

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Thursday, 18 September 2014

(Extract from book 13)

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

By authority of the Victorian Government Printer

The Governor

The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

(from 17 March 2014)

Premier, Minister for Regional Cities and Minister for Racing	The Hon. D. V. Napthine, MP
Deputy Premier, Minister for State Development, and Minister for Regional and Rural Development	The Hon. P. J. Ryan, MP
Treasurer	The Hon. M. A. O'Brien, MP
Minister for Innovation, Minister for Tourism and Major Events, and Minister for Employment and Trade	The Hon. Louise Asher, MP
Minister for Local Government and Minister for Aboriginal Affairs.	The Hon. T. O. Bull, MP
Attorney-General, Minister for Finance and Minister for Industrial Relations.	The Hon. R. W. Clark, MP
Minister for Health and Minister for Ageing	The Hon. D. M. Davis, MLC
Minister for Education	The Hon. M. F. Dixon, MP
Minister for Sport and Recreation, and Minister for Veterans' Affairs	The Hon. D. K. Drum, MLC
Minister for Planning, and Minister for Multicultural Affairs and Citizenship	The Hon. M. J. Guy, MLC
Minister for Ports, Minister for Major Projects and Minister for Manufacturing	The Hon. D. J. Hodgett, MP
Minister for Housing, and Minister for Children and Early Childhood Development	The Hon. W. A. Lovell, MLC
Minister for Public Transport and Minister for Roads	The Hon. T. W. Mulder, MP
Minister for Energy and Resources, and Minister for Small Business.	The Hon. R. J. Northe, MP
Minister for Liquor and Gaming Regulation, Minister for Corrections and Minister for Crime Prevention	The Hon. E. J. O'Donohue, MLC
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 the Arts, Minister for Women's Affairs and Minister for Consumer Affairs	The Hon. H. Victoria, MP
Minister for Higher Education and Skills	The Hon. N. Wakeling, MP
Minister for Agriculture and Food Security, and Minister for Water.	The Hon. P. L. Walsh, MP
Minister for Police and Emergency Services, and Minister for Bushfire Response	The Hon. K. A. Wells, MP
Minister for Mental Health, Minister for Community Services, and Minister for Disability Services and Reform	The Hon. M. L. N. Wooldridge, MP
Cabinet Secretary	Mrs I. Peulich, MLC

Legislative Assembly committees

Privileges Committee — Ms Barker, Mr Clark, Ms Green, Mr Hodgett, Mr Morris, Mr Nardella, Mr O'Brien, Mr Pandazopoulos and Mr Walsh.

Standing Orders Committee — The Speaker, Ms Allan, Ms Asher, Ms Barker, Mr Hodgett, Ms Kairouz, Mr O'Brien and Mrs Powell.

Joint committees

Accountability and Oversight Committee — (*Assembly*): Ms Kanis, Mr McIntosh and Ms Neville.
(*Council*): Mr D. R. J. O'Brien and Mr Ronalds.

Dispute Resolution Committee — (*Assembly*): Ms Allan, Ms Asher, Mr Clark, Ms Hennessy, Mr Merlino, Mr O'Brien and Mr Walsh. (*Council*): Mr D. Davis, Mr Drum, Mr Lenders, Ms Lovell and Ms Pennicuik.

Economic Development, Infrastructure and Outer Suburban/Interface Services Committee — (*Assembly*): Mr Burgess and Mr McGuire. (*Council*): Mrs Millar and Mr Ronalds.

Education and Training Committee — (*Assembly*): Mr Brooks and Mr Crisp. (*Council*): Mr Elasmarr and Mrs Kronberg.

Electoral Matters Committee — (*Assembly*): Mr Delahunty. (*Council*): Mr Finn, Mrs Peulich, Mr Somyurek and Mr Tarlamis.

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

Family and Community Development Committee — (*Assembly*): Ms Halfpenny, Mr Madden, Mrs Powell and Ms Ryall. (*Council*): Mrs Coote.

House Committee — (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Blackwood, Mr Burgess, Ms Campbell, Ms Thomson and Mr Weller. (*Council*): The President (*ex officio*), Mr Eideh, Mr Finn, Ms Hartland, Mr D. R. J. O'Brien and Mrs Peulich.

Independent Broad-based Anti-corruption Commission Committee — (*Assembly*): Ms Kanis, Mr Kotsiras, Mr McIntosh and Mr Weller. (*Council*): Mr Viney.

Law Reform, Drugs and Crime Prevention Committee — (*Assembly*): Mr Carroll, Mr McCurdy and Mr Southwick. (*Council*): Mr Ramsay and Mr Scheffer.

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

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 D. R. J. O'Brien.

Scrutiny of Acts and Regulations Committee — (*Assembly*): Ms Barker, Ms Campbell, Mr Gidley, Mr Nardella, Dr Sykes and Mr Watt. (*Council*): Mr Dalla-Riva.

Heads of parliamentary departments

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

Council — Acting Clerk of the Legislative Council: Mr A. Young

Parliamentary Services — Secretary: Mr P. Lochert

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

Speaker:

The Hon. CHRISTINE. FYFFE (from 4 February 2014)

The Hon. K. M. SMITH (to 4 February 2014)

Deputy Speaker:

Mr P. WELLER (from 4 February 2014)

Mrs C. A. FYFFE (to 4 February 2014)

Acting Speakers:

Mr Angus, Ms Beattie, Mr Blackwood, Mr Burgess, Ms Campbell, Mr Languiller, Mr McCurdy, Mr McGuire, Mr McIntosh, Ms McLeish, Mr Morris, Mr Nardella, Mr Northe, Mr Pandazopoulos, Ms Ryall, Dr Sykes and Mr Thompson. (to 2 April 2014)

Mr Angus, Mr Blackwood, Mr Burgess, Mr Crisp, Mr McCurdy, Mr McIntosh, Ms McLeish, Mr Morris, Ms Ryall, Dr Sykes and Mr Thompson. (from 3 April 2014)

Leader of the Parliamentary Liberal Party and Premier:

The Hon. D. V. NAPHTHINE (from 6 March 2013)

The Hon. E. N. BAILLIEU (to 6 March 2013)

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. J. A. MERLINO

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Languiller, Mr Telmo Ramon	Derrimut	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Lim, Mr Muy Hong	Clayton	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	McCurdy, Mr Timothy Logan	Murray Valley	Nats
Asher, Ms Louise	Brighton	LP	McGuire, Mr Frank ⁶	Broadmeadows	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	McIntosh, Mr Andrew John	Kew	LP
Barker, Ms Ann Patricia	Oakleigh	ALP	McLeish, Ms Lucinda Gaye	Seymour	LP
Battin, Mr Bradley William	Gembrook	LP	Madden, Mr Justin Mark	Essendon	ALP
Bauer, Mrs Donna Jane	Carrum	LP	Merlino, Mr James Anthony	Monbulk	ALP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Miller, Ms Elizabeth Eileen	Bentleigh	LP
Blackwood, Mr Gary John	Narracan	LP	Morris, Mr David Charles	Mornington	LP
Brooks, Mr Colin William	Bundoora	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Brumby, Mr John Mansfield ¹	Broadmeadows	ALP	Naphtine, Dr Denis Vincent	South-West Coast	LP
Bull, Mr Timothy Owen	Gippsland East	Nats	Nardella, Mr Donato Antonio	Melton	ALP
Burgess, Mr Neale Ronald	Hastings	LP	Neville, Ms Lisa Mary	Bellarine	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Newton-Brown, Mr Clement Arundel	Prahran	LP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Noonan, Mr Wade Mathew	Williamstown	ALP
Carroll, Mr Benjamin Alan ²	Niddrie	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	Pakula, Mr Martin Philip ⁷	Lyndhurst	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Pallas, Mr Timothy Hugh	Tarneit	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Pandazopoulos, Mr John	Dandenong	ALP
Dixon, Mr Martin Francis	Nepean	LP	Perera, Mr Jude	Cranbourne	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Pike, Ms Bronwyn Jane ⁸	Melbourne	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Edwards, Ms Janice Maree	Bendigo West	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Eren, Mr John Hamdi	Lara	ALP	Ryall, Ms Deanne Sharon	Mitcham	LP
Foley, Mr Martin Peter	Albert Park	ALP	Ryan, Mr Peter Julian	Gippsland South	Nats
Fyffe, Mrs Christine Ann	Evelyn	LP	Scott, Mr Robin David	Preston	ALP
Garrett, Ms Jane Furneaux	Brunswick	ALP	Shaw, Mr Geoffrey Page ⁹	Frankston	Ind
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Kenneth Maurice	Bass	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Smith, Mr Ryan	Warrandyte	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Southwick, Mr David James	Caulfield	LP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Sykes, Dr William Everett	Benalla	Nats
Helper, Mr Jochen	Ripon	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Hennessy, Ms Jill	Altona	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Herbert, Mr Steven Ralph	Eltham	ALP	Tilley, Mr William John	Benambra	LP
Hodgett, Mr David John	Kilsyth	LP	Trezise, Mr Ian Douglas	Geelong	ALP
Holding, Mr Timothy James ³	Lyndhurst	ALP	Victoria, Ms Heidi	Bayswater	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Hulls, Mr Rob Justin ⁴	Niddrie	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Hutchins, Ms Natalie Maree Sykes	Keilor	ALP	Watt, Mr Graham Travis	Burwood	LP
Kairouz, Ms Marlene	Kororoit	ALP	Weller, Mr Paul	Rodney	Nats
Kanis, Ms Jennifer ⁵	Melbourne	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

¹ Resigned 21 December 2010

² Elected 24 March 2012

³ Resigned 18 February 2013

⁴ Resigned 27 January 2012

⁵ Elected 21 July 2012

⁶ Elected 19 February 2011

⁷ Elected 27 April 2013

⁸ Resigned 7 May 2012

⁹ LP until 6 March 2013

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Thursday, 18 September 2014

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

BUSINESS OF THE HOUSE

Notices of motion

The SPEAKER — Order! Notices of motion 8 to 17 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:

Wellsford State Forest

To the Legislative Assembly of Victoria:

The petition of residents of the state of Victoria draws to the attention of the house the continuing decline and degradation of the ecological values of the Wellsford State Forest (Bendigo, Victoria) under its current management regime.

The petitioners therefore request that the Legislative Assembly of Victoria instruct the Victorian Environmental Assessment Council (VEAC) to review the conservation status of the Wellsford State Forest with the specific task of proposing an appropriate system of management under the National Parks Act 1975 to ensure the protection of the rich biodiversity of this important box-ironbark remnant.

By Ms ALLAN (Bendigo East) (795 signatures).

Tarilta Road bridge, Vaughan

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the Tarilta Road bridge at Vaughan has been closed for 11 months. The closure of this bridge has frustrated local residents. The closure impedes locals, who must detour on a dirt road to get to Castlemaine. That trip takes about an hour return. It also impedes emergency vehicles from getting to Vaughan. Effectively the town is split in two — even pedestrians cannot cross the ford.

The petitioners therefore request that the Legislative Assembly of Victoria calls on the Minister for Roads to investigate this matter urgently and provide additional funding to the shire for urgent rebuilding works to take place on this vital asset.

By Ms EDWARDS (Bendigo West) (703 signatures).

School chaplaincy and religious instruction

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the support in our community for the role of

chaplains and wellbeing workers in government schools and the overwhelming support for the provision of special religious instruction. Both of these services are accessed on a voluntary basis, with over 300 schools employing chaplains and almost 800 schools offering special religious instruction.

The petitioners therefore request that the Legislative Assembly of Victoria take note of this support and affirm the commitment by all parties and members to ensuring that both chaplaincy services and special religious instruction remain part of our school system.

**By Mr LANGUILLER (Derrimut) (2435 signatures),
Mr ANGUS (Forest Hill) (1904 signatures) and
Mr MORRIS (Mornington) (1171 signatures).**

Swinburne University of Technology

To the Legislative Assembly of Victoria:

The petition of residents of the outer eastern suburbs of Melbourne draws to the attention of the house the proposed rezoning and sale of the Lilydale TAFE and university campus, which does not have the support of the local community.

The petitioners therefore request that the Legislative Assembly of Victoria ensures that the Swinburne facilities remain solely for the educational purposes, and that the land zoning is not changed to facilitate the breaking up of the Swinburne site.

By Mr MERLINO (Monbulk) (1100 signatures).

Stonnington planning scheme

To the Legislative Assembly of Victoria:

The petition of resident, business owners, landowners and visitors of Stonnington, Victoria, draws to the attention of the house that we are opposed to the Stonnington planning scheme amendment C184 (PAO) due to the serious safety concerns of residents, business owners, landowners and visitors to the electorate. We believe that the proposed disjointed small pocket parks will have a direct negative impact on the safety of our electorate. We believe the proposed open space in the format, as currently stated on the Stonnington planning scheme amendment C184 (PAO), will not only increase criminal activity but will also be unsafe and unusable open spaces for our children to play in and for residents to walk through both during the day and especially at night. We believe that these pocket parks are unsuitable linkage points due to their unsafe nature and therefore unusable. Such pockets would only compact current issues facing this electorate, creating havens for drug deals and other illegal activities.

The petitioners therefore request that the Legislative Assembly of Victoria reject Stonnington planning scheme amendment C184 (PAO), and find a safe, usable and suitable solution for the issue of open space in this electorate.

By Mr NEWTON-BROWN (Pahran) (888 signatures).

East–west link

To the Legislative Assembly of Victoria:

This petition of Victorian residents draws to the attention of the house that the government has no mandate to build the expensive and traffic-inducing east–west toll road. At the last state election, Victorians voted to fix public transport and not for a toll road that could break our state’s transport budget.

The petition therefore requests that the Legislative Assembly of Victoria suspend all work on the east–west toll road until Victorians are given a chance to vote on this expensive and unpopular project.

By Mr WYNNE (Richmond) (3067 signatures).

Big Hill goldmine

To the Legislative Assembly of Victoria:

The petition of the residents of Stawell and surrounding regions of Victoria draws to the attention of the house the proposal of a Canadian company to open-cut mine, within Stawell township, and within 40 metres of residences, destroying Big Hill, a historical landscape feature, and threatening the health and welfare of the community and our visitors.

The petitioners therefore request the Legislative Assembly of Victoria and the responsible ministers to refuse approval for this detrimental proposal.

By Mr HELPER (Ripon) (670 signatures).

Tabled.

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

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

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 Prahran be considered next day on motion of Mr NEWTON-BROWN (Prahran).

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

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

VICTORIA LAW FOUNDATION**Report 2013–14**

Mr CLARK (Attorney-General), by leave, presented report.

Tabled.

DOCUMENTS

Tabled by Clerk:

Accident Compensation Conciliation Service — Report 2013–14

Adult, Community and Further Education Board — Report 2013–14

Alpine Health — Report 2013–14

Australian Centre for the Moving Image — Report 2013–14

Barwon Region Water Corporation — Report 2013–14

Beaufort and Skipton Health Service — Report 2013–14

Calvary Health Care Bethlehem Ltd — Report 2013–14

CenITex — Report 2013–14

Central Gippsland Region Water Corporation — Report 2013–14

Central Highlands Region Water Corporation — Report 2013–14

City West Water Corporation — Report 2013–14

Cobram District Hospital — Report 2013–14

Coliban Region Water Corporation — Report 2013–14

Commission for Children and Young People — Report 2013–14

Community Visitors — Report 2013–14 under s 35 of the *Disability Act 2006*, s 116A of the *Mental Health Act 1986* and s 195 of the *Supported Residential Services (Private Proprietors) Act 2010* — Ordered to be printed

Dental Health Services Victoria — Report 2013–14

Dunmunkle Health Services — Report 2013–14

East Gippsland Region Water Corporation — Report 2013–14

Edenhope and District Memorial Hospital — Report 2013–14

Emergency Services Telecommunications Authority — Report 2013–14

Environment and Primary Industries, Department of — Report 2013–14

Financial Management Act 1994:

Reports from the Minister for Agriculture and Food Security that he had received the reports 2013–14 of the:

Murray Valley Wine Grape Industry Development Committee

Veterinary Practitioners Registration Board of Victoria

Report from the Minister for Health that he had received the Report 2013–14 of Maldon Hospital

Geelong Cemeteries Trust — Report 2013–14

Geelong Performing Arts Centre Trust — Report 2013–14

Geoffrey Gardiner Dairy Foundation Ltd — Report 2013–14 (two documents)

Gippsland and Southern Rural Water Corporation — Report 2013–14

Glenelg Hopkins Catchment Management Authority — Report 2013–14

Goulburn Broken Catchment Management Authority — Report 2013–14

Goulburn Murray Rural Water Corporation — Report 2013–14

Goulburn Valley Region Water Corporation — Report 2013–14

Grampians Wimmera Mallee Water Corporation — Report 2013–14

Hesse Rural Health Service — Report 2013–14

Human Services, Department of — Report 2013–14

Inglewood and Districts Health Service — Report 2013–14

Judicial College of Victoria — Report 2013–14

Library Board of Victoria — Report 2013–14

Lower Murray Urban and Rural Water Corporation — Report 2013–14

Mansfield District Hospital — Report 2013–14

Melbourne Market Authority — Report 2013–14

Melbourne Recital Centre Ltd — Report 2013–14 (two documents)

Melbourne Water Corporation — Report 2013–14

Metropolitan Waste Management Group — Report 2013–14

Museums Board of Victoria — Report 2013–14

National Gallery of Victoria, Council of Trustees — Report 2013–14

National Parks Act 1975 — Report 2013–14 on the working of the act

North Central Catchment Management Authority — Report 2013–14

North East Catchment Management Authority — Report 2013–14

North East Region Water Corporation — Report 2013–14

Numurkah District Health Service — Report 2013–14

Omeo District Health — Report 2013–14

Orbost Regional Health — Report 2013–14

Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the Review of the Performance Measurement and Reporting System

Port of Hastings Development Authority — Report 2013–14

Port of Melbourne Corporation — Report 2013–14

Premier and Cabinet, Department of — Report 2013–14

Public Record Office Victoria — Report 2013–14

Regional Development Victoria — Report 2013–14

Rochester and Elmore District Health Service — Report 2013–14

Rolling Stock Holdings (Victoria) Pty Ltd — Report 2013–14

Rolling Stock (Victoria-VL) Pty Ltd — Report 2013–14

Rolling Stock (VL-1) Pty Ltd — Report 2013–14

Rolling Stock (VL-2) Pty Ltd — Report 2013–14

Rolling Stock (VL-3) Pty Ltd — Report 2013–14

Rural Finance Corporation — Report 2013–14

Rural Northwest Health — Report 2013–14

Sentencing Advisory Council — Report 2013–14

Seymour District Memorial Hospital — Report 2013–14

South East Water Corporation — Report 2013–14

South Gippsland Region Water Corporation — Report 2013–14

State Electricity Commission of Victoria — Report 2013–14

Statutory Rule under the *Magistrates' Court Act 1989* — SR 121

Subordinate Legislation Act 1994 —

Documents under s 15 in relation to Statutory Rule 121

Documents under s 16B in relation to the *Food Act 1984*:

Exemption for retail sale or catering — eggs from small producers

Order exempting small egg producers from requirement for marking of eggs under the Food Standards Code

Order under s 4I

Tallangatta Health Service — Report 2013–14

Terang and Mortlake Health Service — Report 2013–14

Tourism Victoria — Report 2013–14

Victoria Legal Aid — Report 2013–14

Victorian Arts Centre Trust — Report 2013–14

Victorian Broiler Industry Negotiation Committee — Report 2013–14

Victorian Catchment Management Council — Report 2013–14

Victorian Civil and Administrative Tribunal — Report 2013–14

Victorian Funds Management Corporation — Report 2013–14

Victorian Institute of Forensic Mental Health — Report 2013–14

Victorian Law Reform Commission — Report 2013–14 — Ordered to be printed

Victorian Managed Insurance Authority — Report 2013–14

Victorian Privacy Commissioner, Office of — Report 2013–14 — Ordered to be printed

Victorian Public Sector Commission — Report 2013–14

Victorian Regional Channels Authority — Report 2013–14

Victorian WorkCover Authority — Report 2013–14

Wannon Region Water Corporation — Report 2013–14

West Wimmera Health Service — Report 2013–14

Western Region Water Corporation — Report 2013–14

Westport Region Water Corporation — Report 2013–14

Yarra Valley Water Corporation — Report 2013–14

Yarrawonga District Health Service — Report 2013–14

Young Farmers' Finance Council — Report 2013–14

BUSINESS OF THE HOUSE

Adjournment

Ms ASHER (Minister for Innovation) — I move:

That the house, at its rising, adjourns until Tuesday, 14 October 2014.

Motion agreed to.

MEMBERS STATEMENTS

Women's sporting facilities

Mr EREN (Lara) — It is astounding to me that some people do not consider female participation in sport to be one of our biggest growth areas. It is imperative that women feel welcome and comfortable when participating in sport across Victoria. Accordingly, if elected, Victorian Labor will establish a \$10 million fund to build and upgrade women's change rooms and facilities at sports clubs across the state. Labor will work with local clubs, sports organisations and local government to ensure that women are treated fairly when participating in sports.

Many sporting organisations have contacted me and pleaded for better women's facilities because for four long years they have been neglected by this government. The lack of women's change rooms has an impact on whether female sportspeople, particularly young girls, stay in sport or not. Many women's sports teams, including those with younger players and officials, are forced to use male change rooms, car parks or secluded areas at sports grounds to change clothes. Not only is it unfair but it is also unsafe. We will fix this problem.

But wait — that is not all Labor will do for sport. An Andrews Labor government will support the redevelopment of Ringwood East Reserve Sporting Pavilion. Upgrading this sports facility will provide a home for the Chin Burmese community at one of Ringwood's iconic sports grounds. Well done to Tony Clark, the ALP candidate for the new seat of Ringwood, on his hard work on this issue. An Andrews Labor government will also provide \$100 000 to refurbish change rooms at Balfe Park so that the Brunswick Zebras Football Club will have another home ground and upgraded facilities. Well done to the member for Brunswick.

Heathmont Baseball Club

Ms VICTORIA (Minister for the Arts) — The Heathmont Baseball Club has had yet another brilliant season, with four of its five senior teams making the finals and two teams winning flags. The Penguins had an amazing weekend, winning their third division 1 premiership in a row. As the very proud patron of this well-established and highly successful club, I offer my congratulations to coach Matthew Gourlay, president Daniel Mack, vice-presidents Mark LeGrew and Shaun Hilliard, and all the players, volunteers and supporters on such a phenomenal outcome.

Bayswater electorate kindergartens

Ms VICTORIA — A great initiative of the Napthine government is the kindergarten grants, three of which I had the pleasure of announcing recently. I thank the amazing committee members and staff of Arrabri Kindergarten, Goodwin Estate Kindergarten and Colchester Park Preschool for their passion for the learning outcomes of the children who will benefit from their efforts.

Country Women's Association Boronia branch

Ms VICTORIA — Association Day at Boronia Country Women's Association is always a great affair, and this year was no different. The ladies enthusiastically bought fashion after the presentation, and then we all thoroughly enjoyed the truly scrumptious afternoon tea on offer. I am proud to be a Boronia Country Women's Association member, and I always enjoy the friendship and warmth of our branch.

Tintern Presentation Ball

Ms VICTORIA — With grace, elegance and great style, each of the 52 presentees at the Tintern Presentation Ball last weekend showed all who attended that the hard work in preparing for the night had paid off. Congratulations to the stunning young ladies and very handsome young gentlemen for doing themselves, their families and their school very proud. The evening was capped off by the ever-fabulous vocals of Lisa Edwards, who sang up a storm while we danced the night away. To the organising committee and all those involved, I say congratulations and well done.

Tarneit P-9 College

Mr LANGUILLER (Derrimut) — Only Labor will upgrade Tarneit P-9 College. The Deputy Leader of the Opposition, the shadow Treasurer, the member for Tarneit, and I recently confirmed to parents at the school that Victorian Labor will upgrade Tarneit P-9 College. Labor's \$10 million upgrade at the school will go towards stage 2 funding of Tarneit P-9 College to continue building the new school and replace the portables currently on site. The shadow minister said:

Only Labor will replace portable classrooms and learning spaces with new permanent ones at Tarneit P-9 College.

Our kids cannot get a first-rate education in a second-rate classroom. The shadow Treasurer, the member for Tarneit, said:

Labor's announcement will help ease pressure on local schools in one of the state's fastest population growth areas.

I was delighted to join both members in communicating that to parents. What are the key facts? The key facts are that the government and Premier have abandoned Labor's plan to renovate, rebuild or modernise every Victorian school. The government has only spent a statewide average of \$278 million a year on capital works compared to an average of \$467 million by Labor in its last term in office.

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

Fairhills High School

Mr WAKELING (Minister for Higher Education and Skills) — I congratulate Anita Chipman and the students of Fairhills High School for their fantastic interpretation of the musical *Grease*. I recently had the pleasure of attending one of their performances, which was fantastic. Well done to all students and staff who were involved.

Ferntree Gully Arts Society

Mr WAKELING — I congratulate the local artists and the committee of Ferntree Gully Arts Society for the opportunity to open another fantastic exhibition, this one called Street Arts, at the Hut gallery. It was wonderful to see the works of so many local artists on display.

Alexander Magit Preschool

Mr WAKELING — I recently had the pleasure to visit Alexander Magit Preschool in Ferntree Gully to announce \$10 000 in funding for an upgrade to its outdoor learning spaces. Alexander Magit Preschool is one of nine Knox preschools that will be sharing in \$22 000 in grants made possible through the recent Children's Facilities Capital program for minor and IT grants.

Wantirna South and Wantirna primary schools

Mr WAKELING — I was pleased to visit Wantirna South Primary School and Wantirna Primary School to announce that they will share in over \$116 000 in planned maintenance funding for much-needed building repairs. This funding is part of a broader \$23 million investment in school maintenance across Victoria through the coalition's Planned Maintenance program. Well done to both schools.

Mountain District Learning Centre

Mr WAKELING — It was an honour to attend the 40th birthday celebrations for the Mountain District

Learning Centre in Ferntree Gully. Congratulations to Chris Markwick, Janet Claringbold and the staff and volunteers on reaching this important milestone for a great institution in Ferntree Gully.

Kurt Wenzel and Isabella Doughty

Mr WAKELING — Congratulations to Kurt Wenzel of Holy Trinity Primary School and Isabella Doughty of Regency Park Primary School, to whom I recently presented certificates and vouchers in recognition of their outstanding achievement in the 2014 Premiers' Reading Challenge. Congratulations to both students, who have been great learners.

Italian Senior Citizens Club of Bundoora

Mr BROOKS (Bundoora) — Next month Circolo Pensionati Italiani di Bundoora — the Italian Senior Citizens Club of Bundoora — will celebrate its 25th anniversary. To celebrate this special milestone the committee has organised a birthday lunch, with approximately 200 people expected to attend. Along with my colleague the member for Mill Park and my predecessor representatives in the Bundoora electorate John Cain and Sherryl Garbutt, I have had the pleasure of working with the Bundoora Italian senior citizens for significant periods of the club's 25-year history.

The club was originally established by Mr Augusto Mammarella, and its membership has grown substantially over the years. At its regular club meetings members are able to relax and enjoy a game of bocce, bingó or cards. These activities provide an important social outlet for members, who are able to interact in their native language. The positive social impact is difficult to quantify, but suffice it to say that this great social club has helped to ensure that many older people of Italian background who live in the area have led more fulfilling, healthier and happier lives.

I take this opportunity to recognise the City of Banyule, the City of Whittlesea and the Victorian Multicultural Commission for supporting this organisation over the years. On behalf of the local community I commend all of the members of the Italian Senior Citizens Club of Bundoora who have served on its committee during the last 25 years, including the current long-serving president, Ms Maria Biondo, and the secretary, Ms Antonietta Philippi, for their efforts in ensuring the success of this great club. I hope it continues to serve Italian senior citizens in the Bundoora area for many years to come. Buon compleanno.

Gallipoli student tour

Mr McCURDY (Murray Valley) — Congratulations to Wangaratta students Brad O'Meara from the Wangaratta High School and Maddison Talarico from Galen College on being selected to participate in the Victorian government's 2015 Anzac Day dawn service tour to Gallipoli. Brad, who is in year 11, and Maddison, who is in year 9, were selected from more than 600 students to participate in the tour, which includes attending the Australian memorial service at Lone Pine. The students will be at Anzac Cove for the 100th anniversary of the landing of the troops at Gallipoli. The tour is one of the many ways the state government is commemorating the centenary of the start of World War I, and I know Brad and Maddison will do their schools, families and communities proud.

Mount Hotham alpine resort

Mr McCURDY — I visited the Mount Hotham alpine resort on the weekend with the member for Benalla to announce funding of \$25 000 towards the installation of new recycling equipment. The funding is part of the Victorian government's \$600 000 Smarter Resources, Smarter Business recycling program to assist businesses to increase the quality and quantity of their recyclables and save on waste management costs.

Lions Club of Cobram

Mr McCURDY — Congratulations to Cobram Lions Club, which celebrated its 50th anniversary last Saturday night. Our service clubs are an integral part of our communities.

Swagtember

Mr McCURDY (Murray Valley) — I am officially opening the Swagtember event in Cobram tomorrow night. The event raises money for Street Swags, an organisation that provides durable swags to the homeless. Well done to the Cobram Citizens Advice Bureau, which is hosting the sleepover. Bob Beggs from the bureau has done a great job to organise this event and to raise awareness of people in need.

Kristan Height

Mr McCURDY — Congratulations to Myrtleford footballer Kristan Height, who won the Ovens and Murray Football and Netball League best and fairest award on Monday night. Kristan is the only player to win the league's best and fairest in both the Ovens and Murray and Goulburn Valley leagues, having taken out the accolade for Echuca in 2010.

Ambulance services

Ms NEVILLE (Bellarine) — Recently I have had a number of calls from residents, including a nurse yesterday, who was very distressed about information she had heard about changes to ambulance fees for pensioners and healthcare card holders. She was told that these patients would no longer get free non-emergency ambulance patient transport in clinically necessary cases. We now know that these changes were very quietly introduced at the start of July by the Napthine government and the Minister for Health. According to the Department of Health guidelines, the free transport will no longer apply where the individual is being transported from a private healthcare facility or the individual initiates a transport from one hospital to another hospital of their own choice — for example, to receive care from a preferred physician.

No wonder these changes were introduced quietly. The changes will impact on people who are often older, disadvantaged and ill, so they are already vulnerable, and they are the least likely to be able to afford bills of hundreds, if not thousands, of dollars for ambulance transport.

It is important to note that this is transport by ambulance that is deemed to be clinically needed for these patients. As the nurse said, there is a very real concern that patients without ambulance cover will put themselves at risk by taking private transport. These changes may also see public hospitals under added pressure, with increased demand as people choose to avoid treatment at private facilities for fear of the enormous costs if they need an ambulance.

The Napthine government should reverse this unfair decision that affects sick, vulnerable people on low incomes in Bellarine and across Victoria.

Bowel cancer awareness

The SPEAKER — Order! I call the member for Carrum. Welcome back!

Mrs BAUER (Carrum) — Seven months ago I became a member of a club I never wanted to join, one to which an estimated 17 000 Australians will sign up this year alone. With a diagnosis of bowel cancer I embarked on a challenging journey, one I never imagined I would travel. I am grateful to so many along the way. I have met some inspirational fighters battling the challenges that cancer brings and have been blessed with the never-ending support and encouragement of my family, friends, parliamentary colleagues and

electorate office staff, my community and my medical professionals.

To my medical team — gastroenterologist Dr Lani Prideaux, colorectal surgeon Mr T. C. Nguyen, oncologist Dr Andrew Strickland, nurses at the Valley Private Hospital and South East Oncology, a heartfelt thank you. I would also like to thank members of this house for allowing me to take leave to look after my health following surgery and during six months of chemotherapy. It is a real pleasure for me to return today and tell you that I am looking forward to a long and healthy future.

I was also delighted that in my absence members of the Victorian Parliament held an afternoon tea in conjunction with Bowel Cancer Australia to raise awareness and that you determined, Speaker, that funds from suspended members' pay would be donated to bowel cancer research. Close to \$10 000 in total was raised.

In closing, please remember to speak to your doctor if you experience symptoms, no matter what age, and especially do not ignore changes to your body. Have regular health check-ups, and do not hesitate to have that colonoscopy! Every day is a blessing; make the most of it.

Channel 31

Mr LIM (Clayton) — The recent decision of federal Minister for Communications Malcolm Turnbull to kill the free-to-air Channel 31 community TV station and force it into online operation is tantamount to plunging a stake into the heart of multicultural Australia. For the members of many ethnic community groups, Channel 31 is the lifeline connecting them to their cultural roots and their sense of being, identity, pride and joy. To cruelly put an end to their aspiration and vision is most patronising, condescending and insulting — typical of the born-to-rule characteristics of this conservative Tory government. It is tragic that this follows the miserable and failed attempt by the federal Attorney-General, George Brandis, to promote the right to be racist and a bigot by pushing to scrap section 18C of the Racial Discrimination Act 1975.

The minister's plan to sell Channel 31 to commercial interests defies the logic and rationale of community TV stations, which is not about critical mass audiences justifying their existence; it is about public access and equity, participation, engagement, sharing and diversity. Coercing Channel 31 into online operation overlooks the fact that the elderly and illiterate sections of the migrant community are not IT savvy and cannot

afford the associated costs. This reprehensible act of bullying by this minister has antagonised and provoked the migrant community around the country. The community will again take up the fight against this abuse and arrogance of power.

World War I centenary

Mr BAILLIEU (Hawthorn) — Victoria's World War I commemorations are very much focused on personal, family and community connections — those threads that bond us to people, places and events. Ben Walker and Adam Phillips grew up in Hawthorn as friends and neighbours. They went to the same schools and universities and have stayed in touch, but after 40 years of friendship they finally discovered that their great uncles had both died in the Battle of the Somme, that terrible battle. Their great uncles died just 30 days apart, and they had fought on opposing sides. Ben's great uncle Henry Ivanhoe Walker had grown up on Whitehorse Road, Mitcham, and departed Melbourne in January 1916 on the HMAT *Themistocles*. He died at Pozières barely six months later. Having come from Stuttgart, Adam's great uncle Rudolf Gillitzer was killed in the Battle of the Somme on 16 September 1916.

Their discovery led Ben and Adam to tour the Somme and in turn to write a theatrical production, *Ivan & Rudolf*, which will have its world premiere on Friday, 19 September, at the Düsseldorf festival. We look forward to it then going on to Brussels and returning in time for the Melbourne festival.

58th battalion commemoration

Mr CARROLL (Niddrie) — Last Sunday I had the honour of attending a function commemorating 100 years since the former City of Essendon held a farewell dinner for young soldiers of the local area leaving our shores to fight at Gallipoli. It is hard to imagine what would have been going through the minds of these young men at their send-off dinner at the town hall in Moonee Ponds a century ago. Thankfully the farewell supper was eloquently reported on in the *Essendon Gazette* dated 10 September 1914. Under the headline 'Send-off to Essendon boys. A successful function', the paper reported:

About half past six the 160 soldiers sat down to dinner, and the Mayor (Cr. J. Goldsworthy) having taken the chair, he tendered them a hearty welcome on behalf of the citizens of Essendon, stating that he knew they would do their best for the Empire.

Cr Goldsworthy was the youngest mayor of Essendon when he was elected to that position in 1914. By all

reports he set a cracking pace supporting patriotic activities. He created the first honour boards in the Essendon town hall, one of which was headed 'A tribute to the boys of Essendon for gallant services rendered to the Empire in the Great War'.

These young men made an invaluable contribution to our community and nation. They sacrificed their youth, health and life for the freedom we enjoy today.

I put on the record my thanks to the mayor of the City of Moonee Valley, Cr Jan Chantry, for hosting the commemorative luncheon and to the Essendon Historical Society, most notably the Honourable Judy Maddigan and John D'Oliveira, who compiled and presented a remembrance book with all the names of the local soldiers to mark the occasion.

Finally, I thank Ev Reynolds of the 58th battalion who spoke on Sunday and gave an insight into what these fine young men faced 100 years ago under the leadership of Lieutenant-Colonel Harold Edward 'Pompey' Elliott.

Ice Bucket Challenge

Mr BURGESS (Hastings) — I would like to thank the Bittern Sunday Market for allowing me to undertake the ice bucket challenge to raise awareness for amyotrophic lateral sclerosis (ALS) on 7 September. I accepted the challenge after being nominated by the mayor of the Mornington Peninsula Shire Council. Even though there were many onlookers present, none seemed too eager to be nominated for the next challenge. The aim of the challenge is to raise awareness and money for ALS, otherwise known as motor neurone disease.

Hastings railway station

Mr BURGESS — It was a great pleasure on 10 September to participate in the 125th anniversary celebrations of the official opening of the Hastings railway station, which was first established in 1889. Many Hastings residents were present to join in this historic occasion and celebration which also included a morning tea and the cutting of a birthday cake. Many thanks to the Mornington Peninsula Shire Council, the Mornington Railway Preservation Society, local historical societies, local businesses and schools, Metro Trains Melbourne and members of the public for making the day a great success. I also thank the Minister for Public Transport for providing funding of \$15 000 for station improvements.

Langwarrin Park Preschool and Hastings Preschool and Long Day Care Centre

Mr BURGESS — Last week I was pleased to visit both the Langwarrin Park Preschool and the Hastings Preschool and Long Day Care Centre to announce funding for their individual projects. Langwarrin Park Preschool is to receive a grant of \$9894 to install a sandpit shelter and cover, while Hastings preschool will receive funding of \$8350 to create a new emergency services entrance access point and \$1500 for two laptops and one iPad.

Tyabb Football Netball Club

Mr BURGESS — On 12 September in Tyabb I was pleased to join the Minister for Sport and Recreation and Tyabb Football Netball Club members to announce funding for Tyabb's own home netball courts through the country football and netball program. The Tyabb Yabbies netball club can look forward to playing netball on its own netball courts following the minister's announcement that the Napthine government will provide \$66 000 to construct two netball courts at Bunguyan Reserve.

Fountain Gate Secondary College

Ms GRALEY (Narre Warren South) — Yesterday I had the privilege of meeting year 7 students from Fountain Gate Secondary College, including Evangaline Russell, Kristy Fedoro, Nada Mandic, Natasha Harris, Lauryn Blewett, Shannon Watson and Jason Varley along with their dedicated teachers Stephen Hughes and Jodie Doble. Their team name is ENGAGE, which is a clever acronym for 'Everyone Needs Goals and a Great Education'. The group is competing in the Future Problem Solving program, a national competition that requires school students to solve real problems within their community. It is a great program that brings out the best in the students. They will be representing Victoria at the national championships in October. The team's focus is on breaking the cycle of youth disengagement and unemployment in Casey by introducing an innovative careers program from year 7 and developing a careers hub for their community, which will act as a satellite for the agencies related to this cause.

Their portfolio is already looking fabulous. I thank the member for Albert Park for meeting with the students. He said he was impressed and inspired. Over the coming months the group aims to consolidate links with other outside agencies and develop a pilot program for other schools to follow. This amazing project is addressing a major issue that we have all been fully

aware of for some time. Sadly youth unemployment in Casey is far too high. Too many kids are leaving school too early, and many are not taking up training. The ENGAGE team is trying to do something about it, and it has my support. I thank the team for authoring this members statement. We need Parliament to stand behind these fantastic young students to help them break the tragic cycle of unemployment. Every Victorian deserves quality education and a good job.

Terrick Terrick National Park cattle grazing

Mr WELLER (Rodney) — Well done to the Minister for Environment and Climate Change, who has approved a biomass reduction program in the Victorian northern plains grasslands. As a result of good seasons, the satellite paddocks of the Terrick Terrick National Park are covered with a thick biomass that is impacting on the ability of flora and fauna to survive, and it is creating a heightened fire risk.

It is well established that biomass reduction by controlled stock grazing is required to maintain the healthy condition of remnants of the park's threatened grassland ecosystem and to conserve populations of associated threatened species, such as the grasslands endemic plains-wanderer. Parks Victoria has consulted with the federal Department of the Environment to ensure that the reintroduction of low-intensity grazing in the northern plains will not have a significant impact on the critically endangered ecological community listed in the commonwealth Environment Protection and Biodiversity Conservation Act 1999. The Friends of Terrick Terrick National Park have welcomed this as a common-sense decision which will protect the plains-wanderer.

Rodney electorate football and netball finals

Mr WELLER — I congratulate the Lockington Bamawm United Football Netball Club, which won its fourth senior premierships in a row. The club has won four premierships from 2011 to 2014, all under the coalition government. I also congratulate the D-grade netballers, who pipped Colbinabbin by a goal.

Neighbourhood houses

Mr HELPER (Ripon) — I was pleased to be asked by a number of neighbourhood houses in my electorate to table a petition in support of neighbourhood houses. Unfortunately the petition was not in a format that was able to be presented to the Legislative Assembly, so I want to read the text of the petition into the record now:

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly the need for reform in the neighbourhood house sector in order to address inequities currently experienced by communities and voluntary committees of management.

The petitioners therefore request that the Legislative Assembly of Victoria endorse the Association of Neighbourhood Houses and Learning Centres platform of three proposed reforms:

1. increase funding for the neighbourhood house sector that delivers a clearer alignment between investment and community need;
2. establish an annual growth funding to five emerging neighbourhood houses in communities that demonstrate a need;
3. invest in strengthening community governance through increased funding for 16 neighbourhood house networks across Victoria.

The petition was signed by approximately 220 petitioners. I want to add my voice in support of neighbourhood houses, which perform a very vital function in our community.

Prahran electorate early childhood facilities

Mr NEWTON-BROWN (Prahran) — I was pleased to recently attend the following local kindergartens to announce IT and minor infrastructure grants. Alfred Child Care Centre received \$8191 for a storage unit and \$1189 for a laptop; Brookville Kindergarten received \$11 045 for a sandpit, stage deck, cubby house and iPad; Swinburne Prahran Community Children's Centre received \$8910 for a redesigned play space; and Try Youth South Yarra received \$1449 for two tablets and a printer. Since December 2010 a record \$120 million has been invested. I congratulate all staff and parents at these kindergartens and childcare centres. Having dedicated, caring staff and a strong parent community is fundamental to ensuring our young kids are learning in a supportive and fun environment, where the best outcomes can be achieved.

Ocean Grove Primary School

Mr NEWTON-BROWN — I was pleased to attend Ocean Grove Primary School with the Minister for Public Transport to announce a \$3.5 million upgrade to facilities under a re-elected Napthine government. I pay particular tribute to the Liberal candidate for Bellarine, Ron Nelson, who has lobbied hard for this community and been instrumental in the delivery of the commitment by the Napthine government. This announcement comes on top of an additional \$426 000

to significantly upgrade Ocean Grove Primary School, \$5.7 million for Portarlington Primary School and \$1.1 million for Clifton Springs Primary School.

Lesbian, gay, bisexual, transgender and intersex parliamentary group

Mr NEWTON-BROWN — I invite my colleagues in the Labor and Greens parties to join me in setting up a friends of the lesbian, gay, bisexual, transgender and intersex (LGBTI) community parliamentary group. As the bill to expunge gay sex convictions will pass through Parliament in coming weeks, it is timely to pause and reflect on the efforts of all sides of politics over several decades to remove the discrimination against the LGBTI community. There is still much that can be done to achieve full equality for this community and it is clear that there is much goodwill amongst parliamentarians across all parties. I propose that the first event be an exhibition in Queen's Hall on the history of LGBTI legislative reform.

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

Coburg West Primary School

Ms GARRETT (Brunswick) — On 12 August I was delighted to be principal for a day at the beautiful Coburg West Primary School under the tutelage of the dedicated and inspiring acting principal, Lorraine Edwards. I enjoyed attending classrooms, touring the outstanding facilities and meeting extensively with students, particularly those from years 5 and 6. We discussed all manner of topics and I was very impressed with their intelligence, passion and sense of social responsibility. I was particularly pleased that so many students expressed a strong interest in science and sought to pursue a career in this field. I also met with the very dedicated and passionate school council, which has done so much to improve the school facilities and enhance the culture.

I was delighted to attend the Coburg West Primary School again on Monday of this week to celebrate its writers festival, where the school honours the stand-out performers in the school-wide writing competition. All the works were displayed beautifully in one of the school halls. Proud teachers, parents and, most importantly, students from prep to year 6 were beaming at the high standard of work, the great improvements that all students have made in this important skill and the recognition they had received from the school by way of this competition. I congratulate all who were involved.

East–west link

Mr KATOS (South Barwon) — The construction of the full east–west link is vital for the future of the Geelong region. At present Geelong relies heavily on the West Gate Bridge and the M1 motorway corridor for access to Melbourne. The West Gate Bridge has served us well, but it now has 165 000 vehicle movements a day and struggles to cope due to the growth in Melbourne’s west, Geelong and Ballarat. A second crossing of the Maribyrnong River is desperately needed. The full east–west link will provide that vital second river crossing and take the pressure off the West Gate Bridge. It will also provide a contingency in the event of an accident on the bridge or the M1, and travel times from Geelong to Melbourne will be reduced. The project will also create a vital 6200 jobs.

Last week the Leader of the Opposition irresponsibly backflipped and changed his position on the east–west link, saying he would tear up the contracts if Labor were successful on 29 November. This is despite saying for the last 18 months that he would honour any contracts. This shows the people of Geelong that the Leader of the Opposition cannot be trusted on anything he says. Whether it is the east–west link, stolen dictaphones or his dodgy associations with the Construction, Forestry, Mining and Energy Union, he cannot be trusted to be in charge of this fine state. The members for Bellarine, Geelong and Lara have all stayed silent on their leader’s east–west link backflip. Did they stand up in caucus and say that Geelong desperately needs the east–west link and the 6200 jobs that will come with it, or did they sit there in silence and accept this decision, which is bad for Geelong and bad for Victoria?

A vote for the Napthine government will build the much needed east–west link and create jobs. A vote for Labor will condemn Geelong residents and their children to be stuck in traffic indefinitely.

A Gesture

Ms HUTCHINS (Keilor) — I rise to applaud the excellent work done by a great little organisation in west Sunshine called A Gesture and the employees and trainees who work there. A Gesture is a not-for-profit business that, in partnership with SecondBite, takes food from supermarkets and farms and repacks it to deliver to local charities in need. Last month I visited the business and met with the excellent trainees. Through its trainee program A Gesture takes on 10 to 15 people every three to six months. These people are largely long-term unemployed. It frequently costs the

charity more to train these people than it receives back from the federal government, which gives it a flat rate of \$600 per head.

I met some incredible people and heard some pretty powerful stories about how this program had changed their lives for the better. However, the state of the two trucks used by the charity is a real obstacle to the continuation of this program. One of the vans had broken down and the second one’s air conditioning was broken, which is an occupational health and safety issue for the transportation of food. A Gesture requires one large air-conditioned vehicle, which would cost between \$100 000 and \$125 000. The program currently receives no support from the state government. Truck drivers Norm and Greg, who wrote to me inviting me out there, informed me that there are opportunities for the business to continue if it gets some sort of support. I congratulate operations manager Russell Rogers on the great work he does and the bright future he shows to so many of the long-term unemployed.

Australian National Piano Award

Mrs POWELL (Shepparton) — I was delighted to attend the 2014 Australian National Piano Award dinner at the Eastbank Centre in Shepparton on Friday, 12 September, with my husband, Ian; The Nationals candidate for Shepparton, Greg Barr, and his wife, Susan; and upper house members for Northern Victoria Region Wendy Lovell and Amanda Millar. It is a great honour to host this national event in Shepparton and to have as principal patrons of the award the Governor of Victoria, the Honourable Alex Chernov, and Mrs Chernov, who attended the civic reception in their honour hosted by the Greater Shepparton City Council, the dinner and the grand final concert.

Thirteen talented young pianists from across Australia spent a week of recitals in Shepparton, billeted in the homes of locals. Three finalists performed before a huge crowd at the grand final concert on Saturday, 13 September. We heard wonderful performances of Bach, Rachmaninov, Beethoven, Brahms, Haydn and Chopin. First prize went to Alex Raineri from Queensland, second prize to Daniel Le from Melbourne and third prize to John Fisher from Brisbane.

The award started in 1992 and is held in Shepparton biennially. It is a very prestigious event in the musical calendar of aspiring classical pianists. I pay special tribute to Neil and Erna Werner, who initiated the award and have been honoured with life membership. Congratulations to president Darryl Coote, secretary Judy Longley, who has been secretary since 1992,

artistic director Max Cooke, chief finance officer Barbara Evans and publicist Nicola Archer. I also congratulate the patrons, board members, associates and sponsors, and adjudicators Paul Badura-Skoda from Austria, Murray McLachlan from the UK and Wendy Lorenz from Australia, as well as ABC Classic FM.

Royal Melbourne Hospital

Ms CAMPBELL (Pascoe Vale) — The Auditor-General needs to examine fall incidents at the Royal Melbourne Hospital rehabilitation department and talk to patients and families.

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

FAMILY VIOLENCE PROTECTION AMENDMENT BILL 2014

Statement of compatibility

Mr CLARK (Attorney-General) **tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter act'), I make this statement of compatibility with respect to the Family Violence Protection Amendment Bill 2014.

In my opinion, the Family Violence Protection Amendment Bill 2014, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview

The bill makes amendments to the Family Violence Protection Act 2008 (FVP act) with the objective of delivering swifter protection and greater empowerment for victims of family violence.

Human rights issues

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

Extension of operation of family violence safety notices

The bill expands the system of family violence safety notices (FVSN) issued by police by allowing FVSNs to be issued 24 hours per day, seven days per week and extending the maximum period before a FVSN has to be reviewed by a court from 120 hours to five working days. As a result, a FVSN can be issued at any time (and not only outside of court hours) and any limitations on charter act rights arising from the conditions included in the FVSN may operate for a longer period before judicial review of the FVSN.

The FVSN conditions generally, are relevant to the charter act rights:

not to have privacy of the home unlawfully or arbitrarily interfered with as the respondent may be excluded from their family home;

not to be deprived of property other than in accordance with law, because the respondent may be directed to hand in personal property;

freedom of movement as the respondent may be prohibited from being within a certain distance of the affected family member or a specified place;

freedom of expression as the respondent may be prohibited from contacting the affected family member or other protected persons; and

protection of families and children.

The rights to privacy and property are not limited as any interferences or restrictions are not unlawful or arbitrary. The right to freedom of expression is subject to lawful restrictions (such as those created by non-contact conditions in a FVSN) which are reasonably necessary to respect the rights of affected family members and to protect public order (see charter act, section 15(3)). Any limitation on freedom of movement of a respondent to a FVSN is justifiable under section 7(2) of the charter because FVSNs only operate for a limited duration, can only be issued in circumstances that require an urgent response, are confined to prohibiting movement near particular family members and particular locations and are subject to the supervision of the Magistrates Court. The limitation is also necessary for the important purpose of protecting the safety of affected family members and enhances the right to protection of families and children under the charter act.

Interim family violence intervention order amendments

The bill provides the Magistrates Court with the discretion to include a condition on an interim family violence intervention order (FVIO) so that it becomes final without further hearing unless the respondent wishes to contest the final order. The automatic nature of a finalisation condition is relevant to the right to a fair hearing because an interim order is made in urgent circumstances and can be made in the absence of the respondent so an order may automatically become final without the respondent being heard.

An interim order with an automatic finalisation condition is a limitation on the right to a fair hearing but is demonstrably justifiable because:

it is made in the magistrate's discretion and can only be made if the magistrate is satisfied it is appropriate after considering a non-exhaustive statutory list of factors such as whether the vulnerability of the parties, or the legal complexity of a matter may warrant the continued involvement of the court in finally determining the matter;

the finalisation condition can only take effect if the respondent is personally served with the interim order and so has notice of the finalisation condition;

if the respondent challenges the interim order within 28 days, then the matter proceeds to a contested hearing; and

if the respondent does not challenge the interim order within 28 days, the respondent can apply for the order to be revoked or varied, or that it proceed to a contested hearing, if there are exceptional circumstances.

There are also a number of other safeguards on automatic finalisation conditions. The court cannot include a finalisation condition in circumstances where the respondent is a child, is cognitively impaired or the affected family member does not consent.

Publication restriction reforms

The bill also amends the FVP act by permitting publication of a report about a criminal proceeding which states that the adult victim of the offence and the person convicted or accused of the offence were the subject of a FVSN or FVIO. This publication is only permitted in circumstances where the accused or offender has been charged with or convicted of:

a contravention of a FVSN or a FVIO;

a family violence related offence which would have contravened the FVSN or FVIO;

an offence which contributed to the making of a FVSN or FVIO;

and where the adult victim of the offence provides their consent.

These amendments are relevant to the right to privacy as they permit the publication of the fact that a FVSN or FVIO exists and applies to the adult victim of an offence and the person accused or convicted of this offence. However, publication can only occur with consent of the adult victim and in the context of a report of alleged or proven criminal offending by the respondent. In most cases, the names of the victim and the respondent can already be published. Permitting publication of the existence of a FVSN or FVIO is a justifiable limitation on the respondent's privacy for the purpose of increasing public awareness of family violence offending where the respondent is accused or convicted of family violence offending. Importantly, the adult victim's consent does not permit the publication of information, which could identify a child subject to a FVSN or FVIO. This prohibition recognises that the privacy of children should be strongly protected. The right to freedom of expression is enhanced by these amendments as the victim of a family violence crime will now be afforded the opportunity to have their story reported including the existence of a FVIO or FVSN, without the obligation to first obtain an order.

The bill also provides the courts with the discretion to make a publication order in respect of a child who is a party to or a witness in a proceeding under the act or is the subject of a FVIO. These amendments (which will be mirrored in the Personal Safety Intervention Orders Act 2010) are again relevant to the right to privacy and freedom of expression and the right to the protection of children. However, the effect on privacy is not arbitrary and any limitation on the other rights is considered to be reasonable as the court is required to consider whether publication of information is in the public interest and is just; and must also have regard to the views of

any parent or guardian of the child before it can make such an order.

Robert Clark, MP
Attorney-General

Second reading

Mr CLARK (Attorney-General) — I move:

That this bill be now read a second time.

The bill amends the Family Violence Protection Act 2008 (FVP act) and the Personal Safety Intervention Orders Act 2010 (PSIO act).

Family Violence Protection Act amendments

The FVP act reforms aim to improve the family violence intervention order (FVIO) system by strengthening the family violence safety notice (FVSN) regime, promoting early consideration of risk factors and avoiding unnecessary multiple hearings and stress for victims. Additionally, reforms to the publication restrictions that apply to family violence intervention orders will strengthen perpetrator accountability by providing the victim with an opportunity to speak publicly about their experiences and have the perpetrator's details made public.

The bill amends the FVP act to extend the operation of FVSNs, and to enable some interim FVIOs to become final orders without the need for a further court hearing. The bill also amends the publication restriction provisions in the FVP act.

These reforms align with commitments in *Victoria's Action Plan to Address Violence against Women and Children* (action plan) to promote victim safety, hold perpetrators to account, and deliver swift and effective justice responses. Consistent with the action plan and the principles underpinning the family violence system, the protection and wellbeing of women and children has been the paramount consideration in the development of the bill.

FVSN amendments

Police-issued FVSNs were introduced to enhance access to protection for family violence victims and their children outside of court hours. A sergeant (or higher ranked officer) may issue a FVSN where necessary to ensure the safety of the affected family member or protect their children until the FVIO application can go before a magistrate.

Currently, FVSNs can only be issued outside of court hours. This has the anomalous result that police have less capacity to protect victims during court hours than

they have after court hours. It also contributes to unnecessary differences in the handling of family violence matters depending on the time of day, and the day of the week, on which they occur. The bill therefore provides for FVSNs to be issued at any time of the day and on any day of the week.

These FVSN amendments will provide swifter protection for more affected family members by enabling police to take immediate action whenever a family violence incident occurs.

The amendments will also improve the operation of the FVSN system for police. It is more efficient for police to commence FVIO applications by FVSN, which are also resolved with fewer court hearings. Courts will be better able to manage their listings as a result of police making fewer FVIO applications during court hours and through the longer period of operation of FVSNs.

The bill also extends the time frame for the first mention before the court following the issuing of an FVSN and expresses the time frame in terms of working days rather than hours. Legislation introduced by the current government has already extended the operation of FVSNs from a first mention date within 72 hours to a first mention date within 120 hours of the notice being served on the respondent. This will be extended to five working days, which will give affected family members and respondents more time to obtain advice and make decisions before attending court.

Interim order amendments

The bill provides that when making an interim order, the court may include a condition providing that the order becomes final 28 days after being served on the respondent if the respondent does not challenge the order. This is called a finalisation condition.

If no challenge is lodged with the court, an affected family member will be saved the trauma of having to attend the court for a further hearing and potentially having to face the respondent at the court. The matter will still come to court if the respondent seeks to contest the order or any conditions, but unless they do so, the interim order will automatically become a final order. A finalisation condition does not change the current requirements for respondents to attend court when a hearing is to be held. However, at present, the respondent does not attend court for a final hearing in over a third of cases, and the order is made in the respondent's absence. This arrangement exposes victims of family violence to undue stress, inconvenience and cost in preparing for and attending hearings. Allowing an order to become final without a

further hearing where the order is not contested will avoid this time, cost and stress for victims and allow the court to focus on cases where a hearing is required.

A finalisation condition will only be included where both the court and the affected family member consider it appropriate. In determining whether it is appropriate to include a finalisation condition, the court must have regard to a non-exhaustive list of factors, including whether there is a history of family violence or other recognised family violence risk factors and the views of the police or the applicant, if they are not the affected family member. A finalisation condition cannot be included unless the affected family member consents to its inclusion.

A finalisation condition will not have any effect if the respondent contests the FVIO application, an application is made to vary or revoke the interim order, the court varies the interim order or the affected family member seeks to withdraw the FVIO application during the 28-day period. In these circumstances, the matter will return to court for final determination.

A finalisation condition must not be included in an interim order in a range of circumstances, including where the respondent is a child, has a cognitive impairment or the interim order would be inconsistent with a family law order. These exclusions recognise that there are matters where the vulnerability of the parties or legal complexity always warrants the continued involvement of the court.

Interim orders that include a finalisation condition must be personally served on the respondent if the condition is to take effect. This requirement will ensure that respondents know an interim order has been made against them and that they must act if they want the matter to return to court for final determination. To further underscore the importance of a respondent understanding the impact of a finalisation condition, the court must also consider at the outset whether the notice that will be given at interim order stage will be sufficient for that particular respondent and affected family member to understand the significance of a finalisation condition. If the court is not satisfied that personal service of an interim order will be sufficient, then it will not include a finalisation condition in the interim order.

Publication restriction amendments

The FVP act currently prohibits publication of reports about intervention orders or proceedings under that act that are likely to lead to the identification of individuals protected by a FVIO or any person involved in the

proceeding, unless the court has made a publication order. A publication order may be made where publication is in the public interest and is just. However, a court cannot make a publication order in relation to matters involving a child.

The bill introduces a specific exception to the publication restrictions where there is a charge or conviction for a family-violence-related offence by a person subject to a FVSN or FVIO and the adult victim of that offence consents to the publication.

More specifically, an adult victim or another person with the adult victim's consent may publish permitted content (which could otherwise be prohibited) where an accused or offender is charged with or convicted of:

contravening a FVSN or a FVIO; or

another offence that would have constituted contravention of a FVSN or a FVIO (i.e. where there was a safety notice or an order in place but there is no contravention charge or conviction); or

an offence that contributed to the making of a FVSN or a FVIO.

A report published under the amendments by the victim or with the victim's consent may contain permitted content which is:

that a FVSN or a FVIO applies to the person accused or convicted of the offence and protects the adult victim of that offence;

the type of restrictions imposed by the conditions of the safety FVSN or a FVIO;

the conduct constituting the contravention of the FVSN or a FVIO; and

details of and conduct constituting the offence.

The person who published the original report or another person may publish further reports containing permitted content. Where a further report is published by another person who is not the adult victim that person must reasonably believe that the original report was published with the consent of the adult victim.

The proposed amendments will allow honest and open reporting and discussion about the extent of family violence and its impact on Victorian families by giving victims the right to tell their stories publicly without having to seek permission from the court. These amendments will also contribute to perpetrator accountability, consistent with the action plan.

Apart from the new specific exception, the publication restrictions continue to apply to the making of intervention orders (i.e. civil proceedings). This will ensure that the privacy of family violence victims seeking protection through the legal system is protected and that victims are not dissuaded from seeking protection because of fear of public exposure.

The bill will also provide the court with a discretion to make a publication order in relation to matters involving a child and to update the definition of publish in the FVP act. Similar amendments are made to publication restrictions in the PSIO act.

I commend the bill to the house.

Debate adjourned on motion of Mr NOONAN (Williamstown).

Debate adjourned until Thursday, 2 October.

JUSTICE LEGISLATION AMENDMENT (SUCCESSION AND SURROGACY) BILL 2014

Statement of compatibility

Mr CLARK (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter act'), I make this statement of compatibility with respect to the Justice Legislation Amendment (Succession and Surrogacy) Bill 2014.

In my opinion, the Justice Legislation Amendment (Succession and Surrogacy) Bill 2014, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview

The bill makes important changes to Victoria's succession laws, including implementing a number of recommendations of the Victorian Law Reform Commission's 2013 *Succession Laws* report (the report). It also provides for commissioning parents of a child born in Victoria under an interstate surrogacy arrangement to be recognised as the child's parents on the child's birth record and birth certificate, subject to certain safeguards.

Human rights issues

Succession laws amendments

The bill amends the Administration and Probate Act 1958 to narrow the categories of people who may challenge a testator's will by bringing a claim for family provision. While there is no right to inherit under the charter act, by providing that usually only close family members may challenge a

testator's will through such a claim, the bill is consistent with section 17 of the charter act, which provides that families are the fundamental group unit of society and are entitled to be protected by society and the state.

The bill also amends the statutory wills scheme in the Wills Act 1997. That scheme provides for the Supreme Court to authorise a will on behalf of someone who does not have testamentary capacity. The bill makes the process of applying for a statutory will more accessible by removing the current requirement to first apply for leave. It also provides the court with the power to order the production of any available evidence as to the ability of the person to participate in the proceedings and/or otherwise express his or her preferences. These amendments enhance the right to equality before the law in section 8 of the charter act and the section 24 right to a fair hearing by making it more accessible for applications to be made for people with an intellectual disability or cognitive impairment.

Surrogacy amendments

Section 17(2) of the charter act provides: 'Every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child'. The proposed surrogacy amendments will promote the protection of families and children by enabling the commissioning parents of a child born as the result of a surrogacy arrangement to obtain an order for registration in the surrogate birth register when they have obtained a corresponding surrogacy parentage order in another Australian state or territory recognising them as the parents of the child.

The bill sets out criteria which must be satisfied before the Supreme Court or County Court may make a registration order, including that the order is in the best interests of the child and that the commissioning parents did not enter into the arrangement to avoid Victoria's surrogacy and assisted reproductive treatment legislation.

Victoria's criteria for surrogacy arrangements establish key safeguards for the surrogate mother, the commissioning parents and the child, as recommended by the Victorian Law Reform Commission in its 2007 report on assisted reproductive technology and adoption. Including similar safeguards for the making of a registration order is necessary to ensure that any registration order is in the best interests of the child, within the meaning of section 17(2) of the charter act.

The right to a fair and public hearing in section 24 of the charter act is relevant to registration order proceedings and proceedings for revocation of a registration order, as these proceedings are to be heard in closed court. Section 24(2) of the charter act provides that a court or tribunal may exclude members of media organisations or the general public from all or part of a hearing if permitted to do so by a law other than the charter act. Thus, the right is not limited, as the exclusion of the media and general public will be specifically permitted by the Status of Children Act 1974.

Section 24(3) of the charter act provides that all judgements or decisions made by a court or tribunal in a civil proceeding must be made public unless the best interests of a child otherwise requires or a law other than the charter act permits it. The prohibition on publication of identifying material and the restriction on access to court records from registration

order proceedings or revocation proceedings will be permitted by the Status of Children Act 1974. Further, in surrogacy proceedings and registration order proceedings, the child's best interests are promoted by court decisions not being made public.

Robert Clark, MP
Attorney-General

Second reading

Mr CLARK (Attorney-General) — I move:

That this bill be now read a second time.

The bill makes a range of changes to the Wills Act and the Administration and Probate Act to make the law clearer and fairer.

The changes will help to ensure that families are not caught up with unnecessary disputes about wills and that when they do need to go to court the costs are contained.

The death of a family member is usually a time of great sorrow and distress and if the law relating to wills and the administration of estates is not clear, it can quickly become a source of stress and conflict for families.

Complex and time-consuming succession laws can also result in a significant proportion of the estate being consumed by legal fees and administrative costs.

The bill implements a number of recommendations of the Victorian Law Reform Commission (VLRC) in its 2013 *Succession Laws* report.

The bill also makes a small but important change to Victorian surrogacy arrangements to allow parents to be registered on the birth certificate of their child even if the surrogacy treatment is undertaken outside of Victoria (but within Australia), and certain other conditions are met.

Succession laws

A key concern with current succession laws is that they allow for family provision claims — that is, claims that the will of the deceased, or the operation of statutory intestacy rules, should have made provision, or greater provision, for them — to be made in a broad range of circumstances. The ability to make such claims has historically been confined to cases where the deceased had a clear responsibility to provide for the claimant, which has usually been associated with family members for whom no or insufficient provision is made and a maintenance allowance is appropriate. The original legislation in this area provided only for claims to be made by widows and orphans. Over time, the

range of persons entitled to make a claim was gradually broadened to reflect changing social and family circumstances.

In 1997, the Victorian legislation was amended to remove any requirement for a specific relationship with the deceased, and instead based a person's entitlements to family provision on demonstrating that the deceased had a responsibility to provide for them. However, the fact that there is no restriction on who can make a claim, together with the broad nature of the test to be applied, has led to a wide range of claims, putting pressure on executors, administrators and other beneficiaries to settle even dubious claims in order to prevent the estate being consumed by legal costs.

To reduce the potential for opportunistic claims, and to better reflect the underlying policy objectives of family provision laws, the bill amends the current family provision scheme to limit who can make a claim on a deceased estate and the grounds on which a claim can be made.

Only specified categories of people will be eligible to make a claim. The deceased's children and stepchildren, spouses or domestic partners at the time of death, and former spouses and partners who have not had recourse to the Family Law Act 1975 before the death may apply for a family provision claim as of right.

However, the bill makes a distinction between applications brought by a child or stepchild of the deceased who is under 18 or a full-time student up to the age of 25 or who has a disability and, on the other hand, a child or stepchild who does not fall under one of these categories. Most adult children will fall outside these categories. In such cases, in determining the amount of provision, if any, to be ordered, the court must take into account, amongst other things, the degree to which the applicant is not capable, by reasonable means, of providing adequately for their own proper maintenance and support. This is intended to reflect the position that parents should not usually be regarded as having a moral duty to make provision for adult children who are capable, by reasonable means, of providing adequately for their own proper maintenance and support.

For other specified applicants, the court will need to be satisfied that they were financially wholly or partly dependent on the deceased. Such applicants include registered caring partners, grandchildren and other members of the deceased's household at the time of the deceased's death. For such applicants, in determining the amount of provision, if any, to be ordered, the court

must take into account, amongst other things, the degree to which the applicant was dependent on the deceased.

The bill also replaces the requirement that the deceased must have had a responsibility to provide for the eligible person with a requirement that the deceased must have had a moral duty to provide for that person. This change is designed to emphasise that simply because a person is eligible to bring a claim, either as of right or in circumstances of dependency, is not sufficient of itself for the person to have provision made for them from the deceased's estate. The starting point is that a deceased is entitled to dispose of their estate as they see fit, and this should only be departed from where they had a moral duty to provide for the needs of the claimant and yet failed to do so. Thus, for example, a deceased would almost always have had a moral duty to provide, whether by way of their estate or by other means, for a spouse or partner and under-age children who were dependent on them at the time of their death. In other instances, such as where a person had become a member of the deceased's household dependent on the deceased, whether or not the deceased had a moral duty to make provision for that person will very much depend on all of the circumstances, including whether those circumstances gave rise to a legitimate expectation that provision would be made.

In addition to limiting who can make a claim on a deceased estate, the bill seeks to deter unmeritorious family provision claims by repealing the current family provisions costs provisions. Under the current provisions, the court may order that the applicant pay the defendant executor's costs if an application has been made frivolously, vexatiously or with no reasonable prospect of success. The courts have interpreted the inclusion of these specific costs provisions to mean that the usual rule as to costs does not apply in family provision cases. The result is that parties do not usually bear the risk of paying costs in the event that they are unsuccessful, removing a disincentive to bringing weak or opportunistic claims while forcing some families to settle those claims to avoid having legal costs taken out of the estate. The bill repeals this cost rule as a signal that there is no need for particular leniency towards successful claims in family provision matters, and that the usual cost rules should apply.

The bill simplifies and updates the rules for the payment of debts. The revised rules give primacy to the will-maker's intentions when the estate is solvent and clarify the application of the commonwealth Bankruptcy Act 1966 when the estate is insolvent.

The bill also gives effect to the VLRC's recommendations about the administration of small estates. At present, the Administration and Probate Act includes special measures to assist the administration of an estate with a monetary value of less than \$25 000, or \$50 000 where the only beneficiaries are the deceased's partner and/or children, or the deceased's sole surviving parent. These estates are described as 'small estates'. The thresholds have not been amended since 1995.

The VLRC recommended that these measures be strengthened to encourage applications for grants of representation in respect of small estates. Obtaining a grant lessens risk, clarifies the role of the personal representative and protects the interests of third parties, such as banks who hold an account in the name of the deceased. The bill increases the monetary value of a small estate to \$100 000 and indexes this amount to the consumer price index. This will provide a cheap and accessible option for obtaining a grant of representation for small estates, noting that small estates rarely involve real estate or administrative complexity.

The bill repeals the separate expedited grant process in the Trustee Companies Act 1984 currently available to State Trustees Limited and private trustee companies. State Trustees do not use this process, opting instead to use the deemed grants process. Similarly, private trustee companies do not use this specific statutory expedited process.

The bill also recognises informal administration of a deceased estate in some circumstances. Informal administration may arise where assets of a deceased person are distributed to those entitled to them without a grant of representation, or where significant estate assets have passed by survivorship (for example, where an asset was jointly owned) or can be accessed without a grant of representation. The bill facilitates and validates simple transactions of property or money under a specified value without a grant of representation in certain circumstances.

The bill simplifies the process in relation to statutory wills. In general, a will may only be made by a person who is capable of understanding the nature and effect of the act of executing it. That is, the person must have testamentary capacity. Since 1997 the Wills Act 1997 has provided for a statutory wills scheme that allows the Supreme Court to authorise a will on behalf of someone who does not have testamentary capacity. For example, where a person has been hospitalised in a traffic accident and is unable to communicate their wishes, the court may consider it appropriate to create a will on behalf of that person where there is credible

evidence of how they might have wished to allocate their estate.

In accordance with the VLRC's recommendation, the bill makes the application process for a statutory will more accessible by removing the current requirement to first apply for leave to bring the application. It also provides the court with a greater opportunity to ascertain the views of the person on whose behalf the statutory will is proposed, where this is possible.

Surrogacy amendments

In a surrogacy arrangement, the 'commissioning parents' intend to become the legal parents of the child and the 'surrogate mother' is the woman who gives birth to the child. The surrogate mother's partner may also be a party to the arrangement.

If a surrogate mother becomes pregnant with the child outside of Victoria, but gives birth to the child in Victoria, there is currently no way for the commissioning parents to be recognised as the child's legal parents and be named on the child's birth certificate. The commissioning parents may be able to obtain a parentage order in another Australian state or territory, but this is not sufficient in Victorian law for the commissioning parents to be recognised as the child's parents on the child's birth record or birth certificate.

When the Status of Children Act 1974 provisions dealing with surrogacy and parentage orders were introduced by the Assisted Reproductive Treatment Act 2008, a transitional provision was included to recognise the commissioning parents of a child conceived under a surrogacy arrangement where the child was born in Victoria before the commencement of the relevant provisions or within 10 months of commencement. This transitional provision applied if the commissioning parents were ordinarily resident in Victoria at the time the child was conceived and applied whether or not the child was conceived in Victoria.

However, this transitional provision did not assist in all cases. The government is aware of at least one family who had sought treatment interstate prior to the commencement of Victoria's surrogacy provisions, but was unable to be brought within the scope of the Victorian law, as the birth occurred after the time provided for in the transitional provision.

To resolve this situation and any similar situations in the future, the bill provides for commissioning parents of a child born in Victoria under an interstate surrogacy arrangement to be recognised as the child's parents on

the child's birth record and birth certificate, subject to certain safeguards.

The commissioning parents may apply to the Victorian County or Supreme court for a 'registration order' and the court may make the order if satisfied of particular criteria, including that: the making of the registration order is in the best interests of the child; the commissioning parents did not enter the surrogacy arrangement for the purpose of avoiding requirements under Victoria's surrogacy or assisted reproductive treatment laws; and the commissioning parents had a genuine connection to the state or territory in which the child was conceived. The bill includes transitional provisions allowing commissioning parents to apply for a registration order if they entered their surrogacy arrangement before commencement of the amendments made by the bill.

If the Victorian court makes a registration order, commissioning parents may then present the registration order and the interstate parentage order to the Victorian Registrar of Births, Deaths and Marriages, who must amend the child's birth registration to recognise the commissioning parents as the child's parents.

Being able to have a birth certificate that accurately reflects a child's legal parents is important for families, not just practically but also symbolically. These amendments allow for formal recognition of a child's legal parents in Victorian law, while the court process in the bill provides the necessary safeguards to ensure that Victoria's laws regarding assisted reproductive treatment and surrogacy are not circumvented.

I commend the bill to the house.

Debate adjourned on motion of Mr NOONAN (Williamstown).

Debate adjourned until Thursday, 2 October.

CASINO AND GAMBLING LEGISLATION AMENDMENT BILL 2014

Second reading

Debate resumed from 4 September; motion of Mr O'BRIEN (Treasurer).

Mr PALLAS (Tarneit) — I rise to speak on the Casino and Gambling Legislation Amendment Bill 2014. In doing so, I note that the opposition will not oppose the bill. We have reservations about the content of the agreement made by the bill, and I will go through those as I address the substance of the bill. I also want

to make the point that through the passage of the bill the opposition can either support or oppose the agreement, but practically we are limited in terms of our support or opposition because it is not possible for us to renegotiate the agreement in opposition. On balance, I indicate to the Parliament that we do not oppose the passage of this legislation, but I will go through our position in detail over the course of my contribution.

I would like to put this into a historical context and consider how the state of Victoria has come to the point of striking an agreement in these terms. When you consider that the Treasurer used to be the Minister for Liquor and Gaming Regulation, it is difficult to fathom how this process was botched so completely. You would think that the government would be able to manage a simple tax grab — and let us be honest, that is effectively what was originally proposed in respect of this industry. However, apparently this government could not manage that. This process has been mismanaged, and Victorian taxpayers will be worse off because of it.

To understand the nature of the failure of this government we need to think about where we started from and where we have ended up. At the time of the 2013–14 budget update, the Treasurer was faced with declining revenue from gambling taxes, but he was not worried because he had devised an elegant solution to this problem. First, he would hit hotels, clubs and casinos with extra taxes on their electronic gaming machines to the tune of \$130 million per year. Then he gave them permission to pass the extra tax burden straight onto the punters by decreasing the minimum amount that poker machines must pay back to players, from 87 cents in the dollar to 85 cents in the dollar. Understandably, Victoria's hotels and clubs were incensed and launched a campaign against the changes. Crown did not need to start a campaign — all it had to do was call the Treasurer's bluff and hold out for something better. It knew the Treasurer had effectively created a hole in his own budget, and it exploited this weakness. This has cost Victorian taxpayers, and it could have been avoided. The Treasurer simply needed to pick up the phone before he tried to impose the tax.

Developing good gaming policy requires caution, forethought and balance. These are many of the dimensions that add to the weight of public interest in this debate and that have been woefully absent in the government's planning and conduct in the carriage of this matter. They must be carefully considered. Having a Treasurer who runs around half-cocked trying to pull a shameless revenue grab and failing is simply not constructive. It undermines the government's ability to mitigate the harm caused by problem gambling. It also

threatens to compromise the economic benefit derived from having a gaming industry in the first place.

Turning to the content of this agreement, there are a number of questions around its continuing operation and interaction with the industry, and I would appreciate it if, either by way of reply or during the passage of the bill in the other place, the government could give us some further clarity on the matter.

Returning briefly to the substance of the deal, in the 2013–14 budget update the government originally tried to impose an additional tax of \$22 715 per year on Crown's electronic gaming machines. Crown currently has 2500 machines on its floor, and the tax was predicted to bring in an additional \$56.8 million per year for the state of Victoria. That works out to be a little over \$1 billion between now and when the casino licence was originally going to expire in 2033. Under the arrangement identified by the government the new deal will raise at best \$910 million between now and 2050.

The simple application of pure mathematics makes it obvious that the value of this deal to the taxpayer and the community is clearly subservient to the arrangement the Treasurer originally sought to impose. This is largely the consequence of a failure to understand the pre-existing arrangements that have impacted upon this industry. Of course we can only progressively reap that \$910 million between now and 2050 if Crown's profitability increases by 4.7 per cent a year for the next 10 years. Based on the raw numbers I think it is pretty clear that the government has capitulated substantially in terms of its original aspirations, and its capitulation will cost Victorians. But of course these things are always complex. The payments are actually structured in a way that suits the Treasurer's bottom line before the election — he now gets an immediate cash injection of \$250 million, and he has said that 'further announcements' will be made about how he is going to spend that money in the coming weeks.

So with some degree of justification we ask the question: what did Crown get in return? Quite a bit. The supertax on VIPs has been removed. It gets 40 new game tables. It gets 50 new automated game tables. It gets the right to purchase another 128 poker machines. It gets a 17-year extension on its licence, taking the expiry date from 2033 to 2050. It also gets regulatory certainty. The definition of 'regulatory certainty' has significant implications for future governments and the way in which this industry will have to be managed. It will create considerable difficulties for future governments but will nonetheless provide certainty of investment, and therein lies the balance that I think

needs to be considered by the opposition when expressing concerns about the content of this agreement.

One of the key reasons that Labor members do not oppose the bill is that we acknowledge that there is a need to update Crown's licence to keep it internationally competitive, and we do understand and recognise the changing nature of the industry. We also understand and recognise the changing nature of the certainty that a number of industry players have in terms of their period of licensing and the impact that that certainty has upon the investments they put into their operations. That consequently impacts upon Crown's decisions on whether or not to make certain investments. Certainty as to the future does impact upon Crown's investments and ultimately upon jobs and opportunities for economic growth for the state of Victoria.

In our view the circumstances do reek of political expediency. We believe that this matter could have been handled much better, but Crown is important to Victoria's economy and inaction would ultimately cost jobs. One third of Crown's revenue comes from international and interstate VIPs, so unless Crown can continue to attract these visitors, it will be impossible for the Victorian public to get a share of this revenue. We acknowledge that simply doing nothing in this space would put Crown and ultimately the taxpayer at a disadvantage. When the VIP supertax was introduced it achieved its aim: Crown's VIP business was competitive and it allowed Victorians to reap a greater share of the benefit. That is no longer the case. Victoria's share of international and interstate VIPs has been declining, and this has diminished one of the key economic benefits of actually having a casino in Melbourne. We need to accept that part of the reason for this is a tax treatment that is, quite frankly, no longer competitive. The game of international VIP activity is a very competitive one, and one that is becoming increasingly competitive.

Our major concerns relating to regulatory certainty are in the areas in which Crown has been given special treatment. This bill creates a requirement for any Victorian government that wishes to enact reforms that compromise Crown's profitability to compensate the casino for its lost profits. Victoria's hotels and clubs were given no such concession but the government has handed them a strong case to demand it in the future. This goes to the chaotic and quite frankly bungled manner in which this deal came about. If the government had given this even a moment's thought it would have realised that by negotiating with Crown and effectively dictating terms to pubs and clubs it was

setting a regulatory time bomb for the state of Victoria. Quite frankly, that regulatory time bomb is an unanswered question in the context of the passage of this legislation and an unanswered question for the investment that the clubs and pubs of Victoria are demanding with increasing stridence from this government.

The stakes are too high for us to try to undo the damage from this side of the house. We accept that. For all our concerns about certain aspects of this agreement, we understand that we cannot have the access to the advice and the ability to negotiate on behalf of the state that the government has. We do acknowledge we have the capacity to either approve or not approve this agreement, and therefore effectively by our actions in not opposing this agreement we will allow it to have effect.

For all its rhetoric, this bill makes it clear that the coalition was not thinking about good policy or the public interest when it negotiated this deal. The Crown complex in Melbourne is, however, Victoria's largest single-site employer. Over 8800 people work there. If you took away those jobs, it would account for nearly 10 per cent of this government's entire job creation record. There are 4600 apprentices and trainees who have graduated from Crown College Melbourne. More than 23 200 full-time equivalent jobs supported by Crown in Melbourne are dependent upon the operation, the efficiency and indeed the competitiveness of this undertaking. For context, the 23 200 full-time equivalent jobs supported in Crown are almost as many full-time jobs as have been created in the entire term of this government. We in Labor will do what we can, but we will not effectively risk those jobs by trying to fix the government's mistakes from opposition.

The heading to the government's media release announcing this agreement is 'Agreement with Crown Melbourne to support investment and jobs for Victoria', but the government actually made no effort in its negotiations to secure any terms from Crown that secure jobs. The media release also states that the deal included 'measures related to responsible gambling'. As far as we can tell, that refers to the fact that this bill establishes a requirement that taxpayers compensate the casino if the government wants to introduce measures to encourage responsible gambling. That appears to be the measures related to responsible gambling incorporated within this agreement.

On Tuesday I wrote to Crown Resorts Limited, and I told it that Labor's support for this bill would be conditional on it doing something substantial to support jobs and combat problem gambling. Crown responded

with an undertaking to Labor that it will substantially increase resources to support problem gamblers and will undertake to provide training for 500 recently retrenched workers.

There is a series of questions that I would be pleased to receive advice from the government on in the context of the operation of this agreement. One question is: what will now happen to the player ratio? The player ratio was adjusted for the purposes of the budget update, which provides:

In addition, the minimum return-to-player ratio —
for electronic gaming machines —

will be reduced from 87 per cent to 85 per cent, providing greater options for venues in managing their operations ...

and is described in the context of the increased gaming machine tax rates for pubs and clubs. This change was introduced as part of the State Taxation Legislation Amendment Bill 2014. The question is: is there any reason that Crown has been able to bank this generally applicable advantage on top of all the others that it has gained?

The dispute resolution process is also quite complex. Questions have been answered via bill briefings. I want to express my appreciation to the government and to the Treasurer for providing two separate briefings, firstly, on the content of the agreement itself, and secondly, on the content of the bill. Questions have been raised that go to the value of putting our concerns around the quite substantial processes of what appear to be alternative dispute resolution procedures before a formal process of arbitration is entered into.

Questions go to the role of the umpire. Clause 3(j)(vii)(A) of annexure 1 to the variation agreement inserts that the umpire must:

(A) act as an expert and not as an arbitrator ...

This means the umpire must provide his or her expert opinion and is not mediating any dispute between the parties subject to what is set out below. There is a question as to whether the umpire's determination is binding: what is the status of any determination made by an expert or umpire? Annexure 1 to the variation agreement inserts that issues relating to the compensation amounts determined by the experts or umpire be referred to the court in certain circumstances. Clause 3(j)(x) states:

Any determination of the Experts (or, in the circumstances contemplated by clause 3(j)(viii), the sole Expert) or the Umpire in accordance with this Annexure 1 will be final and binding on the parties in respect of the

relevant Trigger Event. However, within 20 Business Days of the determination being notified to the Parties, either the Company or the State is entitled to make an application to the court for a declaration that, in reaching the determination, the Experts, the sole Expert or the Umpire, as the case may be, made an error in relation to a question of law.

Clause 3(j)(xi) of annexure 1 to the deed of variation in the bill states:

If the court issues a declaration to the effect that an error has been made in relation to the relevant question of law, whichever of the Company or the State sought the declaration must immediately inform the Experts, the sole Expert or the Umpire, as the case may be, provide them with a copy of the declaration and request that they issue an updated determination, together with reasons, in writing within 20 Business Days of receiving a copy of the declaration. That updated determination will be final and binding on the parties in respect of the relevant Trigger Event.

If the updated determination is to be issued by the Experts and they are unable to agree on the determination within the period of 20 Business Days referred to above, the matter must be referred to the Umpire in accordance with clause 3(j)(ix).

Effectively when can injunctive relief be sought? Clause 3(n) of annexure 1 to the variation agreement provides that nothing in clause 3 will prevent a party from instituting proceedings to seek urgent injunctive, interlocutory or declaratory relief in respect of any dispute as to the compensation payable.

Those questions require clarification in terms of the operation of what is quite frankly a very complex dispute resolution procedure. The concerns of opposition members are that ultimately at some point there has to be some closure and some rights of enforceability and reviewability around the events and the actions taken by the parties consistent with the agreement. We must bear in mind that we are talking about circumstances where in the event of a decision to undermine the regulatory certainty that the agreement seeks to provide there is a maximum exposure to the state of \$200 million within any given term of that government for the actions it takes. We need to have greater clarity about what can trigger such events and essentially about how the state can have those events properly valued and applied.

I want to be very clear that whilst these actions may place a cost upon the state in its being able to act in respect of these areas, from this side of the Parliament we see that as circumscribing or restricting the duty of care of the state in respect of problem gaming. We in this place have an obligation to the people of Victoria to continue to take actions, irrespective of the costs, with due consideration of the merits of those actions in relation to responsible gaming. That certainly is and

will continue to be the position of those on this side of the Parliament, irrespective of cost, because the cost to the community in the long term needs to be borne and balanced. I hope that, despite the fact that there is a compensatory position here for Crown, there is not effectively an abrogation of our duty of care to the community in a broader sense.

I will speak briefly about the implications of what this agreement could do in terms of jobs. We understand that we in Victoria have seen a very substantial situation where more than 67 700 Victorians have been given the experience of being liberated, to use the word of the current Prime Minister, from employment under the Napthine government, and we do not hope to help or add to this number except to state our concerns about the content of the policy underpinning it and the actions that have brought us to this point.

As I have indicated, Crown has a significant impact on the Melbourne economy. Crown is Victoria's largest single-site employer, therefore it needs to be acknowledged for the commitment it has made to the Victorian economy. Some 8800 people work directly at Crown. If you took away those jobs, about 10 per cent of the government's entire job creation record would go — some 46 000 apprentices and trainees and 23 000 full-time equivalent jobs are supported by Crown. Over the life of this government the unemployment rate has risen from 4.9 per cent to 6.8 per cent, and increasingly the government has failed to meet its own expectations and objectives with respect to job targets. Opposition members do not see that there is anything of value that could be done in the context of prohibiting the making of this agreement that would in many ways cost Victorians dearly in an economic sense in the future.

In summary, in December 2013 as part of its budget update for 2013–14 the Napthine government announced that as part of its revenue initiatives the government would be introducing a new casino gaming levy. That levy, which would start at \$5500 per machine, was to rise to \$22 700 per machine within 2014–15. The government anticipated that it would get \$56.8 million over the forward estimates period once the higher rate commenced. This announcement and this agreement effectively change all of that, because the government did not have the capacity to do what it thought it could. Crown has stood up to the government and said, 'We believe that you don't have the right or authority to do this'. The government had clearly mismanaged both its expectations in terms of revenue and the implications of its actions upon the industry.

The government's original announcement was made before it had concluded negotiations that were required under the state's agreement with Crown. The Treasurer's failure to conclude negotiations was made evident six months after the levy was announced, and the line item did not appear again — it mysteriously disappeared in the 2014–15 budget. Four months on the government has finally reached an agreement with Crown for a new revenue scheme.

In debating this legislation the Parliament needs to recognise the context in which this company has been brought to this point. The government empowered this company in the negotiations, because it created a hole in its own budgetary situation. It failed to appreciate the regulatory and agreement-making context in which it had to operate. Practically speaking, Crown has extracted considerably greater value, as I have indicated, under these arrangements in the negotiations with the government, such as they were, from the state of Victoria than the Treasurer expected. That is unfortunate for the taxpayers of Victoria and for the revenue base of the state of Victoria.

Nonetheless the agreement, as it is struck, provides for a way forward. It provides both regulatory certainty and an extension on a concession deed that otherwise would be out of kilter with the evident and clear concession deed arrangements relating to the life of operations that exist in the rest of the country and that therefore impact upon investments that are being made in this country and investments that will necessarily be used to assist Crown to continue to be profitable and a good and large employer in this state. On that basis the opposition will not oppose this bill.

Mr SOUTHWICK (Caulfield) — I rise to speak on the Casino and Gambling Legislation Amendment Bill 2014. At the outset I congratulate the Minister for Liquor and Gaming Regulation and the Treasurer on their diligence in bringing this bill to the house and on what has been clearly demonstrated to be the sound financial management, on behalf of the best interests of all Victorians, involved in the way this deal has been negotiated. I contrast that with the actions of the opposition. The last member to speak, the member for Tarneit, the shadow Treasurer, said he could not understand how a simple tax grab from the gambling sector could be botched. I remind the member for Tarneit what a very short memory he may have. The conclusion of the Victorian Auditor-General's 2011 report on the allocation of electronic gaming machine (EGM) entitlements states:

The allocation of the EGM entitlements was achieved within very tight time lines. However, the project failed to achieve a

satisfactory financial outcome and there were serious shortcomings in the project management.

The revenue obtained from the sale of the entitlements was around \$3 billion less than the assessed fair market value of these assets. As a result of this very significant difference, the allocation largely failed to meet its intended financial outcome of capturing a greater share of the industry's supernormal profits.

I think that is pretty clear. When it comes to managing contracts and agreements and getting the best deal for the taxpayer, the opposition falls short. As a government we have secured jobs and investment, supporting tourism and boosting the state's bottom line with this agreement with Crown. The bill implements the agreement, which will deliver tax competitiveness and investment certainty and, most importantly, secure the jobs of almost 9000 Victorians who work at Crown.

This is a big business. Crown is one of Australia's most successful tourism companies. It is envisaged that in the 10 years to 2016 Crown will have invested \$1.7 billion to upgrade the Crown Melbourne integrated resort to make sure Crown remains competitive with the best integrated resorts in the world. I am referring there to a quotation from the chair of Crown, Mr James Packer. There is no question that this is a significant resort and a significant tourism opportunity for Victoria.

This bill ensures that the high rollers who come into Crown are incentivised to come here and not skip Melbourne to go to other properties in other states and around the world. This is very important, because not only do the high rollers who come here spend money gambling, although their doing that certainly creates revenue for our state, but while they are here they also contribute significant tourism dollars. They often come here with families and friends and others who also contribute to the economy.

I was talking to somebody who has an involvement with this business. One of the things Crown has recently introduced is a health tourism opportunity, in which it will bring high rollers who will come with an associated person — often an aunty, a mother or a grandmother — and while the high roller is gambling the other person is having an operation, such as a hip operation, which is improving their health, and paying top dollars into our health system. That is an example of a business such as Crown assisting not only with pure tourism dollars but also with health tourism dollars which go to benefiting our economy.

Under the contract that has been negotiated by this government there will be payments of up to \$910 million made by Crown, including an immediate up-front payment of \$250 million. These payments will

ensure that more money is coming back into the Victorian economy. It is important to also note that this is the 10th deed variation in about 20 years. That shows that this is a moving business. There needs to be flexibility in this moving regulatory environment, given the dynamic nature of the way it operates.

Having said that, I note that one of the key factors is that the industry is also becoming more and more competitive. More casinos are operating around the world. In 2001 there was only one operator in Macau. Now there are over 30 casinos. All of them are vying for high roller business. Queensland is in the process of issuing three-year casino licences. A second casino in Sydney targeting VIP players will be established in 2019. That is why we have had to bring this bill to the house. It will ensure that we capture those high rollers and that Melbourne remains a top destination for interstate and international visitors.

Interstate and international visitors make an important contribution to the Victorian economy. They not only play at our casinos; they also eat in our restaurants and cafes, drink in our bars, visit our art galleries, enjoy our theatre productions and take in many of the magnificent tourism offerings that we have in Victoria. To ensure that this continues, the bill abolishes supertax commission-based play to enhance Crown's competitiveness and extends Crown's licence to 2050. It does this by adding some additional machines, but still ensures that the state's threshold of 30 000 gaming machines is not breached.

In its last deal in 2009, Labor provided Crown with 150 additional gaming machines, which was a 43 per cent increase. In contrast, the coalition is providing Crown with an increase of just 8 per cent. The former government also botched the electronic gaming machine deal. The member for Tarneit suggested that Labor is better placed to manage these sorts of operations. To that I say that when it comes to money every negotiation the opposition has tried to manage has failed. In an *Age* article of 21 August, the shadow Treasurer said that this deal was negotiated under duress and that it looked like Crown had taken the Victorian government to the cleaners. If that were true and Crown had actually benefited from the deal, you would expect its share price to have jumped rapidly. When the deal was announced, Crown's share price closed at \$15.98. On Monday this week it closed at \$14.84, which is down from the price when the deal was announced. If the market is any indication of Crown getting a better deal out of this, then the shadow Treasurer needs to go back to look at his numbers a bit more carefully.

In concluding I will focus on one other important element, and that is the work this government has done in promoting responsible gambling. I am very proud to be a member of the Victorian Responsible Gambling Foundation, which this government established. The government has given the foundation a record amount of funding of \$150 million over four years to provide key research, support and treatment for problem gamblers and ensure that there is proper information available so that problem gambling is tackled in this state. We lead the country and the world through our work on responsible gambling. As the then gaming minister, it was the Treasurer who brought this foundation into being.

A number of other significant changes have been made by this government in this area, including ensuring that ATMs are not in the vicinity of gambling venues. This is very important.

Mr Pakula interjected.

Mr SOUTHWICK — The member for Lyndhurst yells out, 'Oh, really?'. If it makes it much easier, then we stand by the work we have done here. The member for Lyndhurst can carry on all he likes, but we are very proud of what we have introduced during this term of government. We are committed to reducing problem gambling in whatever way we possibly can. This is a very good bill. It is a sound bill. It shows that we can manage money. In contrast, the opposition has failed to manage money at every post.

Mr PAKULA (Lyndhurst) — In considering this bill and the arrangement that has been reached between the government and Crown Casino, it is important to go back to the beginning of this saga, as I think it has now become. Earlier this year representatives of Crown Casino and clubs and pubs were called into a meeting with the government late one evening and told that the next morning there would be an announcement about their taxes going up. In the case of clubs and pubs, they were told those taxes would go up close to something like \$80 million a year, and for Crown Casino it was somewhere in the vicinity of \$57 million a year. There are not many things that a Treasurer can do that can cause his phone to ring in the dead of the night, but this is one of them.

From that moment, Crown Casino had this Treasurer by the short and curlies, because the government had made a revenue projection and assumptions about its gaming revenue take over the forward estimates and many years into the future which was simply unable to be met at that time. Unlike the pubs and clubs, which were terribly aggrieved at their treatment and the lack of

notice and consultation, Crown, on the other hand, simply said no. A negotiation process then ensued, and the government was on the back foot from that moment on. As the shadow Treasurer, the member for Tarneit, pointed out, the total amount payable to the state of Victoria under this agreement is less than the revenue take that would have come to Victoria had the original tax increase imposed by the Treasurer been payable. Had Crown not simply turned around and said 'No', the state would have received more.

Even though the state is now receiving less overall than it would have received under the original tax rise that was announced, in addition to that the state has made a whole range of additional concessions to Crown. It has increased the term of its licence, which we do not oppose. The state has removed the high roller supertax. The state has agreed to give the casino more electronic gaming machines (EGMs) — from the pubs and clubs, mind you — more automated tables and a compensation clause, which had never previously been contemplated. All of this was in return for less money than this Treasurer would have received had he not so comprehensively botched the process of increasing the tax rate earlier this year.

That is why, with only some 40-odd days to go until we are in caretaker mode, we as an opposition are now in the invidious position of having to either endorse in a legislative sense an agreement that we would never have made or alternatively scuttle the entire deal. I know that the Treasurer in his own clever way endorsed our decision not to scuttle the deal. As the member for Tarneit pointed out, there are somewhere between 8500 and 10 000 jobs at Crown, and, as the member for Caulfield indicated, Crown is not just a gaming facility; it is a hub of restaurants, it is a major tourism attractor and it is a very large hotel complex. Crown is much more than simply a casino. In these circumstances an opposition would have to hasten slowly if it were to scuttle a deal simply because it was not the deal that it would have made and there were provisions in it that the opposition had grave concerns about.

In the best tradition of these things, we sought to add to the agreement as we could. As the member for Tarneit pointed out, we received from Crown a commitment to create 500 training places for retrenched workers. I think that is a positive thing. No-one is treating that as some massive triumph, but it is a positive thing. It is a better arrangement than we would have had otherwise. The additional resources being put into Crown's problem gambling response is also a positive thing. However, I think it is important for the opposition to indicate two things. We are concerned about the implications of this deal for the relationship between

the government and the pub and community club sector. Let us be clear that apart from the tax increase that was foisted on pubs and clubs, 64 pub EGM entitlements and 64 club EGM entitlements have also been taken out of the pub and club sector and given to Crown. We are of the understanding that there was no consultation with pubs and clubs, and there was no opportunity for pubs and clubs to express an interest in those entitlements before they were given to Crown.

Beyond that, the bill contains at clause 10 a very unusual device, which has allowed the government to do this — that is, the ministerial order for extinguishment. We understand that in the current circumstances extinguishment of those EGM entitlements might be necessary. If you give Crown an extra 128 entitlements and do not extinguish others, then the total statewide cap goes beyond 30 000. What we are concerned about is that that power to extinguish seems to abide into the future as well. Rather than creating a provision that simply applies to this one set of circumstances, the government seems to be giving the Minister for Gaming a general power to extinguish EGM entitlements into the future without compensation.

I would be grateful if the Treasurer, whether in summing up or during the consideration-in-detail stage, would explain why the government requires a general power to extinguish entitlements beyond this one situation, where additional machines are being given to Crown. Let me be very clear that in the view of the opposition it is not appropriate that entitlements currently in the possession of pubs and clubs can be extinguished by government as a general power into the future simply for the sake of protecting one arrangement being made through the bill before the house. This is not something that the opposition, if in government, would seek to impose on pubs and clubs.

Let me also make some remarks more generally about problem gambling. There has been some commentary that the arrangement for compensation precludes future governments from introducing problem gaming measures. Let me say that from the point of view of the opposition nothing could be further from the truth. We know that, as a consequence of the arrangement the Treasurer has reached with Crown, it will potentially cost up to \$200 million per term if actions are taken that reduce Crown's profitability. Those might be problem gaming measures or something else.

What we also know is that when we were in government previously, every time we implemented measures that dealt with problem gambling, there was a hit to revenue. There was a hit to revenue with smoking

reforms, there was a hit to revenue with natural light and there was a hit to revenue in breaking up the duopoly.

Mr O'Brien interjected.

Mr PAKULA — The Treasurer says, 'Was there ever'. Yes, it would have been possible to milk every last cent. However, we made a decision that we would not do that because we wanted to ensure that problem gambling measures like the ATM ban could be put in place. We now know that if we want to put problem gambling measures in place in the future, whether they apply to Crown or to other venues, it will not just cost a revenue hit but will also cost the compensation given to Crown. That is the poison pill that the Treasurer has put in this bill. It is not something we are happy about, but if we want to implement problem gambling measures in the future, according to the best advice and the best information, that is what we will do. If it means there is a revenue hit, whether it be through reduced take or through having to compensate Crown, that is just the gift that this Treasurer has left future governments and the people of Victoria. With those words I commend the bill to the house.

Mr McCURDY (Murray Valley) — I am delighted to rise to make a contribution to the debate on the Casino and Gambling Legislation Amendment Bill 2014. I congratulate the Treasurer, who is in the house, and the Minister for Liquor and Gaming Regulation for putting this deal together. It is a very important deal for Victoria. The bill will secure jobs, it will support Victorian tourism and it will boost the bottom line of the finances of this great state.

It is undisputed that Crown Casino is a gambling venue, but first and foremost Crown is an entertainment complex. It is the largest single-site employer in Victoria, with 8800 jobs, which is significant. Just because it is the largest single-site employer does not mean the government compromises on getting a good deal. We are pleased with this deal. I and the member for Caulfield, who spoke earlier on this bill, are members of the Victorian Responsible Gambling Foundation, and we will not allow compromises to be made. The state can enhance its finances by doing good business deals while at the same time committing \$150 million over four years — \$37.5 million a year — to the Victorian Responsible Gambling Foundation. I sit on the board of the foundation, and I see the great work it does.

The number of people with gambling problems in Victoria is deemed to be 0.7 per cent. Whether that figure is slightly higher or slightly lower, it is still about

supporting people with a gambling problem. There is a great portion of people in our community who enjoy gambling and what the Crown Casino entertainment complex offers. We will continue to support people with gambling problems, but this bill delivers a win-win result for taxpayers, providing jobs in Victoria and investment in the business community.

Crown will receive a licence extension. We are aware of that. There is the removal of the supertax, which is important to commission-based gaming, and there will be a modest increase in gaming product. The state will receive payments of \$910 million, which is another deal the Treasurer has put together. It is significant income for Victoria, and we can use the money for important projects throughout the state. It includes an up-front payment of \$250 million. The government will ensure that these payments support enhanced investment in services and infrastructure that directly benefit Victorians, so the deal is important to the state. I will continue to say that it does not compromise our ability to look after people who have a gambling problem. This is a good business deal.

The Melbourne casino is facing sharply increasing competition from other areas. We know that in Sydney another casino will be opened in Barangaroo by about 2019. This deal is targeting international money, which is important to Victoria. Players come from all over the world. I understand that Macau had 1 casino some years ago; it now has over 30. It is a lucrative market, and provided that we can attract that market without compromising our core values and commitment to the people of Victoria then again I say it is a terrific business deal.

Tourism is important to our state. It generates \$20 billion a year, half of which goes to regional Victoria and the other half to metropolitan areas. There are 200 000 people employed in tourism, and again half of them are employed regionally. Tourism is a growing business, and we want to do all we can to support it. The entertainment complex at Crown is one of those areas that is an attraction when people come to the city of Melbourne. It is a great focal point and meeting point, and the complex can use support from the government. It is a win-win result for all of us. As I said, the new casino in Sydney is due to open in 2019, so we need to make sure that we have all our ducks lined up so that we continue to have high rollers and big investors coming through our doors.

The bill provides what I would call a modest increase in gaming product at Crown. There will be 40 extra gaming tables, which the member for Lyndhurst mentioned earlier, and that is up from the current total

of 500 tables. There will be 50 extra fully automated table game terminals and 128 extra electronic gaming machines, up from 2500. The bill does not breach the cap of 30 000 electronic gaming machines in Victoria, and that is important. I say again that we are not exceeding that cap; those electronic gaming machines have come from other areas. It is about making better use of the licences that are currently out there. It is a fair deal both for Crown and for Victorians.

Crown's share price tells a similar story and reminds us that it is a good deal for Crown and for Victorian taxpayers. The shadow Treasurer, the member for Tarneit, said on the day the deal was announced:

They have negotiated under duress, and it looks like Crown have taken the Victorian government to the cleaners.

It was disappointing to hear the shadow Treasurer say that. It is simply untrue. The market generally gets it right when announcements come through. Savvy investors throughout Victoria and the world understand what a good deal is, and that would be reflected in the share price one way or the other if they felt somebody had taken it in the eye or the other side had got a terrific deal. Crown's share price on the day before the deal was announced was \$15.98. On Monday this week the share price closed at \$14.84, so it was down from when the deal was done. It is not a huge variation, so the market is also telling us this is a good deal for both parties. That is an important point to make.

The Victorian Responsible Gambling Foundation, as I spoke about earlier, will receive \$37.5 million. We are committed to responsible gambling and to the initiatives we continue to implement. Victoria's gaming regulation features some of the strongest responsible gambling measures in the world, and we acknowledge that gambling is a legitimate recreational activity enjoyed by many Victorians. Some just have a punt on the Melbourne Cup; others gamble responsibly throughout the year, and there is certainly an opportunity at Crown to do that. This government continues to implement a range of initiatives to foster responsible gambling and address the harm that is caused to people with gambling problems.

One of the measures the government is undertaking is precommitment. We are rolling out Australia's first statewide voluntary precommitment scheme, which is scheduled for delivery by the end of 2015. The arrangements with Crown simply will not impact on the delivery of the government's voluntary precommitment policy. All gaming machines operating at the Melbourne casino will be required to connect to the statewide precommitment system from December 2015. Again I say that we are not compromising any of

our values or any of the policies and deals that are in place.

The member for Caulfield also touched briefly on ATMs. Since 2010 the government has implemented a ban on ATMs located within 50 metres of a gaming floor in Melbourne casinos, and the ban will continue. Again, these changes, this legislation and this deal will not impact on the ban. This is a very proactive measure. Certainly I am very proud of the government's commitment to supporting the separation of ATMs from gaming floors, and I am proud of the precommitment measures as well.

In conclusion, the bill will deliver significant financial benefits to the state while at the same time preserving the responsible gambling provisions that currently operate in Victoria, something we are very proud of. Let me be clear: this is not at the expense of responsible gambling. Crown is an important business to Victoria. As I said earlier, it is very important that we attract high rollers. Let us face it, international money is good money, and that is something we are very pleased to receive. Tourism is a winner. If you go to Crown Casino on a Thursday, Friday or Saturday night, you will see many people enjoying the entertainment features that Crown has, not necessarily gambling. I do not know the numbers, but there are an awful lot of people who are enjoying the entertainment that is on offer there and not necessarily having to gamble. We need to continue to see that Crown is an entertainment complex and a very important part of Melbourne and Victoria. This legislation, this new deal, will assist us to make the state more profitable and receive some of the benefits that flow on. I commend the bill to the house.

Mr PANDAZOPOULOS (Dandenong) — In speaking on this bill, I see that the problem the government has is that it says one thing in opposition and then does another thing in government. The Treasurer, who is at the table, was the shadow Minister for Gaming when in opposition. He used to talk about how the Labor government was hooked on gambling revenue, done deals, secrecy and a lack of transparency. He used to throw around words like 'corruption' at times. It is a lot harder being the minister. It is different throwing those things around in opposition versus being the minister.

The minister is embarrassed by this, and the reason we have the bill in the house at the moment is that the Treasurer messed up one of his budget measures. This is the same guy who used to come into this house and is on the public record, as can be seen when you look at *Hansard*, talking about the Labor government's dependency on gambling taxes and how it did not care

about problem gambling and how it did secret deals. When he was sitting there doing his budget papers, with the deficiency in his budget, he thought he would give a hit to the gambling industry because he thought he could extract more revenue because of his own dependency.

What happened was that the pubs and clubs sector, which is not in a position to go and argue the tax, particularly the club sector, had to end up copping it on the chin. Understandably, Crown went on to fight it. This is why we got a very different bill. I do not know how this bill was done. The way it should have been done was by senior public sector managers with commercial expertise sitting down directly with Crown's representatives to implement a government decision in policy to renew a licence. This is about renewing and extending a licence. When you are renewing and extending a licence, you should get extra value for the taxpayer.

No-one is saying that Crown should be gone. No-one is saying that Crown is not doing a good job. As many members have said, I am the longest serving gaming minister to date, and most of the relevant legislation, whether it be the Casino Control Act 1991 or the Gambling Regulation Act 2003, was amended in my term as minister. I am also the longest serving tourism minister, so I know what a great job Crown does for tourism and how important it is for our tourism offering. There is no doubt that there is a reasonable argument for extending its licence, and it wished for certainty up to 2050 to be able to negotiate that. It is of course very reasonable for government to extract a benefit for the public because it is an exclusive licence. The government gives that licence, and the community should be beneficiaries of it. This was botched from the start as a budget measure, which ended up having to be a negotiation on the extension of the licence, with some extra entitlements around gaming machines and table games.

What concerns me is that the government is not practising what it preached in opposition. We have not seen the transparency around us. What concerns me is that we have, like a lot of things with this government, a government that seems to be making things up as it goes along, which is why the government has difficulties at the moment going into the election. There is a lack of consistency in policy, and there is a lack of consistency in acting in the way that has been the practice in the past. For example, one thing we used to hear from government members when they were in opposition was that they were going to set up an independent, responsible gaming organisation that would have a look at policies and the implications of all

these things, yet these guys have not done what we were led to believe they would do if the government were to make changes in policy. It is an independent organisation that did not even want to go on ABC 774 to explain its position. Government members told us one thing when in opposition but have given us another.

The bill refers to social and economic impact assessments. I believe that if the government were decent and honest, it would do a social and economic impact assessment, and I believe there would be proved to be a net benefit. I am concerned that while the biggest gambling operator in Australia is not required to do a social and economic impact assessment, an RSL or a bowls club in a country town or in the suburbs asking for an extra five gaming machines has to do an assessment as part of its planning permit. Crown is excused from doing that. When we excuse ourselves from doing these things, some members would think that there is no transparency — they would think that there is secrecy. I do not think that that is good for long-term gambling policy.

No-one is saying that we are going to get rid of the gambling industry; like it or not, it is here to stay. A lot of people want to gamble, and many of them gamble very safely. There are a lot of checks and balances that support responsible gambling. Many of the measures that could have been introduced have been introduced. However, that does not mean that additional measures will not be undertaken in the future.

The clause in this bill that states there will be no changes in gambling policy that would affect Crown negatively is probably unnecessary. From my recollection, gambling licences have contained a clause that states that government action will not disadvantage the licence holder, whether it be a lottery, club, pub or the casino itself. This is standard for such licences, because in providing a licence under certain terms and conditions, it is not unreasonable under contract law that the licence holder should be protected from any measures that may disadvantage it. As has been shown, this does not mean that the government, on the basis of good reasons or additional evidence, cannot introduce additional measures. Therefore I do not know whether this clause is necessary. On instinct, I think it is not, but it provides a broad undertaking that gives Crown confidence for the future. However, this undertaking does not look good. No future government should have its hands tied by a clause such as this. Licences are usually based on contract law, and legislation should not be required to provide the government with additional obligations.

Gambling is primarily a technology-based activity. After enacting legislation, governments may subsequently decide they need to introduce additional regulations to protect licence holders from being disadvantaged. However, if these conditions do not exist at the time when the legislation is enacted, such clauses should not be necessary.

In the last 2 minutes of my speech, I want to talk about the important role that Crown plays in Melbourne. We have heard that it is the single-biggest site employer in Melbourne. From a tourism point of view, after Tourism Victoria, Crown is the single-biggest investor promoting travel and tourism to Victoria. That is the basic fact and reality. The vast majority of people who go to Crown are visitors to our city. Many locals also visit it, but we know from reading gambling policy documents that destination venues can have a lower impact on problem gambling than local venues, which are highly accessible to people from where they live — that is, they are a short drive or walk from their home. Crown is a destination venue, and it is not just a casino, so it has a different impact than local gambling venues. From the way that I read this bill and the way I understand the changes it will introduce, it seems to me that if a socio-economic impact assessment were made of Crown, it would be shown to have a net benefit to the city.

Crown Casino has a monopoly, which means its impact is lower than the impact we would have if we had many casinos, as is the case in other cities around the world that have several casinos competing with each other for a local suburban population. Having a single-licence casino encourages that casino, and the government in drafting the casino's licence, to focus on the international and interstate visitor market. That is why Crown is the single-biggest private sector promoter of tourism and travel to our state. It is important that I put that on the record.

When I became Minister for Gaming in 1999, the front pages of newspapers in Australia, irrespective of which party was in government, were all negative about gaming. That has changed dramatically because the community has greater understanding of the role of Crown, but governments have also introduced major reforms. The Labor government worked hard to be transparent in the changes it introduced, and the most recent changes with regard to Crown were transparent. When the Kennett government awarded Crown its licence to run Melbourne's casino, Crown was supposed to build a lyric theatre. It did not want to build a lyric theatre, and the government did not want a lyric theatre at Crown to take resources away from our

public institutions. We came up with a good arrangement.

The ACTING SPEAKER (Ms Ryall) — Order! The member's time has expired.

Mr SHAW (Frankston) — I will be brief because my voice is sore. Clearly that would not be apparent to readers of *Hansard*!

Members who have spoken on this bill have referred to the stock market. I have had dealings with the stock market in the past. Stock markets never reflect what is happening in the marketplace. Back in 2007, during the crash, Conzinc Riotinto shares were over \$115, and they subsequently crashed to under \$30. Does that mean that Rio was taking less iron ore out of the ground? I do not think so. Were people buying less iron ore? No, they were not. Markets regularly operate according to fear and greed. I do not buy into the argument that the prices for Crown have not moved, which would mean that markets understand what is occurring with regard to Crown. They do not understand what is occurring.

I will discuss eCorp, a company that James Packer owned in the late 1990s. It was priced in the cents when it was first introduced. It then went to \$8.80 quite rapidly and was then delisted. Was the market right that eCorp should rise to \$8.80? What was the basis for this increase? It was pie-in-the-sky, dotcom-type stuff. There was nothing there. Do not tell me markets will come to a fair price all the time. The markets operate on the basis of fear and greed.

Before 2007 Macquarie Bank was hitting \$98, and it would have been the first bank in Australia to hit \$100, but it dropped to under \$20 in a very short period of time. Let us not believe that the markets understand what is occurring in the Victorian Parliament right now. They do not. The markets operate on the basis of fear and greed, not fundamentals. The marketplace is a fickle environment.

There are a couple of things that I do not like about this bill. It is not a good business deal for Victoria. It is not a good social deal, and it is not a good deal for Victoria's future. I do not like that the lowering of maximum bet limits for table games and electronic gaming machines would trigger a compensation payment, especially when there are currently discussions about maximum bets of no more than \$120 per hour lost. The point is not a question of whether we as members agree with that limit. The point is it is being debated, and we are making it difficult for that debate to result in legislation. If future governments legislate to set such a limit, they

may incur massive penalties of up to \$200 million per Parliament. That is not fair for future governments, and it is not good for the future of Victoria.

I heard what some other members have said regarding Crown Casino. Yes, it has done a fabulous job. I visit restaurants in the Southbank precinct. It has been good. I heard the member for Dandenong, who is a former Minister for Tourism, say it has been great for tourism in Victoria, and I agree with that as well. But just on this bill and just talking about this compensation package, I do not think it is as good a business deal for Victoria as people are saying. I do not think it is a good social deal for Victorians and I do not think it is a good deal for Victoria's future.

Mr PERERA (Cranbourne) — I wish to make a contribution to the second-reading debate on the Casino and Gambling Legislation Amendment Bill 2014. First, let us go through the proposed deal. In the 2013–14 budget update the government originally tried to impose an additional tax on Crown Casino's electronic gaming machines of \$22 715 per machine each year. The casino currently has 2500 machines on its floor, so the tax was predicted to bring \$56.8 million per year to Victoria's coffers. That works out to a little bit over \$1 billion between now and 2033, when the casino licence was originally due to expire.

This new deal will bring in an additional \$910 million for the state between now and 2050, and that is only if Crown Casino's profitability increases by 4.7 per cent a year for the next 10 years, so even on the raw numbers it is clear that the government has surrendered unconditionally on behalf of Victorians. The payments are structured in a way that suits the Treasurer's bottom line before the election, because he will get an immediate cash injection of \$250 million, which will come in handy to distribute to marginal seats.

What did Crown Casino get in return? Quite a bit: the removal of the supertax on VIPs; 40 new gaming tables; 50 new automated game tables; the right to purchase another 128 poker machines; a 17-year extension on its licence, taking it from 2033 to 2050; and regulatory certainty. Crown has been given special treatment in relation to regulatory certainty, which is of major concern. The government would be liable if it lifted an exemption that allows gamblers to smoke in Crown's VIP gaming rooms or if it made any changes aimed at addressing problem gambling, such as lowering betting limits on tables, restricting access to ATMs or installing precommitment technology on poker machines.

It binds all future parliaments through to 2050, so that if changes are made — in particular problem gambling measures but also changes to taxes — that might affect Crown's profits, up to \$200 million in compensation is payable within one term of government. The money would be paid if any new rules aimed at curbing problem gambling hit Crown Casino's bottom line. Interestingly, the member for Caulfield said that this is not a good deal for the casino and that its share price has not gone up. I am not sure whether he was serious or joking. I do not know of any casino in the world that has got such a lucrative deal from a government in the recent past. A Labor government would not have undertaken a deal of the same shape or form.

Who voted at the last election to give Crown Casino a free kick until 2050 on problem gambling and smoking reforms? This was not presented to voters at the last election. Who voted to give Crown more poker machines and gambling tables and reduce VIP tax? This was not an election commitment by the Liberal-Nationals coalition in the lead-up to the 2010 polls.

One-third of Crown Casino's revenue comes from international and interstate VIPs. Unless Crown can continue to attract these visitors, it will be impossible for the Victorian public to get a share of this revenue. When the VIP supertax was introduced, it achieved this aim. Crown's VIP business was competitive, and it allowed Victorians to reap a greater benefit. Crown says its management agreement with the government means any variations require the agreement of both parties. Few sectors in Victoria have the same power. Car manufacturers, cannery workers and even TAFE colleges cannot veto government policy; they have to cop it.

Crown Casino exists in Melbourne only because the government provides it with a licence. The government controls the licence, not Crown. Governments are elected to govern, and if a government believes the casino is not paying enough tax, it can charge it more. Few of us as individuals or companies get to negotiate our tax rate, but the Liberal government appears to be gifting Crown that right. Crown is already on a good deal with its \$1-a-year rent for its large Southbank real estate. Unlike the situation in Sydney and possibly Brisbane, Crown is not facing competition from another casino. Crown is Melbourne's monopoly casino operator, with thousands of poker machines. It is the only poker machine venue allowed to operate 24 hours a day, seven days a week, and the only venue where smoking is allowed in some areas. The common phrase in gambling, 'The house always wins', was never more

appropriate than when it comes to Crown Casino's special treatment in Victoria.

Melbourne's Crown Casino is not only Australia's premier land-based gambling venue but the largest gaming complex in the entire Southern Hemisphere. As such, you would expect it to be a mecca for the most popular casino game in the world — blackjack. However, the Southbank establishment, along with its sister site in Burswood, Perth, has become something of a no-man's-land for players of twenty-one, or real international blackjack, in recent years due largely to the introduction of a controversial format known as Blackjack Plus. The original Crown blackjack game, which is the international standard blackjack game, bore a theoretical return of around 99.44 per cent — that is, playing with good strategy you could expect to regain about \$99.44 of every \$100 wagered. With Blackjack Plus, that rate sinks as low as 97.14 per cent when using a full shoe of eight standard decks. In the blackjack world, where the casino's mathematical advantage is often less than 0.5 per cent, a house edge of 2.8 per cent is extremely high.

This is an example of Crown not even doing the right thing by international standards and being too greedy. Victoria's share of international and interstate VIPs has been declining, which diminishes one of the key economic benefits of having a casino in Melbourne. I am sure this type of unreasonable money grabbing from punters would have contributed to this decline. With only 1 in 10 people with gambling problems reaching out for help, we aim to make getting help as simple and as easy as possible. Our Many Ways to Get Help campaign promotes the different ways people can get help with their gambling problems. Certainly responsible government and non-government organisations need to address this issue aggressively in the future to save problem gamblers. The bill exposes the state government to up to \$200 million in compensation to Crown if new problem-gambling or smoking legislation changes adversely affect Crown. This is a poison pill. There should not be any impediment whatsoever to implementing solutions to problem gambling if we believe them to be necessary. Unfortunately this deal will stop any further campaigns.

We know Crown has a lot of muscle and a lot of money to throw around. It is a huge employer in Melbourne and pays more than \$200 million in tax a year to the state's coffers. One of the key reasons that Labor does not oppose the bill is that we acknowledge there is a need to update Crown's licence to keep it internationally competitive. The other key reason Labor is not opposing the bill is that we need to support jobs. Crown employs almost 9000 people. When Labor left

office the state's unemployment rate was 4.9 per cent. It is now 6.8 per cent. The Premier has congratulated himself in this house on his job-creation performance; apparently this type of economic management is in the coalition's DNA. Labor created more than 252 000 jobs in its last four-year term. In three years and nine months the Napthine government has created just 102 000 jobs, only 40 per cent of Labor's achievement.

The government should have taken this arrangement to the election to let the public decide on this important policy issue. The government should have postponed the Crown Casino deal until after the election. It is a very important deal. It is a big deal. The licence will be extended from 2033 to 2050. It is a high-stakes measure. I welcome Crown's undertaking to retrain and employ 500 recently retrenched employees.

Ms THOMSON (Footscray) — I rise to speak on the Casino and Gambling Legislation Amendment Bill 2014. I do not do this with any pleasure, because I do not believe the bill should be before this house at this time. While Labor does not oppose the bill, we believe it is the ill-thought-out arrangements by the Treasurer in the lead-up to the 2014–15 budget which have put us in this position. This is indicative of this government's failure to consult properly on a lot of legislation that it brings before the house, as well as on some projects. It would have been nice for there to have been proper consultation over the east–west link. That would have been a good idea; maybe then we would not be facing the circumstances we now face on that issue.

One of the key reasons that Labor will not oppose the bill is that we acknowledge there is a need to update Crown's licence to keep Crown internationally competitive. Crown is the largest single-site employer in the state. We acknowledge that. It is not just about the gaming machines but the fact that there are restaurants, shops and other attractions that bring people to Crown, making it the centre of activity that it is. Having said that, this is a deal that is good for Crown. It is not such a great deal for Victoria. It probably should never have been a deal that needed to be done if the Treasurer had got his stuff right in the first place and understood what he was getting into.

I do not think Clubs Victoria or the hotel industry would be happy with this bill at all. They shouted loudly at the time the Treasurer brought in the changes to their gaming tax take. They shouted loudly that this was going to damage and hurt them, but Crown was silent. Crown knew it could afford to be silent because it knew it would be able to negotiate a better deal for itself. That is exactly what Crown has done, while leaving the small gaming enterprises — whether they

be hotels or clubs that generally give their money back to the community — struggling as a consequence of what the Treasurer has done to them. That is an indictment of this government.

Members on both sides of the house accept that we are going to have a gaming industry and that it is not all about Crown and poker machines. There are a multitude of ways in which people can gamble if they want to — racing, online betting and the TAB — but the truth is that small clubs that rely on that money to sustain their sporting activities or to give back to other community interests in and around where they are based have been hurt by this government while Crown has been given a huge gift. Labor is also waiting on the detail so it can understand what the contracts mean and what governments can do to ensure that problem gambling continues to be dealt with.

Everyone should have the right to have a flutter, to go and have fun and play roulette or whatever it is they do — I cannot tell you what they do, as I do not gamble except to have a flutter on the Melbourne Cup — but apart from people's right to have a bet, we have a responsibility to those who get themselves in over their heads and have a real problem dealing with gambling to ensure that we have mechanisms in place to support them to get out of problem gambling. We do not know how the restrictions set out by this legislation will impact upon government measures that aim to do that. The fact that Crown has to be compensated if we put those restrictions in place is anathema to us. It is a pity that we are in this position of debating this legislation with such concerns hanging over us because governments should be able to say, 'We need to regulate further in this area to protect those who have become so vulnerable and need help and assistance'.

There has been some debate about Labor's initiatives in this area, so I remind the house that it was Labor that proposed to ban ATMs at gaming venues and it was Labor that implemented a licensing regime to protect the smaller gaming venues, because those are the ones that definitely do give back to the community in spades. It was Labor that was prepared to do all that. It may have meant fewer dollars entering the coffers of the state government, but it did mean that there was more community activity and support. Labor was also prepared to have fewer dollars coming into the state coffers if it meant the government was helping people break their gambling habit. Labor was prepared to see gambling revenue decline over time if it meant less revenue was received from problem gamblers.

However, we do accept that Crown occupies an international space and has to compete in an

international market. We accept that high rollers could gamble anywhere in the world — there are plenty of casinos in Asia — but they choose to come to Crown Casino to stake their bets, and hopefully lose lots of money! We do not mind if these high rollers lose their cash, because they can afford to and it is to the benefit of Victoria. But for that to happen Crown must remain competitive, and it is for this reason that Labor does not oppose this legislation. Make no mistake, we do not believe we should be in this position of having to debate it. We believe the Treasurer should have gotten this right in the first place by speaking to Crown and properly consulting with Clubs Victoria, the Australian Hotels Association Victoria and those who deal with problem gamblers. Had those consultations occurred properly, the government would have gotten this bill right in the first place and we would not have needed to renegotiate the deal with Crown Casino.

This is a sad day for Victoria. I do not think this is a great deal — but then none of us have seen the contracts and none of us know any detail about what is in them. That said, we do admit that Crown Casino is a major employer in this state. That might be an indictment of this government because it has no jobs plan despite the closures in our manufacturing industry — we should have many more companies capable of employing large numbers of Victorians in other industries.

Irrespective of that, Crown is a large employer through its gaming operations, restaurants, cinemas and retail shops down at Southbank. It is a large and diverse employer. It is also an important employer, which is why we welcome the fact that it is prepared to employ some of those who have been left unemployed by the closure of a number of manufacturers due to this government's failure to create a jobs plan that broadens, rather than narrows, our industry base. Unfortunately that is what is happening in Victoria — instead of broadening our opportunities and providing training for jobs growth we are narrowing them.

It is very sad that we should rely on a consumer-driven job base rather than building our manufacturing industries. The government could also be creating the industries of the future by accepting that climate change is real and building up our innovative environmental industries to respond to that. The government could be doing any of those things, but instead it is doing none of them because it is not a government that innovates. This is not a government that helps drive the economy for the future; it narrows it instead. That is an indictment of this government, and that is why it should last only four years. While it does not endorse this legislation, Labor does not oppose it — though it does

wish that the government had got it right in the first place rather than create the situation currently facing this Parliament.

Mr O'BRIEN (Treasurer) — I am pleased to conclude the debate on the Casino and Gambling Legislation Amendment Bill 2014. At the outset I thank the members for Tarneit, Lyndhurst, Dandenong, Cranbourne, Footscray, Caulfield, Murray Valley and Frankston for their contributions. This is an important bill for Victoria. It is an important bill to support jobs, investment, tourism and a very strong financial outcome of Victoria's bottom line.

A number of matters were raised in this debate. I will try to respond to them briefly. The member for Footscray raised concerns about what is actually in this agreement. I direct her to clause 8 of the bill, which inserts a new schedule 11, containing the agreement, into the Casino (Management Agreement) Act 1993. The details are set out chapter and verse in the bill.

There was some commentary from the members for Tarneit and Lyndhurst and some other members comparing arrangements regarding the casino mooted by the government during its budget update last year. We made the point in the budget update that we wanted to flag where we thought our discussion with the casino was going. The first point was transparency: we were very up-front and transparent about the fact that discussions were being undertaken with Crown Melbourne in relation to its terms. We put out a statement on 13 December noting that:

The introduction of a casino electronic gaming machine levy and the associated estimates in the 2013–14 budget update are subject to the satisfactory conclusion of negotiations and mutual agreement between the Victorian government and Crown to establish an outcome that delivers real value for both parties.

The member for Tarneit suggested that some of the estimates in the budget update compare unfavourably with what is contained in this agreement. I point out to the member that in fact what was in contemplation at the time of the budget update was very different to what is in the final agreement. The basis of negotiations and agreements is that they do move over time. Unfortunately the member for Tarneit is comparing apples with oranges because the matters under contemplation by and in discussion between the government and Crown in December last year had a very different outcome to where we landed. I can assure the member for Tarneit that this government has extracted a very satisfactory financial outcome for the concessions that have been provided to Crown through this agreement.

I can confirm on the record that the return-to-player obligations for Crown Melbourne for its electronic gaming machines do not alter as a result of this bill or its agreement. The pubs and clubs have a different return-to-player ratio. I should say that is simply a minimum, and it is very much a matter for those pubs and clubs to determine whether they want to adjust their current return-to-player ratios. My understanding is that the peak bodies have indicated that their members do not intend to take up that opportunity. That is entirely a matter for them, and the government does not seek to dictate to pubs and clubs — or indeed the casino — how they should set their return-to-player ratios, other than obviously requiring compliance with the law.

The member for Lyndhurst raised an issue about the power to extinguish entitlements for gaming machines. As the member noted, the reason this power is contained in the bill is to ensure that the statewide cap of 30 000 electronic gaming machines is maintained. We do not believe Victorians wish to see an increase in the number of gaming machines in this state. Because of the way the Labor government conducted the gaming machine entitlement option process — and the member for Caulfield pointed out the \$3 million loss to Victorians which the Auditor-General identified — there are a number of gaming machine entitlements that were not issued. In effect there are no entitlements being taken from pubs and clubs; these are entitlements that are currently unused at this point in time. They have been taken off the shelf and been provided to Crown Melbourne under this arrangement, but we are determined to ensure that there will be no net increase in gaming machine entitlements in this state.

I can certainly provide assurances to the member and to interested parties that there is absolutely zero intention to ever seek to use the power provided to the minister to extinguish entitlements in any sort of capricious way. Some would say the fact that a minister has the power to create an entitlement denotes a power to also extinguish those entitlements. This is more a matter of legal clarification than anything else. I can assure the member there is no intention whatsoever to remove and extinguish any entitlements that any pub or club holds.

The member for Tarneit also raised the role of the umpire and the experts in the legislation itself. While it is set out in detail and while it is complex, it is also a matter of transparency. We are setting out exactly how the agreement operates. It is effectively a form of alternative dispute resolution, but importantly it does not seek to operate as a privative clause. It does not seek to operate to exclude the inherent jurisdiction of the Supreme Court of Victoria in determining any of these matters. In fact that is contemplated specifically in

the agreement itself, and the powers of courts to issue injunctions are absolutely preserved.

We do not seek to say this is something that excludes courts, but as in many business agreements where there are opportunities — particularly in dealing with technical business concepts in relation to the gaming industry — to bring in experts to seek to assist the parties to have resolution on triggers and on compensation levels, that is the preferable option. It does not seek to exclude the court from the court's inherent jurisdiction. I think that is an important safeguard for the people of Victoria. They should know that ultimately it will not be politicians and it will not be casino executives, but it will be the Supreme Court of Victoria that will have the final say in terms of interpreting matters such as this.

I welcome the position of the opposition in not opposing this bill. Certainly when the Brumby government provided the public with information that it had entered into an arrangement with Crown — on, if memory serves me correctly, 12 September 2009 — there had been no suggestions beforehand that that was going to happen. By contrast we have been flagging publicly, probably for the best part of the year, that the government was in discussions with Crown. I think there is a great deal more transparency here than there was in previous processes.

Be that as it may, I understand from my time as the Minister for Gaming and also from my time as the shadow Minister for Gaming that this is always going to be a hotly contested area of public policy — and so it should be. Gambling is an important activity. It is important economically, and it has some very adverse social consequences. It is important for that reason that governments take seriously their responsibility to do more to tackle problem gambling. That is why on coming to office this government increased the funding for problem gambling by 41 per cent. The former government spent \$132 million over five years on problem gambling. This government has spent \$150 million over four years — that is a 41 per cent increase.

We have also effectively implemented the ban on ATMs from pubs and clubs with gaming and instituted the 50-metre exclusion from the gaming floor at Crown. We have set up the Victorian Responsible Gambling Foundation (VRGF), an independent body and I should say a bipartisan body. The foundation is very much modelled on VicHealth. Sometimes this Parliament does its best when it acts in a bipartisan way. The VRGF board has representatives from the Labor Party and from the coalition as well as

independent experts. I acknowledge that the member for Geelong is a former member of the VRGF, and I acknowledge his great contribution to that body. Members of the coalition believe that governments have a responsibility to act seriously in relation to tackling problem gambling. As Treasurer and a former gaming minister, my concern is that increasingly online gambling is taking over, and there are far fewer safeguards in relation to online gambling than exist at a racetrack, a Tattsлото agency, a gaming venue or even a casino. I think there needs to be some more cooperation, particularly with our federal colleagues, on how some of the real challenges in relation to responsible gambling in the online environment can be dealt with.

I conclude by thanking all members for their contributions to this important debate. This bill will help secure jobs, help support investment and tourism, and deliver a strong financial outcome to the state of Victoria.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

Clerk's amendment

The ACTING SPEAKER (Mr Morris) — Order! Under standing order 81, I have received a report from the Clerk that he has made a correction in the Casino and Gambling Legislation Amendment Bill 2014 as follows:

In Clause 6, page 4, line 27, I have deleted the square brackets around '2.2(a)'.

**EMERGENCY MANAGEMENT
AMENDMENT (CRITICAL
INFRASTRUCTURE RESILIENCE)
BILL 2014**

Second reading

Debate resumed from 17 September; motion of Mr WELLS (Minister for Police and Emergency Services).

Ms GREEN (Yan Yean) — I join the debate on the Emergency Management Amendment (Critical Infrastructure Resilience) Bill 2014. The bill amends

the Emergency Management Act 2013 and makes consequential amendments to the Freedom of Information Act 1982 and the Terrorism (Community Protection) Act 2003. The main purpose of the bill is to provide new emergency risk management arrangements for Victorian critical infrastructure, including by establishing the Victorian critical infrastructure register. Labor recognises how vital it is that Victoria is disaster resilient and safe. I know this only too well, having been involved with the terrible effects and impact of the Black Saturday fires on my electorate and surrounds on that terrible day in 2009.

Since that time we have learnt that it is essential to be prepared to respond to emergencies. Prior to Black Saturday a number of severe wind events and severe heat events occurred, and former emergency services commissioner Bruce Esplin reported on the impact of extreme weather on critical infrastructure and services and on households and industry, such as impacts on power and utilities, particularly gas and water supply.

My community is particularly impacted when there are power outages, because much of my community does not have access to reticulated water. It is a constant struggle to ensure that all municipalities and all agencies understand this. Many times I have had to contact power authorities and plead for specific areas that are not connected to a reticulated water supply to be given priority when returning communities to service. If people do not have a reticulated water supply and no power, then they cannot pump water. In a period of high fire danger it is absolutely imperative that power is restored so that water can be pumped not just for human consumption but for emergency purposes and firefighting.

There has been a lot of commentary in this debate, with people focusing on the terrorism threat. With today's arrests in Brisbane and Sydney, that issue is at the forefront of our minds. I have a great hope that the threat of terrorism will recede. However, due to climate change, the frequency and severity of weather events will continue to have big impacts on our community, and governments need to be cognisant of that.

It is not widely known by the community that more people died as a result of heat-related illnesses prior to Black Saturday than the terrible toll of the 173 lives lost as a result of the fires on Black Saturday. That sums up why we need to have a critical infrastructure management framework.

I visited New Orleans five years after Hurricane Katrina and learnt about what it had been like for those people. I do not think any of us will forget the horrific

scenes inside the sporting stadiums, where people were trying to survive, and the failure of systems. People do not think these situations can happen in a First World country. For example, people in aged-care facilities were abandoned and left to die due to the rising floodwaters, and it was not the floodwaters that caused their demise but the fact that they had been abandoned.

I have some real concerns about what is not occurring currently in our emergency management. There have been some quite severe winds over recent months. One would think that in a community such as Kinglake every agency would be right on the ball to ensure that communities are not impacted adversely by the loss of critical infrastructure, but there are still areas of Kinglake, Strathewen and Humevale that even now, some weeks after the failure of the mobile phone service — people in the house might have seen photographs in the media of a telecommunications tower on the Sherwin Ranges, the top third of which had snapped and toppled over — have not regained mobile phone service, and there are still significant dead spots.

I have also heard reports of telecommunications companies that have halved their expenditure on maintenance. Formerly the eradication of weeds and other vegetation around critical telecommunications infrastructure would be done twice a year, but I am advised by some very well-informed sources that across Victoria this is now only occurring once a year.

What can people rely upon? We now have a national emergency alert system, which would have been in place in time for Black Saturday had the Howard government not refused to make the necessary telecommunications changes after Victoria had pleaded for those for some years. It was only after Black Saturday that those changes in federal legislation were made. We now have this emergency alert system, as I say, but it is incredibly at risk because of telecommunications companies halving their maintenance regimes and because vegetation is growing right up to these towers. The infrastructure people rely on to get an alert so they can prepare to respond to a disaster, whether it be a fire, flood or anything else, is definitely at risk.

The government received a relevant report at the end of 2012, and it is disappointing that it is at almost the end of 2014 that we see this bill come before the house. That is disappointing. Labor recognises that our fantastic emergency services personnel do a fine job, whether they be police, firefighters across all three agencies — the Country Fire Authority, the Metropolitan Fire Brigade and the Department of

Environment and Primary Industries — paramedics, doctors, nurses or staff of all the other volunteer agencies that kick in when there is an emergency. These include St John Ambulance and Red Cross staff. It is disappointing that their work is not being supported by having timely functions around critical infrastructure.

This government could be culpable itself in terms of poor management of public land, given the cuts to the Department of Environment and Primary Industries, which has been absolutely cut to the bone. A lot of the fuel reduction on land close to settlements that ought to have been conducted has not been. This is the case at St Andrews. There are public buildings under construction which are costing hundreds of thousands of dollars extra to build. The department has said it is sorry but it does not have the budget to manage the Crown land immediately to the north of St Andrews, which only just survived the Black Saturday fire. We are also seeing Country Fire Authority brigades in regions where risk is highest, including the Whittlesea-Eden Park, Plenty and Wattle Glen brigades, not getting the infrastructure they need.

This is an important bill. It puts a good infrastructure risk regime in place, but the government should not just talk about what others need to do; it needs to act on its own behalf and do the things it ought to be doing to protect communities, not just saying others should do so. I welcome the appointment of the chief resilience officer.

Mr Battin interjected.

Ms GREEN — The member for Gembrook is an empty vessel. He ought to listen and not interject. He had his turn. I commend the bill to the house.

Mr SCOTT (Preston) — As was noted by the member for Yan Yean, the opposition is not opposing the Emergency Management Amendment (Critical Infrastructure Resilience) Bill 2014. At the outset I place on the record that this bill should be seen in the context of a long series of pieces of work that have been undertaken principally since the terrible events of 9/11 and the terrorist attacks on Bali, after which the former Bracks government passed the Terrorism (Community Protection) Act 2003. Over time — and as the Acting Speaker would be aware in the context of the work the Public Accounts and Estimates Committee (PAEC) undertook on similar issues — there has been a shift in government. It is a shift which, to be honest, is not quite reflected in the material that has been presented around this bill; it is a shift that predates this bill. It is one that has become an all-hazards approach.

This bill seeks to see threats to critical infrastructure not only in the context of terrorism attacks, as important as doing so is to protecting the community, but also in terms of ensuring that whatever the threat is, be it natural or man-made, critical infrastructure in Victoria is protected and available to the community in those contexts. Some of the material relating to this bill, such as the second-reading speech, seems to present this shift as a recent development, but given the PAEC work I am happy to inform the Parliament that that shift predates this work. It has been government policy for some time to use an all-hazards approach.

Before turning to some of the aspects of the bill, I note that I would be interested if the minister, in his summing up, or any other government members, in speaking on the bill, would address some of the issues that arose at PAEC, that relate to this bill and that do not seem to be directly addressed, including the role of central agencies and their responsibilities. The bill deals with a number of matters but not particularly, as far as I can see, the role that central agencies play, the relevant reporting and the need for central agencies to cooperate with line agencies and with each other in ensuring that critical infrastructure is protected. That was a matter that PAEC considered.

I do not usually commend the Treasurer's comments in this house, but it is true that some of the best work undertaken in the Parliament is bipartisan, and that work of PAEC, which relates to the subject matter of this bill, involved a very bipartisan and cooperative process. It led to an exploration of how the bureaucracy, rather than the political class — if I can put it that way — deals with important and sensitive issues related to community protection, an exploration that as far as I could see was not politicised in any way, shape or form. PAEC was trying to seek information which would assist to protect the community by exposing in a sensitive way — and these are sensitive matters — how the bureaucracy in some cases was failing to coordinate properly. I will be interested to see whether this bill will respond to those issues which have been the subject of parliamentary committee scrutiny.

Turning back to the bill, it looks to establish a register of critical infrastructure and to ensure that there is more appropriate management and planning around it. It also creates an offence in relation to failing to manage critical infrastructure. The committee undertook work in relation to a Victorian Auditor-General's report on preparedness to respond to terrorism incidents, and as I discussed, there has been a shift beyond that to ensure that there is a broader view of critical infrastructure from an all-hazards approach.

The bill provides for an annual resilience improvement cycle and requires responsible entities to provide to the relevant minister a statement of assurance and risk management plans and to demonstrate they have tested their planning preparedness and their prevention response in relation to emergencies or their recovery capability after an emergency, in addition to conducting an audit. These specifics will be subject to regulations or guidelines. We only have one more sitting week, but this is an area where it would be useful for the public to be informed about some of the regulatory guideline requirements in a manner that does not risk providing such information to those who might have nefarious intent.

As I said, an offence has been created for failure to complete required action under the legislation without reasonable excuse. The penalties can be up to \$88 000 for individuals and half a million dollars for corporations. I understand they are approximate figures. Obviously these are penalty units in pieces of legislation that are indexed over time.

Relating my contribution to the previous work of the Public Accounts and Estimates Committee, I would hope that the regulatory framework and responsibilities do not simply flow down. The Labor Party does not oppose the creation of penalties for agencies or individuals that fail to comply with this important work. The issue that was highlighted to the Public Accounts and Estimates Committee was not the failings of agencies down the line, rather it was the failing of agencies at the centre of government. While I acknowledge that there is some logic and rationale for the creation of such penalties, the concern I raise is that there is a critical role for the central agencies of government in ensuring proper coordination in dealing with these sensitive matters, and it would be inappropriate that the only response would be to create penalties and accountabilities among agencies that have direct responsibility for the management of such critical infrastructure if there is no commensurate responsibility on central agencies and their coordinating role in government.

Without verballing other members of the committee, a bipartisan view was formed that central agencies needed to play their role and ensure that particularly the coordination role for which they had responsibility — in some cases statutory responsibility — was taken as seriously as the good work that is done by agencies which have direct responsibility for managing the infrastructure itself.

Returning to the bill, it also provides that the inspector-general for emergency management will have

a function in monitoring, reviewing and assessing critical infrastructure resilience at a system level. The bill contains transitional arrangements for repealing parts of the Terrorism (Community Protection) Act 2003, and there is a transfer of responsibility for holding information from Victoria Police to Emergency Management Victoria. There are amendments to the Freedom of Information Act 1982 to exempt documents if they are held or created for counterterrorism or critical infrastructure resilience, including related to details of the register. I say from a personal perspective that there are obvious reasons why such exemptions exist. We live in a society where there are individuals who have been arrested for planning terrorist attacks. There are obvious reasons why material that could be of assistance to persons planning such attacks would not be available under freedom of information laws. There is rightly in some cases suspicion about changes to freedom of information laws to limit access, but this is one example where it is almost self-evident as to why such restrictions would be necessary. It is important to protect critical infrastructure and information relating to it in these contexts.

While the opposition does not always wholeheartedly support limitations on freedom of information for obvious reasons, this is an area where I would argue it is self-evident why access to freedom of information needs to be restricted. It is an area in which the provision of such information has the very real potential in some circumstances to endanger the community and the provision of critical infrastructure to it. That is a sensible limitation of the rights of individuals to access freedom of information and hence, as I stated, the opposition does not oppose the bill or those provisions.

I will limit my comments as my time is coming to an end, but I would be interested for any government speaker or the minister who is providing further commentary on the bill to note how the role of inspector of emergency management, who has been ascribed the monitoring and reviewing functions, relates to central government agencies such as the Department of Premier and Cabinet. That would be a useful piece of information to provide to the Parliament, as well as details of what reporting arrangements there are with central government.

Mr PALLAS (Tarneit) — I rise to contribute to the debate on the Emergency Management Amendment (Critical Infrastructure Resilience) Bill 2014. I note that the bill makes a series of amendments to the Freedom of Information Act 1982, the Emergency Management Act 2013 and the Terrorism (Community Protection) Act 2003. The aim of the bill, as principally stated, is to

provide for new emergency risk management arrangements for Victoria's critical infrastructure and also for the establishment of the Victorian critical infrastructure register. In many ways this work is a vital function of state government. It is about planning. It is about having a clear appreciation of where risk is and how risk should be minimised and ultimately responsibly managed for the community.

This is vitally important work for the state of Victoria. Without forewarning and long-term planning, as well as an appreciation of the risks associated with our critical infrastructure, our community is opened up to even greater risk and indeed disaster. From the outset I make it clear that in supporting this bill we need to recognise that making our infrastructure resilient and safe is a vital function of the state, a vital responsibility of government and one on which those on this side of the Parliament will seek to support the government in its efforts. Emergency response needs to be managed in a way that is both best practice and also recognises our preparedness to respond to emergencies. It does not really matter what sort of emergencies we are talking about. Whether they be natural or accidental disasters, or dare I say it something caused by those who wish to do our community harm in terms of a terrorist incident, it does not really matter, because all of these things need to be planned for as they all put the community at risk. An appreciation of the risk and a response to that appreciation in terms of proper and prudent planning by government is vitally important.

The bill builds on work undertaken by previous governments regardless of their political complexion. This is the essential responsibility of government. Indeed the Bracks and Brumby governments made substantial efforts to ensure that our infrastructure was prepared, resilient and safe. But of course work must go on.

I think Victorians have a very strong view. The bipartisan nature of the actions incorporated in this bill really does show that there is a need to ensure not only that our infrastructure functions well and performs the tasks it is intended to perform but also that it is capable of withstanding the problems that might confront it in the face of disaster or emergency, and that we as a community are prepared in terms of our emergency services response. The work of our police, our emergency service workers — whether they be firefighters, paramedics or lifesavers — and even our doctors and nurses; the integration of those responses; and an appreciation of how we as a community not only deal with risks around infrastructure but are capable of responding to disaster when it occurs are critically important. Critical infrastructure resilience is

about — hopefully — avoiding the need for an emergency response and recognising that if such a response is required, we have the capacity to deal with the situation appropriately.

We recognise that this function should not be considered in isolation. In many ways it is the responsibility of the public sector to respond — it is not just our emergency services but also our departmental staff who play a critical role in all of this — but the private sector has also played and continues to play a part in our emergency services and critical infrastructure response. It is important we appreciate that this is a community-wide effort. It is not just an effort of individuals. It is not the sort of function that should be performed at one point in time and then returned to at a predetermined later point to be looked at. A continuous and diligent effort is required to ensure the proper functioning of our essential services — that is, the services that the 2002 review of the commonwealth, which was followed by a Council of Australian Governments decision in 2004, defined as services the disruption of which would substantially disrupt normal life for a significant sector of the community.

Understanding how those essential services impact on our community and how their compromise would impact on our community is vitally important. Whether those services be water, electricity, gas or vital pieces of infrastructure, an appreciation of their cost and redundancy risk is vital for the state. It is important to take that into account, to effectively plan for the compromise of this infrastructure and to provide for ways of dealing with such a compromise, but of course the most important thing is to know what our critical infrastructure is and what actions need to be taken in order to preserve it, how to protect it when it is at risk and, finally, how to minimise or obviate the impact upon the community in circumstances where it is compromised. All of those issues are vitally important for an effective emergency management response, and they are also vitally important to an appreciation of our critical infrastructure resilience and how we recognise and plan for that.

In the Comrie review of the 2010–11 flood warnings and response a series of recommendations were made around Victoria's emergency management arrangements. The recommendations were aimed at making sure that we could bring about an effective all-hazards, all-agencies strategic approach. That is a key part of the process. Bringing down the walls and barriers in terms of interaction between agencies is a vital part of having an effective response. That does not mean that each agency does not serve a vital and crucial

role in its own right. Making sure that those agencies work well together is a key component of any well-structured critical incident response. It is the responsibility of all those agencies to review and assess their assets' value and the risk of those assets to the community in a holistic sense. The review also outlined new management arrangements for Victoria's critical infrastructure resilience and the government's industry partnership approach on all-hazards approaches, including providing critical infrastructure ratings through a review of Victoria's critical infrastructure.

It is Labor's clear intention not to oppose the bill. We recognise that Victoria must maintain a vital and vibrant response to disaster, and we appreciate the level of resilience and safety required of our key infrastructure. The reality is that in many senses the owners and operators of infrastructure do the right thing, but they need to be effectively held to account. Putting in place the most stringent practices to prepare for and respond to emergencies is a vital function of the state and a function that we support. As a consequence, we do not oppose this bill.

Mr WELLS (Minister for Police and Emergency Services) — I thank all members for their participation in the Emergency Management Amendment (Critical Infrastructure Resilience) Bill 2014. We certainly live in a different world now, and it is the government's responsibility to make sure that people in the state are safe. Furthermore, it is our responsibility to make sure that critical infrastructure is protected in times of high alert.

This bill will ensure that proper risk management plans are in place and that they are regularly updated and audited. This will be coordinated and managed by Emergency Management Victoria to an acceptable standard. The inspector-general for emergency management, Tony Pearce, will work with the Department of Premier and Cabinet and my office, in my role as Minister for Police and Emergency Services, to ensure that those risk management plans are audited and updated on a regular basis.

Again I thank all members who have participated in the debate. I particularly want to thank the member for Williamstown for the briefings he participated in and the opposition for its support of this bill. I wish it a speedy passage through the upper house.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

IMPROVING CANCER OUTCOMES BILL 2014

Second reading

**Debate resumed from 20 August; motion of
Ms WOOLDRIDGE (Minister for Mental Health).**

Ms GREEN (Yan Yean) — Cancer is one of the most pressing health issues of our time. About 80 Victorians a day are newly diagnosed with cancer, which is 560 people a week and 29 000 people a year. More than 10 000 Victorians die each year of cancer. In 2012, 16 075 men and 13 312 women were diagnosed with new cancers and 5974 men and 4806 women died from cancer. Directly or indirectly it touches the lives of every Victorian.

Over time, with investment and innovation, we have seen an increase in cancer survival rates in Victoria. Between 1987 and 2011 five-year survival rates increased from 47 per cent to 66 per cent. I am often called upon to speak on breast cancer and its consequences in my community and more broadly, and I well remember as a little girl that for virtually any woman who was diagnosed with breast cancer in those days the survival rates were not good and the treatment was pretty diabolical. Basically the only treatment was mastectomy, often double mastectomy, leading to disfigurement and shame. Because of this, many women did not speak about it or even get themselves diagnosed, and we have seen an amazing turnaround.

I give credit to Breast Cancer Network Australia, which is an absolutely groundbreaking organisation that was established by Lyn Swinburne, a breast cancer survivor, who was the inaugural CEO. It is now headed up by Maxine Morand, a former colleague and Minister for Women's Affairs in this place and also a breast cancer survivor. The Think Pink Foundation has also been fantastic in supporting women.

In my local community there is a fabulous support group called the 4Cs — that is, the Chicks with Cancer who Coffee and Chat. The group is incredibly active throughout the Diamond Valley, and it covers all types of cancers. Each time the 4Cs become aware that a woman in the local community in the Diamond Valley has a new diagnosis, she is immediately provided with a personal care pack and surrounded by support, whether she needs assistance with child care or elder

care and all those sorts of things. It is fantastic to see the way the community rallies around.

The member for Eltham, who is currently seated beside me at the table, has played an enormous role in relation to prostate cancer, supporting the development of a prostate support group in the Diamond Valley, and in relation to the fabulous Spanner in the Works program, which encourages men to talk about their health and be tested. It is incredibly important for men to talk about their health. There has been growth in the men's shed movement, with over 1000 sheds having been established in a very short period of time. Not only are the sheds great social outlets that do lots of community work and volunteer projects; they also help men take action on their health, which helps with early diagnosis of cancer. The sheds also provide support for men when they are diagnosed. There are support groups, and there is the bill before the house, but there remains more to be done.

The bill before us repeals the Cancer Act 1958, articulates the role of the Secretary of the Department of Health, authorises the collection of data relating to cancer and establishes a framework for the management of that data. It requires the production of a cancer plan every four years, and it provides for the registration of the Anti-Cancer Council of Victoria as a company limited by guarantee under the Commonwealth Corporations Act 2001.

Following a review of the Cancer Act 1958, the bill provides a modern framework to support the reduction in mortality and morbidity associated with cancer. There is currently a disconnect between the databases associated with cancer control in Victoria and nationally. The current act has been prohibitive in creating a link between cancer screening and registries. For example, a woman's human papillomavirus vaccination status could not be recorded with her cervical screening test results, and if she moved interstate, the test results could not be transferred.

The bill requires the mandatory reporting of cancer diagnosis and imposes a mandatory obligation on the collection of screening information. This is useful for an individual's and the population's health. Information that is collected will be protected by the provisions in the Health Records Act 2001. The management of these datasets will remain with their existing operator — for example, BreastScreen Victoria or the Victorian Cytology Service — but the ownership of the data will lie with the Secretary of the Department of Health.

A cancer plan will be developed every four years, with the initial plan to be tabled in Parliament by 1 October

2016. We are heartened by this because, under the Baillieu and Napthine governments, we have not seen a demonstration of this level of commitment prior to this bill, given the abandonment and lapsed funding of the Victorian cancer action plan, which was initiated by the Labor government. The plan expired in 2011, and it is a shame we have had to wait another three years — and now another two years, according to the bill — for the next plan. This is something that is important to enshrine in legislation and should never have been allowed to lapse.

The governance of Cancer Council Victoria will be significantly changed as a result of this bill. Currently it is constituted under the Cancer Act in Victoria and is required to report to Parliament, but it is not classified as a public entity or part of the public service.

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

Business interrupted under standing orders.

QUESTIONS WITHOUT NOTICE

Mr Foley — On a point of order, Speaker, earlier today I wrote to you under the provisions of chapter 21 of *Rulings from the Chair* concerning matters of privilege. I am mindful of everyone's obligations regarding how matters of privilege need to be dealt with. Given those obligations and the need for the smooth running of this place, and given the fact that we have three days of sitting left, I seek your advice about whether those matters of privilege and the finding of that matter taking precedence will be dealt with in sufficient time to allow the matters that I raised with you to be reported to the house.

The SPEAKER — Order! I did receive a letter from the member for Albert Park this morning. I will take the letter into great consideration and look at it when I have a moment. I have been in back-to-back meetings, and I will look at it after question time.

Minister for Water

Mr FOLEY (Albert Park) — My question is to the Minister for Water. I refer to the minister's comments on ABC radio on 6 August regarding the Office of Living Victoria:

The administration, the employment, the procurement of a department is an issue for the secretary.

I also refer the minister to his own written instructions to the chief executive officer of the Office of Living Victoria, leaked to the media today:

Decisions about work priorities, structure, staffing and location are all critical and are for you as CEO, in consultation with me and my office.

I ask: will the minister confirm that he has deliberately misled the media?

Mr WALSH (Minister for Water) — I thank the member for Albert Park for his question. This is something that was canvassed again this morning in an interview with Jon Faine. As members of the house would know, there are two very distinct streams to how government policy is implemented. As members of the house and the public of Victoria would know, we went to the 2010 election with a very clear policy agenda and a very clear policy difference to the Labor government, which built the north–south pipeline and the too big and too expensive desalination plant at Wonthaggi. There was a very clear policy difference in 2010.

Honourable members interjecting.

Mr WALSH — What I have been committed to as a minister is making sure that that policy agenda has been fulfilled. Look at the Fairer Water Bills initiative, where there will be a \$100 reduction each year for Melbourne water customers for the next four years. Compare that to the water bills under the previous Labor government, which went from \$500 per year to nearly \$1200 per year, so there has been that very clear policy difference from 2010 that I as the minister and we as the government have been very firmly committed to delivering. Whether at the Office of Living Victoria or the Department of Environment and Primary Industries, the minister needs to have policy discussions with his department about how they are going in implementing those particular policies. As I have said in this house in answers to previous questions from the member for Albert Park, employment and procurement are issues for the department, and the secretary is responsible for that.

Honourable members interjecting.

The SPEAKER — Order! The house will come to order.

Mr WALSH — As a minister, I have been committed to delivering that policy agenda, and that means talking to the senior officials of the department to make sure that policy agenda is delivered. As I said, we have a firm commitment to change the policy direction around water services in Victoria, and I think we have got the runs on the board. That is being demonstrated by the Fairer Water Bills initiative and with the Right Water program, which is seeing greater use of stormwater, rainwater and in particular recycled

water in Melbourne. This is a great outcome for all Victoria, but in particular for Melbourne water customers.

When we get to the next dry period in our weather cycle Victoria will be much better prepared than it was under the previous government, which made a panicked decision to build the north–south pipeline — it cost \$750 million to take water from the dry north to Melbourne — and it spent an absolute fortune on the desalination plant, which will cost Melbourne water customers \$1.8 million per day for the next 10 000 days.

Terrorism alert system

Mrs BAUER (Carrum) — My question is to the Premier. What further advice has the Victorian government received from police and other agencies about the increased terrorism alert?

Dr NAPTHINE (Premier) — I thank the member for her question, and it is great to see her back in the house. Last Friday the Prime Minister advised the Australian community as follows in a press release:

Based on advice from security and intelligence agencies, the government has raised the national terrorism public alert level from medium to high.

He further said:

The advice is not based on knowledge of a specific attack plan but rather a body of evidence that points to the increased likelihood of a terrorist attack in Australia.

Later that day the Chief Commissioner of Police, Ken Lay, and I advised Victoria of the actions being taken by the government and Victoria Police in response to the raising of the national terrorism alert level. This morning Australian Federal Police conducted counterterrorism joint operations with New South Wales and Queensland police at various locations across Sydney and Brisbane. I am advised by Victoria Police that there were no raids of this type conducted in Victoria this morning.

Victoria Police is part of the national joint counterterrorism team that coordinates and shares information on terrorism investigations. Victoria Police and government agencies are working closely with their commonwealth counterparts to ensure that Victoria is ready for any possible threat. Victoria Police is working closely with the operators of key facilities and managers of major events to review security measures in light of the raised terrorism alert level. The chief commissioner recently met with senior AFL, Melbourne Cricket Club and Cricket Australia officials

to discuss security arrangements for upcoming major events. Victoria Police and the government are responding effectively and appropriately in these current circumstances.

However, it is important to note that we live in a very safe and secure part of the world. We cannot allow terrorists, or threats of terrorism, to stop us from going about the ongoing conduct of our daily lives. We should be freely going about our business, including attending our work, school or education, and including attending major sporting events, such as the AFL Grand Final, the Spring Racing Carnival and the Melbourne show. We should be forever vigilant. This raising of the terrorism alert shows the need to be vigilant as we go about our daily activities. We should report any suspicious activity to the police. The chief commissioner has outlined a number of the suspicious activities we ought to be aware of and prepared to report.

Victoria has well-managed, well-tested emergency management and antiterrorism plans and systems that are designed to protect our community. They are tested thoroughly, involving a number of training exercises, and we can be assured we are at the highest level of preparedness.

At the same time Victoria needs to recognise the strength of our diverse and harmonious multicultural and multifaith community. Indeed on Monday the Victoria Police Multi-Faith Council met with the chief commissioner and senior police to discuss these issues. One of the greatest strengths of our great state of Victoria is our multicultural community, our multifaith community. We are a diverse and harmonious society, and we must use this in a positive way to our advantage to protect each and every member of our community. We must not allow these matters to divide our community, but rather we must unite and work together to make sure we maintain safety and security in our community.

Mr ANDREWS (Leader of the Opposition) (*By leave*) — I thank the Premier for his courtesy in extending me leave to speak. Let it be known to all Victorians that all members of this house — government and opposition; Liberal, Nationals, Labor and Independent — are united in the celebration of the diversity, the harmony, the respect and the inclusive nature of our multifaith and multicultural Victoria. It is, as the Premier so eloquently said, our richest asset. It is something of such amazing worth and value that we should always focus on those things that make us so much stronger — that richness of diversity in a multifaith, multicultural, modern Victoria. These

security issues are real and manifest and are of great concern, but they should not be allowed to be used by any member of our community to undermine the value of that rich asset. Our diversity is our strength, Speaker, and every member of this Parliament has signed up to that core critically important principle.

Minister for Water

Mr FOLEY (Albert Park) — My question is to the Minister for Water. I refer the minister to his statement to this house on 6 August that when it came to the systematic rorts and jobs for Nationals mates at the Office of Living Victoria:

I said to the secretary that the issues of governance and the management of the department were issues for him to resolve.

I also refer to the minister's own contrary written instructions to the chief executive officer of the Office of Living Victoria, leaked to the media today:

As CEO, you are directly accountable to me ...

I ask: will the minister confirm that he has deliberately misled the Parliament?

Mr WALSH (Minister for Water) — I thank the member for Albert Park for his question. The letter he is talking about was in the start-up phase of the Office of Living Victoria and was about making sure that the new government's policy agenda was going to be implemented. As I said in answer to the previous question, it is about having a substantial change in how the water resources of Melbourne in this case but also the wider area of Victoria are managed. We went to the election in 2010 with a very clear policy agenda about how we would reform the water sector here in Victoria. I think we have done a very good job of doing that.

If you look at the Fairer Water Bills initiative, and if you look at the likes of Frank from Brighton, when he got his water bill in the last couple of months he would have had \$100 taken off that water bill because of what this government has done in conjunction with water authorities here in Victoria to reduce water bills. The Fairer Water Bills program has delivered real outcomes for water customers right across Victoria. It is a \$100 reduction in Melbourne, but if you go across the state there have also been reductions in water accounts issued by regional water authorities over that particular time. As I have said in answer to previous questions, I did say to the secretary of the department that he has the responsibility for the recruitment of staff and the management of procurement. That is a fact.

School antibullying program

Ms WREFORD (Mordialloc) — My question is to the Minister for Education. How are the actions of the Victorian coalition government helping to provide a safer environment at schools and build a better Victoria?

Mr DIXON (Minister for Education) — I thank the member for Mordialloc for her question, and I note that Mordialloc College in her electorate has a wonderful antibullying program called Respect for All. It has been a great success. This morning the Premier and I were at Albert Park College where we launched the Bully Stoppers — Speak Up Against Cyberbullying campaign. We did that in conjunction with Facebook, which I think is a wonderful partnership.

We also announced a further \$400 000 in funding which 54 government and non-government schools would be sharing in grants, joining another 190 schools that have already received these grants. The grants are for small programs in schools. The most important thing about these programs is the fact that the programs are for the students by the students. Students understand social media better than adults do. They understand the messages and the words that are going to make a difference in young people's lives. These programs have been incredibly successful in our schools.

We have had a whole range of other activities over the last couple of years. We have had activities and competitions which have attracted 1600 entries. We have had 120 000 people view our Bully Stoppers ads on YouTube, and hundreds of thousands of people have seen those ads on television. We have had 167 000 hits on the Bully Stoppers website as well. This is all in conjunction with our \$10.5 million partnership with the Alannah and Madeline Foundation for the eSmart program. That has been a wonderful program, and we have seen four out of five government schools are now either accredited or on their way to being accredited as eSmart schools.

One of the most important preconditions for learning in a school is a safe and ordered environment. We really believe that schools should be very safe places of learning and safe workplaces for teachers. The Attorney-General introduced Brodie's law a couple years ago, which made serious bullying in the workplace a criminal offence. In 2011 we introduced legislation to give teachers and principals the clear power to confiscate what might be dangerous and harmful weapons or materials in school. We also gave principals greater powers to suspend and also expel students.

The member for Bulleen, when he was the Minister for Multicultural Affairs and Citizenship, and I also launched the Celebrating Unity through Diversity program. That was our vision for civic citizenship and multicultural education. We have had an extra 70 schools doing the statewide positive behaviour support program. We have delivered on our commitment and now have 800 primary schools with primary welfare officers. I also recently launched the Creating Respectful and Safe School Communities toolkit. That is about supporting schools and teachers and giving them the resources they need so they can learn how to confront the challenging behaviour of sometimes adults but also children in our schools. We have a whole range of proactive programs to make our schools very safe and ordered environments.

One of the great things is the \$750 000 partnership with headspace. This is about looking at the mental health of our young people, which is a really important consideration. Just today I spoke to a school that has lost a year 11 student through suicide. I had no sooner finished that phone call than I was notified of another school that had lost a student in year 10. This is a real issue in our schools. We need to have resources for teachers, and we need to have respectful relationships and appropriate programs in place in our schools. That is what our government has been proudly delivering in both a proactive and a reactive way.

Questions interrupted.

DISTINGUISHED VISITORS

The SPEAKER — Order! Before calling the next question, I would like to warmly welcome to the gallery the 31st delegation to Australia of the American Council of Young Political Leaders, led by the Honourable Amy Sinclair, member of the Iowa Senate.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Minister for Water

Mr ANDREWS (Leader of the Opposition) — My question is to the Minister for Water. I refer the minister to leaked confidential letters signed by the minister himself to his former departmental secretary, Greg Wilson, and Office of Living Victoria CEO, Chris Chesterfield. These letters reveal that from May 2012 the minister was personally updated on developments at the Office of Living Victoria through weekly meetings and written briefings. I ask: does the minister maintain that he was never advised in any of those briefings or

meetings about split contracts and jobs for Nationals mates being offered by the Office of Living Victoria?

Mr WALSH (Minister for Water) — I thank the Leader of the Opposition for his question. Those two letters the Leader of the Opposition is talking about are me as the minister setting out very clearly that I wanted the policy agenda we took to the 2010 election implemented. I would assume that most ministers, whether they be conservative government ministers or Labor government ministers, have regular meetings with their departments. How do they know — —

Honourable members interjecting.

The SPEAKER — Order! The level of interjection is far too high. The Leader of the Opposition!

Mr WALSH — If a minister of a Labor government never met with their department, it surprises me how they would ever know what was going on in their department. Perhaps if previous water ministers did not have meetings with their department, that is why we have a north–south pipeline and why we have a desalination plant.

Ms Allan — On a point of order, Speaker, under standing order 58 the minister is required to not debate the matter or introduce material extraneous to the question that was asked. The minister may be trying to do this to shield himself from answering the question.

The SPEAKER — Order! The member for Bendigo East may not use a point of order to introduce debate.

Ms Allan — I was merely pointing out to you, Speaker, that the minister is trying to deflect attention away from the substance of the question. The substance of the question is quite a serious matter. It goes to the conduct of the Minister for Water as a minister in this government. Nothing could be more serious.

The SPEAKER — Order! The member for Bendigo East's point of order is turning into a debate.

Honourable members interjecting.

Ms Allan — You are the ones who think that corruption is funny!

The SPEAKER — Order! I ask the member for Bendigo East to be brief with her point of order.

Ms Allan — I ask you to bring the minister back to answering the very serious matter raised by the Leader of the Opposition about his conduct as a minister in this government.

Ms Asher — On the point of order, Speaker, the member for Bendigo East has used her point of order to make a speech and repeat the question, both of which are clearly in contravention of standing orders and *Rulings from the Chair 1920–2014*. I ask that you rule her point of order out of order.

The SPEAKER — Order! I do rule the point of order out of order. The member for Bendigo East knew that she was entering into debate.

Mr WALSH — The Leader of the Opposition asked a question about whether I have regular meetings with my department. As a responsible minister, I believe that is what I should do — I should be meeting with the department.

Mr Andrews — On a point of order, Speaker, the minister is not being relevant. I am mindful of your commentary yesterday. The question related to the content of those weekly meetings and briefings, and specifically to whether dodgy contracts and appointing mates — —

Honourable members interjecting.

The SPEAKER — Order! Points of order will be heard in silence.

Mr Andrews — Were split and dodgy contracts discussed by the minister?

The SPEAKER — Order! The Leader of the Opposition will resume his seat.

Mr WALSH — I do have weekly meetings with my department to be updated on its progress in implementing the policies of the government. I think that is the appropriate thing to do. As for the rest of the Leader of the Opposition's question, as I have said in this house before, last August the secretary drew to my attention that there were some issues about governance in the Office of Living Victoria. At a similar time the Ombudsman started his inquiry, and I was updated on those as the department put in place processes to make sure that government procurement and employment policies were adhered to.

Aboriginal leadership initiatives

Mrs POWELL (Shepparton) — My question is to the Minister for Aboriginal Affairs. I ask: how is the Victorian coalition government's delivery of leadership programs amongst Aboriginal communities and protection of Aboriginal cultural heritage helping to build a better Victoria?

Mr BULL (Minister for Aboriginal Affairs) — I thank the honourable member for Shepparton for her question and indeed for her great contribution to the Aboriginal affairs portfolio in her term as minister.

The Victorian coalition government is very strongly committed to closing the gap on disadvantage between Aboriginal Victorians and non-Aboriginal Victorians. I know that has bipartisan support here in the house. This government committed \$3.1 million in the 2014–15 state budget to help foster leadership among Aboriginal communities and importantly to protect their cultural heritage.

This money is being used to implement reforms that strengthen the Aboriginal Heritage Act 2006. It includes financial support for our registered Aboriginal parties, better known as RAPS, to perform their duties to deliver a further certificate IV course in cultural heritage management to our Victorian Aboriginal community. The government is strengthening leadership amongst those Aboriginal community members who are aspiring to improve themselves and go on to run and be involved in the management of Aboriginal organisations in this state.

I am delighted to inform the house that I have recently approved further funding of \$85 000 to Victoria University to deliver the program entitled Managing in Two Worlds. It is a governance training program that I am sure will be very successful. This training strengthens the skills base and knowledge of Aboriginal people in relation to corporate governance matters. The funding will pay for four introduction to corporate governance workshops, and these workshops are expected to attract at least 80 participants. This brings state government funding to Victoria University to provide governance training to more than \$171 000. This is a very significant investment in this field.

In August \$500 000 of new funds was announced for the Right People for Country program. This is a very important program that supports traditional owner groups right around this great state of Victoria so that they can reach agreements on traditional country boundaries. This money is used in a range of areas, and it includes access to independent facilitators to assist in problem-solving and negotiation skills training, and it also funds Aboriginal people to walk and map country. By enabling community members to negotiate these agreements, the outcome will be that registered Aboriginal parties will represent a much wider area of Victoria and a much greater number of our Aboriginal community.

I was delighted to recently visit the Mallee District Aboriginal Services, better known as MDAS, in Mildura with the member for Mildura after it received \$500 000 in funding from the Regional Growth Fund, which is the single biggest capital investment in an Aboriginal organisation from this fund. It was great to see the terrific work that that organisation, in close concert with the Aboriginal community, is achieving up there in the north-west of Victoria.

On 7 October I will host a ministerial round table with Aboriginal youths from across Victoria to hear about their experiences and challenges in life. I want to hear from these young people themselves about what they think is working and indeed areas where they believe they may need further assistance.

I will finish by mentioning that next week I will be hosting the fourth induction of the Victorian Indigenous Honour Roll, which recognises outstanding Aboriginal people within our community and the extraordinary contribution they have made in a range of fields. It is a fantastic initiative — so far 49 people have been inducted — and I look forward to the next tranche.

Questions interrupted.

DISTINGUISHED VISITORS

The SPEAKER — Order! Before calling for the next question, I would like to warmly welcome the former member for Ringwood and former Minister for Community Services, Kay Setches, to the gallery.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Minister for Water

Mr FOLEY (Albert Park) — My question is again to the Minister for Water. I refer to a leaked confidential letter signed by the minister to the former environment department secretary, Greg Wilson, which reveals the lengths to which the minister went to ensure the Office of Living Victoria was answerable only to himself. I ask: can the minister confirm that this letter was never provided to the Ombudsman as part of its investigation into the rorts at his Office of Living Victoria?

Mr WALSH (Minister for Water) — I thank the member for Albert Park for his question. As the member for Albert Park would know, the Ombudsman is an independent body of the Parliament of Victoria, and he or she conducts their inquiries as they see fit.

Honourable members interjecting.

Mr WALSH — It would not be appropriate for a minister to be involved in what an Ombudsman is or is not investigating; it is an issue for the Ombudsman. As the member for Albert Park would know, the Ombudsman's report was tabled earlier this year, and in its response the department is implementing the recommendations of the Ombudsman.

Methamphetamine control

Mr SOUTHWICK (Caulfield) — My question is for the Minister for Police and Emergency Services. I ask: how is the Victorian coalition government's cracking down on the dealing and use of crystal methamphetamine, or ice, helping to build a safer Victoria?

Mr WELLS (Minister for Police and Emergency Services) — I thank the member for Caulfield for his question and for his interest in this area. The drug ice is a scourge in our community. It pits children — sons and daughters — against mothers and fathers; it pits brothers and sisters against each other. In a recent case, just yesterday, a 30-year-old man was sentenced to 16 years in prison. A man with a then nine-week-old daughter got behind the wheel of a car high on ice, sped through a red light and killed three people. He killed a couple, who had been married for 38 years and were travelling in another car, and he killed a 45-year-old man who was walking across the street with his wife. It has left these families torn apart and devastated, and he will not see his own daughter grow up. This horrific case is just one example of why the Napthine government is focusing its attention so strongly on ice.

In another case, a Longwarry footballer with a breathtaking criminal record cowardly beat a friend's love rival. He ripped off the flywire door of a bungalow and assaulted the man, punching him several times in the head. The offender was a regular user of ice.

Apart from the battles in the streets and in the homes, there is also the issue of ice on our roads. Some 26 per cent of all fatalities last year involved drivers who tested positive to drugs. Some 39 drivers killed in road accidents had either cannabis, ecstasy or ice in their systems. Just as horrifying is that 24 people were killed and another 121 were injured by drivers who tested positive to drugs.

Over the last four years the Napthine government has hit the ice scourge from all angles. We have doubled the number of roadside drug-driving tests across the state, and for the first time all highway patrols will have

test kits in their cars and will test drivers who stupidly take the risk of driving on drugs such as ice.

The extra 1700 police the Napthine government has delivered on has meant that the chief commissioner can have a front-line task force, such as a drug task force, in each of the regions. As a result 248 drug labs have been smashed. Some 90 per cent of these drug labs were manufacturing ice. Also, front-line task forces are aimed at breaking the back of outlaw motorcycle gangs, which have that connection with drug manufacturing and the distribution of drugs.

Recently we committed to a further 11 passive alert detection dogs, and 8 of these will be sent to the regions. It now means that 100 per cent of officers executing search warrants will be able to have the assistance of sniffer dogs. Until this announcement was made only 80 per cent of officers executing search warrants had the ability to have sniffer dogs assisting them.

Once caught, the offenders can expect no mercy, and the hardworking Attorney-General has made sure that that is the case. New forfeiture laws have been introduced, stripping drug dealers of their assets, and now there is 14-year baseline sentencing for large-scale commercial trafficking. In addition to these measures, the hardworking Minister for Community Services is focusing on drug education and prevention. An important part of the strategy is working with the Penington Institute, which has launched a What are you doing on ice? campaign. The Napthine government is on the side of those families that have been affected by drugs.

Minister for Water

Mr ANDREWS (Leader of the Opposition) — My question is the Minister for Water. I again refer the minister to correspondence under his signature to his then departmental secretary, Mr Greg Wilson, entitled 'Living Victoria change agenda', and I ask very simply: was this correspondence provided to the Ombudsman — yes or no?

Mr WALSH (Minister for Water) — I thank the Leader of the Opposition for his question again. I am intrigued by his question and how he thinks I would know what work the Ombudsman does. As I have said, the Ombudsman is an independent body of this Parliament and is charged to go about its business as it sees fit, and I am not privy to what it does.

Infrastructure delivery

Mr GIDLEY (Mount Waverley) — My question is to the Treasurer. How is the Victorian coalition government's strong economic management and investment in infrastructure helping to grow jobs and build a better Victoria, and are there any threats to this?

Mr O'BRIEN (Treasurer) — I thank the member for Mount Waverley for his question. I am sure members will be pleased to hear that last week the Australian Bureau of Statistics handed down the labour force data for the month of August. In the month of August Victoria created an extra 26 100 new jobs. It means that there are now 108 900 more Victorians in work than when Labor left office. This is not just job creation in Melbourne; this is job creation throughout our regions as well, because today the regional labour force data came out, and for the three months to August regional Victoria created an extra 5100 jobs, so we are creating jobs in this state. This is good news.

I will be travelling later this day to attend a meeting of the Council on Federal Financial Relations (CFFR), which is the state, territory and national Treasurers meeting. We will have a very good story to tell, because Victoria will stand alone as the only state to have a stable AAA credit rating from Standard & Poor's and Moody's. We are the only state to have a budget in surplus now and every year over the forward estimates, and we are the only state to have a \$27 billion fully funded infrastructure program.

The CFFR meeting has been co-located with a meeting of the G20 finance ministers, and there will be a number of sessions about infrastructure. I will look forward to discussing with the delegates what this state is doing when it comes to infrastructure, because we know that building the infrastructure that this state needs will grow our economy, create jobs, increase productivity and enhance our quality of life.

I can only imagine what some of the delegates from other states and other countries will say when I tell them that there are threats to our infrastructure agenda in this state. They include people who are prepared to rip up contracts of a sovereign government. There have been trenchant criticisms of that sort of conduct, such as the commentator who said:

If the contracts are not honoured, taxpayers will be exposed to significant legal action and sustained compensation claims. You know it puts at risk our AAA credit rating ...

Who was that trenchant critic of the Labor Party's backflip? The Deputy Leader of the Opposition. I

would say he is his own harshest critic — but not while we are around, Speaker.

Honourable members interjecting.

The SPEAKER — Order! The house will come to order.

Mr O'BRIEN — The threat to rip up contracts signed by a sovereign government has been slammed by the Committee for Melbourne, it has been slammed by the Victorian Employers Chamber of Commerce and Industry and it has been slammed by the Australian Industry Group. It is the most economically reckless, irresponsible and reprehensible conduct ever suggested in this Parliament. It shows, as the front page of the *Herald Sun* memorably said this week, that when it comes to the Leader of the Opposition, you just cannot trust him.

Ms Asher — On a point of order, Speaker, at the beginning of question time the member for Albert Park raised a matter of privilege. I refer to *Rulings from the Chair 1920–2013* at page 149, which features a section on privilege entitled 'Procedure for raising'. Point 1 of the procedure for raising a privilege matter is:

A member wishing to make a complaint of privilege must write to the Speaker giving details ...

Point 3 is:

The complaining member is not permitted to say anything in the house concerning the matter pending the Speaker's consideration ...

I put it to you, Speaker, that the member for Albert Park appears to have breached the procedure for raising privilege in this house. I suggest, Speaker, that you may wish to take this into account when you respond to the member for Albert Park.

Ms Allan — On the point of order, Speaker, I suggest to you that it was a rather gratuitous point of order given that you had listened carefully to the point of order made by the member for Albert Park and that you had already responded to it. If you had felt that it had been inappropriate, I am sure you would have raised that at the time. I appreciate that the Leader of the House may be auditioning for future roles, but what we want to see is — —

The SPEAKER — Order! The member for Bendigo East!

Mr Foley — On the point of order, Speaker, I think that a check of the *Hansard* record will show that I was careful in what I said. I spoke with reference to

chapter 21, the privilege provisions. I was extremely careful to heed the points contained in *Rulings from the Chair 1920–2013* relating to privilege, including matters not being able to be specifically referenced, while drawing attention to the fact that there was limited time left in this sitting session and asking that the matters that had been raised in accordance with this procedure be dealt with in the manner set out there.

The SPEAKER — Order! I will carefully examine *Hansard*. If I made an error, I will advise the house.

Ms Allan — On a further point of order on a different matter, Speaker — before question time finally concludes — during question time today the member for Albert Park quoted from what I believe is a copy of a letter from the Minister for Water to his departmental secretary, a letter since revealed to have been withheld from the Ombudsman. I ask the member for Albert Park to make this document available to the house, as he quoted directly from it during question time today.

The SPEAKER — Order! I inform the member for Bendigo East that such points of order are normally taken during the time when the member is quoting.

Honourable members interjecting.

The SPEAKER — Order! No; the time for doing that has expired.

Mr Andrews interjected.

The SPEAKER — Order! Is the Leader of the Opposition questioning what I was saying?

Mr Andrews interjected.

The SPEAKER — Order! Thank you.

Mr Foley — On the point of order, Speaker — —

Honourable members interjecting.

The SPEAKER — Order! Points of order will be heard in silence. Is the member making another point of order? I have ruled on THE point of order of the member for Bendigo East.

Mr Foley — On the same point of order, Speaker — —

The SPEAKER — Order! I am sorry; that is not possible.

Mr Foley — On a further point of order, Speaker, to assist the house in its deliberations, I am happy to have

the letter tabled, should the house give leave for me to do so.

The SPEAKER — Order! No. Good try! Question time has ended.

IMPROVING CANCER OUTCOMES BILL 2014

Second reading

Debate resumed.

Ms GREEN (Yan Yean) — I will continue with my lead contribution for the opposition on the Improving Cancer Outcomes Bill 2014, which I had begun prior to the lunch break. The governance of Cancer Council Victoria will be significantly changed as a result of this bill. Currently it is constituted under the Cancer Act 1958 in Victoria, and it is required to report to Parliament but is not classified as a public entity or as part of the public service. It has a council consisting of over 50 members appointed by the Governor in Council. It will now become a company limited by guarantee within the meaning of the commonwealth Corporations Act 2001 rather than it being defined by Victorian statute. The bill provides for that transition.

Cancer Council Victoria supports this bill. Moving to being a company limited by guarantee is, to quote the council:

... a carefully considered alternative that is supported by our CEO and board. It brings our governance into line with all other cancer councils in Australia, but will not change our daily work.

Earlier I referred to Labor's contribution in government to tackling cancer, which was a key priority of our government and of the now Leader of the Opposition and then Minister for Health. We backed up that commitment with the adoption of a \$150 million Victorian cancer action plan, which ran from 2008 to 2013, the most significant one-off investment in cancer response ever seen in this state.

While we were proud of this, an investment alone was not enough. We also set goals because we wanted to significantly increase cancer survival rates. Included in the plan was \$24 million to reduce major cancer risk factors and avoidable cancer deaths, \$78.7 million for the Victorian Cancer Agency, \$28.8 million to empower patients and carers throughout their cancer journey and \$18.4 million towards boosting our workforce. By contrast the Napthine government has not demonstrated the same level of commitment. It abandoned the Victorian Cancer Action Plan and has

cut \$831 million from our health budget over the last four years.

Labor is proud of its investment in cancer treatment over the years. If we have the privilege of being elected in November, we will again make cancer a priority by providing comprehensive integrated cancer services and a continuing commitment to provide a world-leading precinct in treatment, teaching, research and innovative cancer services. If elected, an Andrews Labor government will commit to reducing the number of cancer-related deaths in Victoria. We will fund vital cancer research and translate that research into real clinical outcomes for patients. We want to build on this state's strong history in medical research and ensure that Victoria leads the nation.

Victoria has achieved some outstanding successes in cancer patient care in recent decades. There are a number of members in this place who owe their constant life journey and ability to remain as contributors to this place because of that outstanding cancer patient care and research, and I want to commend the member for Carrum on her courage in returning to Parliament today and on her advocacy in relation to bowel cancer screening. I am not sure whether we reflect the population or whether it is something more to do with the type of work we do, but in my 12 years here it has been really sad to see so many of my colleagues afflicted by this dreadful illness. I mentioned the member for Carrum before. Earlier this year we were also delighted to welcome back the member for Northcote after her battle with breast cancer. The member for Narre Warren South has also made a great return to good health and can contribute many more years to the Parliament due to her recovery from that dreadful disease.

I also refer to a number of former members of this place with whom I have served. The former member for Altona and minister in various portfolios, Lynne Kosky, is maintaining a good life but is very ill fighting breast cancer. I know that everyone in this place would join me in wishing her well. Another dear friend of mine and a sister member of the class of 2002, Maxine Morand, the former member for Mount Waverley and a minister in this place — now the CEO of Breast Cancer Network Australia, as I mentioned earlier — is three years past her own run-in with breast cancer. Sadly, numerous members of staff have also been affected in recent years, some of whom are very young, including good friends of mine, sisters Rachael and Naomi Joiner, who both have the BRCA gene. Both young women are continuing to live on and live well, in addition to being champions of greater research into and better treatment and earlier identification of cancer. The former member

for Koonung Province in the other place and Whitehorse councillor, Helen Buckingham, was diagnosed with cancer in either 2005 or 2006 and given a very poor prognosis. I am really delighted that eight years on she is still with us and contributing to her community.

Before I close I would like to make some further remarks. As the lead speaker on this side of the house I note that we have some great researchers and innovators in cancer research and treatment in this state. Sadly we also have some charlatans and people who put out the most appalling messages in relation to cancer and its causes. This is something we as members of Parliament are reminded of every week, if not daily, when we attend this place. I urge those supporters who are opposed to abortion law reform and who support Right to Life and other pro-life organisations to desist from making the connection between abortion and breast cancer. It is an appalling and cruel thing to do.

I have said to those people at the gate that I support their right to have an opinion on these matters, but it advances their cause in no way. We are only two blocks from the major cancer treatment hospital in this state, the Peter MacCallum Cancer Centre, where women with breast cancer go for treatment every day. They do not need anything else added to their load on top of being treated and trying to recover from this terrible disease. I urge those Victorians who are involved in those protests to separate themselves from the kooky ideas and pseudoscience that has emanated from the US which says that breast cancer is caused by abortion.

Both my parents were prominent members of Right to Life when I was a lot younger. We have different views on this matter. During the time I have served in this place, in the lead-up to 2006 election in fact, my mother was diagnosed with breast cancer. I suggest to those members of the community who continue to support this nonsense to think of every woman who has suffered breast cancer and their families, who have been joined by many members of the community for the Pink Lady at the G and many other supportive events in the state. If they want to make a comment about breast cancer, they should get involved in those events rather than using pseudoscience and trying to advance another issue, which is about the right of a woman to choose whether she has an abortion or not. These two issues should never, ever be discussed together.

With those remarks I close by saying that Labor does not oppose the Improving Cancer Outcomes Bill 2014. It is about time the government moved to fight this terrible disease. One would hope that it will recant in

relation to some of the cuts it has made to our vital health services across the state and that at the Council of Australian Governments table it will advocate to the federal government, Prime Minister Abbott and the Minister for Health, Peter Dutton, that they are really heading in the wrong direction by making further cuts to the health budget and doing things like trying to introduce co-payments for primary health services because this will not make our community healthier. It will mean that people will delay in getting a diagnosis for cancer or having their concerns allayed. That would be a retrograde step for the community.

I hope the Minister for Health and the Premier will use their connections to the federal coalition government to tell them not to touch health or Medicare and instead increase funding for health and cancer treatment in this state. I commend the bill to the house.

Mrs BAUER (Carrum) — It is a delight and a pleasure to be here to speak on the Improving Cancer Outcomes Bill 2014. The purpose of the bill is to repeal the Cancer Act 1958 and introduce cancer legislation that reflects today's modern society and supports our efforts in Victoria to reduce the incidence of cancer. The bill enables better, more efficient mechanisms to collect and use data for cancer research. There are currently three cancer registries across the state: the Victorian Cancer Registry, which is managed by the Cancer Council Victoria; the Victorian Cervical Cytology Registry, managed by the Victorian Cytology Service; and the BreastScreen Victoria Registry, which is maintained by BreastScreen Victoria.

The existing Cancer Act of 1958 was reviewed in 2012 with extensive stakeholder involvement. One of the suggested reforms from this review was in the area of data collection, which had not kept pace with advances in science and technology in today's modern world. We now have better technology to analyse the collection of data, and we have better systems to improve data access and to share that data. The government will collect the data, and the Secretary of the Department of Health will have the ability to contract it out. This data is essential to support the planning and future funding of cancer prevention and to inform cancer research as we move forward.

One example of this is the Monash Health Familial Cancer Centre. I have had a personal involvement with the Monash Health Familial Cancer Centre. It shares medical information, including incidences of cancer, where it was contracted and any genetic predispositions. Staff look through the patient's family tree to see what factors may have been involved in the

contraction of cancer and to assist in future prevention. I think it is a fantastic service.

The bill requires the preparation of a four-year cancer plan and a cancer framework for Victoria. This is really appropriate, as cancer certainly is a burden on our community and a growing concern for Victorians. I am very excited to be standing here in Parliament as part of a government that is so committed to finding a cure for cancer. The four-year plan is an example of this commitment. I am very proud that Victoria is a leader in the field of cancer research and treatment. Some examples of our commitment include the Victorian Comprehensive Cancer Centre, the Peter MacCallum Cancer Institute, the Olivia Newton-John Cancer and Wellness Centre at the Austin Hospital, BreastScreen Victoria and, even at a local level, the Frankston Hospital is currently undergoing an \$80 million expansion to the emergency department and other facilities. That has been welcomed by my community in the electorate of Carrum.

As we have heard, this is my first day back at Spring Street after a six-month recess. I have been diagnosed with bowel cancer, and I am very proud to be here speaking on the bill before the house, which is about ways we can show our commitment to improving cancer outcomes in Victoria. Just speaking about cancer improves awareness. One of the threats in relation to cancer is that awareness in the community is quite low. If you take my experience, for example, my diagnosis with bowel cancer was an incredible shock to me. Looking back to February, I had been experiencing symptoms, including abdominal pain. As I mentioned, it was quite a shock when I was diagnosed with bowel cancer, because awareness in my generation is low. The perception in the community is that bowel cancer is an older person's disease. Even though genetic predisposition can contribute to cancer, it is not something that I really thought about, even knowing that there was a history of it in my family.

I see the member for Hawthorn here, who always said to us as parliamentarians that family, health and fitness are incredibly important. I thought I had those priorities right. One thing I hear continually when I am out and about talking to people in my community is the fact that when we are busy with our family lives and our professional lives sometimes our focus on health can get lost. This is what happened to me as a young mum, busy in my role as the member for Carrum and in my profession. You often lose sight of the importance of your health. The message is that by just talking about cancer we can improve outcomes in the community.

After surgery and six months of chemotherapy, I am delighted to say that my prognosis is positive, and I am really delighted and optimistic. I think that in an unusual way what I have been through over the last six months has brought more depth and understanding to my role as the member for Carrum, because I can now relate to the thousands of people in my community who have been diagnosed with cancer. I can understand what they are going through on a daily basis in their struggle with chemotherapy and their prognosis.

While awareness of bowel cancer is incredibly low, bowel cancer is one of the preventable cancers. You can purchase a bowel test kit at your local chemist, for example; they cost about \$35. I am proud of our commitment as a government to provide funding for those test kits. Colonoscopies, which pick up polyps to determine whether bowel cancer is going to be an issue for you, are another method of prevention.

In Australia 1 in 12 people will be diagnosed with bowel cancer by the time they are 85 years old. It is quite a concern that bowel cancer is the second largest cause of cancer-related deaths in Australia, so increasing awareness is very important. Of the 286 new cases of bowel cancer diagnosed each week, 77 will result in a person dying from the disease. According to Bowel Cancer Australia, in the city of Kingston, which is in my electorate, 40 per cent of people are at risk of bowel cancer because they have four of the health risk factors, which include physical inactivity, obesity, harmful use of alcohol and smoking. I must mention that a lot of those factors were not relevant to my case; I have a genetic predisposition in my family. Since being diagnosed with bowel cancer I have also learnt that it affects men and women both young and old. If caught in time, in 90 per cent of cases bowel cancer can be treated successfully.

In closing I would like to again highlight how proud I am of the members of the Victorian state Parliament and their efforts in my absence to raise awareness of bowel cancer research. A special morning tea was held by the Minister for Health — it is great to see him here in the gallery — which was attended by the Premier, other colleagues and representatives of Bowel Cancer Australia, to raise awareness of this disease. I believe that is the first time that has happened in the Victorian Parliament. It was a really fantastic contribution. The Speaker made a determination that the salaries of suspended and named members of Parliament would go towards bowel cancer research. Bowel Cancer Australia was absolutely delighted and very grateful for this commitment of the Victorian Parliament.

I am now proud to talk about anything related to cancer. Colons, bowels and colonoscopies are not sexy topics, and I think that is a big part of the problem — people find it difficult to talk about these subjects — but unless we talk about them, the awareness will continue to be low.

In my recent journey I have had great insight into what thousands of people in our community are also going through on a daily basis. Our medical profession is world class. I am incredibly proud to be a Victorian and to see the wonderful facilities that are out there in our community. I commend all of the everyday Victorians and Australians who are also going through battles and challenges. I wish them all the very best for their future. I am proud of our commitment to cancer research, and this bill will ensure that this commitment continues.

Mr HERBERT (Eltham) — I begin by welcoming back the member for Carrum and wishing her all the best in her ongoing treatment and her stoic battle with bowel cancer. It is good to see her back, looking well and positive and taking up the cause.

This bill is important to lots of people in the community. It helps us set the structure and framework for the administration of our battle against the scourge of cancer. Cancer is a growing problem, as we all know. It affects so many people in our community. The bill repeals the Cancer Act 1958; it better articulates the role of the Secretary of the Department of Health; it authorises the collection of data relating to cancer; it establishes a framework around the management of that data; it requires the production of a cancer plan every four years; and it provides for the registration of the Anti-Cancer Council Victoria as a company limited by guarantee under the commonwealth Corporations Act 2001. It does not sound like a sexy bill, but the framework of our battle against cancer is incredibly important to the outcomes we would seek to ensure.

This is highlighted by some of the statistics that are available. People in this state know about them, and they have been raised in this Parliament. We should all have them foremost in our minds. Those statistics show that about 80 Victorians a day are diagnosed with cancer; that is, 560 people a week and 29 000 people a year. More than 10 000 Victorians die each year of cancer. In 2012 about 16 500 men and 13 500 women were diagnosed with new cancer. In a shocking indictment of our knowledge of treatment, nearly 6000 men and 4800 women died from cancer. Directly or indirectly it has touched the lives of every Victorian.

Like the member for Carrum and those 30 000 people who are diagnosed with cancer annually, many

members and staff of this Parliament have been touched by cancer. I have been touched myself by the death of my mother from breast cancer and also by a category 1 operation that I had exactly one year ago today. It is ironic that one year ago to the day I was under the knife at the Austin Hospital having a fairly large tumour removed.

I was one of the lucky ones. Despite a fair few complications in that operation, and thanks to the expertise of the surgeon, a wonderful man by the name of Dr Ahmad Aly, who is head of the gastrointestinal surgery unit at the Austin, I came through pretty well. I am a robust sort of character. Like so many people I am back to good health and perhaps even a bit overweight. It is hard to believe that you could have a major stomach operation and have a fair bit of plumbing rejigged but still put on the weight.

I hope I will be like the 66 per cent of Australians who survive cancer. That is a five-year survival rate, and it has risen. After five years you are judged to be pretty much free of your original cancer. That figure of 66 per cent has grown, remarkably, from well under 50 per cent in the late 1980s. It shows you the benefit of new technology and a desire by our community to tackle cancer. Whether it be better techniques, better drugs, better innovation, better and more advanced equipment, better training or education or a better structure for our fight against cancer — and our institutions are at the forefront of that fight — we must all be ever-active in this battle.

The member for Carrum talked about bowel cancer, the need for better research and the great work that is being done. It reminded me that at home I have a test kit that is part of a bowel cancer trial being undertaken, and I have been pretty slack and have not done it and sent it in. I got a phone call the other day from the research institute, and I will go home today and make sure it is in the post before the weekend. That is for sure. We all have a part to play in the battle against cancer, and we should not be slack. We should be at the forefront, be active and go at it as hard as we can.

The truth is that people today are living longer and longer. My electorate of Eltham has one of the highest life expectancies of anywhere in Victoria. We are living longer and enjoying life more. We need to make sure that with that longevity and older age comes a good quality of life, and the greatest blight on quality of life is poor health. Cancer is often the worst thing people can get, so we need to do more to attack it. It is about not just the people who get it but a whole range of issues, including the ageing population, the increase in the cancer rate that comes with that and quality of life,

particularly for people in their later years. We want people to have a great life and not sacrifice the quality of that life to the misery of cancer.

The bill does a number of things, including supporting a modern framework for datasets. When my mother first had breast cancer I remember going to the hospital. I had to go to one floor of the Royal Women's Hospital, pick up her file, go up to the next floor and hand the file through a window. Each time there was a complicated process of trying to find the file and put it through. There were handwritten notes. It was like something off the ark, and it should not be that way. We ought to have comprehensive data on individuals that can be analysed and used for research so that we clearly understand where we are in the battle; we must provide that information to those who need it to find cures for cancer. The bill helps with making sure the datasets are kept, are consistent and are able to be used. There has to be protection for the individual, and the ownership of the data will live with the Secretary of the Department of Health, as it should.

The legislation proposes regular cancer plans, with the initial plan to be tabled in Parliament by 1 October 2016, which is great. We are happy with that. It would be remiss of me not to say that my government, when Labor was in power, established Victoria's first cancer action plan, which went from 2008 to 2011. It was a good idea. If you do not plan, you do not get results. If you do not set targets, you can never meet them. That is a lesson for all in politics and in government. We need plans and targets, and the action then sits around those targets and plans. We are pleased that Labor's initiative is being reinstated by this legislation. It is a good way forward for applying resources to the battle against cancer so that we knock off as many forms of it as we can.

There are complex changes to the governance of Cancer Council Victoria. We are moving from one form of governance to another, basically making the cancer council an entity under the commonwealth Corporations Act 2001, rather than being defined under Victorian statute. It sounds complex, but it has been welcomed, and it brings our cancer council in line with every other jurisdiction around Australia.

In my remaining time I will talk a little about prostate cancer. We hear about a lot of cancers, but for men prostate cancer is one of the most common causes of death, after melanoma. It can have a shocking impact on quality of life, but there are some great new treatments and approaches being adopted, such as robotic surgery, which greatly reduces the risk of unintended incontinence and a range of other things.

There are better treatments and scanning available. We still have to rely on outmoded blood tests for the actual identification, but there is movement on that front. If you get it identified quickly enough, in most cases men are lucky and can move on with their lives. If you do not, it can be a quick road to the grave. I would like to see a lot more done about prostate cancer in Victoria and Australia.

Mr DELAHUNTY (Lowan) — I rise to strongly support the Improving Cancer Outcomes Bill 2014. I commend the member for Eltham and the member for Carrum, who spoke about their personal experiences, and also the member for Yan Yean for her opening address and for highlighting that the opposition will not be opposing this legislation.

As we all know, the bill has six main purposes. I will not go through all of them, but the speeches we have heard today have highlighted the fact that most families are touched by cancer. Cancer is a major health issue for most of us in the Victorian community, and we have a high expectation that we will get the best appropriate health care. As I said, most families have been touched by it. I have lost two brothers-in-law to cancer: Jock Rankin, who was husband to my sister Mary; and Peter Parker, who was husband to my younger sister Margaret. Everyone in this place has a connection to a lost family member or person who has been touched by cancer.

I know other members wish to speak, so I will not take my full allocation of time, but I want to thank the medical staff, whether it be the specialists, doctors or nurses, and the plethora of other people who work in supporting people with cancer. I say thank you to them for the work they are doing.

As the member for Eltham highlighted, healthy living is an important part of addressing some of these things. I was fortunate to spend nearly nine years on the board of VicHealth, where I learnt a lot. We all learn continually, every day of our lives. It is important that there were people from Cancer Council Victoria who were board members of VicHealth. Now I know that there are members of VicHealth who are on the cancer council, so there is a bit of cross-pollination.

During my time with VicHealth it was highlighted to me that healthy living is an important part of addressing some of the cancer concerns of Victorians. It is about keeping active. When I was Minister for Sport and Recreation I had a slogan, which members heard me say many times, and I will say it again. It is about getting more people more active more often. If we keep obesity rates down and that type of thing, we will

address some of the health concerns. It is also about the food we eat and what we drink, and importantly, as the member for Eltham highlighted, we need to keep fit and healthy.

Regular check-ups are important, and the member for Carrum highlighted that. It is very important as we get older. When I was in my 30s and 40s I did not realise how many people get hit by cancer as they get older. It is highly likely it will hit you as you get older, so regular check-ups are important.

I was fortunate to be a member of VicHealth at the same time as a member of the then government, Maxine Morand, who is now the CEO of Breast Cancer Network Australia. I thank her for the work she is doing, but I particularly want to highlight the work done by Shane Crawford. I did not like him much as a footballer, because he did not play for Essendon, but he was a super footballer and has been a super human being in the work he has done to support breast cancer.

Mr Herbert interjected.

Mr DELAHUNTY — Yes, Peter Crimmins — and I am of that vintage — was lost to cancer. Again I commend those people.

I was pleased to see that we consulted widely with 18 different organisations. We know we need to change the Cancer Act 1958. It has outdated models of governance, and the data collection, usage and management models have failed to keep pace with advances in science and technology and to support cancer research. As we know, the bill alters the legal status of Cancer Council Victoria from a statutory entity to a company limited by guarantee. Importantly the bill maintains mandatory reporting of cancer diagnosis information and establishes mandatory reporting of cancer screening information.

I am pleased to see the enormous investment of this government, with support from the commonwealth government, that has gone into work on cancer, particularly in breast screening. Men get breast cancer too; it is not only women. There has been a lot of investment in infrastructure right across Victoria, and the Victorian Comprehensive Cancer Centre is just one example.

With those few words, although I would have liked to have used my full allocation of time, I want to say I am strongly supportive of this legislation. I am pleased to see that the opposition supports it too. I wish the bill a speedy passage.

Mr CARBINES (Ivanhoe) — I am pleased to make a contribution on the Improving Cancer Outcomes Bill 2014, in particular in representing the Ivanhoe electorate, which has two very significant health services located on one site — the Austin and Mercy hospitals in Heidelberg. Just recently, with the Premier, the federal member for Jagajaga, the Honourable Jenny Macklin, and many others, I attended the launch of the Olivia Newton-John Cancer Research Institute, which is picking up on the significant work of the Ludwig Institute for Cancer Research at the Austin and other research institutes that have made such a significant contribution to cancer research in Victoria and is basing that work at the Austin.

It is interesting to reflect on some of the history and previous work that has brought us here today. I had a look through the minister's second-reading speech, which talks in particular about what a significant history there has been in cancer legislation in Victoria, whether that was through the Anti-Cancer Council Act 1936 or the Cancer Institute Act 1948, which was essentially about establishing and renaming the Peter MacCallum Cancer Institute. In 1958 these two pieces of legislation were consolidated into the Cancer Act 1958.

We might at times think that there has been significant investment and a significant public consciousness and focus on matters of cancer treatment and cancer research. A clear look at the history of this place shows that our forerunners in this place had been significantly involved in legislating and advocating on public values and expectations as well as legislating on research and the use of taxpayers funds in relation to cancer research and treatment in Victoria. It is interesting also to refer back to matters at Austin Health, in particular the significant work that went into developing the Olivia Newton-John Cancer and Wellness Centre at the Austin Hospital and the work that was done under the Brumby government to fund the establishment and construction of that project.

Naturally, when we lost office there was still further work to be done to conclude that project, and I found it interesting that we had to campaign to secure the remaining \$45 million to complete those works at the Olivia Newton-John Cancer and Wellness Centre and that there was some reticence at the time from the government about providing that funding. In Ivanhoe in early 2011 we secured some 3000 signatures on a petition seeking support from the government to fund in the budget the remaining capital works to conclude that project. It was an election commitment from the Brumby government at the time. There was no

commitment from the incoming government, but, to its credit, it met that challenge in the budget in 2011.

From my perspective, it is significant that when you enter the Parliament, perhaps on the opposition benches, you think you are engaged with the community. It might take some time for the community to want to engage on particular issues, but on the issue of cancer research and investment, not only in relation to treatment services but also relation to the wellness centre at the Austin, the securing of some 3000 signatures some four or five months after the 2010 election shows that there is not a fatigue in the democratic process in local communities and that there is a great desire for it when we pick the issues that resonate in our communities. Particularly around cancer, people have so many significant personal experiences, and there is a great desire to see a collaborative and bipartisan approach. Again, it was interesting to see those funds secured by the government.

As we have heard from many speakers, the ongoing increase in those who are surviving their cancer experiences means that it is not just about research and treatment but also about what supports the community provides to the ever-growing number of cancer survivors as well as what supports are needed by friends and family members of survivors who go on that journey with them. Olivia Newton-John, in putting her name to the cancer centre at the Austin, has significant capacity to raise funds and awareness. She is determined to ensure that wellness is a significant concept as part of the centre at the Austin, and she is driven and determined to make sure that we do not forget that it is not just about treating cancer for individuals but also about ensuring that the experience for their family and friends who support them is a critical part of the cancer journey and that the ways in which people choose to fight are supported.

The Olivia Newton-John Cancer Research Institute, launched by the Premier just recently, will be chaired by former Premier John Brumby. There will be significant research and collaboration with Professor John Dewar, the vice-chancellor at La Trobe University. This is very significant for the northern suburbs of Melbourne and very significant for Austin Health. It bodes well for the future as we pick up on the significant works being done around the Parkville medical precinct and the continued investment from governments of both persuasions to ensure that Victoria remains a very significant nationally and internationally recognised medical research capital, particularly in relation to cancer services.

It is also important to mention that the Olivia Newton-John Cancer and Wellness Centre Wellness Walk is coming up next week, on the day after the grand final. Last year we had the inaugural walk on the Sunday. We had some 2000 people register for that walk around Heidelberg and Ivanhoe. This event gave people an opportunity to meet Olivia, who led the walk. It gave them an opportunity to spend time with family and friends and to walk past some of the great health services in the area, including the historic Heidelberg Repatriation Hospital, whose buildings are quaint, and which is delivering many significant services to veterans to this day; the ever-growing health precinct at the Austin and Mercy hospitals; and the Warringal Private Hospital across the road, at which some significant developments are happening.

It is a credit to Olivia that last year she was here for the week leading up to the walk and also that she has been here over the course of September, promoting and advocating that more people be part of the walk this year. I know that the Leader of the Opposition and his family have registered, and I am sure that there are many other members here who will take part with their families on that day. We will see greater participation by the community, not only because of the success of the walk last year but because of Olivia's determination to promote and be part of that right across September. That will ensure that we get many people registering and many more people wanting to get together and show that they are not alone in tackling cancer in their personal journey and also that they are not alone in their determination to raise public funds and support Olivia's commitment, which has evolved through her own personal experiences, to making a contribution to the community and to the significant research capacity we have at the Austin. I look forward to seeing as many people as possible attend the Wellness Walk on the day after the grand final. That is going to be a significant event for the local community.

I will just touch on a couple of other matters that are important. The bill also talks about cancer plans and the determination of the government to get some greater accountability on bureaucracy and reporting mechanisms, in particular the regular four-yearly cancer plan to provide a strategic policy framework for cancer in Victoria, which was outlined in the minister's second-reading speech. It is important to note that the former Labor government's Victorian cancer action plan was a very significant \$150 million commitment for 2008 to 2013. Plans come and go, but it is all about your deeds and the legacy you leave. That is something for which this side of the house and the public will hold the government to account. Having previously worked in the Bracks and Brumby governments for the former

Minister for Health, the Honourable Bronwyn Pike, I know that a lot of work was done to provide radiology services and other cancer services in regional centres, such as in the Latrobe Regional Hospital, in the Geelong hospital, and at Ballarat and Bendigo health services.

A lot of people might remember that there was a lot of talk about providing better public transport and train services to those regional centres, but it is also important to connect those regions to a range of health services. Not only does that provide patients with an opportunity to be treated in the towns where they live and be supported by their families. It also brings significant research capacity and interest from doctors, the medical community and the university campuses into those towns. It provides great energy, and work that has been done previously to energise our regional centres and provide the people who live in the regional areas of our state with the rights and expectations around the services we get in the city is vital and important. I commend the bill to the house.

Mr FOLEY (Albert Park) — I rise to also make a contribution on the Improving Cancer Outcomes Bill 2014. I begin by digressing for a brief moment and acknowledging the return of the member for Carrum from her own recent troubles. I am sure all members are pleased to acknowledge her successful battle with this disease, which hopefully will continue to be successful. As we have heard from members of both sides of this house, very few people in families, communities or electoral districts in this state are not touched by cancer. The people of Albert Park are no exception. As we have heard, increasing numbers of Victorians are diagnosed with cancer every year, and indeed from the advice we rely upon, we know that the number of people newly diagnosed with cancer each year is almost 30 000. Sadly some 10 000 Victorians succumb to cancer each year.

This bill continues the long-held bipartisan position of this Parliament to make sure that the governance framework that provides whole-of-government and whole-of-community support arrangements is implemented in a way that will achieve the maximum benefit from the resources that are put into this important area. As we know, this framework comes on the back of work by successive governments over many years. I recall some time ago reflecting on the figure of 10 000 Victorians who die from this disease every year. In the last Parliament the then government launched the Victorian cancer plan at the then Bob Jane Stadium, now Lakeside Stadium. in the Albert Park Reserve because that stadium held 10 000 people, which represented the number of people who fall to this

disease each year. That is an important example of representing in a very tangible way the extent of the battles that all Victorians face and the institutional frameworks that we create to deal with this disease.

As honourable members on both sides have said, the bill before us seeks to introduce a number of procedural arrangements to clarify and modernise the important governance frameworks that provide whole-of-community and whole-of-government approaches to this issue, but it particularly focuses on the operations of the Department of Health. In installing these new arrangements, the bill repeals the Cancer Act 1958 and clearly sets out the role of the Secretary of the Department of Health. It modernises arrangements for the collection of data, which is the fundamental knowledge base upon which the Victorian cancer action response plans are pitched. It rightly establishes a secure framework for the modern management of that data, and it requires a formal process whereby there is review, consultation, participation and modernising on a four-yearly cycle of cancer plans to deal this disease.

The bill also provides for the registration of the Anti-Cancer Council of Victoria, which is a fine organisation that has a well-developed reputation with a solid community presence and bipartisan support in this place, transferring it to a company limited by guarantee under the commonwealth Corporations Act 2001, which brings it into a modern governance and accountability framework. This modernisation came about following a review of the Cancer Act. As I have said, the goal continues to be a whole-of-government and whole-of-community response to the issues of mortality and morbidity flowing from a primary concern with the issue of cancer.

In regard to the modernisation of the data, the advice that the opposition has received goes to how the different data sets that are associated with the reporting and management of cancer control in Victoria and nationally can be more closely aligned and how the current act, in prohibiting a link between cancer screening and registries, is updated. We have heard honourable members point to examples concerning the vaccination status of women and particularly the recording of cervical screening test results. We have heard how that has created difficulties for states sharing information if a woman transfers interstate.

In terms of how the cancer plan is renegotiated and reconsidered every four years, the opposition has heard that the initial plan tabled by Parliament would need to be redrawn by 1 October 2016. That is something the opposition supports, because we want to make sure that the cessation in funding for the Victorian cancer action

plan and the potential abandonment of that significant public health tool does not prevent this important work from continuing.

We have also heard that the modernisation involved in the Anti-Cancer Council of Victoria becoming a company limited by guarantee within the meaning of the commonwealth Corporations Act 2001, rather than an organisation established under Victorian statute, provides for a much more modern and robust accountability framework that will allow the organisation to develop in a whole range of new areas. Against this background, the current Victorian cancer action plan — and indeed the processes around the Victorian Cancer Action Plan 2008–11, which continues in some forms — deals with the arrangements whereby the Anti-Cancer Council of Victoria, community health services, all levels of community participation, all levels of different operations of governments and different operations of community organisations come together to take a holistic approach whereby issues of cancer treatment and disease that are identified as matters of particular concern are prioritised, funded appropriately and built into the future arrangements to ensure that we get on top of the growing incidence of cancer.

On the one hand we have seen an increased ability for people with some forms of cancer to survive, endure and live full and healthy lives, while on the other hand we have seen the incidence of other forms of cancer increase. As has been said, there are not many communities, families or members of this house who are unaware of the impact that cancer can have on people's lives. Ensuring that the arrangements in place are as robust, well governed and linked up across communities, governments and different levels of the state as they can be is an important contribution to ensuring that the wellbeing of Victorians and the community is protected, that the cancer survival rate — one, but not the only, important measure of progress in dealing with this significant disease, which we have seen progressively improve — continues to improve, that the lives of Victorians combating cancer and their families are improved and that the organisations they rely on are strengthened and made more efficient, while continuing to be well and appropriately supported.

Mr SCOTT (Preston) — I am happy to rise to speak on the Improving Cancer Outcomes Bill 2014. There is one part of the bill I would like to touch on first. I know it is disorderly to refer to or interact with people in the gallery, but it is worth placing on the record that there are representatives of Cancer Council Victoria in the gallery. Part 5 of the bill deals with the registration of Cancer Council Victoria as a company. As part of this

debate I think it is appropriate to place on the record the gratitude that members of this house have for the work that is undertaken by Cancer Council Victoria, a dedicated organisation that fearlessly advocates, regardless of who is in government, for the policy prescriptions and research it believes will reduce cancer rates in the community. It does not always do so in a way that is comforting to government, but it does it as is appropriate, because these are important issues.

In its publications Cancer Council Victoria says about 30 000 Victorians will be diagnosed with cancer and 11 000 will die from it this year. This indicates both the importance of the work Cancer Council Victoria undertakes and also the importance of the issue of cancer for our society. It is appropriate that there is a bill before the house, which builds on the work of the previous Parliament in this area, to deal with this matter, because cancer reaches into the lives of every member in this place and in the community. We all know people who are touched by cancer.

This is particularly important in the context where so much work has been done to improve cancer survival rates. Many wonderful individuals have dedicated their lives to improving survival rates — ending the view that a diagnosis of cancer is simply a death sentence — and to preventing cancer. In particular I refer to some of the work undertaken by Cancer Council Victoria to prevent cancer and change behaviour in our community around smoking. Again I think it is an appropriate time in this debate to place on the record my gratitude on behalf of my constituents and I am sure, as I said, the gratitude of all members of Parliament for the work that has been undertaken by Cancer Council Victoria in ensuring that more Victorians are free of the scourge of cancer through its work in educating people in the community and struggling for appropriate legislative reform and research to help Victorians. I also highlight that Cancer Council Victoria has estimated that 30 per cent of cancer is preventable. As important as acute medical services are in this area, the issue is about not just improving such care but also ensuring that the cancers that can be prevented are prevented.

In terms of the bill itself in relation to Cancer Council Victoria and its registration as a company under part 5 of the bill, clause 22 is a definitions clause and clause 23 sets out the information required by section 5H of the commonwealth Corporations Act 2001 for the registration of Cancer Council Victoria as a company. Clause 24 allows the minister to specify the day on which the Anti-Cancer Council of Victoria, as established under the Anti-Council Council Act 1936 and continued by the Cancer Act 1958, is taken to be registered as a company limited by guarantee.

Clause 25 provides for the corporate continuity of the Anti-Cancer Council of Victoria, which is important. The bill does not establish a new body but is a technical piece of legislation around an existing body and the continuation of its work, which is so important to the community.

Clause 26 provides that on and after the registration day a reference to the Anti-Cancer Council of Victoria will be taken to be a reference to Cancer Council Victoria. Clause 27 provides that on and after the registration day a person holding office as a member of the Anti-Cancer Council of Victoria, or as a member of a committee of the Anti-Cancer Council of Victoria, will cease to hold that office.

As I said, this is an important piece of legislation. The Labor Party is rightly proud of the work that was undertaken by the previous government to ensure that the incidence of cancer is reduced. I would not say that cancer will ever be removed as an issue, and it is an increasing issue because as the community and health professionals have been able to limit the impact of other diseases such as heart disease and other cardiovascular diseases, cancer has become more common in our society. But, as I said, there has been much work done.

The bill provides for the mandatory reporting of cancer diagnosis and imposes a mandatory obligation to collect screening information. This is useful for individuals, as has been stated previously. Population health information that is collected is protected by the provisions of the Health Records Act 2001. That is important. There has been a great deal of advancement as a community in ensuring that health records are dealt with appropriately. This does not occur in all jurisdictions; there are other jurisdictions around the world where health records are not properly kept, but in Victoria there is a bipartisan understanding that it is very important to preserve important private information. Sometimes that is seen as being gradated with perhaps mental health records at one end, but that is not true. People have the right to preserve their medical privacy and to ensure that their health records are treated appropriately, so it is appropriate that the information that is collected is protected and the privacy of individual members of the community is protected by this bill.

The management of these databases remains with the existing operators — that is, with organisations such as BreastScreen Victoria and others. The ownership of the data would lie with the Secretary of the Department of Health. There is also reference to the development of a cancer plan to be developed every four years, with the initial plan to be tabled by 1 October 2016. As has been

mentioned by previous speakers on the Labor side, this is a concept we welcome. We have not seen this level of commitment prior to this bill, particularly in the context of the previous Victorian cancer action plan. It is important to see this bill as building upon a record of the Labor government, which took cancer very seriously. I make reference to the member for Mulgrave and other ministers from the Labor government in terms of the commitment they have shown to this issue. There was the adoption of the \$150 million Victorian cancer action plan, which was in existence from the period 2008 to 2013 and was one of the most significant one-off investments in cancer ever seen in this state. Of course this investment in itself is not enough. There was also a setting of goals to increase cancer survival rates.

I will go through some of the actions of that plan because I think the context in which cancer policies occurred in the past informs the debate which we are having here today. Included in the plan was \$24 million to reduce major cancer risk factors and avoidable cancer deaths. As I previously commented, the Cancer Council Victoria has indicated that 30 per cent of cancers are avoidable. If we are talking about 11 000 deaths, that is more than 3000 Victorians who are dying every year of avoidable cancers. There has been a greater awareness of smoking, but there are also issues around diet and other factors such as exercise. This is a really important part of any response to cancer. Under Labor there was also \$78.7 million for the Victorian Cancer Agency, \$28.8 million to empower patients and carers through their cancer journeys and \$18.4 million towards boosting the workforce.

It is also important to place on the record the appreciation that I am sure all members feel towards the dedicated nurses, doctors, radiologists, psychologists, GPs and many other health professionals who work in the Victorian health system and assist persons who struggle with cancer. It is a journey that individuals take by themselves, but in many cases it is a journey that their family and friends take with them. I have had someone close to me struggle to defeat a cancer they have had to live with, and I am sure many other members have seen family members do the same.

It is important to place on the record the gratitude of this Parliament to all those who assist in the struggle against cancer. In the northern suburbs of Melbourne we have the Olivia Newton-John Cancer and Wellness Centre at the Austin Hospital, a place that does fantastic work. It is a world-leading facility in Victoria, and it is great that in the northern suburbs of Melbourne there is a facility that provides such fantastic care to those with cancer. I believe my time has expired, but I wish the bill well.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

Business interrupted under sessional orders.

ADJOURNMENT

The ACTING SPEAKER (Mr McIntosh) — The question is:

That the house now adjourns.

Monash Special Developmental School

Mr DONNELLAN (Narre Warren North) — My adjournment matter is for the Minister for Education. The action I seek is for the minister to provide the house with a full explanation of the review the Department of Education and Early Childhood Development carried out of the Monash Special Developmental School and of Helen McCoy, the principal, and Peter Lyall, the architect of the school.

Specifically I draw the following concerns to the attention of the minister: the relationship the principal, Helen McCoy, has with Anne Hamilton-Byrne, the evil, wicked founder of the cult The Family; the appointment of Helen McCoy as the executor of Anne Hamilton-Byrne's estate; the well-ventilated fact that Ms Hamilton-Byrne is a control freak and therefore simply would not appoint an executor to her estate unless she believed they shared similar beliefs; the appointment in 2008 and 2011 of Peter Lyall, a well-known member of the cult The Family and a person close to Helen McCoy and Anne Hamilton-Byrne, as the architect of the school; and the statement by Helen McCoy, the principal of Monash Special Developmental School, declaring she has an association with Peter Lyall, who is currently a member of the cult The Family, even though she maintains she was not a member of the cult The Family herself. Mr Lyall designed Monash Special Developmental School.

I also raise the following concerns: bullying and the mistreatment of children in the school, including inappropriate restraints and having children change in public; the fact that Ms Helen McCoy seems to feel at ease saying that she is 'a friend' of this child abuser, Ms Hamilton-Byrne; that the department believes that a

close friend of a child abuser should be the principal of Monash Special Developmental School; that the department does not appear to have investigated whether Ms Helen McCoy has ever been a member of the cult The Family; and the lack of accountability of the school in relation to its spending and results.

I also draw the minister's attention to an article published in the *Age* of 22 July 2013 in which Helen McCoy is described as a strong supporter of Ms Anne Hamilton-Byrne. Furthermore, I draw the minister's attention to the question of why so many members of The Family are directors of Helen McCoy's wildlife rescue centre, Life for all Creatures, including Peter Lyall, Michael Stevenson-Helmer, David Munroe, Olivier Mackay-Dalkeith, Mr Dawes and Ms Hamilton-Byrne, who was a director until 2005. The minister needs to step up to the plate to protect children. The minister has been warned, and these issues have been ventilated in the *Herald Sun* as recently as July 2014. I cannot understand how a close friend of Ms Anne Hamilton-Byrne, who shares the same beliefs, could possibly be an appropriate person to be a principal of Monash Special Developmental School, a school in which children are vulnerable and not able to fully communicate their concerns.

Caulfield Racecourse Reserve

Mr SOUTHWICK (Caulfield) — The matter I raise is for the Minister for Environment and Climate Change, and the action I seek is that the minister adopt the recommendations outlined in the Victorian Auditor-General's Office report entitled *Management and Oversight of the Caulfield Racecourse Reserve*. The report outlines that the trust has not been an effective manager of the reserve and that insufficient attention has been paid to fulfilling the potential for community use of this reserve.

It is important to mention that Caulfield Racecourse is one of the most prestigious racecourses in Australia. It brings significant revenue into the state through racing and events. It hosts significant racing events, including the Caulfield Cup and the Caulfield Guineas, and it was the training home of the legendary Black Caviar. In addition to a racecourse, the 1949 Crown grant designated the land as being for two other purposes: public recreation and as a park. It would be fair to say that, despite the efforts of many, the trust has failed to deliver on the recreation and open space benefits to our community, which the report highlights. Without elaborating on the failure by the Labor government to properly administer land swaps and to take up recommendations from previous reviews, we are now in a great position to finally implement a management

plan by taking up these recommendation to the benefit of both racing and community use.

Members would have heard me advocate in this place for more community use of the reserve's 54 hectares of land. We have seen racecourses, such as Happy Valley Racecourse, with strong sporting facilities and golf courses in the middle of their reserves. We are perfectly placed to do a similar thing at Caulfield. I place on the record acknowledgement of the efforts of the current Melbourne Racing Club administration, which has demonstrated a willingness to adopt a plan that incorporates better public use of the facility. In 2012 I worked with the club and the City of Glen Eira to deliver a \$1.8 million upgrade of the centre, including barbecue and jogging facilities. That project was funded by the racing club to encourage community use of the reserve.

Despite having done all that, as we have known and as this report highlights, the community does not fully utilise this space because it is hard to get to. Caulfield Racecourse Reserve is desperately calling out for an active space plan to bring people into the centre of the reserve. We could do this through proper community consultation, which this report also suggests. I thank the minister and the current Department of Environment and Primary Industries administration for their commitment to fixing the inherent problems in managing this reserve and the work they have done so far with the trust.

The recommendations of the report include more rigorous oversight of Caulfield Racecourse Reserve; adopting a governance framework consistent with contemporary standards, determining the trust's responsibilities, powers and obligations; a community engagement strategy that can identify the needs and will ultimately result in a land management strategic plan that contains a clear and measurable outcome for use of Crown land consistent with the grant; and the exploration of alternative management arrangements for the reserve so it can be better placed to meet the needs of the racing and local community into the future. Ultimately we are looking for the best outcome for all — the best outcome for residents and the community while keeping in mind that it is a racecourse.

I call on the minister to adopt all the recommendations in this report. This is a once-in-a-lifetime opportunity to get things right in this unique and valuable space known as Caulfield Racecourse Reserve. I will give the community my undertaking to continue to fight for better community benefit in this great space.

Disability accommodation

Ms GARRETT (Brunswick) — I wish to raise a matter for the attention of the Minister for Community Services relating to disability care and services for Alexander Curotte, the son of Peter and Paula, who are constituents of mine. The action I seek is an urgent response to the ongoing and significant unresolved matters regarding Alexander. His parents hold grave fears for Alexander's safety given his long history of traumatic injury while he has been a resident in his current accommodation, a place manifestly unsuited to his needs.

Mr Curotte has multiple physical, intellectual and cognitive impairments and is severely autistic. He has just turned 29. I again draw the minister's attention to the lengthy and detailed SAL Consulting report, which deals with Alexander's situation in precise detail and makes clear recommendations for the provision of clinically informed future support. The SAL report was commissioned by the Department of Human Services (DHS) in late 2010. To date the department has given no written response to Alexander's parents regarding the implementation of these recommendations.

In concluding her response regarding Alexander's care during the adjournment debate on 12 September 2012, the Minister for Community Services said:

As I said, we are very aware of the complexity of the needs of Alex and the concerns of his parents. We are working to develop a longer term plan. Given the extent of his needs and the complexity of his disabilities this is not a straightforward process. However, we certainly seek to achieve the objective of his parents, which is safety for him, long-term accommodation in the Bendigo region so he can be close to where his parents reside, and obviously maximising his opportunities and safety for the years ahead.

Two years have since elapsed, and Alexander continues to reside in unsuitable accommodation. Alexander is at constant risk of falling onto unprotected concrete due to his hemiplegia, has swallowing difficulties, frequently sustains bruises and lacerations, has impaired vision and spends most of his time sitting in a chair watching a television set which is mounted high on a wall and encased in a metal cage. Alexander has no access to a kitchen and cannot help himself to a drink or a snack without attracting the attention of a staff member. He has very limited access to a vehicle despite his delight in nature and love of the greater Bendigo area and meeting with his friends and family.

Through their tireless work and love for their son, Alex's parents have assembled a team of highly skilled specialised allied health clinicians and medical professionals to provide optimum health care for

Alexander. In addition, they are in close consultation with an accredited potential accommodation and care provider in Bendigo. Nonetheless, his parents have been informed by DHS regional managers that no transitional funding is available to facilitate the move. Sadly the matter now seems to be at an impasse, while Alexander's wellbeing continues to be at risk in his current accommodation. I seek the minister's urgent intervention in this matter and her advice as to what assistance is being given to Alexander and his family to allow him to move to Bendigo, where he can live a safer, fuller life, and where he can be expected to receive the sort of care and accommodation he deserves.

Carrum Downs Recreation Reserve

Mrs BAUER (Carrum) — I wish to raise a matter with the Minister for Sport and Recreation. The action I seek is that the minister visit the Carrum Downs Recreation Reserve. Following the changes to the Carrum electorate boundaries, the large and growing areas of Carrum Downs, Skye and Sandhurst are now included in my area of responsibility. Census figures show that in the 10 years between 2001 and 2011 the population of this area had risen by almost 8500 to just under 30 000. By 2016 that number is expected to grow by around 4500.

Sport is a major weekly activity in areas with young families. A 2009–10 survey found that 64 per cent of people aged 15 years and over had participated in sport and physical recreation as a player at least once during the preceding 12 months. Carrum Downs Recreation Reserve serves as the major centre for organised sporting activities. Netball, AFL, cricket and tennis are among the top 10 most popular sports and all are played there. The reserve caters to a variety of sports and activities. It is home to the Carrum Downs Cricket Club, Carrum Downs Tennis Club and the Carrum Downs and Skye football clubs as well as the 1st Carrum Downs Scout Group. It has a large playground, exercise stations and walking tracks.

The Carrum Downs Recreation Reserve master plan 2006 identified that there was poor provision of recreation facilities throughout Carrum Downs and Skye. The general quality and condition of the reserve was not rated highly, with the majority of residents rating its condition and facilities as 'poor' and 'fair'. The report also found that with its young population profile, in the short to medium term there would be sustained demand for sporting and recreation facilities in the area. Little has been done in the eight years since, illustrating a lack of commitment by the Labor government. An example of this is the strong Auskick

program at the reserve — the largest in the south-east, with 250 children — which is being run out of a shipping container.

The Victorian coalition government has a strong record in supporting team sports in the Carrum electorate, including providing around \$75 000 to junior football clubs, \$80 000 to the local rugby club and another \$75 000 to soccer clubs in the electorate. Baseball, lawn bowls and tennis have also all benefited since the coalition took government in 2010. Since taking up his portfolio, the Minister for Sport and Recreation has proven to be a great friend of the Carrum electorate, with visits to the Frankston Basketball Stadium to discuss its redevelopment plans, an announcement of \$100 000 for a pavilion upgrade for Bonbeach Recreation Reserve and most recently the opening of the \$49.7 million Peninsula Aquatic and Recreation Centre. I invite the minister to meet with club officials to discuss the need for upgraded sporting facilities, and I look forward to his response.

Clayton South landfill sites

Mr LIM (Clayton) — My adjournment matter is for the Minister for the Environment and Climate Change. The action I seek is that he conduct an urgent investigation into the sickening odours that continue to come from landfill sites in Clayton South. The minister would be aware that I first raised this matter in Parliament on 29 June 2011, and I am extremely concerned that action is not being taken by the government to ensure that landfill operators comply with their obligations under the Environment Protection Act 1970. I am also concerned that the Environment Protection Authority Victoria (EPA) has decided to discontinue its landline complaints telephone number and replace it with a 1300 number that many pensioners in my electorate cannot connect to. It is outrageous that any government department would make it harder for people to make a complaint to it, but to make it harder to report serious health issues is just plain wrong and a disgusting abdication of responsibility. Complaint numbers should be free to residents regardless of whether they call from a landline or mobile phone.

The minister is quite aware of this issue, particularly as the City of Kingston mayor is a Liberal Party operative. The minister should be demanding regular briefs from both the City of Kingston mayor and the EPA, but I will brief him today. In December 2010, after many years of lower than average rainfall, the drought broke and landfill operators were caught short with rain flooding into their landfill sites. The result was massive disruption to the quality of life of residents in Clayton South, Dingley Village, Heatherton and Oakleigh

South, which continues today as both the state Liberal government and the City of Kingston were slow to act.

Community meetings were held and subsequently some landfill operators invested in reducing these sickening odours by using methane gas extraction systems. As a result there have been some improvements for people residing some distance from these sites but my constituents residing close by are held captive 24/7. On 19 February 2013 I also raised this issue by way of an adjournment matter with the Minister of Health, but my request for a health study for my constituents was refused. This winter residents have again smelt these sickening odours day after day, particularly coming from the former sites near the Grange Reserve and Spring Valley Golf Course and also those close to houses between Old Dandenong Road and Clayton Road. A Victorian Auditor-General's Office report was handed down on 3 September 2014. It states:

Improvement is required to better manage localised risks to the environment and surrounding community amenity from both active and closed landfills not designed and constructed to today's better practice standards ...

It further states:

Both EPA and councils have been slow — —

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

Robinvale arenacross track

Mr CRISP (Mildura) — I raise a matter for the Minister for Sport and Recreation. The action I seek is funding for the Robinvale arenacross track. The Robinvale motorcycling precinct on Shaggy Ridge Road has been developed by Robinvale and District Motorcycle Club members and others over the years with as much assistance as they can muster from wherever they can get it. The club now plans to construct an arenacross track, including lighting, fencing, spectator mounds and a watering system. Arenacross is a growing sport, and Robinvale can accommodate both local and regional competition with an arenacross track. However, the club is seeking assistance from the government to make this a reality.

Regional sporting events can assist local economies through a combination of the activities and people coming to visit. Robinvale has had some successes. It has an annual ski race which packs out the town and delivers considerable benefits to it. It was also successful in having the recreational vehicle and camper annual general meeting in the Robinvale area last year, which also attracted very large numbers. These kinds of major events in communities like

Robinvale can have significant impacts on their economy. This benefits both employment and other community groups as well.

The motorcycle club and the arena are seeking this funding, and I am sure that the minister will view their request favourably.

Port of Hastings development

Ms HUTCHINS (Keilor) — I raise a matter for the Minister for Ports. The action I seek is that he provide the house with the government's plan to accommodate the projected traffic that would be generated by the proposed container port located at Hastings.

An independent report by the Institute for Supply Chain and Logistics at Victoria University entitled *Build It — But Will They Come?* was released in August. It shows that 70 per cent of Victoria's freight would have to travel across metropolitan Melbourne to the proposed new container port at Hastings. Current demographic trends and the growth corridor policy for the expansion of Melbourne indicate that the largest population growth in metropolitan Melbourne will be to the west and north-west of the city.

Taking this into consideration and assuming that the industry works 24 hours a day, 7 days a week, this would mean that nearly 4200 trucks or 140 freight trains per day, every day, would have to find their way across metropolitan Melbourne via the existing road or rail networks if a container port was up and operable in Hastings.

According to Victoria University figures, a freight train would run every 10 minutes every day from Hastings to Tottenham rail yards in Melbourne's west via Flinders Street station, forcing the widening of narrow rail cuttings through the suburbs of Malvern, Armadale and Toorak. To my knowledge, the Napthine government has no current plans to make any sort of infrastructure investment that would support or cater for these increased freight volumes that would be generated through a second container port located at Hastings.

According to this report, a container port at Hastings could increase freight travel time, travel costs and emissions to the environment by 95 per cent. Shockingly it would also potentially add \$400 per container to the cost of freight and its movements — that is, we are talking about a doubling into the future of the cost of moving freight by locating a second container port almost 100 kilometres from the current port of Melbourne. This sort of burden could be crippling on the freight industry and could be especially

crippling for Melbourne's lead in the competition against other states.

I note some public comments that were made by the managing director of Qube Logistics, Maurice James, just last week at a Committee for Economic Development of Australia event. He said that the port of Melbourne and Victoria have failed, and the Victorian government has failed, to facilitate effective freight movements through the port for the economic wellbeing of all Victorians. He also said that a platform of uncertainty has now been created in Victoria, which has led his company to question further investments in the freight industry in Victoria.

Narracan electorate recreation reserves

Mr BLACKWOOD (Narracan) — I raise a matter for the Minister for Environment and Climate Change. The action I seek is that the minister allocate funding for the clean-up of two important and popular recreation reserves in my electorate. These sites are Coopers Creek day visitor area near Walhalla, and the Limberlost recreation site at Gentle Annie. Both of these sites have been impacted by strong winds and wet weather over recent years, and their accessibility and safety have been compromised by fallen trees and landslips.

Coopers Creek is a very popular day visitor area, used by four-wheel drivers and bushwalkers. It is quite close to the Horseshoe Bend tunnel, another unique historical site near Walhalla. A landslip adjacent to the recreation area has caused access issues to the recreation area; however, it has not impacted on the recreation area itself. There is a need for signage and bollards to keep visitors away from the landslip area and direct visitors around this area to the recreation area itself.

Walhalla is part of the Walhalla and mountain rivers tourism area, and it is a very popular spot for day visitors and in particular four-wheel drivers and four-wheel drive clubs. The Walhalla township attracts thousands of local, interstate and international visitors every year and is an important feature of Gippsland's heritage. The Walhalla railways, the Long Tunnel Extended Mine, the heritage buildings and the cricket ground provide a fantastic snapshot of the history of Walhalla.

This area also has an enormous amount to offer in the way of bush tracks, which access historical sites right through this area of state forest. It is very important for day visitors to the area to have a safe and accessible area so they can stop for a break and have a barbecue or a picnic lunch.

The Limberlost recreation site at Gentle Annie also hosts many visitors each year. Mainly trail bike riders and four-wheel drivers use this area of state forest for recreation. It is within an hour's drive of the eastern suburbs of Melbourne, and for this reason it is very popular among locals and attracts large numbers of visitors.

The Limberlost recreation site has been affected by fallen trees and large branches that need to be cleared so that access can be restored. This area was also heavily impacted on by the Black Saturday fires, and as a consequence many trees have died and are very prone to damage during strong winds.

Both of these areas are extremely important and are used regularly by large numbers of day visitors. It is important that we maintain safe and accessible rest and recreation areas in appropriate locations in our state forests. By doing so we encourage more people to visit and appreciate the magnificent beauty that the Gippsland forests and parks have to offer. I urge the minister to provide the funding that is required to clean up these areas.

Wales Street Primary School

Ms RICHARDSON (Northcote) — The matter I raise is for the Minister for Education concerning Wales Street Primary School. The action that I seek again from the minister is that he immediately return principal Chris Sexton to the school.

The issue is of great concern to me and my community, and I am sad to say it is an issue that has dragged on for way too long to the detriment of students and the wider school community. This principal was removed without notice at the start of the year after an episode concerning asbestos at the school. It was clear that not all the processes had been put in place to deal with asbestos removal, and this has no doubt contributed to the incident at the school.

However, what is also abundantly clear through this incident is that at every turn the minister's department, and in particular the regional office led by Jeanette Nagorcka, has constantly sought to scapegoat this principal in order to absolve themselves from any responsibility over this incident.

First they told us the principal was facing WorkCover charges so he could not come back to the school. What they did not tell us is that WorkCover had already expressed its frustration over the regional office's refusal to cooperate with WorkCover's investigation. WorkCover also confirmed that if the principal was

found wanting, no doubt the department would also be found wanting. Then Shane Gillard from WorkCover — not the regional office, interestingly — informed the president of the school council that WorkCover had conducted comprehensive inquiries into asbestos issues, and based on the inquiries undertaken by the Victorian WorkCover Authority they were of the view that there is no basis for this investigation. In short, the principal had no case to answer as far as WorkCover was concerned, and all this was six months after the incident.

I called on the minister to immediately act, and he directed his department to return the principal on day 1 of term 3, but with no-one to hang, the department then did the most shabby thing possible. It went behind the school's back and leaked its version of events to the local media, and needless to say the truth did not feature in the media's account of events. This action was so ham-fisted that it did not have the desired effect of turning the school against Chris; in fact the calls for his return grew louder.

The department then told us that Chris was facing internal disciplinary matters and still could not return. The department would not say how long this so-called internal investigation was going to take, so still we wait. Of course the minister's deadline for this matter to be resolved has long passed — term 3 ends this Friday.

Throughout this episode the regional office of the department has tried to bully the school council into submission. So badly has the department handled this issue that a parent has quit the school council in disgust at the department's antics. Further, the department has consistently misrepresented events, has denied the principal natural justice and, most importantly, has denied the school its principal, who up until this moment received nothing but praise throughout his career from the department that has so recently failed him and his school.

This witch-hunt has to be brought to an end, and while we are at it an apology to the principal and the school community is certainly called for. A proper investigation into how the Department of Education and Early Childhood Development has handled this matter would not go astray either. I ask the minister to bring back our school principal and to remind his department that its primary role is educating our kids and not persecuting principals in a bid to cover the department's obvious failings.

Orrong Road, Armadale, development

Mr NEWTON-BROWN (Pahran) — My adjournment matter is directed to the Minister for Planning. The action I seek is that he accept the will of the Stonnington community and sign off on new controls for 590 Orrong Road, as sought by Stonnington City Council in amendment C153. I make this request with the support of the Treasurer and the member for Malvern.

The community and the Stonnington City Council have made it quite clear that the proposed Orrong Towers development at 590 Orrong Road is not acceptable. At first the developer sought towers of up to 16 storeys, which was comprehensively rejected by the community. The revised plan was still too high and still too intense, with 466 new apartments and buildings up to 12 storeys high. Sadly for the community the decision at the Victorian Civil and Administrative Tribunal (VCAT) was significantly out of line with community expectation for the site, and VCAT granted a permit for the number of apartments and the height sought.

This site is on the border of the electorates of Malvern and Prahran, and while it is in the Treasurer's seat of Malvern, it also impacts on my seat of Prahran. Both the Treasurer and I have previously expressed our concern about the outcome of the VCAT hearing relating to the site. Proper controls for this site should have been sought by Stonnington council many years ago and certainly well before any developer had the opportunity to present an inappropriate development. Prior to 2011 the community sought that a coalition government minister for planning would not call in a development application. This commitment was given, and the application went through the usual processes of council consideration and appeal to VCAT. The outcome at VCAT was a disappointment to the community, a disappointment to me and a disappointment to the Treasurer.

The council has now proposed through amendment C153 that the site should be restricted to no more than 250 dwellings, with each building having a height of no more than 17 metres or six storeys. Furthermore, Stonnington council is seeking that there be 6-metre setbacks around the site and a site coverage of no more than 50 per cent. The amendment was lodged with the minister some time ago. When he considers amendment C153 the minister must make a decision on what he believes is the appropriate form of development on the site. The Treasurer and I urge the minister to make this decision having regard to the strong community views expressed over many years.

The fact that a development permit has been granted already should not colour the decision. It is not necessarily the case that the approved development will proceed. Projects regularly stall through lack of finances or poor presales. Any new permit application for the site will need to comply with these new controls approved under amendment C153 should they be approved by the minister.

The Treasurer and I believe that the minister should place controls over the site and that the controls now sought by Stonnington council are appropriate for our community. The community has spoken loudly and clearly on this issue, and we ask that the minister listen and act to represent our community's views.

Responses

Ms WOOLDRIDGE (Minister for Community Services) — I thank the member for Brunswick for her contribution to the adjournment debate tonight on an issue I know she has pursued over an extended period of time, as have I as minister. I particularly want to acknowledge a very significant amount of work the Parliamentary Secretary for Families and Community Services, Mrs Andrea Coote, a member for Southern Metropolitan Region in the other place, has undertaken as well as the work the Department of Human Services and Alexander Curotte's family have undertaken.

It is fair to say, as the member for Brunswick outlined, that Alexander has some very significant and complex needs, and addressing them is exactly the work that has been going on. When I had a brief word to Mrs Coote she described his progress as a very positive success. Apparently through the work over the last couple of years his communication capability has expanded significantly, and importantly his engagement with staff, with the community and with his family has been significantly enhanced as well. A lot of that is because of some recent work that has been done through a group called Grafton, which uses an innovative US model of working with people with very complex needs. We asked Grafton to conduct a trial of its approach with Alexander Curotte to get a sense of its capacity to work with someone with the extent of complex needs he has. He has been the test case in terms of how we might work differently with someone with very complex needs.

There has been some very good learning and some very good progress as a result of what I think really is a deep commitment from across the board to work out how to create an environment where Alexander can achieve his full capacity and potential. He has met some major milestones, and we believe he can continue to do so.

That work is happening now, and I understand it has taken some time, but it does with someone with the range of complex needs he has, because we want to ensure that proper service provision and proper support are in place. A lot of work is going into the model and the option of potential long-term accommodation in Bendigo.

I understand the desire for that to be resolved, but we believe there is still significant work to be done with Alexander, with his family and with service providers so that if such a transition can take place, it takes place in a way that is successful for everyone involved and most particularly for Alexander and his family. That work will continue.

Ms ASHER (Minister for Innovation) — The member for Narre Warren North raised an issue for the Minister for Education regarding an investigation into the Monash Special Developmental School, and I will refer that matter to the minister.

The member for Caulfield raised a matter for the Minister for Environment and Climate Change requesting the implementation of the Auditor-General's report into Caulfield Racecourse, and I will pass that matter on to the minister.

In referring to the matter raised by the member for Carrum, I hope the house will not mind if I add my congratulations to her on her return to this chamber and indeed on her four contributions today — that is an outstanding effort. The member for Carrum raised a matter for the Minister for Sport and Recreation requesting that he visit Carrum Downs Recreation Reserve, and I will pass that matter on to the minister.

The member for Clayton raised a matter with the Minister for Environment and Climate Change requesting an urgent investigation into landfill sites in Clayton South and the smell emanating from them, and I will pass that matter on to the minister.

The member for Mildura raised a matter for the Minister for Sport and Recreation regarding funding for the Robinvale arenacross track, and I will refer that matter to the minister.

The member for Keilor raised a matter for the Minister for Ports requesting that the minister outline the government's plan regarding traffic as a consequence of the development of the Hastings port, and I will pass that matter on to the minister.

The member for Narracan raised a matter for the Minister for Environment and Climate Change requesting money for a clean-up of two sites in his

electorate, Coopers Creek and Limberlost, and I will pass that matter on to the minister.

The member for Northcote raised a matter for the Minister for Education regarding the Wales Street Primary School and the return of its principal. I know she has raised this matter before in the house, and I will pass that matter on to the minister.

The member for Prahran likewise has previously raised the issue of 590 Orrong Road in his electorate. He has requested that the Minister for Planning support the C153 amendment put forward by Stonnington council, and I will refer that matter to the minister.

The ACTING SPEAKER (Mr McIntosh) — Order! The house now stands adjourned until the next day of sitting.

House adjourned 4.35 p.m. until Tuesday, 14 October.

