PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 5 June 2012

(Extract from book 10)

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By authority of the Victorian Government Printer

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Privileges Committee — Ms Darveniza, Mr D. Davis, Mr P. Davis, Mr Hall, Ms Lovell, Ms Pennicuik and Mr Scheffer.

Procedure Committee — The President, Mr Dalla-Riva, Mr D. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney

Legislative Council standing committees

Economy and Infrastructure Legislation Committee — Mr Barber, Ms Broad, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Ms Hartland, #Mr Leane, #Mr Lenders, #Mr Ondarchie, Ms Pulford, Mr Ramsay and Mr Somyurek.

Economy and Infrastructure References Committee — Mr Barber, Ms Broad, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Mr Leane, #Mr Lenders, #Mr Ondarchie, Ms Pulford, Mr Ramsay and Mr Somyurek.

Environment and Planning Legislation Committee — Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, #Mr Leane, Mr Ondarchie, Ms Pennicuik, #Mrs Petrovich, Mrs Peulich, Mr Scheffer, #Mr Tarlamis, Mr Tee and Ms Tierney.

Environment and Planning References Committee — Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, #Mr Leane, Mr Ondarchie, Ms Pennicuik, #Mrs Petrovich, Mrs Peulich, Mr Scheffer, #Mr Tarlamis, Mr Tee and Ms Tierney.

Legal and Social Issues Legislation Committee — Ms Crozier, Mr Elasmar, #Mr Elsbury, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich, #Mr Ramsay and Mr Viney.

Legal and Social Issues References Committee — Ms Crozier, Mr Elasmar, #Mr Elsbury, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich, #Mr Ramsay and Mr Viney.

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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The Hon. P. R. HALL

Deputy Leader of The Nationals:
Mr D. DRUM

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Atkinson, Hon. Bruce Norman	Eastern Metropolitan	LP	Leane, Mr Shaun Leo	Eastern Metropolitan	ALP
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Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
Dalla-Riva, Hon. Richard Alex Gordon	Eastern Metropolitan	LP	O'Donohue, Mr Edward John	Eastern Victoria	LP
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Elasmar, Mr Nazih	Northern Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
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Hall, Hon. Peter Ronald	Eastern Victoria	Nats	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Tarlamis, Mr Lee Reginald	South Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP

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TUESDAY, 5 JUNE 2012

Tuesday, 5 June 2012

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.03 p.m. and read the prayer.

CONDOLENCES

Hon. Vance Oakley Dickie

Hon. D. M. DAVIS (Minister for Health) — I move:

> That this house expresses its sincere sorrow at the death, on 16 May 2012, of the Honourable Vance Oakley 'Pat' Dickie and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a member of the Legislative Council for the province of Ballarat from 1956 to 1978, Minister of State Development from 1964 to 1965, Minister of Health from 1965 to 1970, Minister for Tourism, Minister of State Development and Minister of Immigration from 1970 to 1972, Minister of Housing from 1972 to 1976 and Minister for Aboriginal Affairs from 1972 to 1975.

Vance Dickie, known to his friends as Pat, was born on 29 August 1918 at Bacchus Marsh, and he died on 16 May this year. His family was a prominent Bacchus Marsh family, having settled there in 1846. He gave service to the people of Victoria and the people of Ballarat.

He was educated at Bacchus Marsh state and high schools and attended Melbourne Grammar School. He started employment in the family business, Lifeguard Milk Products, in 1937. He became the manager of its dairy factory before becoming a director. In 1940 Pat Dickie enlisted in the Australian Army. He served in the Australian Imperial Force, seeing service in Java, the Middle East and Darwin. He rose to the rank of sergeant.

On returning Pat continued his business role and involved himself in the Bacchus Marsh community. He was president of both the state school committee and the high school council. He was a member of the Bacchus March memorial hospital board and a member of the water trust and sewerage authority from 1958 to 1964. After his military service he was a member of the Bacchus Marsh RSL. He was involved in racing, and he was a trustee at Caulfield. He was actively involved in his local Holy Trinity Anglican Church. His funeral service was held at that church on 22 May. Pat Dickie also served on the Bacchus Marsh shire council for 16 years from 1948 to 1964 and twice was shire president.

In 1944 Pat married Dorothy Jean Malcolm. They had three children. They were married for 65 years before Dorothy predeceased him.

Pat Dickie entered Parliament as an MLC for Ballarat Province at a by-election in 1956. Within two years he was a member of the Statute Law Revision Committee and then chair of the Population Distribution Committee for three years. In 1964 Premier Henry Bolte appointed him cabinet secretary. Later he was promoted to Minister of State Development. He held several portfolios over the next 14 years in both the Bolte and Hamer governments, including health, tourism, immigration, housing and Aboriginal affairs. He was acting Premier of Victoria on a number of occasions when the Premier and the Deputy Premier were out of the state or on leave. He was one of the last people to hold the office of Chief Secretary of Victoria.

In this chamber Pat Dickie was Deputy Leader of the Government from 1972 to 1976 and then Leader of the Government from 1976 to 1978, when he retired from both the ministry and Parliament on grounds of ill health. He served in the Parliament of Victoria for 22 years and as a senior minister in this place for 14 years.

In retirement Pat and his wife had two shared pleasures: their lifelong interest in racing and managing a large garden. He served the people of Victoria, and on behalf of the Liberal Party and the government I say to all his family, particularly Pat's three children, Christine, Vance and Charles, his eight grandchildren and his 13 great-grandchildren: we extend our most sincere sympathies today.

Mr LENDERS (Southern Metropolitan) — I rise on my own behalf and on behalf of the Labor Party to add my support to the comments made by the Leader of the Government regarding the late Pat Dickie. It is interesting — as I commented in the last sitting week when we commemorated another minister of the former Bolte and Hamer governments — that in this house when a person has served over a long career such as this, with 22 years as an MLC and 14 years as a minister, nobody on my side of the house has served with or met them. That is one of the things that happens as people go into old age: often your attributes and achievements are lost to the next generation.

Of course on this side we know a lot about Mr Dickie. He was a very colourful character in his time as a minister and as Acting Premier, and the articles distributed by the parliamentary library outline very clearly the role he played at the time. As well as that,

some on this side of the house remember the Ballarat by-election when David Williams was elected in 1978.

I would like to associate this side of the house with the remarks made by Mr David Davis and offer our condolences to Mr Dickie's family.

Mr BARBER (Northern Metropolitan) — The Greens would like to offer our condolences to Mr Dickie's loved ones and friends. He lived on this world for over 90 years — 94, if I calculate it correctly — and was born and bred and lived and died in Bacchus Marsh. He had a diverse parliamentary career through the period of the Bolte and Hamer governments, which we now see as iconic for representing a certain period of the state's history that has taken us to where we are today. In that time his portfolios included the ministries of state development, health, tourism, immigration, housing and Aboriginal affairs, and he was Chief Secretary of Victoria — a parliamentary career that I am sure a few members in this house would, if they could, like to emulate and have on their résumé.

As noted, Mr Dickie was a colourful, or at least larger-than-life, character. I am sure he would not want to be remembered only by newspaper headlines, but some of them included, 'Strife is all a plot — Dickie', in reference to trade unions; 'Vance Dickie: man of strong opinions'; and 'Nothing gets this man'. However, one headline appearing six years after his retirement said, 'Dickie spends time tending garden', and it referred to his and his wife's great enjoyment in retirement. That is something we would also like to emulate post-politics — a happy time in our retirement in the garden, or in some other pastime that gives us happiness. I hope that was always the case for Mr Dickie and his family and friends.

Hon. P. R. HALL (Minister for Higher Education and Skills) — On behalf of my colleagues in The Nationals I join other members of this chamber in expressing condolences to the family and friends of the late Vance 'Pat' Dickie. As has been said by other members, Mr Dickie had a very long and distinguished career as a parliamentarian and equally as an important citizen of the Bacchus Marsh community. He was born and bred and grew up in Bacchus Marsh, and he served that community in many different ways. When you read through an account of all of his achievements over the years, it is something that speaks volumes. His commitment to his local community will stand him in good stead in the memories of people in the Bacchus Marsh area for many years.

As was mentioned in terms of his parliamentary service, his extraordinary service to the people of Victoria is again something to be admired. Serving in this house for 22 years as the member for the province of Ballarat — 14 of those years as a minister of the Crown — is a remarkable achievement. His portfolios were many and various over that period of time, and one can only admire him for having to serve in those capacities in such diverse areas.

It is also worthwhile noting his service to Australia. He served in the Second World War from 1940 to 1944. Our admiration is extended to all those people who served our country during times of war, and it is an important legacy left by Mr Dickie and others to us in this chamber.

My colleague Mr O'Brien, in a life before he joined us in this chamber, worked with Vance Dickie's granddaughter Tess. I know Mr O'Brien and Tess had many great conversations about her views on and her love and feelings for her grandfather, now the late Vance Dickie. He enriched the life of his granddaughter and, I am sure, the lives of all of his other family members as well.

On behalf of The Nationals I pay tribute to the late Vance Dickie; a life well spent and a life of service to the Victorian community. I express our sincere condolences to all of his family and friends.

Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.

The PRESIDENT — Order! The proceedings will now be suspended as a mark of respect for Mr Dickie, given his service both as a minister and as leader in this house. I will resume the chair in 1 hour.

Sitting suspended 2.16 p.m. until 3.20 p.m.

ITALY: EARTHQUAKES

The PRESIDENT — Order! On behalf of the Legislative Council of Victoria I wish to express our deepest and sincere condolences to the government and people of Italy following the loss of life, injury and damage suffered as a result of the earthquakes in the Emilia-Romagna region on 20 and 29 May and 3 June 2012, and I join with the people of Victoria in offering our strong support for the rescue, relief and recovery efforts being undertaken in that region.

As a mark of respect, I ask members to rise in their places for 1 minute.

Honourable members stood in their places.

The PRESIDENT — Order! Italy is celebrating its national day this week, so obviously this has been a sad aspect of what should be a time of celebration for the Italian people. We in Melbourne have such a strong Italian population and strong links with the people of Italy that our prayers and thoughts are certainly with them.

ROYAL ASSENT

Message read advising royal assent on 29 May to:

Courts and Sentencing Legislation Amendment Act 2012
Health Professions Registration (Repeal) Act 2012
Independent Broad-based Anti-corruption Commission Amendment (Examinations) Act 2012
Primary Industries Legislation Amendment Act 2012
Statute Law Repeals Act 2012.

QUESTIONS WITHOUT NOTICE

Manufacturing: specialist skill shortages

Mr SOMYUREK (South Eastern Metropolitan) — I refer my question to the Minister for Manufacturing, Exports and Trade, Mr Dalla-Riva. As a direct consequence of the cuts to TAFE imposed by the minister's government the University of Ballarat has proposed to close its school of manufacturing and construction. Among the many courses that will cease at the institution as a result of the funding regime imposed by the minister's government are certificate III in process manufacturing; certificates II, III and IV in business; certificate III in telecommunications; certificate II in engineering — production technology; certificate II in automotive vehicle body; and diplomas in both project management and accounting. The minister for manufacturing has stated:

> Persistent skills shortages … threaten the capacity of firms to be globally competitive.

I ask the minister: how does the cessation of manufacturing courses assist manufacturers to address these skills shortages?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I am always pleased for the member when he finally gets to ask me a question. It is good to see that Mr Somyurek has taken a strong interest in the manufacturing policy that we released last year. In particular the focus that we had, as one of the five key areas of this strategy, was on niche and specialist skills. It is of course important to note that when you contrast it with what happened under the previous industry minister, where you had a plethora of strategies that were all over the place and you had no cohesion, we made our commitment to the manufacturing sector very clear. That meant that in the sense — —

Hon. M. P. Pakula interjected.

Hon. R. A. DALLA-RIVA — We have a comment over there from the former industry minister. I must take up the interjection, because he said, 'Because it works'. If you look at the history of the former government in terms of its commitment to manufacturing, you see that it absolutely failed — hands down. What we had to do was undertake a significant review of manufacturing unlike any other state or federal review. The review identified the five key areas I am talking about now, and those relate to niche and specialist skills.

We identified that there needs to be a more structured approach to manufacturing skills development, and, like the Minister for Higher Education and Skills, Mr Hall, who is sitting next to me, I know that we as a government have announced an extra $1 billion over the next four years for the training system. We know that much of this money will go to better support courses that provide higher level training, such as apprenticeships, in areas of skills shortage or those areas that make an important contribution to the Victorian economy and the chances of Victorians gaining meaningful employment.

The government is increasing the subsidies in these important areas in which TAFEs have traditionally had a very strong market share while reducing subsidies in areas of oversupply that do not necessarily lead to positive employment outcomes. Between 2008 and 2011 participation in fitness courses, for example — and fitness is very important, as those members opposite would know — increased by 1955 per cent, and participation in retail service courses increased by 2700 per cent.

What we have identified is the important need to ensure that manufacturing has a more structured approach towards developing its skills for the future, because the way it was done in the past, under the former government, failed. Those opposite — members of the former government — failed to understand the real needs of manufacturers. We are about having a coherent, strategic approach to manufacturing, and we

see niche and specialist skills as being very important parts of the five items.

Supplementary question

Mr SOMYUREK (South Eastern Metropolitan) — What action did the minister take to oppose these cuts to the TAFE sector?

The PRESIDENT — Order! I will let the minister choose to answer if he wishes on this occasion, but I remind the member that the minister is not actually responsible for the TAFE sector. He is responsible for other areas of industry, and whilst he might have an interest in skills training, particularly in respect of his portfolio interest in manufacturing, the fact is that he is not responsible for TAFE training. I will allow the minister to answer if he wishes, but I believe the question is outside the minister's actual area of responsibility.

Manufacturing: productivity

Mrs PEULICH (South Eastern Metropolitan) — I also have a question for the Minister for Manufacturing, Exports and Trade, and I ask — —

An honourable member — You are not going to get an answer!

Mrs PEULICH — I think I am going to get an answer. Can the minister inform the house of how the rising cost of doing business in Australia is affecting the productivity and competitiveness of Victoria's manufacturing industry?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I thank the member for her question because she has a very deep interest in manufacturing, given where she is from — the south-eastern metropolitan area, a very important part of the manufacturing base in Victoria. We as a government have placed a strong focus on productivity growth in our term of government.

Many times before I have drawn a comparison between the productivity performance of the former government and the productivity of the Kennett government. What we have seen is that when you have a focus on productivity improvement you get better outcomes for the Victorian economy. We have also said that by boosting productivity, we can ensure that Victoria's industry, and particularly the manufacturing industry, remains competitive globally. We have always said with the challenges, be it through some of the packages we have undertaken with Holden and others, that we need to ensure that they are competitive in the global supply chain, for example. That is why we announced our manufacturing strategy last year, where we undertook a significant review of manufacturing — the most rigorous compared to any other in Australia.

Honourable members interjecting.

Hon. R. A. DALLA-RIVA — It is interesting that those opposite interject, 'How is it going?'. I will tell you what, it is going a lot better than the federal government's manufacturing task force. It is going better than some of the other reviews that are under way. We have committed a significant amount of money — $58 million over four years — to the manufacturing strategy, and it took the former state government 700 days to release a statement that was just a rehash.

We are very committed. If you take the specialist manufacturing service for example, we did not say that this was about incremental improvements, we said that this was about making these firms leaders in their field, about giving them the specialist services they need and about listening to their needs. Turning to investing in manufacturing technology, we said that to be competitive on the world global stage we need to understand how we can compete with some of the best that is happening around the world — not what was the past; not what was good enough. We know that the former government let it just peter along and did nothing. We have made a very clear commitment about improving productivity and competitiveness.

We also know that manufacturers need to compete in the global supply chain. We also recognise — and we saw it with the Assistant Treasurer, Mr Rich-Phillips, in terms of the cuts to WorkCover costs for Victorian industry — and understand that the cost of operating business is very important, and we said it is important that that competitiveness remain strong and front and centre of our strategy.

It is interesting to see that, sadly, the conditions that have been placed on Australia are having a direct impact on manufacturers in Victoria. The impact on Australia's competitiveness is also impacting on manufacturing in Victoria. Only last week the IMD World Competitiveness Centre released new data which showed that Australia had slipped 10 places in global competitiveness ranking. What was it about? It was about red tape and industrial action that has been occurring across Australia. Even the *Australian Financial Review* reported recently:

> The increasing cost of doing business in Australia is beginning to impact.

And what is the impact — the significant impact — at the moment? The carbon tax, and that is having a significant impact on the way we can compete on the global world stage. The carbon tax is a job killer.

Planning: North Melbourne development

Mr BARBER (Northern Metropolitan) — My question is for the Minister for Planning. Amongst the minister's very many important, varied and sensitive duties, he is also responsible for a Woolworths in North Melbourne. That application is on his desk — not any old Woolworths, but something with two ginormous, great big residential towers that are going to be sticking out of it. It has been opposed by the local community across the board. It has been opposed by the council in its advice to him. It is totally out of line with the important strategic work the council has already begun to do in that area. When is it that the minister will reject this application, which has been on his desk for quite some time now?

Hon. M. J. GUY (Minister for Planning) — I thank Mr Barber for his very important question. It is important to note, as Mr Barber states, that it is a live planning application for which I am the responsible authority, and while I have met proponents and opponents of that proposal, it is one that I have not yet made a decision on. I do not think it would be appropriate for me to pass judgement on an application that I have not to date made a determination upon.

Supplementary question

Mr BARBER (Northern Metropolitan) — In respect of the Victorian Planning System Ministerial Advisory Committee's recommendation that the role of the minister should be clearly defined to minimise the need for him or her to be involved in the day-to-day administration of the planning system — a recommendation with which the minister agreed — and the fact that the context of that recommendation is the signing off on individual planning permits, particularly ones such as this with complex issues around alcohol, trading, traffic, height, neighbourhood character and the rest of it, is it likely that in the near future the minister will be handing back his powers over developments in the Melbourne City Council area in those developments with greater than 25 000 square metres, as would seem to have been recommended by his own ministerial advisory committee?

The PRESIDENT — Order! Again, I have trouble with the supplementary question.

Mr BARBER — It is a lot broader.

The PRESIDENT — Exactly. What tends to happen is that members are generally fairly ambitious with their first questions and then they may well narrow down to an issue in the supplementary question. Mr Barber has turned that on its head and been very specific in his substantive question and then gone ambitious in the supplementary question. To that extent it asks the minister to provide an answer on a much different question to the one originally put to him in the substantive question. I will give Mr Barber the chance to frame a more specific question that relates to the substantive question; otherwise I will rule it out.

Mr BARBER — Thank you, President. Ambition is my middle name, of course.

In light of the minister's unwillingness to tell me right now whether he will make a decision on this planning permit, and given that I hear some changes may be in the wind in terms of his response to the ministerial advisory committee, is it likely that between now and the time this decision is made the minister will have handed it back to the Melbourne City Council for decision on the planning permit in its final determination?

The PRESIDENT — Order! I will allow the minister to answer. I might say that again I am not sure that the supplementary question was informed by the minister's answer, which indicated that he was not in a position to intervene because it was already going through due process. I am not sure the supplementary question was entirely informed by the minister's answer, but I will allow the minister to answer on this occasion.

Hon. M. J. GUY (Minister for Planning) — Thank you for the advice, President. Mr Barber asks about the current 25 000-square-metre threshold at which the minister becomes the responsible authority, which in this case I am because it is over the 25 000-square-metre limit, or cut-off I should say, and then whether there is any position I might take to change that. In response I simply say that on coming to office this government removed Labor's Central City Standing Advisory Committee, which had descended into a very unworkable position.

Mr Tee — Have you replaced them yet?

Hon. M. J. GUY — Mr Tee should calm down. He can have a question too, if he would like. Mr Barber has asked one, so I will answer his first. We are in regular discussion with the City of Melbourne about the options which might replace that. All options should be on the table for that discussion.

Alcohol: energy drinks

Mr DRUM (Northern Victoria) — My question without notice is to the Minister for Health and Minister for Ageing, Mr David Davis, and I ask: can the minister inform the house of the steps the government is taking to examine further regulation of alcoholic energy drinks?

Hon. D. M. DAVIS (Minister for Health) — I am pleased to answer this question from Mr Drum. It relates to a significant community issue. I do not think anyone can be unaware of the impact of the story in today's *Age* — the very significant story about a young woman who died after consuming three cans of drink that combined alcohol with an energy substance.

The fact is that there is currently insufficient research about the effects of these energy drinks when combined with alcohol. Health ministers and food regulation ministers around the country are concerned about this issue. The New South Wales department of health is taking the lead nationally and working with other jurisdictions, including Victoria, to research the impacts on consumers — particularly behavioural and physiological impacts — of energy drinks combined with alcohol.

The recent health ministers meeting discussed these matters, and indeed the recent meeting of food regulation ministers also discussed these matters. I note the agreement that was reached by ministers and the communiqué of 6 May this year, in which the Australian and New Zealand Food Regulation Ministerial Council — which, I might add, is chaired by Catherine King from Victoria — took the decision to comprehensively review guidelines around the addition of caffeine to foods. This is an important step. It will put this on a better footing. Frankly this is an area that is best regulated at a national level in a practical sense and in the sense of cohesiveness with other jurisdictions.

I also note that the ministerial council is awaiting advice from the Intergovernmental Committee on Drugs on how it plans to respond to this issue of mixing alcohol with caffeinated energy drinks. There are really two issues here: there is the general issue of caffeine in drinks but also the specific issue of caffeine mixed with alcohol. Both require examination.

As I said, the information that is available on these areas is not as strong as it should be. I note the recent *Medical Journal of Australia* article looking at toxicity from caffeinated energy drinks, which concluded that there were greater reports of toxicity from caffeinated energy drinks. I also note the *Australian Family Physician* paper entitled 'Combining energy drinks and alcohol — a recipe for trouble'. The truth is that there is emerging evidence that there may be serious adverse effects related to this combination.

I note that the Turning Point Alcohol and Drug Centre in Victoria has identified some major harms associated with mixing alcohol with energy drinks. Energy drinks may mask the feeling of alcohol intoxication, which increases the likelihood that alcohol poisoning could occur. Judgement impairment would also occur, leading to the risk of accidents. Alcohol and energy drinks are both diuretics, hence dehydration is more likely. Mixing stimulants with depressants also sends confused messages to the nervous system, sometimes resulting in palpitations and disturbed sleep.

I am particularly reminded that this matter was raised for my attention on the adjournment in the lower house by Donna Bauer, the member for Carrum. Her advocacy and commitment have certainly been a factor in ensuring that this has reached a further step at a national level. I am pleased to indicate to the house that we will be supporting those national efforts, including the work of New South Wales, to find a good outcome for the community.

Higher education: nursing courses

Mr JENNINGS (South Eastern Metropolitan) — My question is to the Minister for Health. I remind the health minister — and indeed make sure that you are aware, President — of the fact that he is responsible for workforce planning issues within his portfolio and actually provides funding for workforce planning, which includes a number of health professions in the state of Victoria. This includes nursing courses for nurses enrolled at TAFEs within Victoria. I ask the minister whether he has received any advice on the number of TAFEs that have provided those courses in the past and how many TAFE course opportunities he can guarantee — to the people of Victoria and those who are interested in health care in Victoria — will be available in the future, given the current funding reallocation and the budget priorities of the Baillieu government.

An honourable member interjected.

Hon. D. M. DAVIS (Minister for Health) — No, I think this is a significant question and I am very pleased to respond to it. I have, as the member would imagine, sought advice on the training opportunities available at TAFE and through other mechanisms that would provide both nursing courses and other courses that are

relevant to the health portfolio and the ageing portfolio. I can indicate that whilst I do not have the precise figures in front of me I do not envisage there will be any diminution of support for TAFE courses; there will not be any diminution of support for nursing courses; there will not be any diminution of support for health courses of that type.

It is clear that we need additional staff and we also need additional personal care attendants in nursing homes, but we need to ensure that we have a strong training sector. I have had discussions with the Minister for Higher Education and Skills on this very matter, and we discussed the provision of a number of TAFE courses and nursing courses. I can indicate that I have no reason to believe that there will be any fewer courses and indeed in some respects there may be more courses provided in the forthcoming year.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — In a generic sense the minister was very reassuring, but given that he has given us an undertaking that he has sought advice and obtained advice yet could not share with us how many TAFE locations or how many positions could be funded or he would anticipate being funded, can the minister give the members of the chamber a guarantee today that he will furnish us with that information about how many positions will be available in accordance with the advice that he said he has sought and obtained and discussed with the minister who is responsible for higher education?

Hon. D. M. DAVIS (Minister for Health) — I do not have that advice to hand, but I stand by my particular assurance to the member that I see no reason why there ought to be any diminution in support for nursing courses or indeed TAFE courses, and I look forward to further questions on this matter.

Early childhood services: infrastructure funding

Mrs PETROVICH (Northern Victoria) — My question is for the Minister for Children and Early Childhood Development, Wendy Lovell. Can the minister inform the house on how the Baillieu government is supporting Victorian families and communities through the provision of funds for early childhood infrastructure?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I thank the member for her question and her ongoing interest in early childhood issues. We know as a government that the strongest returns on investment can be made from investing in the early years. We have shown our support for high-quality early childhood programs in our first two budgets, which have provided over $200 million in additional funding for early childhood services.

With a growing population and an ongoing national goal to increase kindergarten hours to 15 hours, the provision of infrastructure is critical. That is why the Baillieu government has delivered additional state money and prioritised funding under the National Partnership Agreement on Early Childhood Education for new infrastructure across Victoria. Last week I was very pleased to announce over $40 million in capital grants to 97 early childhood centres, including 15 new integrated children's centres and 82 renovation, refurbishment and extension grants to allow centres to expand.

A huge number of centres have benefited from these grants right across the state, and I note that in Mr Ondarchie's electorate 17 centres will benefit from these grants. Mr Ondarchie is a very strong advocate for those grants, as is Mr Elsbury, who advocated for 12 grants in his electorate. Across Victoria coalition members were interested in improving early childhood infrastructure in their communities, and communities have benefited, not only in the metropolitan area but also across country Victoria. In some of our smaller communities such as Swifts Creek, Orbost, Rutherglen and Castlemaine, and also in Mildura, Natimuk, Horsham, Warrnambool, Ballarat and Geelong and a number of other areas — right across Victoria — centres will benefit and children will have better facilities under a coalition government.

These grants are the outcome of the record $26 million in capital grants that I announced last year, some more internal funding from the department and money brought forward from the $50 million grant round I announced earlier this year. The coalition recognised not only the need for grants across Victoria but also the need to increase the amount of grants. We increased the dollar amount that people could apply for by 50 per cent, so centres will receive up to $1.5 million and renovation and refurbishment grants will be up to $300 000.

Last week I had the pleasure of opening a renovation and refurbishment in Euroa, but the kindergarten told me the $200 000 grants which were provided by the former government were not enough and that it was difficult to raise that additional money. That is why we have increased ours to $300 000. Some areas even

considered handing back the former government's grants because they could not make the projects work.

Working in a post-Labor environment is always difficult. We are cleaning up the mess of a government that was infamous for project cost blow-outs and waste. On the desalination plant alone $2 million was wasted today, as it was yesterday, as it will be tomorrow and as it will be every day for the next 27 years. Imagine how many early childhood facilities we could have built with that $2 million per day! But we are getting on with the job for the benefit of all.

Honourable members interjecting.

The PRESIDENT — Order! I ask Mr Pakula to withdraw his comments.

Hon. M. P. Pakula — I withdraw.

Hon. W. A. LOVELL — We are getting on with the job for the benefit of all Victorians, and we are investing in the vital area of early childhood education. A further grant round for children's capital infrastructure will be opened very shortly.

Higher education: TAFE funding

Mr LENDERS (Southern Metropolitan) — My question without notice is to the Minister for Higher Education and Skills, Mr Hall. Victorian TAFEs have estimated that at least 2000 full-time staff will be made redundant as a result of cuts in the budget and that the average cost of a TAFE redundancy under their agreement is of the order of $50 000. At a recent Public Accounts and Estimates Committee hearing the minister indicated he will have ongoing dialogue with TAFEs as they adapt to the new funding model and develop formal business proposals to manage this change. Have any Victorian TAFEs indicated to the minister that they will need assistance from the government to make up any shortfalls for TAFEs that simply lack the resources to pay the redundancies necessitated by the government's cuts?

Hon. P. R. HALL (Minister for Higher Education and Skills) — At this point the answer is no.

Supplementary question

Mr LENDERS (Southern Metropolitan) — I thank the minister for his succinct answer. There is an estimated $100 million in unfunded redundancy liability to a group of essentially public sector workers that the minister said has not approached him for assistance. Can the minister guarantee that no asset sales will be required of TAFEs to meet these $100 million of redundancies?

Hon. P. R. HALL (Minister for Higher Education and Skills) — To answer Mr Lenders's questions I need to outline the process which TAFEs are undergoing at this time. As I indicated at the Public Accounts and Estimates Committee and in other forums, yes, I am — as well as the department separately — meeting and working with each of the 18 TAFE institutes to help them in their adjustment to the changes in vocational training funding. Part of that process will require each institution to submit to government a transition plan — a business plan — outlining how they will transition to the new funding arrangements for vocational training. Some assistance is being provided by government to enable the institutions to undertake that process in a thorough and a proper way. When those transition plans are before it the government will have a better idea of the needs of each TAFE institute.

Advance TAFE: OneHarvest partnership

Mr P. DAVIS (Eastern Victoria) — I too would like to direct a question without notice to the Minister for Higher Education and Skills, and I am looking forward to an expansive response from the minister. Can the minister inform the house of any new partnerships between industry and training providers in the East Gippsland region?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I am particularly pleased that Mr Davis has had the opportunity to ask this question because of his interest in East Gippsland. Last Thursday I travelled to Bairnsdale to join in the celebration of a partnership between the local TAFE provider, Advance TAFE in East Gippsland, and a national company called OneHarvest. OneHarvest is the parent company of Vegco, a locally based company in Bairnsdale which employs some 250 people in the vegetable processing industry.

The occasion was to mark a significant partnership between Advance TAFE and OneHarvest, the parent company, which has operations in Queensland, South Australia, Victoria and Western Australia as well as operations soon to commence in Tasmania. Advance TAFE has been selected as the exclusive training provider for this company, OneHarvest, which will mean that Advance TAFE will be delivering training to some 750 employees of OneHarvest throughout Australia.

One of the significant principles behind the Refocusing Vocational Training in Victoria policy is the fact that

we get greater alignment and specialisation between industry and training providers. This partnership between Advance TAFE and OneHarvest is a great example of where a company has contracted a training provider to deliver fit-for-purpose training for that organisation. I think it is a wonderful achievement that one of our smaller TAFE institutes, comparatively speaking, has been selected as the exclusive training provider for a national company of this renown. I congratulate Advance TAFE on this initiative and the direction it is taking in pursuing greater and stronger relationships with industry, particularly those that service the area of East Gippsland.

I also congratulate OneHarvest not only on making this decision but moreover on what it calls its Talent Pathways program in which the company fosters interest in food processing among schoolchildren, leading them to career and vocational choices in the future. It starts with a program called Fork to Plate. As part of that program OneHarvest goes to primary schools to talk to children about products grown locally and how they are manufactured to the point of consumption. It encourages things like school-based apprenticeships and training opportunities for schoolchildren and also provides opportunities for graduates to undertake experience working with the company.

The company is to be congratulated, but equally Advance TAFE deserves a great pat on the back because this is an example of one of the principles behind the whole vocational training refocusing emphasis — that is, building those relationships between industry and Victorian training providers so that the quality of the fit-for-purpose training is there for companies to benefit from in the future as well as to benefit the training organisations we have in this state.

Holmesglen Institute of TAFE: courses

Hon. M. P. PAKULA (Western Metropolitan) — My question is also for the Minister for Higher Education and Skills, and it relates to Holmesglen TAFE. The minister asserted in the *Sunday Age* of 27 May that Holmesglen TAFE was running courses over six days, despite the fact that officials in his department had been told by Holmesglen that the associate diploma in project management was for experienced professionals, that it had been running for many years and that it was a blended learning program involving not just six days of classroom learning but substantial online learning and workplace learning. Was that advice passed on to the minister before he made his misleading attack on Holmesglen?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Mr Pakula was not in the chamber when we had some major discussions on a motion moved by the Leader of the Opposition, Mr Lenders, on the last Wednesday morning that this Parliament sat. It was during the course of that particular contribution that I outlined, in response to a matter raised by Ms Pennicuik during that debate, some information from a brochure that appeared on the fax stream to my office here at Parliament House promoting a particular program being run by Holmesglen TAFE. I used that as an example of making quick assumptions about so-called quickie qualification courses.

If members read my contribution in *Hansard*, they will see that I very clearly said that if you looked at this on the surface, you would draw the conclusion that this was one of those courses about which substantial criticism had been aimed in the past. I did not imply that Holmesglen was taking shortcuts or offering dodgy programs. I simply used that as an example to say: beware of drawing conclusions about private providers when the same evidence might draw one to conclude the same about public providers. That was the context of the public comments I made in respect of that issue, and if Mr Pakula had been here during the course of the debate, he would have heard me speak expansively about it.

Supplementary question

Hon. M. P. PAKULA (Western Metropolitan) — I thank the minister. I was referring to the article headed 'Minister rages against rorts for courses'. Is the minister able to confirm that in order to stand up some of the claims about Holmesglen, at least one senior departmental official, masquerading as a prospective student, was sprung contacting Holmesglen TAFE to get details of courses that are easily available through TAFE reporting mechanisms?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I have no such knowledge that the action which Mr Pakula described occurred.

Road safety: catastrophic injury

Mr RAMSAY (Western Victoria) — My question is to the Assistant Treasurer, the Honourable Gordon Rich-Phillips. Can the minister update the house on new initiatives to assist the recovery of seriously injured road accident victims?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I thank Mr Ramsay for his question and his interest in road safety, which is something very

important to the people of Western Victoria Region, who are represented by Mr Ramsay in this chamber. Much of the focus we have on road safety in Victoria is understandably on the road toll. That is the most visible impact we see of road trauma here in Victoria, but an aspect of road trauma which does not have such a prominent focus in the community is catastrophic injury. This is where people suffer very significant injuries, which in many cases stay with them for the rest of their lives.

In terms of the work that the Transport Accident Commission does with people with catastrophic injury, in any given year the TAC receives around 330 new claims in relation to acquired brain injury and receives around 40 additional claims in relation to spinal injury. These are very significant numbers associated with the high levels of trauma in road accidents. In terms of the ongoing case load around catastrophic injury, last year the TAC managed some 3000 neurotrauma cases, which included more than 1200 serious acquired brain injury cases, around 230 paraplegic cases and more than 200 individual quadriplegic cases.

It is a very significant issue for the Victorian community and for the people who have suffered those injuries, as well as their families, in terms of their ongoing care. The TAC spends more than $160 million each year in support services for people with catastrophic injuries, either acquired brain injury or spinal cord injury. It is very important for the TAC that it provides appropriate care to people in the circumstance of catastrophic injury.

Late last month I was very pleased to announce on behalf of the Victorian government $20 million in additional funding, via the Transport Accident Commission, to the Institute for Safety, Compensation and Recovery Research. ISCRR undertakes a range of research on behalf of TAC and the Victorian WorkCover Authority in relation to compensation and serious injury research. As a consequence of the money that will flow from TAC over the next three years, ISCRR will undertake a range of research, targeted at disability support and attendant care matters to ensure that TAC, in looking after those 3000 catastrophically injured people, and indeed their families due to the extended impact of their injuries, can provide even better care to those people in years to come.

QUESTIONS ON NOTICE

Answers

Hon. D. M. DAVIS (Minister for Health) — I have answers to the following questions on notice: 170, 172, 1033, 3255, 8275–87, 8320, 8387.

DRUGS AND CRIME PREVENTION COMMITTEE

Locally based approaches to community safety and crime prevention

Mr RAMSAY (Western Victoria) presented report, including appendices, together with transcripts of evidence.

Laid on table.

Ordered that report be printed.

Mr RAMSAY (Western Victoria) — I move:

That the Council take note of the report.

The recent release of crime statistics in Victoria has shown that crime against the person has increased during the last year. Crime costs the community in a variety of ways. For example, the Australian Institute of Criminology found the cost of crime in Australia in 2005 to be nearly $36 billion a year. More recently a Monash University study conservatively estimated the cost of crime in Victoria in 2009–10 to be $9.8 billion.

Given these statistics it is timely that the Drugs and Crime Prevention Committee has undertaken an inquiry into community safety and crime prevention. It should be noted at the outset, however, that this inquiry has not been about individual crime prevention initiatives or specific areas of crime prevention such as family violence or alcohol-related crime. Rather, the focus is on the processes and models through which effective crime prevention policies and programs can be developed and implemented at a local level and the partnerships that can be formed to make this happen. The recommendations arising from this report reflect this.

Having said that, though, the committee received considerable evidence through submissions and witness testimony in Victoria and other parts of Australia that alcohol and drug misuse is one of the key drivers contributing to crime and antisocial behaviour, and accordingly recommended that measures need to be taken to address this.

The committee believes there is a definite place for criminal justice initiatives to deter and reduce offending and antisocial behaviours. However, the concept of crime prevention cannot be narrowly circumscribed to traditional law and order approaches only. These approaches can be superficially attractive, but they ignore the complex and multiple contributory factors that lead to criminals offending. Crime prevention strategies need to be based on social development, and situational and environmental models in addition to law enforcement measures. It is equally important to incorporate the concepts of community engagement, social capital and community capacity-building into crime prevention policy and program implementation. Modern crime prevention and community engagement approaches are essentially about investing in safer, healthier and happier local communities.

The key aspect of this inquiry was examining local approaches to crime prevention. The work of local government and community agencies therefore features strongly throughout this report. Much crime prevention theory and research indicates that initiatives developed and implemented at a local level are some of the best ways of reducing crime and antisocial behaviour. As most crime of immediate concern to communities is local, the primary focus for preventive action should also be local. The committee has therefore made recommendations about the overall structure of community crime prevention in this state that will allow for greater local level and community collaboration as well as much more easily facilitating input from experts. These recommendations will provide for greater coordination across government. The committee has also examined the role and work of Neighbourhood Watch within the community.

The committee would like to express its gratitude to the staff of the Drugs and Crime Prevention Committee — executive officer, Sandy Cook, senior research officer, Pete Johnston, research officers, Stephen Pritchard and Mignon Turpin, and administrative officer, Danielle Woof — for their dedicated hard work and cooperation. The committee would also like to thank Professor Peter Homel and the staff of the Australian Institute of Criminology for their excellent work in developing an online survey for distribution to all local councils and shires in Victoria in order to gather a comprehensive picture of current crime prevention activity. The results of this important benchmarking research, which are found in chapter 5, assisted the committee in forming the framework for its final report and recommendations.

Finally, I thank the committee members — Johan Scheffer, Shaun Leane, Brad Battin, the member for Gembrook, and Tim McCurdy, the member for Murray Valley, for their cooperative and bipartisan approach to this inquiry and for their efforts and time to bring this report to the Parliament and have it tabled on time.

Mr LEANE (Eastern Metropolitan) — I am pleased to make a brief comment on the parliamentary Drugs and Crime Prevention Committee report on local crime prevention initiatives. In starting I thank the committee staff and members for their efforts, and commend the chair of the committee, Mr Ramsay, on his pragmatic approach to making sure that this report was based on evidence.

The committee travelled interstate to look at a number of initiatives. One thing that we found was that there were a lot of local initiatives, and a lot of initiatives are feeding in information regarding crime, which can be confusing. In Western Australia there is an initiative called Eyes on the Street, as well as Crime Stoppers and a number of other initiatives. Our concern is that when it comes to feeding in and reporting crime, there should be a simple message — that is, if you witness what you believe is a crime, you ring 000. If you want to inform the authorities about your concerns of a potential crime or suspicious occurrence, then you ring Crime Stoppers. This is an important message that comes out of this report.

While all local initiatives are good and all local initiatives intend to be good, we need to be careful about how far we reach out in relation to crime prevention. We need to make sure that we do not get ourselves into a position where the important message gets lost — that is, if you see a crime, you ring 000; if you have information that you believe needs to be passed on, then you ring Crime Stoppers.

Mr SCHEFFER (Eastern Victoria) — The debate around crime prevention has been with us for centuries, and the underlying tension between approaches that seek to act on the causes of crime, as distinct from those approaches that focus on preventing offenders from reoffending, is still with us.

The Drugs and Crime Prevention Committee was asked to examine how our community goes about improving community safety and preventing crime, which organisations are engaged, what they do, how well they do it and whether our institutions and the way they operate help or hinder. It is fair to say that in recent decades there has been an improvement in our understanding of what works and what does not work in our efforts to make communities safer and to prevent crime. What is clearly emerging from the international evidence is that a reactive and purely law enforcement

security model to address crime has not worked. The International Centre for the Prevention of Crime states:

> State investment in harsher penal laws, new prison construction and the expansion of police forces have had limited impact on reducing violence and have signally failed to discourage new crimes or to improve the population's sense of security.

One of our committee's key principles is that community safety and crime prevention approaches should be grounded in community capacity building and social capital development. This report clearly reflects the evidence that it gathered from international research and from many experts and professionals working in the field. The message is that government, authorities and the community must understand the causes and contributory factors leading to crime and antisocial behaviour. The committee identified a range of best practice indicators of what works, and this includes strong leadership and strengthening the capacity of key stakeholders to collaborate at the local community level so that strategies can be coordinated and integrated in conjunction with communities.

I commend the chair, Simon Ramsay, on his work, and I commend the work of the rest of the committee. I join with Mr Ramsay in commending the work of Sandy Cook, Pete Johnston, Danielle Woof and Stephen Pritchard, who did a sterling job.

Motion agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 9

Mr O'DONOHUE (Eastern Victoria) presented report, including appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Crown Land (Reserves) Act 1978 —

> Minister's Order of 11 April 2012 giving approval to the granting of a licence at Bannockburn Bushland Reserve.
>
> Minister's Order of 18 May 2012 giving approval to the granting of a lease at Chiltern Park Recreation Reserve.
>
> Minister's Order of 23 May 2012 giving approval to the granting of a lease at Kardinia Park Memorial Swimming Pool Reserve.
>
> Minister's Order of 29 May 2012 giving approval to the granting of licences at Dromana Foreshore Reserve.

International Fibre Centre — Minister's report of receipt of 2011 report.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 32.

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

> Alpine Planning Scheme — Amendment C26.
>
> Alpine Resorts Planning Scheme — Amendment C21.
>
> Ballarat Planning Scheme — Amendment C152.
>
> Baw Baw Planning Scheme — Amendment C92.
>
> Bayside Planning Scheme — Amendment C108.
>
> Boroondara Planning Scheme — Amendment C154.
>
> Cardinia Planning Scheme — Amendment C164.
>
> Casey Planning Scheme — Amendment C147.
>
> Corangamite Planning Scheme — Amendment C28.
>
> Frankston Planning Scheme — Amendment C84.
>
> Glenelg Planning Scheme — Amendment C72.
>
> Greater Bendigo Planning Scheme — Amendment C182.
>
> Greater Geelong Planning Scheme — Amendment C263.
>
> Horsham Planning Scheme — Amendment C56.
>
> Manningham Planning Scheme — Amendment C92.
>
> Maribyrnong Planning Scheme — Amendments C102 and C103.
>
> Melbourne Planning Scheme — Amendment C185.
>
> Mitchell Planning Scheme — Amendment C45.
>
> Nillumbik Planning Scheme — Amendment C80.
>
> Port Phillip Planning Scheme — Amendment C125.
>
> Surf Coast Planning Scheme — Amendment C55.
>
> Whitehorse Planning Scheme — Amendment C134 and C146.

A Statutory Rule under the Children, Youth and Families Act 2005 — No. 35.

Subordinate Legislation Act 1994 —

> Documents under section 15 in respect of Statutory Rule Nos. 30 and 32 to 37.

Legislative Instruments and related documents under section 16B in respect of —

Notice of 3 May 2012 of a Declared Area made under section 18 of the Summary Offences Act 1966.

Determination of 9 May 2012 of Department of Human Services Standards (Children, Youth and Families) under the Children, Youth and Families Act 2005.

Determination of 9 May 2012 of Department of Human Services Standards (Disability) under the Disability Act 2006.

Performance Measures of 2 May 2012 for Disability Service Providers under the Disability Act 2006.

Designation of 23 May 2012 of Tow Away Area in Toorak Road, Toorak under the Local Government Act 1989.

Proclamations of the Governor in Council fixing operative dates in respect of the following acts:

Australian Consumer Law and Fair Trading Act 2012 — Sections 1, 2 and 239 and Item 9 of Schedule 6 — 5 June 2012 *(Gazette No. S172, 29 May 2012).*

Victorian Responsible Gambling Foundation Act 2011 — Division 4 of Part 2 and Part 3 — 22 May 2012 — Section 6 and Division 5 of Part 2 — 1 July 2012 *(Gazette No. S164, 22 May 2012).*

Water Amendment (Governance and Other Reforms) Act 2012 — 1 July 2012 *(Gazette S172, 29 May 2012).*

PRODUCTION OF DOCUMENTS

The Clerk — I have received a letter dated 23 May 2012 from the Minister responsible for the establishment of an anti-corruption commission headed 'Order for documents — Independent Broad-based Anti-corruption Commission consultation panel documents'.

Letter at page 2848.

NOTICES OF MOTION

Notices of motion given.

Mr GUY having given notice of motion:

Mr Lenders — On a point of order, Acting President, I seek clarification. Does Mr Guy require leave for his motion if that bill is being debated today?

Hon. M. J. GUY — Which one — the first or the second?

Mr Lenders — Acting President, I am not being difficult; I am just seeking clarification. The minister has given this notice in notices of motion today. From the opposition's point of view, if he seeks leave, we will give leave. I am not seeking to stop it; I am seeking clarification. It is a notice of motion, and if the bill is being committed on the same day, it defeats the purpose of the notice of motion. The objective of my point of order is not to stop it but to seek clarification regarding the time at which the minister has sought to do this.

The ACTING PRESIDENT (**Mr Tarlamis**) — Order! Leave is not required at this time, and he does not need leave later.

STATEMENTS ON REPORTS AND PAPERS

Notices

Ms PULFORD having given notice of motion:

Ms PULFORD (Western Victoria) — I already have a notice of intent to make a statement on a report on the notice paper. I would like to withdraw that item and replace it with this one.

Further notices given.

Mrs COOTE (Southern Metropolitan) — Third in the list of statements on reports and papers on the notice paper is the *Report of the Protecting Victoria's Vulnerable Children Inquiry*, and I am listed to speak on that. I would like to withdraw that item and insert in its place the *Community Visitors Annual Report 2010–11*.

Further notices given.

BUSINESS OF THE HOUSE

General business

Mr LENDERS (Southern Metropolitan) — By leave, I move:

That precedence be given to the following general business on Wednesday, 6 June 2012:

(1) notice of motion 345 standing in the name of Mr Tee relating to the production of documents in relation to the Coastal Climate Change Advisory Committee report;

(2) notice of motion 346 standing in the name of Ms Hartland relating to the production of documents in relation to the ministerial task force report on options for future provision of dental

facilities at the western region community health centre;

(3) the notice of motion given this day by Mr Somyurek relating to the maintenance and development of Victoria's manufacturing sector;

(4) notice of motion 309 standing in the name of Ms Pennicuik relating to the introduction of a bill for an act to allow same-sex marriage;

(5) order of the day 11, resumption of debate on the second reading of the Transport (Compliance and Miscellaneous) Amendment (Fares) Bill 2012; and

(6) notice of motion 332 standing in the name of Mr Lenders relating to a report on the financial impacts of the federal government's clean energy legislation.

Motion agreed to.

MEMBERS STATEMENTS

Bill Hunter

Hon. W. A. LOVELL (Minister for Housing) — Last week I was amongst hundreds of people who gathered to say a final farewell to one of Shepparton's local legends, Bill Hunter. Bill was a man who did not waste a moment of his 92 years. He chose Shepparton as his home in 1947, and he could not have made a better choice either for himself or for the town. Bill devoted himself to the community he loved, and the community loved him in return. He was a hardworking local councillor who served nine terms over 27 years, including five terms as mayor of Shepparton.

In his long life Bill served in the Middle East in World War II and considered the priesthood before founding W. B. Hunter Pty Ltd in 1947. For those of us who also call Shepparton home, Bill was an icon of our town. No one word can be used to describe him. Bill was a well-known community leader, businessman and philanthropist. He was a devoted Liberal and one of only four people gifted with a solid gold Victoria badge by former Premier Jeff Kennett, who has called Bill a man of great ability and endurance.

Most importantly Bill Hunter was a family man and a wonderful, generous friend to those of us who were lucky enough to know him. We will miss him, but we will continue to be inspired by his dedication to our community. I extend my condolences to his beloved wife, Dot, his son David and his family — Cheryl, Leonie, Gaye, Darren and Michael and his children — his daughter Christine and her family, and his son Ian and his family.

Kindergartens: funding

Ms MIKAKOS (Northern Metropolitan) — On Friday I was pleased to attend Victoria's 2012 early childhood education conference, Together We Grow, organised by Kindergarten Parents Victoria and Gowrie Victoria at Caulfield Racecourse. The conference included a number of excellent presentations on early childhood development. It was pleasing to see the value educators attach to the Victorian Early Years Learning and Development Framework, which was launched by the then minister, Maxine Morand, in 2009.

I was especially pleased to have the opportunity to speak to many enthusiastic and committed early childhood professionals. One issue many of them expressed concern about was their continuing confusion as to whether Victoria's kindergartens would have to offer 15 hours a week for all four-year-olds at some point in the future. In her letter Ms Lovell, the Minister for Children and Early Childhood Development, made it clear that this is not required by 2013, but she failed to spell out whether kindergartens will need to do so at some point in the future. Minister Lovell attended the conference briefly, to open it, but she failed to address this most pressing concern for the sector. The minister spoke about the government's budget outlays, but she failed to mention that she has not provided a single dollar in this year's state budget to upgrade our existing kindergartens or build new ones to meet growing demand.

Minister Lovell was caught out last year claiming three projects as hers when they were in fact funded by the Labor government. This year she has been going around claiming credit for $50 million of federal Labor funding. In fact the federal Labor government is contributing $210.6 million to Victoria for the implementation of universal access. Minister Lovell may think that Victorian kindergartens are not ready to implement 15 hours a week, but the fact is that her government did not commit one cent in this year's budget towards kindergarten infrastructure, so it is not something she can pin on a Labor government. Victorian kindergartens should be a priority for the Baillieu government, but they have been forgotten about in this year's state budget.

Victoria University: TAFE funding

Ms HARTLAND (Western Metropolitan) — Victoria University is the biggest provider of education in the western suburbs. VU plays an important role in educating young and mature students, disadvantaged students and newly arrived English-as-a-second-language students in the west.

VU provided me with a second chance at education and an opportunity to earn a professional qualification for the first time at the age of 40, so I know firsthand the benefits of TAFE.

I visited the university in recent weeks and felt the strong sense of apprehension due to the government's massive TAFE cuts. Staff and students are justifiably apprehensive. This week teachers will find out if they have lost their jobs. Students will also soon find out if they face fee increases and course closures. For some it will be the end of their educational opportunity. Only then will the TAFE community feel the full impact of the cuts; it is going to really hit home. Staff must tell their families that they no longer have a job. Students will find out that they cannot get that much-needed qualification.

If the government thought the public backlash from this bad decision has been big, now the impacts will be felt and will grow. The Greens will campaign with the community against this government's terrible attempt to destroy our public TAFE system. I call on Premier Baillieu to reverse the TAFE funding cuts and support a quality public TAFE system.

Queen Elizabeth II: diamond jubilee

Mrs KRONBERG (Eastern Metropolitan) — To see the British celebrating the diamond jubilee of Her Majesty Queen Elizabeth II over the past few days has been a delight. I understand that the parade of boats on the Thames was the largest ever seen. The events are a superb way in which her subjects are able to express their gratitude for her 60 years of service to Britain and of course to the commonwealth and us here in Australia. Long may our gracious queen reign over us! All this pomp and celebration — an expression of the British traditions — that has been on display for all the world has never been more important.

Youth: political education

Mrs KRONBERG — On another matter that is directly relevant, I have a message for the young people here in Australia who have been quantified in a survey result reported on in the *Australian* today as being indifferent about democracy, with one participant being quoted as saying:

> For someone like me, it doesn't matter what kind of government we have …

The *Australian* further reveals that apparently, 'Just 39 per cent of Australians aged 18 to 29 say democracy is better than other forms of government'.

All I can say at this momentous time in the history of Britain and for us in Australia is that the lessons of history are important. It is important to know who you are and what your society values. This information is critical for every citizen. For me this is proof positive that our recently heavily rewritten and engineered national school curriculum has negative consequences. Put simply, the values and traditions we have enshrined must be taught to upcoming generations.

Beirut Hellenic Bank, Northcote: open day

Mr ELASMAR (Northern Metropolitan) — On Friday, 25 May, I attended the Northcote branch open day of the Beirut Hellenic Bank. Mr James Wakim, the CEO, warmly welcomed the VIP guests and clients of the bank. A tour of the facilities was followed by light refreshments. Guests, who included my federal parliamentary counterpart Maria Vamvakinou, the member for Calwell, were presented with a small olive tree as a symbol of harmony. I thank the Beirut Hellenic Bank for organising a very special and entertaining day.

Hillsview Reserve: synthetic pitch

Mr ELASMAR — On another matter, on Saturday, 2 June, together with my parliamentary colleagues Craig Ondarchie and the member for Mill Park in the Assembly, Lily D'Ambrosio, I attended the official opening of the Hillsview Reserve synthetic pitch conversion project in South Morang. The event was well attended and organised by Whittlesea City Council officers. I thank the mayor, Cr Stevan Kozmevski, and councillors, who welcomed us. We then had an opportunity to talk to excited parents and prospective football team members. I enjoyed watching the children play soccer on the new pitch, and I am sure that the new facilities will be used to encourage our kids to be healthy and competitive.

Geelong: work and learning centre

Mr KOCH (Western Victoria) — Last week I was pleased to represent the Minister for Housing, the Honourable Wendy Lovell, at the official opening of the new work and learning centre in Norlane. The Baillieu government committed $4.6 million in last year's budget to establish five work and learning centres in areas of high concentration of public housing and disadvantage. The Norlane centre, the second to be opened by the Baillieu government, operates from the Norlane Community Centre and is managed by Geelong's Northern Futures group in partnership with the Brotherhood of St Laurence.

The Norlane centre provides intensive support to local residents and offers access to work-and-learning advisers, computers and a range of training programs to improve employment opportunities, and it complements the government's commitment to the $80 million revitalisation of Norlane. Since opening its doors in January, the centre has helped 174 people with individual support plans, placed 52 people into employment in industries such as transport and logistics, and business and health, and 65 people are now engaged in training for future employment.

Northern Futures has a long history of delivering services and programs in the area, and it has established partnerships with 33 local employers. My congratulations to the government, in partnership with the Brotherhood of St Laurence and the Northern Futures high-profile steering committee of CEOs, directors and heads of departments from Geelong's business, education and community sectors, on delivering on this outstanding employment initiative.

Gordon Institute of TAFE: funding

Ms TIERNEY (Western Victoria) — Last Thursday the Geelong community told the Baillieu government in no uncertain terms that it will not get away with its systematic destruction of Victoria's TAFEs. Over 1200 people attended the rally outside the Gordon Institute of TAFE, with many students and teachers addressing the crowd and communicating their anger at the government's decision to rip $290 million out of the TAFE system.

For more than an hour TAFE students, teachers and a number of community leaders, as well as many residents who did not necessarily have a direct connection with the Gordon but understood the importance of the Gordon to Geelong, shouted in support. Students currently completing a range of courses spoke about their opportunities at the Gordon, what the Gordon has given them and the enormous benefits TAFE has meant for their livelihoods.

Building design student Katie Davenport explained her contempt for the decision by saying:

> It's not just the young ones who are affected. I have three kids at home and our budget is tight enough …
>
> Now they want to increase the fees …
>
> … TAFE gives me the opportunity I wouldn't normally have.

The Geelong community and its business leaders have stated time and again, and it is further reinforced in this morning's *Geelong Advertiser*, that ripping $14.6 million out of the Gordon will have a disastrous impact on the lives of many residents in the area and a disastrous impact on the local economy — an economy that needs to be vigilant on how it transitions into the future. The hostility in Geelong over these cuts will not be forgotten at the 2014 state election.

Golden City Support Services

Mr DRUM (Northern Victoria) — I was delighted last Friday when the Minister for Community Services, Minister Wooldridge, was able to come to Bendigo to make some significant announcements in relation to disability support services. Minister Wooldridge was able to make a grant of $5.5 million to Golden City Support Services to enable it to build and service four new town houses to accommodate some of the most vulnerable people in the city, the region and even the state.

Golden City Support Services has been developing a new way of meeting the needs of those with intellectual disabilities, and more specifically those with complex needs, with far greater dignity and respect for all involved. This new model of care has taken some 10 years to develop and has learnt a lot from a British model that is able to treat people with complex needs and severe and profound disabilities in a way that is different to the past. Under more traditional approaches people with complex needs often found themselves physically or chemically restrained, with staff exposed to unnecessary risk. Adopting an evidence-based system has lessened these difficulties.

The CEO of Golden City Support Services, Mr Ian McLean, said that the Victorian Baillieu government and the minister deserve credit for the initiative, which will address the needs of a group within the community which has been largely ignored in the past. It has been offering these services for 33 years. I thank the minister for this grant.

Youth: Taylors Hill centre

Mr EIDEH (Western Metropolitan) — I would like to take this opportunity to congratulate Melton Shire Council and the mayor, Justin Mammarella, on the opening of the Taylors Hill youth and community centre. This facility will offer community members the opportunity to access counselling services, adult education, parenting seminars and, most importantly, a venue for young people to come together and engage in community activities. The centre will also become the base for a new neighbourhood house program which invites residents to join in activities which aim to familiarise new residents with the area. Youth mental health is a serious issue in Victoria, and it is refreshing

to see that centres such as this one are being opened to foster relationships with young people who are in need of support.

Melton Shire Council has dedicated itself to improving its youth facilities. Such programs include the Drop In program, the Reconnect program, the mentoring program and the Melton Music program. These activities are testament to the tireless work of the staff of the council's youth services. Both the council and its youth services unit should be commended for this.

I point out that the Taylors Hill youth and community centre was able to open its doors today, thanks to the funding that was committed by Labor and the Melton Shire Council. It was Labor that recognised the need for new facilities to plan for the future growth that the west is seeing now. Events like these prove how important having a positive community atmosphere is to the state of Victoria.

Carrajung cemetery: war grave restoration

Hon. P. R. HALL (Minister for Higher Education and Skills) — Last Saturday I had the pleasure of joining some of my constituents at Carrajung to celebrate two very important local events. The first was the reopening of the Carrajung cemetery — a cemetery that last interred somebody in 1928. It is great that in recent months we have been able to recommission that cemetery and appoint trustees. But it is of significance that the catalyst for the reopening was the discovery and ultimate restoration of the grave of a Boer War veteran who died shortly after his return to Australia after serving in the Boer War. That was a gentleman by the name of Benjamin Henry Lucas, and his grave became a restoration project of the Morwell sub-branch of the RSL. The ceremony celebrated the restoration of the grave, led ably by the president of the Morwell RSL sub-branch, Mr Bruce Jeffrey.

It is a wonderful thing that RSL sub-branches are doing throughout the state of Victoria — restoring the graves of veterans and diggers who have served this country — and they are to be commended for it. I would like to congratulate the Morwell sub-branch of the RSL and also the recently appointed trustees at Carrajung cemetery, Neville Chiselett, Alan Moore, Peter Clarkson, Michelle Leadoux and John Willis, and the Carrajung community on supporting this venture.

The Gift

Ms DARVENIZA (Northern Victoria) — I want to bring to the Parliament's attention the excellent work of a local organisation, The Gift. The Gift is a not-for-profit group that was formed in 2011 in Kyabram to raise funds for local people with cancer. In its first year the group raised $70 000. This is the second year, and it is on track to raise $100 000.

The Gift was devised by a small group of community-focused people who through either personal or professional experience with cancer realised that those with cancer need both financial and emotional support. Through a range of events such as trivia nights, a ball, concerts and sporting events, the group has raised funds for people who are living with cancer. The Gift's purple weekend, which was held in May this year, has raised $23 000 so far. Schools, football clubs, netball clubs, businesses and other organisations decked themselves out in purple to fundraise for the group. Since its inception 14 months ago, The Gift has helped over 30 families.

I want to take this opportunity to congratulate this organisation on the wonderful work it does and to wish it all the very best for the future.

GAMBLING LEGISLATION AMENDMENT (TRANSITION) BILL 2012

Second reading

Debate resumed from 24 May; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. M. P. PAKULA (Western Metropolitan) — It gives me pleasure to rise to speak on the Gambling Legislation Amendment (Transition) Bill 2012 and to indicate that the opposition will not be opposing the bill. It is right to say that the opposition has been notified by the government that Mr Guy, the Minister for Planning, will move some house amendments during the committee stage and that it would not be our intention to oppose those either, although we will obviously be seeking an explanation from the minister as to the substance of those amendments and the reasons why they were not incorporated into the bill as it was first introduced in Parliament.

This bill seeks to finalise arrangements before the new gaming industry structure comes into effect on 16 August. As members would be well aware, the new structure incorporates certain highlights, including the fact that venues will have their own 10-year entitlements rather than those entitlements being owned by the old duopoly, Tatts and Tabcorp, and they will own, operate and maintain their own electronic gaming machines. Although they will not own them in every respect, they will certainly own the entitlement.

Keno will be operated by a single licensee, Tabcorp, and wagering and betting will be operated by a single licensee, again being Tabcorp. The monitoring of gaming machines will be undertaken by Intralot over a period of 15 years. When that announcement was made last year it led to some bemusement in the community and in the gaming sector more generally, given the now Minister for Gaming's once-strident comments regarding Intralot in his previous incarnation, when he was shadow Minister for Gaming — but nothing changes things as much as an election.

The bill seeks to amend the Gambling Regulation Act 2003, the Gambling Regulation Amendment (Licensing) Act 2009, the Gambling Regulation Further Amendment Act 2009 and the Casino Control Act 1991. There are a number of key proposals. One of them is to extend the types of cash facilities that are captured by the prohibition on ATMs which was announced by the previous government — by the then Minister for Gaming, Mr Robinson — during the 56th Parliament. Providers of automatic teller machines are resourceful, and there are some new pieces of technology that may well have circumvented that ban. This bill is about trying to, at least in part, narrow that loophole. Our concern is that it has not been closed entirely, and I will go to that in more detail later in my address.

The bill also has some impact on the licensing of persons who provide services to a venue operator or the monitoring licensee for the installation, service, repair or maintenance of gaming machines, and it makes a number of other consequential and transitional amendments in regard to the expiry of the existing gaming and wagering arrangements on 15 August.

Going first of all to the question of the ATM ban, as I have indicated, in 2009 the previous government legislated for a ban on all ATMs at gaming venues to commence on 1 July 2012 unless there were special circumstances, and there were some exceptions, which I think were later enhanced by regulation, regarding the remoteness of a particular venue and whether or not there were other ATMs or EFTPOS machines in a particular town or locality. As I recall, the regulations also made reference to the ability of people with mobility issues to get to other ATMs. So if the community would suffer hardship as a result of the ban, there were some opportunities for special circumstances to be considered.

The bill seeks to make it clear that the ban on ATMs applies to any cash access device that does not require the customer to interact with venue staff before a decision to withdraw cash is actioned by the customer. As I indicated a couple of moments ago, that is in response to some new cash dispensing machines designed to circumvent the ban on ATMs in gaming venues that have been marketed to those venues. However, the second-reading speech of the minister makes it clear that there is still no prohibition on either EFTPOS or cash access devices that require staff interaction. In fact any access devices that require staff access, whether they be EFTPOS, something approximating EFTPOS or something that is somewhere between an EFTPOS machine and an ATM, will not only be allowed, but as members will be aware, although they have a $200 withdrawal limit, the person seeking to withdraw cash from those machines can go back to them as many times as he or she likes.

I think it is worth noting that there is at least one organisation, CashPoint ATM, that is marketing what it describes as a 'CashPoint EFTPOS solution'. The marketing material says:

> 2012 ATM regulations — are you prepared? We are.

In this material it talks about the fact that it has been in discussions with the Victorian Commission for Gambling Regulation and says it now has:

> … this solution for your establishment.
>
> Introducing CashPoint EFT — specifically designed to be as convenient as an ATM …

That is the first point that we ought to at least pause to consider: this is being specifically marketed as a machine which, for the customer, is every bit as convenient as an ATM. It continues:

> … we have developed a total cash management solution that will ensure your customers have easy access to their cash within your venue within the new guidelines.
>
> The unit works like a sort of EFTPOS/ATM hybrid. Your customer will simply swipe their card as though doing a normal EFTPOS transaction, once the bank has confirmed the customer has the funds in their account your staff member will approve the transaction with a hit of an OK button on their touch screen. The money will then be dispensed from the secure bank grade safe.

In effect what will occur is that whilst the customer has to talk to a member of staff when swiping their card, in all other respects getting money from this machine will be just like getting it from an ATM. We specifically asked the minister during the Public Accounts and Estimates Committee (PAEC) budget estimates hearings whether or not there might be other types of EFTPOS-style solutions that would also be allowed under this arrangement.

One example that has been put to the opposition is a machine that is being developed which would be much like the machines that many of us would have seen during the Spring Racing Carnival, where staff of Tabcorp walk around the betting ring or the Birdcage enclosure with a mobile tote machine. The staff member comes up to you, you place your bet and it spits out a ticket. Staff members roaming the gaming floor with hand-held devices offering people cash withdrawals is certainly not being excluded by this legislation. As far as I am aware that is not in place in any venue at this time, but if we legislate to tighten up this loophole, I predict quite confidently that we will be back here later this year or next year with another piece of legislation to deal with these kinds of devices.

Given that this issue has been raised by the opposition in PAEC hearings and in briefings, it is our view that these matters ought to be resolved now rather than waiting for this to become a problem in gaming venues. These companies do not make their money from people gambling; they make their money from selling these machines and providing venues with options for other types of cash access for their customers. These companies will continue to develop this technology. They will continue to come up with cleverer and better arrangements to offer to venues to make the withdrawal of cash in venues as easy as possible. In that respect we think this bill could have gone further.

We also have concerns about the Treasurer's tax exemption powers that will be provided under this bill. Under the 2009 changes brought in by the previous government it became possible for the Treasurer to exempt a venue operator from the requirement to pay a 75 per cent tax on the profit of an early onselling of a machine entitlement. That exemption can be granted only if the Treasurer is satisfied that the reason for the sale or transfer is that a government agency has refused to give a relevant authorisation that would enable that venue operator to operate — for example, the failure to obtain a planning permit for the housing of gaming machines within the establishment. The purpose of the tax is to deter speculative bidding.

The bill provides that an exemption can also be granted if the Victorian Commission for Gambling and Liquor Regulation refuses an amendment to the conditions of a venue operator's licence. In an example that may well be familiar to members, if the VCGLR refuses to grant a venue the right to increase the number of machines by seven — as one venue in Clayton has recently sought to do — there might be further opportunity for the tax exemption to be granted. As of 9 May only one venue has been refused a relevant increase to the number of gaming machines permitted to operate under the venue operator's licence, that being the Royal Hotel in Benalla, which is permitted to operate 20 machines but has purchased 30 entitlements. As I understand it, that decision is currently being reviewed by the Victorian Civil and Administrative Tribunal. If that decision is upheld, it is an example of where these provisions in the bill may have some work to do.

Our concern is that there is no provision in the bill for publication of a decision by the Treasurer to grant the 75 per cent tax exemption. It is our view that if the Treasurer is granting a 75 per cent tax exemption to gaming venues, at the very least that ought to be reported. It ought to be made clear when venues are granted the exemptions and what the reasons are. We have specifically raised that matter with the government. As far as the advice we have received goes, there are no plans to require the Treasurer or indeed the Minister for Gaming to publish any detail of any venue which is provided with a 75 per cent tax exemption.

The bill also provides for some transitional arrangements with regard to the health benefit levy. Obviously that is a result of the fact that on 15 August this year the duopoly will end. As a consequence of that, arrangements need to be made for the part-payment of the health benefit levy for the first six or so weeks of the 2012–13 financial year.

The other elements of this bill that we have concerns about are the supply of machines and the new licence for gaming machine service providers relating to the changeover on 16 August. Under the new industry arrangements venue operators and the monitoring licensee will undertake a range of technical functions that were previously the responsibility of the duopoly of Tatts and Tabcorp. It is possible that third-party gaming machine service providers will enter into arrangements with venue operators to service, maintain and repair gaming equipment or monitoring equipment. It is appropriate that those individuals hold an appropriate licence, and this bill seeks to ensure that that occurs.

More generally in regard to the supply of machines, the bill includes a provision to ensure that venue operators who hold entitlements are able to have machines installed before 16 August even if those machines are not owned by an existing gaming operator. This is an attempt to respond to a problem which has been a well-understood and broadly held concern, particularly amongst country clubs and clubs that are currently Tabcorp clubs rather than Tattersall's clubs.

As members would know, Tattersall's has in effect vacated the space. It is selling its machines; it is getting

out. Tabcorp has taken a slightly different approach. It has set up TGS, or Tabcorp Gaming Solutions, which has the intent of continuing to own and lease out a range of machines.

A number of venues have raised with me the extreme difficulty they have had in buying and installing machines other than via Tabcorp. They have been given no certainty that they will be connected to the monitor on 16 August because it will all have to wait until the day. There were weeks, if not months, of conversations between some of these venues — with Clubs Victoria, with other peak bodies and ultimately with the minister's office — about trying to get some reassurance, whether the venues chose to take their machines and their installation from Tabcorp or whether they chose to purchase the machines from and have them installed by another service provider, that they would be connected to the monitor on the day of transition or at least within some brief period thereafter, whether it be a few days or a week. They were unable to get any assurance of that nature.

As a result, a number of venues have chosen not to take the risk of not being connected to the monitor on 16 August and they have signed up to having it done by Tabcorp. I have been told that to have that certainty some venues have paid something like $1000 per machine more than they would have paid otherwise. I understand that this change is about trying to ameliorate that.

I say two things about this change. Firstly, those concerns were raised with the government months and months ago, and a number of venues have already bitten the bullet and entered into arrangements with Tabcorp because they simply took the view that they could not take the chance of not being connected on 16 August. Secondly, whilst this now allows Tabcorp to connect before 16 August machines which are owned by someone else, it does not require Tabcorp to do it. I have been in touch with a number of service providers and venues who have said that as far as they are concerned this will do nothing to reduce the likelihood that they will have to in effect pay through the nose if they want the certainty of being connected on 16 August.

That matter of connection to the monitor takes me to the other matter that has been finalised in recent days, which is the monitoring fee per machine that is being imposed by the government. When the government appointed Intralot Gaming Services to be the monitor for 15 years it indicated that there would be a base monitoring fee of $29 per machine per month. What has occurred is that Intralot has been engaged in a negotiation process with Tattersall's and Tabcorp for access to their legacy systems for a six-month period. Despite my attempts during a Public Accounts and Estimates Committee hearing to have the minister indicate how much Intralot has paid to Tattersall's and Tabcorp for that six-month period, no answer was forthcoming. I am reliably advised that the number is rather exorbitant, a number well north of $20 million for a six-month period.

Despite the entreaties for some kind of intervention, negotiation or moderation in regard to that conversation, none has occurred. Via a media release from the government venues are being told that in addition to the $29 per machine per month they will now be paying another $35 per machine per month for the first three years, a total of $64 per machine per month. As is the government's wont, it has put out a media release saying it is all Labor's fault because the monitoring licence should have been awarded before it came to power.

There are a couple of things to say about that. Firstly, after this government came to power the awarding of the monitoring licence took absolutely ages — it took a year. Secondly, the use of legacy systems is only required because the monitoring licence was awarded to Intralot. I do not have an issue with the monitoring licence being awarded to Intralot, but the fact is that was a decision made by this government and by this minister, not by the previous government. The government made a decision to award the monitoring licence to a company which up to this point has not been involved in the electronic gaming machine industry in Victoria, and then when that company quite understandably required access to the legacy systems of the existing monitors, Tattersall's and Tabcorp, the government said, 'That is the Labor Party's fault'. It was not the Labor Party that decided to award the licence to Intralot; it was this government.

This government, despite pleas and entreaties, sat on its hands while Intralot was put into a position where it had to pay tens of millions of dollars for a six-month transition period. The outcome is that regional venues in particular, and a number of them have been in contact with me already, are going to be paying $64 per machine. By the way, even the government acknowledges that that does not recoup all Intralot's costs, but it recoups reasonable costs. Some of the machines are quite low-volume machines, and venues had previously been advised that they would be paying $29 per machine.

Despite the fact that representations were made to the government, as they were to the opposition, that if this

legacy systems fee were to be passed on to venues, it ought to at least be passed on pro rata, this has been passed on as a flat rate increase. When I say 'pro rata', I mean that some machines are very high earning machines, particularly in some of the big city pubs, and some machines are very low yield, particularly in some of the regional venues and some country clubs. Whether the machine takes in thousands of dollars a week or a few hundred dollars a week, they are all going to be paying $64 per month to the monitor, at least for the first three years.

The minister then very helpfully used a government media release to insert a piece on Labor's gambling licence failings. I would have thought that was an interesting use of his department and of the government to use a ministerial release just to take aim at the previous government.

I note that during the Assembly debate a number of government members, including the members for Mitcham and Mordialloc, used this bill as an opportunity to go on about the $3 billion that should have been recouped by the previous government from the pokies auction but was not. Of course those members conveniently forget or ignore the debate that occurred in this house during the last Parliament in regard to the structure of the pokies auction, when Mr Hall, Mr Drum and other members of the now government came in here and argued over and over how the auction process would destroy country clubs and community clubs and how it would mean that they would pay more for their licences than they should.

Then, with the support of the Greens, the members of the then opposition moved and passed amendments in this house that the government had to accept if it wanted to get the auction process under way — amendments that basically extracted something like a third of the machines from the auction process. Yet members of the government now say, 'You didn't get as much for the pokies licences as you should have', after the opposition of the day took a third of the machines out of the auction process and pre-issued them.

Mr Elsbury interjected.

Hon. M. P. PAKULA — I have some of your media releases from the time. I have Mr Michael O'Brien's media release headed 'Coalition delivers lifeline for community clubs on gaming', which states:

> The Brumby government has been forced to back down on its gaming legislation which would have seen many community clubs driven to the wall.
>
> Under amendments secured by the Victorian Liberal-Nationals coalition, clubs will be offered the opportunity to purchase 100 per cent of their existing gaming machine entitlements … at a price determined by each club's share of average gaming revenue.
>
> Additional machines may be obtained through an auction process.

This is the then opposition crowing about the fact that its members had pulled the machines out of the auction process and had allowed clubs to get them for less than they would have paid otherwise.

I have a similar media release from The Nationals, with its media contact shown as Peter Hall, which states:

> Eastern region MP Peter Hall has described the Brumby government's agreement to concessions designed to protect small clubs when pokie licences go up for auction next year, as a win for local community clubs.

In the release Mr Hall skites about the fact that the then opposition was able to extract those machines from the auction process so that clubs could buy them at a lower rate. Now every media release about gaming from the government talks about how the then government should have extracted $3 billion more from pubs, community clubs and RSLs. I make an invitation to the minister. I say if you say — —

Mr Elsbury interjected.

Hon. M. P. PAKULA — Mr Elsbury, I make the same offer to you I made to the minister. If you say that clubs, RSLs and pubs should pay the government another $3 billion, tell us who should have paid it. Tell us which RSLs should have paid another $3 billion. Tell us which community clubs should have paid another $3 billion. Tell us which pubs should have paid another $3 billion. I will make you another offer. If you really think these clubs got away — —

The ACTING PRESIDENT (**Ms Crozier**) — Order! Mr Pakula will speak through the Chair.

Hon. M. P. PAKULA — If members opposite really and truly think — genuinely believe — that venues, whether they be RSLs or community clubs or pubs — got away with $3 billion of taxpayers money, then my advice is, 'Go get it'. Government members can raise wagering taxes if that is what they really want to do. If they really believe that clubs got a $3 billion present, then they should go get the money. Government members will not do that because they know that their claims are preposterous. Anyone who speaks to any RSL, community club or local pub and says to them, 'You could have handed over another

$3 billion to the state government for your licence' would know that the claim is preposterous.

Let me conclude by saying that as an opposition we do not oppose this bill; we think some of the changes in it make common sense. Certainly in regard to ATMs we believe more could have been done, and we are confident that the government will have to come back here at some time with legislation to crack down even further on some of these ATM-type EFTPOS machines.

Obviously, as I have indicated, we think that if the Treasurer were to grant a 75 per cent tax exemption, then that fact ought be published. Certainly the health benefit levy changes make sense; they are transitional, as are the changes to ensure that those people who interact with gaming machines are appropriately licensed. The changes in regard to transition that impact on the ability of clubs to have machines connected to the monitor by 16 August are frankly too little too late.

In regard to the changes that the government has made to the monitoring fee that clubs will have to pay — an increase from $29 per machine to $64 per machine — because of choices made by this government and this minister's decision to sit on his hands, those extra charges are simply going to be unaffordable for certain low-turnover country clubs. I know there are individuals who would like to suggest that every poker machine in every venue is a cash cow, but that is not the case. For the government to treat them all identically and charge $64 a machine in a small regional club and $64 a machine in a big city pub is bad policy and will lead to negative outcomes for some of these community clubs, particularly those in regional Victoria. Government members really ought to consider the way they have put that fee together. It ought to be at the very least levied in a pro rata manner on the basis of the turnover of particular machines.

Let no-one be mistaken about the government's claims that every decision it makes is somehow the result of a set of circumstances handed to it and over which it has no control. This government has been in power for 18 months, and every day this minister makes decisions of his own. The minister made decisions about who to award the monitoring licence to. The minister made decisions about whether or not to intervene in the negotiations. The minister made decisions about whether or not to intervene when clubs were trying to have their machines connected. The outcome of those decisions made by this minister rest with this minister, with this government and with nobody else.

Ms HARTLAND (Western Metropolitan) — I thank Mr Pakula for that very thorough explanation of the bill. The Greens will support this bill. We are particularly keen on one element of it, which relates to the bans on ATMs that will start in July this year. The ban is such a good idea that the government and the opposition want to claim it as their own. Everyone is very proud to say that Victoria will lead the way. The current opposition has claimed credit for it because it happened as a government amendment to its legislation in 2009. The current government is very proud of its role in extending the ban to the ATM-like machines. Like Mr Pakula, I am very concerned about the touting by people who have these cash point ATM-like machines, and I am also quite concerned that we will be coming back here very soon to have a look at that, because clubs will try to flout the ban.

However, the ban on ATMs introduced by the former government was actually much weaker. It banned ATMs on the floor of pokies rooms, but there could have been ATMs right outside the door, within sight of the machines, as long as they were restricted to $400 withdrawals. The Greens negotiated stronger bans as a condition of our support for the gambling reforms by the then Labor Victorian government. That goes to show two things: firstly, that the Greens' policies are in fact quite mainstream; and secondly, if you want something done, have the Greens push the agenda. I know that some people will consider that to be cheeky, but I am quite happy to be cheeky.

I am not actually having a go at anybody, and I could not be happier that we all agree that ATMs in pokies venues are simply dangerous. However, my colleague Greg Barber had to negotiate very strongly to get the former government to amend the ATM ban. To give it credit, the former government was capable of negotiating, and the present government has not backed away from it but instead has acted to prevent a loophole undermining that reform.

I hope the Gillard federal government looks to the clamour of support in Victoria for the ATM ban and has the courage to extend that ban throughout Australia. The draft national legislation only puts a $250 per day limit on ATMs in pokies venues. That is quite ridiculous. It is as if the Gillard government is having a bet each way: heads — ATMs are bad, tails — the hotels association wants them to stay. That is a cowardly position to take, and it will only harm people. A $250 withdrawal might mitigate the damage to a wealthy problem gambler, but it will do nothing to prevent a person on a limited income from compulsively withdrawing money until it is all gone. In

fact for an age pensioner $250 is approximately one-third of their fortnightly pension.

Now that the Victorian Parliament has embraced one Greens' policy, why not try another? The $1 bet policy is the highest common factor in any attempt to limit problem gambling without harming clubs. The Baillieu government could bring it in tomorrow. The policy is soundly backed by the Productivity Commission, which recommended phasing it in gently over five years nationwide, at a cost of about $300 million to industry. Limiting pokies bets to a maximum of $1 completely avoids precommitment and the big scare campaigns about needing a licence to gamble. Old machines would still be good to go, with a little tweak to some and no change at all to others, but it would take a government with some spine to stand up to the bullies who profit from problem gambling.

I live in the western suburbs, where we have huge problems stemming from pokies. We have massive problems whereby people are gambling the money they should be spending on food or on loans. It is terrible to see the amount of money that is lost. You cannot make an honest quid out of pokie machines. People who think they can are deluding themselves. The Greens will obviously continue to push for this.

I would like to say a few words about the EFTPOS machines. ATMs are going to be banned from nearly all pokies venues, but EFTPOS machines will remain, with a $200 withdrawal limit. It is a strange situation. I suppose some people would say that we should be comforted by the fact that staff operating the EFTPOS machines have to comply with a code of conduct, and I accept the argument that the human element might help some gamblers pause for thought, but I am not sure that that is actually going to be the way it is. I really do not see any reason for cash to be handed out to someone gambling at a pokies venue. Everything else in the venue can be bought on plastic, such as meals, drinks and entertainment — everything except for playing the pokies. Why do gamblers need cash? For pokies. Why are we banning ATM machines? Because problem gamblers make poor decisions when they play the pokies.

I will be asking some questions during the committee stage of this bill. We will have to deal with some amendments then, and I was quite surprised at the lateness of receiving the amendments today. We got them at about 2.30 p.m., and the debate on this bill started at about 4.30 p.m. I would have thought that amendments of such consequence to this bill should have been supplied much earlier.

Mr ELSBURY (Western Metropolitan) — I am pleased to rise to speak on the Gambling Legislation Amendment (Transition) Bill 2012. This bill recognises gambling as a legitimate form of entertainment and also makes further provisions to assist problem gamblers with the temptations that gambling presents for them. The bill continues to deliver on the coalition government's election commitment to work with the industry to ensure a smooth transition to the new gambling industry licenses commencing in 2012. It extends the prohibition of ATMs in gaming venues to also cover alternate cash access devices that do not require interaction with venue staff before a decision to withdraw cash is actioned.

Amendments will be made to the Gambling Regulation Act 2003 — and this is where the house amendments take effect — and also the Casino Control Act 1991. From 1 July this year ATMs will not be permitted in Victorian gaming venues within 50 metres of the entrance to the casino. Research demonstrates that staff interaction when accessing cash may deter high-risk gamblers from withdrawing cash. It also provides staff with the opportunity to interact with the gambler to be able to identify if they are demonstrating behaviour associated with problem gambling.

The report entitled *A Study of Gambling in Victoria — Problem Gambling from a Public Health Perspective*, released by the Department of Justice in September 2009, found that 91 per cent of non-problem gamblers did not access ATMs during their gambling sessions. However, almost 95 per cent of problem gamblers did access ATMs at least once per session, and nearly a quarter of them accessed ATMs three times.

This reform is a strong measure to tackle problem gambling, and it goes even further than the measures proposed by the federal government, which include leaving ATMs in venues but imposing a $250 withdrawal limit per day. This reform, together with a range of other measures, including the establishment of the Victorian Responsible Gambling Foundation and the introduction of voluntary precommitment technology on every gaming machine, means Victoria continues to lead the nation with its strong and responsible gambling measures.

During the course of 2010 and 2011 it became clear that new cash access devices were being marketed to gaming venues that had the capacity to circumvent the ban on ATMs in gaming venues due to commence as of 1 July this year. As we have already heard, Ms Hartland is concerned about these machines, as are we, but Mr Pakula in his contribution showed that he was easily

led by marketing material. If it was as easy as an ATM, then it would not have been allowed in the venue.

Under the old legislation it is quite possible for voucher machines to be allowed: you put your card in, a voucher is spat out and you rip off the voucher, take it up to the counter and grab your cash. At no stage are any words uttered between people; you just walk up with your voucher and grab your cash — that is it. The difference is that we want the interaction. We want people to actually talk across the counter, to interact with venue staff when they are making a withdrawal.

The coalition has introduced this proposed legislation because the former Labor government knew about the threat to the ATM ban but did nothing about it. On 3 June 2010 an article appeared in the *Age* by Kate Lahey entitled '"Cynical" gaming cash machine to be investigated', and it states:

> Victorian gaming minister Tony Robinson will ask authorities to investigate a device that threatens to undermine a ban on automatic teller machines in gaming venues, due to be in place by 2012.
>
> Mr Robinson said he learnt of the 'ecash pospoint' machine through a report in 'BusinessDay' yesterday and would refer the matter to the Victorian Commission for Gambling Regulation.

It goes on to say:

> 'The Brumby Labor government's ATM ban has set a clear policy direction for the gaming industry and we want to ensure this will not be undermined as technology advances', a spokeswoman for Mr Robinson said yesterday.

This was on 3 June 2010. You would suspect that Mr Robinson's office knew about this at least one day before, and that was 2 June. By my calculation it would have had until 2 November 2010, when caretaker mode came in, to act. That was five months during which the previous government did nothing, even though the minister was aware of the issue, as this article points out. The then government did so little in that time that nothing of substance, no new policy or legislation, was introduced before we came to office. This is where Labor has failed once again and the coalition has been acting.

The proposed legislation will extend the types of cash access facilities that are captured by the proposed prohibition on ATMs to ensure that its effect is not undermined. The bill will also assist in ensuring the integrity of the gaming industry by requiring third-party service providers to be listed on the roll of manufacturers, suppliers and testers if they undertake work for a venue operator that involves the installation, maintenance or repair of gaming equipment. This will ensure that providers who have the capacity to affect the integrity of gaming will be subject to relevant probity checks.

I will not disappoint Mr Pakula; I will mention the $3 billion lost to the people of Victoria because of Labor's poor implementation of the electronic gaming machine entitlements. Mr Pakula whinged that one-third of the machines were removed from the auction process for clubs to be able to gain them; however, this does not explain how three-quarters of the value of the machines was not realised, nor does it go into why Labor stopped the bidding on machines when bids were still being realised. This is money that has been taken away from the people of Victoria.

Mr Lenders in a previous contribution had a go at me personally when he asked what I was wanting to do — gouge people who were making bets? The simple fact is — I hate to say this — that a $1 bet is a $1 bet and a 2-cent bet is a 2-cent bet, and it does not matter for the bottom line. What matters is the ability to take the value of the machine and get it for the people of Victoria.

I will quickly point out that amendment 5 inserts a new clause into the bill to provide that a company that:

> (a) is a wholly-owned subsidiary of the licensee; and
>
> (b) has a physical place of business in Victoria; and
>
> (c) is approved by the Commission …

can be a betting operator. This allows the status quo of wagering operations to continue in the state of Victoria. With that short contribution I commend the bill to the house.

Ms CROZIER (Southern Metropolitan) — I am pleased to be able to rise to speak on the Gambling Legislation Amendment (Transition) Bill 2012. I do so because there are a number of gaming venues in my electorate of Southern Metropolitan Region, including of course Crown Casino. It is the largest gaming venue in the state, a very important venue that employs many people, contributing significantly to the Victorian economy each year and to the Victorian tourism dollar by providing entertainment for Victorians and international and interstate guests.

To return to the bill, my colleague Mr Elsbury has outlined what this bill entails. The purpose of the bill is to amend the Gambling Regulation Act 2003, the Gambling Regulation Amendment (Licensing) Act 2009, the Casino Control Act 1991 and the Gambling Regulation Further Amendment Act 2009, and I commend the Minister for Gaming for his undertaking

to consider issues pertaining to gambling here in Victoria.

Despite what Mr Pakula said about our lack of consultation and industry understanding — I cannot remember his exact words — the minister has consulted closely with industry. This bill will provide certainty to the industry, particularly in the transition that will occur from the existing gaming licence to the new arrangements. As we have heard, this was highlighted by the previous government in the arrangements that were to include those venues, including hotels and clubs, that were acquiring gaming machine entitlements that authorised them to possess and operate gaming machines at approved venues.

As Mr Elsbury highlighted in his contribution, the former Labor government looked at this issue, and I take note of the Productivity Commission's report of 2010 following a significant review of what was being undertaken across the nation. The Labor government did little of substance in relation to the issues relating to ATMs. As I said, the Minister for Gaming has given careful consideration to this important issue, because, as Ms Hartland acknowledged in her contribution, gambling is an issue and there are significant problem gambling issues. Governments of all persuasions need to take on that responsibility.

The Minister for Gaming should be commended for the work he has undertaken with industry in taking problem gambling into consideration. I commend him for initiating the Victorian Responsible Gambling Foundation. In terms of funding for the foundation there is an allocation of $37.5 million in the 2012–13 budget. This government is doing much on this issue, and the bill takes into account many of the problems that were not addressed appropriately under the former Labor government. We are undertaking that task.

I am pleased that both the opposition and the Greens are supporting the bill. I noted that Mr Pakula mentioned licensing in his contribution to the debate. I have to agree with Mr Elsbury; I think the Victorian public should be very concerned about the mismanagement by the former government and the $3 billion legacy for the Victorian taxpayer. Mr Pakula talked about a legacy; that is another legacy that this government is sorting out. It is working towards ensuring that the Victorian taxpayer does not incur any further losses in that area.

Mr Elsbury also mentioned the proposed amendment, which will fix an anomaly in the legislation. It will align any future legislation with current practice, and I am pleased the amendment will gain support from those opposite. With that short contribution, I commend the bill to the house.

Mr P. DAVIS (Eastern Victoria) — It is with some pleasure that I rise to speak on the bill. The Gambling Legislation Amendment (Transition) Bill 2012 is an important bill, which seeks to achieve a number of measures. Those measures are all in themselves important, but I wish to constrain my commentary to but one — and that is, the extension of the prohibition on ATMs in gaming venues. I refer specifically to the issue of dealing with alternative cash access devices which do not require interaction with venue staff before a gambler makes a decision to withdraw cash and which is therefore problematic for those who are broadly defined as gambling addicts.

In summary, this measure forces gambling addicts to stop playing on a machine and to remove themselves from a venue to obtain more money. It gives them a break from gambling and also an opportunity to make a conscious decision to withdraw more funds. In summarising that point I just want to tease it out a little, because we know that from July ATMs will be prohibited from Victorian gaming venues and from being within 50 metres of an entrance to the casino. That reform has bipartisan support, as does this bill. Indeed, it has tripartisan — —

Mr Barber — Multiparty support.

Mr P. DAVIS — What is four? A quadrella — no, that is something to do with gaming as well.

This is an important initiative, which has support across the house. It is a measure based on research which suggests that easy access to cash within a venue is a problem for at-risk gamblers — and by that I mean people with some form of gambling addiction. An ATM within a gaming venue is a problem. Research demonstrates that in relation to accessing cash, interaction with staff may in fact deter high-risk gamblers from withdrawing cash, and it provides staff with an opportunity to observe and intervene in behaviour associated with problem gambling.

The Department of Justice report titled *Problem Gambling from a Public Health Perspective*, which was released in September 2009, found that whilst more than 91 per cent of non-problem gamblers did not access ATMs during their gambling sessions, almost 95 per cent of problem gamblers accessed ATMs at least once per session, with nearly a quarter accessing ATMs three or more times. I find those numbers quite staggering and informative in relation to the behaviour of people who are obsessed with gaming machines. I

note that there is clearly a choice that people make to participate in any form of gambling, whether it is gaming machines, horseracing, dog racing or any other form of legal gambling — and I am sure there are a number of people who are addicted to illegal forms of gambling as well.

I do not really know much about it because I am not one of those people. In fact I am one of those people who has only ever played a gaming machine in Victoria on one occasion in my adult life, and that was when I opened the facilities at the Lakes Entrance Golf Club back in the Stone Age in the 1990s. I was given a bucket of money, which I was then obliged to put through the machine. I do not see any joy in feeding a machine with my hard-earnt money. I do not understand the whole concept, but I recognise that other people get some pleasure from this behaviour. I do not criticise or make judgement about it; it is just that I do not understand what motivates somebody to work hard, earn money and then put it into a machine. I can understand putting it into a machine that yields a productive outcome, but a gaming machine does not seem to me to give any productive benefit to society or to the individual, but that is for others to decide.

I am very sympathetic to measures that will assist people who have a gambling addiction to be better able to control it, and gambling addiction can be better controlled if people who are in the midst of a gambling frenzy are forced to step away from the machine and think about their actions. I think the measures that the government is introducing to reinforce the separation of gamblers from access to cash are to be welcomed. I fully support those measures, just as members on the other side of the house support them as well.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Ms HARTLAND (Western Metropolitan) — This is not on the clause, but I ask the minister for an explanation. I understand from Mr Pakula that the opposition received these amendments last Wednesday, but the Greens received these amendments at 2.30 p.m. today. I do not understand quite how that happened, and for us to be able to deal with amendments at this stage is extremely difficult.

Hon. M. J. GUY (Minister for Planning) — I am not sure how that happened either, so I cannot provide an explanation for it. Suffice to say that I do apologise for it.

Clause agreed to.

Clause 2

Hon. M. J. GUY (Minister for Planning) — I will make a couple of comments about my house amendments. As the house would be aware, a wagering and betting licence has been issued to Tabcorp Wagering Pty Ltd, and that licence will commence on 16 August 2012. As a requirement for the granting of the licence, the Gambling Regulation Act 2003 requires the wagering and betting licensee to enter into arrangements with the Victorian racing industry. These arrangements, known as the joint venture arrangements between Tabcorp as the new licensee and the Victorian racing industry, provide for there to be a manager of the joint venture that is distinct from the licensee. The joint venture arrangements also envisage that the manager will be the operator of the wagering and betting licence, which is in keeping with the arrangements under the existing wagering licence. However, this structure is not currently permitted by the Gambling Regulation Act, and unlike the current situation the act does not enable the new licensee to appoint a wagering and betting operator.

This type of structure was contemplated by the invitation to apply for the new wagering and betting licence issued by the previous government. Despite this, the previous government did not provide the legislative framework to accommodate this structure, and as a result either the Gambling Regulation Act or the joint venture agreement needs to be amended before August 2012. Both Tabcorp and Racing Victoria Ltd have indicated a clear preference for a legislative amendment to facilitate the appointment of a wagering and betting operator. This technical amendment will correct this anomaly in the legislation and will more clearly align the future operation of wagering and betting licences with current practice. The government is fixing this problem that should have been identified and rectified by the previous government when it contemplated such a structure in the invitation to apply for the wagering and betting licence. As such, I move my amendments.

Hon. M. P. PAKULA (Western Metropolitan) — As I indicated during the second-reading debate, the opposition will not be opposing the amendments. I do not know why Minister Guy allowed himself to be fitted up to make that contribution in the house. I was

going to let this go, but either the minister or the notes provided to the minister have missed an obvious point. In his contribution, the minister twice indicated that the previous government should have made this legislative change when it issued the invitation to apply.

We are dealing with house amendments in the Legislative Council after the bill, which was drafted by the government, has been debated and passed in the other place. In other words, when the government drafted this legislation it gave no consideration to the need to make these changes. It drafted its legislation hastily and sloppily and has been forced, not for the first time — I do not know how many times in regard to this minister alone — to bring house amendments into the Legislative Council to fix a problem that it should have dealt with when the bill was introduced.

I do not know whether Mr Guy or Mr O'Brien anticipated that the opposition was going to come in here and make these points, or whether they thought they would get in first and whack the previous government about a piece of legislation that was passed some years ago. It is in fact as a result of their own lack of foresight that we are having to deal with this matter through a house amendment.

Mr BARBER (Northern Metropolitan) — Whatever the rights and wrongs of that might be, these amendments have only just been presented to the Greens in the last couple of hours and with them a note which I think the minister may have been reading or paraphrasing from. It is going to take us a little bit of time to get some detail about the explanation. This is not just in relation to the amendments; this is in relation to the advice that we were given with the amendments. We would like to ask some questions to clarify the current situation and also some questions about how it is intended that this new arrangement will operate.

The note says that a wagering and betting licence has been issued to Tabcorp Wagering (Vic) Pty Ltd and that the licence will commence on 16 August 2012. To be granted the licence the Gambling Regulation Act 2003 requires the wagering and betting licensee to enter into arrangements with the Victorian racing industry. Can the minister tell me which section of the Gambling Regulation Act requires that?

Hon. M. J. GUY (Minister for Planning) — If I can take that question on notice, I will provide Mr Barber with an answer during the committee stage. It will require a little bit more time to find the answer for him.

Mr BARBER (Northern Metropolitan) — In the notes provided it is not clear whether the reference is to the current arrangements with the old licensee under the existing act vis-a-vis the necessity of new arrangements for a new licence under the new act. After saying that a new licence has been issued it says that as a requirement for the granting of the licence the act requires an arrangement to be made with the Victorian racing industry. It goes on to say:

> These arrangements are struck through a joint venture agreement … and envisage the existence of a wagering and betting operator distinct from the licensee.

I presume that is in the past tense, referring to the current arrangements, because it then says:

> This is the current practice, but under current legislation is not permitted to continue beyond 16 August.
>
> This technical amendment will fix this anomaly and more clearly align the future operation of the wagering and betting licence with current practice.
>
> This amendment has been requested …

My original question was: where does the current act authorise these provisions, and where are we amending the act to ensure that these provisions can continue, as opposed to being prohibited, presumably, beyond 16 August under the old act?

Hon. M. J. GUY (Minister for Planning) — If I understand Mr Barber's second question correctly, he is asking me the first question again. As I said, I will find the exact area and provide him that detail as soon as I can.

Mr BARBER (Northern Metropolitan) — The legislation as amended will require that this new operator be a wholly owned subsidiary of the licensee, have a physical place of business in Victoria and be approved by the commission. If it is a wholly owned subsidiary of the licensee — that is, Tabcorp — how can it also be a joint venture with the Victorian racing industry?

Hon. M. J. GUY (Minister for Planning) — I am advised that the licensee will go into a joint venture with the new operator, and together as a wholly owned subsidiary they would then be operating the joint venture rather than one by itself.

Mr BARBER (Northern Metropolitan) — I thank the minister for that helpful answer. So the operator is not a joint venture; the operator is a wholly owned subsidiary, but the licensee is in a joint venture with the racing industry.

Subsection (4) of new section 4.3A.15A, as inserted by amendment 5, states:

The appointment of an operator under this section does not affect any function or obligation of the licensee under a gaming Act or gaming regulations.

Is that a catch-all provision to say that all relevant sections of this act apply to the operator as if the operator were the licensee? I am thinking of matters such as fit and proper person, relationships and so forth, that apply, as the minister would know from past experience, when gaming licences are issued.

Hon. M. J. GUY (Minister for Planning) — Yes, and that is partly why they are required to be approved by the commission. I move:

1. Clause 2, line 29, omit "3 to 7 and 12 to 17" and insert "3(1) and (2), 4 to 7 and 15 to 20".

Amendment agreed to.

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

2. Clause 2, line 32, omit "3" and insert "3(1) and (2)".

3. Clause 2, lines 34 and 35, omit "the remaining provisions of this Act" and insert "sections 4 to 7 and 15 to 20".

Amendments agreed to; amended clause agreed to.

Clause 3

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

4. Clause 3, after line 19 insert —

'( ) In section 1.3(1) of the **Gambling Regulation Act 2003**, insert the following definition —

"***wagering and betting operator*** means the company (if any) appointed under section 4.3A.15A as operator of the wagering and betting licence;".'.

Amendment agreed to; amended clause agreed to; clauses 4 to 11 agreed to.

New clauses

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

5. Insert the following New Clauses to follow clause 11 —

'AA New sections 4.3A.15A to 4.3A.15C inserted

After section 4.3A.15 of the **Gambling Regulation Act 2003 insert** —

"4.3A.15A Appointment of wagering and betting operator

(1) Subject to section 4.3A.15B, the wagering and betting licensee may, by notice in writing given to the Commission, appoint as operator of the wagering and betting licence a company that —

(a) is a wholly-owned subsidiary of the licensee; and

(b) has a physical place of business in Victoria; and

(c) is approved by the Commission.

(2) A company appointed as operator ceases to be the operator on ceasing to be a wholly-owned subsidiary of the licensee.

(3) The licensee may, at any time by notice in writing given to the Commission, revoke the appointment of an operator under this section.

(4) The appointment of an operator under this section does not affect any function or obligation of the licensee under a gaming Act or gaming regulations.

4.3A.l5B Approval of wholly-owned subsidiary

On application by the wagering and betting licensee, the Commission may approve a wholly-owned subsidiary of the licensee for appointment under section 4.3A.15A if satisfied that the appointment would not result in a person who is not currently an associate of the licensee becoming an associate of the licensee.

4.3A.l5C Rights and obligations of wagering and betting operator

(1) The wagering and betting operator is authorised to conduct, subject to this Act and the regulations, the **Racing Act 1958** and any conditions to which the wagering and betting licence is subject, any activities that the wagering and betting licensee is authorised to conduct under the licence.

(2) In conducting activities under the wagering and betting licence, the wagering and betting operator has all of the rights of the wagering and betting licensee, and is subject to all of the obligations of the wagering and betting licensee, under this Act, the regulations, the **Racing Act 1958** and the licence (other than an obligation

of the licensee to pay an amount under Part 6 of this Chapter).

(3) If the wagering and betting operator performs any obligation of the wagering and betting licensee under this Act, the regulations, the **Racing Act 1958** or the licence, the licensee's obligation is discharged.

(4) For the purposes of this Act —

(a) a reference in Part 6 of this Chapter to any totalisator, approved betting competition or approved simulated racing event conducted by the wagering and betting licensee includes a reference to any totalisator, approved betting competition or approved simulated racing event conducted by the wagering and betting operator; and

(b) a reference in section 4.6.6B to betting exchange commissions earned by the wagering and betting licensee includes a reference to betting exchange commissions earned by the wagering and betting operator.

(5) A reference in section 115(2)(ba) of the **Liquor Control Reform Act 1998** to the holder of the wagering and betting licence includes a reference to the wagering and betting operator.".

BB Consequential amendments regarding wagering and betting operator

(1) In section 4.3A.26 of the **Gambling Regulation Act 2003** —

(a) in paragraphs (a) and (b), after "licensee" **insert** "or operator";

(b) in paragraph (c), for "licensee, or an associate of the licensee" **substitute** "licensee or operator, or an associate of the licensee or operator";

(c) in paragraphs (d), (e), (f) and (g), after "licensee" (wherever occurring) **insert** "or operator";

(d) in paragraph (i) —

(i) after "licensee" **insert** "or operator";

(ii) after "licensee's" **insert** "or operator's".

(2) In section 4.3A.27 of the **Gambling Regulation Act 2003** —

(a) in subsection (1) —

(i) after "licensee" (where first occurring) **insert** "and the wagering and betting operator";

(ii) after "licensee" (where secondly occurring) **insert** "and the operator";

(b) in subsections (2), (3)(a)(i) and (ii), (5), (6)(a) and (7), after "licensee" (wherever occurring) **insert** "or operator".

(3) In section 4.3A.28(l), (2) and (3) of the **Gambling Regulation Act 2003**, after "licensee" (wherever occurring) **insert** "or operator".

(4) In section 4.3A.29(1) of the **Gambling Regulation Act 2003**, for "licensee or an executive officer of the licensee" **substitute** "licensee or operator, or an executive officer of the licensee or operator,".

(5) In sections 4.3A.39A(1) and (2) and 4.3A.39B(l), (2) and (3) of the **Gambling Regulation Act 2003**, after "licensee" (wherever occurring) **insert** "or operator".

(6) In section 4.6.3(1A)(a) and (1B)(a) of the **Gambling Regulation Act 2003** omit "or wagering operator".

CC Banking

After section 4.8.2(1A) of the **Gambling Regulation Act 2003 insert** —

"(1B) An account referred to in subsection (1A)(a)(i) or (ii) may, in addition to the amounts referred to in that subsection, contain any other amounts approved by the Commission.".'.

Mr BARBER (Northern Metropolitan) — What is the rationale for the creation of a separate operator as envisaged by these new sections?

Hon. M. J. GUY (Minister for Planning) — This is the way the licence operates at the moment, and both the licensee and the government want this to continue. I also inform Mr Barber that the joint venture arrangements are under section 4.3A.7, and I apologise for not having that information for him sooner.

Mr BARBER (Northern Metropolitan) — It is simply the rationale for the creation of the separate operator that I am looking for. The material provided with the amendments does not strictly explain that. I thought it was something to do with the joint venture, but the minister has now explained that that is a different issue. The minister says that these arrangements envisage the existence of a wagering and betting operator that is distinct from the licensee and

that this is the current practice, but what is the rationale for it to occur and therefore why should we continue with it using these provisions the minister is putting forward in his new clauses?

Hon. M. J. GUY (Minister for Planning) — I am informed that as it is an efficient, effective structure that exists currently with the licence and that it suits both Tabcorp and the racing industry and works for all parties at the moment, the rationale for what Mr Barber is asking for is basically: 'If it ain't broke, don't fix it'. We believe that structure works well now. It is wanted by the parties involved, and the government supports the racing industry in terms of having the structure left in place.

Mr BARBER (Northern Metropolitan) — I thank the minister for the homespun wisdom; however, this thing is a wholly owned subsidiary of Tabcorp. There is no question of members of the racing industry having an ownership share of it. Do they participate in its board? Do they in some way impact upon its operations? Is it the vehicle through which they share their involvement in this?

Hon. M. J. GUY (Minister for Planning) — I am advised that the vehicle through which the racing industry participates is the joint venture arrangement. That is the arrangement through which it can participate in this structure.

Mr BARBER (Northern Metropolitan) — Although it obviously has no ownership, because we have said it is a wholly owned subsidiary of Tabcorp. So in what ways does the racing industry participate? Is it as observer or adviser?

Hon. M. J. GUY (Minister for Planning) — I apologise for the delay, Chair. The operator is a creature of the licensee, and it is through the licensee that those people can contribute or be a part of the arrangement. That is probably the best way to describe it. I think that gives an answer to what Mr Barber is asking.

New clauses agreed to; clauses 12 to 16 agreed to.

Clause 17

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

6. Clause 17, line 15, omit "17" and insert "20".

Amendment agreed to; amended clause agreed to; clauses 18 to 19 agreed to.

Clause 20

Ms HARTLAND (Western Metropolitan) — I have some particular questions relating to ATMs. Obviously this bill is all about banning them, but because these companies are now touting ATM-like machines, and considering that there are applications before the Victorian Commission for Gambling and Liquor Regulation waiting for the legislation to pass to take advantage of the bans, what will the government do to monitor that and regulate it?

Hon. M. J. GUY (Minister for Planning) — We believe this legislation will establish a clear line of differentiation between, say, EFTPOS and an ATM, with the involvement of staff being the clear point of delineation, and it will be the responsibility of the commission, as you can imagine, to enforce that via its inspection regime.

Ms HARTLAND (Western Metropolitan) — I thank the minister for that. What I am particularly concerned about is in their advertising they claim it is:

> A sort of ATM/EFTPOS hybrid and specifically designed to be as convenient as an ATM we have developed a total cash management solution that will ensure your customers have easy access to their cash within your venue …

And also:

> With over 18 months of internal development and discussions with gaming venue management and the VCGR —

CashPoint is saying this is the solution. So how will these machines be stopped?

Hon. M. J. GUY (Minister for Planning) — I note Ms Hartland has quoted from some advertising material which obviously one operator might have put up, and I just put on the record for her benefit, and others obviously, that that should not be taken as fact. Clearly the government has established a regime where no cash can be made available unless there is contact with another person. That is what we are trying to establish through the legislation, and that is what the commission will then be there to enforce. So nothing can be as convenient as an ATM, and that is what the government is trying to enforce.

Ms HARTLAND (Western Metropolitan) — So the one that is modelled on this particular website is banned and will never ever be allowed to be in a venue?

Hon. M. J. GUY (Minister for Planning) — In following up Ms Hartland's question, I say to Ms Hartland to rest assured that the purpose of this action by the government is to ensure that there needs

to be interaction with a person. I cannot pass judgement on an individual product that an advertiser or a marketer is out there trying to put forward, but the intention is very clear, and that is that there needs to be a contact with a person in order to obtain that cash as opposed to an ATM machine, and that is the intention of the government in relation to this bill.

Ms HARTLAND (Western Metropolitan) — I understand what the minister is saying, but I am really concerned that, as Mr Pakula has said, we are going to end up having to come back to further legislate on this particular point. What guarantee is there, and how is it going to be monitored, because obviously these companies would not be marketing them and would not be negotiating with venues if they did not believe they had opportunities within venues to place these — as they refer to them — cash-like machines?

Hon. M. J. GUY (Minister for Planning) — I cannot be any clearer. Unless there is contact with another human being, you will not be able to obtain cash. I am not privy to what people are trying to market irrespective of that, but the government is very clear: there must be contact with a person in order to obtain cash, and anything beyond that will not be allowed.

Ms HARTLAND (Western Metropolitan) — Can I take it one step further then? If a member of staff is standing next to this machine assisting someone to get money out of that machine, would that be acceptable?

Hon. M. J. GUY (Minister for Planning) — I just say again that EFTPOS will not be permitted in these gaming areas. It is as simple as that. If a person takes a staff member down the road to an ATM, there is only so much the government can legislate to prohibit. We have made it very clear what our intention is, and EFTPOS will not be available in the gaming areas.

Ms HARTLAND (Western Metropolitan) — I am talking about these ATM cash-like machines which are being touted, not the EFTPOS. I have other questions on EFTPOS. I asked the minister a very specific question about whether a gaming venue would be able to flout having what this company refers to as an ATM-like machine by having a staff member standing next to it and assisting a person to get money out of it.

Hon. M. J. GUY (Minister for Planning) — Chair, I think we are going around in circles on this. I think this is now the sixth time — in fact it is the sixth — that that exact same question has been answered. I think it has been asked; I think it has been very well answered. I think it is pretty clear what the government's intention is. It is very clear what the bill says, and I simply say it again: in relation to our intention for contact with another person, that needs to be the case. In relation to what a third party is marketing, I cannot legislate against what someone wants to market. They can market and make all sorts of claims, but we are deciding laws, obviously, here in Parliament, and it is clear what the intention is and what will be the outcome.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! Are there any further questions?

Ms HARTLAND (Western Metropolitan) — I do have other questions in relation to EFTPOS and ATMs. The other question I have is: has the government modelled for the loss of income from a gaming venue once the ATM has been removed, and if so, how much will that be? If no loss of income is expected, does that mean the ATM ban alone is not enough to curb problem gambling at the source and that other measures are required?

Hon. M. J. GUY (Minister for Planning) — The government has commissioned an evaluation study by Swinburne University. It will evaluate the impact of these changes, both before and after changes might be made, and that will give the government a very clear indication as to what the response to it is.

Ms HARTLAND (Western Metropolitan) — When will that document be available, and will it be publicly available?

Hon. M. J. GUY (Minister for Planning) — I think it has to be completed first, and then the government will make a decision on it.

Ms HARTLAND (Western Metropolitan) — Is the minister aware whether it will be a public document, or whether we will have to call for documents or request them through FOI? It goes to transparency.

Hon. M. J. GUY (Minister for Planning) — We should not get too worked up about it. As I said, it has to be completed first, and then when it is actually completed by Swinburne University obviously the government will make a decision as to what its future will be. The document has not been completed as yet because no changes have been passed by the Parliament. It is difficult to make a decision on something that, at this point in time, does not exist.

Ms HARTLAND (Western Metropolitan) — Surely if the government has commissioned Swinburne to produce such a document, it would have had a date by which it would expect it to be completed and published. I am not sure why the minister is not able to say when it

will be completed and whether it will be a public document.

Hon. M. J. GUY (Minister for Planning) — Clearly the government does not take the Parliament for granted. This bill has to pass through Parliament before we can ascertain whether any changes have taken place and need to be assessed. If it does pass and changes need to be assessed or measured against the existing regime, then we can have a commencement and conclusion date which are more certain and a decision about the future of the document can be ascertained.

Ms HARTLAND (Western Metropolitan) — This bill will clearly be passed by the Parliament, so I am not sure that that is a very honest answer. Anyway, if we can move to EFTPOS — —

Mr Drum interjected.

Ms HARTLAND — It is a good idea that the government has commissioned this information. I would just like to know when it is going to happen and whether it will be publicly available. I do not think that is an unreasonable thing.

Mr Drum — It depends whether it's going to go through.

Ms HARTLAND — It will be going through in the next 10 minutes or so. Other questions that I have in regard to ATMs are as follows: how many of them will be removed from venues; and, with just one month to go, has a phase-in of the bans led to a gradual removal of ATMs or will venues be holding onto them until the last minute?

Hon. M. J. GUY (Minister for Planning) — Firstly, the government is conducting a committee stage of a bill which it is putting to the Parliament and on which it is answering a whole range of questions. That is fair and reasonable, and Ms Hartland can ask whatever she likes, but obviously on behalf of the government I take umbrage at the idea that somehow our honesty should be questioned in relation to the commissioning of a study and its commencement and conclusion dates. There is a whole range of reasons for when legislation could come before the Parliament, what its future might be once it comes to the Parliament and how long it might take to pass, irrespective of what the numbers in Parliament might be. I would say to Ms Hartland that while I regard all of her questions to be from someone who has a passionate interest in this piece of legislation, coming into Parliament and questioning people's integrity or honesty is a pretty poor reflection on her and the good questions she raises as part of her passionate interest in this issue.

Having said that, in relation to the information she asked for concerning the removal of ATMs, they will all be removed unless exemptions are granted by the commission. I am informed that there have been none to date.

Ms HARTLAND (Western Metropolitan) — In regard to EFTPOS, how will the government monitor and report on EFTPOS withdrawals at pokies venues, especially in terms of looking at worrying trends or venues that might have higher than average withdrawal rates?

Hon. M. J. GUY (Minister for Planning) — While we as a government always have our minds on problem gambling and obviously have committed a large amount of money to deal with the issue of problem gambling, we do not collect data on cross-transactions, and indeed do not have or do not collect the information that Ms Hartland is asking about.

Ms HARTLAND (Western Metropolitan) — Will the government then seek to monitor these machines to see whether there is a problem? How else can we know whether EFTPOS machines are being abused and whether this legislation, as Mr Pakula has pointed out, may again need urgent amendment?

Hon. M. J. GUY (Minister for Planning) — A range of evidence suggests that EFTPOS is certainly less risky for problem gamblers than an ATM. As a consequence, as I said, while the government does not monitor what Ms Hartland has asked for, that range or body of evidence has suggested that to the government, which is why we are moving to make the changes we are making and indeed would seek to keep abreast of whether these changes are going forward as intended.

Ms HARTLAND (Western Metropolitan) — I have one final question. How is that going to be achieved? If, as it appears, there is no actual monitoring or reporting, how will that be achieved?

Hon. M. J. GUY (Minister for Planning) — As I said, the body of evidence that has been gathered to date suggests EFTPOS is not as risky for problem gamblers — having that contact is not as risky as using an ATM — and the soon-to-be-established Victorian Responsible Gambling Foundation will always be looking for ways to promote responsible gambling, which is what the government is doing. It believes the VRGF will also monitor any further bodies of evidence that may come forward, but certainly it will monitor what has been done to date to ensure that it is working.

Ms HARTLAND (Western Metropolitan) — Will that data be published in the next year?

Hon. M. J. GUY (Minister for Planning) — As I said earlier, we do not collect data on cross-transactions, so in that sense there is no data to actually publish. But we certainly do regularly publish data and findings on problem gambling, and obviously that will continue.

Ms HARTLAND (Western Metropolitan) — I am asking specifically about EFTPOS machines. The minister is saying that the responsible gambling authority will be monitoring them and the authority will be looking to see whether there is a problem. Will there be data collection, and will a report be done? I do not think this is a difficult question. Is the government going to report on EFTPOS machines? I would agree with the minister that the body of evidence does say that with EFTPOS machines people have to think a bit more about what they are doing, but we need to be able to prove that. If there is a body of evidence, it should be shown.

Hon. M. J. GUY (Minister for Planning) — The government is not proposing to commission a new body of work or any new studies that will be released. I refer Ms Hartland to the Productivity Commission report of 2010, which certainly backs up what the government has stated is its view in regard to EFTPOS versus ATM contact.

Clause agreed to; clauses 21 to 31 agreed to.

Clause 32

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

7. Clause 32, lines 14 and 15, omit "the first anniversary of its commencement" and insert "1 September 2013".

Amendment agreed to; amended clause agreed to.

Reported to house with amendments.

Report adopted.

Third reading

Motion agreed to.

Read third time.

Sitting suspended 6.31 p.m. until 8.02 p.m.

POLICE AND EMERGENCY MANAGEMENT LEGISLATION AMENDMENT BILL 2012

Second reading

Debate resumed from 24 May; motion of Hon. G. K. Rich-Phillips (Assistant Treasurer).

Ms PULFORD (Western Victoria) — I am pleased to make some comments in the debate on the Police and Emergency Management Legislation Amendment Bill 2012. I will endeavour to keep my remarks reasonably brief, because a number of members want to speak on this bill. The bill amends four acts of Parliament. Later on this evening this discussion will be expanded when the government introduces house amendments to bring into this debate the question of the Control of Weapons Act 1990. A number of matters are covered by this bill and I will run through them briefly.

The opposition is not opposed to this bill; however, as the member for Monbulk in the Assembly, James Merlino, indicated, it is our intention to move an amendment to one matter. The bill makes three changes in relation to bushfire and emergency services. The first relates to the Bushfires Royal Commission Implementation Monitor Act 2011, which is due to sunset in September this year. The bill extends the operation of the monitor for a further two years to enable that important work to continue, and we have no issue with that.

The second is that the bill makes provision for the implementation of recommendation 53 of the 2009 Victorian Bushfires Royal Commission, and that aspect of the bill amends section 32 of the Sale of Land Act 1962. I will limit my comments on that aspect of the bill to that point, because, as members know, Mr Tee is very enthusiastic about all matters planning. He will take the house through the opposition's position on that particular matter and introduce an amendment in line with the comments made in the other place by Mr Merlino.

The third is to change the Country Fire Authority Act 1958 to grant the Secretary of the Department of Sustainability and Environment (DSE) the power to appoint other personnel to exercise the powers of the chief officer of the Country Fire Authority if an officer of the CFA is not present in the area at the time.

The bill also amends the Police Regulation Act 1958. The effect of those amendments is to remove the cap on the number of deputy commissioners, currently 4, and assistant commissioners, currently 10. This is in line

with a recommendation of the Rush inquiry. The bill also seeks to provide a statutory power relating to standards as to grooming and clothing accessories for police recruits and protective services officers with appropriate safeguards for members of the force and others in that service in the form of exemptions on medical, cultural or religious grounds.

I will now briefly make some comments on those points. The inquiry was undertaken by Jack Rush, QC. The report of that inquiry was handed to the government in November 2011 but not tabled in the Parliament until March 2012. We are not exactly sure why the government sat on it for so long. But the legislation is pretty disorganised and that is why we are seeing a whole lot of house amendments to this bill today and to the previous bill. I think it is probably a reflection of a general shoddiness in the running of the state. The report made 25 recommendations and the government has agreed to implement 24 of them. It is probably worth noting that the only recommendation of the Rush inquiry not to be accepted by the government was that Fair Work Australia be able to hear unfair dismissal applications by police and deal with disputes about transfer, promotion and discipline. Of course this government would be completely freaked out by anything remotely relating to Fair Work Australia.

The removal of the caps on the number of deputy and assistant commissioners will result in the Chief Commissioner of Police being able to make recommendations to the government around the structure of the police force. It should have the effect of enabling those important structural decisions to be made without government interference, although I note that the Minister for Police and Emergency Services in his second-reading speech talked about the chief commissioner having 'a significant role in determining the reasonable number of deputy commissioners and assistant commissioners'. I hope this choice of language is not reflective of an intention to meddle even more in the police force, because we have recently had that extremely sorry saga involving the Deputy Premier's office and the hounding from office of the former Chief Commissioner of Police, Simon Overland, by this government, which is a very shameful chapter in Victoria's history.

The government established the Rush review, which I referred to earlier, essentially to deal with the issues surrounding the hounding from office of Simon Overland. During the Rush inquiry the now chief commissioner, Ken Lay, said:

> If I go back to that time … I know Simon said publicly on a number of occasions that … we were staying focused, but my recollection was that it was an enormously difficult time.
>
> …
>
> As a member of police command I felt under siege. I thought Simon was under siege.

The Rush report made no findings against the former chief commissioner, Simon Overland. Indeed the Office of Police Integrity report *Crossing the Line* was unable to investigate the involvement of ministers, members of Parliament and ministerial staff, which of course has been canvassed in great detail in the press and indeed in the Parliament.

On the Rush inquiry, I might add that the report highlights that too many sworn police are sitting behind desks. If I cast my mind back to the last Parliament, members of the then opposition were sometimes critical of the government for allowing that situation to occur. In the 2010–11 budget, the last budget of the Brumby Labor government, there was an allocation to recruit public service staff for Victoria Police. An additional 200 people were recruited to considerably free up resources for police to be deployed to the front line.

It is important to note that as part of the current government's so-called sustainable government strategy some 350 or so public servants are to be removed from Victoria Police. In my electorate I have certainly had conversations with senior members of Victoria Police who have told me stories of people being on extended leave, such as maternity leave, departing from the police force or being unable to perform their back-of-house role and of police needing to be redeployed from the front line to perform such tasks as organising annual leave rosters.

The government needs to carefully consider the question of what is and is not front-line work, because the assumption that everyone not on the front line is sitting around doing nothing is patently absurd. If all of those people are removed, then the invisible line between the front line and the back line goes further and further back, and police officers will have to undertake administrative tasks because the people who were doing the administrative tasks are gone. If 350 people are to go from Victoria Police, then it is a little hard to believe that the tasks undertaken by those people will just disappear. What is far more likely is that there will be occasions, such as the ones I have heard about from police officers in my electorate, when administrative functions will have to be performed by sworn police officers because the people who were doing those tasks have gone or are going.

Another feature of the bill relates to uniforms and the appearance of police officers, and the opposition supports the broad purpose and intent of this aspect of the bill. You can almost hear the razors buzzing in bathrooms as people remove their beards! In all seriousness, it is important that members of our police force present a recognisable and professional image — I wonder if 'corporate look' is the right way to describe it. We believe having a very high standard of presentation is appropriate.

In terms of the elements of the bill that relate to emergency management and bushfires, it is important to note that the government has not met the high standards it set itself in this regard. Mr Baillieu used the phrase 'lock, stock and barrel' in describing how the bushfire royal commission's recommendations were to be implemented. Indeed the Labor government was ridiculed for wanting to consult with affected communities around a dozen of the recommendations. During a very short period of intense consultation with communities in Victoria, I attended a couple of consultations in my electorate. Members of the former government were hesitant to embrace all 67 recommendations 'lock, stock and barrel', but members of this government said that that is what they would do. Mr Ryan said that the recommendations needed to be taken in their totality and that he did not believe you could pick and choose. On another occasion he said:

> … this is not a supermarket; the government cannot pick and choose.

When in opposition, government members were absolute in their language around the full implementation of the bushfire royal commission's recommendations. There were 67 of them, and an incredible amount of work was done in extraordinarily difficult circumstances. However, I think it is important to point out that the government has not managed to maintain the standard that it set for itself in terms of full implementation of the bushfire royal commission's recommendations.

There are a number of areas in relation to the ongoing work to implement those recommendations that people in affected communities are concerned about, including shelter options, township protection plans and evacuation arrangements. The work of the bushfires royal commission implementation monitor continues to be important. In a further two years hopefully we will see that task complete, and we will certainly continue to be very interested in and watch very closely how these communities are protected.

It is probably appropriate to note that today the government announced the availability of flood assistance grants. Here we are, on a day when only the very brave would go outside without a heavy coat and scarf and at a time when the bushfire risk is very low, yet a day such as today is a good time to continue the considered and extensive work required to provide an appropriate response to Black Saturday and the days around it in so many locations across Victoria. The community expects that, as members of Parliament, we will do our level best to ensure that nothing like Black Saturday happens again. That work needs to continue, and it is important that the reporting criteria are clear. We believe there should be an opportunity for people other than the minister to refer matters for ongoing implementation. I know that during the recent Public Accounts and Estimates Committee hearings matters were raised around some of the deficiencies in support of the government in relation to the rebuilding efforts of some of those worst affected communities.

Issues that are very important for the monitor's ongoing attention include maintenance responsibilities for neighbourhood safer places and community refuges and the work around upgrading single wire earth return powerlines. It is important to note that this is a recommendation on which the government's positions before and after winning the election have been dramatically different. A good many of the fires on Black Saturday have now been found to have been caused by poor or faulty electricity infrastructure. There are reports from time to time of settlements being reached for affected individuals, businesses and communities as a result of fires caused by powerlines and powerline faults, so the government needs to provide some certainty to the many communities across regional and rural Victoria where there is a risk of fire about how and when these upgrades will occur.

The monitor will continue to work on the protection and maintenance of land in areas that have been bought back. This is an area in the consultations I referred to earlier that is of considerable interest to people — that is, the impact on safety of areas where there has been a buyback in those most high-risk communities. There is the ongoing work to upgrade the divisional command centres; there is equipment for helicopters; there are communication systems being connected — the DSE and CFA radio systems — and that certainly needs to happen sooner rather than later; and there is phase II of the emergency alert system. There is plenty of work for the implementation monitor to be going on with, and that is why we support that element of this legislation. Finally, the designation of CFA chief officer powers by the DSE secretary is an amendment to bring into effect a practice that already occurs.

This afternoon the government has provided the opposition with some amendments which Mr Drum, who is leading off for the government, might introduce, but I will briefly make a couple of comments while I am on my feet. The opposition was provided with a briefing this morning, so we have not had much time to look at it. The Control of Weapons and Firearms Acts Amendment Bill 2011 passed in March this year. That bill was a good illustration of the general sloppiness and messiness of this government, and it failed to represent the agreed position the government had with the Victorian sporting shooters clubs. Amendments were proposed by the opposition to rectify the government's lack of consultation with stakeholders. We were pleased that the government was able to support our amendments at the last moment.

The Control of Weapons and Firearms Acts Amendment Bill 2011 made changes to insert an offence to possess, use or carry a prohibited weapon without an exemption, an offence for a non-prohibited person to possess, use or carry an imitation firearm, and an offence for a prohibited person to possess, use or carry an imitation firearm. Penalty units are ascribed to each of those, including a jail time penalty, as prescribed in the legislation.

The government has realised late in the piece that there should have been consequential amendments to sections 7 and 8, which relate to people who have a legitimate reason to possess, use or carry a weapon, and there is a schedule listing these types of people which includes health services workers, people exercising powers under the Education and Training Reform Act 2006, professional groups including veterinarians, State Emergency Service members, defence force members and sheriff's officers — there is quite a list — and also recreational, cultural and sporting groups, martial arts groups, theatre and film employees, hunting clubs, Scottish highland dancers and pipe bands. That is not the whole list, but it gives members a bit of an indication of the scope.

Sections 7 and 8 provide exemptions for those people, but the bill earlier this year failed to provide power for the exemption to be applied. The house amendments seek to fix this. They will be introduced by a member of the government, and we have been advised that they will have the effect of protecting against conviction until the new rectifying amendments come into effect. No-one who has unwittingly become entangled in that problem will suffer any disastrous consequences as a result.

The amendments are not controversial, but they are an illustration of shoddy work by the government. This is not the first set of house amendments, as I said, that we have considered in the house today. Earlier in the day, on a previous matter, one of the Greens members indicated that they had learnt about the amendments to that bill at around 2.30 p.m. Similarly, we found out about the amendments on this bill this morning at around 10.00 a.m., so we received better notice on these amendments than our colleagues on the crossbenches received on the other bill's amendments. These were flagged last week, and frankly I see no reason why we are finding out about this so late in the piece other than that the government is seeking to avoid scrutiny on this matter.

With those words, I look forward to the ongoing debate and reserve the right in committee to ask a couple of questions of the government about some of these matters.

Ms HARTLAND (Western Metropolitan) — My contribution will be quite brief because my two colleagues will also contribute. Mr Barber will be speaking to the aspect of the sale of land and Ms Pennicuik will speak on the police regulations. Generally the Greens support this bill, but I also echo that we received the amendments at 2.30 p.m. We appreciate the briefing that was organised, but the government should have been able to give us those amendments much earlier. We should have been able to work our way through them. This will mean that during the committee Ms Pennicuik will be asking questions on those amendments.

As I said, generally the Greens support this bill for the reasons that have been outlined by Ms Pulford — that the monitor is a particularly important aspect to come out of the royal commission. We need to continue to see what happens and see that those recommendations from the royal commission are being followed through, and so those aspects are extremely important.

Mr DRUM (Northern Victoria) — I start my contribution to the debate by dealing with the house amendments. Quite simply, we were caught short. Parliamentary counsel left out an important part of the bill.

Mr Tee — The buck stops with you; you cannot blame parliamentary counsel.

Mr DRUM — Absolutely; I have no problem with that. Mr Tee can say what he wants to say. It is a thing that happens from time to time. I hope he gets a little kick out of it, because we did not check, parliamentary counsel did not check, and ultimately the bill went through with a key part of the exemptions not in place.

It was picked up late last week and the necessary changes have been made. The opposition parties — both Labor and the Greens — were in effect notified as soon as it was worked out how best we could — —

Ms Hartland — At 2.30 p.m. today.

Mr DRUM — Parties were notified as soon as the best way was identified for the government to correct this oversight. That is how it happened. If members want to read more into it, they should feel free to do that, but that is exactly what happened. The buck stops with the government. I am sure members on the Labor benches realise that things happen. It happened to them when they were in government — not often, but it happened. The Greens may choose to suggest that it should never happen, and its members might want to make some yardage out of it by blaming the minister. They should feel free to do it, if that is what they wish to do.

Mr Barber — A rugby team?

Mr DRUM — And a rugby team? I don't quite get what Mr Barber means.

Mr Barber — Make some yardage.

Mr DRUM — Mr Barber can milk it until he turns into cheese, for all we care. Whatever he wishes to do, he should go for his life. However, having made that explanation as to why we have this unusual situation, I would now like to talk about the bill itself and highlight some of the benefits to be derived from a government learning from the range of disasters that it has been presented with since coming to government.

Whilst in opposition we worked and lived through the various fires and droughts, and we had plenty to say about how governments should be doing more in relation to fuel reduction burning and putting in place a regime of control which would, firstly, give all our agencies the best chance of working to fight a natural disaster, such as a fire or a flood, and secondly, give communities the best chance of recovering from natural disasters. In 2002, only months after I was elected to this Parliament, there were substantial fires. There were further fires in 2003 and 2006. Following those serious fires, no substantial changes were made to the way we prepared for fires in Victoria, nor did we change in any substantial way how we operated in the crux of an emergency or how we acted in the aftermath of any disasters.

Therefore, when the critical opportunity came to push for the 2009 Victorian Bushfires Royal Commission, we did that. It is to former Premier Brumby's credit that he called for a royal commission. It spent in excess of six months holding hearings, and took thousands of pages of evidence. The 67 recommendations from the royal commission separated the two main political forces in the state of Victoria. Quite simply, in opposition the coalition quickly decided it was going to support each and every one of the 67 recommendations within the royal commission report, and the government of the day — the Labor Party — did not.

If Ms Pulford wants to talk about the fact that we have not yet undergrounded all the single wire earth return (SWER) lines throughout Victoria, which is in the recommendations, she is right; however, we have made the commitment to do so, but within a time line which Victorians would accept as fit and proper because it is such an expensive operation. We have to balance the continuing rising costs of electricity as we push to get these projects completed against the ever-present threat of leaving SWER lines exposed, potentially creating more natural disasters.

We have to balance the ever-increasing need to do more prescribed burning. Many different groups — whether as part of parliamentary committee reports or bushfire royal commission reports — have called for a figure to the tune of 385 000 hectares to be the prescribed burning target that we should be actively striving to achieve. Yet if we were being honest, we would all recognise that under Labor we did not get within a bull's roar of 385 000 hectares.

Mr Barber — Or under Kennett either.

Mr DRUM — Or under Kennett either, Mr Barber. However, we have genuinely started to burn considerably larger amounts in a much more planned and well-designed manner so that we create the necessary patterns of prescribed burns that will have the greatest impact should there be a need to halt the onset of a raging fire. That is something we are very proud of. We understand there is still a lot of work to do. However, we have been able to put in the resources to help our firefighters achieve these targets and we are going to continue to do that into the future.

Turning to the bill, another of the recommendations relates to the appointment of the bushfire implementation monitor, whose job it is to oversee how this government is going in its task of fulfilling the recommendations handed down by the bushfires royal commission. The bushfire implementation monitor's term was due to end in the next few months, but there is still work that needs to be done, so we have decided to extend the term for a further two years until 31 July 2014. It will mean that two more annual reports will be

handed down, which will talk about the progress of actions set out in the implementation plan and also the work that is still to be done. The reports will not talk about work that has already been done, as that work will have been crossed off, ticked off and cleared. It is an important role. It was another one of our commitments, and now that we are in government we have brought in this check and balance on our progress — on how we are going. The implementation monitor will advise the government on how we are going in relation to fulfilling our promises.

Another part of the bill talks about the ability of the all-hazards, all-agencies philosophy to come to the fore. Not only during the time of fires but certainly in time of floods — perhaps most prevalent with floods — we have to move towards an all-hazards, all-agencies approach. When everything is said and done our management of disasters is probably going to be one of the greatest legacies this government will leave. Time and again many of these disasters occur in small communities, which really struggle to find the resources to cope with what they are going through, and they look for assistance. They are sick and tired of seeing government departments working within their own silos.

The bill will expand the category of people who may exercise the powers of the chief officer of the Country Fire Authority. If the CFA is not able to get there on time or if it is overwhelmed by the enormity of a problem, it can very easily hand over its powers potentially to anyone from another government agency, whether that be the Department of Sustainability and Environment, Parks Victoria or the Department of Human Services, if there is a health aspect to the problem. It will also help us with our ability to accept assistance from other jurisdictions and to have those people operating under the same chain of command and the same type of structure that we operate under currently, whether it be with the Metropolitan Fire Brigade, the DSE or CFA. We will get the response that the people of Victoria want and not the response that a particular agency is capable of giving.

By expanding the powers of the chief officer of the CFA to other people we will get a response which will maximise the capability of the state to fight or stop a disaster or in fact to clean up and assist Victorians after a disaster. That is something we should all support, and hopefully we will.

As a result of one of the recommendations of the Rush inquiry the bill will remove the limit on the maximum number of deputy commissioners and assistant commissioners, which currently stands at 4 and 10 respectively. By removing the caps the bill aims to give the chief commissioner the flexibility to create and develop a new senior command structure that will strategically position Victoria Police as an organisation for the future. Again, if we can help to improve that structure by removing the caps, which are really only there to help the organisation contain itself, and give more flexibility, it seems to be a worthwhile amendment to the act.

An amendment to the Police Regulation Act 1958 will give the chief commissioner the ability to determine grooming and dress regulations to stop any confusion. There is a strong feeling within Victoria Police, certainly within command, that the public image and the reputation of Victoria Police need to be maintained as an authoritative and disciplined organisation. This amendment will be very well received. Anecdotally, when you are out and about in Victoria assisting with police matters, opening police stations, talking to police about a whole range of issues and police programs that we assist with in government or talking to the police livestock theft group as we did recently, every time you broach this issue there seems to be uniform support. They say, 'Yes, we are in a very visible organisation and there is a lot of pressure on us to act and behave in a certain manner. Those behaviours and actions certainly carry over to the way we present ourselves through grooming and also through our dress code'.

We see giving the chief commissioner additional powers to further improve the way our police are viewed as a positive step. It will also stop the current air of confusion. There are about 8 or 10 members of the police force at the moment who have an issue with these grooming standards, and we believe this will ease that confusion.

The last major aspect of the bill is in relation to the Sale of Land Act 1962, which will now be altered slightly to force any vendor to identify on the section 32 statement that land is either inside or outside a bushfire-prone area. Ultimately the onus will swing over to the purchaser to follow through and to check the extent of that particular danger. What we are doing here is giving the vendors that responsibility. If you are in a bushfire-prone area, then that particular point has to be identified to the purchaser. Then the purchaser can set about finding out whether or not some of these areas move into and out of bushfire danger because of the growing nature of the region and because of changes in the shape of all our areas, changes in the built environment and changes in bushland. Nothing is set in stone, and that means that what may have been a bushfire threat eight years ago when a house was built may no longer be a bushfire threat. What may not have

been a threat 10 or 15 years ago may now be a threat today. As these areas change, we believe that this is the best way to get this done in a way that can both handle the aspects that were intended in the royal commission but still not be overly onerous on either the vendor or the purchaser.

In conclusion let us be very clear that when the royal commission handed down its report we had a government of the day that was quite prepared to walk away from anything that it thought might be a bit hard to fulfil. The current government, which was in opposition at the time, said, 'We are in 100 per cent. We are behind the royal commission, and we think Victorians would expect us to carry out the wishes of the royal commission'. It was about us doing what the people of Victoria wanted us to do — that is, not to pick and choose, not to just take the low-hanging fruit and then try to spin our way out of trouble.

We have seen some of the biggest changes in the way these disasters are actually handled now. With an all-hazards, all-agencies approach everybody is on hand to help and assist. If one agency has more capability and more capacity than the agency that is supposed to be the lead agency, then those powers can now be exercised under another agency's banner. Again this is a real benefit to the people of Victoria who really could not care less which agency is supposed to be giving them the assistance they need. They just want to have all the forces put together in the best way possible.

Again, apologies go from the government to the opposition and the Greens. We would like to have given them the briefings earlier. The oversight happened. If those members opposite want to make a song and dance about it, I invite them to feel free to do so; however, they now know why they were late in getting their briefings. Our apologies. I hope it does not happen again, but invariably these things happened under the previous government and they probably have been happening forever. We will do our best to ensure that it does not happen again.

Mr TEE (Eastern Metropolitan) — I am pleased to speak on this bill. I want to address my comments to the provisions of the bill which deal with the Sale of Land Act 1962, because this reveals an important anomaly in the contribution that we have just heard from Mr Drum.

The provisions dealing with the Sale of Land Act 1962 impose an obligation on section 32 statements. These are important statements because they provide an opportunity for the purchaser of land to know what conditions come with that land. They are part of the transparency process. They are an important part of the information that a purchaser has when deciding whether or not to buy that block of land. That is what the royal commission found. At page 266 the royal commission said:

> Because a house often changes hands a number of times during its life, the point of sale is a logical time to provide prospective purchasers with information about the bushfire safety of the site and building they propose to purchase.

The royal commission said this is an appropriate time to make sure that a prospective purchaser is informed — that they know the risks they are being asked to assume in purchasing the home. The royal commission recommended that:

> The state amend section 32 of the Sale of Land Act 1962 to require that a vendors statement include whether the land is in a designated bushfire-prone area, a statement about the standard (if any) to which the dwelling was constructed, the bushfire attack level assessment at the time of construction (where relevant) and a current bushfire attack level assessment of the site of the dwelling.

There were four obligations that the royal commission said the vendor ought to place on a section 32 statement. You are to know whether or not you are in a bushfire area; you are to know the standard of the construction of the dwelling — that is, what standard the dwelling was constructed to meet; you are to know if that was the appropriate standard at the time; and, importantly, you are to know what current standard is required.

When you look at the provisions in the bill before us you find that those recommendations are not there. They have not been fulfilled. Clause 10 provides that a section 32 statement must only specify that the land is in a bushfire-prone area; there is no requirement as recommended by the royal commission that the purchaser be aware of the standard to which the house was built. In breach of the recommendation of the royal commission there is no requirement to identify what the standard was at the time or, more importantly, what the current standard is. Yes, the purchaser has this vague notion that it is a bushfire-prone area, but there are not the specific matters that the bushfires royal commission required to be put in place.

Mr Barber — You should move an amendment.

Mr TEE — I am getting there. I advise Mr Barber that I am working up to it. When you think about the context and about Mr Drum's contribution, during which he said that the government was implementing the bushfires royal commission recommendations, and you note the gaping hole in the bill it has drafted, you can see the government is not implementing the

bushfires royal commission recommendations. You can see that the commitment of the then opposition, now government, to the Victorian people to implement the bushfire recommendations 'lock, stock and barrel' has been thrown out. This is a breach of the government's promise to the Victorian people that it would implement the bushfires royal commission recommendations.

Coming back to Mr Barber's point, what I did was give to parliamentary counsel recommendation 53. I asked parliamentary counsel to draft an amendment to the bill to reflect the recommendation of the bushfires royal commission. I foreshadow that I will be moving that amendment, and I ask that it now be circulated.

Opposition amendment circulated by Mr TEE (Eastern Metropolitan) pursuant to standing orders.

Mr TEE — All this amendment does is follow the recommendations of the bushfires royal commission, no more and no less. All I am asking is that all members of this chamber support the amendment so that this recommendation of the bushfires royal commission is implemented 'lock, stock and barrel', as those opposite have promised it would be.

It is very easy to come into this chamber, put your hand on your heart and pretend that you are serious about implementing the royal commission's recommendations. It is easy enough to stand here, but when you are required to act, that is when you see what matters. It is one thing to come in here and talk about what you are going to do, but what really matters is what you actually do. The amendment I will be moving in the committee stage is what matters. It does not matter what you say when you come in here and talk about defending people's rights and looking after the rights of those who are at risk of bushfires; what actually matters is what you do. My amendment will ensure that purchasers this year, next year or in five years time have the information they need to make an informed decision and so they can see whether or not the house they are purchasing is built to the standard required to meet the bushfire threat levels. That is exactly what the royal commission recommended and exactly what this government has failed to do.

The government has failed to provide any explanation for its failure. The government has made promises, but on issues like this, not only does it not implement the bushfires royal commission recommendations but it refuses to stand up and tell the Victorian people why it has walked away from its promise and commitment. This is not a minor matter; it is an important issue. If people are living in bushfire-prone areas — and those are the only homes that we are talking about — they should know what standard their house has been built to. They should know whether or not that is the right standard for that area.

Let there be no doubt about it: there is nothing tricky about this amendment. All I have asked parliamentary counsel to do is draft an amendment that reflects the royal commission recommendations, no more and no less. That is what they have done. I urge those opposite to support what should be a very simple amendment to ensure that the government maintains its commitment, honours its promise to the Victorian people and makes sure that we put in place an important measure to protect Victorian families living in bushfire-prone areas. Now is not the time to turn our backs on those families.

Mr BARBER (Northern Metropolitan) — I would like to speak on two specific matters contained in this bill. However, before I do so I need to make a declaration that I have an interest in the matter. I am a Colac Otway shire land-holder. I own a piece of land that will almost certainly be affected by clause 10 of the bill. That clause requires anybody selling a piece of land to declare on the vendor statement that the area is bushfire prone. If it is the case that Mr Tee's proposed amendment is successful, the clause will also require the provision of information about the standard to which the house was built and the bushfire attack level assessment. It is necessary for me to make this declaration because the code of conduct for members, contained in the Members of Parliament (Register of Interests) Act 1978, says:

> … a member shall make full disclosure to the Parliament of —
>
> (i) any direct pecuniary interest that he has;
>
> …
>
> (iii) any other material interest whether of a pecuniary nature or not that he has —
>
> in or in relation to any matter upon which he speaks in the Parliament …

I do not have a pecuniary interest that would be subject to the first subclause or standing order 16.07. The measures in this bill are unlikely to have any discernible impact on the value of my property, but nevertheless in relation to subclause (iii) I have an interest. It is necessary not just that we simply declare those interests and put them on a piece of paper we send to the Clerk, who publishes them in an obscure report, but actually that, as the code of conduct requires, whenever a member speaks in Parliament on legislation, they

declare their own interest in the matter so anybody reading can be aware of that.

Having said that, I want to address two matters. One is the matter Mr Tee has just referred to — that is, clause 10 of the bill. At the time of selling a property it is necessary and appropriate, I believe, as did the 2009 Victorian Bushfires Royal Commission, that any statements — that is, the so-called BALs, or bushfire attack levels, which are now required by all people constructing a home in a bushfire-prone area — obtained during the construction of that building be made available on the vendor statement along with, for that matter, the relevant standard that applied at the time. I think that is necessary and appropriate. Certainly the royal commission, after its considerations, did so.

While there are a number of things that are disclosed on vendor statements, including council rates and the zoning of the land, this is one that is not easy to find out by yourself as a purchaser of land, and it is something that is absolutely critical to ensuring that we have fully informed land-holders, particularly those who might be making a tree change and moving to the country for the first time. This could in fact be the thing that becomes their first trigger and their first form of education in understanding that they are moving into a bushfire-prone area and will have to take a number of steps along with that.

The other matter I wanted to address was about the reports by the bushfires royal commission implementation monitor, which the government now proposes to extend from 2012 on to 2014. That is a measure I agree with. It also proposes to change the scope of what the monitor's reports contain. I just need to go back to what I said at the time the bushfires royal commission implementation monitor was created, and that is that unfortunately, in another broken promise, the government did not allow the monitor to monitor the implementation of the bushfires royal commission recommendations. The only thing the monitor can look at is the government's own implementation plan. The monitor monitors whether the government is following the government's own plan, not whether the government is following the recommendations of the bushfires royal commission. If the monitor did that, we might see a report actually agreeing with Mr Tee and noting that the government is not implementing the recommendations.

I raised that matter at the time, and I want to reiterate it again; however, what we are now seeing is not only that that problem has not been fixed but that the bushfires royal commission monitor now monitors any other matter requested by the minister. Back at the beginning the monitor was constrained to only looking at the government's implementation plan and was not able to actually compare that to the original intent of the bushfires royal commission, which we spent millions and millions of dollars on to get the right answers. Now it has actually become the flunkey of the minister, who sends it off looking at the things the minister would like it to look at. That just shows yet again that government members are not as serious as they professed to be when they were in opposition about fully implementing the recommendations of the bushfires royal commission.

I have to say that one area in which government members are particularly lax is in the area of building and planning. We heard Mr Drum talking about how they are achieving the annual fuel reduction target, but it is a pity that they are not as diligent in following up every one of the bushfires royal commission's recommendations, particularly around the subdivision of bushfire-prone land, which brings more and more residences and more and more families into harm's way by not fully following the recommendations on planning zones. It has been done to some extent — I will give Mr Guy credit for that — but certainly not to the full extent recommended by the royal commission in relation to zones.

In relation to farming zones, which in the Murrindindi shire and a number of other areas are the most prominent zones in the most bushfire-prone areas, the government's policy is to go the other way — it actually wants to loosen controls for subdivision in farming zones as part of another side deal in a totally contradictory policy it put out, separate to its policy on planning. It is coming from the agriculture side, where The Nationals — —

Mr Ondarchie — Where is this going?

Mr BARBER — Mr Ondarchie is seeking some further illumination. It is a contradiction in the way the coalition's policies are put together. On one hand it said it would do everything the royal commission said, and the royal commission said, 'Stop letting people subdivide bush blocks in bushfire-prone areas'. However, for the benefit of The Nationals and the country Liberals the government said, 'We want to allow you to subdivide your farming blocks when you get to the end of your life as a farmer and you want to cash in your superannuation by selling out to other farmers'.

Mr Ondarchie — He does not want regional growth.

Mr BARBER — Mr Ondarchie makes a very good point. He says, 'Mr Barber does not want regional growth'. In 6 minutes and 35 seconds I certainly cannot cover all of the problems in his and the previous government's planning policies, but I can point out that there is a contradiction, and it is in the policies of Mr Ondarchie's party. It claims to want regional growth and it claims to want to protect farming land, but it also wants to allow farmers to subdivide. At this rate it is going to be the water authorities and the Country Fire Authority that become the de facto planning authorities in bushfire-prone areas and water catchments.

Honourable members interjecting.

Mr BARBER — Certainly Mrs Petrovich knows what I am talking about, with some recent Victorian Civil and Administrative Tribunal decisions in relation to the water authority in her area. Between the two they have virtually frozen future development in country areas and particular zones. However, that is for the government to sort out. It has made two contradictory policies, and the least it can do is provide some information to people who are purchasing property in bushfire-prone areas through the vendor statement along the lines of what Mr Tee has raised today and along the lines of what is recommended by the bushfires royal commission. For that reason we will support the bill, but we will also be supporting Mr Tee's amendment because we believe it is a truer and quite effective way of achieving the bushfires royal commission's recommendations.

Mrs PETROVICH (Northern Victoria) — I am pleased today to speak on the Police and Emergency Management Legislation Amendment Bill 2012, and I would have to say right from the get-go that the coalition has been very supportive of the 67 recommendations of the 2009 Victorian Bushfires Royal Commission (VBRC) final report. There was never any trepidation or misunderstanding about where we stood. We supported the royal commission's report, and we did that because Victorians needed us to do that. Unlike the current opposition, which hedged its bets and dallied, we were on the front foot from the start.

This bill is for an act to amend the Bushfires Royal Commission Implementation Monitor Act 2011 to extend the operation of that act and to amend the Country Fire Authority Act 1958 in relation to persons who are able to exercise the powers of the chief officer of the Country Fire Authority where an officer of the Country Fire Authority is not present.

All these things in relation to prescribed burning are very relevant to the portfolio I represent in my role as Parliamentary Secretary for Sustainability and Environment. The coalition has again stuck to its guns — in some fairly wet conditions, I might add. It has come very close to its targets and will be well on track to reach its election commitment of 385 000 hectares, which is a trebling of the burning that had been done previously by Labor. This year we achieved a target of 200 000 hectares in probably one of the wettest years in memory, and I think the most Labor ever did — —

Mr Finn interjected.

Mrs PETROVICH — Very unusual, Mr Finn. I think the most Labor ever achieved was 130 000 hectares, and I commend the work of the prescribed burning team. In 2011 the coalition government strengthened the independence of the implementation monitor by enacting the Bushfires Royal Commission Implementation Monitor Act 2011, which was a great start. The implementation monitor has recently brought to the government's attention a number of outstanding actions in the state's implementation plan that are due for completion or further review.

The government proposes to extend the operation of the Bushfires Royal Commission Implementation Monitor Act 2011 until September 2014, which is the basis on which we view the seriousness and importance of this role. The bill also requires the implementation monitor to report on any other matter requested by the Minister for Police and Emergency Services, such as ongoing actions and programs that originated from a complete implementation action.

The bill will also implement the government's response to recommendation 53 of the VBRC final report by amending section 32 of the Sale of Land Act 1962 to require a vendor statement to include a statement that the land is in a bushfire-prone area if that is the case. I was quite interested to have a look at Mr Tee's amendment. It is in my memory that after the bushfires we had very much a knee-jerk reaction which imposed some very difficult conditions on people who were rebuilding, and it had not been thought through very well. I know in many cases that were reported to me in that recovery time there were homes and people who could not achieve the standard that had been set by the previous government. In fact I had a particular group of people who could not purchase the windows that were required for those homes in Australia. They had to bring them in from America, and in many cases this escalated the price of homes by between $20 000 and $30 000, which was money that many of those people

did not have from their insurance claims, so I certainly will not be supporting Mr Tee's amendment today.

It is also interesting that there is a default commencement date of 31 July to allow time for the conveyancing industry and vendors in bushfire-prone areas to be adequately informed of the new disclosure environment. This is all part of consideration and keeping pace with what is occurring, allowing people to find their feet and making sure that the community is not disadvantaged.

The bill makes minor amendments to the Country Fire Authority Act 1958 to enable the Department of Sustainability and Environment's networked emergency organisation partners as well as interstate and international land management firefighting personnel to exercise the power of the CFA chief officer in the country areas of Victoria if the CFA is not present. In a time of emergency crews from the US and New Zealand in particular have come to assist, as we do with them.

I would like to highlight something which Mr Barber raised. There is a plethora of things which I would love to speak about on this bill, but I think I am a little short on time. One of the couple of concessions Mr Barber made was around planning scheme amendments. I might add that I think his grasp of planning and overlays is a little loose, but the point that interested me was his declaration under the code of conduct of a pecuniary interest. I think that is admirable, because many of us in the state of Victoria would have to make a similar declaration, although in north Woodend I think I am pretty right. However, if this is a declaration under standing order 6.07, I would ask Mr Barber if he has considered whether he should vote on this bill, considering his declaration. I am just not sure whether he has been made aware of that. I commend the bill to all and trust that it has a speedy passage.

Mr ELASMAR (Northern Metropolitan) — I rise to speak to the Police and Emergency Management Legislation Amendment Bill 2012. We in opposition support the intent and purpose of codifying and prescribing the acceptable face and appearance of Victoria Police. Needless to say, from a health and safety perspective it is vital that criminals not be afforded the advantage of grabbing hold of police personnel by their long hair or body piercing rings. I think members of the public expect their uniformed law enforcers to look respectable and professional at all times when they are on duty. I understand there is broad support from the Police Association, police officers and the community.

I believe that the chief commissioner ought properly to have this statutory power and the discretion to vary the uniform code where it relates to religious observance. This is a sensible arrangement which provides a sensitive approach to our ever-evolving ethnic demographics.

I will now address emergency management and bushfires. There are still far too many homes in the bushfire-prone communities that do not have access to a neighbourhood safer place shelter. It is crucial for the state government to investigate every possible avenue to ensure that bushfire-prone communities have a place of last resort to shelter from fires.

Following on from the horrific bushfires, the bushfires royal commission recommendations have not been implemented, despite assurances from this government that it would do all that was humanly possible to save the lives and properties of the families who are at most risk. This has not happened. What price do we, as a civilised society, place on human lives? Last fire season, in 2011–12, 26 of the 52 most at-risk townships did not have a neighbourhood safer place (NSP). Municipal Association of Victoria chief executive, Rob Spence, said government funding was well short of the true cost of establishing the NSPs. Today staff are still not adequately qualified, and once again Victoria is dangerously unprepared this bushfire season. What are we doing? The Premier said:

> The Victorian Liberal-Nationals coalition will implement in government each and every recommendation made by the royal commission.

There is so much that needs to be completed to make Victorian areas bushfire safe, and I fear that we will be no further advanced in establishing safety zones and procedures for the vulnerable in these communities. It would appear that the only positive amendment in this bill is a requirement for prospective buyers to be notified, by way of the vendor's section 32 statement, of the fact that purchasers are intending to buy a property in the bushfire zones. I say again that we are not opposing this bill, but I am supporting the amendment to be moved by my colleague Mr Tee.

Mr ONDARCHIE (Northern Metropolitan) — Tonight I speak to the Police and Emergency Management Legislation Amendment Bill 2012, and as others have quite openly said tonight, I am not going to cover all those points. As Ms Pulford said, it contains a number of matters relating to the sunsetting of legislation, and it extends the Country Fire Authority's ability to be granted power via the Department of Sustainability and Environment and allows it to go back to the DSE when the CFA is not present. But I do want

to pick up the points made by Mr Barber and Mr Tee. My first advice to them is: read the bill. We have Mr Tee's proposed amendment here before us, when clause 10 of the bill inserts section 32(2)(dc) which clearly requires the vendors, before a contract of sale for land is signed, to place in the section 32 statement:

> if the land is in a bushfire-prone area within the meaning of regulations … a statement that the land is in such an area.

It says it in the bill. I do not know why Mr Tee is wasting Parliament's time when it is well and truly covered.

I pick up Mr Elasmar's point about the police. The police do an extraordinary job, and we saw an example of that tonight at the front of Parliament House, when the police did such a wonderful job escorting members of Parliament over to the Windsor Hotel to talk to our Zionist community. We should be pleased with them. We should be pleased with what they did tonight.

It is appropriate that we grant the Chief Commissioner of Police the ability to clean up his force. There is nothing wrong with that at all. The volunteers of the CFA, which this bill touches on, do an amazing job, particularly in my region, the Northern Metropolitan Region. They did a wonderful job — and they continue to do so — particularly around the Black Saturday bushfires of 2009, which was a very tragic time in Victoria's history. My family lost friends, and we spent some weeks after the fires saying farewell to my children's school friends as well. The CFA volunteers are out there at road accidents. They pay a personal price for their commitment to our community, and even today in parts of Victoria they are out helping with the flood situation.

This is a very reasonable bill. I am unsure why Mr Tee has gone to all that effort to construct an amendment when the matter is well and truly covered in the bill. I commend the bill to the house.

Ms PENNICUIK (Southern Metropolitan) — It is very unusual to see all three Greens speaking on a single bill in this Parliament, but this bill covers and cuts across areas for which we have separate responsibilities: Ms Hartland deals with emergency services and the bushfire response, Mr Barber deals with planning, and I usually deal with police-related issues. I will just be speaking to part 4 of the bill, which covers clauses 8 and 9, which are about the constitution of the police force and the authority of the chief commissioner; and to the government's new amendments, which make transitional amendments to the Control of Weapons Act 1990, which we received only at 11.19 a.m. today and which I only knew about at 4 o'clock yesterday.

I do not want to make too much of that, other than just to say we did have to scuffle around a bit this morning to get on top of them, but these things do happen in a busy Parliament. I have had a chance to look at them. The minister was good enough to get the departmental people to come out to the office and explain them; that was done very expeditiously, and I was able to see pretty clearly what those transitional amendments were. But when first faced with them it was a little bit confusing to try to get across them all before we got into Parliament.

Clause 8 of the bill is the provision which amends the Police Regulation Act 1958 to omit the caps that exist in the PRA for deputy commissioners. The number of deputy commissioners is now capped at 4, and the number of assistant commissioners at the moment is capped at 10. This amendment is a result of a recommendation of the Rush inquiry report released in November last year which looked into the structure of police command. That inquiry recommended removing the caps. When we debated the Police Regulation Act 1958 three years ago we expressed some doubt about the particular need for that.

It is interesting, when you read the Rush inquiry report, to see the comparison with other states. I have looked at the legislation of other states like New South Wales, Queensland and South Australia, and I think it is South Australia's act that refers to a deputy commissioner only, but the other acts do not have caps, that is true to say. If you look at the comparisons in the Rush inquiry report, you see that basically it is about three deputy commissioners per force. If you read the text of the Rush inquiry report, you would take it from that that you do not want a lot of deputy commissioners.

In fact I do not know that clause 8 will do too much. I cannot imagine that we will end up a with a great number of deputy commissioners, because if you read through the text, most of it is saying there are too many lines of reporting in the current structure or the immediate past structures in the police, and it goes back to basically the Neil Comrie times and up to the time of former commissioners Simon Overland and Christine Nixon. They all had different styles and structures that they put in place. Certainly the Rush inquiry pointed to the fact that in many ways the structure basically indicates what the outcome will be — whether there is efficiency or non-efficiency.

It is interesting to note that the Rush inquiry report also said there were positive and negative cultures and values in the police force: the positive ones being pride,

courage and commitment to public safety; and the negative one being that police were insular and resistant to external review. He also said there were too many sworn police in non-operational roles and that the funding of the police force should change to recognise that that is not a good thing to base funding on.

Jack Rush said strategic planning was fragmented and recommended a 10-year strategic plan. He recommended changes to the disciplinary procedures, particularly regarding the appeals board, and performance management. It is not that I agree with all of that, and I certainly raised that in our comments on the Police Regulation Amendment Bill 2008.

Jack Rush also recommended a corporate advisory group, including six external people, which I think would probably be a good idea. There is a lot in that inquiry report, and it does come out recommending that the Police Regulation Act 1958 should be repealed and rewritten. He also referred to a former report by the Office of Police Integrity which went to the disciplinary procedures in the police force and recommended that there be an overhaul of those, which led to the Police Regulation Amendment Bill 2008. At the moment we have had the Rush inquiry and the OPI report, which dealt with changes needed to the Police Regulation Act 1958. The Rush inquiry recommended that the Police Regulation Act be reviewed and rewritten. Certainly it is in the wind, coming to us probably next year.

I reiterate what I said during the debate in 2009 on the Police Regulation Amendment Bill 2008, which had a tortuous journey through the Parliament that ended in nothing. I said then that this review should not be done just in the office of the police minister and between the police minister, the police commissioner and other police command; it should be a very open and transparent process. I pointed to what happened in New South Wales, where they undertook more than a year of public inquiries, with submissions from all sorts of groups and organisations — for example, the law institute, the Police Association, people involved in justice and people involved in victims advocacy. Everybody was able to make submissions to that inquiry, and it was open and transparent. In New Zealand the process took two years; an exposure bill came out of the consultation process, and even that went back through another consultation process. That is what needs to happen in Victoria. That is what I said last time.

I would not like to see us have a bill presented to us that is based on two reports which have not had much public consultation — the OPI report has not and neither has the Rush report. I do not think it is enough that those two particular offices have made recommendations. As I said in the last debate, they are necessary but insufficient conditions on which to base a review of the Police Regulation Act, which is now 54 years old. We need a public, open, transparent process in which everybody who wants to be involved can make a submission, and there should be hearings et cetera. That is how it should be done. I take the opportunity to say this now because that public process did not happen with the Independent Broad-based Anti-corruption Commission Bill, but it should happen with the review of the Police Regulation Act. There are models for that process which I have referred to previously and just now.

The other part of the bill that I want to talk about is clause 9, which inserts into the Police Regulation Act — adding to the adhocery of the various amendments that have gone into that act over the last 50 years — new provisions allowing for the setting of standards for grooming and acceptable clothing accessories for members of the force, police recruits, police reservists, protective services officers and so on which may differ based on sex, gender identity, physical features or religious belief. The clause provides for exceptions based on genuine medical, cultural or religious grounds. Clause 9 also creates a new subsection that provides that the acceptable clothing accessories the Chief Commissioner of Police can make rules about include but are not limited to jewellery, headgear, sunglasses and make-up.

There has been a lot of discussion about how this will actually apply to the grooming of sworn police, in particular whether or not they will be able to wear a beard. That seems to have been a bit of a lightning rod or touchstone in relation this issue. It has been in the press that several police officers have complained to the Victorian Equal Opportunity and Human Rights Commission about the new insertions in the police manual this year.

Again I had a look at what happens in other jurisdictions. It is now very clear in the Victorian police manual that in relation to facial hair only sideburns and moustaches are permitted and beards are not. In the New South Wales police manual it says:

> All male personnel should be clean shaven at the commencement of a shift unless wearing a beard or moustache. These should conform to policy and be neatly trimmed.

In New South Wales police are able to wear a beard.

Mr Drum — How do you discern what is neatly trimmed?

Ms PENNICUIK — I could read out the whole provision to Mr Drum, but I am sure he could refer to the New South Wales police manual and read it for himself.

The issue that is important with police — and the second-reading speech refers to this — is safety. I accept that this applies to jewellery et cetera, and that applies in other industries where people are not meant to wear jewellery — earrings, for example — if it could be a safety hazard. But in terms of facial hair this provision allows for exemptions based on sex, gender identity, physical features or religious belief or activity. While it allows those exemptions, it does not allow facial hair for other police who may in every other way be perfectly good police. The real issue with police is whether they are professional, good at their job and compassionate people. That is much more important than whether or not they have a beard.

I also take issue with page 2 of the minister's statement of compatibility, which says:

> It is considered, for example, that facial hair and long hair in male members results in diminishing public trust in police.

He is saying that people with facial hair engender less public trust. It is interesting that if you look at the armed services, for example, you find that beards are not generally permitted in the army or the air force but they are in the navy, if they are kept neat and trimmed.

Mr Ondarchie — What is the point?

Ms PENNICUIK — The point is that I do not know what the point of this is. What is the point of making this rule when I do not think it goes to the real attributes we want from police? Are they well trained? Are they compassionate to the people they deal with? Are they professional? That is what we should be worried about with police. I am really not sure why this provision is going into the act when it could easily be dealt with, as it already is, in the guidelines. To me it all seems to be very unnecessary. I think the police minister, who said that serving police who have facial hair are not trusted by the public, should withdraw that statement.

Other issues to speak to include the final amendments that were presented today, which are amendments to the Control of Weapons Act 1990. Basically they are transitional amendments which should have been included when we debated a bill amending that act earlier this year and which deal with the carrying of a weapon or an imitation weapon by a prohibited person. The amendments should have been included in the first bill. I am satisfied that that is all they do, so I will be supporting those amendments.

Mr FINN (Western Metropolitan) — I rise this evening to speak in support of the Police and Emergency Management Legislation Amendment Bill 2012. In doing so, I express my strong faith and confidence in Victoria Police. As Mr Ondarchie so rightly pointed out earlier this evening, we had a classic example of our police at work as they protected a group of members of Parliament as they crossed Spring Street to attend the Israel Independence Day celebrations across the road. A number — probably about 200 or 300 — of ratbags were at the front of the Windsor Hotel, and the police did a great job, as they always do, in ensuring that we were able to get there.

In support of the moves to give the Chief Commissioner of Police the ability to determine standards as to grooming and clothing accessories, I point out what a marvellous improvement we have seen in the police force under the current chief commissioner. Here is a chief commissioner who is a real copper. Here is a chief commissioner who actually understands policing. What a marvellous difference it has made. We have seen police walking the beat; we have seen more police cars on the roads in the last 12 months than we have seen in the last decade; we have seen police showing us what policing is all about. I think that is very important.

In my extraordinarily short contribution this evening I make the point that this government is supportive of our police. Our police are the backbone that holds our society together. Without our police and without our police having the support of our government and society, the whole show would just fall to pieces. Ken Lay is doing a sensational job as chief commissioner. He is getting the Victoria Police force back to what it was before the Nixon and Overland days, and I commend him on the wonderful job he is doing. I strongly support this bill, particularly for the reason that it gives him the powers that he needs. I say to him and to those around him, thank you very much.

Motion agreed to.

Read second time.

Instruction to committee

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I move:

> That it be an instruction to the committee that they have power to consider amendments and new clauses to amend the Control of Weapons Act 1990 to further provide for the granting of exemptions, approvals and search warrants under that act in respect of prohibited weapons and to make other amendments to that act.

Motion agreed to.

Committed.

Committee

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I seek leave for Mr Drum to join me at the table.

Leave granted.

Clause 1

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I move:

1. Clause 1, line 25, omit "area." and insert "area; and".

This relates to my amendment 2, which I will read so that it makes sense:

2. Clause 1, after line 25 insert —

"(e) to amend the **Control of Weapons Act 1990** to further provide for the granting of exemptions, approvals and search warrants under that Act in respect of prohibited weapons and to make other amendments to that Act.".

Amendment agreed to.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I move:

2. Clause 1, after line 25 insert —

"(e) to amend the **Control of Weapons Act 1990** to further provide for the granting of exemptions, approvals and search warrants under that Act in respect of prohibited weapons and to make other amendments to that Act.".

Amendment agreed to; amended clause agreed to.

Clause 2

The ACTING PRESIDENT (**Mr Elasmar**) — Order! I ask Mr Dalla-Riva to move his third amendment, which is a test for his fourth amendment.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I move:

3. Clause 2, lines 27 to 29, omit all words and expressions on these lines and insert —

"(1) This Part comes into operation on the day on which this Act receives the Royal Assent.

(2) Sections 11, 12, 13, 14 and 17 are taken to have come into operation on 16 May 2012.

(3) Parts 2, 3, 4 and 7 and the remaining provisions of Part 6 come into operation on the day after the day on which this Act receives the Royal Assent.".

Ms PULFORD (Western Victoria) — I have just one question. We do not have a problem with the intent of these amendments, but I take this opportunity to seek an explanation from the government as to why it took until this morning to present us with information about these amendments when the government was clearly aware of the issue in the last sitting week. For a government that has a lot to say about openness, accountability and transparency, it seems that there have been a couple of days lost for no benefit to anyone other than perhaps itself in seeking to conceal its inability to get this right.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank the member for her question. Obviously there is a process that is required to be followed by the government and parliamentary counsel. Parliamentary counsel had a lot to do in terms of ensuring that the amendments were right. As soon as the amendments were confirmed to be right, of course we made it available to Ms Pulford to have a briefing and of course that was held this morning. We have tried to be as open as we could be to Ms Pulford and the opposition and to the Greens, and we have moved as quickly as we could to let them know of the amendments. However, our advice is that parliamentary counsel found this to be part of the normal course of review and brought it to the attention of the chamber as quickly as it could.

Amendment agreed to.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I move:

4. Clause 2, line 30, omit "(3)" and insert "(5)".

Amendment agreed to; amended clause agreed to; clauses 3 to 9 agreed to.

Clause 10

Mr TEE (Eastern Metropolitan) — I move:

1. Clause 10, lines 5 to 8, omit all words and expressions on these lines and insert —

'"(dc) if the land is in a designated bushfire prone area within the meaning of regulations made under the **Building Act 1993**, a statement —

(i) that the land is in such an area; and

(ii) if a building has been constructed on the land —

(A) identifying any Australian standard as to the construction of buildings in designated bushfire prone areas applicable at the time of construction of the building; and

(B) specifying whether the construction of the building complies with that standard; and

(iii) if a site assessment has been made for the purpose of determining the bushfire attack level within the meaning of regulations made under the **Building Act 1993**, containing the details of the site assessment;".'.

As I indicated, this amendment is simply a transcribing via parliamentary counsel of recommendation 53 so that we get an implementation of the royal commission recommendations 'lock, stock and barrel', which was the government's election commitment. Nothing has occurred here other than asking parliamentary counsel to make sure that this royal commission recommendation is fairly and accurately reflected in the bill. On that basis I urge the house to support the amendment.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank Mr Tee for his comments. I appreciate that he has the amendments proposed to the government and that we are able to provide information back on. In terms of the amendment proposed by Mr Tee in committee, the government is committed to implementing recommendation 53 as outlined in its implementation plan *Implementing the Government's Response to the 2009 Victorian Bushfires Royal Commission — May 2011*. This report states that the government will:

> … develop an amendment to section 32 of the Sale of Land Act 1962 so that where land is in a bushfire-prone area, the vendors statement will disclose this fact.

The government's view is that the bill fulfils this commitment. The opposition proposes that additional information be required to be included in the vendors statement, including the identification of any Australian standard applying to the construction of a building in a designated bushfire-prone area that was applicable at the time of construction of the building, specification of whether the construction of any building on the land complies with that standard, and provision of the details of any bushfire attack level (BAL) assessment made in relation to the site.

The advice I have is that recommendation 53 appears to have two intentions: to provide incentives to encourage property owners to maintain their property and to raise awareness of the bushfire risks among prospective purchasers of land. I am happy to go through a detailed response in terms of the requirements in relation to the standard of construction, the requirements regarding the BAL assessments and any additional information, if Mr Tee wants to go through each of the parts.

Mr TEE (Eastern Metropolitan) — I thank the minister for that generous offer. I want to confirm that the provision that is in the bill at the moment does not require the vendor statement to provide a statement about the standard to which the dwelling was constructed.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — On the requirement regarding standard of construction, the government's view is that the requirement to state whether the construction of a building complied with the applicable Australian standard in relation to bushfire-prone areas at the time of construction potentially places a considerable burden on the vendor and may result in misleading information being provided to the purchaser.

Historical information may be outdated and irrelevant due to the length of time since construction and the effect of renovations or general wear and tear of the building. The government is concerned that such information, prepared as part of the section 32 disclosure statement, may potentially be misleading for purchasers. The government is further concerned that purchasers may elect to rely on potentially outdated information in the vendor statement rather than undertaking their own due diligence and ensuring that any prepurchase inspection of properties in bushfire-prone areas assesses the current bushfire safety of the property.

Historical information can also be difficult to find. The government is concerned that a requirement to obtain and disclose historical information may create compliance difficulties for vendors with limited or no benefit to purchasers. The government is also committed to reducing red tape and eliminating processes that may worsen housing affordability. Accordingly, we do not believe that the insertions suggested in this amendment should be included in the bill.

Mr TEE (Eastern Metropolitan) — As I understand what the minister is saying, the statement about the standard to which the dwelling was constructed is not included in the bill because the minister believes it may be historical, misleading or outdated. My question to the minister then is: why did the then opposition, now

the government, promise to implement this recommendation 'lock, stock and barrel'?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank the member for his question. As I indicated earlier, the government is committed to implementing recommendation 53 as outlined in the implementation plan. We believe as a government that we will, in accordance with that, develop an amendment to section 32 so that a vendors statement will disclose the fact that the land is in a bushfire-prone zone.

As I have outlined to the member concerned about the requirement regarding the standard of construction, there are certain issues of historical information or issues around changing circumstances in relation to the section 32 disclosure statement being prepared, and there are also changes in circumstances in relation to the land and the bushfire-prone areas around that particular property. Accordingly, the government believes that in order to reduce red tape and eliminate processes, this is the appropriate action to take.

Mr TEE (Eastern Metropolitan) — Was that the view of the then opposition, now the government, when it made its promise to implement this recommendation 'lock, stock and barrel'?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank the member for his question. Again, the government's view is that recommendation 53 appears to have two intentions: firstly, to provide incentives to encourage property owners to maintain their properties; and secondly, to raise awareness of the bushfire risks among prospective purchasers of the land. As I have indicated, in terms of the standard of construction requirement, historical information may be outdated. There are also changes in terms of the time when the section 32 disclosure statement is prepared and when the dwelling was first constructed. Accordingly, we believe this is the right balance for ensuring that there is a reduction in red tape to eliminate processes that may worsen housing affordability.

Mr TEE (Eastern Metropolitan) — My question to the minister is: in the lead-up to the election the then opposition, now government, promised to implement this recommendation 'lock, stock and barrel', but now the minister has a view that it is not appropriate. I wonder what has changed between the time of that promise to the Victorian people and the minister's decision now not to implement this recommendation.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank the member again for his question. There were 67 recommendations provided. The government is committed to implementing recommendation 53 as outlined in the royal commission's report. We are also of the view, in terms of that particular issue, that the requirement to determine whether the construction of a building complies with the applicable Australian standard in relation to bushfire-prone areas at the time of construction potentially places considerable burden on the vendor and may result in misleading information being provided to the purchaser.

As I have outlined, the government is concerned with a range of issues, including that the information may be potentially misleading to purchasers at the time the section 32 disclosure statement is prepared. We are concerned as a government that the purchaser may elect to rely on potentially outdated information in the vendor statement rather than on their own due diligence. We are of the view that historical information can also be difficult to find. Finally, we are of the view that circumstances change over the period between the construction of the building and the preparation of the section 32 disclosure statement.

The government's view, in terms of reducing red tape and eliminating processes, is that that standard of construction requirement may worsen housing affordability, and that this is the appropriate course of action in relation to that recommendation.

The ACTING PRESIDENT (**Mr Elasmar**) — It is time for me to interrupt the committee to report progress.

Progress reported.

Business interrupted pursuant to sessional orders.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I move:

That the sitting be extended.

House divided on motion:

Ayes, 20

Atkinson, Mr	Koch, Mr
Coote, Mrs	Kronberg, Mrs
Crozier, Ms	Lovell, Ms
Dalla-Riva, Mr	O'Brien, Mr (*Teller*)
Davis, Mr P.	O'Donohue, Mr
Drum, Mr	Ondarchie, Mr
Elsbury, Mr	Petrovich, Mrs
Finn, Mr	Peulich, Mrs
Guy, Mr	Ramsay, Mr (*Teller*)
Hall, Mr	Rich-Phillips, Mr

Noes, 18

Barber, Mr	Mikakos, Ms
Broad, Ms	Pakula, Mr
Darveniza, Ms (*Teller*)	Pennicuik, Ms
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Scheffer, Mr
Hartland, Ms	Somyurek, Mr
Jennings, Mr	Tarlamis, Mr
Leane, Mr	Tee, Mr (*Teller*)
Lenders, Mr	Tierney, Ms

Pairs

Davis, Mr D.	Viney, Mr

Motion agreed to.

POLICE AND EMERGENCY MANAGEMENT LEGISLATION AMENDMENT BILL 2012

Committee

Resumed from earlier this day; further discussion of clause 10.

Mr TEE (Eastern Metropolitan) — In his answer the minister indicated he would not be supporting the inclusion of a statement about the standard to which the dwelling is constructed because it might be historical, misleading or updated. My question is: if the minister believed that, why did he promise to implement this recommendation 'lock, stock and barrel'?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Again I thank the member for his question. The wording of the amendment reflects the government's commitment in the May 2011 implementation plan. During development of the implementation plan consideration was given, firstly, to the risk to purchasers of relying on potentially outdated information and, secondly, to the burden on vendors in identifying historical information. As it is currently worded, the amendment requires purchasers to conduct their own due diligence. Accordingly, we believe the proposed amendment, as outlined in the bill, is appropriate in the circumstances.

Mr TEE (Eastern Metropolitan) — I take it the position changed as the government was developing the implementation plan so that it then had a better understanding of the impact of the application of this recommendation. At what stage of the development of the implementation plan did the government decide not to proceed with this part of the 2009 Victorian Bushfires Royal Commission (VBRC) recommendation?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The government is of the view that it committed to implementing recommendation 53 as tabled in Parliament on 31 May last year. The wording of the amendment reflects the government's commitment to that plan. I have outlined a range of issues in terms of a risk to purchasers potentially relying on that information, the burden on vendors and the historical information. The government has fulfilled that commitment in accordance with recommendation 53.

Mr TEE (Eastern Metropolitan) — Sorry, I thought the minister's view was that it does not contain a statement about the standard to which the dwelling was constructed, which is the royal commission recommendation. Is he now saying the government is complying with recommendation 53? I want to clarify this: my understanding is the minister indicated that as the government developed the implementation plan last year, it worked out that this recommendation would result in information that was historical, misleading and outdated and therefore did not proceed with it. Is that the position?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — As I have said before to the member, the government is committed to implementing recommendation 53. The government's view is that the wording of the amendment reflects its commitment to the implementation plan. As I have outlined to the member a number of times now, in terms of the requirement regarding standard of construction, historical information may be outdated. As I indicated, the government is concerned that such information may potentially be misleading for purchasers at the time. The government is further concerned that purchasers may elect to rely on outdated information in the vendors statement rather than undertaking their own due diligence.

I also outlined that historical information can be difficult to find, and, as I said earlier, circumstances can change. As a government we are committed to reducing red tape. We believe that eliminating processes that may worsen housing affordability is important, and accordingly we believe that the amendments before the chamber reflect the intention of recommendation 53, which appears to have two intentions: firstly, to provide incentives to encourage property owners to maintain their property; and secondly, to raise awareness of the bushfire risks among prospective purchasers of land.

Mr TEE (Eastern Metropolitan) — Sorry, I am just a bit confused. Is the minister saying that recommendation 53 is being implemented in this bill?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The wording in the amendment reflects the government's commitments as detailed in the May 2011 implementation plan, in particular to recommendation 53, taking into account the range of issues that I outlined before.

Ms PULFORD (Western Victoria) — The minister has indicated that the government is concerned about the manner in which recommendation 53 is responded to by the government, and he has suggested that some of the concerns include the need to reduce red tape and housing affordability, which are both admirable things but not things that were necessarily in the brief for the bushfires royal commission. The minister also indicated that there were two parts to recommendation 53. Recommendation 53 is a single sentence. I wonder if the minister can explain how he decided to split that sentence into two parts. It seems very much to be a series of linked concepts in a single sentence that the royal commission has provided to government.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank Ms Pulford for her question. As I indicated earlier to Mr Tee, recommendation 53 appears to have two intentions: firstly, to provide incentives to encourage property owners to maintain their property; and secondly, to raise awareness of the bushfire risks among prospective purchasers of land. The government is committed to implementing recommendation 53 as outlined in its implementation plan. We believe this bill fulfils that commitment.

Ms PULFORD (Western Victoria) — I think there is something inherently inconsistent about, on the one hand, what the minister is saying the government's position is and what the bill reflects and, on the other hand, the minister's statement that recommendation 53 is being implemented. They are somewhat at odds. Does the minister think that the bushfires royal commission was wrong to make recommendation 53? Does he think it was insufficiently concerned with questions of housing affordability and red tape and that it made the wrong call when it made this recommendation?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank the member for her question. The government is committed to implementing recommendation 53. The government said it would develop an amendment to section 32 statements under the Sale of Land Act 1962 so that where land is in a bushfire-prone area the vendors statement will disclose that fact. This bill fulfils that commitment. As I indicated earlier, there appear to be two intentions in recommendation 53, and I outlined those earlier.

Mr TEE (Eastern Metropolitan) — Can the minister confirm that there is no requirement in the vendors statement to provide a current bushfire attack level (BAL) assessment of the site of a dwelling?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank Mr Tee for his question, which as I understand it relates to subclause (iii) of his amendment. Is that where he is at — about the site assessment being made and the bushfire attack level?

Mr Tee — Sorry?

Hon. R. A. DALLA-RIVA — I am trying to work out whether the question relates to Mr Tee's amendment.

Mr TEE (Eastern Metropolitan) — No. It is a question of whether the minister can confirm that there is no requirement for the vendors statement to provide a current bushfire attack level assessment of the site of the dwelling. I suppose I just want to make sure my amendment is covering that gap.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I just wanted to clarify that. In terms of the amendment proposed and the government's response, the requirement to disclose the details of any bushfire attack level assessment made in relation to the site also potentially places a considerable burden on the vendor and may result in misleading information being provided to the purchaser. It is possible that a BAL assessment made in relation to the site at a given point in time may be outdated or irrelevant at the time of the proposed sale. The government is again concerned that if the details of such a BAL assessment are disclosed in a vendors statement, prospective purchasers may rely solely on this assessment instead of undertaking their own due diligence.

The government is also aware that vendors may wish to present BAL assessments that are as favourable as possible. Because they have control over the content of the information provided, vendors have a strong incentive to present their properties in the most favourable light — without providing overtly false information — to maximise the price they obtain. There is no evidence that requiring vendors to disclose a BAL assessment of the site will provide an incentive for owners to maintain their land on an ongoing basis or result in ongoing behavioural change regarding bushfire management, which is the apparent intention of the VBRC recommendation.

Instead such a requirement may result in maintenance activities only being undertaken just prior to sale, if any such activities are undertaken at all. With respect to the proposed disclosure of construction standards, requiring the disclosure of any BAL assessment may place an additional burden on vendors and discourage purchasers from fully assessing the current bushfire safety of a property; therefore the government does not support the proposed amendment.

Mr BARBER (Northern Metropolitan) — Then one might ask the minister, what use is a BAL? It is a requirement for anybody when they set about constructing a home in a bushfire-prone area. All that Mr Tee's amendment does is require that the same piece of paper that was created at that time be provided. I remind the minister that the royal commission said the protection of human life is paramount. That was the overarching basis on which it made all recommendations. The material that the minister, and perhaps the Master Builders Association of Victoria and the Real Estate Institute of Victoria, now wants to introduce — about it being caught up in red tape or that it may be out of date or it will not have that effect — was not what the royal commission was considering. It was considering the protection of human life.

It may very well be that the arguments the minister presents are correct, but that was not the finding of the royal commission. In addition, of course, the minister's argument would mean that a purchaser or multiple purchasers would have to go and get all the same work done at their own expense; multiple purchasers may have to get the same assessments done.

It is novel to see a requirement in law that a building must meet the building code at all times. I do not know whether in a previous life Mr Tee's party would necessarily have agreed with the idea that while your car must be roadworthy at all times, your house only has to meet the building code on the day that you get it signed off by the building inspector. It is not something that the other parties, Labor and Liberal, would have championed in the past, but here Mr Tee quite correctly points to the specific direction and intent of the royal commission — which is that in this area, yes, you should. In this area you should not be permitted to sell a deathtrap or a building that was constructed so as to avoid the stringent requirements of the building code set up for bushfire-prone areas. In fact you have to demonstrate to any and all prospective purchasers that your house meets the relevant building code and notably the recent and more stringent changes.

It is a black and white case of the government wimping out on a key recommendation, no doubt under pressure from the master builders and/or the real estate institute. I am fearful, as many would be, that as time continues the royal commission and the tragedy of Black Saturday will be diminished in people's minds. Worst of all, if governments start to go soft, then when the next tragedy strikes unfortunately matters such as those we are debating here tonight will be brought out and reconsidered.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank Mr Barber for his comments. I note that in its final report the VBRC commented that the disclosure of a current BAL assessment would allow prospective purchasers to compare it with previous BAL assessments. VBRC assumed that property prices might decrease if the current BAL assessment was worse than the previous BAL assessment, and that the possibility of comparison would give vendors an incentive to maintain their land so that the BAL assessments would remain the same.

There is no evidence that disclosing the current BAL assessment of the site would provide an incentive for owners to maintain their land on an ongoing basis or result in ongoing behavioural change regarding bushfire management. The bill, as currently drafted, addresses the substance of recommendation 53 by encouraging prospective purchasers to undertake their own due diligence and to ensure that any prepurchase inspections of properties in bushfire-prone areas assess the bushfire safety of the property. The government is of the view that its commitment to implement recommendation 53, as outlined in the implementation plan, has been fulfilled with this bill.

Committee divided on amendment:

Ayes, 18

Barber, Mr	Mikakos, Ms
Broad, Ms (*Teller*)	Pakula, Mr
Darveniza, Ms	Pennicuik, Ms
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Scheffer, Mr
Hartland, Ms (*Teller*)	Somyurek, Mr
Jennings, Mr	Tarlamis, Mr
Leane, Mr	Tee, Mr
Lenders, Mr	Tierney, Ms

Noes, 20

Atkinson, Mr	Koch, Mr
Coote, Mrs	Kronberg, Mrs
Crozier, Ms	Lovell, Ms
Dalla-Riva, Mr	O'Brien, Mr
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Ondarchie, Mr
Drum, Mr	Petrovich, Mrs
Elsbury, Mr (*Teller*)	Peulich, Mrs
Finn, Mr	Ramsay, Mr (*Teller*)
Hall, Mr	Rich-Phillips, Mr

Pairs

Viney, Mr	Guy, Mr

Amendment negatived.

Clause agreed to.

New heading

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I move:

5. Page 9, before the heading to Part 6 insert —

"PART 6 — AMENDMENTS TO CONTROL OF WEAPONS ACT 1990".

Amendment agreed to; new heading agreed to.

New clauses

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I move:

6. Insert the following New Clauses to follow the heading inserted by Amendment No. 5 —

'AA Exemption of health service workers

(1) In section 7A(1) of the Control of Weapons Act 1990 after "section 5," **insert** "5AA, 5AB(1),".

(2) In section 7A(2) of the Control of Weapons Act 1990 after "section 5," **insert** "5AA, 5AB(1),".

BB Exemption of person exercising power under the Education and Training Reform Act 2006

In section 7B(1) of the **Control of Weapons Act 1990** after "section 5," **insert** "5AA, 5AB(1),".

CC Exemptions for prohibited weapons and body armour

In section 8B(1)(a) of the **Control of Weapons Act 1990** after "(except section 5(1AC) or (1AD))" **insert** ", 5AA, 5AB(1)".

DD Approvals for prohibited weapons and body armour

In section 8C(1) of the **Control of Weapons Act 1990**, after "(except section 5(1AC) or (1AD))" **insert** ", 5AA, 5AB(1)".

EE Power to require production of approval

In section 8G(1)(a) of the **Control of Weapons Act 1990** after "section 5" **insert** ", 5AA or 5AB(1)".

FF Warrant to search

In section 11(1) of the **Control of Weapons Act 1990**, after "section 5" (wherever occurring) **insert** ", 5AA or 5AB".

GG New section 17 inserted

After section 16 of the **Control of Weapons Act 1990 insert** —

"**17 Savings provision — Police and Emergency Management Legislation Amendment Act 2012**

(1) On and from the commencement of section 4 of the **Control of Weapons and Firearms Acts Amendment Act 2012**, any Order made by the Governor in Council under section 8B(1), being an Order in force immediately before that commencement exempting a class of person, or a class of prohibited weapons (other than imitation firearms) or a corrections officer, military officer or police officer from any provision of section 5(1) is taken also to have the effect of an exemption from the provisions of section 5AA, to the same extent as that Order has provided for an exemption from the provisions of section 5(1).

(2) On and from the commencement of section 4 of the **Control of Weapons and Firearms Acts Amendment Act 2012**, any Order made by the Governor in Council under section 8B(1), being an Order in force immediately before that commencement exempting a class of person, or a class of prohibited weapons (being imitation firearms) or a corrections officer, military officer or police officer from any provision of section 5(1) is taken also to have the effect of an exemption from the provisions of section 5AB(1), to the same extent as that Order has provided for an exemption from the provisions of section 5(1).

(3) On and from the commencement of section 4 of the **Control of Weapons and Firearms Acts Amendment Act 2012**, any approval granted by the Chief Commissioner under section 8C, being an approval in force immediately before that commencement, that —

(a) in relation to prohibited weapons (other than imitation firearms), approves a person to do anything that is otherwise prohibited by any provision of section 5 (except section 5(1A) or (1D)) is taken also to have the effect of an approval to do anything otherwise prohibited by any provision of section 5AA, to the same extent as the approval provides for section 5(1); or

(b) in relation to imitation firearms, approves a person to do anything that is otherwise prohibited by any provision of section 5 (except section 5(1A) or (1D)) is taken also to have the effect of an approval to do anything otherwise prohibited by any provision of section 5AB(1), to the same extent as the approval provides for section 5(1).".'.

New clauses agreed to.

Heading to part 6

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I move:

7. Page 9, heading to Part 6, omit "6" and insert "7".

Amendment agreed to; amended heading agreed to; clause 11 agreed to.

Long title

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) —

8. In the long title, after "area" insert "and to amend the **Control of Weapons Act 1990**".

Amendment agreed to; amended long title agreed to.

Reported to house with amendments.

Report adopted.

Third reading

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I move:

That the bill be now read a third time.

In doing so I thank members for their contributions.

Motion agreed to.

Read third time.

PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT (SALARY RESTRAINT) BILL 2012

Second reading

Debate resumed from 24 May; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. M. P. PAKULA (Western Metropolitan) — It gives me pleasure to speak on the Parliamentary Salaries and Superannuation Amendment (Salary Restraint) Bill 2012 and indicate that the opposition will be voting for this bill. I say at the outset that I hope this is the last time I rise to speak on a bill to set my own salary and the salary of 127 of my colleagues. In saying that I am not being critical of the government; governments of both persuasions have introduced legislation over the last decade and a bit, back to the Kennett government, to set the salary of members of Parliament on a one-off basis.

This bill sets our salary increment for 2012–13 at 2.5 per cent, and that is appropriate in all the circumstances, given wages policy, given the teachers EBA (enterprise bargaining agreement), given the Victorian public service EBA negotiations that are going on and given the harsh budget, including the TAFE cuts and the like. The point is that there will always be something. There will always be an EBA, there will always be an election, there will always be some degree of media attention, there will always be a tough budget and there will always be political contest. As things stand, the danger is that one or all of those factors will be in play almost all of the time.

Given that fact and given that we are making the decision about our own salary, I do not think in those circumstances there can or ever will be a rational, dispassionate, evidence-based analysis of what a state member of Parliament's salary ought to be, what allowances should or should not be paid, what matters of equity there are amongst members of Parliament, what is required to attract and retain quality candidates and how defeated members of Parliament are treated. I just want to spend one minute on that, because I think most members of the community would be surprised to know that a defeated member of Parliament, no matter how long they have been here — and I am alluding to the fact that since 2006 there has been no pension for MPs — receives no pro rata long service leave, no pay in lieu of notice, no accrued but unused annual leave and certainly no severance pay. In short, many members of Parliament walk out with absolutely nothing.

All of us know defeated members of Parliament. There were a number of members defeated at the 2010 election in the same way that there were many members defeated at the 2002 election. Many defeated members of Parliament really struggle to find a job, so I do not think a rational, dispassionate, evidence-based analysis can properly be done by us as members of Parliament. I am agnostic about how it is done.

I am supportive of the fact that the second-reading speech makes reference to:

> … an independent review to assess alternative methods for determining the remuneration of Victorian parliamentarians in the future, and to provide the government with options for transparent and accountable governance arrangements.

I welcome that part of the second-reading speech. As I say, I am agnostic about what that method might be, whether it be through a state-based remuneration

tribunal, a reference to Fair Work Australia or a re-establishment of the nexus with the commonwealth at some sort of set percentage rate, whatever that rate might be. All I know for a fact is that we should not be the ones doing it, both for the reasons I have stated and also as a matter of principle. The fact is that nobody else can do it; nobody else gets to stand around in a Parliament and set their own salary rate.

I support the bill. I support the review referred to by the minister in the second-reading speech, and I hope the upshot of that review is some mechanism that takes this decision out of the hands of politicians in the future.

Mr BARBER (Northern Metropolitan) — Mr Pakula will not be surprised to know that I disagree with him on this point. The government, in going down this road, has also been agnostic — or at least, let us say, somewhat mysterious — about how exactly it intends to implement its alternative model for setting politicians' pay. There is a press release from the Premier dated Wednesday, 2 May, which leaves open a number of questions. What is clear, though, from reading the bill is that this bill defers for the whole of the coming financial year the 25 per cent pay rise, or the $40 000-odd pay rise, that federal MPs have obtained for themselves.

When bills like this come before the Parliament they have not always been structured in the exact format that this one is. If the Premier had wanted to permanently forgo the pay rise that has been offered to federal MPs, as former Premier Steve Bracks did early in the last Parliament, then he would have done it through a different mechanism, which — —

The PRESIDENT — Order! I have paid close attention to this legislation, and I have just apprised myself again of the second-reading speech. I am of the belief that this is a very narrow bill. It has four clauses, and the second-reading speech is not too many more paragraphs. I note that the second-reading speech says that new legislation will be required in due course to canvass matters beyond what is the capping of a 2.5 per cent pay rise on this occasion, so I think this is a very narrow debate. I would encourage Mr Barber to speak to the legislation and in the confines of what I believe the second-reading speech has laid down and what I think Mr Pakula has remained with. Speculation about what might happen in the future is part of a future debate which is in fact outlined in the second-reading speech where the minister has clearly indicated that new legislation will be required in due course to canvass other matters.

Mr BARBER — Thank you for that guidance, President, and I will certainly do my best to work within the guidance you have given me. In his contribution, though, Mr Pakula said he believes there will never be a rational, dispassionate, evidence-based analysis of what a parliamentarian is worth. In fact one has already been done by the federal Remuneration Tribunal in which, without exaggerating, hundreds of pages lay out the case it uses to ultimately determine what it thought was an appropriate pay rise for federal MPs. It is all there if you want to read the argument, and this bill is only being brought before this house because our salaries have traditionally been linked to those of federal MPs.

Not looking forward but in fact looking back, there have been three such bills during my time in this Parliament. The first of those, introduced by former Premier Bracks, permanently broke the link between federal and state MPs in relation to one particular pay rise, and it is still preserved in the principal act that we are amending under the definition section. The Parliamentary Salaries and Superannuation Act 1968 states that:

> basic salary means the amount of the annual allowance by way of salary from time to time payable to Members of the House of Representatives under the law of the commonwealth less $5733.

When Mr Bracks, with the first of those bills that I referred to, wanted to cut the linkage between us and the federal pay rise, he did it by adjusting that amount of $5733. Since then we have had two more bills, including this one today, which uses a different mechanism. It says that, notwithstanding any other effects of federal pay rises and so forth, the pay increase for this financial year will be 2.5 per cent. The effect of that is that every year we will have to come back here and pass another bill — otherwise we will at the end of the expiry of this period get a $40 000 pay rise.

Hon. M. P. Pakula interjected.

Mr BARBER — Mr Pakula interjects with the comment, 'Not unless we bring in a new system'. The President has advised me not to speculate on what that new system will be. I am simply making the point that, short of the approach the federal Parliament took of a remuneration tribunal, which is the reason we are debating this bill, there is no other system. I disagree with Mr Pakula's contention that politicians should not vote for their own pay rises. In fact at the federal level my party took the opposite view that politicians should vote for their own pay rises because that is how the public can hold them accountable.

The Premier's press release announcing this bill said, by the way — and this may not be in the second-reading speech, but it was in the press release that the Premier put out in announcing this bill — that the Gillard government has decided that a significant pay rise will be awarded to federal MPs. The independent Remuneration Tribunal set up by the Labor and Liberal parties and The Nationals through their vote in the federal Parliament, which broke out — —

Hon. M. P. Pakula interjected.

Mr BARBER — It is not a matter of holiness or purity; it is a matter of political differences and how we voted, on the record, in the federal Parliament. My then party leader, Bob Brown, made some good arguments when he said, 'We vote for the budget, we vote for the pensions of other people and we vote for pay rises for everybody else on pensions and benefits'. Here in Victoria when we vote for the budget, we vote for concessions and other forms of income support, so why not take responsibility for our own pay rises?

It could be, I suppose, that Mr Pakula likes the idea of centralised wage fixing through a tribunal. He might want to take us all the way back to the Harvester judgement, where they simply sat down and said, 'What is a fair increase?', but currently that is not on offer to many other classes of worker in Australia. Most of them have to go out and fight and march up and down the streets. They certainly routinely have to offer up productivity improvements. If we were in that situation, I have no doubt that MPs would be able to proffer many productivity improvements, even with respect to the rate at which legislation moves through this chamber. We could quite possibly get a 2.5 per cent pay rise and a 400 per cent productivity gain put on the table, and then maybe the $40 000 pay rise would be justified.

It is quite okay for Mr Pakula and I to have a different point of view even though we might, from some perspectives, agree that fair is fair. We are really only disputing what is the mechanism to decide what is fair, but we agree that fair is fair. We just have to be clear about what it is that we are voting for. We are voting for a deferral for 12 months of a $40 000 pay rise on the Premier's promise that he will come up with a new mechanism. I am not speculating on that mechanism because the President asked me not to, but the only leading example is the federal Parliament. We saw how that worked, and that is the bill that is before us as per the two previous versions.

I have contrasted this bill with the more, in my view, transparent approach that Mr Bracks took in my first year, I think it was, in Parliament, whereby he removed the need for politicians to regularly vote to not have a pay rise. Mr Pakula said he hopes he never has to vote on another pay rise. An alternative mechanism is available that means he certainly would not have had to vote against this $40 000 pay rise ever again. As it is, Mr Pakula may very well find himself here in 12 months doing the exact same thing all over again.

I have put forward my solution to that. The Labor and Liberal parties are tonight again in a different position whereby they seemingly agree on the federal approach, which seemed to attract so much opprobrium. Certainly what the Premier has claimed in his press release is not true; it is false. He said it was the Gillard government that decided a significant pay rise would be awarded to federal MPs, and that that therefore kicked in for state MPs. It was in fact the federal Parliament that established that mechanism, and, by the way, that mechanism recommended some major and new allowances for shadow ministers and the federal Leader of the Opposition, Mr Abbott.

Mr P. Davis — Mr Abbott, I suggest. Is it Mr Abbott you're referring to?

Mr BARBER — I said Mr Abbott. If we go down the alternative path we may very well come up with the alternative outcome that I have pointed to — that of the federal Parliament, which is in fact the reason we are standing here tonight.

Mr P. DAVIS (Eastern Victoria) — My comments on the Parliamentary Salaries and Superannuation Amendment (Salary Restraint) Bill 2012 will be brief. The debate on parliamentary salaries is always an interesting one, as others have said. There is inevitably a degree of discomfort when members have to rise to speak on parliamentary salaries.

Mr Barber — You're not comfortable with this bill?

Mr P. DAVIS — I said there is always a measure of discomfort when members of Parliament have to speak on parliamentary salaries, because they are in fact speaking about their own terms and conditions of employment. I acknowledge what my colleague Mr Pakula said, that he is not comfortable with it and that he looks forward to the day that he does not have to rise and make another speech on this subject. But I just thought I might regress for a moment and recall, President, when you and I came into this place in 1992.

Mr Lenders — The last millennium.

Mr P. DAVIS — Indeed, in the previous millennium, two decades ago. How time flies when you are having fun! My recollection is that I then did not know what the terms and conditions of my employment were. I did not know what the salary and allowances were because, like most people who become members of Parliament, I see this role that we play as a vocation, not a job or an alternative form of employment. It does not matter what your predisposition is in a partisan sense. Generally speaking most of us come in here to represent and serve the community. So the terms and conditions of employment are of quite subordinate importance.

I established very quickly after I came in here what the salary was, because I started to be paid on a regular basis and I had to make an inquiry as to what it all meant. But what was interesting to me then — and I am coming back to Mr Barber's — —

Mr Barber interjected.

Mr P. DAVIS — Having been in receipt of an annual income as a farmer, to receive a cheque on a fortnightly basis was a bit of an education. But the issue that Mr Barber alluded to was the relationship with the federal members. I clearly recall that the link which was in place in legislation, which I think was actually put in place by Sir Henry Bolte when he was Premier, was that the salary of Victorian members of Parliament was the equivalent of that of the commonwealth members, less $500. That was the link. It was an automatic indexation arrangement that had been in place for many years.

Mr Barber alluded to amendments introduced by Premier Bracks which changed that link from $500 less than the commonwealth parliamentary salary to $5733 less than the commonwealth salary, which is in the present act at section 3. That amount, $5733, was in fact calculated, as I recall, by the then Treasurer, Mr Lenders, now the Leader of the Opposition, whom I hold entirely responsible for this. He calculated, as I recall from the discussion at the time, this differential in terms of an indexation equivalent. In other words, by looking back to when the $500 differential was created by Sir Henry Bolte and working that through by way of indexation and the salary increments over time, the equivalent differential became $5733.

This was not the first time, I might say, that there have been amendments to the relationship or the link. I can think of numerous occasions in the time that I have been in Parliament, including during the first year of the Kennett government — that would have been 1993 — when the then Premier announced that Victorian members of Parliament would forgo, defer or delay a salary increment to reflect the exigencies of the economic environment at the time in Victoria, which was that Victoria had some economic challenges.

Inevitably every Premier who has had to deal with parliamentary salary increments has had this conundrum: how to justify to the public, through the media, how it is that a member of Parliament can hold the command and respect of the community by actually being paid to do a job which some people in the community think members of Parliament should pay to do — in other words, the only satisfaction that constituents will have will be to see that a member of Parliament actually pays for the privilege of being a member rather than being paid to do that job.

My view is very simple, and that is reflected in the announcement that the Premier made, which is that the increments the federal Parliament has awarded — however Mr Barber wants to reflect that — to members of Parliament in the commonwealth sphere are out of step with the current economic conditions in Victoria. I am not going to comment about whether or not those increments are justified. In my view the reality is that it is hard for me to see that there is a significant difference between the duties, role and function of a commonwealth member of either house and state members of either house. The reality is that we do not serve a lesser purpose in our contribution to public life in Victoria by being in this place than commonwealth members serve. However, it is irrelevant in the context of this debate.

This debate is entirely about two things. Firstly, the significant increase or increment in salary that has been awarded to commonwealth members is out of step with community standards and the current economic and fiscal circumstances in Victoria, and therefore the Premier has announced, quite properly, a cap which reflects the standard applies to the public sector. Secondly, it is clear that the commitment which the Premier has made to undertaking a review may lead to a better process in the longer term, and I hope that will be the case. I do not intend to speculate what that might be, but I think there is a public commitment by the Premier through an inquiry, investigation or process to make some recommendations that would put Victorian parliamentarians' salaries on a proper footing.

I hope at the end of that process we all recognise the political reality, which is that no matter how perfect that process may be and no matter what the legislation may be, there will always be political pressure for us to continually revisit this issue, depending on the economic circumstances of the day. I think that is

unfortunate. No matter how we handle these processes, we will always be open to serious criticism, because we are in fact dealing with our own terms and conditions of employment. It is an exquisite dilemma: on the one hand we should be accountable to the public and be transparent, and on the other hand the public thinks there should be an independent arbiter determining our terms and conditions. The independent arbiter could determine a set of conditions that were out of step with community standards, as in my view a simple reflection of the commonwealth conditions would be.

I congratulate the Premier on having the initiative to undertake a review and on ensuring that the current process for determining salaries reflects community standards and the wage negotiations which are occurring across the public sector. I hope it will always be the case that overwhelmingly members elected to this place see their terms and conditions of employment as subordinate to their vocation of representing the community in this chamber.

Motion agreed to.

Read second time.

Third reading

Hon. D. M. DAVIS (Minister for Health) — By leave, I move:

That the bill be now read a third time.

In doing so I thank members for their contributions.

Motion agreed to.

Read third time.

ADJOURNMENT

Hon. D. M. DAVIS (Minister for Health) — I move:

That the house do now adjourn.

West Gippsland Catchment Management Authority: jobs

Mr LENDERS (Southern Metropolitan) — The matter I raise in the adjournment debate tonight is for the attention of the Minister for Water, Peter Walsh. It is in regard to the West Gippsland Catchment Management Authority. Last Friday the CEO of the West Gippsland CMA told the staff that the services of 17 staff members were no longer required and that there was a review of a further 8 staff members' positions. We are talking about an organisation that employs 65 staff, so we are seeing severe cuts to those staff. West Gippsland CMA is quite special among the CMAs in that it has a large operating component; many of the others are far more project based.

The minister said on ABC radio on Friday that the first he knew of the cuts was about three days before. In question time today in the Legislative Assembly the minister said these cuts were part of the sustainable government initiative. Understandably there is some confusion in the West Gippsland Catchment Management Authority, particularly as last Thursday both the Premier and the minister said the environmental levy that is levied on water authorities — which has gone from $70 million to $117.5 million in the budget, a 67 per cent increase, even though only $42 million of the $70 million raised last year was spent — would be spent on these environmental programs and there were more to come.

The action I am seeking from the Minister for Water is for him to clarify what this all means. Was the first he knew about it three days before the Friday? Is it part of the sustainable government initiative? I suggest that men on shovels in Gippsland are front-line services if there ever were front-line services, particularly at a time when half of Gippsland is under water and the CMA's job is generally to be in the front line in the clean-up and in dealing with those particular items.

The action I seek from Minister Walsh is for him to clearly articulate to those 17 people who have lost their jobs at West Gippsland Catchment Management Authority and the further 8 who have their jobs under review exactly what the government is doing. Is the money from the environmental levy going to the CMA, or is it not? Is this part of an efficient government project, or is it a separate project? I ask him to be quite clear: does the government support the environmental projects in West Gippsland or does it have another agenda?

St Kilda pier: upgrade

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Major Projects, the Honourable Denis Napthine. I congratulate the minister, who is a true professional with a deep comprehension of his portfolio. Recently he was challenged in the Legislative Assembly by the member for Albert Park to come and have a look at the St Kilda pier and its state of deterioration. This was a bit rich coming from a member of the Labor Party, because it had 11 years in which to do something about the St Kilda pier, and not a thing was done. Not one

cent was spent. Indeed former minister John Thwaites, who was the member for Albert Park for a considerable amount of time, did absolutely nothing for the St Kilda pier.

In any case, true to his word Minister Napthine met with me, the member for Albert Park and some representatives from Parks Victoria and the City of Port Phillip. We had a very comprehensive tour of the St Kilda pier last week. Minister Napthine saw firsthand the planning for the new marina by the Royal Melbourne Yacht Squadron, how there is going to be a wave-attenuation groyne in the south and also where the new marina berths are going to be. The minister got a very clear view of the plan and also took the opportunity to have a look at the penguin habitat at the end of the pier. We all had a cup of tea at the historic Kirby's kiosk at the end of the pier.

Minister Napthine showed a very deep understanding of the exact circumstances. My request for this evening is that the minister continue to work closely with the City of Port Phillip to ensure that the proposed works progress as efficiently and quickly as possible.

Consumer affairs: Dandenong warehouse

Mr LEANE (Eastern Metropolitan) — My adjournment matter is directed to the Minister for Consumer Affairs. A constituent, John Antonadis, came to meet with me recently with a very large concern. He had invited a friend, who is a plumber, to check out a hot-water service which was advertised for $1000 in a warehouse-type arrangement in Dandenong. He inspected the hot-water service with his plumber friend and it was deemed suitable for Mr Antonadis's needs. They purchased the hot-water service, which was in a box, and the plumber friend installed it only to find that two sides of the unit were missing.

They returned to the warehouse that day and asked that the two sides to the hot-water service be supplied, because it is not possible to run the unit safely without them. The person they dealt with at the warehouse insisted that Mr Antonadis and his plumber pay an extra $248 for the sides, on top of the $1000 they paid for the between for a receipt, which they did not receive.

Mr Antonadis is very concerned that this may be happening to other people. It may just be a rogue employee of the company, so I do not think I should name the particular factory warehouse, but I ask the minister to investigate this issue to make sure that it is not a global issue and is not happening to people purchasing this type of equipment from this particular place. I ask the minister to get his department to contact Mr Antonadis with the result of its inquiry, especially into his particular circumstance. This seems to be a weekly event. I will give the minister in the chamber, the Minister for Health, an envelope to pass on to the Minister for Consumer Affairs with all the details he will need to act on this.

Port Phillip Bay: commuter service

Mr O'BRIEN (Western Victoria) — My adjournment matter is for the Minister for Planning and relates to an innovation from Barry Miller of Sea Skimmer Pty Ltd in Geelong, who has devised an exciting transport solution for Port Phillip Bay. In raising this matter, I am aware of the minister's recent announcement of a $300 000 study to examine the feasibility of a Port Phillip Bay commuter service between Melbourne's west, Geelong and the CBD.

Over its 11 long years in government the previous Labor government failed to deliver any such service to Williamstown, Portarlington or Geelong, and regrettably, in recent times, rather than getting on board Labor has shifted from being a failed can't-do government — it certainly cannot do on time or on budget — to a can't-do opposition. Of particular note are the recent comments of the former minister for ports, the member for Tarneit in the Assembly, Mr Pallas, in response to Mr Finn's advocacy for this study. Mr Pallas is reported in the *Werribee, Hoppers Crossing, Point Cook Star* as calling such ideas 'soggy, inefficient and old ideas'. Such a description would be best applied to federal and state Labor-Greens governments rather than the can-do Baillieu-Ryan Victorian coalition government. Our government has initiated a comprehensive study into the various options and is keen to explore a cost-effective — —

The PRESIDENT — Order! The adjournment is not a time to deliver a setpiece speech. When I hear a member start to say 'Our government is doing this', it smacks of a speech to me. Mr O'Brien should come back to the adjournment item in terms of what he expects the minister to do. He can provide some context for it, but it cannot be a setpiece speech.

Mr O'BRIEN — What I am doing is asking the minister to investigate this innovation as part of the study that has been announced. We are keen to explore a cost-effective commuter and tourist service across the bay from Geelong to Melbourne. This government appreciates that time is money.

Through the advocacy work of the very hardworking Charles Neal, I recently met with Mr Miller, who is in the process of completing a prototype of an innovative

form of transport. This hybrid, which is between a boat and plane and which I ask the minister to investigate, is known as a wing-in-ground (WIG) effect craft, or more colloquially a 'boat-plane'. Mr Miller believes such a sea skimmer, which resembles a 1930s seaplane, flies only a short distance above the surface of the water and is therefore ideal for small-scale environmentally efficient and cost-effective commuter transport from Corio to Melbourne or indeed across any other parts of the bay.

The boat-plane is more efficient than equivalent aircraft and is quicker than marine vessels. In short, it does not get caught in the chop. As a result, Mr Miller estimates that his six-seater prototype will be capable of carrying eight passengers from Limeburners Point in Stingaree Bay to Beacon Cove in 25 minutes at a one-way cost of around $35 per head. The operator hopes to get this travel time down to 20 minutes for a 23-seat craft, which he hopes to have operational by 2014.

Honourable members interjecting.

Mr O'BRIEN — While Labor members may laugh at their failed ideas, we will get things done. We will investigate WIG technology, which has been accepted for some time but has only recently, in 2008, been given a category and code by the international aviation and marine authorities, thus allowing commercialisation of these vessels. I believe the operator has had areas for terminal operation at the Geelong end considered and allocated by Greater Geelong City Council. Furthermore, the craft would require no infrastructure to be provided by the government or council, as it uses a modular docking system that is able to be quickly set up or moved.

The action I seek is the prompt attention and consideration of the Minister for Planning as to how this proposal fits within the study being conducted by his department, as opposed to scoffing ridicule by the can't-do failed previous Labor government. I expect that this matter may require the minister to consult with the Minister for Ports and Minister for Regional Cities, the Minister for Public Transport and the Minister for Regional and Rural Development. Whilst I understand that the boat-plane is categorised as a boat rather than a plane, and is therefore regulated by Maritime Safety Victoria, given the personal knowledge and the unique experience of the Minister responsible for the Aviation Industry, who actually has aviation experience, it may well be worth liaising with him as well. I also wish to stress that at all times — —

The PRESIDENT — Order! Mr O'Brien has done remarkably well, because the clock froze.

Mr O'BRIEN — I will finish by saying safety is an absolute priority in all these investigations.

Mount Rowan Equestrian Centre: training courses

Hon. M. P. PAKULA (Western Metropolitan) — The matter I wish to raise is for the Minister for Racing.

Hon. D. M. Davis — You are not going to top this one.

Hon. M. P. PAKULA — I will absolutely not be topping that, Minister. We are in agreement for a change.

In November 2010, with funding from the commonwealth and the Riding for the Disabled Association, Mount Rowan Equestrian Centre was opened as a joint venture between the RDA and the University of Ballarat. Apart from providing a permanent venue for the activities of the Riding for the Disabled Association and an indoor horseriding venue for the local community, the equestrian centre has filled another important function — that is, it has allowed the University of Ballarat to be a leading provider of specialised equine industry training courses for the benefit of the racing industry.

Some of the courses that are currently offered at the centre, which are for the benefit of the racing industry, include stablehand, advanced stablehand, track rider, jockey, diploma in racing and certificate II in the equine industry. Unfortunately all these courses have been cut in this year's budget, and all are under threat of having to be discontinued. It is another demonstration of how the training cuts have had a negative and undeniable impact on industry and in this case on the racing industry.

The grave concern I have is that if the centre is unable to be sufficiently utilised, its very future may be under threat. But even if the RDA and community use is enough to keep the centre open, the loss of access for students to racing industry-standard facilities and specialised seminars is a seriously negative potential development for the racing industry. I am aware that TAFE training is a matter for the Minister for Higher Education and Skills, but the industry impacts are a matter for the Minister for Racing. The action I seek is that the Minister for Racing work with Racing Victoria, the University of Ballarat and the Minister for Higher Education and Skills to ensure that the racing industry generally, and in particular racing industry students, continue to have access to specialised courses through

the University of Ballarat delivered at Mount Rowan Equestrian Centre.

Carbon farming: land valuation

Mr BARBER (Northern Metropolitan) — I raise a matter for the attention of the Minister for Environment and Climate Change, the Honourable Ryan Smith, in terms of his responsibility for the Valuation of Land Act 1960. I have received a representation from a constituent on the Mornington Peninsula who is participating in the federal carbon farming initiative. Carbon farming is something that members of the coalition talk about quite a bit, and I have heard them do it in this place, but so far it is only the Greens, through our agreements with the federal government, who have delivered the hard cashola — $1.7 billion last time I looked — to farmers to sequester carbon on their land.

The experience of my constituent is that this has caused them a difficulty with state legislation in that by removing stock from his property and turning it over to bushland regeneration, he has lost his farmland valuation and therefore rating, the result being that his rates have gone up from somewhere around $1700 a year to $4900 a year. The information provided by Mornington Peninsula Shire Council is that the definition of farmland is no longer met by my constituent. Despite writing to his local member, the member for Hastings in the Assembly, Mr Burgess, and to his federal member, Mr Hunt, who have made representations to the minister, there has been no action.

The action I seek from the minister is that he either clarify that land turned over to carbon farming is definitely still farmland for the purpose of the Valuation of Land Act so that local councils can therefore rate it appropriately, or alternatively, if that is not the case, that he bring forward an amendment to the legislation that would reflect carbon farming as a legitimate form of farming, and not just pigs, poultry, fish, bees and so forth as mentioned in the current definition. This is an initiative that seemingly all parties agree on and want to get behind, at least until Tony Abbott's party is elected, when he will no doubt trash the carbon farming initiative with all the other initiatives associated with the federal Labor-Greens package.

Swan Hill planning scheme: amendment

Ms BROAD (Northern Victoria) — My adjournment matter is for the attention of the Minister for Planning. It concerns amendment C41 to the Swan Hill planning scheme which has been proposed by VicRoads in order to reserve land to be acquired by VicRoads for the replacement of the Swan Hill bridge. VicRoads requested that the Minister for Planning form an independent panel to hear submissions and make recommendations on amendment C41, and a panel was duly appointed on 15 August 2011. The independent panel reported on 25 November 2011 and recommended that the amendment proceed with changes; however, nothing can proceed until the Minister for Planning makes a decision in relation to amendment C41, because the Minister for Planning is required to make the final decision.

Earlier this year the Minister for Planning announced state government funding, which was matched by the Swan Hill Rural City Council, for a Swan Hill riverfront master plan to better link the riverfront to the Swan Hill CBD, but the master plan cannot proceed until a final decision is made on amendment C41 by the minister. Amendment C41 and the alignment for the bridge also impact on the Swan Hill swimming pool and the Swan Hill Magistrates Court, which may find itself with a road through it. The minister's delay in making a decision is holding up the delivery of the riverfront master plan, planning for the swimming pool facilities and investment in an expanded Magistrates Court. In other words, the minister's delay is holding back development that will benefit the community of Swan Hill. The action I seek from the Minister for Planning is that he explain the reason for his delay and advise when he expects to make a decision.

Aboriginals: juvenile justice system

Ms MIKAKOS (Northern Metropolitan) — My matter this evening is for the Minister for Community Services. The Royal Commission into Aboriginal Deaths in Custody formed the inspiration for the Victorian Aboriginal Justice Agreement, a partnership entered into by the former Bracks Labor government and the Koori community in 2000 to achieve improved justice outcomes for Kooris. The aim of the agreement was to improve Koori access to justice-related programs and services and to reduce Koori contact with the criminal justice system. It did this through a range of initiatives, including the Aboriginal Justice Forum, which I had the honour to chair for five years as Parliamentary Secretary for Justice, from 2002 to 2007, and included the Koori Courts in the Magistrates, Children's and County courts, the Koori offender mentoring program, Aboriginal wellbeing officers and liaison officers, Koori night patrols and front-line youth initiatives.

Phase 2 of the Victorian Aboriginal Justice Agreement was signed by four ministers on behalf of the Bracks government and the Koori community in 2006, and it

placed greater emphasis on implementing and expanding various initiatives. One of its six objectives was to reduce the number of young Koori people coming into contact with the criminal justice system.

I am concerned that in 2011 an Australian Institute of Health and Welfare report entitled *Juvenile Justice in Australia 2009–10* found that indigenous youth are 22 times more likely to be in detention in Victoria than non-indigenous youth. It is my understanding that currently 13 per cent of youth across Victoria's three youth justice centres are indigenous youth. I wonder what the government is doing about this. I could not find a single reference to the Victorian Aboriginal Justice Agreement by a Baillieu government minister when I conducted a search of *Hansard.*

I am concerned about the government's commitment to reducing the number of young indigenous people having contact with the criminal justice system. I believe this lack of commitment is coming at a critical time when we are seeing the government cut education and training opportunities for all young people, including indigenous people, which would prevent them from engaging in a life of crime in the first place.

The action I seek from the minister is that she outline what initiatives the Baillieu government is taking to specifically address the overrepresentation of young Kooris in the criminal justice system and affirm her commitment and her government's commitment to the implementation of the Victorian Aboriginal Justice Agreement objectives more broadly.

Responses

Hon. D. M. DAVIS (Minister for Health) — I have 26 responses to adjournment matters raised by Ms Broad on 26 October 2011; Mrs Peulich on 24 November 2011; Ms Hartland on 8 December 2011; Ms Tierney on 7 February; Mrs Coote on 28 February; Mr Drum on 29 February; Ms Broad and Mr Elsbury on 14 March; Mrs Coote and Mr O'Brien on 15 March; Ms Pulford on 28 March; Mr O'Brien, Mr Lenders, Ms Pennicuik and Mr Somyurek on 29 March; Mr Finn and Ms Pennicuik on 18 April; Ms Broad and Mr Lenders on 1 May; Mrs Coote, Mr Elsbury, Mr Leane and Mr O'Donohue on 2 May; and Mr Finn, Ms Pennicuik and Ms Tierney on 3 May.

Mr Lenders raised a matter for the attention of the Minister for Water, Minister Walsh, concerning the West Gippsland Catchment Management Authority. The matter concerns the sustainable government program and, no doubt, some recent news coverage. The matter also related to an environment levy. For the house's interest, I note that the environment levy is something that has been in existence for some time. As a former shadow environment minister I was very aware of the impact of the environment levy, and I have no doubt that Mr Walsh is as well and will respond to Mr Lenders's adjournment request tonight.

Mrs Coote raised a matter for the attention of the Minister for Major Projects, Denis Napthine, concerning St Kilda pier, and that matter is of interest to all the members of Southern Metropolitan Region. I know Mr Lenders is also interested in St Kilda pier. Mrs Coote is a very strong advocate for matters in the city of Port Phillip, she has good links with the council in the city of Port Phillip and she seeks that the Minister for Major Projects continue to work with the City of Port Phillip. I have no doubt that the minister will continue to do so, but I will pass on that adjournment matter to ensure that that is the case.

Mr Leane raised a matter for the Minister for Consumer Affairs, Minister O'Brien, concerning advertising of a hot-water service. It is perhaps unclear precisely what is occurring at that particular firm, and I will certainly pass the matter in the envelope to Minister O'Brien for his attention.

A member for Western Victoria Region, Mr O'Brien, raised a planning matter. It is apparently a planning matter, but it may also impact on the aviation portfolio as well. I am in favour of innovative transport mechanisms and a preparedness to open up a range of options for people around Port Phillip Bay. The sea skimmer to which he referred is no doubt an option for consideration, and I will dutifully pass that to the Minister for Planning and the Minister responsible for the Aviation Industry. The options for bay transport ought to be investigated, and I know that the Minister for Planning has given that matter serious attention.

Mr Pakula raised a matter for the attention of the Minister for Racing concerning the Mount Rowan Equestrian Centre. It is a centre that deals with a number of matters relating to the equestrian industry. This important centre associated with the University of Ballarat has a number of programs. I am not personally familiar with the centre, but I will ensure that the Minister for Racing is aware of it, and I know that he is a very strong advocate for the industry and is prepared to work for its benefit. I will pass that on to the minister.

Mr Barber raised a matter for the attention of the Minister for Environment and Climate Change, Minister Smith, concerning the Valuation of Land Act 1960 and the commonwealth carbon farming initiative.

I know that he is correct in what he has said about the interest in the methods of sequestration of carbon into land by a number of parties at the national and state levels. I am not sure about the word he invented, 'cashola', which is a new word, but I have taken note of it. Mr Barber suggested state legislation may not support changes in property use.

Changes in effect from one form of farming, as I understand it, to another form of production may not meet the particular guidelines that are required and may need clarification or potential amendment to legislation. I note that the federal carbon tax that will come into effect on 1 July will have a significant impact right across the whole economy. I will pass this matter to the Minister for Environment and Climate Change.

Ms Broad, a member for Northern Victoria Region, raised a planning matter concerning amendment C41 in Swan Hill and the VicRoads request for a change in planning that relates to the Swan Hill bridge. I am familiar with the matters around the Swan Hill bridge, having been a shadow Minister for Planning and having looked at a number of the early aspects of this issue. I can indicate that this is a long-running matter in Swan Hill. It would be wrong to imagine that this is a matter that has come to public attention recently. It is a matter that I was familiar with back in 2006.

Mr Lenders interjected.

Hon. D. M. DAVIS — I am not familiar with the final planning details.

Mr Lenders interjected.

Hon. D. M. DAVIS — I am giving Mr Lenders the benefit of previous knowledge, as I laid out, in 2006, but I will pass the matters raised to the Minister for Planning, and I have no doubt that he is attending to matters with his usual integrity and swiftness.

Ms Mikakos raised a matter for the attention of the Minister for Community Services concerning the Aboriginal partnership agreements. I have no doubt that these matters will be taken seriously by the Minister for Community Services. I am not familiar with the specific agreements she has pointed to, although I will pass this to the minister for her attention.

The PRESIDENT — Order! There being no further matters, the house stands adjourned.

House adjourned 11.35 p.m.

Minister responsible for the establishment of an anti-corruption commission

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23 MAY 2012

Our ref: CD/12/235686

Mr Wayne Tunnecliffe
Clerk of the Legislative Council
Parliament House
EAST MELBOURNE VIC 3002

Dear Mr Tunnecliffe

Order for documents - Independent Broad-based Anti-corruption Commission consultation panel documents

I refer to the Legislative Council's resolution of 2 May 2012 seeking the production of the following Independent Broad-based Anti-corruption Commission consultation panel documents:

(a) any submissions made to the panel;

(b) any final briefings and the final report produced by the panel; and

(c) any other documents of an information or research nature produced or relied upon by the consultation panel.

Regrettably, the Government is not able to respond to the Council's resolution within the time period requested by the Council. The Government will endeavour to respond as soon as possible.

Yours sincerely

Andrew McIntosh MP

State Government Victoria