiative has been widely supported, and Georgie Ferrari from the Youth Affairs Council of Victoria has been quoted as saying:

This new structure shows a deep commitment from the Minister for Youth Affairs to genuinely listen to the views and opinions of young people across the state.

I am pleased to be able to announce those two initiatives, and they come on top of a number of other initiatives to which we have committed, including extra funding for Youth Parliament; extra funding for the Rock Eisteddfod — funding that was cruelly cut by the previous government; extra funding for the Advance program; and recurrent funding for the FReeZA program — for the benefit of the Leader of the Opposition! I am pleased to have made these commitments to the youth of Victoria, and I am pleased that we can deliver on those commitments.

Minister for Health: legal expenses

Ms GREEN (Yan Yean) — My question is to the Premier. Can the Premier confirm that the former Liberal Party president, 500 Club member and his close friend, Mr Ian Carson, was the bag man who solicited money from 500 Club members to pay the legal funds of the Minister for Health, and will he rule out

Mr Carson's appointment to any board approved by the Minister for Health?

Mr BAILLIEU (Premier) — I thank the member for her question. I note that her questions are often based on assertions and allegations with which I do not concur. Again I make the point that appointments under this government will be and are being undertaken on the basis of application and merit. As I said in my previous answer, members of the ALP have been appointed to positions under this government, and I reject the sort of smears that are inherent in the question that has been asked.

Police: government initiatives

Mr CRISP (Mildura) — My question is to the Deputy Premier, who is also the Minister for Police and Emergency Services. Can the minister update the house on what action the government is taking to improve public safety in various Victorian communities?

Mr RYAN (Minister for Police and Emergency Services) — I thank the member for his question and for the great work he continues to do on behalf of his community. This is a great news story for all Victorians, because when we came to government, in terms of support for police in Victoria, we found to our horror that at that stage Victoria had the lowest number of front-line operational police of any state in Australia. We also found that police resourcing in Victoria was at a point where there was less police per head than in any other state in the Australian nation — in the whole of Australia. Therefore — not surprisingly, of course — this was an area upon which we focused when we came into government, because we understand we simply have to have more police out there doing the great job they do.

Mr Helper — On a point of order, Speaker, I draw your attention to standing order 57, which requires questions to be direct and succinct. The question that was asked was certainly not direct and succinct, but I was happy to let that transgression go by. However, the minister's answer is not direct and succinct either. There are actually two points: the asking of the question and the answering of the question are not in keeping with standing order 57. I ask whether the member for Mildura could rephrase his question, which should be succinct.

The SPEAKER — Order! I do not uphold the point of order. Both the question and the answer were succinct.

Mr RYAN — Thanks, Speaker. I reckon the member for Ripon ought to go back to sleep. That said, what is happening now is that the government is delivering on the promises it made during the course of the campaign. We are going to recruit 1700 additional front-line, operational police and we are going to recruit 940 protective services officers to assist in the security and safety of Victorians.

I am pleased to say that in March of this year an announcement was made by police command of 600 additional front-line, operational police coming on stream, 450 of those being new recruits, and recently we have had further announcements that by the middle of June next year an additional 400 police will be out there on the beat for Victorians and looking after their security. By December of this year an additional 575 positions will have been created across Victoria since we have come to government.

Mr Eren interjected.

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

Mr RYAN — It is a great news story right across the state. In places such as Frankston, for example, another 46 — —

Honourable members interjecting.

Mr Carbines interjected.

The SPEAKER — Order! If the member for Ivanhoe wants to be out, he will be out if he keeps that up — without any further warnings.

Mr RYAN — In Frankston another 46 positions have been created for police in that wonderful area of the state. In Brimbank another 27 positions have been created as a result of these two announcements. In Melton — and I know the member for Melton will be thrilled — there will be another 13 positions; there were 8 earlier this year and there will be another 5 with the recent announcement. In Latrobe a total of 21 positions will be created, and in the great city of Bendigo another 15 positions will be created. I know the member for Bendigo East is absolutely thrilled to hear that news. In Mildura, the member's own electorate, a total of an additional 18 positions will be created as a result of these two announcements.

I was in Mildura only a few days ago and visited the police station. The police there are delighted to know that these additional personnel are coming. I might say that I was also over at Red Cliffs with the member for Mildura, where we talked about the government's

community infrastructure safety program, which will see more than \$39 million dedicated to this important area over the next four years and which will include the capacity for local government to apply for up to \$250 000 for initiatives to help local communities. I know that people in Red Cliffs are very excited about this. Right across rural and regional Victoria, right across the metropolitan area — —

Mr Hulls — On a point of order, Speaker, I do not like to stop the Deputy Premier in full flight, but he is now clearly debating the question. When talking about police numbers could he tell us where Tristan Weston is?

The SPEAKER — Order! There is no point of order, and that was a very frivolous point the member raised.

Mr RYAN — Right across the state we are doing what we said we would do: recruiting more police and keeping people in Victoria safe.

CRIMES AND DOMESTIC ANIMALS ACTS AMENDMENT (OFFENCES AND PENALTIES) BILL 2011

Second reading

Debate resumed.

Mrs BAUER (Carrum) — As I was saying before the break, most dog owners are responsible owners. But this bill is about the protection of our community. People in the Carrum electorate have told us that they want to feel safe in their community. Young children and families and elderly members of our community need to feel confident when they leave their backyards and houses and when enjoying their leisure time in local parks, on beaches and in our neighbourhoods.

This is tough, responsible legislation with tough penalties. It puts measures in place to ensure that our communities are safe and remain safe places to be. We are all aware of the tragic events that have prompted the introduction of this legislation. As a government we have committed to this tough legislation because of the tragic circumstances last month when a young child, Ayen Chol, lost her life as a result of a dog mauling her in an attack at St Albans. My sincere sympathy goes out to Ayen's family and the local community, who continue to mourn her death.

All dogs have the ability to attack, to inflict damage and to cause death to small children. This bill strengthens laws to protect the public from restricted breed and

dangerous dogs. It is the second amendment in the government's response to the death of little Ayen Chol. It sets further rules and boundaries to send a clear message to owners of dogs and ensures that we all understand the rights, responsibilities and ramifications and that owners need to be accountable for their dogs' actions. I commend the bill to the house and wish it a speedy passage.

Ms BEATTIE (Yuroke) — The opposition has made it clear from the outset that it supports this legislation, but in supporting the legislation the opposition will make the government accountable for any failings that result from it. I spoke on the initial bill as it went through, and for that I have received some criticism from dog owners who think I was unfair on particular breeds. I am prepared to wear that criticism, because human life should be valued above animal life.

Having said that, I would like to state at the outset that I bred, showed and judged dogs for some 20-odd years before life in Parliament, so I come to this house with some experience. Any dog is capable of biting, and no dog should be left in the company of young children unaccompanied, but the responsibility is largely upon the owners. The thing this bill lacks is extra support for councils.

I just talked about my previous experience with dogs. A large number of my friends are still involved in dog showing and dog breeding, and some of them have commercial kennels. One of them in particular, who runs a large kennel, has received an influx of dogs from his council. Neighbours are reporting dangerous dogs, and councils are taking those dogs into custody and depositing them in kennels until it can be sorted out whether they are dangerous dogs or not. My friend was the recipient of many dollars from the councils while these dogs were sorted out, but the councils are getting no extra support from this government for the upkeep of those dogs. Once again it is the poor old ratepayers who are bearing the brunt of legislation that is perhaps not well thought out.

I am concerned about the funding and resources available to councils, and I am asking the government and indeed the minister to address that problem. There needs to be extra funding for local councils so that they can properly resource the search for irresponsible owners who choose to ignore the requirements concerning their dogs. I am also concerned for members of the veterinary profession in their efforts to identify and support owners to achieve these requirements. Again, there needs to be more of a focus on this.

There are many people who want to speak on this legislation. I know the argument about deed versus breed. There is a predilection in many breeds — the purpose they were bred for is imprinted in their DNA. Some of my colleagues in this house who have Samoyeds and Alaskan malamutes will know that those dogs are bred for pulling, and should an owner try to make these dogs heal properly they will have great difficulty in doing so. I had Irish setters. To try to make an Irish setter sit, lie down and be quiet is indeed a chore. In latter years I had Cavalier King Charles spaniels, and getting them up off the couch to go outside I can assure you is also a chore. There is genetic disposition for many breeds to revert to the purpose they were bred for. That could be a disposition for pulling, to be a gun dog, to be a hunting dog or to be a lap-dog. Some dogs are bred to fight — there is no doubt about that.

The opposition supports this legislation. Opposition members grieve with the family of Ayen Chol and her community for the loss of that dear little girl. We support the government in its effort to make sure that this never happens again. However, local councils need support in this, so I urge the minister to consider that extra support. I urge the Minister for Local Government to be on the minister's doorstep on behalf of the local councils to seek that extra support. The Minister for Local Government should be behind this too.

The Baillieu government has said that it will fix the problems, so let us fix this problem of dangerous dogs. The onus is on the Baillieu-Ryan government to do that. We want to see this legislation work, but the Baillieu-Ryan government will be accountable if it does not. With those few words, I will let others take up the argument.

Mr BULL (Gippsland East) — I rise in support of the Crimes and Domestic Animals Acts Amendment (Offences and Penalties) Bill 2000. As we have heard, this bill will strengthen the laws protecting the public from dangerous and restricted breed dogs, and it is the second step in a tougher approach to the control of these animals. The bill amends the Crimes Act 1958 and the Domestic Animals Act 1994, and it means that tough offences will apply if a person's failure to control their dog results in the death of a person or alternatively results in the endangerment of the life of a person.

The first offence is that of failing to control a dog resulting in death, where the owner has failed to control the dog and that dog kills a person. The owner or person in charge will now be faced with a liability and will be subject a maximum penalty of 10 years imprisonment, which I think is very appropriate. The

second offence is that of failing to control a dog endangering life. This covers cases where a dangerous, restricted breed or menacing dog places a person's life in danger. Whether or not a death results, the owner will be held responsible. The maximum penalty for this offence under the new legislation will be five years. The penalties are in line with those for dangerous driving causing death and reckless conduct endangering life. I think those are very good analogies and a very good basis on which to structure the new penalties.

In an aim to further limit the ownership of existing restricted breed dogs, the bill will also prohibit the transfer of dogs upon the death of an owner to anyone else apart from somebody within that person's immediate family. If there is nobody in that person's immediate family prepared to take on the ownership, that dog must be surrendered to local government for destruction. A registered restricted breed dog that can be kept at the moment is required to be desexed, microchipped, recorded on the Victorian declared dog register and housed under specific containment requirements. It is only allowed to be walked off property on a leash and with a muzzle.

After the horrific killing of an infant earlier this year, the public made it very clear that it wanted harsher and tougher action on dangerous dogs. We are certainly delivering that. The new government is getting tougher, and this legislation is another step in that direction. One important aspect is that this bill introduces the requirement for a restricted breed dog to wear a prescribed collar. Currently only dangerous dogs have to wear a prescribed collar. The collar worn by restricted breed dogs is not the same as the collar worn by dangerous dogs, therefore the collars will make restricted breed dogs easily identifiable in the public arena. Once people are familiar with the warning collars they will be able to take necessary precautions when they come across one of these dogs. If they see a dog they believe is a restricted breed dog which is not wearing the collar, they have open to them the option to report the dog to their local government agency and appropriate action will follow.

This legislation, as I said, comes on the back of other measures to bring forward the time line to register restricted breed dogs. We previously heard in the house that the introduction of the dangerous dog hotline has already been very successful. The message is clear: if you own one of these dogs, you must be serious about controlling them or you must suffer the consequences. An owner of a dangerous dog or a person who controls a dangerous dog that attacks and kills a person faces an appropriate 10-year penalty. The 5-year penalty that faces an owner or controller of a dog that endangers

lives is also appropriate. Five years of imprisonment is very serious, but it will make people responsible for their actions. Given the magnitude of possible outcomes, I think it is very fitting.

The term 'failure to control' includes issues such as keeping a dog from being at large, not setting or training a dog to attack or bite, keeping a dog muzzled and leashed when it is not on the owner's premises, keeping a dog confined in an enclosure or dwelling, preventing a dog from attacking or biting a person or animal and preventing a dog from rushing at or chasing a person. I applaud this government for its tougher action in terms of these dogs. Earlier in the year we were starkly reminded that they are not a good thing for society in general. I commend the bill to the house.

Mr LANGUILLER (Derrimut) — While by and large I am quite happy to rise and speak on bills, this is one bill I know that the government and the opposition in the Parliament are not happy to have to deal with, but we have to get on with it because tragically, as we know, the bill's introduction is a result of the tragic death in my electorate of a four-year-old girl. The introduction of the Crimes and Domestic Animals Acts Amendment (Offences and Penalties) Bill 2011 is good, and we need to pass it; it is a step in the right direction, although the opposition will highlight to the government some areas of concern.

The bill creates new offences in the Crimes Act 1958 that relate to the death or endangerment of a person caused by the failure to control a dangerous or menacing dog or a restricted breed dog. I will go through some of the definitions in the bill, because they are important. A dangerous dog is a dog that has been declared to be dangerous by a council because it has attacked a person or another animal, including a dog. A dangerous dog is also a dog that is trained specifically to attack — for example, a guard dog. A dog that is declared by a council to be a menacing dog has threatened but has not necessarily injured a person or animal — for example, it has chased or rushed a person. As has been reported to me anecdotally, this happens quite often. A restricted breed dog is a dog of one of the following breeds: Japanese tosa, fila Brasileiro, dogo Argentino — there is a spelling mistake in that — perro de presa Canario and the American pit bull terrier, which is the only one of these breeds, we understand, that we have in Victoria.

The opposition does not oppose the bill. We have indicated that we support the bill in principle. We will do everything we can to support the government in bringing about measures and a regime that help reduce these tragic events, whether they involve a death or an

injury. But as I have said, there are some concerns we need to raise. They relate to the practicalities of enforcing the legislation and how far the legislation will actually go towards reducing the incidence of dog attacks. The government has said it would fix the problems in relation to dangerous dogs, so the onus is on the government to do that. The fault will lie with the government if problems arise and it has not fixed the problems.

I know the bill has been introduced with good intentions, but I will go through some areas of concern that the opposition hopes the minister and the government will deal with and common sense will prevail. Hopefully we will in due course see additional changes to the legislation. The first issue is that we do not think the bill does anything to increase penalties for offences committed by dogs that are not classified as dangerous, restricted breed or menacing dogs. The issue of a breed versus a deed will be raised by stakeholders in relation to this issue.

There may be some confusion in the courts regarding who the owner of the dog was at the time of an attack and who is responsible. I know that in the electorate I represent sometimes the owners are minors — teenagers and children. We think the legislation should deal with this issue and provide some guidance to the judiciary to deal with it should such an event arise. What are the rights of owners to appeal a council's declaration that a particular dog is restricted on the basis of its breed? What has been done to clamp down on the illegal breeding of restricted breeds and restricted crossbreeds? These matters have been brought to the attention of the government by the Royal Society for the Prevention of Cruelty to Animals (RSPCA) and others.

There is concern about the funding and resourcing of councils to properly identify dogs. The council in the municipality of Brimbank in my electorate goes out of its way to do everything it can. It has gone from having one ranger and one or two officers a couple of months ago to now having, as I understand it, five or seven staff dealing with this issue. Should the government not support councils? Should the government not support councils in terms of funding, training and helping councils to get across this line quickly and urgently?

There also needs to be proper identification by veterinarians and support for owners to achieve what is required. The standard provided is not sufficient for final decisions. There needs to be a focus on dog ownership and training. This is the only thing that will in the long term prevent these incidents.

I will conclude quickly, but first I want to quote from a submission of 4 October 2011 from the United Kennel Club in the USA:

More emphasis must be placed on owner responsibility, as the majority of attacks are due to owner neglect or mistreatment. Targeting the actions and non-action of owners will be more effective and sensible in realistically decreasing dog attacks.

The RSPCA has referred in a similar way to these matters in its commentary on dangerous dogs. It says that:

... it is recognised that there is a strong genetic component in a dog's behaviour and propensity for aggression, their trigger point for aggression and their capacity to inflict injury. These characteristics need to be taken into account when selecting a suitable dog ...

I conclude my remarks by saying that the bill is a step in the right direction, but we hope the minister and the government will respond to the concerns that have been advanced by the opposition.

Mr BATTIN (Gembrook) — I rise to speak in support of the Crimes and Domestic Animals Acts Amendment (Offences and Penalties) Bill 2011. The aim of this bill is to strengthen the relevant acts and, most importantly, to protect our community. It is following up on action that has already been taken by this government through the introduction of the dog hotline to ensure people can ring up about dangerous dogs, report such dogs that are in their areas and get action on those dogs straightaway.

The community has been calling for the imposition of tougher penalties on the owners of dogs, and we have acted. The government believes that owners of dogs should be held responsible and be accountable for the actions of their animals. As we have seen recently, the outcome of a dog attack can be tragic. However, what is of concern at the moment is that dog attacks occur on most days, and we want to see these stop altogether or get as close to achieving that goal as we can. It should be possible for people to walk around their community without being fearful of encountering a dog that could be dangerous to them, to their children or to our most vulnerable, being the elderly, who may not be able to get away. In some circumstances an elderly person may be out walking what one member referred to before as a 'little lap dog' and want to feel safe and that their dog is not going to be charged at or attacked by another dog.

The bill amends the Crimes Act 1958 and the Domestic Animals Act 1994. Clause 3 of the bill inserts a new division into the Crimes Act 1958 to create a new indictable offence of failing to control a dangerous restricted breed or menacing dog which results in the

death of a person or reckless conduct by the dangerous dog, restricted breed or menacing dog endangering life. It increases the penalties in the Domestic Animals Act 1994 in relation to attacks by dangerous and restricted breed dogs and to the keeping of dangerous, menacing and restricted breed dogs. It requires a restricted breed dog to wear a collar, and this will later be prescribed in regulations, and it prohibits the sale or transfer of a restricted breed dog to any person other than an immediate family member and only upon the death of the owner.

An important element of the bill is the definitions of dangerous and menacing dogs. A dangerous dog is a dog that has been declared to be a dangerous dog by a council because it has, for example, killed or caused serious injury to a person or animal, is a guard dog for non-residential premises or has been trained to attack. A menacing dog is a dog that has been declared to be a menacing dog by a council under part 3 of the Domestic Animals Act 1994 on the basis of specified grounds, including because it has rushed at or chased a person or animal or because it has bitten a person but has not caused serious injury. There are also restricted breed dogs, and many of those have been mentioned today. They include breeds such as American pit bull terriers or pit bull terriers as well as other breeds that are listed. The definition also includes a dog that falls within a standard approved under section 3(3) of the Domestic Animals Act 1994 for any of the restricted breeds. As I said, the government has had to act because of what we have seen happen in the community, and it is in line with the government's objective of making sure our communities are safer and that people have the ability to walk around freely.

Formerly I worked in the police force and have seen many issues with dangerous dogs. They are very hard to control, even within the police force. If such a dog is out in the street and has caused issues, whether it has been vicious or attempted to be vicious or is in a position where it has had to be caught, or it is cornered and the only reaction it has is to possibly injure somebody, it is very important that there be legislation in place to ensure that the owners of these dogs control them. I think that is a key element of the bill — to hold people responsible for the control of their dogs, whether it be ensuring that they are secure in their backyard or walking down the street on a lead on with a muzzle, should it be required. If these dogs are put in a position where they become scared — and people do not intentionally do it, but often cause this when they try to help the dogs — it puts people and other animals in danger. We do not always blame the dog. However, the owner has to take responsibility for that animal.

When you buy a dog or give someone a dog, it is not just a Christmas present but a responsibility that lasts for the life of the animal. We need to ensure that people who get a dog, and specifically the breeds that are listed in the bill, take responsibility for the actions of that dog throughout its whole life. They should put in place the training and have the equipment to make sure that the dog remains within their control all the time. I commend this bill to the house.

Mr LIM (Clayton) — I rise to speak in the debate on the Crimes and Domestic Animals Acts Amendment (Offences and Penalties) Bill 2011. Pets, companion animals, domestic animals, whichever term one prefers, are a source of joy and companionship for so many people. Indeed the therapeutic benefit of pets is now understood, with some nursing homes having visiting pet programs. However, pet ownership, as many members have mentioned, must be considered first and foremost a responsibility rather than a right. I say this for two important reasons. Firstly, there are the animal welfare responsibilities. Secondly, there are the nuisance issues, which at the extreme can become dangerousness and include attacks on people, as we have seen. Responsible pet ownership is very much a commitment for the life of the animal rather than a purchase of a consumable item to be discarded when it has lost its appeal.

This bill, which deals with dangerousness issues, introduces several new offences under the Crimes Act 1958. Clause 3 in part 2 of the bill inserts new section 319B into the Crimes Act 1958, which I will come back to later in my contribution, to create an indictable offence relating to a failure to control a dangerous, menacing or restricted breed dog that kills a person. The clause also inserts new section 319C into the Crimes Act 1958 to create the indictable offence relating to recklessness as to whether controlling a dangerous, menacing or restricted breed dog may place another person in danger of death.

We all hope that the very creation of these offences will be sufficient to force owners of dangerous dogs and restricted breed dogs to act responsibly and that eventually there will be no restricted breed dogs in Victoria. Ultimately we hope this will be sufficient to ensure that the tragedy which occurred just a few weeks ago of Ayen Chol, a 4-year-old girl, being mauled to death by a pit bull is never repeated. However, if there is another case and a subsequent criminal prosecution, then it needs to be understood that such a prosecution will be strongly defended, because it is now a serious matter rather than a summary offence. A conviction under section 319B can lead to a prison term of up to

10 years and a conviction under section 319C to a prison term of up to 5 years.

I can see several definitional matters in the bill that defence lawyers might seek to test, and some members in earlier contributions have queried this aspect. The first is the definition of what is a restricted breed, the second is what constitutes recklessness and the third is what a reasonable person might have anticipated. As the minister said in his second-reading speech, this bill follows the Domestic Animals Amendment (Restricted Breeds) Bill 2011, which was passed by the Parliament in August. That bill dealt with the problem of how to correctly identify restricted breeds, including DNA issues, by providing for the gazetting of an 'approved standard' in defining a restricted breed. In relation to an 'approved standard' section 3(3) of the Domestic Animals Act 1994 reads:

- (3) A dog that falls within an approved standard for a breed of dog specified in a paragraph of the definition of restricted breed dog is taken to be a dog of that breed.

Section 3(4) reads:

- (4) For the purposes of subsection (3) an approved standard is a standard that has been approved by the minister and published in the *Government Gazette*.

It is critical that the minister gets his wording of an 'approved standard' correct. It would be horrific if the grief of a victim and their family were compounded by a prosecution failing because this provision fell over. I hope the minister will give the house some assurance on this in his concluding remarks.

Likewise we can expect defence lawyers to test the inclusion of the reasonable person test in new section 319B of the bill before house. To achieve a successful prosecution under this clause there are several elements that must be made out, including that 'a reasonable person would have realised that that failure' — that is, the failure to control the dog — 'would expose the victim or any other person to an appreciable risk of death'. I would like to hear further explanation from the minister as to why this provision exists and an assurance that it will stand up in court. We can also expect lawyers to test what constitutes recklessness, so there is much riding on whether the government got its definitions correct.

A further matter I wish to raise is in relation to the tragedy of Ayen Chol. Like many I am appalled that the owner may only face prosecution for a summary offence and a fine for an offence such as a dog being found at large. If it has not already done so, I would urge Victoria Police to obtain advice from the Director of Public Prosecutions and for the DPP to consider,

given all we know about pit bulls, whether the conduct of the owner was so negligent as to open up liability to more serious charges.

I wish to conclude where I started — on pets being a source of joy and companionship. That is certainly the history of the dog as it evolved from the wolf into the pet dog we value today. It is generally accepted that humans and dogs found sufficient common benefits in support and companionship for dogs to become domesticated. The opposition does not oppose the bill; its members of course support the bill. I hope for the speedy passage of the bill.

Mr WELLER (Rodney) — It gives me great pleasure to rise this afternoon to speak on the Crimes and Domestic Animals Acts Amendment (Offences and Penalties) Bill 2011. Given that I am going to make a short contribution I will not go into detail, as the member for Murray Valley, the member for Gippsland East and you, Acting Speaker, have already given plenty of detail, along with many other members on this side of the house.

The bill talks about dangerous, menacing and restricted breed dogs. We heard contributions earlier from the member for Yuroke about lap-dogs. Time does not allow me to go into it, but I could draw some conclusions about the opposition, lap-dogs and the Gillard government. However, I will not go there. I will talk about the importance of sheepdogs and cattle dogs as tools of trade in the agricultural industries. We people in the country have long understood the importance of a good dog. A good dog is better than a man on a motorbike and probably better than two men on two motorbikes. What we need to remember is that they are important tools of trade, so we do not need to get those things mixed up and have an effect on them when we are making these rules. I believe this bill is balanced and allows for those animals to continue to be used safely in the agricultural industries.

The bill also talks about control, and it is appropriate that it does that. It is all common-sense stuff: keeping a dog from being at large, not setting or training a dog to attack or bite, keeping a dog muzzled and leashed when off the owner's premises, keeping a dog confined in an enclosure or dwelling, preventing the dog from attacking or biting a person or animal, wearing the prescribed colour to make sure people are aware and preventing the dog from rushing or chasing a person. These are things a reasonable person would do, and it is common sense that we on this side of the Parliament are bringing to the issue.

I note that the member for Derrimut had some concern that the bill does not go far enough about what happens when the person involved is not the owner. I note on page 5 of the bill, as part of the proposed amendments to the Crimes Act 1958, new section 319C(2) says:

- (2) A person (other than the owner of a dangerous dog, menacing dog or restricted breed dog) who —

which covers what the member for Derrimut was talking about —

- (a) for the time being, is in charge or has care of the dog; and
- (b) is reckless as to whether the dog is a dangerous dog, menacing dog or restricted breed dog; and
- (c) without lawful excuse, recklessly engages in conduct so that the dog is not under control, and that conduct places or may place another person in danger of death ...

The penalty is level 6 imprisonment, which is five years maximum. That covers the member for Derrimut's concerns. That is a genuine concern he brought up, and I believe it has been covered here. I would be interested to hear from other members on the other side of the house whether or not that covers it. I have read the whole bill, and likewise they should have too. With those concluding remarks I commend the bill to the house.

Mr SCOTT (Preston) — I rise to speak on the Crimes and Domestic Animals Acts Amendment (Offences and Penalties) Bill 2011. Of course this is a bill that arises from the tragic circumstances where Ayen Chol of St Albans, a four-year-old, was killed in the most awful circumstances imaginable by a dangerous dog.

I think it is important we understand the consequences the actions of some dogs can have. As has been noted by other speakers, dogs are wonderful companions to a very large number of members of our community; they provide fantastic companionship and can be an important economic asset in rural areas. They can ensure that our lives are made better in many ways. However, there are examples, including in my own electorate, of injuries caused by dangerous dogs.

I take this opportunity to draw to the house's attention an incident that occurred in October 2009 in which a man, referred to in an article in the *Herald Sun* as Eric, suffered lacerations on his arm after he was attacked by an American pit bull terrier on a Sunday night. The pit bull killed one of the man's own dogs — he had two — and also attacked and killed another dog being walked by a child. These are very serious circumstances where

not just the lives of companion animals but the lives of members of our community can literally be put at risk and, as in the case of Ayen Chol, tragically taken by dogs that are dangerous.

As has been discussed, the bill creates a number of offences. Failure to control a dangerous, menacing or restricted breed dog that kills a person carries a maximum penalty of 10 years jail. Recklessness as to whether controlling a dangerous, menacing or restricted breed dog may place another person in danger of death carries a maximum penalty of five years.

The bill also increases other penalties under the Domestic Animals Act 1994. The definitions include that of 'dangerous dog', which is a dog declared dangerous by a council because it has attacked a person or animal or is a dog trained specifically to attack, such as a guard dog; 'menacing dog', which is a dog declared by a council to have threatened but not necessarily injured a person, including chasing or rushing at a person; and 'restricted breed dog', which is a dog of one of the following breeds: Japanese tosa, fila Brasileiro, dogo Argentino, perro de presa Canario and American pit bull terrier.

I understand the member for Derrimut raised the issue of the spelling of one of those breeds. I think it was the breed that had an Argentinian origin about which there was a concern. I would hope that there is not a mistake in the bill because, quite seriously, the last thing that any of us would want would be that there was a problem with the bill due to a spelling error. This is a most serious issue where, literally, lives have been lost because of the actions of dangerous dogs, and I am sure every member of this house hopes that legislation brought to this Parliament to ensure the safety of the community is successful and is enforced. I know concerns have been raised by other members. I know that time for this debate is relatively short, so I will keep my contribution brief. I, like other members, would hope that the community is protected from dangerous dogs by legislation brought to this house.

Mr CRISP (Mildura) — I rise to make a short contribution on the Crimes and Domestic Animals Acts Amendment (Offences and Penalties) Bill 2011. I think the purpose of the bill has been well spelt out by previous members, and I plan to be very brief and to the point.

The message we are sending to the community is: the time has now passed to have your dog registered. If it is not registered and it is of a restricted breed, there will be action taken to deal with that dog. Secondly, if you have one of these dogs and it is registered, you have to

be very aware of what your responsibilities are. Those responsibilities are considerable, because these dogs, as we know, carry an element of danger with them. If you are not responsible, there are offences that this act brings into being. These offences are similar to those of dangerous driving causing death and reckless conduct endangering life.

The first offence is that of failing to control a dog, resulting in death. That is where the owners have failed to control the dog and that dog kills a person. This is very serious. The owner or person in charge of that dog will now face a penalty of a maximum of 10 years in prison. The second offence is that of failing to control a dog, endangering life. This covers cases where a dangerous, restricted breed or menacing dog places a person's life in danger. Whether or not death results, the maximum penalty is five years imprisonment. These are serious penalties for something this community and this government are taking very seriously. I welcome the opposition's support of this bill, and I wish the bill a speedy passage with a strong warning to all, particularly those in my electorate: if you have these dogs, you have a big responsibility. People need to be responsible.

Mr HERBERT (Eltham) — It is a great pleasure to rise to speak on this bill. I support the bill, as does the opposition, and we certainly support the principle of the bill. We support its intention to reduce dog attacks and strengthen public protection. This is an important measure; it is an important measure to many Victorians. There would be few people in this chamber who have not been bitten by a dog at some point in their life. I know I certainly have been, and I have had one reasonably serious attack in Bastings Park in Northcote where a young man could not control his fairly large and untrained dog and it rushed and attacked. I guess I was fairly lucky: a few bandages, a trip to the doctor, a couple of shots, including a tetanus shot, and I got out okay.

An honourable member interjected.

Mr HERBERT — The dog was certainly healthy after attacking me. However, it does highlight the problems. I was a bit younger then and I was fairly fit and I could keep the dog away, and the owner rushed in and got the dog and tried to drag it away. If I had been an elderly person or a young kid, that dog could have done very serious damage. In fact it could have caused death. If it is a restricted breed dog, no matter what your age, that dog is capable of causing death. In that sense, this is why this legislation is important. It is important to put the legislation through this Parliament.

It is well intentioned, but good intentions do not always lead to good outcomes. Unfortunately in seeking to improve protection against dog attacks the government really has not given enough attention to the practical details of implementing the legislation. It is in those practical details, of course, that this legislation will succeed or fail. We will either protect people from dangerous, menacing or restricted breed dogs or we will not. Others here have spoken about the nature of the bill, the increases in penalties for offences involving dog attacks and the new offences and penalties that will exist.

I will not talk that much about it, but with this issue the problem will be for local government in terms of enforcing the legislation. Local councils will need to declare dogs as dangerous because they have attacked a person or another animal or because a dog, such as a guard dog, has been specifically trained to attack. It will be local councils that need to declare a dog as menacing where it has threatened but not necessarily injured a person or an animal by chasing or rushing it. It will be local councils that need to declare a dog restricted if it is a restricted breed that is listed in the Domestic Animals Act 1994.

Local councils will need to undertake a quite substantial workload if they are going to properly enforce this law and if they are to ensure that people are protected by the legislation from dangerous, menacing or restricted breed dogs. They are not well resourced to do it, but they will need to be. That is where I would like to see a bit more detail from the government about what sort of resources it will give to local councils to enable them to enforce this law. What sort of resources is the government going to give to veterinarians and their clinics — the Minister for Ports, who is a vet, is sitting at the table — to assist local government in the identification of restricted breed dogs and in helping to enforce the law?

I will not speak a lot about the bill. It is legislation that we on this side of the house support, but we will all be a bit happier when we can see details of the funding increase that local government will get and the measures that will be put in place to support the legislation so it is not just words on paper but actions on our streets and in our parks and neighbourhoods.

Mr SOUTHWICK (Caulfield) — I rise to speak on the Crimes and Domestic Animals Acts Amendment (Offences and Penalties) Bill 2011, which relates specifically to dangerous dogs. It will ensure that we have an environment in which these dangerous dogs are taken off the streets. Like many other people in this house, I am an animal lover. I have a pet dog, Sammy.

Just last week we took him to the local church for the blessing of the animals.

There is a big difference between a family dog which is loved and cared for and a dangerous dog, and this legislation makes the differentiation between the two. With ownership of anything, and particularly with ownership of animals, comes responsibility. When we are dealing with pets of any nature there is a responsibility to care and to love, and there is a responsibility to make sure that animals that have the potential to harm and to kill are restricted, managed and not allowed to roam free to inflict the harm and death we have seen in the past. The death of a toddler a few months back was tragic, and it was that tragedy which caused this house and this government to react so quickly and bring in legislation in regard to dangerous dogs. I would like to commend the minister for his quick response and the opposition for its support in moving the legislation through as quickly as it has.

This is very important legislation. We are legislating for two new offences. New section 319B deals with two indictable offences. One refers to dog ownership. A person who owns a dog has certain obligations, and failure to act carries a maximum penalty of 10 years jail. The second offence deals with a person who is in charge of a dog, and that has a maximum penalty of five years jail.

I will not speak much longer because I know there are others who wish to make a contribution, but this is responsible legislation, and I commend the bill to the house.

Mr WYNNE (Richmond) — I rise to make a very brief contribution to debate in relation to the Crimes and Domestic Animals Acts Amendment (Offences and Penalties) Bill 2011, which is the second tranche of the government's response — on a bipartisan basis with the opposition — to address a hideous incident that occurred in the St Albans area resulting in the tragic death of the young child Ayen Chol. Quite rightly, the community expressed its shock and outrage at this most horrible of incidents and its deep sympathy for the family.

We indicated from the time of the Premier's first comments and the response of the Leader of the Opposition that we would do everything in our power, on a bipartisan basis, to assist the government in the facilitation of this legislation through the Parliament. I acknowledge the tremendous personal support that my colleague the member for Derrimut has shown to the family, and I am sure the broader community has expressed its deep regret at this terrible incident.

The new offence created in the Crimes Act 1958, which relates to the death or endangerment of a person caused by the failure to control a dangerous, menacing or restricted breed dog, is a really important initiative. There are two new offences created. The first offence is that of failing to control a dangerous, menacing or restricted breed dog where the dog attacks and kills a person, which has, quite appropriately, a maximum penalty of 10 years jail. The second offence is that of failing to control a dangerous, menacing or restricted breed dog which may place another person in danger or cause death. That offence carries a maximum penalty of five years jail. Under this offence a dog owner will be criminally liable if they are reckless as to whether the dog is under control, and that is an appropriate thing.

Acting Speaker, you have a long and distinguished background in the veterinary profession. I have taken the opportunity to consult with Dr Smith from the Lost Dogs Home, whom I have known for a very long time. I think he would be regarded across this Parliament as one of the finest leaders in the veterinary field and a person who has done marvellous work in that field over many years — I think more than 35 years of public life — and in addressing questions that relate to animal welfare.

We know the issue of local government is crucial to this matter. We will watch with interest how the bill is implemented in a practical sense. As you are aware, Acting Speaker, organisations like the Lost Dogs Home have a number of contracts which they administer on behalf of local government that address a range of stray animal and welfare issues. We ask the minister to note today — no more than note — and to monitor the potential impact of the implementation of this bill on local government more generally, because obviously there may well be significant costs to some local authorities in implementing the intent of the bill.

In the broadest sense the opposition joins with the government in a completely bipartisan way to say that we think the bill goes a very long way in dealing with the issue of dangerous dogs, particularly from the point of view of the onus upon the owner or the person supervising one of these animals to ensure the broader safety of the community. We reflect at this time on the tragic loss of Ayen Chol and express our respects and sympathy to her family. I sincerely wish this bill a speedy passage.

Mrs VICTORIA (Bayswater) — It is a great pleasure for me to speak on what is a very responsible step by the Baillieu government in making owners responsible for dangerous dog breeds in our state. The Crimes and Domestic Animals Acts Amendment

(Offences and Penalties) Bill 2011 puts in place some new penalties and makes people far more responsible for the types of animals they keep at home. We have several vets amongst our ranks.

Dr Naphthine — Two of them are here now.

Mrs VICTORIA — Yes, there are two former vets in the chamber.

The ACTING SPEAKER (Dr Sykes) — Still vets!

Mrs VICTORIA — Current registered vets.

I am delighted that the government has seen the light with this one and said 'No more!'. We need to take into account the nature of some of these breeds that have been registered as dangerous, menacing or restricted. Some breeds are specifically singled out, such as the Japanese tosa, the fila Brasileiro, the dogo Argentino, the presa Canario and the American pit bull terrier, which is the one that seems to hit the news the most. What we are trying to do is help prevent tragedies such as the one that happened earlier this year with the death of a toddler in the most horrible circumstances.

Where a dog has been deemed dangerous or menacing — if it has priors, if you like — or it is a restricted breed, the court now has the power to declare an offence connected with that dog indictable. If an owner is inadequate in the restraint of such a dog, they will now be liable. This legislation places a great deal of importance on human life. What we are saying is that if an attack is the result of the reckless or negligent actions of another person — the owner of the dog — and a death occurs, that is an offence tantamount to a culpable driving offence.

I highly commend this bill to the house. It is very responsible legislation, and I am so glad that the opposition is with us on this one. This is good for all Victorians, including dog owners, in that it will make them wake up to themselves. It is also good for those in the community who could have been attacked in the future were this legislation not in place.

Mrs FYFFE (Evelyn) — I am pleased to rise to make a brief contribution to the debate on the Crimes and Domestic Animals Acts Amendment (Offences and Penalties) Bill 2011. Many people have talked about the clauses in this bill and what the bill will enact. I want to speak about this bill as a dog lover who has always had dogs and loved them all dearly. Once we had a dog that we adopted at 18 months of age. We noticed that it was aggressive towards children, and much as my kids loved the dog, it was one that we had to put down.

That led me to a local lady, Sue, who has worked with many dogs. She has spent a lifetime working with them and has observed thousands of dogs at the Croydon and District Obedience Dog Club. I refer to an email she wrote to me in which she said that litters should not be raised unless the temperaments of both parents are known. She said she knows of one place that raised a litter of pit bull puppies because they:

... would place them with loving people and they would be fine.

Sue also said:

Genetics are 100 per cent what you get with a dog. Environment can create a 'good' dog from not-so-good genes.

She went on further to say that when a bitch is being put down because it is too aggressive, in her opinion, and taking into account her experience with the thousands of dogs she has dealt with in her life, the puppies should also be put down. She said:

It's very easy to sell a cute ... puppy at eight weeks of age to unsuspecting and totally unprepared, soft-hearted people who then find themselves raising a nervous-aggressive dog which is a danger to themselves and to the community.

Sue also firmly stated:

Any dog which bites, either people or other animals, to the extent that they require medical attention should be put down. A dog is able to inhibit its bite, so if it draws blood, it is intentional.

The Yarra Ranges has had its problems with dangerous dogs in the past. In April this year alone there were 22 reports of dog attacks. Last year saw the Yarra Ranges Shire Council prosecute 37 dog owners in the Magistrates Court and issue a further 31 infringement notices. One particularly horrific dog attack occurred in the Evelyn electorate in February 2007. A 20-year-old blind woman, Kristy Hyland, was walking home from Mooroolbark railway station late at night when a teenage boy ordered his dog to attack Kristy and her guide dog, Keegan. Keegan had to undergo nine months rehabilitation, during which time Kristy went without a guide dog. The teenager was convicted and sentenced to six months at a youth detention centre. Under the provisions in this bill the teenager could have been sentenced to a much harsher penalty.

This government is committed to making sure that all Victorians feel safe in public community areas — down the main street — and, most of all, on their own front lawn. By making a dog attack an indictable offence the government is cracking down and providing a severe disincentive for anyone to own a dangerous, menacing

or restricted breed dog. I commend the bill to the house and support it wholeheartedly.

Debate adjourned on motion of Dr NAPHTHINE (Minister for Ports).

Debate adjourned until later this day.

GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2011

Second reading

Debate resumed from 11 October; motion of Mr O'BRIEN (Minister for Gaming).

Dr NAPHTHINE (Minister for Racing) — I rise to speak on the Gambling Regulation Amendment (Licensing) Bill 2011 in my capacity as Minister for Racing. I will concentrate on clauses 33 to 36, which seek to amend the Gambling Regulation Act 2003 in regard to the operation of bookmakers in Victoria.

Bookmakers play a key role at Victorian racetracks providing services to punters. They also add significant colour to a day or night at races of all three codes. However, it is vital that we have absolute confidence in the integrity of our wagering and betting systems, which includes bookmakers. An *Age* article of 7 February by Nick McKenzie with the headline 'Bookmaker in legal loophole despite money laundering charges' says:

A veteran Victorian bookmaker accused of laundering drug money for a crime syndicate is still in business, despite facing serious criminal charges.

Further on the article says:

Racing industry sources called on racing minister Denis Napthine to move immediately to give regulators the power to suspend a gaming licensee provisionally until criminal charges are resolved in court.

The article raises serious issues of integrity and perceptions of integrity with regard to the operation of bookmakers, wagering and betting on Victorian racetracks. As a consequence of such reports I immediately sought advice from the racing integrity commissioner as to the adequacy of the current licensing arrangements for Victorian bookmakers. The racing integrity commissioner expressed concerns that neither the Victorian Commission for Gambling Regulation nor Racing Victoria had the ability to stop a bookmaker from continuing to operate despite being charged with a criminal offence. The commissioner recommended that the Victorian Commission for Gambling Regulation be provided with the power to

suspend the registration of a bookmaker or a bookmaker's key employee where they face serious criminal charges.

The integrity of racing and ensuring that gambling is free from criminal influence is of paramount importance in these matters. Allowing bookmakers to continue to operate their businesses while facing serious criminal charges is not in the best interests of the racing industry or the community. Clause 35 of the bill provides for the suspension of a bookmaker's registration — and further, for suspension of the registration of a bookmaker's key employees — pending criminal proceedings. The Victorian Commission for Gambling Regulation can suspend the registration of a bookmaker or key employee if that person has been charged with a relevant offence — that is, an offence under the Racing Act 1958 and regulation under that act, a gaming act or gaming regulations; an offence, in Victoria or elsewhere, involving fraud or dishonesty, where the offence is punishable by imprisonment for three months or more; or an indictable offence or an offence that would be an indictable offence if committed in Victoria, in respect of the management or operation of the bookmaker's business.

These are serious offences. The provision fixes the loophole so that if people are charged with these offences, their licences can be suspended until those charges are heard and resolved. It goes a long way towards fixing the loophole identified earlier this year. It shows that the government is prepared to respond quickly and effectively when these issues are raised and to work with the racing industry and the racing integrity commissioner to protect the integrity of racing and the perception of integrity of racing.

In conclusion, racing is a great sport and a great industry that is important to jobs and the Victorian economy. This weekend will see the Melbourne Racing Club run the Caulfield Cup. I wish it well for that event. It had a great Saturday last weekend with the Caulfield Guineas and the appearance of Black Caviar. The week after next will see the Moonee Valley Racing Club run the Cox Plate, which promises to be another great event. Black Caviar will make an appearance in the sprint race on that day. I am sure people will come through the turnstiles to see that fantastic horse. After that the Victoria Racing Club will run the Spring Racing Carnival and Melbourne Cup Day. At the time there will be great events at the greyhound races — TOPGUN at The Meadows and the Melbourne Cup Sandown Park. The next few weeks will see the country cup circuit at Seymour, Geelong, Bendigo, Kyneton and Ballarat.

Racing is a great industry, a great employer and a great part of the economy. These provisions will assist us to ensure that Victorian racing is conducted at the highest level and that the integrity of our bookmakers is upheld.

Mr FOLEY (Albert Park) — It gives me great pleasure to rise to make some contributions to the debate on the Gambling Regulation Amendment (Licensing) Bill 2011. The bill seeks to put in place the final bits and pieces for the post-August 2012 gaming and wagering regulatory environment. As a number of other speakers have pointed out, amongst other things the bill sets the regulatory environment for issues such as gaming machine entitlements, the monitoring of wagering and betting and keno licences. It also purports to go to a number of issues around the prohibition of government lobbying in relation to those licences; however, as the government has just awarded most of those licences for the next seven years at least, there will be a lot of time for the embedding of the banning of lobbying government ministers, as there will not be much to lobby about for some time yet.

As we have just heard from the Minister for Racing, the bill also makes a range of amendments to the regulatory environment for bookmakers, bookmakers clerks and other key employees as well as providing extra powers for keeping an eye on gaming operators.

Put all that together, and what you have are the final bits and pieces of the regulatory reforms that were commenced by the former Labor government. When you cut back a significant amount of froth, bubble and spin associated with the presentation of the bill — the government having taken a bit of a holiday for most of the past 11 months — what we have here is the finalisation of the last significant reform for the post-August 2012 world through the implementation in this bill of a range of significant changes to the regulatory environment in gaming and wagering.

For instance, there is a shift to gaming venues managing the entitlements of gaming machines in an environment where they will own, operate and maintain these machines at a venue level. There are also the changes to the keno licence, which has been awarded for up to 10 years to the operator, Tabcorp. Then there is the wagering and betting licence, which has again gone to a single operator, Tabcorp, until 2024. We have also seen the licence for the policing of the gaming venue sector for the next 15 years being awarded to Intralot. A range of measures have been brought together into this one piece of legislation that sets them in place. This bill stands against the Labor record in this area, which recognised gaming and wagering — and you could extend that to casinos — as legitimate

activities for Victorians and visitors to Victoria to engage in.

What the bill will do is provide a properly regulated environment, which will be managed, reviewed and controlled by the state in the interests of the broader community. This public policy area is not exactly straightforward in that it deals with some of the complexities involving the venues, the patrons and the community, which can draw both a benefit and, if mismanaged, significant detriment from gaming and wagering operations. As we have heard from the Minister for Racing, these industries and sectors, particularly in the Spring Racing Carnival season we are in, all contribute to a diverse, interesting and dynamic part of the Victorian economy and Victoria's recreational events calendar. They particularly create investments and jobs and underpin many communities, but they are not without risks, and there is the potential for them to have serious downsides if they are mismanaged. That is why when Labor was in government it took serious steps to mitigate the worst elements of the gaming and wagering industry sector, most notably with its five-year, \$132 million Taking Action on Problem Gambling initiative, which placed Victoria in the leading position of dealing with the real incidents and problems associated with gambling and wagering. There are serious and ongoing problems faced by many individuals, families and communities. Some of the key elements of that package were the precommitment arrangements for gaming machines, bans on ATMs and a range of other measures. Put together it is a significant package of Labor reforms on which the current government is building.

Let us look at some of the other provisions of this bill and pay tribute to what The Nationals did in their deal with the then Minister for Gaming in the previous Parliament. The Leader of The Nationals did the deal at Sale to cement the regulatory environment upon which the government is now building. When we hear some of The Nationals members' disingenuous criticisms of that arrangement, we know, and we know that they know, that it rings hollow and is designed to hide their more general inaction.

I will make a few closing comments on the proposed lobbying ban in the bill. The bill will prohibit lobbying of the Premier, cabinet ministers, parliamentary secretaries and those employed in a range of public service positions. The omission of any member of the government or the Liberal Party machine from that prohibition is most odd. There will not be many opportunities for lobbying, but if you were in this industry and you wanted to lobby the government and were excluded from those arrangements, how would

you go about considering who you would lobby? There is not much to be done over the next seven years at least, but, given the way the Liberal Party machine has operated in its secretive dealings in more recent times, there would be plenty of opportunities. We await with some interest for the ministerial code of conduct to see its relationship to fundraising, which we are assured will take some of these issues further.

If you were a lobbyist and were looking to the spring racing season, who would you seek to lobby? Would you seek to lobby the member for Prahran, for instance? While he thinks he is a Black Caviar, indeed he is not. He shares the same spectacular self-confidence and arrogance in his own virtue and abilities, but he is not much of a sprinter or a stayer.

Mr Gidley — On a point of order, Speaker, I acknowledge that the debate has been wide ranging, but the member for Albert Park's personal view on the member for Prahran — —

Mr Battin — Or Black Caviar.

Mr Gidley — Or Black Caviar, as the great member for Gembrook said — is irrelevant to this debate. I ask you, Speaker, under the standing orders to bring him back to the debate and this great initiative by the coalition government.

The SPEAKER — Order! I do not uphold the point of order. It has been a wide-ranging debate, but I ask the member to return to debating the bill before the house.

Mr FOLEY — Thank you, Speaker, and I will make no further reference to the show pony from Prahran. If you were a lobbyist, where else might you look? You might perhaps look to the member for Mount Waverley. If you were to look for an analogy in the racing industry, who do you think you would go to? I think you cannot go past 1932 and say, 'There's Peter Pan, the boy who never grew up over there'.

The SPEAKER — Order! The member is straying from the bill again. I ask the member to return to the bill.

Mr FOLEY — Thank you very much, Speaker; I will certainly do that. The lobbying ban in this area is very hollow given that there will not be much of an opportunity to lobby anyone. If you were also looking to whom you might lobby, would you look to the member for Benambra? I think he is excluded because he is the Parliamentary Secretary — —

The SPEAKER — Order! The member is straying from the bill again, and if he continues along that line, I will sit him down.

Mr FOLEY — I thank you, Speaker, for your guidance on this matter. I think it was the 1985 winner of the Melbourne Cup, What a Nuisance, which is perhaps the most analogous; it is certainly not Think Big — —

The SPEAKER — Order! The member has concluded his speech.

Mr GIDLEY (Mount Waverley) — It gives me much pleasure to rise this afternoon to speak in the debate on the Gambling Regulation Amendment (Licensing) Bill 2011. It is an important piece of legislation, which not only delivers on the Liberal-National coalition government's commitment — another policy being implemented, I am pleased to say — but also addresses the important aspect of ensuring that there is a return to integrity in the licensing system, integrity having been missing from the Victorian government over the last decade and more.

What does this bill do other than provide confidence and restore integrity to the gaming and licensing process? It ensures that the Victorian Commission for Gambling and Liquor Regulation will have the power to suspend the registration of bookmakers and their key employees if they are charged with a serious offence, which is very important. It will also ensure that red tape is cut with the abolition of unnecessary supervision of lottery draws conducted by computerised random number generation and, importantly, provide the industry with confidence in the process of transition to the post-2010 gaming licence environment.

The banning of lobbyists is an important aspect of this legislation. We know it is important because, as I mentioned, we know that integrity and honesty in this area was sorely missing over the previous decade under the Labor government. The bill delivers on that commitment and ensures that professional third-party lobbyists in particular will be banned from involvement in the gaming licence process. The effect of that particular amendment will be that any third-party lobbyist engaged by a licence applicant or licensee will effectively be banned from contacting a government representative for the purpose of influencing a lottery or licensing decision. That is also important, given the real issues around the fundamental lack of integrity in the process during those 10 dark years under the Labor government. The ban will also apply to the initial

awarding stage of licences and to the process for amending any existing licences.

As I said, it is a change for the better. It is another element of the sun shining through in this great state as a result of the election of the Liberal-Nationals coalition government and the influence and implementation of this policy. During the dark years of Labor and with the lack of accountability and integrity in the past decade, we have seen serious probity breaches. The process became tainted under the stewardship of that government, which has done a number of things: firstly, it has undermined confidence in the industry; and secondly, Victorians have had to put up with a poorer state government as a result of the former Labor government lacking integrity, honesty and the ability to do the right thing.

The great example of that was the involvement of lobbyist and former Labor Minister for Gaming David White, from the Labor-aligned lobbying firm Hawker Britton, in the process of awarding that lottery. We know the very serious concerns that we in this state have had as a result of that. This bill will ensure that integrity, honesty, openness and transparency is restored to the gaming process, standing in stark contrast to David White and his involvement in the process.

Mr Wynne — On a point of order, Speaker, without a doubt the member making his contribution is straying very far away from the bill and seeking to besmirch the reputation of people who are not members of this house. I ask you to bring him back to the content of the bill rather than taking the opportunity in a very grubby way to try to besmirch the reputation of people who cannot defend themselves in this house.

The SPEAKER — Order! I do not uphold the point of order.

Mr GIDLEY — The member for Richmond is obviously very sensitive to these issues — and so he should be, after a decade of government lacking integrity in this area. We all know the findings of the independent gaming and lotteries licence review panel chaired by Ron Merkel, QC, in relation to that. They are not my words; they are Ron Merkel's words. It is one of the prime reasons we need to restore integrity, whether the member for Richmond likes it or not. I commend the bill to the house.

The SPEAKER — Order! The time set down for consideration of items on the government business program has arrived, and I am required to interrupt business.

Motion agreed to.

3. Clause 74, line 15, omit "Section" and insert "Sections 10.1.1 to".

Read second time.

4. Clause 74, line 16, omit "is" and insert "are".

Third reading

Third reading

Motion agreed to.

Motion agreed to.

Read third time.

Read third time.

**EMERGENCY MANAGEMENT
LEGISLATION AMENDMENT BILL 2011**

**CHILDREN, YOUTH AND FAMILIES
AMENDMENT (SECURITY OF YOUTH
JUSTICE FACILITIES) BILL 2011**

Second reading

Second reading

**Debate resumed from 11 October; motion of
Mr RYAN (Minister for Police and Emergency
Services).**

**Debate resumed from earlier this day; motion of
Ms WOOLDRIDGE (Minister for Community
Services).**

Motion agreed to.

Motion agreed to.

Read second time.

Read second time.

Third reading

Third reading

Motion agreed to.

Motion agreed to.

Read third time.

Read third time.

**VICTORIAN COMMISSION FOR
GAMBLING AND LIQUOR REGULATION
BILL 2011**

**CRIMES AND DOMESTIC ANIMALS ACTS
AMENDMENT (OFFENCES AND
PENALTIES) BILL 2011**

Second reading

Second reading

**Debate resumed from earlier this day; motion of
Mr O'BRIEN (Minister for Gaming).**

**Debate resumed from earlier this day; motion of
Mr WALSH (Minister for Agriculture and Food
Security).**

Motion agreed to.

Motion agreed to.

Read second time.

Read second time.

Circulated amendments

Third reading

**Circulated government amendments as follows
agreed to:**

Motion agreed to.

1. Clause 70, page 101, after line 33 insert —

() In section 1.3(3) of the **Gambling
Regulation Act 2003**, for "10.1.25"
substitute "29 of the **Victorian Commission
for Gambling and Liquor Regulation Act
2011**".

Read third time.

2. Clause 74, line 14, omit "**Objectives**" and insert
"**Establishment etc.**".

**ENERGY LEGISLATION AMENDMENT
(BUSHFIRE MITIGATION AND OTHER
MATTERS) BILL 2011**

Second reading

**Debate resumed from 12 October; motion of
Mr O'BRIEN (Minister for Energy and Resources).**

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

**EXTRACTIVE INDUSTRIES
(LYSTERFIELD) AMENDMENT BILL 2011**

Second reading

**Debate resumed from 11 October; motion of
Mr O'BRIEN (Minister for Energy and Resources).**

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house now adjourns.

Disability services: Bellarine constituent

Ms NEVILLE (Bellarine) — The matter I raise is for the Minister for Community Services, and the action I seek is that the minister urgently resolve the case of Geraldine Kowal by providing funding to enable her to return to her own home. Gedda, as she is known, has lived most of her life with polio. Despite this, she has lived independently and raised a family. Unfortunately a couple of years ago she suffered a stroke, requiring time in Geelong Hospital and then the McKellar Centre

aged-care and rehabilitation facility. She is now well and truly able to go home, but only with support.

In her efforts to return home with the required support, Gedda wrote to the Minister for Community Services in January — nine months ago. We were all encouraged when in April of this year the necessary modifications were made to her home. I have also written to the minister about Gedda's circumstances, and in June Gedda wrote to the parliamentary secretary because despite those home modifications, an individual support package had not been made available to her. As a result she continues to live in an aged-care facility.

This is totally inappropriate accommodation for her. She is not an older person, so the life and activities in the nursing home setting do not offer her any real benefit or support. Being in a situation that is unsuitable and not designed to meet her needs is upsetting, and it impacts on her mental and physical health and wellbeing. The level of care available to her in the aged-care setting is limited; in fact it is in stark contrast to the care she would receive living at home with an individual support package or even in a community residential unit. The result is that her basic everyday needs are often not taken care of and her social interaction is extremely limited.

Knowing that her home is ready and waiting for her to move back into obviously makes this sort of experience even harder to bear. This is even more distressing when she has been advised that she will only need minimal support to be able to successfully live at home. It makes her whole situation even more outrageous. It is extraordinary that resources were provided for the specific purpose of enabling her to live at home through modifications, and yet once the work was completed there was no funding provided to make it a reality. The modification work and the process involved in arranging the individual support package for Gedda should have been happening in tandem. It defies common sense that this obvious anomaly has been allowed to continue for so long.

Despite strong advocacy and extensive contact with the department and the minister's office, this terrible situation continues. As time goes on these circumstances are having a detrimental effect on Ms Kowal's mental and physical health and welfare and are severely impacting on the life of her family. I again call on the Minister for Community Services to act immediately to resolve the situation that is threatening the health and wellbeing of Gedda by providing funding to enable her to return home to live with her family.

Mechanics Institutes of Victoria: funding

Mr NEWTON-BROWN (Pahran) — My adjournment matter is directed to the Premier. The action I seek is that adequate funding be provided to the Mechanics Institutes of Victoria to complete an archival scanning project that the institute commenced some years ago. In May of this year I was at the Pahran Mechanics Institute to launch a book by Frank Hutchinson on European settlement and exploration in Victoria. While I was there I met with Christine Worthington and Judith Dwyer, the honorary secretary of the mechanics institutes, and heard about this very important project. The project involves collating and digitally storing the vast wealth of historical information which is held by the hundreds of mechanics institutes dotted around country Victoria. In most cases mechanics institutes are the custodians of the rich history of Victorian country towns.

Volunteer Peter Pereyra started scanning information from the institutes that was unearthed several years ago by Pam Baragwanath when she was researching mechanics institutes across Victoria. The importance of this project was hammered home during the 2009 bushfires. Pahran Mechanics Institute had already scanned the Arthurs Creek records, which were lost, but the records of the former Marysville Mechanics Institute, which were held by the local historical society, were totally lost in the inferno on that day. It was a sad loss. As well as the tragic loss of life on that day, there was the tragic loss of so much of our heritage in those fires. Over the years the historical records held by mechanics institutes have been vulnerable to not only fire but also flood and various other forms of general neglect.

The Delmas Foundation in New York provided some funding for this project when it commenced. With these funds the records of mechanics institutes in Malmsbury, Alexandra, Sorrento, Narre Warren, Buxton, Trentham, Whorouly and Eaglehawk have been scanned. However, there are many more that require scanning, and the funding has run out. Without further assistance this state is vulnerable to incurring further irreplaceable losses to our local history. I call on the Premier to adequately fund the mechanics institutes to complete this project so that our heritage will be preserved for future generations.

Roads: flood damage

Ms ALLAN (Bendigo East) — I raise a matter for the Minister for Roads. I am raising for the minister's consideration the issue of roads which are the responsibility of VicRoads and which remain closed as

a result of the flooding events in January. The action I seek from the minister is for him to provide details of the funding that the government has provided to VicRoads — that is, the monetary amount that has been provided to VicRoads to enable these roads to be repaired and reopened — and then the details of when each of these roads will be reopened, either partially or in full.

We all remember well the floods of January. They had a widespread impact across much of the state, and across regional Victoria many roads were damaged as a result of the floods. We are seeing local councils getting a move on at the moment and going through the repair work for roads that are under their responsibility. As I travel around regional Victoria, one of the things that is raised with me repeatedly is that the government is not doing enough to provide VicRoads with the funds to do the same work to repair roads that are its responsibility. There are a number of roads around the state that remain closed. If you look at the list on the VicRoads website, you see that the following roads remain closed: the Boort-Wycheproof Road; the Bridgewater-Maldon Road, between Eddington Road and Baringhup Road, Maldon; the Kiewa Valley Highway, between Baranduda and Lindsay Road; the Jeparit-Warracknabeal Road; the Northern Grampians Road; and Silverband Road beyond Grampians Road.

I note that a few weeks ago the government announced funding for and the reopening of the Wilsons Promontory Road. That is certainly welcome; it is an important road. However, we would like to know why that road was prioritised and repaired. It was damaged some time after the other flood-affected roads that I have just mentioned, and the government just has not made these other roads a priority. VicRoads has clearly not been provided with the necessary funds. These roads are just as important as Wilsons Promontory Road. They service the residents in those areas, they service businesses and in a number of instances they are important tourism links as well. On behalf of the many councils and communities that have raised this with me, we would like to know the funding details, we would like to know when these roads are going to be repaired and we seek the government's response in that regard.

Kilmore Racecourse: funding

Ms McLEISH (Seymour) — I request that the Minister for Racing support the community of Kilmore by providing further assistance for Kilmore Racecourse, which has suffered badly as a result of flooding. The minister knows the racecourse and the club well, and not so long ago he visited the course with Donna Petrovich, a member for Northern Victoria Region in

the Legislative Council, and me, at which he announced \$225 000 in funding towards extensive track drainage works to weatherproof the racecourse for the future. That \$225 000 was to be matched by an equal contribution from three different bodies: Racing Victoria Ltd, Country Racing Victoria and Kilmore Racing Club. Drainage inspections that had occurred earlier in the year revealed the full extent of the damage caused over time by the drought, which was over a long period, and then more recently by heavy, flooding rains.

Kilmore Racecourse is a dual-code venue which supports both harness and thoroughbred racing. As in many other towns, the racecourse is of vital importance to the local community, not only through its well-attended and popular race days but also for the local trainers who rely on the facilities to support their livelihoods. I have met with trainers from both codes in Kilmore who constantly reinforce the importance of the racecourse to not only their own livelihood but also the economy of the town. Often the traders in the town rely on these days to move their wares by catering for and supplying the events.

I have been advised that since contractors have been undertaking repair works the damage caused by flooding has been found to be a lot more extensive than initially thought. Racing Victoria had submitted an additional application to the Regional Racing Infrastructure Fund for funding for \$125 000, which was approved. However, it is still insufficient to bring the course up to the standard required. It is important that the additional application by the club is supported by the state government.

I have attended a couple of race meetings at Kilmore this year, including the Kilmore Cup, where Alcopop was way too classy for the field, and I know how reliant small towns are on their racecourses. I urge the minister to provide further funding assistance so the club can return to normal operations as soon as possible. I know he is passionate about his racing and about helping out country clubs, so I hope in this instance he will assist Kilmore Racecourse.

Austin Hospital: occupational health and safety

Mr SCOTT (Preston) — The matter I raise is for the attention of the Assistant Treasurer. It relates to his responsibilities for occupational health and safety. The action I seek is a thorough investigation into occupational health and safety at the Austin Hospital. The investigation needs to cover two issues. There have been recent media reports regarding the emergency department at the Austin Hospital, including concerns regarding the safety of staff in the emergency

department. While the media reports quite rightly focus on the needs of patients, the issues raised regarding the emergency department also affect staff at the hospital.

The investigation also needs to cover the issues that have arisen out of the sacking of 37 maintenance staff at the Austin Hospital. The staff were effectively sacked on 18 August, with a contract being let to Transfield Services to take over the maintenance on 21 November. This raises a number of important issues relating to the safety of both staff and patients but particularly staff, who are the minister's responsibility.

I understand from reports in the *Diamond Valley Leader* of 22 September 2011 that there are issues of electrical safety, and there had been a failure to fix circuits for an extended period of time. There are also issues in relation to appropriate checks not being undertaken and in relation to safety in cases where emergency services attend the Austin Hospital.

There is particular concern because, as part of the process of this Kennett-style sacking, a 13-week pay offer was made to staff to leave and a number of staff, including plumbers and supervisors, have taken this up. On my understanding there are currently no plumbers or supervisors on the maintenance staff, and this creates a number of complex health and safety issues, particularly for existing staff. There is a potential for issues relating particularly to emergency staff.

Any investigation needs to focus particularly on the question: have there been breaches of health and safety regulations in the period between the sackings on 18 August and this day? I understand that once this issue has been highlighted, action may be taken by the hospital. But it is not good enough for people to be endangered, particularly in relation to emergencies that could occur at the hospital. Frankly there has been an act that may have led to the neglect of occupational health and safety. It is important to note that these sackings and their results have not been an act of omission by the government, but because they are outside the public sector industrial relations policy they require the direct approval of the government. Any issues that arise are not from an act of omission by the government but from an act of commission. They result from direct actions by this wilfully negligent government.

Gippsland Rotary Centenary House: funding

Mr NORTHE (Morwell) — I rise to seek an action from the Minister for Regional and Rural Development. The action I seek is for the minister to provide support

and financial assistance to Gippsland Rotary Centenary House as part of its stage 2 development.

Gippsland Rotary Centenary House is an important part of the Gippsland community. It provides secure and supportive accommodation for patients and their families who are undertaking treatment at Gippsland Cancer Care Centre at Latrobe Regional Hospital. This centre provides enormous relief for persons who have cancer. Rather than having to travel to Melbourne or beyond for treatment, they can undertake treatment at Latrobe Regional Hospital, and whilst they are undergoing their treatment they can stay at Gippsland Rotary Centenary House.

The facility was opened in September 2006. At the time seven family units were established. The demand has been extremely high. As I said, residents from all over Gippsland and beyond use the facility. If you look at the statistics, you can see that 54 per cent of the patients, or residents, come from East Gippsland. That figure gives an indication of how popular Gippsland Rotary Centenary House is.

Gippsland Cancer Care Centre has grown and delivered ever-increasing treatments over a period of time, and it is vitally important that, likewise, Gippsland Rotary Centenary House grow in conjunction with the cancer care centre. Stage 2 of Gippsland Rotary Centenary House is currently under way at a cost of approximately \$2.2 million. It will provide another nine family units, a community meeting room, offices, car parking and landscaping. I commend the commonwealth government for in April 2010 contributing \$22 million towards Gippsland Cancer Care Centre and \$1.5 million for stage 2 of Gippsland Rotary Centenary House. This will assist with cancer care services at Latrobe Regional Hospital.

This contribution has increased the need for stage 2 of Gippsland Rotary Centenary House to proceed, but unfortunately no funding was forthcoming from the former state government. Nonetheless, the need for Gippsland Rotary Centenary House has been demonstrated, and credit should go to all associated with developing this project over a period of time, including the committee of management, chair Ken Peake, house manager Carol Crewe, the council, the business community and the general community, who have got right behind the project, raised copious funds over a period of time and will continue to support it well into the future. I look forward to the minister supporting this request.

Disability services: individual support packages

Ms HUTCHINS (Keilor) — I rise to ask the Minister for Community Services to take urgent action regarding the hundreds of people living with a disability in the western suburbs who are waiting to have their individual support packages (ISPs) funded through the Department of Human Services register to provide them with much-needed resources and support in their homes.

Furthermore, I seek that the minister assure the house that her department is acting in an equitable manner and that she assure Victorian families that her department is approving funding equally across the regions without bias being shown towards certain corridors of Melbourne's south-eastern suburbs.

I raise these issues in light of the recent report by the Auditor-General *Individualised Funding for Disability Services*. I quote directly from that report:

DHS aims to allocate ISPs based on need. In practice this does not happen consistently. While regions are required to meet targets, there is scope to negotiate with central office to better align targets to regional need. However, regions do not routinely look beyond targets to identify people most in need. For example, if a region is set a target of two ISPs at a specific band, the region will only consider people registered at this band, even when it may have a high-priority person, in another band, who needs frequent emergency support. This was particularly apparent in one audited region.

I know what region that is: it is the one I represent. With demand for ISPs well exceeding supply, it is extremely problematic that the Auditor-General's report found that administration of ISPs was frequently inconsistent and inequitable. In fact the findings of the Auditor-General's report, which was recently handed down, show that at March 2011 more than 1400 people were waiting for their ISPs to be funded. That funding totalled \$38.6 million — \$15 million more than the funds that have been set aside in the 2011–12 budget.

I find it appalling that this government can commit \$14 million to cleaning up graffiti but cannot find \$15 million to help those who are most vulnerable in our communities. I am proud that the Brumby Labor government committed to revolutionising the disability sector, I am proud that we were the architects of that policy and I am pleased that the Auditor-General acknowledges this in his report by describing ISPs as 'life changing' for those who were successful in getting funding.

In my electorate there is a family, about whom I have written to the minister, who have been waiting for three and a half years to have their ISP funded. They have a

severely disabled 22-year-old autistic son who requires 24-hour care. The father of the family gave up his employment 16 years ago to become a full-time carer, and because of the demands and stresses he is now suffering from depression and anxiety.

Rail: Balaclava station

Mr SOUTHWICK (Caulfield) — The matter I wish to raise is for the attention of the Minister for Public Transport. It concerns the Balaclava station, which is in my electorate. I ask the minister to provide an update to the house on the upgrade of the station that was provided for in the May budget. I seek from the minister a time line for when the constituents of my electorate and the electorate of the member for Prahran, who has also been a strong advocate for the upgrade, can expect to see the refurbishment completed. The member for Prahran's vocal support for projects that improve services for his constituents is in stark contrast to the behaviour of his Labor predecessor and vastly different from the deafening silence from the member for Albert Park.

During last year's election the coalition campaigned on the need to fix the public transport system and to address 11 years of neglect and mismanagement by the former Labor government. Delays and cancellations of trains were signs of the times. The state of the public transport system, including the infrastructure and platforms, needed to be rectified. Voters who live near the Sandringham line strongly campaigned for the coalition to fix these problems, and they voted to ensure that the problems would be rectified by the new government. In our first budget, in May, the Treasurer announced \$484 million for new public transport and rail infrastructure. Already Victorians are seeing the results of our investments at work, and problems with railway stations across the state are starting to be rectified. Over this parliamentary term and the life of the government the rail network will become more efficient, more reliable and, with the delivery of 940 protective services officers, more safe.

I note that in 11 months we have begun to rectify the problems of the past 11 years. In my electorate, \$11 million was provided to upgrade Balaclava station to premium status to improve accessibility, safety and comfort for commuters. The station will benefit from a comprehensive refurbishment that will see platforms widened and additional shelter provided to improve accessibility for people with disabilities, particularly near the front of these platforms. During the election campaign many residents of the area came to me with concerns about this station, wanting to see it improved. They expressed their worries about safety at night and

the regular incidence of antisocial behaviour. My constituents want and deserve a railway station they can feel safe at and that makes public transport more attractive for getting around the city. I would like to know when we can expect to see delivery of this project.

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

Victorian Arabic Social Services: funding

Mr McGUIRE (Broadmeadows) — The matter I raise is for the Minister for Multicultural Affairs and Citizenship. The action I seek is for the minister to ensure that funding is found for the Victorian Arabic Social Services (VASS), a needs-based community support organisation. I would like to acknowledge that the minister came to Broadmeadows on Friday, 19 August, to meet VASS and witness firsthand the work of this organisation that serves Australian families of every race, culture, ethnicity and religion. This contrasts with the previous response from the Minister for Community Services, who refused to meet VASS before cruelly cutting the funding Labor promised. The coalition's initial response appeared to be based on my pet hate — the triumph of petty bureaucracy over common sense. I subsequently urged the Minister for Multicultural Affairs and Citizenship to see beyond the excuse that VASS is not 'mainstream' enough. In particular, it services a community that makes up 20 per cent of the population of Broadmeadows.

We have committed to bipartisanship on multiculturalism, but it must not simply be about words. It must be backed by action and funding. The coalition was elected on a promise to govern for all Victorians. If the government neglects vulnerable communities, it risks making the Yarra and Maribyrnong rivers moats and establishing an ominous divide between the haves and the have-nots, even in the world's most livable city. I hope the cabinet has the nous to heed the reality check that VASS is only seeking \$150 000 a year for four years to cater for vulnerable families. The minister and I come from families who have established new lives in Australia, and we understand the need for critical support organisations as the essential first point of contact and engagement necessary for broader community participation.

I have raised with the minister the Global Learning Village model of coordinating the three tiers of government to deliver better results for communities, and I have in good faith made representations to the federal Minister for Health, Nicola Roxon, and the City

of Hume to help coordinate a response. The people of Broadmeadows must never return to being the truly forgotten people — particularly struggling families trying make Australia their new home.

Rail: Wodonga station

Mr TILLEY (Benambra) — I wish to raise a matter for the attention of the Minister for Public Transport. The action I seek is for the minister to investigate options for air conditioning the female and disabled toilets at the new Wodonga railway station. On 25 June this year the Benambra community celebrated the arrival of the first V/Line train at the new Wodonga railway station. It was a much-anticipated return, and the community was thrilled with the new station after a lack of commitment and drive by the Labor government. This was celebrated with my colleagues the members for Murray Valley, Benalla and Seymour.

Since that time there have been approximately 97 services with around 32 000 north-east Victorians using the service. The minister recently announced an additional service, which will return on 30 October this year. However, the Benambra community is looking to the time when north-eastern Victoria is fully serviced with the return of trains that were stopped back in 2009 to allow for the relocation of railway lines out of the centre of town and the standardisation of the rail line from Albury to Melbourne.

The Wodonga railway station is a new, state-of-the-art facility designed to be energy efficient and aesthetically appealing, but there is a practical aspect that has been overlooked that is causing the travelling public discomfort. This discomfort will only increase as we go into the hot, summer months in north-eastern Victoria. The female and disabled toilets at the Wodonga railway station are on the side of the building that is directly hit by the sun and heat in the middle of the day. I have already received reports that the temperature in these toilets is extremely uncomfortable. Considering that our spring temperatures have not yet exceeded 25 degrees, it is easy to paint a picture of what the discomfort levels will be in summer, when there will be days that are in excess of 40 degrees. I ask the minister to ensure that investigations are carried out to establish the best way to add temperature control measures to these toilets.

Responses

Mr RYAN (Minister for Regional and Rural Development) — The member for Morwell raised a matter for my attention in relation to one of the great projects not just within Gippsland but across the state — that is, the Gippsland Rotary Centenary House.

This is a testament to the capacity of local communities to come together for an extraordinarily worthy cause. The work that has been undertaken by those associated with the establishment and further development of the Gippsland Rotary Centenary House is nothing less than absolutely magnificent. I know that in his role as a Rotarian the Speaker of the house, the member for Bass, has a keen issue in this issue, as does the member for Morwell, as the facility is located in his electorate. For all of us who reside in Gippsland, this has been a focal point of much attention over the years.

The development of the facility has now moved to its second stage. The member, as he was raising the issue for my attention tonight, tracked the history of the way this great initiative has occurred over the course of years. Without retelling the story, which was outlined so ably by the member, the bottom line is that the Gippsland Rotary Centenary House occupies an absolutely pivotal place in the provision of cancer-related health services for Gippslanders.

The second stage of the development will require an element of landscaping. It might seem at first blush to those not familiar with these projects that the notion of landscaping is not pivotal to the fundamental provision of a service, but the reality is far from this. It is so necessary to ensure that a project of this nature is complete. Having landscaping of an appropriate standard that is designed in an appropriate fashion is one of the essential components of doing the work properly. The second stage of the development also includes the construction of pathways which are intended to form critical links between the outdoor assets, including the gazebo, the barbecue area, the playground, the gardens and other passive recreation spaces of the Gippsland Rotary Centenary House — they all need to be linked to the hospital.

At the member's request I have investigated the prospect of being able to make a contribution on behalf of the government to this worthy project. I am pleased to be able to tell members of the house, including the member for Morwell, that the government will contribute \$50 000 to the landscaping costs. Having regard to the enormous contribution that has been made by communities throughout Gippsland, the work that has been undertaken by the Rotary club and in turn the work that continues to be undertaken by Ken Peake and the committee members who work with him and the many other contributors the member has already referred to, and while not forgetting, in fairness, the generous contribution that the federal government has made to this worthy project, we believe this is a very worthy thing to do. We believe that the \$50 000 we will

contribute will add much to what is a magnificent initiative.

Mr MULDER (Minister for Public Transport) — The member for Caulfield raised a matter for my attention in relation to Balaclava railway station and sought an update in terms of what progress has been made in relation to our key election commitment to invest heavily in an upgrade to Balaclava railway station. The 2011–12 budget includes \$500 000 for planning, and subsequent years will include capital investment to make sure this important project can be completed. The member for Caulfield has been a great supporter of his community and this project, and he wants to take an active role in this project as it goes forward.

Officers from the Department of Transport have consulted extensively with the City of Port Phillip, which is very supportive of this project. I can inform the member for Caulfield that design work is progressing well. Ramps and stairs, as well as provision for lifts, closed-circuit television cameras, platform wheelchair shelters, some additional platform verandas to provide cover for passengers and an improved walkway between Carlisle Street and Nightingale Street are all a part of the project that is currently being developed.

To ensure that we get the station right, we have also established a station user panel. Members of community groups and organisations who regularly use railway stations are assisting the design team to make sure we get the best outcome. As I have already pointed out several times in the past, it is about functionality over form. We want to make sure we get these stations right. To that end, I can inform the member for Caulfield that community consultation should commence by March 2012, but it is quite possible that it may start before then. I will make sure the department keeps the member for Caulfield informed.

The site is narrow. One of the aims of the officers who are undertaking the planning is minimising the number of days that Balaclava station is going to be closed while the works are carried out. It is a busy interchange involving the Sandringham line, the nos 3 and 3A tram and the no. 16 tram, not to mention the no. 78 tram and the no. 79 tram, which travel to Chapel Street.

I thank the City of Port Phillip for giving the government access to the council car park for construction purposes, because it will make the project much easier. I can assure the member for Caulfield that this project is progressing well. I look forward to being at the station with the member for Caulfield some day

in the not-too-distant future to declare the completion of that station upgrade.

The member for Benambra raised an issue for my attention in relation to the new Wodonga railway station and air conditioning at the station. The member for Benambra spoke to me earlier in the week about problems with the temperature in the toilets, including the disabled toilets, being unbearable. As he pointed out in his contribution today, we are only in spring. The temperatures are not high at this point in time, but it will get to a point when temperatures will hit the high 40s in that part of the state. That is going to make that particular facility somewhat unpleasant for people who use the station.

It is unfortunate when you look at the money that has been invested that you get these sorts of outcomes, but I have asked my department to conduct an investigation into the station to see what improvements can be made to make sure that we have a temperature that keeps the station comfortable for the people who are going to use it. Quite often they are in there for some considerable amount of time while they wait for friends or family to pick them up, and we want to make sure that it is a pleasant experience for them.

Again, I point out that the situation we face as a new government is having to make sure that as we build these new stations we get the functionality right and that functionality takes precedence over form. It is one thing to have a station that looks great, but it has to function well and work for the people who use it.

The member for Benambra has been a great supporter of this project, as he has been a great supporter of getting services back to Albury-Wodonga. As the member is aware and as he has announced, the second train service will be returned later this month and will no doubt be welcomed by the people of Wodonga. I congratulate the member for Benambra for the work he has done in ensuring that public transport services are returned, that these services work well for his community and, most importantly, that the amenity of the station is such that people have a comfortable experience when they visit the Wodonga station. I am more than happy to report back to the member for Benambra once the investigation into the air-conditioning issue at the station has been completed.

The member for Bendigo East raised a matter with me in relation to roads around the state. As the member for Bendigo East has rightly pointed out, a number of roads throughout the state were considerably damaged by the floods. On top of that we have had a very wet winter. This has meant that in many locations where there have

been landslips and extensive flooding not only are the roads damaged but the foundations under the roads have become very wet due to the poor condition of the surface of the road, after many years of neglect by the former Labor government.

What is happening at the moment is that we are working with VicRoads to repair roads as quickly as we can. I can say to the member for Bendigo East that many of the repairs that are being carried out are temporary in nature given the fact that it is not possible due to the condition of the foundations of some of these roads to carry out a full reconstruction. VicRoads has been provided with whatever funds are required to make sure that roads that have been affected by floods are repaired and that we can get them back to a suitable state. In the meantime I have asked VicRoads to look at whether it is possible for some of these roads that have been severely damaged to be opened up following temporary repairs and with temporary speed restrictions.

In her adjournment matter the member for Bendigo East pointed to a couple of roads in particular, one being the Bridgewater-Maldon Road. On a recent visit to Bendigo, where I announced that a further W-class tram is to be renovated by the Bendigo Trust, this matter was brought to my attention by Damian Drum and Donna Petrovich, members for Northern Victoria Region in another place. They were very concerned about the condition of the road. Not only that but they pointed out to me that there is a problem in that this is one of the major roads in terms of the upcoming harvest. I have had a very lengthy discussion with VicRoads in relation to this road and have been informed that VicRoads is in the process of starting some preliminary work.

We expect there to be further heavy rain, and where that road has sustained severe damage there is a swamp on either side of the road. There are environmental issues in relation to this as well. VicRoads says the water is back and almost lapping against the road, but further investigations are under way. Temporary repairs will be done to some of the potholes, and VicRoads will come back to me over the next couple of weeks to advise whether or not it is possible to do any further work. This is a concern. It is not a matter of funding but simply a matter of the foundation of the road being extremely wet. VicRoads has been provided with the funding it requires to carry out this work as well as work around the state. It is simply a matter of getting the road and the foundations in such a state that the work can be carried out satisfactorily and will hold once it has been carried out.

The member the Bendigo East also raised an issue with me in relation to the Kiewa Valley Highway and the Yackandandah Creek Bridge. Once again the member for Benambra has been very active in supporting his community to get works under way in relation to this very important bridge, and I have met with the member for Benambra on a number of occasions in relation to this matter. It looked like that particular bridge work was going to be significantly pushed out into next year. Due to the strong representations by the member for Benambra, VicRoads has worked with design teams to get the design up and running as quickly as it can to get this particular project out to tender and try to bring forward the completion date and reopening of the bridge.

As I have said, across the state there have been a number of issues that have delayed upgrades and repairs to roads, particularly in relation to landslips. At some locations where there have been landslips it has not been possible to open roads because of safety issues for workers. Where it has been possible to open roads they have been opened quickly. VicRoads has thrown all its resources at making sure that we can get the best possible outcomes. There is an extensive works program in place. It is simply a matter of waiting until we get the right weather conditions to be able to carry out this work, and we look forward to those roads that have been closed being opened and those that have been severely damaged being repaired and put back in order.

In the meantime we will do what we can to open up roads with temporary arrangements in place and temporary speed limits. We ask for the cooperation and patience of people around the state, because we have had to deal with an extraordinary situation.

Dr NAPHTHINE (Minister for Racing) — Before I start I want to make a point. Is it not fantastic to have a coalition government with a bevy of ministers available to respond genuinely to adjournment matters after 11 dark years of Labor ignoring adjournment matters and thumbing its nose at members?

The DEPUTY SPEAKER — Order! I ask the minister to get back to responding to the member for Seymour.

Dr NAPHTHINE — The member for Seymour, who is a very hardworking local member, has raised the need for additional funding to fix drainage problems at the Kilmore thoroughbred track. The member for Seymour understands that racing is not just a great sport but is also vital for local economies, jobs and tourism. I was pleased to be at Healesville with the member for

Seymour last Sunday when we opened a \$1.5 million development of the Healesville greyhound track. This is a significant boost to that region and just another feather in the cap of the member for Seymour, who understands racing.

The issue she raised was with regard to the thoroughbred track at Kilmore which, as she said, is a dual-code track. It has harness racing, thoroughbred racing and training facilities. On 18 July I approved \$225 000 for remedial track work to deal with drainage issues at the track, and that was matched by \$225 000 from Racing Victoria and Country Racing Victoria. However, after commencing the drainage works, Dalton Consulting Engineers discovered that the extent of the damage was worse than initially thought. Subsequently Racing Victoria asked for another \$125 000 from the government. I approved that funding on 9 September, and it was matched by another \$125 000 from the industry. Unfortunately, as further work was done, further damage was noted, and recently Racing Victoria put forward an application for an additional \$100 000 from state government, which it was prepared to match with another \$100 000 from industry funds.

I am pleased to advise the member for Seymour that because of her strong representations, and to support the hard work of the voluntary committee and professional staff at Kilmore Racing Club, I have approved that additional \$100 000 from the state government. That means that the government has contributed \$450 000, which has been matched by Racing Victoria and Country Racing Victoria. That is \$900 000 to fix the drainage problems at that track. That is a significant investment in racing in Kilmore, which really goes to show that we understand that racing is an important part of the economy of Kilmore and the quality of life in Kilmore. Kilmore has 13 turf gallopers meetings and 32 harness racing meetings, and the Kilmore racetrack is a vital part of not only the Seymour electorate but also racing in this state.

Racing in this state is a terrific and important industry in terms of the economy. Over three codes racing contributes more than \$2.5 billion to the local economy, creates 70 000 jobs and is really important for local tourism and local retail. As Minister for Racing, I am proud to work with good, hardworking members like the member for Seymour to make sure we have the best and safest facilities to conduct racing in Victoria and to make sure Victoria has the best racing anywhere in the world in all three codes.

Ms WOOLDRIDGE (Minister for Community Services) — I am pleased to be able to respond to the

issues raised by the members for Bellarine and Keilor, which are common issues around individual support packages that disability support provides to people in our communities.

Taking each issue individually, I am very aware of the case that the member for Bellarine referred to in regard to Ms Kowal. Obviously it is very difficult situation, and I can understand her frustrations, given her needs. The fact is that we have had, for many years, significantly more demand for individual support packages than we have the funding to support. Regarding Ms Kowal's individual situation, it was actually back in September 2010 that she applied to have the home modifications done. She has been living in residential aged care for nearly two years and is very keen to get out. Those modifications were delivered in April. She actually did not apply for an individual support package until June 2011.

It would have been much better for the disability support registration to have happened back in September 2010, at the time the home modifications were applied for. We have had a disconnect in relation to the process for her, which I can understand is distressing for her. Perhaps the member could have ensured that the disability support registration occurred at the time Ms Kowal was applying for the home modifications. Nevertheless we are working very closely with Ms Kowal. We do not have a package, and that has been communicated, but we are working incredibly closely with her to try to solve these issues.

She is eligible for an EACH package, which is the federally funded Extended Aged Care at Home package. We believe this can actually satisfy the vast bulk of her needs in relation to those home supports. This would provide 15 hours of support per week. Her request is for 20, and there will be the possibility of looking at topping that up to make up the difference. We are very aware of the issues, we are very keen to get her the supports to get home and we are working on every possible mechanism to make sure that can happen, recognising the significant need that she has. She is a high priority, and we will be looking to respond to her on that basis.

Regarding the matter raised by the member for Keilor, in the Auditor-General's report it was very clear, and he highlighted this fact, that there are a lot of benefits in relation to the introduction of the individual support packages. However, there are also a lot of challenges which have been ongoing and existing, given that they were established under the former government.

I am pleased to be able to inform the member for Keilor that, recognising that historically there have been inequities across the system, we have significantly revised the DSR (disability support register) process to streamline the system for applying and allocating disability supports. We are looking to improve that system because the experience for individuals over previous years has been unsatisfying in relation to applying to the DSR. We want to make sure that disability support is more accessible and that some common assessments are applied in relation to its allocation.

The member did not get the time to go into detail in relation to her constituent's case, but I would highlight that if someone has been on the DSR for three years, 75 per cent of that time will have been under the former government. This is a problem that has developed over many years, and our challenge as a government is to clean up the mess that has been left in disability services. It is an absolute mess that we have inherited, that we now have the legacy of and that we are cleaning up.

On exactly that point, we invested \$93 million in this past budget in a range of services to expand disability services, including 50 new and innovative supported accommodation packages. We are looking for innovation, and that is what this government is funding — new flexible respite. People have been calling for flexible respite for years. That is what the government is delivering, and 391 new individual support packages were delivered as part of this, as was new school holiday respite. There has been significant investment across the board from the coalition government in relation to disability services.

We are also championing the national disability insurance scheme, because the fact is, as has been recognised by the Productivity Commission, the growth in demand cannot be met due to the limitations of the financial capacity of state governments. We are working proactively not only to manage and invest in the situation we have now but also to have a long-term plan for sustainability that delivers the support that people with a disability actually need.

I am very pleased to be able to respond to these two members. It is obviously a situation that we have inherited that we are trying to clean up. The individual cases mentioned are disturbing, and we continue to work actively with families who have these needs.

Mr KOTSIRAS (Minister for Multicultural Affairs and Citizenship) — The member for Broadmeadows raised a matter with me seeking money for the

Victorian Arabic Social Services (VASS). It is disappointing that the member tried to politicise this issue, as I had thought there was a bipartisan approach to multiculturalism and cultural diversity in Victoria. For the member to try to score cheap political points was, I think, unwise.

I also remind the member that the projects he mentioned were funded by the commonwealth government, and it was the commonwealth that cut the funding. The state government decided to fund it for an extra three years just to enable VASS to find another source of income. It was the commonwealth government that cut the funding, not the state government. Despite the rhetoric and misinformation that goes out into the community, it was the commonwealth government that cut this funding. We in state government did the right thing and provided funding for an additional three years to make sure that VASS was able to find an alternative source of funding to carry out its work. Therefore I support the actions that the government has taken in relation to VASS.

Having said that, the Victorian government is committed to a broad range of activities that support both new migrants and established migrants who have made Victoria, Australia, their home. We assist them to participate and be active members of the community, and we have a particular focus on supporting our young Victorians as they are the future leaders of this great state. The Arabic-speaking community in Victoria is large and diverse, and it originates from over 80 different countries.

I met with VASS in August, as the honourable member said, and discussed the needs of Arabic-speaking community members. At the same meeting I also had the pleasure of speaking with a large number of young Victorians about their needs and aspirations. Since then I have met with a number of other groups and organisations and more young people, especially in the northern region. I am therefore pleased to announce to the member that it is my intention to support a new program for young people from the Arabic community.

With the support of the Minister for Youth Affairs, I am pleased to announce a 12-month grant of \$75 000 to VASS to support young people from Arabic-speaking backgrounds to fully participate in the community. This program will provide opportunities for young people to volunteer, to participate in mentoring, to develop education and employment pathways and to increase their connections with their peers, community and families.

The Office for Youth and the Office of Multicultural Affairs and Citizenship will liaise with VASS to discuss the funding and the specific and measurable outcomes. Should VASS accept this challenge, it has to understand that it is only for 12 months and that outcomes are important. These outcomes will be measured to make sure the targets are met.

I urge VASS to also apply for alternative funding sources for its other projects. We cannot fund programs that the commonwealth government decides to cut; that is not the way we do it. I urge the member to also lobby his federal colleagues to make sure money is provided to VASS to meet the gaps that he claims exist in the area.

I thank the Minister for Youth Affairs for his support, because this program is partly funded by the Office for Youth and partly by my office. Because of the special need to assist young Victorians to meet their challenges, we have decided to come up with funding of \$75 000 for a 12-month period to assist the young Arabic-speaking Victorians in that region to become active members of the community.

The member for Prahran raised a matter for the attention of the Premier. The action he seeks is for the Premier to provide funding to the Mechanics Institutes of Victoria to continue to scan and archive its historical records, and I will pass that on to the Premier for his direct response.

The member for Preston raised a matter for the attention of the Assistant Treasurer. The action he seeks is for the minister to investigate occupational health and safety issues at the Austin Hospital, and I will pass that on to the minister for his attention and direct response.

**House adjourned 4.58 p.m. until Tuesday,
25 October.**