

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-SEVENTH PARLIAMENT**

**FIRST SESSION**

**Thursday, 6 February 2014**

**(Extract from book 1)**

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## **The Governor**

The Honourable ALEX CHERNOV, AC, QC

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC

## **The ministry** (from 22 April 2013)

Premier, Minister for Regional Cities and Minister for Racing . . . . .	The Hon. D. V. Napthine, MP
Deputy Premier, Minister for State Development, and Minister for Regional and Rural Development . . . . .	The Hon. P. J. Ryan, MP
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Minister for Higher Education and Skills, and Minister responsible for the Teaching Profession . . . . .	The Hon. P. R. Hall, MLC
Minister for Ports, Minister for Major Projects and Minister for Manufacturing . . . . .	The Hon. D. J. Hodgett, MP
Minister for Multicultural Affairs and Citizenship, and Minister for Energy and Resources. . . . .	The Hon. N. Kotsiras, MP
Minister for Housing, and Minister for Children and Early Childhood Development . . . . .	The Hon. W. A. Lovell, MLC
Minister for Public Transport and Minister for Roads . . . . .	The Hon. T. W. Mulder, MP
Minister for Liquor and Gaming Regulation, Minister for Corrections and Minister for Crime Prevention . . . . .	The Hon. E. J. O'Donohue, MLC
Minister for Local Government and Minister for Aboriginal Affairs. . . . .	The Hon. E. J. Powell, MP
Assistant Treasurer, Minister for Technology and Minister responsible for the Aviation Industry . . . . .	The Hon. G. K. Rich-Phillips, MLC
Minister for Environment and Climate Change, and Minister for Youth Affairs. . . . .	The Hon. R. Smith, MP
Minister for the Arts, Minister for Women's Affairs and Minister for Consumer Affairs . . . . .	The Hon. H. Victoria, MP
Minister for Agriculture and Food Security, and Minister for Water. . . . .	The Hon. P. L. Walsh, MP
Minister for Police and Emergency Services, and Minister for Bushfire Response . . . . .	The Hon. K. A. Wells, MP
Minister for Mental Health, Minister for Community Services, and Minister for Disability Services and Reform . . . . .	The Hon. M. L. N. Wooldridge, MP
Cabinet Secretary . . . . .	Mr N. Wakeling, MP

## Legislative Council committees

**Privileges Committee** — Ms Darveniza, Mr D. Davis, Mr Hall, Ms Lovell, Ms Pennicuik, Mrs Peulich 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, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Ms Hartland, #Mr Leane, Mr Lenders, Mr Melhem, #Mr Ondarchie, Ms Pulford and Mr Ramsay.

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

**Environment and Planning Legislation Committee** — Mr Dalla-Riva, #Mr Finn, #Ms Hartland, Mrs Kronberg, #Mr Leane, Mr Ondarchie, Ms Pennicuik, #Mrs Peulich, Mr Ronalds, Mr Scheffer, #Mr Tarlamis, Mr Tee and Ms Tierney.

**Environment and Planning References Committee** — Mr Dalla-Riva, #Mr Finn, #Ms Hartland, Mrs Kronberg, #Mr Leane, Mr Ondarchie, Ms Pennicuik, #Mrs Peulich, Mr Ronalds, Mr Scheffer, #Mr Tarlamis, Mr Tee and Ms Tierney.

**Legal and Social Issues Legislation Committee** — Ms Crozier, Mr Elasmr, Mr Elsbury, Ms Hartland, #Mr Leane, Ms Mikakos, Mrs Millar, Mr O'Brien, #Mrs Peulich, #Mr Ramsay and Mr Viney.

**Legal and Social Issues References Committee** — Ms Crozier, Mr Elasmr, Mr Elsbury, Ms Hartland, #Mr Leane, Ms Mikakos, Mrs Millar, Mr O'Brien, #Mrs Peulich, #Mr Ramsay and Mr Viney.

*# Participating member*

## Joint committees

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

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

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

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

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

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

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

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

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

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

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

**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 Dalla-Riva. (*Assembly*): Ms Barker, Ms Campbell, Mr Gidley, Mr Nardella, Dr Sykes 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

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

**President:** The Hon. B. N. ATKINSON

**Deputy President:** Mr M. VINEY

**Acting Presidents:** Ms Crozier, Mr Eideh, Mr Elasmr, Mr Finn, Mr Melhem, Mr O'Brien, Mr Ondarchie, Ms Pennicuik, Mr Ramsay, Mr Tarlamis

**Leader of the Government:**

The Hon. D. M. DAVIS

**Deputy Leader of the Government:**

The Hon. W. A. LOVELL

**Leader of the Opposition:**

Mr J. LENDERS

**Deputy Leader of the Opposition:**

Mr G. JENNINGS

**Leader of The Nationals:**

The Hon. P. R. HALL

**Deputy Leader of The Nationals:**

Mr D. DRUM

Member	Region	Party	Member	Region	Party
Atkinson, Hon. Bruce Norman	Eastern Metropolitan	LP	Lenders, Mr John	Southern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Lovell, Hon. Wendy Ann	Northern Victoria	LP
Broad, Ms Candy Celeste	Northern Victoria	ALP	Melhem, Mr Cesar <sup>3</sup>	Western Metropolitan	LP
Cote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Millar, Mrs Amanda Louise <sup>5</sup>	Northern Victoria	LP
Dalla-Riva, Hon. Richard Alex Gordon	Eastern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Davis, Hon. David McLean	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Davis, Mr Philip Rivers <sup>1</sup>	Eastern Victoria	LP	Pakula, Hon. Martin Philip <sup>2</sup>	Western Metropolitan	ALP
Drum, Mr Damian Kevin	Northern Victoria	Nats	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Petrovich, Mrs Donna-Lee <sup>4</sup>	Northern Victoria	LP
Elasmr, Mr Nazih	Northern Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Elsbury, Mr Andrew Warren	Western Metropolitan	LP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Ramsay, Mr Simon	Western Victoria	LP
Guy, Hon. Matthew Jason	Northern Metropolitan	LP	Rich-Phillips, Hon. Gordon Kenneth	South Eastern Metropolitan	LP
Hall, Hon. Peter Ronald	Eastern Victoria	Nats	Ronalds, Mr Andrew Mark <sup>6</sup>	Eastern Victoria	LP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tarlamis, Mr Lee Reginald	South Eastern Metropolitan	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
			Viney, Mr Matthew Shaw	Eastern Victoria	ALP

<sup>1</sup> Resigned 3 February 2014

<sup>2</sup> Resigned 26 March 2013

<sup>3</sup> Appointed 8 May 2013

<sup>4</sup> Resigned 1 July 2013

<sup>5</sup> Appointed 21 August 2013

<sup>6</sup> Appointed 5 February 2014



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## Thursday, 6 February 2014

**The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.34 a.m. and read the prayer.**

### NEW MEMBER

#### Mr Ronalds

**The PRESIDENT announced the choosing of Mr Andrew Mark Ronalds as member for the electoral region of Eastern Victoria in place of Mr Philip Davis, resigned.**

**Mr Ronalds introduced and oath of allegiance sworn.**

**The PRESIDENT** — Order! This is your homework, Andrew. I provide you with a copy of the standing orders of the house. You will know not to stand up on points of order too quickly, as you will have observed in the last couple of days. But it is great reading!

### CRIMES AMENDMENT (GROOMING) BILL 2013

#### *Introduction and first reading*

**Received from Assembly.**

**Read first time on motion of Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation); by leave, ordered to be read second time forthwith.**

#### *Statement of compatibility*

**Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter act'), I make this statement of compatibility with respect to the Crimes Amendment (Grooming) Bill 2013 (the bill).

In my opinion, the Crimes Amendment (Grooming) Bill 2013, as introduced to the Legislative Council, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

#### **Overview**

The bill creates a new criminal offence of grooming for sexual conduct with a child under 16 years to give effect to a key recommendation (recommendation 22.1) made by the Parliament's Family and Community Development Committee (the committee) in *Betrayal of Trust*, its report on its inquiry into the handling of child abuse by religious and other non-government organisations.

The bill's new grooming offence makes it a criminal offence to communicate with a child under 16 years, or with a person with care, supervision or authority over the child, with the intention of facilitating that child being involved in a sexual offence with the accused or another person at a later time.

#### **Human rights issues**

The following charter act rights are relevant to the bill:

the right to protection of families and children, as set out in section 17 of the charter act, and

the right to freedom of expression, as set out in section 15 of the charter act.

#### *Protection of best interests of children without discrimination*

Subsection (2) of section 17 of the charter provides that 'Every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child'.

Grooming does not directly harm the child, but, as a species of preparatory conduct, it increases the risk of the child being harmed at a later time. It is appropriate for the criminal law to intervene to protect children from later harm by prohibiting such preparatory conduct.

The grooming offence differentiates between children under 16 years and 16 and 17-year-old children by targeting communications with children under 16 years preparatory to sexual offending against such children but not such communications with 16 and 17-year-old children.

Distinguishing between communications with children (aged below 16 and those aged 16 or 17) is justified because it reflects the general age of consent (16 years) recognised by the criminal law in relation to sexual offences. The law does not criminalise most sexual conduct between a 16 or 17-year-old and an adult and considers that at 16 years a person has sufficient maturity to make decisions about their sexual conduct. This also includes sufficient maturity to make decisions about dealing with attempts by adults to foster a sexual relationship with the 16 or 17-year-old.

#### *The right to freedom of expression*

The right to freedom of expression is relevant to the offence of grooming a child under 16, in that the offence criminalises certain kinds of communication. Section 15(3) provides that the right to freedom of expression may be subject to lawful restrictions reasonably necessary to respect the rights and reputation of other persons or for the protection of national security, public order, public health or public morality. Because the offence of grooming is directed toward protecting children from subsequent sexual abuse, it clearly falls within the exception for lawful restrictions reasonably necessary for respecting the rights of other persons.

Because it falls within the exception contained in section 15, the grooming offence does not, in my opinion, limit the right to freedom of expression as provided for in section 15 of the charter act.

Edward O'Donohue, MLC  
Minister for Liquor and Gaming Regulation  
Minister for Crime Prevention  
Minister for Corrections

*Second reading***Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation).****Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — I move:

That the bill be now read a second time.

**Incorporated speech as follows:**

This bill introduces a new offence of grooming, based on the findings and recommendations of the Family and Community Development Committee in its landmark report *Betrayal of Trust*, tabled on 13 November this year. The bill is the first of a number of measures the government intends to bring to Parliament to give effect to recommendations made by the committee.

The committee devoted a full chapter of its report, chapter 22, to the criminality of grooming. The committee highlighted the calculated and protracted use of grooming techniques by abusers to develop a relationship over time with an intended victim in order to facilitate abuse.

The committee also identified the use of grooming of parents and families by abusers, who often identify vulnerabilities in a family or infiltrate families by helping a parent overcome problems and ensuring the parent sees their interest in the child as helpful, in order to isolate the victim and give the abuser unquestioned access.

The committee found, at finding 22.1, that merely treating grooming as an aggravating feature of a sexual offence does not sufficiently recognise the damage that grooming conduct causes. The committee considered that conduct deliberately intended to facilitate the perpetrator's sexual activity with a child should, in and of itself, be made a criminal offence.

The committee's report highlights difficulties with existing laws, both in Victoria and elsewhere. The committee pointed out that the current Victorian offence in section 58 of the Crimes Act 1958 applies only to soliciting or procuring the taking part in sexual activity, and does not extend to grooming by befriending a child and establishing an emotional connection with them in person.

Although the NSW provision in section 66EB of the NSW Crimes Act 1900 is somewhat broader than the Victorian provision, the committee pointed out that the NSW grooming offence does not extend to grooming of other persons in order to secure access to a child, and only applies where the offender has exposed the child to indecent material or provided the child with alcohol.

The committee concluded that the critical feature of grooming is not the conduct itself, but the intention that accompanies it, and that apparently innocuous conduct needs to be viewed in the context of a pattern of behaviour, with the accompanying intention usually needing to be inferred from all of the circumstances.

Accordingly, the committee recommended the creation of a new grooming offence that should not require a substantive

offence of sexual abuse to have been committed, and that should recognise that in addition to the primary or intended child victim, parents and others can also be victims of that criminal conduct.

The offence created by this bill is closely based on the committee's recommendation, and is also informed by work undertaken by the Department of Justice as part of its review of sexual offences.

Under the bill, a person will commit the offence of grooming if they are 18 years of age or older and communicate with a child under 16, or with a person having care, supervision or authority in respect of the child, with the intention of facilitating the child's engagement or involvement in a sexual offence with themselves or another adult. The offence will have a maximum penalty of 10 years imprisonment.

The bill will not require proof that any sexual offence was actually committed with the child, nor that there was any specific conduct involved in the grooming, such as exposing the child to indecent material or seeking to persuade the child to take part in sexual activity.

Rather, the grooming offence is cast broadly so as to apply to any communication with either a child or their parent or carer, where that communication occurs with the intention of making it easier to engage or involve the child in a sexual offence.

This will ensure that the sort of befriending and relationship building that the committee identified as an integral part of grooming will be caught by the offence, if undertaken with the intention of facilitating the engagement or involvement of the child in a sexual offence.

Whether or not in any particular case conduct was undertaken with such an intention will be a question of fact that would need to be proved. As the committee points out, such an intention can be open to be inferred from all the circumstances in the context of a pattern of behaviour by the offender concerned.

In addition to providing that a person may commit grooming by their conduct in relation to a person who has care, supervision or authority over a child, the bill will also amend the Victims' Charter Act 2006 to expressly recognise that both a child and a family member of that child are victims of a grooming offence and they are each entitled to provide a victim impact statement to a court.

The criminal justice system has a crucial role in holding child sex offenders to account for the devastating effect of their offending on their victims. This bill is the first step in ensuring that Victoria's criminal law can better play its part in protecting Victoria's children.

I commend the bill to the house.

**Debate adjourned on motion of Ms MIKAKOS (Northern Metropolitan).****Debate adjourned until Thursday, 13 February.**

**The PRESIDENT** — Order! I take this opportunity to indicate that due to the continuing absence of Mr Viney, the Deputy President, who I understand is

making a solidly progressive recovery after his hospitalisation for an unfortunate illness, I have been approached by the opposition to consider a temporary appointment to the panel of Acting Presidents to ensure that the roster balance is maintained while Mr Viney is absent. Therefore, I intend to appoint Mr Melhem to the list of Acting Presidents, on an interim basis, and when Mr Viney returns we will examine what circumstances prevail at that time. I intend to undertake the formal process later today, but I indicate to the house that that is my intention. After discussions yesterday, as I said, I see it as an interim arrangement to cover the absence of Mr Viney at this time. Of course Mr Elasmr continues to be chair of committees in the absence of Mr Viney.

## BUSINESS OF THE HOUSE

### Adjournment

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

That the Council, at its rising, adjourn until Tuesday, 18 February 2014.

**Motion agreed to.**

## PARLIAMENTARY COMMITTEES

### Membership

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

That Mr Ronalds be appointed a member of the Accountability and Oversight Committee and the Economic Development, Infrastructure and Outer Suburban/Interface Services Committee.

**Motion agreed to.**

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

That Mrs Peulich be appointed a member of the House Committee and the Privileges Committee.

**Motion agreed to.**

## MEMBERS STATEMENTS

### SPC Ardmona

**Mr MELHEM** (Western Metropolitan) — I rise to speak on the recent decision by the Anti-Dumping Commission in relation to SPC Ardmona (SPC). The Anti-Dumping Commission was established by the former federal Labor government. Paul Howes, national secretary of the Australian Workers Union,

played a major part in establishing the commission and in convincing the government and so many employers. The commission has found that the prepared or preserved tomatoes exported from Italy were exported at dump prices during the investigation period. It also found that the volumes of dumped goods were not negligible and that export material causes injury to Australian industry — and SPC is one of those industries. The commission is looking to impose a 26 per cent tariff on some of importers and 5 per cent on some others.

The deputy CEO of Ausveg, William Churchill, today called on the federal government to seriously look at approving money from the proceeds of such tariffs to make up the \$50 million required by SPC. I think that is a wonderful idea. I call on the state government to lobby its federal counterparts to use that money. Because SPC Ardmona is one of the injured companies as a result of this, the money should be given to SPC rather than go to general revenue. I call on the Napthine government to support Mr Churchill in his call and to make sure the federal government passes that money on to SPC Ardmona.

### Australia Day

**Mrs PEULICH** (South Eastern Metropolitan) — I wish to extend my congratulations to all those who received various honours in celebration of Australia Day, our national day, whether they were national honours or recognition from their local communities. These awards are a reflection of our community's esteem for the work undertaken by our many volunteers. The award winners and nominees, many of whom have been serving their communities for decades, are a testament to the talent that has made our country great.

I would like to congratulate those who received awards in the City of Casey, including Christopher Lawton, who received a Medal of the Order of Australia; Bert Rae, who has received an OAM in the past, received the Citizen of the Year award; Margaret Sansom received the Senior Citizen of the Year award; Ben Hill received the Young Citizen of the Year award; Shabnam Safa was named Sportsperson of the Year; and Maree Cullinan received the Non-resident of the Year award.

In the City of Greater Dandenong chief executive officer John Bennie received a well-deserved Public Service Medal; Twanny Farrugia received the Citizen of the Year award; Guillaume Nyakaboi received the Young Achiever of the Year award; and Annmarie

Lochery and Nhar Leng shared the Good Neighbour of the Year award.

In the City of Frankston Jillian Dwyer, Peter Murton and William Pulling each received an OAM — there is a lot of talent in Frankston; Phillip Holt received the Citizen of the Year award; Frank Mahr received the Senior Citizen of the Year award; and Dimity Lynch received the Young Citizen of the Year award.

In the City of Kingston John Lee received an OAM; David Catchpool received the Outstanding Citizen of the Year award; and Lesley McGurgan was the Australia Day Citizen of the Year, which was well deserved.

In the City of Monash John Mooney received a Public Service Medal and Pratish Bandopadhyay and Ian Brock both received an OAM. Congratulations to all the recipients on their efforts and their honours.

### SPC Ardmona

**Mr SOMYUREK** (South Eastern Metropolitan) — I rise to commend the federal member for Murray, Dr Sharman Stone, for having the courage to stand up for her convictions and show support for the workers of her electorate. In doing so she blew the lid off the outrageous and deceitful comments by Mr Hockey and Mr Abbott in their attempts to justify cutting SPC Ardmona and its workers loose. Dr Stone accused Mr Abbott of misleading the public over cabinet's decision to refuse SPC Ardmona a \$25 million lifeline on the grounds that its worker entitlements were too generous. Dr Stone yesterday stood by her claims, stating:

The things that were stated were not true and not true equals — could be called a lie, absolutely.

Rather than attempting to engage in meaningful and constructive dialogue and take action with a view to diminishing the loss of Australian jobs, the federal coalition has engaged in a smear campaign against not only workers but also companies and entire industries. Australian industry needs considered and sensible leadership during these challenging times and not a cabal of ideologically driven headkickers who smear companies and workers and dare multinational companies, who provide tens of thousands of jobs, to leave our shores.

### Government performance

**Mr BARBER** (Northern Metropolitan) — I just want to take this opportunity to welcome everyone back. I hope they had a great break. This is of course an

election year and I am looking forward to the contest of ideas that come with that. What do we want for Victoria: public transport or more roads?

*Honourable members interjecting.*

**Mr BARBER** — I call for a contest of ideas, and members of the Liberal Party try to shout me down. Is that not ironic? Do we want rising emissions or renewable energy; do we want emergency departments in crisis or public health measures that keep people out of hospital in the first place; or do we want investment in education? Certainly in the three dozen days or so that we will be sitting in this house and the time we spend working in the broader community I look forward to the ideas coming forth from all political parties and all members, because that is what I think the Victorian public is crying out for.

### SPC Ardmona

**Mr RAMSAY** (Western Victoria) — Much has been said about SPC Ardmona this week, and not all of it useful or productive. My family has had a long association with the Shepparton Preserving Company, as it was then, as shareholders and as managers of the company in the early 1920s. We have seen the highs and lows and seen the subsequent rationalisation of companies like SPC and changes of ownership. The Goulburn Valley growers, some of whom have been contracted to SPC Ardmona and some of whom have not, have always been supportive of this company.

This government has always been supportive and seen it as a priority to support those companies that reinvest profits back into the company to make them more competitive. That is why the Victorian coalition supported SPC Ardmona with a \$4.4 million support grant on the basis that it reach certain targets, and I might say that only \$200 000 of that amount has been drawn down. The coalition government has also invested \$2 million into the Goulburn Valley to help improve productivity and employment.

The fact is that most of the fruit in the Goulburn Valley is fresh fruit, and with the tin packaging now being superseded by home-brand plastic containers and the dumping of fruit from other countries onto our domestic market, pressure is being put on this company.

The politicisation by Labor of the challenges facing this iconic company is a disgrace, and the promise by the Leader of the Opposition of money he does not have to do no-one knows what, without any consultation with the company, is just a cheap political stunt.

### Manufacturing policy

**Ms TIERNEY** (Western Victoria) — For those who missed it, Australia now has no industry policy and certainly no manufacturing policy. This is resulting in company closures and massive job losses.

Whilst Prime Minister Abbott and the federal Minister Assisting the Prime Minister for the Public Service, Senator Abetz, are making wild ideological pronouncements from Canberra, trying to blame workers and their unions, the Victorian Napthine government is simply standing by and allowing thousands of workers to join the dole queues. But it is hardly surprising. This state government handed over the driver's seat to its federal colleagues long ago. The Napthine government simply has not been a strong advocate for industry and the Victorian economy — in fact the government was lost, and it still is. Even with strong warnings, it failed to see what was happening in the car manufacturing sector.

It is this very weakness that has allowed Mr Abbott and the federal Treasurer, Mr Hockey, to run amok and wreck the manufacturing sector. The only thing the Premier has said in reference to the onslaught of job losses is, 'Disappointing'. 'Disappointing' does not feed workers and their families, and neither do vacuous statements about a 'plan B'. I am sure Shepparton workers will not be hoodwinked, and I am sure they know this government's promises amount to nothing.

Look at Geelong: the committee that was formed to deal with the fallout of the Ford closure announcement has not met since Abbott and company were elected. Again, this Napthine government has done nothing, allowing its federal partners to run the show and doing nothing for Geelong families. All I can say is that I call on the state coalition MPs to stand up for their communities and stand up for jobs.

### Celina Harrower

**Mr ELSBURY** (Western Metropolitan) — I take this opportunity to congratulate MacKillop Catholic Regional College student Celina Harrower. Celina is the winner of the G20 summit commemorative postage stamp competition, a nationwide competition which has allowed her to be the designer of a postage stamp to commemorate the G20 summit to be held in Brisbane later this year. It was a web-based competition for schools from across Australia, and I am proud that a western suburbs student at a western suburbs school used her talents to create such a fine piece of work. I also congratulate her teacher, Mr Silvio Mannello, on

the efforts that he put in to guide this young lady towards the design that won the competition.

### Lunar New Year

**Mr ELSBURY** — I commend the Footscray Asian Business Association for its excellent work in bringing the community together last Sunday to celebrate the Lunar New Year in Footscray. This was an event of community and cultural diversity, and even with a hot day, a great crowd was able to gather.

### Sunshine grade separation

**Mr ELSBURY** — I also highlight that I was proud to be able to stand on a new grade separation on Anderson Road as part of the regional rail link. It was taken out of the project by the Labor government.

### True Value Solar Centre

**Mr EIDEH** (Western Metropolitan) — It would come as no surprise to honourable members in this house that I am a passionate supporter of the Essendon Football Club, least of all you, President. Although 2013 was not the best year we have seen in the club's history, true to our fighting spirit we are back on track and looking forward to a good year in 2014.

Today I wish to speak about the opening of the Bombers True Value Solar Centre. The centre was officially opened by the Honourable Hugh Delahunty, Minister for Sport and Recreation and Minister for Veterans' Affairs, and Paul Little, the Essendon Football Club chairman. The centre is also the hub of the Australian Paralympic Committee, and it will act as a launching place for generations of persons with disabilities as they strive for excellence in their chosen sports. The Essendon Football Club, the AFL and the Victorian and federal governments have all made significant contributions to its establishment, with the total cost being nearly \$26 million.

The centre will house over 100 staff, acting in administrative, medical and educational roles. It has two football ovals, a running track, an indoor aquatic centre and a gym. The centre is located at 275 Melrose Drive, Melbourne Airport, and the site is 103 000 square metres. It also includes a function and conference centre; the Flight Deck, a dedicated space for running Essendon Football Club's Indigenous and multicultural schools and grassroots community programs; hall of fame museum displays; a public cafe; and a retail store. In brief, this centre is a world-class venue.

### Australian Goldfields Open

**Mr DRUM** (Northern Victoria) — Last Saturday I had the opportunity to accompany Louise Asher and Wendy Lovell at the Bendigo snooker headquarters for the announcement that Bendigo has again secured the Australian Goldfields Open snooker championships for the fourth year running. Louise Asher, as Minister for Tourism and Major Events, brought this event to Australia for the first time. The event brings the top 16 players and thousands of snooker enthusiasts to Australia and in particular to Bendigo and the goldfields region.

With coverage through Asia and Europe through pay TV channels, 8 July to 14 July will again see this area of Victoria highlighted across the world. It is an event that will hopefully showcase Australia's Neil Robertson, a former world champion who is putting snooker back on the map for all Australians. He is held in very high regard when it comes to the sport of snooker.

The event has the capacity to fill up all the hotels and all the restaurants. Neil Robertson will bring thousands of people into the Bendigo Stadium. It is another feather in the cap for the city of Bendigo, which has again proven it has the ability to host world-class events of the highest standard. I am sure that this year's event will be just as good as the last three.

### Government performance

**Ms MIKAKOS** (Northern Metropolitan) — It has become clear over the last three months that the Napthine government has well and truly reached crisis point. It is an absolute shambles, leaving Parliament in complete disarray. Victorians across the state are losing their jobs, we have a health system in crisis and a Premier who will not face up to the fact that he is beholden, week by week, to the member for Frankston in the Assembly, Geoff Shaw. For the Premier, Dr Napthine, to insist that he is still calling the shots is laughable. He is too busy worrying about saving his own job to worry about the thousands of jobs at risk in the Goulburn Valley and regional Victoria. Time is clearly running out for the government to support SPC Ardmona and match the Labor opposition's election commitment of a \$30 million coinvestment to assist the company. Victoria cannot be a leading manufacturer without SPC.

Our health system is in crisis. We have seen our ambulance services struggle to cope. They are struggling to respond to emergencies within the prescribed time frames. Ambulance response times for

life-threatening emergencies have gone backwards for three consecutive years under this government. Ambulance services struggled to cope with high demand due to the recent heatwave. Paramedics were calling it a meltdown in services that was causing unacceptable delays for patients. The elective surgery waiting list has blown out to more than 10 000 people. There has been a drop in the percentage of patients treated in emergency departments within the recommended time, an increase in elective surgery waiting times and an average increase of 11.6 per cent in the number of patients waiting longer than one year for elective surgery compared to Labor's last three years in government, which saw an average decrease of 8 per cent. Victorians deserve better than this rabble government.

### Trade unions

**Ms PULFORD** (Western Victoria) — Government members have demonstrated time and again this week that they hate unions and everything organised labour represents. I remind government MPs that the union movement formed the Labor Party to give effect to the political aspirations of working people. The mission the founders had in mind at the time is ongoing.

The union I am proud to have worked for and remain to this day a member of was involved in three recent campaigns that I would like to share with members. One relates to the story of a 34-year-old woman who had been working for a contract labour hire company for five months full time and was denied work. She was sexually harassed in the workplace and had the option to put up or shut up. She complained and was denied ongoing shifts. A survey undertaken by the National Union of Workers found that 63 per cent of people who experienced sexual bullying in the workplace did not report this kind of experience.

A second example is that of a company that unloaded containers for Woolworths that was found to be paying its employees as little as \$3 an hour. A 28-year-old man was working 60 hours a week for \$300 cash in hand. He spoke to the union; he was sacked for it. The union raised the issue with Woolworths, which immediately terminated its contract with the company. Another example is from Bendigo. Five migrant workers were employed cash in hand —

**The PRESIDENT** — Time!

### SPC Ardmona

**Hon. W. A. LOVELL** (Minister for Housing) — I place on record a conversation I had on Monday night with a major fruit grower from the Goulburn Valley,

who rang me to thank me for bringing the Premier to Shepparton not only last Friday but also on a previous occasion, when SPC Ardmona had told a number of growers they no longer had contracts with the company.

We all know that Daniel Andrews, the Leader of the Opposition in the Assembly, visited Shepparton on Monday with a hollow promise that, if he happens to be elected — if the people of Victoria have a meltdown and elect him later this year — he might give SPC some money. I note that on his visit to Shepparton he did not take with him either of the two Labor members in this place who claim to represent Shepparton; they have no interest in the area.

The fruit grower also acknowledged not only that the Premier listened to the growers and the people of the Goulburn Valley but also that our government is the only government that has any tangible offers on the table for SPC or for the growers in the Goulburn Valley. The \$2 million employment package that we put on the table last year, when growers were cut off from supplying SPC, is helping to employ those people who are no longer working in those orchards and to get growers through these times while they readjust their businesses.

### DISTINGUISHED VISITORS

**The PRESIDENT** — Order! I take this opportunity to indicate to the house that we have some distinguished visitors from the federal Parliament in the gallery today: Senator Ryan and Senator Fifield. Mr Russell Broadbent is also with us today. We extend to them a warm welcome to the Victorian Parliament. I also acknowledge that Alan Brown, a former minister and member for Gippsland West in the Legislative Assembly, is with us today. Welcome, Alan.

### BLACK SATURDAY

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

That this house:

- (1) notes with sorrow that it is five years since the Black Saturday bushfires, in which lives, homes, and property were lost;
- (2) remembers with deep heartache and sadness the tragic loss of 173 Victorians and the devastating and everlasting impact that has had on affected families;
- (3) praises those Victorians who have stood shoulder to shoulder to rebuild their communities and have shown such great resilience and strength after suffering the worst losses imaginable;

- (4) recalls the heroic efforts of volunteers, community members and emergency service personnel who supported those in need during, and after, the fires; and
- (5) notes that fires have again affected Victorian communities in recent weeks, and pledges to support our friends and neighbours as they recover and rebuild.

All of us were touched by the Black Saturday fires, and people we knew were touched by those fires. In preparing for this I had cause to go back and read parts of the debate that occurred in this chamber in February 2009. Those who were in the chamber at the time will remember that a whole day was devoted to discussing those fires and their impact on communities. It was an extraordinary impact; all of us felt it. We knew people and families. The devastation was extraordinary.

Fire is not uncommon in Victoria, as we know. At the time we went back and re-read the royal commission report from 1939. Fire incidents have been a longstanding part of Victoria's history. The Teague royal commission did great work, and I want to put on record the support of people in this house and the community for Justice Teague's work. The royal commission brought forward recommendations, and this government and the community have responded to those recommendations, not seeking to fully control fires but to put ourselves in a position where we are safer and able to manage fires more effectively and save lives and property where possible.

I want to note the impact on so many communities. I go back to the images of Marysville. I was there about two days afterwards and stood in that town. I am using this example in a sense as an emblem for what occurred in a number of other areas. I remember standing in that town and looking in absolute horror at the devastation. The town was completely flattened, and so many people and so many families had been lost. But towns are rebuilding, communities are rebuilding, and the strength that has come from the community pulling together is remarkable.

I want to pay tribute to the way the Victorian community, this Parliament and, more broadly, Australia came to the support of those families and communities. Much healing remains to occur, and it is probably true to say that that healing will never be fully complete. But communities have been rebuilt and lives have been rebuilt, and as a Parliament we all, in a very non-party sense, wish those who are still grieving the very best support that we can offer.

**Mr JENNINGS** (South Eastern Metropolitan) — The day of 7 February 2009 sits very heavily and solemnly within the psyche of the Victorian

community. It is a day that reminds us of much grief, much sorrow and much pain experienced by members of our community. As the Leader of the Government has said today, it was a day that led to Victorians standing shoulder to shoulder to respond to that terrible day and the terrible consequences of that day — not for the first time, as has been indicated. Our community has endured bushfires of great devastation on a number of occasions in our history. You would hope that 2009 would have been the last occasion when we have had to share that pain and suffering, but it will probably not be the last day on which we have to rise up to such terrible experiences together to overcome our grief to resolve, to rebuild, to support one another and to learn the lessons so that we can prevent pain and suffering in our community into the future.

Like many other members of the opposition and many members of the community, I have spent hundreds of hours reflecting on the lessons that we should have learnt from those days. Together with the various emergency agencies in Victoria, and with much reflection at the level of local government, in terms of community organisations, and in individual households right across this state, we have spent many, many hours supporting one another in trying to deal with the pain that was experienced on those occasions — the tragic loss of 173 souls in Victoria, the 2000 houses that were lost and the 450 000 hectares of our landscape that was burnt. Devastation of that order of magnitude meant that thousands of individuals and families were affected across this state, not only on that tragic day but in the days that followed, and will be affected in the years that follow.

Today it is appropriate for us to pause and reflect on that, five years after the event. But we should not forget those circumstances. We should not turn a blind eye to the potential for this to occur again, and we should resolve to support one another to make sure that we mitigate the risks. The people who responded at the time — our professional and volunteer firefighters, the Country Fire Authority, the Department of Sustainability and Environment, the Metropolitan Fire Brigade on that occasion, supported by the State Emergency Service, by Victoria Police and by many non-government agencies, such as the Red Cross, St Vincent de Paul, St John Ambulance and other service groups across Victoria — came together in a very organised way. Local government was almost brought to its knees at a number of locations across Victoria.

We should never forget the profound burden on local communities at that time and the amount of work, in terms of restoring confidence, rehabilitating the

environment, rebuilding homes and rebuilding communities, that followed. We thank all the members of our community who joined together to support one another. We continue to recognise the need for us to replenish our commitment to not only support one another in those times but to become a stronger community through those experiences. If members of Parliament can rise up and find a common spirit to resolve to now and in the future deal with such issues together, we will be a stronger Parliament and we will be a stronger community in Victoria. We will demonstrate the very best in one another at such times so that the tragic loss and the consequences of those who lost their lives and lost so much in those days will not be, in a sense, in vain in terms of community spirit and community resolve in the years to come. I hope that is the take-home message from today as we reflect on 7 February 2009.

**Hon. P. R. HALL** (Minister for Higher Education and Skills) — As we approach the anniversary of the devastating fires of February 2009, it is appropriate that we reflect back on that event. It is also appropriate that we recommit ourselves to support those who are still feeling the effects of that devastating event.

The magnitude of those fires of February 2009, the impact they had on personal life and property, and the injury they caused are well documented and well known, and I am not going to canvas that again. It is true that the physical scars will gradually heal, but if you drive around some of those communities that were devastated by fires, you will see that the scars remain. There is clear evidence of empty blocks of land on which houses once stood, and those blocks will never be built on again. There are marks on vegetation, on trees, that remind us of those devastating fires of five years ago.

While some of the physical scars will heal, the mental scars will remain with people for the rest of their lives. Those who have been impacted on more than others, with direct loss of life, loss of loved ones et cetera, will bear the burden of those thoughts for the rest of their lives. It is important that we remember that, reflect on that and recommit ourselves to acknowledge that those impacts linger on. It is also important to acknowledge the bravery of people throughout February 2009, and at other times when we have had natural disasters. Our professional emergency services and our volunteer emergency services, as well as volunteers in our community, have rallied to support their friends, their neighbours and their communities.

Those of us who represent Eastern Victoria Region felt the effects of those fires in February 2009. There were

some 400 fires, I think, statewide on 7 February. Some of those were very close to my electorate. Places like Traralgon South, Cornella, Callignee, Churchill, Boolarra, Bunyip State Park and Labertouche were all devastated by the fires of February 2009. I know those of us who represent that region were right at the fore during the fires and could really feel the impact they had on our local communities.

The final point I make is that, as others have said, the presence of fire is very much with us every year. When I look back at the record of our speeches in commemoration of February 2009, it seems that at each time we have spoken there have been fires raging in parts of Victoria. Today I know there are still significant fires burning unchecked in the Snowy River National Park. I spoke to one constituent from Bonang just two days ago, and it reminded me so much of what bushfires are like and their impact on our community.

Today we reflect on the events of February 2009, and it is important we do so. It is important we do not forget. It is important we acknowledge that people are still feeling those effects and that we have those ever-present, great people in our community who are prepared to rally and support their fellow persons in times of need. We recognise all those people as we pass this motion today.

**Mr BARBER** (Northern Metropolitan) — I believe it is correct that every member present in the chamber today either personally knows someone who died in the fires or knows someone who lost a loved one or knows or has met someone who has directly experienced fires. That is a profound personal connection we have as we labour to do our jobs as community leaders and also, as Mr Jennings suggested, continue to play our role in determining matters of public policy that are designed to ensure that these tragedies do not happen again.

Mr Davis's motion not only commemorates our sadness but also invites some discussion on matters of public policy. Due to the time we have allocated we will not be doing that fully today, but we will undoubtedly continue to do so in this Parliament as time goes on.

Last weekend I was in the Grampians, visiting people who are recovering from those quite horrific fires that occurred just a few weeks ago. It is an odd experience to stand in a landscape that is now blackened, silent and lifeless and yet to understand that, just a short time before, that landscape was in the middle of a hellish maelstrom of smoke, noise, heat and flame and that the person you are standing there talking to actually experienced both extremes.

When you stand with someone next to the smoking ruin of their house and they tell you, for instance, that the biggest issue they dealt with before, during and after the fire was the difficulty of communication due to mobile phone coverage — it was a common theme among the dozens of people I met over that weekend — that leaves a profound impression upon you and creates in you a strong resolve to ensure that the issues that create these difficulties are addressed. The responsibility is on us to ensure that measures are taken to make these events less impactful. Of course we all understand that we still have a lot of work to do in this area, and I appreciate the government bringing forward this motion at this time so that we can have the opportunity to reinforce that fact.

**Hon. W. A. LOVELL** (Minister for Housing) — This Friday marks five years since Black Saturday, when fires swept across Victoria, leaving a path of destruction and shattered communities. One hundred and seventy-three people died, and more than 400 were injured in Victoria's worst fire conditions on record. Victorians are no strangers to hot, windy, summer days, and those of us who live in regional areas or on the urban fringe take precautions. But the conditions on Black Saturday were unlike any we had ever seen before. The loss of life, property and communities on Black Saturday has made us more aware and more cautious. The rebuilding process continues and is about more than just infrastructure; it is about communities reconnecting and recovering.

My electorate was particularly hard hit on Black Saturday, and I will never forget the devastation of driving into Marysville for the first time after the fires swept through. Marysville was unrecognisable. The bravery of the people of many towns, including Redesdale, Kilmore, Wandong, Kinglake, Healesville, Narbethong, Marysville, Buxton, Murrindindi, Flowerdale and Mudgegonga, will never be forgotten. The fact that urban areas of Bendigo were ablaze is a reminder that even our major cities are not immune.

On this fifth anniversary of Black Saturday it is important to remember those whose lives were lost. It is also important to acknowledge the work that was done, and continues to be done to protect our community, by the state's emergency services. As we remember lost family and friends, my thoughts are particularly with Patrick and Bronwyn O'Gorman, whose parents, Allan and Carolyn, and brother, Stuart, were among Black Saturday's victims. I also acknowledge two members of our parliamentary family who lost their home in Marysville: Heather and Mark Smith. Heather is a Hansard reporter, and Mark is an attendant in the

Assembly. Heather very bravely reported the first part of this motion.

**Mr SCHEFFER** (Eastern Victoria) — As we have heard, this month marks the fifth anniversary of the 15 major fires that took the lives of 173 people, seriously injured countless others, destroyed homes, towns and farms, laid waste to forests, and killed thousands of animals. It was one of worst climatic disasters in this country.

All Victorians are aware of the disaster that befell the state in February 2009 and will doubtless, to a person, reflect on the horror and sorrowful events of those days and their aftermath. Many community commemorations will be held across the state in towns that were destroyed and have now largely been rebuilt, and also in those towns that fortunately escaped the fires. The commemorations will be attended by people who were directly affected as well as by those who were profoundly touched by the reports and stories of suffering, endurance, bravery and resilience.

On this fifth anniversary I pay my deep respect to the memory of the 173 people who died and to their families and friends whose loss is inconsolable. I pay my respects to all those who suffered as a result of the fires. I commend again the extraordinary efforts of the men and women of the state's fire services, emergency services and ambulance service — the paramedics, medical officers, police, local and government departmental officers; the countless members of community organisations; and of course the many thousands of volunteers who gave so much to ensure the safety and care of people affected by the fires and who worked to contain and manage them. I also pay tribute to the chair of the 2009 Victorian Bushfires Royal Commission, the Honourable Bernard Teague, and to commissioners Ronald McLeod and Susan Pascoe and all those who contributed to the work of the commission and the preparation of the final report.

The report is a document of huge importance not only because it provides a comprehensive analysis upon which to base future policy and actions to better manage events of this type and to protect lives but also because it gave people an opportunity to place their personal stories on the public record. I am sure I am not the only member of this chamber who refers to the record from time to time as a source of information and, very importantly, as a reminder of what happened and how people were affected. At this time we remember the extreme weather conditions that preceded the conflagration on 7 February: the prolonged heat with successive days exceeding 43 degrees, the hot northerly winds, and the dehydrated, baking country. In Eastern

Victoria Region there were clusters of fires that are now referred to as the Delburn, Bunyip and Churchill fires.

The *2009 Victorian Bushfire Royal Commission — Final Report* records for posterity that Alfred and Scott Frendo, Colin and David Gibson, Alan and Miros Jacobs and their son Luke, Nathan Charles, Annette Leatham, Gertrude Martin, and Martin Schulz and his dog, Kelly, lost their lives in the Churchill blaze. The Churchill fire burnt for two weeks after starting on 7 February and affected the towns of Jeeralang North, Balook, Le Roy, Koornalla, Callignee, Callignee North, Callignee South, Hazelwood South, Hazelwood North, Traralgon South, Devon, Yarram and Carrajung South. The three Delburn fires affected towns in the Mirboo North, Boolarra, Yinnar and Churchill areas. The Bunyip fire consisted of 17 fires in the Bunyip State Park. The fires were at first contained within the park but they spread after 7 February, burning down 31 farm houses before they were contained on 4 March. Our thoughts at this time go to all those who were affected by the 2009 Victorian fires.

**Mr DRUM** (Northern Victoria) — I would like to contribute to this motion, as the fires ravaged not only my electorate of Northern Victoria Region but also my home town of Bendigo. Over 60 houses were destroyed in Bendigo, and Mick Kane was tragically killed when a grassfire ravaged the western edge of Bendigo. I also felt the horror experienced by those in the Kinglake-Marysville area. So many of the 173 lives that were lost were lost in that area, as were so many of the houses that were destroyed.

As we approach the anniversary of that horrendous day, I remember that most Victorians believed that in the case of the threat of bushfire we had two legitimate courses of action. One was that we were simply to leave, and if we were to leave, we were encouraged to leave early. But we were also advised that if we wanted to stay, we should prepare our houses well, prepare ourselves well and stay to fight the fire, because the vast majority of houses that are lost in fires are lost in the minutes after a fire front passes.

However, the reality is that what happened on Black Saturday was a combination of extreme heat, extreme winds and an overabundance of forest fuel. Those wildfires created such a force that no amount of preparation could ever have halted the fury and the destruction that came with them. If any victims of Black Saturday ever read this contribution I want them to understand that the sense of loss and the pain, anxiety and bewilderment they felt in the period immediately after those fires will not be forgotten. We should never,

ever forget what the fury of fire can do to our fellow Victorians and potentially to us.

**Ms PULFORD** (Western Victoria) — Tomorrow marks the fifth anniversary of an extraordinary tragedy that was experienced by Victorians and that we all remember well. Some 400 fires burnt across many communities in Victoria. One hundred and seventy-three people lost their lives and 414 people were injured, but there were some other remarkable numbers as well that we can reflect on. More than 7500 Victorians were displaced, 12 000 head of livestock were destroyed and there was a \$4.4 billion impact on the Victorian economy, according to the *2009 Victorian Bushfires Royal Commission — Final Report*.

The response of the Victorian community was a source of great inspiration to all of us. On that day some 3582 firefighters were deployed. These were people who, instead of running from danger — which would have been many people's natural instinct — went into it head-on to protect the communities that they love. The response of Victorians made us all incredibly proud. Extraordinary donations were made, and volunteers were assembled and deployed to great effect to try to put those communities back together to the extent that that can be done after such a tragic event.

I express my very deep condolences to those who lost so much, I note the remarkable generosity of so many Victorians, and I pay credit to those involved in the rebuild that continues to this day.

In the past couple of weeks there have been significant fires, with people being evacuated from Halls Gap, and this week an evacuation order was issued in Gippsland. When I visited the Grampians immediately after the recent fire, most of the people I met and spoke with remarked that there had been less loss than might otherwise have been the case, because of the changes we have made to bushfire response since the Black Saturday fires five years ago. Communications have improved, but they are imperfect.

I urge all members and all those who want to further honour those who lost so much in the Black Saturday fires to read the latest report of the implementation monitor who considers the application of the work of the bushfires royal commission. I remind people that there is some work to do in that regard. Work is ongoing with the implementation of 20 of the 67 recommendations. On this fifth anniversary, we note the lessons we have learnt and we reflect on and send our love and support to those who lost so much. As members of Parliament, we need to reaffirm our

commitment to doing everything in our power to ensure that this never happens again.

**Mr KOCH** (Western Victoria) — In marking the fifth anniversary of the devastating Black Saturday fires, we remember the 173 people who lost their lives, the others who were injured and all those who continue to suffer. We also remember with grateful thanks the tireless efforts of essential services personnel and the thousands of volunteers who fought the fires and later helped in the long recovery process.

Although there was no loss of life in Western Victoria, a Coleraine man suffered serious burns while moving cattle out of the path of a fire which destroyed 770 hectares, one house, much livestock and more than 200 kilometres of fences. That fire also devastated the historic Coleraine Avenue of Honour. At Pomborneit, east of Camperdown, fire burnt 1300 hectares, livestock, fencing, outbuildings and more than 3000 sleepers on the Warrnambool rail line. Fire at Horsham swept through 5700 hectares, affecting 350 properties while consuming eight homes and destroying the Horsham Golf Club clubhouse. Coleraine and Pomborneit have recovered from the fires and recently, when I was in Horsham, I enjoyed lunch in the newly rebuilt Horsham Golf Club clubhouse.

While I was critical of departmental heads at the time, my confidence has been restored with the appointment of Mr Craig Lapsley as our fire services commissioner and with equipment and communication capacity upgrades. I commend and support everyone involved initially and with the ongoing rebuild of communities that were so terribly torn apart.

The memories of Black Saturday will haunt many Victorians for the rest of their lives, as I experienced as captain of a brigade fighting the disastrous 1977 Glenthompson and 1983 Ash Wednesday fires. The Black Saturday tragedy will not be forgotten and neither will the resilience and generosity of Victorians in the face of such adversity.

**The PRESIDENT** — Order! I invite members voting in favour of the motion to stand in their places.

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

## INAUGURAL SPEECH

### Mr Ronalds

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

That the inaugural speech of Mr Andrew Ronalds be now heard.

#### Motion agreed to.

**Mr RONALDS** (Eastern Victoria) — President, I stand in this chamber for the first time with a sense of awe and excitement but also humility to speak as a member for Eastern Victoria Region in the Parliament of Victoria. It is a great responsibility, one which I undertake to approach with every fibre of my being and all the intellectual rigour I can muster. It is true that my success will be measured only in the fullness of time, and I pray that on reflection real outcomes will be achieved for the betterment of the electorate that I now represent.

As I approach this role with energy and industry, I will be guided by a set of values which have been instilled in me by my parents, values which stem from my belief in God and values which bind the Liberal Party. My work will also be informed by geography. I was born and raised in Gippsland; the region is in my blood.

I believe the prosperity of a country comes from those in the private sector who generate wealth, not from governments that redistribute it.

I believe in limited government — the larger the government, the smaller the individual. I believe in lower taxes because money belongs first and foremost to those who have earned it. And I believe in the value of the family.

I believe the only way that we will ever be able to truly afford bipartisan programs like the national disability insurance scheme is through pro-free-enterprise policies that foster economic prosperity. There is no denying that the pursuit of values-based outcomes is a challenge, but nothing worthwhile is ever easy.

On 12 September 1962, John F. Kennedy said:

We choose to go to the moon in this decade and do the other things, not because they are easy, but because they are hard, because that goal will serve to organise and measure the best of our energies and skills, because that challenge is one that we are willing to accept, one we are unwilling to postpone, and one which we intend to win ...

I am not about to fly to the moon. Rather, I believe politics enables us to organise and measure our energies

and skills. I accept the challenges and the difficulties in the pursuit of my political ideals.

When my ancestors arrived from England they came with little more than a dream to turn this untamed and rugged country into prime agricultural land, and they succeeded, although I am sure it was a lot harder than they thought. They worked hard, cleared land and sowed crops and pastures. They endured bushfires, droughts and floods. They persisted, stayed the course, and over time the dense bush of Jindivick near Warragul was transformed into the beautiful dairy country we know today. Gippsland now produces 23 per cent of the nation's milk and some of the world's most renowned dairy products.

Like my ancestors, my parents also had a dream. In 1984 Dad gave up the steady income that came from earthmoving contracts to focus on farming and making cheese. It sounds a rather humble pursuit, but it was to the contrary. With a typical country determination they set about building a cheese factory. They borrowed money and employed people. They got on with the job, not waiting for government to tell them what to do, in fact wanting the government to stay out of it as much as possible. When Dad tells the story, which I have heard many times, he talks of not just the successes of Jindi Cheese but also the trials, such as how much cheese they threw out while learning how to make it and how back then camembert was more likely pronounced 'camem-bert'. Yet they persisted in the tough Australian market and eventually had success on the world stage.

I still remember receiving a fax from America that contained the results of the World Cheese Championships. It simply read, 'And the best soft cheese in the world — Jindi Brie'. To be honest, Dad did not believe it and got right on the phone to America to check out whether it was true; it was. In fact Jindi Cheese went on to win the World Cheese Championships twice more. In 2002 not only was Jindi Brie crowned the best cheese in its class but it then went on to win the best cheese in the world. My Dad always said, 'A champion team outperforms a team of champions every time'. Jindi Cheese was a champion team that brought acclaim to the entire region.

Eastern Victoria is still renowned for its fine products. In this region we grow, make and export things, and I am proud to represent a region that generates wealth for the rest of our state. We have some of the best, from large companies such as tomato producers Flavorite in Warragul through to Berrys Creek Gourmet Cheese near Poowong. Another iconic Gippsland brand is Patties Foods. More than 60 years ago the Rijs family

migrated on a ship to Australia and settled their family in East Gippsland. There, Peter and Annie Rijs bought a little cake shop in Lakes Entrance called Patties Cake Shop, named after the previous owner's wife. It was not long before they took over Sunicrust Bakeries and developed a factory in Bairnsdale. In the last decade that company has bought Four'N Twenty Pies and listed on the Australian Stock Exchange, and now it employs 600 people in Gippsland.

The region's reputation for fine food production is evident when you stroll down Southbank, where the best restaurants display their menus boasting Gippsland beef, vegetables and wine. If you stop in at Trampoline ice cream, you will be tasting Gippsland dairy. Burra Foods, with its trademark kookaburra logo, was a dream that started in a rundown factory in Korumburra by the Crothers brothers. Today they export to Asia and provide jobs and opportunities for many South Gippslanders, both on the farm and in the factory. In Moe manufacturing is having a revival, with a family-owned and run business called Safetech recently putting on another 20 jobs and exporting its products to many corners of the globe.

The heart of the electorate is the state's electricity capital, the Latrobe Valley. There is nearly 700 years worth of brown coal in reserves, and I am determined to ensure that that industry thrives for the sake of jobs and an affordable electricity supply for the whole of Victoria. We need to clean up our coal-fired power stations because we cannot afford to close them down. The Latrobe Valley gives the rest of Victoria a competitive advantage that we should not relinquish. As well as the cheap and reliable electricity that Gippsland provides, there are also a number of commercially viable coal products in the Latrobe Valley that will bring export opportunities and jobs.

My parents encouraged my business sense from an early age. I can remember raising calves as a primary school age boy. My sister, who was a few years younger than me, decided that bed was a much more sensible place to be at 5.30 in the morning. Frankly I could not agree more, but if she was willing to pay me, I was more than happy to get up early and feed my calves and hers.

I have always valued free enterprise. After selling Jindi Cheese in 2005 I have continued in business and in agriculture in particular. My cousin Steve and I had our own dairy business, and we milked close to 700 cows, so I understand what it is like to roll up your sleeves and work hard. But I have also experienced the hardships that come with life on the land. The date of 7 February 2009 is a dark day etched in the memory of

all Victorians — five years ago tomorrow. We remember one of the worst natural disasters in the history of this state.

I woke up on the morning of Black Saturday to what started out as a fairly mild day with a gentle breeze, and I remember a small tuft of smoke to the north. By mid-afternoon that small tuft of smoke was a blazing inferno. A fire storm ripped through our farms, burning half our pasture, turning the majority of our silage into a smouldering ruin, destroying one house and rendering another unliveable. It was a story repeated time and again throughout Victoria. More than 2000 homes were destroyed and lives were lost; 173 people lost their lives.

These are the things that shape you, and they are the experiences that make you who you are. For me, the fires brought home the reality of living on the land, of making a living from the dairy industry and also of just how easily nature can take swift revenge. But they have also taught me valuable lessons about community and working together to rebuild, repair and slowly heal.

I come to this Parliament towards the end of a first-term government, a good government, a government that has delivered for Victorians. This is a government that understands the concept of prosperity with a purpose. It takes real leadership to make the decisions necessary to ensure that as a government we live within our means. We simply cannot spend what we do not have. We cannot spend today and leave our children and grandchildren to pick up the bill.

Not far from my thoughts today is my cousin Rachel, who passed away two years ago to the day. She was the same age as me. Rachel was born with significant disabilities at a time when it was, to be blunt, shameful to have a disability. Yet it was no fault of hers; life had dealt her a blow. We never fully knew what Rachel understood or what she did not, although I am sure it was more than we thought. She could not do many of the things that most of us take for granted, but she was a person made in God's image, just like us. I am the father of a daughter with disabilities, but the reality for my daughter is much better than it was for Rachel. As a result of the advocacy of my uncle and aunt and thousands of other parents of children with special needs, society no longer turns a blind eye or shames them.

I am proud to take my place in this Napthine government which last year signed on to have the headquarters for the national disability insurance scheme (NDIS) located in Victoria. The NDIS is not a cure-all. It does not solve all the problems for people

with disabilities, but it is a significant step in the right direction. The NDIS is only a reality now because of the commitment of this government and our federal colleagues.

Today I enter this Parliament as a representative of the best part of our state. Eastern Victoria Region is home to some of nature's most wonderful attractions: Phillip Island, the Mornington Peninsula, the rolling hills of Gippsland, the iconic Gippsland Lakes and parts of the Yarra Valley. It is a diverse region with industry, rural cities, a touch of the urban fringe, a massive agricultural base and tourism, the value of which is measured in the billions of dollars. It is bigger than the Netherlands. I must also say it is my home. I have lived in the centre of this region all my life and honestly cannot imagine living anywhere else. It is truly a wonderful place to live, and it is a privilege to be a representative of that region here today.

I come in the footsteps of a good man and an honourable parliamentarian, Philip Davis, who I am privileged to follow. Philip Davis is a man of integrity and a man who dedicated the past 21 years to this Parliament, to the people of Gippsland, to the people of Eastern Victoria and to the people of Victoria. I have had the privilege of being the chairman of Philip's electorate council for a number of years and have been honoured to work with him. I aspire to serve in this role as he has done. I acknowledge Edward O'Donohue, a member for Eastern Victoria Region, and I look forward to working with him and my other colleagues in the Legislative Council and the Legislative Assembly.

I am very aware that I am here today as the result of a team effort. I thank the many people who I have enjoyed working with and will continue to enjoy working with in the Liberal Party, including federal senators the Honourable Mitch Fifield and the Honourable Scott Ryan who are good friends. The federal member for Casey, Tony Smith, is someone I am looking forward to working with more, as well as the federal member for McMillan, Russell Broadbent. I have had the privilege of being Russell's electorate chairman since he was re-elected in 2004. When it comes to local politicians, Russell is the real deal. He not only represents the people of McMillan well but he cares deeply about the issues that affect them. If there is one thing he has taught me in politics, it is to listen — listen because people actually know what they want.

I have had the privilege to have been helped immensely by some amazing people in my local branches: the Honourable John Delzoppo, a former Speaker of the Legislative Assembly, and his wife Beth, who are still

as active as ever and have never lost their zeal, and former leader of the party, Alan Brown, who is another great man, great leader and great Liberal. I also thank my many local friends, including Mary, Mark, Millie, Julie and Anne, and in particular all at the Warragul branch for their support over the years.

The parliamentary Liberal team owes a great debt to the branches. It is the work that gets done behind the scenes by the secretariat and the members who volunteer their time that really makes our party what it is. As a former vice-president, I have had the privilege of volunteering my time to the party alongside some great people. I thank our past president, the Honourable Dr David Kemp; our current president, Tony Snell; the state director, Damien Mantach; my successor as country vice-president, Peter McWilliam; and Frank Greenstein.

President, I would like to take this opportunity to tell you about another great Liberal whose name will be known to only a few. Ruby Scott is from Warragul and let us just say she has been around the party for a while. Many years ago Ruby Scott went through the Liberal Party membership list to look for members who had not been to a meeting. She found my name. I had just joined the party after university, but it was Ruby who rang me up and actually asked me to come to a local meeting. I thank Ruby for taking that initiative and encouraging me to become actively involved in the Liberal Party. Politics needs more people like Ruby to encourage others to become involved. As members of our respective political parties, we all need to be encouraging the next generation of leaders for our state and nation.

In closing I want to thank my parents, George and Bev Ronalds, for bringing me up like they have; for instilling in me a strong Christian faith and the strong Liberal Party values I have talked about this morning. Going into Parliament is a big decision, and along with Peter and Pam Hill, I thank them for their encouragement and practical help with my two daughters.

And to Madeline and Arabella, my two beautiful daughters, I hope I set for you an example you will want to follow and that my time in this Parliament will finish with a society that you are both growing up in that is a little better than it is today. Thank you.

*Honourable members applauded.*

## ACTING PRESIDENTS

**The PRESIDENT laid on table warrant nominating Mr Melhem to act as acting president when requested to do so by the President or Deputy President.**

### **PUBLIC ADMINISTRATION AMENDMENT (PUBLIC SECTOR IMPROVEMENT) BILL 2013**

*Second reading*

**Debate resumed from 12 December 2013; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).**

**Mr LENDERS** (Southern Metropolitan) — My contribution will be brief. As outlined by my colleague Mr Pallas, the member for Tarneit, in the Legislative Assembly, the Labor Party will not oppose this bill. In fact the bill has been improved by the amendments originally suggested by the Labor Party and moved by the government, that the Auditor-General and a number of other bodies be exempt from this legislation. For those reasons the Labor Party will not oppose the bill.

**Mr ONDARCHIE** (Northern Metropolitan) — I rise today to speak on the Public Administration Amendment (Public Sector Improvement) Bill 2013. I thank the opposition for its support of the bill. This is a government that demands efficiency from the public sector. Efficiency in the public sector is crucially important both for people trying to access departments as well as for keeping department costs under control for the financial health of Victoria, and that is what the bill seeks to achieve. Long gone are the bad old days when public servants could work without any key performance indicators and managements had a seemingly unending stream of funding from the hardworking taxpayers of this state. This bill exemplifies the fiscal discipline the coalition has shown since taking office in 2010, with Victoria being the only state to have a stable AAA credit rating and surpluses into the forward estimates. Ensuring that the public sector is running efficiently also leaves more room for the true engine of the economy, the private sector, to get into motion, with government not impeding growth through long waiting times or regulatory matters, or taxing highly to pay for an inefficient public service.

There was an amendment to the bill when it was between the houses, as the Leader of the Opposition rightly pointed out, that clarifies the independence of the Auditor-General and other relevant bodies. The bill provides for a new Victorian Public Service Commission, which will be supported by an advisory

board with the Secretary of the Department of Premier and Cabinet as chairperson of the advisory board meetings. The Premier may direct the commission to conduct inquiries into any matter relating to a public sector body, other than IBAC or the Victorian Inspectorate.

The commission replaces the State Services Authority (SSA), the staff of which have been consulted on the changes. Their classifications, remuneration and entitlements will not be affected. The commission will assess and provide advice and support on issues relevant to public administration, governance, service delivery and public sector workforce management and development. It will research and disseminate best practice, collect and report on whole-of-government data and conduct inquiries as directed by the Premier.

The Victorian Public Sector Commission will also maintain and advocate for public sector professionalism and integrity, codes of conduct, employment standards, compliance with public sector values, public sector employment principles on standards, review of employment-related decisions; keep a register of lobbyists and a register of instruments; and advocate for an apolitical and professional public service. The commission will have specific power to require information from public sector bodies, including personal information about employees. This power is necessary to enable the collection of workforce data. The SSA currently collects that data.

The commission will have a streamlined governance model, with a single commissioner appointed by the Governor in Council, on the recommendation of the Premier, for a period of three to five years; and it will be supported, as I said, by an advisory body consisting of the Secretary of the Department of Premier and Cabinet as well as up to seven other members, as directed by Premier.

As I have talked to public servants in my three years as a member of Parliament, they say to me that the service is good but it can be better. The commission will give them an ability to point out where things are not quite right, and they will have an opportunity to say, 'We could be better at what we do here'. Our public service is about continuous improvement and serving the government and Victorians well. I commend the bill to the house.

**Mrs KRONBERG** (Eastern Metropolitan) — I am very pleased and proud to be able to speak on the Public Administration Amendment (Public Sector Improvement) Bill 2013. The ability to measure the performance of public servants is absolutely vital to the

success of an economy and to the provision of the appropriate return on investment to taxpayers. This bill is both timely and important, and it is clearly given by an imperative for a better regime of service delivery to Victorians across the length and breadth of the state.

I come to the specifics. This bill will replace the State Services Authority with an energised Victorian Public Sector Commission. That will mean we will see the strengthening of the efficiency, effectiveness and, frankly, capability of the public sector so that it can fully address what is required of it in the here and now, as well as deal with and be responsive to emerging trends and needs while adhering to improved public sector standards. The commission will have a role in maintaining and advocating for the enshrining, underpinning and endorsing of an improved approach to professionalism and integrity in the public sector and its contributors.

The bill provides the opportunity to make some minor amendments to the Public Administration Act 2004, which will improve the government's framework for a range of public sector bodies. Primarily the bill will amend the Public Administration Act 2004 to establish the Victorian Public Sector Commission, and it will set out the governance, functions and powers of the commission. Minor amendments will include a governance framework for public sector bodies. Everybody will know and be able to uphold and hopefully exceed performance standards and service delivery expectations and ensure that everything operates within an environment of a full-bodied commitment to integrity.

The bill will also set out the responsibility of departments in relation to public entities that fall within various ministers' portfolios. It provides the Secretary of the Department of Premier and Cabinet with the capacity to issue guidelines in relation to the administrative operations of a public service body or public entity. The bill will create an obligation for a public entity board to ensure that adequate procedures are in place for assessing its own performance. No-one will be flying blind, and the left hand will know what the right hand is doing. There will be no excuses and nowhere to hide as we bring forward the performance measures that the private sector adheres to and prospers from as a result. It is important that real value is provided for the taxpayer dollar, and these measures will ensure that.

The bill will also see the removal of requirements for the Premier to approve the remuneration of executives holding an office that is a declared authority. Good governance is an overarching issue. It is a no-brainer

that good governance is essential to the public sector. A governance framework must be a standard-bearer and a standard setter under which agencies can operate to support the government's aims, objectives, policy platform and imperatives. The bill will instil public confidence in the public sector's integrity and capacity to address issues now and in the future.

The bill will implement key reforms to improve governance in the public sector by establishing the Victorian Public Sector Commission as a body dedicated to improving the public sector's performance and by implementing other reforms to strengthen governance, including a clarification of the role of departments in overseeing and supporting public entities as part of the role of departments as principal advisers to ministers. The *Yes Minister* behaviour that we have seen become legendary will be no more. Everybody will be accountable for their advice and actions in relation to the government delivering its pledges, promises and policy platform. I commend the bill to the house.

**Mr BARBER** (Northern Metropolitan) — This is an apparently uncontroversial bill, and it will receive support. However, it has taken a few twists and turns along the way. A government amendment was brought into the lower house after the bill had been first introduced. It is hard to know whether that was due to shoddy drafting or a stuff-up, but since the government has had control of the numbers in both houses we have seen more and more that matters are being corrected after bills appear in one or other chamber. Sometimes we see — and soon enough we will see more of it — bills coming back to this house for a second time.

It is hard to know what was behind these changes, but what is interesting is that an amendment was apparently required after the Auditor-General expressed some concern about being subject to these Victorian Public Sector Commission powers. Someone had the idea that the Auditor-General was part of the public service. The Auditor-General is an independent officer of the Parliament. He works directly for the Parliament, its members and its relevant oversight committees. He does not perform some audit function that the government may choose to use or dispense with, although we are seeing that more and more with public-private partnerships and contracting out.

The Auditor-General has difficulties following the public dollar once he hits the wall of a contracted-out entity. For example, the Auditor-General is unable to audit directly the desalination plant, even though hundreds of millions of dollars will flow into it every year for a long time to come. The contract between the

government and the desalination plant operator allows the operator to choose its own auditor from the private sector, by agreement. Simply by pushing more and more public money into private hands, governments have in effect privatised the Auditor-General, something that former Premier Jeff Kennett found himself unable to do.

Yesterday we had tabled in Parliament a report from the Ombudsman in relation to authorised officers on the V/Line system using what the Ombudsman said was excessive force. The Ombudsman was unable to interview the officers directly, because they are employees of a company — that is, V/Line. As we contract out more and more of our services, we will find that people delivering public functions, such as the operation of a public transport system, are outside the scope of both the Auditor-General and, it seems, the Ombudsman. I am glad that was caught and fixed before it came to this chamber, because there could have been serious questions asked.

Another novel issue that has arisen is a new idea being added by clause 22 in the form of new part 3A. It allows the Secretary of the Department of Premier and Cabinet, a person who is in reality under the direction of the Premier, to issue guidelines on the administrative operations of a public service body or a public entity. I thought that was why a Victorian Public Sector Commission was being established. Although not autonomous, as is the Auditor-General, it is nevertheless an integrity mechanism with some independence and transparency around it. Now apparently, according to Mrs Kronberg, in the interest of good governance and good performance by the government we are getting a mechanism that could be used fairly swiftly to centralise power in the Premier with a quick phone call to his secretary of department.

While the mechanism itself might be innocuous enough, it is all about how it could be used. It could be used for the general raising of standards of governance, which is after all the responsibility of every minister, the cabinet, the government as a whole and the Victorian public sector commissioner, or it could simply be used as a way of centralising power within the executive, when the executive already has massive powers above and beyond the other parts of the governmental system, being the Parliament and the judiciary. We will not be objecting to the bill or these measures. However, we do have some concerns about the executive functions and how they are used within this area of law.

**Motion agreed to.**

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

*Third reading*

**Motion agreed to.**

**Read third time.**

## BUSINESS OF THE HOUSE

### Standing orders

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

That the standing orders of the Legislative Council be amended as follows:

After standing order 23.22(4), insert —

- “(5) A committee may take evidence in any manner that the committee considers appropriate including by means of audiolink, audiovisual link or any other electronic means.
- (6) A committee must determine what weight or value to give to evidence received by different means in accordance with standing order 23.22(5).
- (7) Without limiting or affecting the generality of section 19A of the Constitution Act 1975, evidence given before a committee in accordance with standing order 23.22(5) must, if the committee so requires, be given on oath or affirmation.
- (8) An oath to be sworn or affirmation to be made by a witness who is to give evidence by audiolink or audiovisual link may be administered either —
  - (a) by means of the audiolink or audiovisual link, in as nearly as practicable the same way as if the witness were to give evidence at the place at which the committee is sitting; or
  - (b) at the direction of, and on behalf of, the committee at the place where the witness is located by a person authorised by the committee.”.

This is a modest change that was discussed by the Procedure Committee. I think I am entitled to make a broad reference to that. Obviously there will be broader changes on procedural matters that will come towards the end of the Parliament, and I look forward to those coming forward. The government will seek to have as many as possible of those changes as possible made in accordance with broad support across the Parliament.

That might not happen for every item, but many of them will fall into that category.

This is a practical step that will enable evidence to be taken from other states — for example, from other parliaments — to expedite and support the work of our committees in that regard. It is a modest reform. It will not change the world, but it is a worthwhile step to support the work of committees and, in doing so, make them more efficient by enabling them to take evidence in a cost-effective way from interstate or elsewhere, as the committees desire. It will also add to the depth and quality of evidence in the sense that evidence can be taken which may not otherwise have been obtained. I do not believe this is a controversial matter. It is a matter that will find broad support across the Parliament, and it mirrors other situations.

**Mr LENDERS** (Southern Metropolitan) — As the Leader of the Government has said, this is a practical, sensible amendment to the standing orders to bring us into the 21st century, which all parties on the Standing Orders Committee agreed to. Certainly the Labor Party will support this. Now is not the time to have a longer debate on how there are numerous other things that could be done to improve the operation of this house, because we have quadpartisan consensus on this one. But I would urge the government to utilise the Procedure Committee more effectively to get a series of other measures up and running which, like this one, could be adopted. There is a lot more that could be done to make this place run more efficiently and serve its purpose more effectively. The Labor Party will not oppose the motion.

**Ms PENNICUIK** (Southern Metropolitan) — The Greens will support this motion to change the standing orders to assist committees to take evidence from people who are not present in the hearing room. They may have valuable evidence but be in another part of the city of Melbourne, another part of the state of Victoria, another part of the country or in another country. This is going to make it much easier for witnesses and more valuable for the committees.

I am very supportive of this measure, which my colleague Ms Hartland would also like to make some remarks about. As a member of the Procedure Committee I echo the issues that were raised by Mr Lenders in his contribution to the debate. We have had before us a number of other measures which are equally valuable and which have been worked through by the Procedure Committee, issues such as the adjournment debate and questions on notice. The matter of the adjournment debate is not a secret. I have raised many times in this Parliament that the way it has been

translated into the current standing orders is not in line with the intentions of the previous Standing Orders Committee. For three years we have been limiting persons to one adjournment matter per week, which was not the committee's intention. That is something we could have dealt with under this motion, and there are a couple of other issues.

Some minor technical amendments to standing orders could and should be made, but the government, for reasons it has not given, has said it will not do it. That is particularly the view of the Leader of the Government. They are valuable amendments that could make the operation of the chamber more efficient. As said, I am very supportive of this particular change, but it could have been accompanied by some other valuable changes to the standing orders. It is disappointing that we are not doing that at this stage. I heard what the Leader of the Government said — that the Procedure Committee will be working on these changes further into this year — but it is a lost opportunity that those changes were not put forward now. Nevertheless, we support what is being put forward now.

**Ms HARTLAND** (Western Metropolitan) — I wish to make a few very brief comments. When the bill for fair protection for firefighters was referred to the Economy and Infrastructure Legislation Committee, I was quite surprised to learn that we could not take evidence from experts in any other country or in other states. This is a modern Parliament, and we need to be able to take evidence in this manner. I am really pleased to see that this change has been made.

This change will also be of great economic benefit to the Parliament, in that if we are able to do this and have appropriate internet and IT structures within the Parliament, then delegations will not have to travel interstate to take evidence at one or two-day hearings. It will be much more appropriate.

**Motion agreed to.**

## **GAMBLING REGULATION AMENDMENT (PRE-COMMITMENT) BILL 2013**

*Second reading*

**Debate resumed from 12 December 2013; motion of  
Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).**

**Hon. R. A. DALLA-RIVA** (Eastern Metropolitan) — I am pleased to speak on the Gambling Regulation Amendment (Pre-commitment) Bill 2013. The government is committed to ensuring that this election commitment is delivered. As a

government we are about delivering election commitments, and the introduction into this chamber of legislation to require voluntary precommitment technology on every Victorian electronic gaming machine is the continuation of that. The bill before the house makes it compulsory for venue operators to connect their gaming machines to the statewide precommitment system from 1 December 2015. I must commend the Minister for Liquor and Gaming Regulation, the Honourable Edward O'Donohue, for not only delivering on the election commitment but delivering the precommitment as an Australian first.

It is important to note the minister's comments at the time the legislation was first mooted in the public arena. The minister said:

I am proud that the coalition government is leading the way for the rest of Australia in this important policy area.

It is important to acknowledge the work that has been done in the gambling sector. Victoria has been at the forefront in terms of its introduction of the Victorian Responsible Gambling Foundation, an independent body charged with carrying out counselling and research and raising awareness. On top of announcing the creation of the foundation the minister has provided it with real dollars — \$150 million over four years. This continues on from the legislated removal of ATMs from gaming venues. As we have seen, this was a significant factor in the reduction in spending on poker machines in 2012–13.

The legislation before the chamber is a continuation of the development of ways to better manage and better monitor gambling in Victoria. The election commitment will be delivered and the precommitment system will commence from 1 December 2015. Victoria will be the first jurisdiction to require precommitment to be available as a harm minimisation tool for at-risk gamblers and as a consumer protection initiative for all. It will be voluntary for players to use and voluntary for players to set limits; however, the precommitment system will be mandatory on all gaming machines at all gaming venues across the state, including Crown Casino.

Research has shown that many players underestimate the amount they spend on gambling and may not accurately perceive the odds of winning. The precommitment will help players track how much gambling is costing them. From there they will be able to set their limits before they play to ensure that they do not exceed the amount they intended to spend. Many find it difficult to adhere to self-imposed limits once they are at a gaming machine. The precommitment provided for in the legislation before the chamber will

allow players to voluntarily set their limits and their precommitments.

As I said, the precommitment system will be mandatory on all gaming machines at all gaming venues, including Crown. The legislation will make it an offence to disclose players' personal precommitment data without authorisation. It will enable the Victorian Commission for Gambling and Liquor Regulation to make and enforce technical standards for precommitment equipment, and it will also enable the use of de-identified information from the precommitment system for problem gambling research.

The coalition came to government determined to reduce the effects of problem gambling on individuals, on families and on the community. The introduction of the precommitment legislation is the latest move in a tranche of legislation to demonstrate the government's determination to tackle the problem head-on and follows the introduction of the Victorian Responsible Gambling Foundation and the legislation to remove ATMs from gaming venues. The bill is supported, and I hope members in the chamber will support the quick passage of the legislation today.

**Ms HARTLAND** (Western Metropolitan) — Before I start I would like to say that it is difficult when you are told a particular bill is coming on but the government is too disorganised to bring on the correct bill.

**The ACTING PRESIDENT (Mr Ondarchie)** — Order! Ms Hartland, on the bill.

**Ms HARTLAND** — I would like to finish by saying that it would be handy if it was a bit helpful.

**Hon. R. A. Dalla-Riva** — Two follows 1.

**Ms HARTLAND** — Thank you, Mr Dalla-Riva; I can actually count.

**The ACTING PRESIDENT (Mr Ondarchie)** — Order! Through the Chair.

**Ms HARTLAND** — The Greens will oppose the bill because it is completely useless. There is no basis, there is no evidence, that a non-binding, partial precommitment system on pokies will be effective in reducing losses amongst problem gamblers. The Victorian Competition and Efficiency Commission (VCEC) report on the social and economic costs of problem gambling in Victoria titled *Counting the Cost — Inquiry into the Costs of Problem Gambling* released in October 2012 found that gambling addiction costs our state between \$1.5 billion and \$2.8 billion

each year. Victoria is suffering from a public health crisis due to problem gambling. Financial strain, job losses, divorce and separation, crime, depression and suicide are some of the key impacts of problem gambling on families and on people's lives. I am not sure that this government is particularly concerned about any of those issues. Some 75 per cent to 85 per cent of problem gambling is caused by pokies, thus any solution to problem gambling must focus on these addictive machines.

In response to a recent VCEC finding, instead of implementing an evidence-based solution such as \$1 bet limits on pokies, the coalition government has chosen to proceed with an approach which evidence from five trials across Australia indicates does not and will not help problem gamblers. It is startling to realise that the coalition government's only response to the revelation that problem gambling costs up to \$2.8 billion for Victorian families was to announce that a non-binding, partial precommitment program would include an independent evaluator to analyse the outcome. In my mind, that is pathetic. Non-binding, partial precommitment is critical tokenism at its worst.

The government has been very calculating. It has put forward this bill in an effort to appear to be doing something to address problem gambling, when it knows very well that it will have no effect at all. By doing this it is providing itself with a rationale to delay for years effective action on problem gambling. First, it will be waiting for the scheme to take effect in December 2015, and then it will be waiting for the scheme to build up the evidence base for reporting to be completed. This should provide a basis for another year or two of delay.

The next thing we know we will find ourselves in 2018 with problem gambling continuing to spiral out of control and no effective action plan in place or under way. We need urgent action to limit the harm that pokie machines cause, and I am appalled by the government's presenting non-binding precommitment as a solution. The bill is rubbish, and it belongs on the scrapheap. I hope my language is fairly clear and that people know that I do not think this is a bill of any value.

The Australian Productivity Commission inquiry into gambling found the \$1 bet limit is an evidence-based solution. It found this would have negligible impact on the experience of recreational gamblers, while effectively targeting problem gamblers and limiting their losses, and it recommended implementation of a \$1 bet limit without delay. This report was published in 2010, and yet there has been no action from the government.

In its report the Productivity Commission recommended implementing a full precommitment system, meaning a mandatory precommitment system operating on all pokie machines, by 2016. It suggested the system should start with a trial and include monitoring systems to ensure that the design and overall program would be effective. Such a full precommitment system would allow gamblers to set a betting limit of their choosing but ensure that once they reached their limit they could no longer play. The Productivity Commission found this to be consistent with consumer sovereignty and personal responsibility, aspects that the coalition and the gambling industry are quite concerned about, since each gambler has a choice about their own appropriate limits, including the choice to have no limit.

The Productivity Commission outlined that in advance — and I emphasise, in advance — of the implementation of a full precommitment system, a partial precommitment system should be established. Such a non-binding, partial program was only ever considered as a stepping stone and a trial for the full system, yet this coalition government has latched onto this idea of a non-binding program and made no commitment to take it to the next step. It is unfortunate and renders the whole initiative virtually useless. It is useless because a player can choose whether or not they register for non-binding, partial precommitment at all. Even if they register and set a limit, they can choose not to enter their card when playing. If they enter their card, they can remove it when they reach their set limit or not remove it; either way there is nothing to stop them simply continuing to play on.

Higher risk gamblers are often categorised as having impaired control, chronically spending beyond desired play limits with significant negative consequences. Research suggests that any successful precommitment system must be implemented in a way that problem gamblers cannot circumvent their self-imposed limits. As these people are the least likely to adopt precommitment technologies and the most likely to find ways around limitations, this non-binding, partial program provides an absolute multitude of means for a problem gambler to avoid setting or complying with any limit on their addiction. It does nothing to ensure control on spending when a gambling addict cannot do this for themselves, and it does nothing to minimise the harm of gambling.

The only disincentive to continue to gamble after the precommitment limit has been reached is that the gambler will fail to accrue loyalty points to their club for playing. However, research by the South Australian government into a partial precommitment trial found

that this incentive would be counterproductive, as it would result in behaviour to avoid the consequences of failing to accrue more loyalty points. For example, it could lead to gamblers removing limits or setting them higher, because to avoid limiting their loyalty point accrual they must never limit their spending. As I have said, this measure is useless in helping problem gamblers.

But do not take my word for it. If common sense does not tell you that this scheme is rubbish and a waste of money, then let us look at the trials of partial precommitment in other states, as outlined in the Productivity Commission's report. They also show just how useless non-binding, partial precommitment can be. The 2009 trial of non-binding, partial precommitment in South Australia was set up on loyalty cards, as is proposed in Victoria. It found that the sign-up rate to the precommitment trial was very slow. As little as 0.7 per cent — less than 1 per cent — of gamblers signed up. Of the limited number of people who participated, there were some who appeared to reduce spending, but it is unclear if this is because they simply failed to insert their card to register their spending or were gambling elsewhere at venues not involved in the trial during that time.

Queensland also trialled non-binding, partial precommitment in 2005 and again in 2009. The system was set up on cashless gaming cards. The trial evaluation found low general take-up of the cashless gaming cards. It also found that of the people who signed up, about 85 per cent did not actually set betting limits. Despite patchy results, the Queensland government rolled out this system to 32 venues across the state. Analysis of this rollout showed that of the very small number of people who signed up for non-binding, partial precommitment, only a fraction actually set a betting limit. In fact it was 8.6 per cent in 2009. Another Queensland trial produced similarly poor results: just 5 per cent of gamblers signed up to cashless gambling and of those about 28 per cent set betting limits. This means that just 1.4 per cent of gamblers participated in the precommitment programs in the venues involved.

While there have been some positive results from the very few people who participated in these trials in terms of reduced expenditure, those gamblers could have opted to use cash-based gambling outside of the program, so it is unclear whether they actually reduced their spending. The results of these trials were also achieved in circumstances where the venues were strong advocates for the schemes; some even provided incentives for gamblers to join and stay in the program. Imagine how poor the take-up and results will be in

venues that are indifferent to it, let alone unsupportive of it, in Victoria.

Further research examining the Queensland trials also found that non-problem gamblers and low-risk gamblers were already more likely to set limits before they play, and stick to them, while problem gamblers were the group least likely to endorse any form of precommitment or limit setting prior to play. They found that problem gamblers fail to consider limit setting not because they are in need of education or the opportunity to do so but because their primary consideration is to continue gambling irrespective of the consequences.

The approximately 1 per cent of pokie gamblers who might take up the non-binding partial precommitment program in Victoria are unlikely to be those in need of support to help limit their spending. Even if they were, a 1 per cent take-up rate is still incredibly small. According to the Productivity Commission, 15 per cent of weekly pokie gamblers are problem gamblers and a further 15 per cent are at moderate risk of becoming problem gamblers. The 1 per cent take-up of these programs will do little to help the 15 per cent of pokies players whose spending is out of control or the pokies players at low or medium risk of gambling problems.

According to the recently released Victorian Competition and Efficiency Commission inquiry into the social costs of gambling, approximately 70 per cent of the losses of pokie players in Victoria come from people on a spectrum of at-risk gamblers while 35 per cent of losses are from problem gamblers. A small take-up of this program will do little to put a dent in these losses.

The coalition government has chosen to operate a system of venue loyalty cards. While this may have small benefits in helping to reduce the stigma of joining the system, the perverse incentive of encouraging people to get and use loyalty cards is likely to outweigh any stigma-reducing benefit. Loyalty cards will be established to encourage people to gamble and earn points as well as keep them gambling at a particular venue. Loyalty cards create a greater incentive to gamble. To put a program aimed at reducing gambling by those with use-control issues on the same card as a loyalty program that aims to incentivise additional gambling is a perversion of the so-called intention and further undermines the initiative.

All of these aspects — a very low take-up rate, the ineffective targeting of problem gamblers, the ways that gamblers can avoid keeping to their precommitment and the perverse incentive of operating the program on

venue loyalty cards — indicate just how ineffective non-binding partial precommitment will be as a harm minimisation in Victoria. The Greens will not support such a program as it is a diversion and a tactic to delay the implementation of evidence-based harm minimisation solutions.

Regarding a non-binding partial precommitment scheme, the Productivity Commission said a partial precommitment was akin to giving Ulysses a knife to cut his binds when the sirens called. I believe this is a fitting analogy. The only benefit to introducing this non-binding partial scheme is that electronic gaming machines fitted with this technology could easily and at very low cost be upgraded to implement a full precommitment scheme.

I know the government is not very concerned about problem gamblers. That is why it has brought forth this legislation, which will have absolutely no impact on that sector. I do not understand why the government is not willing to assist people who have serious problems. We are talking about a group of people whose lives are being destroyed by pokie machines, yet the government is not prepared to do anything to assist them. We are not talking about the 88 per cent of recreational gamblers who go in for a bit of fun, have lunch, meet other people and do all of those kinds of things. We are talking about problem gamblers, who the government has completely ignored with this legislation.

**Mr ELASMAR** (Northern Metropolitan) — I propose to make a brief contribution on the Gambling Regulation Amendment (Pre-commitment) Bill 2013. The opposition is not opposing this bill; in fact it was part of a strategy that the previous Labor government proposed some years ago to deal with problem poker machine gambling. Unfortunately, for some within our community, gambling will always be a problem, notwithstanding government mechanisms or strategies to minimise unsustainable losses by people who can least afford to gamble in the first place.

Australia has always had a love of the flutter. It is in our national psyche, and nothing will erase it. However, problem gambling is another matter. The bill amends the Gambling Regulation Act 2003 to enable a precommitment scheme to be implemented on gaming machines. It is proposed to be commenced on 1 December 2015 under the guidance of the Minister for Liquor and Gaming Regulation. The scheme will be overseen by the Victorian Commission for Gambling and Liquor Regulation, a body that will have the power to determine and regulate technical specifications and standards for the precommitment system and the equipment that venues will require. The commission

will also be required to approve the system and the related equipment.

In the past in my electorate sporting clubs and RSLs have had a very strong reliance on the proceeds of poker machine gambling. We have seen some clubs go bankrupt because of their inability to manage or understand that their golden goose has been killed on the altar of the culture of luck. Everyone knows that poker machines are programmed to make money for the venues and not for the punter. At the end of the day it will be the gambler who determines the financial viability of a pokies venue.

In the past Labor has tried to implement strategies to lessen the effects of problem gambling, with the installation of clocks on all machines to remind gamblers of the time they are spending on them. A \$400 withdrawal limit within a 24-hour period from ATMs located within venues was established. Then ATMs were removed from venues altogether to make it harder for people to access their savings and to provide them with a cooling-down period. The saddest thing of course is the elderly pensioners who regularly put all their money into poker machines in the vain hope of winning a jackpot — a jackpot that rises and grows every day but rarely arrives. This bill introduces a voluntary mechanism for gamblers who will be able to limit or stipulate their time or their expenditure on poker machines and it is a step in the right direction.

**Mrs COOTE** (Southern Metropolitan) — It gives me a great deal of pleasure to speak today on the Gambling Regulation (Pre-commitment) Bill 2013. At the outset I must say that once again in her contribution Ms Hartland went to all the areas that are predicted to come from the Greens; she does it all the time. The reality is that she puts on this performance and we hear the bleeding heart approach instead of having her look at the pragmatics of the bill and all of us working together. In this very chamber we have had cooperation on gambling and it is a great pity that the Greens cannot understand that this bill is another very important step in making certain that in this state we have responsible gambling.

As Mr Elasmr said, gambling has been a big part of Australian culture. This is something that Ms Hartland completely avoids. She does not seem to even recognise it. In his poem *The Man from Ironbark*, Banjo Paterson referred to the barber, who clearly doubled as an under-the-counter bookie. He wrote:

He laid the odds and kept a 'tote', whatever that may be.

We can see from that that gambling is entrenched in our culture. Many people engage in gambling in all sorts of

forms. It can be a punt on the Melbourne Cup, a scratchie ticket from the local newsagent, the Lotto syndicate ticket in the workplace where the whole office waits in breathless anticipation for the chance to retire to the Bahamas, or playing the pokies at the local club or at Crown. For most gamblers it is just an occasional flutter, but there are those who have a real challenge when it comes to responsible gaming. These problem gamblers have an addiction, and we have to balance gambling as a form of lawful entertainment with helping people who have a very real problem. This bill is another step in achieving that balance.

It also follows other steps the government has taken on helping problem gamblers, such as banning cash machines in gaming venues, which was achieved cooperatively in this chamber. Members will recall that we passed that legislation in 2012 with the support of all parties. This is no doubt a significant factor in the 7 per cent decrease in electronic gaming machine spending in the past financial year, and we all welcome that statistic. I had hoped that we would have had cooperation in passing this bill, which, as I said, is another very important step to achieving the necessary balance between lawful entertainment and responsible gambling for people who have an addiction. It is very important to understand that Victoria is leading the way on precommitment. This bill introduces the first precommitment system in Australia.

Extensive public consultation was undertaken on this bill, which delivers on the promise made by the coalition government when it came to power at the 2010 election. The first step in considering the bill was the release in 2011 of a discussion paper for industry and public consultation and comment. An enormous number of submissions were received from a diverse range of organisations and people with different interests, including Clubs Victoria, Crown, a number of municipalities, the Salvation Army and the Victorian Inter-Church Gambling Taskforce. The outcome of the discussion and analysis was that a card-based network would be the most effective one.

On the issue of voluntary versus mandatory, over the past 15 years, the internet has provided many new opportunities for people and business, but it has also presented new challenges for government regulation. We have heard in this chamber many times stories about scams, including the use of very fast electronic responses to gambling. In fact recently at the Australian Open Tennis Championships there was a horrendous court-side process by which people were betting internationally, using the time differential. It was quickly clamped down upon. That loophole was challenged and changes were made as quickly as

possible. On the internet people are able to gamble on sports, online poker and election outcomes, without ever needing to go to a casino. There are reputable online gaming businesses which also operate physically in Australia and are regulated by the government, but they compete with less reputable offshore online casinos. I want to differentiate between them; I am not painting them all with the same brush.

All that online gamblers need is a smartphone and an online bank account or a credit card. This may seem to be unrelated to this bill, but I raise these examples for one important reason — that is, if gamblers reject the steps we take in introducing precommitment technology, they will turn to other, less regulated forms of gambling. Precommitment needs to be voluntary for players and the limits need to be voluntarily set by the players.

Another issue is whether problem gamblers will use a voluntary system. Most gamblers already set themselves limits when they choose to gamble. Problem gamblers also often set themselves limits. However, they, like any addict, can have great difficulty in sticking to those limits once they begin to play. Voluntary precommitment is an important tool for problem gamblers, which they can use to keep track of how long they have been playing or their losses while playing. Basically, it is a means of helping problem gamblers to take control of their own lives and monitor their own predetermination.

In the time I have left, I will speak briefly about the Victorian Responsible Gambling Foundation. It is worthwhile mentioning the very important work carried out by the foundation. This government has provided \$150 million over four years for the foundation, which has published *The Responsible Gambling Guide*. It is a very useful booklet. I encourage members to log onto the website, read the material and recommend it to any people in their electorates who they suspect may have an issue with gambling. The booklet sets out the following 10 tips for responsible gambling:

1. Think of gambling as entertainment, not a way to make money.
2. Only gamble with money you can afford to lose.
3. Set a spending limit in advance.
4. Set a time limit in advance.
5. Take a break.
6. Don't gamble when you're depressed or upset.
7. Balance gambling with other activities.

8. Never chase your losses.
9. Don't take your ATM card with you.
10. Don't drink or use drugs when gambling.

These are very sensible ideas. They provide a check for people who have a problem with gambling and are a very useful tool for those who want to have a guide. The voluntary precommitment system established by this bill will allow gamblers to set limits both in time and in money, which are the tips for responsible gambling 3 and 4.

In conclusion, this bill will establish the first precommitment system in Australia, ensuring that Victoria continues to lead the way in helping problem gamblers take control of their lives, creates a tool that allows gamblers to set themselves limits and to stick to those limits, and it continues to reform gaming in Victoria following on from the important reforms such as banning cash machines in gaming venues and the record \$150 million funding for the Victorian Responsible Gambling Foundation. I commend the bill to the house.

**Ms PULFORD** (Western Victoria) — Given it is but 1 minute until question time, I will start my contribution but perhaps not conclude my comments on the Gambling Regulation Amendment (Pre-commitment) Bill 2013. I also note the government's spectacular inability on this occasion to manage its own affairs. We were told this bill was to be debated next week and then that it was to be debated this afternoon. The planning matter we believed we would be debating was postponed because Mr Guy was at Liberal Party headquarters on other business, so here we are having this discussion on this legislation at very short notice. This bill provides for a statewide precommitment scheme for pokies to be ruled out by 2015–16. Precommitment technology enables people who like to play on electronic gaming machines to set limits on the amount of money they spend on gambling and to track their wins and losses.

The current monitoring licensee, Intralot Gaming Services, has been chosen by the government to provide the precommitment scheme through its existing monitoring equipment, and the associated costs of this new technology will be passed on to the operators of the electronic gaming machine licences that are awarded to the many clubs and pubs across Victoria. I will conclude my remarks after question time.

**Business interrupted pursuant to standing orders.**

## QUESTIONS WITHOUT NOTICE

### Hospital performance

**Mr JENNINGS** (South Eastern Metropolitan) — My question is for the Minister for Health. Yesterday in the debate on the no-confidence motion moved in the chamber I continually referred to the bed numbers that have been reported by the Australian Institute of Health and Welfare, which I believe was the minister's preferred source of information on bed numbers in the state of Victoria. But last week, in its report on government services, the Productivity Commission published a different number for the number of beds that were operating in the first year of the minister's government in 2011–12. It published a figure of 13 370 beds. Can the minister now inform the house about which is his preferred source of information on bed numbers in the state of Victoria?

**Hon. D. M. DAVIS** (Minister for Health) — The member well knows that bed numbers are increasing in Victoria. The Australian Institute of Health and Welfare is the preferred source. There are many definitions of beds, as the member well knows, and I can say that bed numbers have increased. It was the member's government that stripped out 1000 beds over its 11 years in government; it was his government that could not quite manage beds at all.

There is some very interesting correspondence that I am happy to read as an example of the previous government's approach, and it gives some useful context. On 9 February 2005 Bill Forwood, a former member for Templestowe Province, received a letter from Mr Lenders which contained a set of notes about the previous government's views on bed numbers. I think it is important to put this in context. The notes say:

The Department of Human Services does not specify available beds as an output measure for any of these ... output groups. The output measures are set ... in the budget ...

It goes on to talk about weighted inlier equivalent separations, bed days and aged-care units. The notes, a letter from the then Minister for Health, Bronwyn Pike, came to this chamber in response to a budget question and further state:

National health data reporting authorities such as the ... institute of health and welfare have acknowledged for some years that undifferentiated counts of available beds are of increasingly limited value for most service planning purposes. Hospitals provide an increasingly wide range of services requiring different types of beds or equivalent modes of delivering care. The number of beds required to meet each activity target will depend on a number of day-to-day factors including:

short-term fluctuations in the demand for the various specialised services;

Minister Pike said that in a letter conveyed by Mr Lenders to this chamber. It continues:

the degree of interchangeability of the beds and wards used for each specialised service; and

within each specialty, the extent to which the demand requires the use of intensive care units, non-intensive care overnight wards of the 'traditional' type, same day procedure beds, and off-campus arrangements such as 'medi-hotel' and 'hospital-in-the-home' services.

As the numbers and types of beds required to meet the output commitments must be managed to accommodate day-to-day demand, it is not possible to specify ... numbers and types of beds that will be provided in future periods.

That is what Minister Pike said in a letter Mr Lenders conveyed to this chamber in response to a question that I got Bill Forwood to ask of Mr Lenders during the committee stage on the budget in that particular year. What that shows is that the members opposite, when they were in government, cut bed numbers and they did not have a clear definition. We just stick with the national definition, although when they counted the subacute beds — 326 beds — they counted hospital-in-the-home services in those beds.

That is what the Leader of the Opposition and member for Mulgrave in the Assembly, Daniel Andrews, did when he was Minister for Health. That is not in the institute of health and welfare tally, but Daniel Andrews counted those beds. Mr Jennings has no idea about bed numbers; he has no concept. The Australian Nursing and Midwifery Federation, with its shonky survey — and let us be clear about the Australian Nursing and Midwifery Federation — is a Labor-affiliated union, joined at the hip with the Victorian Trades Hall Council.

**Mr Jennings** — On a point of order, President, you will have noticed that I have given the minister licence for 4 minutes to discuss his reliance on the report of the Productivity Commission, and he has taken the 4 minutes as an opportunity to debate the matter rather than address the question of whether he has confidence in the Productivity Commission report, which was the point of my question.

**The PRESIDENT** — Order! I agree that the context seemed to go for a considerable part of the answer period. I trust that with 10 seconds to go the minister might address the question.

**Hon. D. M. DAVIS** — Bed numbers are increasing in Victoria. The Australian Institute of Health and Welfare is the key national facility that deals with these

matters. The numbers have increased over the period of this government.

*Supplementary question*

**Mr JENNINGS** (South Eastern Metropolitan) — I invited the minister to comment on the Productivity Commission report which, interestingly enough, reported a higher number of beds available to Victorian hospitals than the report by the Australian Institute of Health and Welfare, which the minister is dismissing. One thing that is consistent and that I would invite the minister to comment on is that the Australian Institute of Health and Welfare says that the number of beds under this government's first budget went down by 36 beds, and the Productivity Commission's report said it went down by 38 beds. Will the minister rely on either of these sources now or in the future?

**Hon. D. M. DAVIS** (Minister for Health) — The member is quite wrong. The Australian Institute of Health and Welfare indicates the number of beds increased by 180 in the first 18 months of this government, despite the target being only 100 beds. The member is completely and utterly wrong. Around the state beds are being built and capacity is being built. At Bendigo there is a massive new hospital — bigger than the opposition's proposed version, and it is the same at Box Hill. At Maroondah Hospital, Frankston Hospital, Northern Hospital, Ballarat hospital and Bendigo Hospital we are building enormous capacity — beds and otherwise — for the future.

The story of the previous government is that of cutting more than 1000 beds over its tawdry 11 years in government. We heard what former Minister for Health, Bronwyn Pike, thought. That was conveyed to the chamber by Mr Lenders who talked about how a 'bed' was defined and why some would not work and why we could not have any details. We have attended to the details and we are building for the future. The Labor Party did not.

**Cemeteries**

**Mrs KRONBERG** (Eastern Metropolitan) — My question without notice is directed to the Honourable David Davis, Minister for Health. Will the minister inform the house of any risks that Victorian cemeteries may face in terms of charges and costs?

**Hon. D. M. DAVIS** (Minister for Health) — I thank the member for her question. She well understands the importance of cemeteries and reasonably priced interments for Victorians. Access to cemeteries is an important step that everyone will ultimately need to

take unless they are cremated. It is important that GST is not applied to cemeteries or burials. The Australian Taxation Office has made an erroneous ruling that does not — —

**Mr Lenders** — The tax office makes erroneous rulings, says the politician!

**Hon. D. M. DAVIS** — In this case I believe it has, and we will certainly — —

**Mr Lenders** interjected.

**Hon. D. M. DAVIS** — Mr Lenders is clearly in favour of a GST on burials. I am not in favour of a GST on burials, and the state will be seeking to have this looked at afresh.

**Mr Lenders** interjected.

**Hon. D. M. DAVIS** — That is exactly right. I am indicating that I think it has erred in law. The GST arrangements basically seek to ensure — —

**Mr Jennings** — Is that a legal opinion?

**Hon. D. M. DAVIS** — Yes it is, Mr Jennings. There is a legal view that argues that the tax office has erred.

**Mr Jennings** — On a point of order, President, as you well know, but the minister has currently forgotten, ministers are not invited to canvass legal opinion. That is a well-recognised precedent in the chamber. It is often relied upon by ministers as the reason they should not answer a question.

**Hon. D. M. DAVIS** — On the point of order, President, there is relevance in informing the community of the fact that the government will seek to have that ruling overturned.

**The PRESIDENT** — Order! I thank Mr Jennings for the point of order. The situation with regard to our standing orders is that the questions should not ask for an expression of opinion or legal opinion or for that matter a statement or announcement of the government's policy. A question in this place cannot seek to get a legal opinion, which partly recognises the fact that legal opinions can be complex, and to be conveyed by a minister during question time is probably not doing justice to the opinion.

In terms of the question raised by Mrs Kronberg and the minister's response, I am a little surprised at the opposition's position on this matter by way of interjections and so forth, because clearly it is an issue that will concern many Victorians. It is quite within the minister's rights to provide information, because the

Victorian government is responsible for cemeteries, and therefore this ruling by a federal agency has implications for an area of Victorian government administration. In that sense the minister is providing very important information to the house. His advice that the matter will be pursued on appeal and that he has some legal advice that would support that appeal is relevant to his position, and he is entitled to venture that information to the house.

**Mr Jennings** — On a further point of order, President, indeed I share your view that this is a matter of interest to the Victorian community, and I welcome the minister's contribution on the subject matter, but my substantive point is whether this is setting a precedent in relation to ministers in this chamber who volunteer legal opinion in their answers. Clearly this was a question that the minister had some warning of — it was not a spontaneous question — so while the question may not literally have sought an opinion, the minister knew full well he would be relying upon a legal opinion in his answer. That is the scope I am concerned about in terms of whether this sets a precedent for other questions, which can come from anywhere in the chamber, which may require the minister to respond in such a way.

**Hon. D. M. DAVIS** — On the point of order, President, it is clearly open to government ministers to indicate that a decision of a body like the Australian Taxation Office is being appealed. It is clearly within the scope of ministers — —

**Mr Lenders** — That's not what you said.

**Hon. D. M. DAVIS** — I did say that, actually.

**Mr Lenders** — You said it was wrong.

**Hon. D. M. DAVIS** — I do think it is wrong too. It is clearly within the scope of ministers to indicate that they have sought legal views and information and have access to that information. I cannot see that that is not in the public interest.

**The PRESIDENT** — Order! Again I draw the attention of the house to the fact that the standing orders in effect ask members to refrain from asking questions about legal opinions, but they are silent in terms of what a minister might venture as part of his or her answer on legal advice that might have been received on a matter that has been raised by way of a question in this place.

As members would know, I am not in a position to direct ministers how to respond. I certainly do not see that there is an impediment as such to a minister

providing advice to the house that they have a legal opinion that might support a particular government policy initiative or indeed, as in this case, an appeal against a federal agency decision. I do not see that there is a problem there.

It is another one of those areas where ministers need to be careful in terms of the information that they provide from a precedent point of view, because having ventured that sort of information on one occasion, then it may well be that they find themselves subject to a requirement by the house to provide similar disclosure on other matters.

**Hon. D. M. DAVIS** — What I would say here is that it is a longstanding principle that burials will not be taxed. We think that is an important principle. We believe that people who are at a vulnerable point deserve to be able to arrange a burial at a reasonable cost if that is what they seek. Some people will seek more elaborate arrangements — monuments and so forth — and quite legitimately, but it seems to me it is an important principle that the basic burial itself should not be taxed by a GST being put on top.

I am prepared to indicate to the chamber that I have sought advice around this matter from a number of sources, including many in the sector. The government believes the issues of cost recovery, which is the way the charges work with our class A cemetery trusts, and the regulatory role the government is playing with burials mean that these matters ought not be changed. I point people who might be interested — and this is not a legal opinion — to the intergovernmental agreement. There might be some useful principles there that people might wish to pursue.

We will seek to appeal this matter. We will in fact indicate that we do not believe burials should have a GST attached to them. I think this is something that would be shared across the broader Victorian community as well. It is important that costs at a time of burial are minimised so that people at vulnerable points do not have additional financial stress when that perhaps could be avoided. We will pursue it, and we will vigorously advocate for the state and those in the state who would seek to have a fair arrangement for burial.

### Health practitioners

**Mr JENNINGS** (South Eastern Metropolitan) — My question is for the Minister for Health. Another feature of the Productivity Commission's report on government services released last week is that it indicated in relation to health that in the first full year of

administration under the first budget introduced by the government there were fewer full-time equivalent medical practitioners employed per head of population, as indeed there were fewer nurses per head of population, than in the previous year when the coalition came to office. Is it the minister's intention to acknowledge that as a fact produced by the Productivity Commission, and if it is a fact, is it the minister's intention to increase the number of medical practitioners and nurses employed, or does he intend to allow this decline to continue?

**Hon. D. M. DAVIS** (Minister for Health) — I think the member may have got a little confused there. What I would indicate to him is that the number of medical practitioners, nurses and allied health professionals has increased under this government. Mr Jennings is simply wrong to argue that the aggregate number has not increased. It has increased substantially.

I could quote the number of medical interns as perhaps one example. There are now more than 750 medical interns working through our system, and there has been a significant surge in funding by the state government. The number of medical interns is now at a peak. Last year in the state budget there was a \$238 million package over four years — a massive increase in funding — for training of doctors, nurses and allied health professionals inside our hospitals. I can indicate with regard to the radiation professional groups that we have also increased the numbers there. There is actually no area of the medical and health workforce in our public hospital system where the numbers have not increased significantly under this government.

### *Supplementary question*

**Mr JENNINGS** (South Eastern Metropolitan) — It seems by implication that the minister is saying that not only is the tax office acting erroneously but the Productivity Commission is acting erroneously by analysing either bed numbers or staffing profiles per head of population — which is the basis of my question — which indicates that the numbers are declining. Is the minister saying that is erroneous because in fact all you should look at is the absolute number, not the growth per head of population?

**Hon. D. M. DAVIS** (Minister for Health) — The key thing here is that the number of staff in our hospitals has increased: doctors, nurses, allied health professionals and radiation support professionals — a whole raft of different medical and health professional groups. The numbers have increased in our hospitals, and that is what the community wants to see.

The surge in money that was put in place last year — the \$238 million — was the largest expenditure on training by the state and a very significant increase on the spending under the former government of which Mr Jennings was a member. The fact is it had a lapsing program that fell to zero. There would have been no support if we had not put in this massive surge of money, \$238 million over four years, to put us in a much better position, with more doctors, more nurses, more allied health professionals, more radiation physicists and other health providers as well in our public hospital system.

### **Automotive industry**

**Mr FINN** (Western Metropolitan) — My question without notice is directed to the Assistant Treasurer, and I ask: will he advise the house of how the coalition government is using procurement to support the Australian vehicle manufacturing industry?

**Hon. G. K. RICH-PHILLIPS** (Assistant Treasurer) — I thank Mr Finn for his question and for his continuing interest in the Australian car industry. The coalition government recognises that supporting and working with the Australian car industry is important. We recognise that while companies like Toyota, Ford and Holden continue to manufacture in Australia there is a role for the Victorian government to continue to work with them at purchasing their vehicles.

VicFleet has around 8000 cars under its stewardship across the government sector. The Victorian government already supports the Australian car industry through mandating the purchase of vehicles manufactured in Australia for the government fleet. As a consequence of that mandate, around 98 per cent of passenger vehicles in the Victorian government car fleet are manufactured in Australia. Indeed earlier this year the Victorian government extended that mandate from central government departments to outer agencies, in recognition that extending that mandate and that purchasing base would help car manufacturing to continue in Victoria for as long as possible. As a consequence we have seen a number of outer agencies brought under that mandate and subject to the requirement to buy Australian manufactured vehicles.

This is in stark contrast to those opposite, because we have seen the Leader of the Opposition call for a boycott on the purchase by government of vehicles manufactured by Holden and vehicles manufactured by Ford. This is not something the government supports. The Victorian government will continue to purchase Australian manufactured Holdens and Australian

manufactured Fords as long as those vehicles are manufactured in this country because it recognises the role it has in continuing to support the manufacturing workers in those companies.

Today I am pleased to announce a further level of support from the Victorian government for the Australian car industry through the government's purchasing policies. I am pleased to announce that with immediate effect the Victorian government will introduce a new additional mandate for the Australian car industry which will provide that where a fit-for-purpose Australian manufactured light commercial vehicle is not available, preference will now be given to imported vehicles which are imported by Australian car manufacturers ahead of vehicles which are imported by companies not manufacturing in Australia. This will mean that vehicles such as the Toyota HiLux, imported by Toyota Australia, will have preference over vehicles such as the Nissan Navara, and vehicles such as the Holden Colorado, imported by Holden Australia, will have preference over vehicles such as the Mitsubishi Pajero.

We recognise that we have a role to play in continuing to work with companies that continue to manufacture in Australia, and this provides a further opportunity for the Victorian government to work more broadly with those companies and support those companies while they continue to manufacture in the Australian marketplace.

Last year the Victorian government, through the Minister for Manufacturing, with the South Australian government convened the motor vehicle industry round table, bringing together industry representatives, supply chain representatives and union representatives. On this occasion I would particularly like to acknowledge Dave Smith from the Australian Manufacturing Workers Union, whose initiative was to introduce this mandate extended to the import of vehicles by Australian manufacturers in preference to vehicles imported by non-manufacturers. The Victorian government is delighted to embrace this proposal. We see this as an important opportunity to show our continued support for the Australian car industry and to provide further opportunities for those manufacturers who are manufacturing in Australia. This government is committed to building a better Victoria and in doing so continuing to support the Australian car manufacturing industry.

### **SPC Ardmona**

**Mr LENDERS** (Southern Metropolitan) — My question is to the Assistant Treasurer, Mr Rich-Phillips, as the minister responsible for procurement. Given his

statement about commitments to supporting manufacturing in the car industry, will the minister today give a similar commitment to change to a procurement policy that requires all government departments and agencies to purchase fruit and vegetables from the SPC Ardmona cannery in Shepparton to assist this industry in its difficult time?

**Hon. G. K. RICH-PHILLIPS** (Assistant Treasurer) — I thank Mr Lenders for his question. I say to Mr Lenders that this government is committed to working with SPC Ardmona to support the continued operation of that company in Victoria. Last week we saw the Premier in Shepparton indicating the government's support for the continued operation of SPC Ardmona in Shepparton and the continued operation of the fruit canning industry in the Goulburn Valley. As Mr Lenders would appreciate, the purchase of fruit by the Victorian government is not an undertaking on the scale of the purchase of motor vehicles by the Victorian government, but it is certainly the case that the Victorian government will work to support SPC Ardmona and its continued operation in the Goulburn Valley.

*Supplementary question*

**Mr LENDERS** (Southern Metropolitan) — The minister has announced in question time today that he is prepared to change procurement policy to direct Victorian government agencies to purchase vehicles made in Australia. We can outline the amount of fruit purchased by the Victorian government; we can do that. The in-principle position is that he was prepared to announce support for an industry by changing procurement policy today, but he has not said he will offer the same support to change procurement policy to purchase fruit and vegetables from SPC. My supplementary question to him is: why not?

**The PRESIDENT** — Order! I have a bit of a problem with this supplementary question in the sense that I am not sure the government is entitled to make a change to procurement policy that specifies one particular supplier. I have a real concern about it in that context, apart from anything else. The minister might take that into account in any response that he ventures to this question.

**Hon. G. K. RICH-PHILLIPS** (Assistant Treasurer) — I thank Mr Lenders for his supplementary question. I am pleased to tell Mr Lenders that as part of implementing the new procurement framework through the Victorian Government Purchasing Board the government has given the Victorian Government Purchasing Board a new charter letter requiring it to

create opportunities for local procurement. The government is a strong supporter of local procurement and a strong supporter of removing barriers to entry for local suppliers. I can inform Mr Lenders that this work in procurement policy has already been put in place through the Victorian Government Purchasing Board.

**City of Greater Geelong planning**

**Mr KOCH** (Western Victoria) — My question without notice is to the Minister for Planning, the Honourable Matthew Guy. Can the minister inform the house what action the government has taken to bring forward new residential land supply for the greater Geelong area?

**Hon. M. J. GUY** (Minister for Planning) — I thank Mr Koch for a very important question for our second-largest city and Australia's 12th-largest city, greater Geelong. I have much pleasure in informing the chamber today that I have approved the Lara West precinct structure plan, which will be the start of a second new growth front for Geelong and which will eventually be home to some 10 000 new residents. This growth front for the north of Geelong is incredibly important for the local economy, and it will once and for all set Geelong up for two growth fronts, those being the Armstrong Creek growth front to the south and the new Lara growth corridor to the northern suburbs. That is going to be a huge advantage and a huge economic boost to Geelong's economy and to local jobs.

The new growth front will be in the Lara area. The precinct will have 300 permanent jobs; a large neighbourhood activity hub with 185 jobs brought forward when that area is completed with retail; \$37 million of roads, community infrastructure and sporting grounds; and provision for three schools in the new area.

It will start to see the opening up of the northern suburbs of Geelong to a new wave of housing growth, and this is because Geelong is coming of age. I put on record my thanks to the City of Greater Geelong and its mayor, Darryn Lyons — a terrific mayor for Geelong — who have been proactive in working with the government to bring forward this precinct structure plan to ensure that Geelong will progress to the next stage of its incarnation as a major Australian city.

This government genuinely believes in regionalising our state's population. The days of focusing growth only on Melbourne are over. This government has been deliberate in pushing for new growth in regional centres. That is why we have established a peri-urban

unit in my department. That is why Plan Melbourne focuses heavily on peri-urban and regional areas. We want a hard urban growth boundary for Melbourne so that we can focus growth on regional centres.

We are working with councils like Geelong to ensure that land supply exists so that in places like Geelong we keep affordability intact and provide not just a lifestyle choice but, importantly, a price advantage over places such as the west of Melbourne. Bringing Geelong to a new level of growth takes pressure off the Armstrong Creek area to the south, takes pressure off traffic movements going north and south through that city and, importantly, says that Geelong can progress with a multifaceted approach to its growth in the future.

This government is building a better Victoria for all Victoria — not just for Melbourne, not just for parts of the suburbs, but for the entire state. Through our regional growth plans we are looking for new ways to ensure that regionalisation of our population is not a buzzword but an actuality. That is what this new precinct structure plan and its approval will do for Geelong. It will ensure that Geelong will grow strongly and distinctively in the future, and that is because this coalition government is absolutely committed to regionalisation as an actuality and not just as a buzzword, as previous Labor governments have treated it in the past.

### Immunisation

**Mr JENNINGS** (South Eastern Metropolitan) — My question is to the Minister for Health. The minister is presumably aware that the Labor Party in Victoria recently committed to a policy setting that would mandate a requirement that Victorian children have up-to-date immunisation for their age to enable them to be registered and attend child-care arrangements in Victoria. Does the minister support this policy intention, and does he have within the auspices of his department the desire to implement this policy?

**Hon. D. M. DAVIS** (Minister for Health) — Immunisation is an important step to protect children and more broadly, and the government is committed to a strong immunisation policy. I can indicate that this has been discussed at the health minister level nationally. We have had many discussions across departments in Victoria, including the Minister for Children and Early Childhood Development, the Minister for Education and me, and the chief health officer has been involved in those discussions.

Victoria has a high level of immunisation at childhood level, and that has increased under this government. We

are at around 93 per cent of children having the full battery of immunisation, and that stands us in good stead compared to any other jurisdiction in Australia. It is important to note that a package of measures will shortly be coming forward from the government that will seek to lift that to an even higher level. The government will make announcements about its package and approach in a timely way that will see the achievement of a higher level of immunisation coverage in Victoria.

I note that the Labor Party does not seem to have understood that immunisation does not finish at the age of four and that, with the sequence of immunisation that is required, repeated testing arrangements would need to be put in place to ensure that the requirement the Labor Party is seeking to put in place could be monitored. It appears that it may not have fully understood the monitoring challenges in that area. However, the government will make some announcements shortly about steps that can increase our immunisation level from the highest in the country to an even higher level.

### *Supplementary question*

**Mr JENNINGS** (South Eastern Metropolitan) — My understanding of what the minister has just said is that he indicated that the government will support Labor's initiative in this area at a time of the government's choosing. That is what I think I heard, but I definitely heard the minister proceed to patronise me about my not understanding the implications and some of the challenges of monitoring children's immunisation levels. Can the minister now outline what the challenges are that he will be addressing in his policy footing?

**Hon. D. M. DAVIS** (Minister for Health) — It perhaps will not surprise the member that I will not today reveal the policy announcements the government will make in a short time, so he will have to wait patiently for just a little while. I do not believe the Labor Party has done the hard policy work to actually deliver the outcomes that are required. The government has done the hard policy work, and its policy will deliver the outcomes that are required, which include lifting the level of immunisation coverage in our children in Victoria from 93 per cent to the highest in the country. The government will support its own package, which it believes is more carefully thought through than Labor's package.

## Victorian Commission for Gambling and Liquor Regulation

**Mr ELSBURY** (Western Metropolitan) — My question is to Edward O’Donohue in his capacity as Minister for Liquor and Gaming Regulation. Can the minister update the house on the achievements of the Victorian Commission for Gambling and Liquor Regulation?

**Hon. E. J. O’DONOHUE** (Minister for Liquor and Gaming Regulation) — I thank Mr Elsbury for his question and for his ongoing interest in the regulation of the important liquor and gambling industries in Victoria. The coalition opposition took to the last election a clear reform agenda when it comes to liquor and gaming regulation. We are well aware of the creation of the Victorian Responsible Gambling Foundation and a range of other initiatives this government has implemented. Today I wish to talk about the Victorian Commission for Gambling and Liquor Regulation because today is the commission’s second birthday. I wish all the staff at the commission a happy birthday and congratulate them, two years into the job, on two years well done.

Under Labor, gambling and liquor had separate regulators. The coalition, believing in efficiency and reducing red tape, brought those two important industries together. Under the Labor model an inspector for gambling could go to a gambling enterprise and inspect the operations. They may have seen some inappropriate behaviour from a liquor licensing perspective, but they could do nothing about it. Under our reforms we have brought those two regulatory bodies together under the commission, which is doing a great job. Inspectors can now inspect both liquor and gaming, increasing efficiency. The more than 500 operators that have both electronic gaming machines and a liquor licence now deal with the one body, and we are seeing the benefits of that.

In the last two years, as a result of the work of the commission, the time taken to determine applications for new permanent liquor licences has been reduced by 25 per cent. That is good for small business, good for Victoria and good for the vibrancy of Melbourne and our regions. The commission has also undertaken a range of innovations to improve access to information by the general community.

The commission recently launched the geocoding map, which provides the location and type on a map of every liquor licence in Victoria, making it easier for the community to understand the type and number of liquor licences in their community. This has been particularly

welcomed by local government as it gives it a central repository of all the liquor licences in their municipality.

I have previously advised the house of the deregulation that the government plans to bring forward in relation to under-age and mixed-age live music events. The Minister for Planning, Mr Guy, the Minister for Youth Affairs, Mr Smith, and I are working on a range of initiatives to assist and support the live music industry. As an interim step the commission has made some reforms bringing forward the time taken to assess those applications.

I congratulate the commission on its work and what it has achieved in the last two years. I quote from the message from the CEO, Jane Brockington, which she sent to all staff:

I see a more mature and efficient regulator. We have taken big strides towards an intelligence-led, risk-based compliance approach and we are continuing to improve our services and reduce the regulatory burden on our stakeholders through improvements to our processes and systems.

I agree, and I congratulate the commission on what it has achieved.

## Gaming advertising

**Ms PENNICUIK** (Southern Metropolitan) — My question is for the Minister for Liquor and Gaming Regulation. On this auspicious occasion of the happy second birthday of the Victorian Commission for Gambling and Liquor Regulation, perhaps it could give Victoria’s children a birthday present. On my regular travels on the Sandringham line I have noticed a lot of ads on the insides of doors of trains and also above the windows of trains. I have taken some photos of those ads. One ad is headed ‘LMAO — Looks mighty attractive odds’, and it sends you to a website, ladbrokes.com.au. If you go to the website, you see it gives you 28 sports that you can bet on. Why is this advertising allowed on public transport, where children travel daily?

**Hon. E. J. O’DONOHUE** (Minister for Liquor and Gaming Regulation) — This is an important issue. In the context of the gambling space and the advertising space, the Victorian government has invested \$150 million in the Victorian Responsible Gambling Foundation, which has undertaken, and is undertaking, a range of innovative strategies to bring to the attention of the community the risks and potential risks of gambling and excessive gambling. We have seen the success of the 100 Day Challenge. We have seen the success of the KidBet program. The government

established the foundation — with a 41 per cent increase in funding compared to the previous government — with a mandate for world best practice and to be a leader, to remove those responsibilities from the Department of Justice and establish a separate organisation with its own CEO and its own board. It is doing a great job, as demonstrated by the 100 Day Challenge and the KidBet program.

In relation to advertising by sports betting agencies, the fact is constitutional considerations severely restrict what state governments are able to do. This is an effort which must be led by the commonwealth. The Prime Minister has highlighted what many Australians already believe — the advertising of betting and live odds as part of sports coverage has reached a point which makes many people uncomfortable, especially parents whose children watch those events.

This government will continue to monitor developments and press the federal government to take appropriate action. The government is leading the way through the Victorian Responsible Gambling Foundation, with its \$150 million investment over four years. We want to bring to the community's attention in a contemporary way and an innovative way the risks associated with gambling. I congratulate the foundation on the work it is doing.

*Supplementary question*

**Ms PENNICUIK** (Southern Metropolitan) — I do not think that answer went to my question. The minister talked about constitutional issues and the federal government. However, this is Metro Trains; it is regulated by the state government. Will the minister, under the Gambling Regulation Act 2003 and through his ministerial advisory committee, ensure that Metro Trains does not carry these advertisements and ban them from trains? Schoolchildren are carrying around the sorts of devices that we do. They see that website, they go straight to it and on the website it tells them what the odds are for all these 28 sports that are listed here — everything from hockey and football to darts, poker and motor racing. Will the minister act on this in the interests of Victorian children?

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — In her wide-ranging supplementary question Ms Pennicuik put a number of propositions to me, including whether the Responsible Gambling Ministerial Advisory Council (RGMAC) will look at this issue. That is something I will take on notice and give consideration to, but I am very pleased that the —

**Ms Pennicuik** interjected.

**Hon. E. J. O'DONOHUE** — I will pick up Ms Pennicuik's interjection. She made a suggestion in her supplementary question that RGMAC look at this matter. That is something I will take under consideration. RGMAC already has important work before it, including looking at the implementation of precommitment. Unfortunately we just heard Ms Hartland, in her contribution to the debate before the house before question time, say that the Greens are opposed to precommitment. Precommitment is a very important tool, in this government's opinion. But I will take under consideration the possibility for RGMAC to have a reference to look at this matter.

**South West TAFE**

**Mr RAMSAY** (Western Victoria) — My question without notice is for the Minister for Higher Education and Skills. Can the minister update the house on what the coalition government is doing to secure a sustainable solution for the future of South West TAFE's Glenormiston site?

**Hon. P. R. HALL** (Minister for Higher Education and Skills) — I thank Mr Ramsay for his ongoing interest in the future of the Glenormiston campus, currently under lease to the South West Institute of TAFE. It is worthwhile reflecting on the history of this campus, because when I came to this place 25 years ago, Glenormiston was one of six campuses of the Victorian College of Agriculture and Horticulture. It was shortly after that time, under a federal Labor government, that I think John Dawkins, then federal Minister for Education, had a plan for a unified higher education system. That required many of the higher education institutions like the Victorian College of Agriculture and Horticulture to seek a university partner.

In the early to mid-1990s the Victorian College of Agriculture and Horticulture was taken over by Melbourne University, and the Glenormiston campus was occupied by the university. In 2005 Melbourne University withdrew from the site, and at that point the then government and minister undertook to lease it to South West TAFE. As members would well recall, South West TAFE gave six months notice that it sought to vacate the site, as required under its lease arrangement. That six months expires at the end of March. I might add that it is not that South West TAFE is exiting the delivery of training in the agricultural area, but rather that the nature and method in which that training has been delivered has changed significantly over the years and the TAFE will be undertaking a lot

of its training as an on-the-job training activity or in places elsewhere. There has not been a trend to maintain a lot of big institution-based training.

As a response to that the government has written to other providers of agricultural education in Victoria to assess interest from those sorts of providers. There has been little interest to this point in time.

**Mr Lenders** — What about the Corangamite shire?

**Hon. P. R. HALL** — Yes, we have talked to Corangamite shire. We are now extending the net somewhat wider, and as part of that broadening and seeking of interest for the operation of that site — for its utilisation — we will be employing a local consultant to develop different plans for the way in which it may be utilised, and that consultant will be assisted by a local community liaison group. Mr Ramsay has volunteered to chair and convene the group, and I welcome his willingness to undertake that effort. Of course the group will be working closely with the Corangamite Shire Council. I met with the shire just last week. Some of my upper house colleagues, Mr Ramsay and Mr Koch, were able to join me on that occasion. We are working closely with the local community to market that site to attract interest. That will either be of an educational use, or if not educational, then one of economic benefit to the local community.

I also want to state publicly that the department is putting in place a security plan for the site to ensure that it is not vandalised or degraded in any way. In that regard departmental officers are down there this week looking at the ways in which we need to secure the site to protect it as an asset until a future use is found for it. There is a great opportunity, and I am very pleased that Mr Ramsay has volunteered to take a lead role in determining the future of the site at Glenormiston.

## GAMBLING REGULATION AMENDMENT (PRE-COMMITMENT) BILL 2013

*Second reading*

### Debate resumed.

**Ms PULFORD** (Western Victoria) — As I was saying before question time, the Gambling Regulation Amendment (Pre-commitment) Bill 2013 relates to the rollout of a statewide precommitment scheme for pokies, to have effect in 2015–16. The current monitoring licensee, Intralot, has been chosen by the government, notably without any tender or the like, to provide this service in addition to the other services it

provides to operators of electronic gaming machines. The legislation gives effect to this initiative, which was commenced as part of a suite of measures to address gambling, and was initiated prior to the last state election by the previous government.

Venue operators will be required to make sure their machines have the necessary equipment and to make sure their patrons are aware of the precommitment scheme. Operators offering a loyalty scheme will also be required to provide precommitment services through the same card. Gambling using the same card will provide incentives not disincentives to continue gambling. It is a deficiency in the way the government has chosen to go about this matter. It sends a mixed message to the Victorian community about how serious the government is about tackling problem gambling. The legislation provides that this will be the only precommitment scheme operating in any venue in Victoria. There will be one scheme across the state.

The opposition of course supports measures to curb problem gambling in Victoria. It will not be opposing this legislation, but it does not share the minister's confidence that it will dramatically reduce the incidence of problem gambling. A number of measures introduced in recent years have served to break the cycle of gambling activity for those who are caught in highly repetitive gambling action and are captured in the moment trying to chase their losses. They include smoking bans in gaming venues, the removal of ATMs in gaming venues and a number of other measures, including community awareness campaigns and the like.

It is important to note that whilst these measures have had an initial impact on reducing losses through electronic gaming machines, the figures for losses are now starting to increase again. Media reports over the summer break and new figures released in January indicate there is something of an upward trend in losses from electronic gaming machines. The government needs to remain ever vigilant and take a more holistic and comprehensive approach rather than introduce this bill as a stand-alone measure.

There is no shortage of issues that gaming operators have experienced with Intralot. Hopefully it will be able to manage its additional responsibility. I note the minister's answer to Ms Pennicuik's question a few moments ago and the very special occasion that is the birthday of the Victorian Commission for Gambling and Liquor Regulation. Perhaps an appropriate birthday present for the regulator to demonstrate the commitment of all of us to tackling problem gambling would be something like a policy and advocacy role for

the Victorian Responsible Gambling Foundation, or a more effective, robust and representative Responsible Gambling Ministerial Advisory Council or the like. I can think of quite a long list. That would be a nice birthday gift so that we can continue to address problem gambling as effectively as we can.

Earlier Mrs Coote spoke about the breadth of gambling-related activities across the state and stated that she believes it is a legitimate recreational activity. While not being a player of pokies, I do not mind a flutter on a horse from time to time. But in supporting gambling as a recreational activity, as the Victorian Parliament has done for decades, it is absolutely incumbent on us to protect that small minority of players whose lives these machines literally ruin.

This legislation is about that. We say that there is a lot more the government could be doing in this area to tackle gambling addiction. I am very sceptical that precommitment alone will substantially reduce the incidence of problem gambling. We think this legislation will be reasonably ineffective, but if it helps one problem gambler, that is a good thing. If it helps a few people manage their losses, that is a good thing, but I do not think the government should consider the passage of this bill a job done on problem gambling.

I note the minister's answer in question time yesterday in which he again indicated that the government believes there is an additional \$3 billion out there to be raised from electronic gambling machine licensees or gamblers. The minister said that revenue matters related to gambling are not his area of responsibility, they are a matter for the Treasurer. I also note the comments of the Community Clubs Association of Victoria (CCAV) on the new gambling tax. The CCAV said:

It was advised without consultation, and it is evident that the government views clubs with gaming as a silent arm of Treasury. CCAV's strong objection to the tax changes, expressed in personal meetings with government and advisors and in correspondence to all MPs, has been fobbed off without serious consideration. The attitude of government has been that since receipts from gaming are below the level forecast for the new gaming environment, the shortfall must be made up by increasing taxes.

I think it reflects poorly on the minister that he abrogates his responsibility in relation to the impact of taxation on gambling and the capacity of government to impact venue operators as such. I wonder if the minister has an opinion that he might offer in summing up this debate about whether reducing the return to players has the potential to increase gaming losses, because instead of machines paying back 88 per cent they may only pay back 85 per cent. Certainly the clubs that I have talked to indicated to me that they do not want to short-change

their players. I think that problem gambling policy advocates are also very concerned that this tax does no good — in fact that it probably does harm, putting problem gamblers at further risk.

I would urge the minister to take a more holistic view of the relationship between the other methods available to government to approach problem gambling policy and its advocacy role. Both this precommitment technology and a broader suite of measures are needed to tackle what is, for a small number of Victorians, a terrible addiction that can have devastating consequences for their lives and for their loved ones.

**Sitting suspended 1.00 p.m. until 2.02 p.m.**

**Mr ONDARCHIE** (Northern Metropolitan) — I acknowledge the Acting President's first time in the chair today. I am pleased to follow Ms Pulford, and I thank her for not opposing our bill today. I speak on the Gambling Regulation Amendment (Pre-commitment) Bill 2013. The government's precommitment scheme will both allow problem gamblers to minimise the amount of money they lose while also allowing casual gamers to use pokies without significant government interference.

I should say at the outset that I am a punter. I like the greyhounds, I like the harness racing and I like the thoroughbreds. I have had a punt at the casino, and I have played the pokies as well — all in good fun and all within my own personal limitations. However, it troubles me to see regular visitors to pokies venues who sit there for hours on end playing the poker machines, and sometimes that manifests itself in economic troubles at home. We know that problem gambling affects many lives; we see it realised in crime and sadly in domestic violence as well.

This bill establishes a statewide voluntary precommitment scheme which will enable players to set time and net loss limits using a precommitment system on any gaming machine in the state. The monitoring licensee will be responsible for providing, operating and maintaining a precommitment system from 1 December 2015, following a direction from the minister. I should add at this point that our Minister for Liquor and Gaming Regulation is doing a wonderful job in the whole area of gaming regulation and in helping problem gamblers as well. Venue operators and casino operators will be required to provide and maintain certain player account equipment to facilitate the operation of the precommitment system. It will also enable players to track their playing history and their spending over time so that they can get a much clearer

idea of how much money and time they are spending playing gaming machines.

Venue operators will be subject to new obligations to ensure that their gaming machines are connected to the precommitment system and that they install certain equipment in their venues that will allow players to access the features of the precommitment system. This equipment includes interactive display screens on the gaming machines that will display messages to the players regarding their activity, such as alerts about when they are about to reach their precommitment limit, as well as kiosks that will allow players to register for precommitment, set and update their limits and view their play data. Other equipment will include things like card readers, card encoders and keypads.

In order for the government to promote the precommitment system and to avoid any confusion for players from having two limit-setting systems available within a venue, the bill prohibits any other limit-setting mechanisms from operating within a venue from 2015–16 apart from the statewide precommitment system. The bill proposes that, for those venues that have a loyalty scheme, the same card, card reader, display screen and kiosk must be used for both loyalty and precommitment systems in order to help remove any stigma around card use and help people become very familiar with this new system. Furthermore, it is required that information relating to precommitment be given precedence over information relating to loyalty so as to allay concerns that venues will simply try to advertise the loyalty card and not the precommitment aspect.

This government has been very serious about helping those with gambling issues and supporting people to have the time they want to have with gaming machines. This is in stark contrast, I must add, to how the former government performed around gambling regulation. There is no better evidence than Labor's sale of the 10-year electronic gaming machine (EGM) licences for \$3 billion less than it could have during the 2009–10 period. On that aspect, Labor's financial incompetence and appalling project mismanagement in auctioning poker machine licences has been revealed by the Auditor-General through his assessment as costing Victoria taxpayers a massive, unprecedented \$3 billion.

In 2009–10 the former Labor government sold 27 300 EGM 10-year licences for just \$980 million, yet it has been revealed by the Victorian Auditor-General's Office that the entitlements were worth as much as \$3 billion. That massive incompetence has exposed the Labor Party as having caused the worst single loss to taxpayers in Victoria's history. Labor's bungling of the

EGM licences — a disaster initiated by Daniel Andrews, the member for Mulgrave, as the then Minister for Gaming — has resulted in a \$3 billion loss which is beyond mere incompetence; it is an economic crime against the people of Victoria, committed by the state Labor Party. We are missing out on hospital wards that will not be built, police officers who could have been hired to patrol our streets and new trains in addition to the ones this government ordered because of the biggest financial bungle ever visited on the people of the state. That is \$3 billion that could have been spent on providing infrastructure, improving services or providing tax relief, and it has just gone up in smoke. Members of the state Labor Party should hang their heads in shame.

At the time, of course, the auction process was led by Labor's gaming review subcommittee of cabinet, which included the then Premier, John Brumby, the then Treasurer, John Lenders, and the then gaming minister, Daniel Andrews. Significantly, the Auditor-General said in his findings that the then Premier and then Treasurer repeatedly ignored warnings from their departments. It said that the Department of Premier and Cabinet and the Department of Treasury and Finance appropriately raised concerns about the merits of proceeding with the auction with their respective ministers; however, no formal review was undertaken.

This bill goes to tackling our issues with problem gambling. I have had direct involvement in tackling these sorts of things with the Whittlesea City Council, in the areas of Laurimar and Doreen in my electorate. I was happy to join the local residents challenging the introduction of poker machines at a new tavern out there. I commend people like Reverend Glynis Dickins, the pastor of the Plenty Valley Baptist church in Doreen, who went to the Victorian Civil and Administrative Tribunal hearings, galvanised the community and was very successful at halting the introduction of new poker machines in that area.

This bill, as has been outlined by others, demonstrates that the coalition government has established the independent Victorian Responsible Gambling Foundation with a mandate to reduce the incidence and severity of problem gambling across Victoria.

As the Minister for Liquor and Gaming Regulation, Edward O'Donohue, has told us, the Victorian Responsible Gambling Foundation, with funding of over \$150 million for four years, undertakes the treatment, research and education activities necessary to address the complex issue of problem gambling. This is the largest financial commitment made in any state or territory in Australia's history and represents a 41 per

cent increase on the funding provided by the previous state government. The Napthine coalition government is tackling the issue with this responsible and appropriate bill. Despite the nay-saying of the Victorian Greens, I commend the bill to the house.

**Mr EIDEH** (Western Metropolitan) — I rise to address the house on the Gambling Regulation Amendment (Pre-commitment) Bill 2013, which we on this side of the house do not oppose. We believe the bill takes a small step in the right direction of overcoming problem gambling in communities across the state.

Many Australians gamble from time to time, from buying a lottery ticket to placing a bet on the Melbourne Cup each year. In fact in 2009, 70 per cent of Australians participated in some form of gambling. Whilst some of these activities are part of an annual tradition and on the surface seem to involve a harmless punt, gambling plays a large and detrimental role in our society. In 2008–09, \$19 billion was spent on gambling by Australians, and \$12 billion of that was spent on poker machines. Those figures are astronomical.

I would like to read some statistics about problem gambling. Up to 500 000 Australians are, or are at risk of becoming, problem gamblers. The social cost of problem gambling is estimated to be at least \$4.7 billion a year. The actions of a single problem gambler negatively impact between 5 and 10 others, including children, spouses, extended family members, friends and employers. People aged between 18 and 24 years are in the highest risk category for problem gambling, in particular poker machine gambling. They spend more money on pokies than any other age group.

Problem gamblers each lose \$21 000 per year, one-third of the average Australian salary, and if poker machines are played in extremely high density, a gambler could lose \$1500 in one hour. In 2010 a Victorian government study found that more than 12 000 Victorian gamblers who struggled with addiction contemplated suicide. Lastly — and perhaps one of the worst statistics — in September last year the 10-year toll of Victorians who had taken their own lives after losing their ongoing battle with gambling addiction reached 128. Those statistics are frightening.

As I acknowledged earlier, this bill is a small step in the right direction; however, it does not provide enough of a platform to combat problem gambling and support gamblers in our community. These people are vulnerable and they turn to us as the leaders of this state for guidance and leadership.

The bill will introduce a precommitment system, which will allow pokie players to set limits on the amount of money they gamble, and in turn track their wins and losses. This will be a voluntary program available to those who wish to register. People who struggle with addiction often find it difficult to admit they have a problem, so how can we expect this program to help those who need it most?

In addition, loyalty programs, which are designed to encourage and reward gamblers, are not prohibited by the bill. This completely undermines the message that the Victorian Parliament, in particular those on this side of the house, are trying to send, which is that we are serious about combatting problem gambling and we care about restoring the lives and livelihoods of recovering addicts and those affected by addiction. The federal Labor government attempted to implement a more effective nationwide mandatory precommitment scheme, which the federal coalition opposed. At least that policy forced gambling addicts to face their losses, unlike the policy demonstrated in this bill, which gives them a choice.

I wish to raise one last point about an issue which I find most disconcerting. The bill gives the Minister for Liquor and Gaming Regulation the power to cover up any embarrassing statistics by refusing to release data gathered for research. Victorians are entitled to be aware of the ineffective results produced as a consequence of the bill. Does the government believe that gagging statistics which confirm the inappropriateness of optional precommitment will fool Victorians into believing it really cares for those struggling to cope with gambling addiction? I do not think so.

Gambling addiction is a serious problem in communities across the state, and Victorians deserve a strategy and a policy that seriously tries to overcome it. I am afraid this bill simply does not cut it.

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — I thank all contributors to the debate: Mr Dalla-Riva, Mrs Coote, Mr Elasmarr, Ms Pulford, Ms Hartland, Mr Eideh and Mr Ondarchie. I welcome the opposition's position that they will not be opposing this bill and will vote with the government if the Greens call a division, as Ms Hartland has flagged.

I take this opportunity to respond to some of the issues raised by speakers in the debate. As stated by the three government speakers during the second-reading debate and as I said in my second-reading speech, the precommitment legislation before the house today is

but one part of a much broader reform package in relation to gambling that this government has implemented and is implementing during this term of government.

Principal to the package is the new regulator, the Victorian Commission for Gambling and Liquor Regulation, which I referred to in question time today. There is also the Victorian Responsible Gambling Foundation, to which we have made a \$150 million commitment over four years, which is a 41 per cent increase in the funding provided by the Labor government. There is the reinvigorated, rejuvenated, re-energised Responsible Gambling Ministerial Advisory Council whose members are doing some real work that will assist in the implementation of the precommitment scheme. There is a range of other matters, including red tape reduction and working on this matter with all stakeholders.

I will respond to some matters raised by Ms Pulford who began her contribution today with the matter raised by her during question time yesterday. Let me be crystal clear. Ms Pulford may not understand which minister is responsible for what, but she may be interested to know that matters of taxation are matters for the Treasurer. That is why Ms Pulford was wrong yesterday when she asked me a question about the budget update.

Ms Pulford said also that the government wants to claw back \$3 billion from operators. That is not the government's intention. What I have said in this place, and as many other members of the government have said on numerous occasions, is that we can all mourn the \$3 billion revenue lost through the previous government's botched and bungled electronic gaming machine (EGM) auction process.

**Mr Ondarchie** interjected.

**Hon. E. J. O'DONOHUE** — I thank Mr Ondarchie for reminding me that last year when I appeared before the Public Accounts and Estimates Committee, Mr Pakula, the member for Lyndhurst in the other place, by way of interjection said, 'Just raise the taxes' — and it is on the record for everyone to see. He may well have enunciated the policy on behalf of the Labor opposition, but members of this government are very clear on this matter. I refer to the Auditor-General's report of June 2011, in which the Auditor-General said very clearly:

We valued the EGM entitlements in the range of \$3.7 billion to \$4.5 billion, with a midpoint of \$4.1 billion.

Before that the report states, 'The industry paid \$980 million'. As I said yesterday in question time and as many members of the government have said consistently, this is yet another example of the Labor Party's incompetence and inability to manage money and deliver fair value for Victorian taxpayers. That is what the Auditor-General found. Ms Pulford may wish to criticise the Auditor-General, and I know that Mr Lenders likes to in effect criticise the Auditor-General, but the Auditor-General's findings are clear. He found that Victorian taxpayers have been short-changed by more than \$3 billion as a result of the previous government's negligence and incompetence.

In her contribution Ms Pulford made reference also to increasing gambling expenditure. As members are aware, following the removal of ATMs from gaming venues, in 2012–13 expenditure decreased by more than 7 per cent — and expenditure continues to decline in real terms. There are variations from one municipality to another and from area to area the figures jump around, but the trend is that in real terms expenditure continues to decline. That is in part because of the measures this government has introduced and because of the government's very clear policies on responsible gambling. That is the context in which this precommitment legislation should be seen. This is yet another step, another tool, another part of our framework and policies to assist those who may have an issue with gambling.

I reject the language of and the attack by the Greens who have said that this is somehow tokenism, that this is a waste of money — to use Ms Hartland's term — and that this is a waste of time. I also reject in the strongest possible terms the notion that the government is not concerned about problem gamblers, which is something else that Ms Hartland said. Nothing could be further from the truth. It is why we have such a clear reform agenda and strategy, which we have implemented and continue to implement, to assist the community in general and particularly those individuals who may have issues with problem gambling.

For the sake of repetition, I direct Ms Hartland's attention to Swinburne University's research and validation of the ATM withdrawal. That analysis shows that those who were helped the most and who reduced their expenditure the most were problem gamblers. Surely that is a very positive outcome.

Ms Hartland also dismissed the precommitment trials in other jurisdictions. The only good point flowing from Ms Hartland's negativity about this is that Victoria is leading the way in the implementation of precommitment schemes. Victoria is the leader in

Australia on this matter and on responsible gambling initiatives generally. Following our example, South Australia has now committed to introducing precommitment technology from December 2018. I note that it is a Labor government in South Australia that is introducing precommitment technology to be used on a voluntary basis.

That takes me to the points that Ms Hartland wishes to raise in the committee stage. I will try to address those matters now. In summary, Ms Hartland advocates mandatory precommitment. The government does not support mandatory precommitment. We want a voluntary system; we believe in individual choice. We want as many players as possible to sign up to the precommitment system, but we want them to do that on a voluntary basis. As Mrs Coote said, electronic gaming machines are not the only form of gambling around. If someone has a problem with gambling, there is any number of fashions in which they can spend their money on gambling. That might be through online casinos, at the races or in any number of other forms. We want to take the community with us in this reform. That is why we want it to be a voluntary process. We want to encourage as significant a take-up as possible in the community.

I accept that the Greens have a different philosophical view on this matter. Liberal-Nationals coalition members believe in empowering the individual, individual choice and educating and arming individuals to make the right choices for themselves. The Greens believe that they know best, and they will dictate the answers to all players. Government members do not take that approach. We have a different philosophical approach.

As I said, Ms Hartland, in what I would describe as a very disappointing contribution to the second-reading debate, referred to this proposal as a waste of money. She said that it will do nothing and that the Greens are opposed to it. I have met with a range of stakeholders in relation to this precommitment policy and technology and other matters. To a person those who are most vehemently against EGMs in our community all support a precommitment system of some type. Some may say that they want mandatory precommitment but all of them say that a voluntary precommitment system is an advance. In this matter Ms Hartland and the other Greens are on their own in their position of opposing this very important reform, which builds on a wide range of reforms of the coalition government that have helped the Victorian community, including helping to address problem gambling. Government members look forward to the passage of this legislation.

### House divided on motion:

*Ayes, 35*

Atkinson, Mr	Lovell, Ms
Broad, Ms	Melhem, Mr
Coote, Mrs	Mikakos, Ms
Crozier, Ms	Millar, Mrs
Dalla-Riva, Mr	O'Brien, Mr
Davis, Mr D.	O'Donohue, Mr
Drum, Mr	Ondarchie, Mr
Eideh, Mr	Peulich, Mrs
Elasmar, Mr	Pulford, Ms
Elsbury, Mr	Ramsay, Mr
Finn, Mr	Rich-Phillips, Mr
Guy, Mr	Ronalds, Mr ( <i>Teller</i> )
Hall, Mr	Scheffer, Mr ( <i>Teller</i> )
Jennings, Mr	Somyurek, Mr
Koch, Mr	Tarlamis, Mr
Kronberg, Mrs	Tee, Mr
Leane, Mr	Tierney, Ms
Lenders, Mr	

*Noes, 3*

Barber, Mr	Pennicuik, Ms ( <i>Teller</i> )
Hartland, Ms ( <i>Teller</i> )	

### Motion agreed to.

### Read second time.

### Committed.

*Committee*

### Clause 1

**Ms HARTLAND** (Western Metropolitan) — I have three brief questions and I have given two of them to the minister. The first question results from the minister's comments in his right of reply. Can the minister indicate which groups he has consulted that have given support for this legislation?

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — I have met with a range of groups, as is my responsibility as Minister for Liquor and Gaming Regulation. In many of those meetings the issue of precommitment has been discussed. The Department of Justice has also consulted widely with industry and with all stakeholders. As Mrs Coote referred to in her contribution during the second-reading speech, a discussion paper was produced by the Department of Justice which had input and submissions from a range of stakeholders, including the Victorian Inter-Church Gambling Taskforce.

**Ms HARTLAND** (Western Metropolitan) — Is the minister saying that the Inter-Church Gambling Taskforce supports this legislation? Could the minister

name two or three other organisations that support the legislation.

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — The point I made in my right of reply to the second-reading debate was that I acknowledge that there are a variety of views in the community and amongst different organisations in relation to this issue, but the overwhelming response from those stakeholders with whom I have met and discussed the issue, even those who support mandatory precommitment, is that voluntary precommitment is an advance from the current system and is an advance in a policy sense. In that context, as I said, I believe the Greens are very isolated in the position they have taken today in opposing this very important harm-reduction measure and tool that will assist those who have a problem with gambling. The Greens are taking what I think is a most unfortunate position that prevents the Parliament of Victoria from being uniting in support of the legislation.

**Ms HARTLAND** (Western Metropolitan) — I will try one more time. Can the minister name three organisations that have informed him, either verbally or in writing, that they support this legislation? The Inter-Church Gambling Taskforce was mentioned. Is the minister saying that it supports this legislation and has confirmed this, verbally or in writing?

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — At a recent meeting the members of the Inter-Church Gambling Taskforce reiterated their position to me that they believe the policy of voluntary precommitment is an advance on the current situation of having no precommitment system at all.

**Ms HARTLAND** (Western Metropolitan) — Did they say they supported this piece of legislation?

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — The current situation is that there is no precommitment system across Victoria, and today the Greens are saying they support that position of having no precommitment system, either voluntary or mandatory, in Victoria. I am not quoting the Inter-Church Gambling Taskforce, but the intent of their discussion with me was that a voluntary precommitment system is an advance on the status quo, which the Greens have voted to retain.

**Ms HARTLAND** (Western Metropolitan) — Again, the minister did not answer the question, but I will check with the task force myself because I do not think that is the group's position.

I have two other questions regarding the very strong evidence that came out of the recommendations of the Productivity Commission to implement a full precommitment scheme. I do not understand why the government has gone against the evidence and recommendations from the Productivity Commission and introduced a less effective voluntary precommitment scheme rather than implementing a full precommitment scheme. Why has the government gone against actual evidence? I am not talking about the evidence of the Greens; this is the Productivity Commission.

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — There are a range of views about precommitment arrangements on our electronic gaming machine system. The Victorian government has formed a position consistent with the policy we took to the last election that a voluntary precommitment system is the preferred system for Victoria. That is the coalition's position. It has been our position since before the last election. It was the position we took to the last election, and it was validated by the Victorian community who voted for the coalition government. The coalition government believes in a voluntary system. We believe the system that is before the house today will provide a tool for those who have a problem with their gambling and also provide all gamblers with a tool to better understand their spend and to keep informed as they make their decisions. A voluntary precommitment system, which is part of a suite of policies this government is implementing, will help address problem gambling in our community.

**Ms HARTLAND** (Western Metropolitan) — Do I take it that the government does not believe that the evidence-based advice and recommendations of the Productivity Commission are worth taking up, that the government knows best and the Productivity Commission does not know what it is talking about? I am not quite sure about the minister's answer. Can the minister explain why it is that the advice and evidence of the Productivity Commission was ignored?

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — I refer Ms Hartland to my contribution in the summing up of the second-reading debate and my previous answer.

**Ms HARTLAND** (Western Metropolitan) — I asked a very specific question of the minister: why has the government ignored the advice and recommendation of the Productivity Commission to implement a full precommitment scheme? It is a pretty simple question. Why has the government ignored that advice?

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — I have answered Ms Hartland's question in my summing up of the second-reading debate and in my previous answer. The coalition government believes in empowering individuals to make the right choice for themselves, and we believe the voluntary precommitment system will help to empower individuals to make the right choices when it comes to setting a limit for their gambling.

**Clause agreed to; clauses 2 to 49 agreed to.**

**Reported to house without amendment.**

**Report adopted.**

*Third reading*

**Motion agreed to.**

**Read third time.**

## BRIMBANK AND HUME PLANNING SCHEMES

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

That pursuant to section 46AH of the Planning and Environment Act 1987, Brimbank planning scheme amendment C147 and Hume planning scheme amendment C170 be ratified.

The motion that I move in relation to the ratification of the Brimbank C147 and Hume C170 planning scheme amendments, as can be seen, is very straightforward.

The Brimbank C147 planning scheme amendment implements the recommendations of the green wedge management plan of that municipality, with better zones to support and protect the green wedge of the city of Brimbank — and there are green wedges in the Brimbank municipality.

Two amendments were exhibited in September 2012: C146, which has been finalised and which applies an environment significance overlay to the Maribyrnong River corridor; and C147, which has different subdivision controls and will require ratification. Both amendments proceeded through an independent panel process. The panel supported their approval. Specific matters regarding the C147 amendment considered at the panel were related to the zoning for the Keilor market gardens. This covers an area of 80 hectares, 60 hectares of which is farmland. It comprises 29 lots, which vary in size from 1 to 10 hectares. There is little active farming, despite that being its original purpose.

The 2010 Brimbank green wedge management plan identifies the market gardens as an area that will support lifestyle farming rather than commercial farming. The rezoning of the land from rural conservation zone to green wedge zone reflects this intended future use and restricts further subdivision of the land.

Other land areas were also supported for rezoning to protect their green wedge status, including the Organ Pipes National Park, which is being rezoned as a public conservation and resource zone. This is technically the reason the amendment needs to be ratified by Parliament. It is publicly owned land which is not going to be developed at all, but the rezoning requires ratification, as we know, because of the vagaries of the Planning and Environment Act. There is no rezoning of private land that has triggered the need for ratification under the Planning and Environment Act. I understand the council adopted the amendments as per the panel recommendations on 23 July 2013.

In relation to Hume planning scheme amendment C170, this rezoning implements the recommendations of the Logical Inclusions Advisory Committee for Hume area 6, which is the area south of Reservoir Road, Sunbury. It is 25 hectares of land bound by Reservoir Road, the Calder Freeway and the existing urban growth boundary (UGB).

In October 2011 the Metropolitan Planning Authority, which was then the Growth Areas Authority, conducted its review by assessing submissions and consulting with land-holders, government agencies and councils. The independent Logical Inclusions Advisory Committee then reviewed, considered and made recommendations for each area in that process.

I approved the committee recommendations in May 2011 and approved seven planning scheme amendments which implemented the recommendations of the advisory committee, and these were gazetted on 13 September 2012.

The advisory committee supported the inclusion of the area known as Hume area 6. I directed that a second round of consultation be undertaken following advice that some land-holders in the area may not have received adequate notification. A decision on this area was deferred until that further consultation was undertaken with affected land-holders, relevant agencies and departments. No objections or submissions were received. Following this further consultation, the land parcel was further reviewed by the advisory committee. It reaffirmed its support for the

inclusion of Hume area 6. This amendment will rezone that land from green wedge to urban growth zone.

Hume City Council has long supported this land coming within the UGB, having reiterated support in February and November 2009, and in the logical inclusions process which commenced in 2011. They are the two amendments on the table.

**Mr TEE** (Eastern Metropolitan) — I welcome the opportunity to make a few remarks in relation to these two planning scheme amendments. There are many criticisms that can be made of the government and the minister when it comes to the green wedge, but certainly they do not lack consistency when it comes to the green wedge. I think we are yet to see this government do anything to add any value to the green wedge. We are yet to see this government add any parcel of land or anything new to the green wedge. Instead what we see on every occasion that the issue comes before this chamber is a whittling away of the green wedge; every decision that the government makes is a whittling away.

What we see increasingly now is an attack not only on the boundaries of the green wedge but indeed on the development that can occur within the green wedge. Essentially, if it is not being ripped off from the sides, then it is the development that can occur within the green wedge. It is a dual attack: both removing land from the green wedge and also undermining the lungs of Melbourne by stripping away what occurs and the protections that are put in place within the green wedge.

As I said, at least on this front the government is consistent in its denigration of an iconic part of Melbourne. The government has made clear that when it comes to the green wedge there are two very definite alternatives: on the one hand there is a government that has walked away from bipartisanship and on the other hand there is an opposition which is determined to project the green wedge.

Having made those broad remarks, I indicate that the opposition does not oppose these two amendments. The Brimbank City Council management plan developed by the council changes some designations within its green wedge, mainly from rural conservation zone to public park and recreation zone. It also fixes two sections of the Calder Freeway which have been incorrectly zoned as public park and recreation zone, and that will be returned to road zone category 1. From that perspective we welcome the work that the Brimbank council has done. We do not oppose those changes.

Similarly the Hume planning scheme amendment rezones about 25 hectares between the Calder Freeway and Sunbury, and essentially this will ultimately allow an expansion of Sunbury. We note the council's ambitions to include a neighbourhood activity centre on the site.

As I said, it is a great pity that the government has walked away from the bipartisan approach that we had to the green wedge, and we lament that on every occasion we debate it. I will make that point on every occasion that there is debate on the green wedge, because I believe personally it is a tragedy. I only hope this government will see the error of its ways and start protecting for future generations this invaluable part of our heritage — a heritage that I might add, in fairness, was initiated by a conservative government, and a heritage which allows for the protection of open space not only for families but also for valuable agricultural land.

As I said, our concern on this side is about seeing the whittling away of those values and the whittling away of that land. I suspect that for generations to come Victorians will live in the shadow of the damage that has been done by this government.

**Mr BARBER** (Northern Metropolitan) — The Greens will support the motion for the Parliament to ratify these planning scheme amendments. As noted, the amendments have been through a public exhibition process, with a panel report led by the council. That is more than you can say for a lot of the planning scheme amendments that have been pushed through by ministers of governments of all flavours over the years.

Naturally, when it comes to matters of green wedge land, or for that matter the simple rezoning of land, people always have a range of views. There are people who passionately advocate for better protection and better management of our green wedge zones. A number of those people have come forward with submissions that they put to the council during this process. Notwithstanding, we believe these planning scheme amendments are worthy of support.

Mr Tee made a claim that this government has not added anything to the green wedge during its time in charge. It would be interesting to know that; at some point I should get around to asking the minister the question. In the process set up by the Labor government there was a requirement, when native vegetation was to be destroyed by development, for offsets to be made that would lead to the purchase of other areas of grassland. Over time these areas will build up and eventually become a large grassland reserve in the west

of Melbourne. When that process is completed we will have added to the green wedge. We will have a large western green wedge, we hope, with protected grasslands.

Native grasslands are highly endangered, and for that reason this process is run under the aegis of the federal Environment Protection and Biodiversity Conservation Act 1999. It is unfortunate how the process was set up by the then state planning minister, Justin Madden, now the member for Essendon in the Assembly, and the then federal environment ministers, of whom there were a few. The progress of the creation of this park is totally dependent on how fast other grasslands are destroyed. In order to save the grasslands, you first have to destroy other grasslands. That is what is happening in the outer parts of the western suburbs as developers bring forward land and the relevant authorities set out precinct plans and designs for new suburbs. When development occurs the developers destroy some native grassland but pay credits or cash to allow this other grassland reserve to be created.

As this process continues we will be adding not only to the stock of green wedge land but to one of the things that we value about the green wedge, which is its protected areas, national parks and other sorts of parks that become biodiversity reserves. It would be interesting at some point to ask if the minister is aware how many hectares of native grassland have been exchanged in that way and if we are making progress towards the creation of an important asset for the new green wedge in the west. Notwithstanding that question, as I said, the Greens will be supporting the motion to ratify these planning scheme amendments.

**Hon. M. J. GUY** (Minister for Planning) — In summing up, I appreciate the support of all political parties on this issue. I find it absolutely bizarre that the goons opposite in the Labor Party say that they oppose everything in these planning scheme amendments but are going to vote for the motion to have them ratified. If I have been consistent in my green wedge policy, as Mr Tee has said, the Labor Party has certainly been consistent in its green wedge policy: it has none. How can Labor come into this chamber, bag everything about these planning scheme amendments and then vote for the motion? It says everything about the planning policy, or planning thought — there is no policy in it — of the Australian Labor Party in this state at the moment. It is bizarre.

How can one come into this chamber and say, as the opposition's planning spokesperson has done, that one of these amendments is whittling away the green wedge and developing the green wedge, which is going to

reduce open space — the member still does not understand that the green wedge is not public open space; it is private land — and then vote for it? It is quite bizarre. It is ridiculously inconsistent. In my view it reflects what we would get in planning policy if Labor were ever to see government in this state, and that is policy on the run, policy that is bizarrely inconsistent and policy that is made up on the day. Labor and Mr Tee voted for 43 000 hectares of the urban growth boundary to be expanded into green wedge land, and then after an election Mr Tee and his Labor colleagues will say, 'We are the defenders of the green wedge'. It is like a milkman saying he does not like to drink milk, for instance. It is quite a bizarre situation.

I am pleased to see that the Greens have read the planning scheme amendments and can see they are quite useful. I am happy to have the support of all parties, despite the criticisms from the Labor Party.

**Motion agreed to.**

## ELECTRICITY SAFETY AMENDMENT (BUSHFIRE MITIGATION) BILL 2013

*Second reading*

**Debate resumed from 12 December 2013; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).**

**Mr ELSBURY** (Western Metropolitan) — It is my pleasure to speak on the Electricity Safety Amendment (Bushfire Mitigation) Bill 2013. It is fitting that we have this debate today, on the eve of the fifth anniversary of the Black Saturday bushfires. That tragedy shook the people of Victoria. There is not a person across the state who did not feel the full effect of those events. The coalition government continues to roll out safety measures to reduce fire risk across our communities.

I will give a bit of backstory about the fires on Black Saturday. While the fires were still burning in the hills around Healesville, I assisted the office of Fran Bailey, the then federal member for McEwen, in managing the many calls for help being made by people across the community as well as the generous offers of support and donations. People wished to help in any way they could. The outpouring of sympathy towards people right across the communities impacted by the Black Saturday bushfires was astounding.

While I was sitting in the office in Healesville I was waiting for news of family members in Kinglake. We had not yet heard from them; no communication could

be made. We could not raise them on the telephone, email or anything like that. It was late one afternoon while sitting in Fran's office, sorting out the day's work and moving around yet more offers of help — we would write them down and put them into piles of people who wanted help, people who needed help and people who could offer help — that we received a phone call to say that everyone in the family was safe and that they had only lost one of their farm buildings and a water pump in the fighting of the fire. It was a great relief for me and my extended family to know that those family members had come through the tragedy that had beset their community.

Following the initial period of the fires I volunteered to assist in clean-up operations coordinated by Freemasons Victoria through the BlazeAid organisation. It was during this time that I visited the farm in Kilmore East where the deadly Kinglake fire originated. A powerline had come away from its pole and arced off a fence, which sent sparks into dry grass and started the blaze. It was a very tender time for that farmer. He felt upset about the whole thing, and many people in the community were willing to point fingers. It was a distressing time for him and for people in the community because they wanted answers as to why this had happened.

After a few days I was sent to Flowerdale, where we took down burnt fencing. We cleared the fence lines of trees that had fallen onto the fences. We pulled out the old posts, wrapped up the barbed wire and got things cleared away so that fencing contractors could do their job of putting fences back up. That was hard physical work. I am not exactly the fittest man on earth — I was not back then either — and the physical aspect of the labour is something I will not forget. When we were there we saw the randomness of the event. There were houses in almost perfect condition standing where they had been for many decades while a neighbour's home had completely gone. We saw livestock in various states of distress being slowly but surely dealt with, and in some cases we came across piles of dead livestock. That is something you just do not want to see, but it was the reality of what we were dealing with in that instance.

We also heard stories from those who were affected, whether it was a Country Fire Authority (CFA) volunteer, a farmer who stood on his porch and watched as the fire front came through and wiped out his entire livelihood or families who, just like me, had been waiting for phone calls and news of a family member. Those who were fortunate enough to hear good news celebrated receiving those phone calls, but unfortunately not all received positive phone calls.

We listened to people's stories and they told us what they wanted to tell us. One of the things we were told in our briefing before going out to start the work was, 'They do not care what you know; they just want to know you care'. That is what we were there to do. We were there to help out where we could. I could have pumped out a good media release for them — that is what I used to do — but at that time what they needed was manpower. They needed people out in the field, and in some cases people just needed a shoulder to cry on.

As has been discussed this week in this place during debate on other legislation, the distribution of electricity remains an important aspect of ensuring community safety by providing cooling in summer and heating in winter. People reliant on electricity for medical equipment also need a reliable and uninterrupted electricity supply in the interests of their ongoing health. Ensuring the safety of the conveyance of electricity to homes, business, industry and infrastructure is in the interests of everyone. The maintenance of electricity networks needs to be done to ensure supply as well as to defend communities from bushfires. We should remember that only a small number of bushfires have been ignited because of electricity infrastructure failure. However, it is also a fact that the conditions under which a piece of electricity equipment fails tend to be high temperatures and high winds, so there is a greater likelihood that a fire started from a failure of equipment is more likely to spread quickly and build into a major fire event.

Consultations on this bill have occurred. A discussion paper was released in June 2012 that benefited from 52 stakeholder responses, and a white paper was released in November 2012 that attracted 15 responses. Energy Safe Victoria consulted the Electric Line Clearance Consultative Committee, a group that brings together relevant government departments, private land-holders and experts. Energy Safe Victoria also approached the Municipal Association of Victoria, Victorian electricity distributors, VicRoads, the Department of Environment and Primary Industries and Victorian fire authorities to gain their insights.

The urban fringe of our great city of Melbourne remains exposed to the impacts of bushfires and grassfires. In Western Metropolitan Region I am only too aware of the dangers fires pose to our communities. Recently the township of Little River was placed under threat from fire. In this case, however, police believe it was the result of arson, a crime this government does not take lightly and for which it has passed legislation to enforce harsher penalties for those who place the public at risk through this irresponsible act. Having

gone to Little River and spoken to the CFA volunteers down there, the people at the general store and in the pub, I can tell you now that whoever lit those fires had better hope the police get to them first. The community is outraged that someone would be so irresponsible as to light a fire during weather conditions which could potentially have taken the entire township off the map.

The Electricity Safety Amendment (Bushfire Mitigation) Bill 2013 redefines the definition of an urban area in the Electricity Safety Act 1998. This is important to define the maintenance expectation for low-density residential developments where there is substantial tree coverage and vegetation, as these areas will have higher fire mitigation requirements than they have previously had. Generally blocks to the size of 1 acre are defined as needing greater bushfire mitigation. The new definition will include areas with block sizes of more than a quarter of an acre.

Unfortunately these days not many blocks across Melbourne are a quarter of an acre. I feel you would be struggling to find one in most of the new developments. But for those people who are fortunate enough to find a block of that size in the new developments across the western suburbs, the northern suburbs and even out to the east, there will be new definitions. If you have blocks larger than a quarter of an acre, those properties will be placed inside this new fire mitigation area.

Even though we are bringing more sections of urban fringe into these protection areas for more vigorous bushfire mitigation works to occur, we also need to remind ourselves of the dangers that have beset other communities across Victoria and Australia. As was spoken about earlier today by my colleague, Wendy Lovell, during Black Saturday there were fires coming into the township of Bendigo. I do not think many people could forget the fires in Sydney, or the Canberra fires that came right into the suburbs and caused a great deal of distress, loss of property and unfortunately loss of life.

To be clear, any developments with lot sizes greater than a quarter of an acre, or 0.1 hectares, will be treated by default as high bushfire-risk areas. There is, however, an exception to this. If the Country Fire Authority or the fire authorities in the area have a look at the site and decide that there is insufficient plant material — trees or scrub — then the increased need for bushfire mitigation on electricity supply infrastructure can be waived. There is no point talking about cutting back limbs on trees if there are no trees to cut back. It makes a lot of sense to allow for a bit of flexibility in the bushfire mitigation required for a region.

The bill will require electricity distributors to keep trees and vegetation clear of powerlines on public land, unless it is land under the management of a municipal council. The responsibility of VicRoads for electric line clearance will also be transferred over to electricity distributors to reduce confusion over who is responsible for keeping lines clear of vegetation.

The Electricity Safety Amendment (Bushfire Mitigation) Bill 2013 aims to reduce the administrative burden by making bushfire mitigation plans valid for five years rather than one year. If a fire mitigation plan needs to be amended during the five-year period that it is active, a variation can be submitted to Energy Safe Victoria, if the amendment is a substantive change. This would be the same arrangement as is currently required for the revision of the electricity safety management schemes. This will maintain an effective fire mitigation measure and protect our communities, while reducing the required paperwork.

Bushfire mitigation plans are complex documents involving a large amount of technical data and information. This means that unless a person viewing the bushfire mitigation plan has an intimate knowledge of fire-risk reduction, then the document will simply baffle them. Instead a summary document will be made available in plain language for community members to take on board, in order for them to understand what is going to happen in their region to reduce the fire risk.

Over the last couple of months I have been working with Parks Victoria, talking about the fire reduction works that need to take place on many of the reserves that we have in the western suburbs — at Brimbank Park, the North Laverton grasslands or even out at the Truganina swamp. Parks Victoria has a distinct plan for the next three years for the areas of land it is going to work on to manage the fire risk so that there will not be a build-up of material and so an entire ecosystem will not be wiped out completely should a fire event occur. In the case of Brimbank Park there is a great need to be careful and cautious, as there are homes very close to the park, and being able to reduce that fire risk is also important.

Parks Victoria provides clear and concise mapping of what areas it is going to do controlled burns in, or slashing or tree removal and so on, to reduce the risk to property and to life in its reserves. I would think that that is similar to what is proposed by having a plain English approach to bushfire mitigation plans into the future and providing a summary document that a layman can understand, even someone as simple as me.

The government is also taking other measures to reduce bushfire risk. The bill is part of a broader plan of reducing fire risk across Victoria. We cannot just sit back and pretend that the work is done. Many communities are currently rebuilding, and there are certain restrictions on the types of buildings that can be built in certain areas because of the risk of bushfire. But we also have to do some proactive work to reduce the bushfire risk. That is why the government established the \$750 million, 10-year powerline bushfire safety program to deliver on recommendations 27 and 32 of the bushfires royal commission.

The government hopes to be able to deliver safer communities by significantly reducing the risk of powerline-caused bushfires. This is being achieved through the deployment of safer insulated infrastructure, new protection technologies and enhancing operational practices across the powerline network. Mr Neil Comrie, the bushfires royal commission implementation monitor, noted in the executive summary of his 31 July 2013 report tabled in Parliament that the powerline bushfire safety program was one of the government's initiatives making good progress.

Victoria is now being recognised as an emerging centre of excellence in the reduction of catastrophic bushfires caused by electrical assets through this government initiative. We have also established the powerline replacement fund. Up to \$200 million has been allocated to replace distribution business-owned bare-wire, high-voltage powerlines and to replace the privately owned bare-wire, overhead electric lines in areas of high bushfire risk.

Undergrounding of private overhead electric lines in the highest consequence risk areas within the Otway Ranges, Dandenong Ranges and the Warburton district began in December 2013. A total of 5 private overhead electric lines have been undergrounded to date, with a further 170 targeted, which the government hopes to have completed by the end of this financial year. It is anticipated that through this 10-year program all of Victoria's remaining private bare-wire overhead electric lines — around 1200 — will be placed underground, reducing the potential risk of these pieces of energy infrastructure.

The bill intends to change the way we view our urban areas. It intends to change the mindset of some people about whether or not they are in an area that requires bushfire mitigation. Certainly with people wanting to move into beautiful environments, especially up in the Dandenong Ranges and out through the Yarra Valley into bushland on the urban fringe, we need to start

thinking about what needs to be done to keep people safe by reducing the fire risk by interaction between electricity infrastructure and vegetation.

With the changes in the bill the government hopes to achieve a safer environment for the outer urban areas of Melbourne and reduce the bushfire risks across the state. It is about being proactive and getting the job done of reducing fuel loads and monitoring the interaction of infrastructure with vegetation so that we do not have to once again deal with bushfires like those of Black Saturday coming right up to our doorstep.

The reason why we have gone from acre blocks down to quarter-acre blocks is that the potential fuel load within an acre block is quite high, whether it be from unkempt grass or additional trees in the area that need to be dealt with. That can carry a flame, or it can carry a fire. On a block of a quarter acre or smaller generally there is more pavement and there are more people around, so they can see a fire starting. A fire can be dealt with a lot quicker and will not catch onto as many other items around it and will not quite reach the ferocity that it would in an area four times the size of a quarter-acre block. With those few words I commend the bill to the house and seek its support from all members in this place.

**Mr SCHEFFER** (Eastern Victoria) — This morning the chamber commemorated the fifth anniversary of the fires that destroyed large parts of the state in 2009, consumed the lives of 173 people and countless animals and scorched thousands of hectares of country. The fires have been described as the worst natural disaster Victorians have experienced, but it seems to me that the term 'natural' implies that human beings had little to do with it. Nothing could be further from the truth, as the evidence now overwhelmingly indicates that the searing heat of the days preceding 7 February 2009 is part of a pattern of global warming that is caused by human activity. The evidence is becoming so clear that scientists now predict that it is most likely that we will experience further episodes of extreme heat during the current summer — and we have indeed, in January — and increasingly in subsequent summers as the planet continues to warm.

The royal commission itself was blunt when it identified the electricity distribution assets as the cause of these worst fires ever and specifically recommended that government take an active role in fixing the problem. As we know, the royal commission made 67 recommendations, and 8 of these related specifically to electricity supply assets. The commission also recommended that further analysis be conducted on some aspects by an expert task force.

Recommendation 27 was that all single-wire earth return, or SWER, powerlines in Victoria should be replaced with aerial-bundled cable, underground cabling or another technology that would deliver greatly reduced fire risk. This recommendation also urged that the replacement program should be completed in the areas of highest bushfire risk within 10 years and should continue in areas of lower bushfire risk as the lines reach the end of their engineering lives.

The coalition was at that time in opposition but accepted all the royal commission's recommendations lock, stock and barrel — no ifs and no buts — and roundly criticised the then Labor government for reserving its decision on some of the recommendations. The bill comes into this chamber during, as I said, the high point of the fire season and bears directly on the safety of electricity powerlines and on the obligations of the major electricity companies to report on their fire management plans. The bill goes to the heart of the matter: to keep the people, domesticated animals, wildlife and plants protected against these intense fires that the state, the nation and indeed the world will be experiencing more frequently in the years to come as a direct result of global warming.

The opposition, as we know, will not be opposing this bill, even though it has some concerns that need to be mentioned. The minister has stated that the bill will improve the effectiveness and efficiency of regulatory arrangements for the mitigation of bushfire risk in relation to electricity assets. The bill amends the act so that in declared areas local councils that manage public land — not VicRoads — will be responsible for keeping trees clear of electric lines. It also updates tree clearance requirements and reduces the frequency with which electricity companies submit their bushfire mitigation plans.

The opposition has indicated clear concerns over this last objective of the bill — that is, to reduce the reporting frequency for bushfire mitigation plans. Responsibility for clearing vegetation on public land around powerlines sits with electricity distributors and not with the managers of the land, and the minister's second-reading speech cites school councils and committees of management. The bill amends the Electricity Safety Act 1998 so that areas on the urban fringe characterised by smaller subdivisions are no longer treated by default as low bushfire risk. The practical effect of all of this is that powerlines in such areas will need to be inspected more often. I know this will be welcomed by many communities across Eastern Victoria Region, including the south-eastern fringe of Melbourne.

The opposition has, as I said, raised concerns about lowering the reporting frequency for distributors' bushfire mitigation plans. Currently, as we know, these plans need to be lodged each year, but under the provisions of this bill they will only need to be lodged every five years. I took the opportunity to check the bushfire mitigation plans of Jemena Electricity Networks and SP AusNet. While I do not have particular expertise in the area, it seems to me that SP AusNet's bushfire mitigation plan — I will not go into the Jemena one now — is wide reaching. It covers the preventive strategies, procedures and processes within the distributor's asset management system that are used to monitor, investigate, report, analyse and implement programs to mitigate the risk of fire ignition associated with its supply networks.

The plan applies to all SP AusNet operations and activities that could affect bushfire conditions, and it extends to activities of all SP AusNet personnel, as well as agents, consultants and contractors to the company who are engaged in the operation and maintenance of networks operated under the electricity safety management scheme. The plan sets out its objectives, how SP AusNet plans to assist fire control authorities in investigating fires and its geographic responsibility, which includes the Alpine National Park and the Bunyip State Park in Eastern Victoria Region.

The plan also contains a diagrammatic representation of the risk assessment model and sections on the general maintenance and replacement program, together with an extensive list of the separate areas that are regularly checked, such as tower corrosion, anti-climb devices, line hardware, insulators and conductors and ground wire. The plan states that the system manages some 13 000 towers that are inspected by qualified transmission linesmen whose training specifications are also included in the plan.

This bushfire mitigation plan is no small thing, and I share the concern that the opposition has already made public over the government's intention through this bill to reduce the frequency of reporting on the plans to once every five years. The coalition stated at the time of the publication of the 2009 Victorian Bushfires Royal Commission final report that if it were elected to government, it would implement every one of the royal commission's 67 recommendations.

The most recent report of the independent bushfires royal commission implementation monitor, Neil Comrie, of July last year revealed that the Napthine government had failed to deliver on some key recommendations. As the opposition pointed out at the time, not one additional community fire refuge had

been made available to any community as a last resort shelter option, even though four were promised for delivery by the 2012–13 fire season. The monitor's report also states that technological improvements to standardising radio interconnectedness and fire information systems would not be completed by the start of the 2013–14 fire season, which is the season we are in the middle of right now. Is any of this surprising when the coalition cut some \$45 million out of the Country Fire Authority's budget?

As I indicated in my remarks during the Black Saturday debate this morning, at the end of this week many of us will be attending commemoration services for the 2009 bushfires that killed 173 Victorians and laid much of the state to waste. I know that everyone in this chamber is deeply sensitive to the tragedy that befell the state in February five years ago, and I simply say that while we on this side understand that governing is not easy and deadlines can be difficult to meet, it is our collective duty as an opposition to hold the government to account. The fact is that promises have not been kept, and the coalition government needs to get on with it in the interests of those Victorians who live in high fire-risk parts of the state.

**Mr RAMSAY** (Western Victoria) — It gives me great pleasure to speak on the Electricity Safety Amendment (Bushfire Mitigation) Bill 2013 this afternoon. I would have liked to have had the opportunity to contribute to the motion this morning in recognition of the fifth anniversary of Black Saturday and the loss of 173 lives, but unfortunately I was not able to do so. I want to contribute to the debate on this bill because I have been involved in dealing with fires all my life — although not, I am happy to say, dating back to Black Friday in 1939. Mr Scheffer talked about global warming, but in fact the temperatures and the environment were very similar back in 1939 when there were significant hot temperatures, similar to those seen on Black Saturday, of 45 or 46 degrees. The wind speeds were very similar to those on Black Friday in 1939, when 90 kilometre-an-hour northerly winds were forecast.

While the argument of global warming may be used, it is interesting what you see if you go back through the records. Even in 1851 temperatures and conditions during those significant fires were similar to the conditions on 7 February 2009. It is a bit cheap to raise the climate change ideology when discussing this bill and debating motions like the one that was before the house this morning, because similar weather patterns have occurred for 100 years.

However, I am not here to talk about cheap political points. I am here to talk about an important piece of legislation that will hopefully keep Victorians safer in the future. I am speaking to this bill because it is a good piece of legislation that makes amendments that will improve the effectiveness and efficiency of regulatory arrangements for the mitigation of bushfire risk in relation to electricity assets.

As I have just said, I suspect that all of us in this chamber, as both government and non-government members of Parliament representing our electorates and regions, remember the horrifying effects of the 2009 Black Saturday fires, one of the causes of which was fallen or clashing powerlines. In fact the 2009 Victorian Bushfires Royal Commission indicated that the cause of the fire at Kilmore East, where 120 lives were lost, was a faulty power pole. While I am reluctant to say more about that, because I understand there is a class action before the courts in relation to the source of that fire, I can say that this legislation is important given that the primary reason for the fire in that locality directly relates to the piece of legislation that we are here to pass this afternoon.

I was also heavily involved in the Ash Wednesday fires, where 75 lives were lost, trying to preserve my own property and other property in the Otways. Again temperatures during that fire were similar to the conditions we saw on 7 February 2009.

This bill will tighten requirements to keep vegetation clear of powerlines, which will reduce the risk of powerlines starting bushfires. The bill also mitigates the risk to urban land and increases preparedness for periods of high bushfire danger. Unlike the Greens, and sadly Mr Scheffer, who think that global warming or the abolishment of the carbon tax are to blame for fires, we understand the importance of controlled burn-offs in the cooler months to prevent the build-up of fuel in the summer months. The more fuel there is for a fire to feed off, the longer and more severe it will be. This is exactly what happened in Tasmania last year when the farmers of Dunalley could not get a permit to burn off excessive ground fuel on their properties because of the Greens' restrictions. It is the Greens' continuing opposition to properly managing the fuel loads in our bush that has turned bushfires in recent times into unstoppable infernos.

The 2009 Victorian Bushfires Royal Commission made 67 recommendations, all of which this government has supported. Recommendations 24 to 34 refer to the electricity infrastructure. As part of addressing these recommendations the coalition government has pledged \$750 million to bushfire prevention programs;

\$200 million of that was announced last year to fund upgrading powerlines in high-risk areas. Bushfire mitigation standards will be increased to include more frequent inspections of powerlines unless the relevant fire authority assigns a fire hazard rating of low.

Currently the Electricity Safety Act 1998 provides that managers of public land in urban areas, including school councils and committees of management, are responsible for clearing trees from electricity lines on the public land. The bill will amend the act to clarify that for managers of public land, such as school councils and committees of management, distribution companies will now have the responsibility for clearing trees from electricity lines on the public land. Where municipal councils currently have responsibility for clearing trees from electricity lines on public land, there is no change to these obligations as a result of these amendments.

The effect overall is to avoid the confusion and inefficiencies associated with having a multitude of land managers undertaking small-scale tree clearing activities. The bill will also transfer the responsibility for electric line clearance from VicRoads to the distribution companies. This will avoid the current uncertainty associated with determining whether or not VicRoads established a plantation and is therefore responsible under the Electricity Safety Act 1998 for tree clearing on that plantation.

Currently distribution and transmission companies must submit annual bushfire mitigation plans to Energy Safe Victoria for its approval. In order to reduce the administrative burden, the bill amends this requirement, making bushfire mitigation plans valid for five years rather than one. The distribution or transmission companies will be required to make summaries of these plans available to the public. However, companies will be required to advise Energy Safe Victoria of any substantive changes to their plans during the five-year period and lodge revised plans if necessary, just as they must do now for electricity safety management schemes.

I have some sympathy with Mr Scheffer's views in relation to the quite long five-year period for these plans, but as I understand it, Energy Safe Victoria can request the revision or review of those plans at any time it is so disposed. I do get some comfort from the fact that Energy Safe Victoria is able to require a distributor to revise its bushfire mitigation plan within the five-year period. Similarly a distributor must keep its bushfire mitigation plan up to date and resubmit it to Energy Safe Victoria, having regard to changing

hazards or risks. I hope that also gives Mr Scheffer some comfort in relation to that requirement.

Before I go to the next point, I will make some comments on Mr Scheffer's contribution. On the powerline replacement fund, as I said, up to \$200 million has been allocated to replace distribution business-owned bare-wire high-voltage powerlines and privately owned bare-wire overhead electric lines in high bushfire-risk areas. The undergrounding of private overhead electric lines (POELs) in the highest consequence risk areas within the Otway Ranges — where I come from — the Dandenong Ranges and the Warburton district began in 2013. To date five have already been put underground and a target of a further 170 is to be completed by the end of this financial year.

It is anticipated also that through the 10-year program all of Victoria's remaining approximately 1200 bare-wire private overhead electric lines will be placed underground, so ridding the state of this potential risk. Under the program 12 distribution business high-voltage projects have been commissioned to proceed to detailed design. Collectively those projects will seek to remove approximately 70 kilometres of bare wire, costing an estimated \$26 million.

It is anticipated that next month the electricity distribution businesses will begin construction works on the first of those major projects in the Dandenong Ranges and the Otway Ranges. They will be replaced with aerial bundled insulated cables and underground conductors, consistent with the recommendations of the bushfires royal commission. It is anticipated also that by July six high-voltage projects will be completed, removing approximately 23 kilometres of bare wire from high-consequence bushfire-risk areas. It is anticipated also that in this financial year \$12 million will be spent on the important POEL and high-voltage infrastructure safety upgrades, with a further \$16.5 million to be spent in the 2014–15 financial year. In addition, \$500 million is being invested in electrical asset protection and control equipment.

Currently electricity distribution businesses are installing new generation automatic circuit reclosers (ACRs) on the single wire earth return lines, the SWER lines that Mr Scheffer spoke about, and the multiwire powerlines across rural and regional Victoria.

**Mr Leane** interjected.

**Mr RAMSAY** — Yes, Mr Leane. As I said, the SWER lines are going underground as we speak — and a further 170 are targeted within this year. Also, of an

estimated 1300 SWER ACRs, 500 new generation devices have been installed in the two main rural distribution networks, with installations focused on the high bushfire-risk areas. Compared to older technologies, these new generation devices are able to be remotely controlled so that the operational settings can be changed on high fire-risk days and therefore be able to meet the environmental conditions in a timely and efficient manner. This means that fault currents can be reduced and the potential for actual fires can be significantly reduced by remotely setting the ACR more sensitively, based on the actual load on the powerline on any given day. The ACR reaction time can also be shortened so that the current is switched off more quickly, and the number of reclose attempts can be reduced to limit the risk of electricity arcs causing bushfire ignition.

Under existing safety management programs, the electricity distribution businesses are also installing new generation ACRs on 22-kilovolt powerlines. To date approximately 300 of the new ACRs have been installed. This vital work has been embraced by the electricity distribution businesses.

Under the powerline bushfire safety program a \$10 million research and development program to identify and create cost-effective risk-reduction technologies and procedures is being overseen. One such technology currently under investigation is the rapid earth fault current limiter (REFCL). As the name suggests, this device rapidly limits energy release in certain types of powerline faults on multiwire — not SWER — powerlines. In a world-first trial to commence in Frankston in late March, experts will be testing to determine whether the REFCL can play a key role in suppressing arc-induced bushfire ignition from wire-to-earth faults on 22-kilovolt powerlines.

Good work is being done in the research area to try to reduce ignition from our electricity assets, and good work is being done also in response to the 67 recommendations of the bushfires royal commission, to which this government has committed fully.

In closing, I take the opportunity to mention quickly the significant fires in my region over the past month. I cannot reiterate often enough the importance of fire prevention and management. This bill deals in part with matters relating to bushfire mitigation — that is, in relation to electrical assets. In my electorate we have also seen a substantial investment in fire stations, fire appliances and safety equipment for our hardworking Country Fire Authority volunteers. On behalf of the Minister for Police and Emergency Services, Minister

Wells, I have been lucky enough to have participated in a number of announcements on new fire stations and new fire appliances across my electorate. There has been good feedback and support from those communities where fire services are being updated.

Just two weeks ago I was with the Premier and Minister Wells in the hamlet of Blackwood to open a new fire station which incorporates a world-first fire refuge. While it is a refuge of last resort, the opening was welcome news for that community. For the information of anyone who has been to Blackwood, it is nestled in quite significant forestation.

The issue I want to bring to the attention of the house as part of my contribution to the debate on this bill is that considerable concern was expressed about the lack of mobile phone coverage. That was concerning not only the community in Blackwood, obviously, but also people in areas such as Dereel, where last year they also had significant fires, and the Rokewood area, where there are black spots. I call on the federal government to ensure that as it goes through its review process Blackwood be under consideration as part of its \$100 million black spot funding initiative. I know that my parliamentary colleague Mrs Millar, who in fact joined me at Blackwood and will now be going through a redistribution in her Northern Victoria Region, has been a strong advocate for fire services not only in her region but also for Blackwood and the Blackwood region so that they are part of the discussions on the black spot funding initiative announced by the federal government.

Lastly, I take this opportunity to thank the fire services — —

**The ACTING PRESIDENT (Ms Pennicuik)** — Order! Unfortunately, the member's time has expired.

**Ms HARTLAND** (Western Metropolitan) — I will be very brief, as the previous three speakers have gone through all the technicalities of this bill. The Greens support the bill, but I want to take up one point that Mr Ramsay raised when he said that it is the Greens who stop burning of vegetation or clean-ups. It is my understanding that it is the Department of Environment and Primary Industries, the Country Fire Authority or a council that issue the permits. If Mr Ramsay would like to give me evidence of a Greens-dominated council anywhere in regional areas that has stopped that work being done, I am more than happy to discuss it, but he should remember that it is actually the Department of Environment and Primary Industries and the Country Fire Authority that issues the permits, not the Greens.

**Mr LEANE** (Eastern Metropolitan) — In speaking on this particular piece of legislation, I indicate that I am gobsmacked that government members, after committing to implementing all the bushfires royal commission recommendations lock, stock and barrel, can come in here and say, ‘We’re committed to consultation, white papers and committees’. If the government had committed to implementing those recommendations lock, stock and barrel, there would not have been consultations, there would not have been white papers and there would not have been committees. There would have been tenders to underground all the single wire earth return cables which the government promised to underground.

The Premier at the time, John Brumby, said that was a recommendation his government could not fully commit to because of the expense. It would not have cost \$200 million over 10 years but billions of dollars to underground those particular cables. The Premier at the time was up-front and honest, unlike the opposition at that time. The then Leader of the Opposition, the member for Hawthorn in the other place, Mr Baillieu, said the opposition would commit to all the recommendations and that there was no reason why it could not. The Deputy Leader of the Opposition at that time said the opposition would implement all the recommendations, lock, stock and barrel, which is simply not possible.

In their contributions government members have talked about bushfires not being reduced to cheap political point-scoring, but that is what happened before the last election. Members of the coalition, some who became the leaders of the government, said they would implement the bushfires royal commission’s recommendations, lock, stock and barrel. This legislation and the recent chest beating of the government comes nowhere near it at all, so we do not want to hear government members talk about cheap political point-scoring on the subject of bushfires ever again, because its record in that regard is a disgrace. What the coalition did in 2010 is a disgrace. To have said that it would implement all the recommendations was a lie.

**Mr BARBER** (Northern Metropolitan) — I was not intending to speak on this bill, because Ms Hartland covered the matters adequately, until I heard a government member deliver against my party a filthy slander that we were responsible for the Dunalley bushfire in Tasmania. Let me put a few things on the record, and I am quoting directly from the Tasmanian Greens leader, Nick McKim, who said:

The Greens strongly support fuel reduction burns as a vital tool for protecting lives and property. This includes all land tenures, from private land to national parks and other reserves.

This has been a clear and longstanding policy, which we have backed up consistently with action to strengthen fuel load management practices in Tasmania.

This has included securing an additional and recurrent \$16 million allocation to the Parks and Wildlife Service in the 2010–11 state budget for the vital role it plays in reserve management, including fuel reduction burns.

The Greens also supported a contingency payment to Forestry Tasmania last year, to help fund non-commercial functions that include fuel load management.

...

Those media commentators and others who have claimed Greens do not support fuel reduction are simply playing opportunistic politics with a tragedy.

That is exactly what has been on display here today.

Directed, I think, at Mr Scheffer was a statement that he was engaged in a cheap shot by stating a simple reality — that is, that global warming has increased fire weather. If members have a problem with that statement, they might like to look at the Country Fire Authority’s latest discussion paper where it talks about the operating environment it faces now and which it expects to face in the future. There are several pages in that document devoted to the exact same matter highlighted by Mr Scheffer, and that is, the Country Fire Authority says, that the fire operating environment it is experiencing now is exacerbated as a result of climate change — present tense. If the member has any specific knowledge of the Dunalley fire, the source of ignition, the fuel history of the area and the progress of the fire, he might like to front that material to this chamber.

A good friend of mine, a lifelong friend of mine, lost her house in the Dunalley fire. Meeting her recently in Melbourne, I went through the whole experience with her. I find it offensive to hear a member in this place making a statement that my political party is directly responsible for a particular fire. I will have more to say about this matter as time goes on.

Over the weekend I visited the Grampians fire area to observe the recovery taking place there. I met a dozen or more people, some of whom lost houses, some of whom defended their houses, some of whom wisely evacuated and whose houses nevertheless survived, some of those responsible for organising evacuation, some of those responsible for the operation of recovery centres. They all have a great deal of knowledge and experience with the fire environment there after

experiencing fire, flood and fire in almost as many years, I believe I was given a clear message by those people that they wanted me to deliver back to this Parliament.

The message is that mobile phone communications are sorely lacking on the western and northern side of the Grampians, which of course I could observe for myself while travelling through the area. That is a major priority for them because they recognise that fires like this are coming more frequently and with more severity. Those fighting the fires said that the fires were the most severe and, in terms of behaviour, the most extreme that they had ever experienced. That is not surprising coming at the end of Victoria's hottest year on record with the region in rainfall deficit and after a string of hot days in January that broke all records. These are all the classic features of fire weather. It is a simple matter of the laws of physics combining to create extreme fire weather. Of course fuel is required to make a fire burn.

The Grampians region has been not only burnt excessively a number of times in the last decade but also has had extensive fuel reduction. There is a point where the impact of varying fuel loads becomes completely overwhelmed and dwarfed by the impact of fire weather. Members can read about this in the report of the 2009 Victorian Bushfires Royal Commission. It is the severity, the speed, the frequency and the span of fire weather across the year that is making it so dangerous and wearing for people who live in these environments.

Simon Ramsay wrote a letter to the newspaper about a week after the fires, which I read. It quite rightly complimented all those who had been involved, praised the effective response and thanked the many volunteers who had worked together to fight the fire and aid the fire recovery efforts, but that seemed to be as far as it went from that particular government member. Having spoken about this issue on country radio, I now come into the Parliament and hear members belatedly talking about mobile phone coverage. I would like to congratulate the federal government on its commitment to establish a \$100-million fund to address mobile phone coverage black spots. That is certainly a good election promise. The local members from the Liberal Party and The Nationals need to come together to develop a set of priorities to identify which mobile phone black spots need to be put forward to the federal government.

I heard the Assistant Treasurer in question time yesterday say that the government had been identifying mobile black spots throughout rural and regional

Victoria. I can identify them for the minister prettily easily, as can most members of the community. In fact members can look at Telstra's map of mobile black spots, but of course the map is barely worth the paper it is printed on. It shows patchy coverage in Laharum in the north-west of the Grampians. I can assure members that you get no coverage in Laharum except for one brief moment if you stand on top of one particular hill. In Wartook there is no coverage, and the map seems to accurately reflect that. We already know where the black spots are.

It is necessary in a political sense for the Victorian government and its coalition MPs to put forward a set of priorities for Victoria. Having looked at this issue for a while, it is my opinion that priority should be given to areas with a high fire danger and high natural hazard danger; areas that attract a lot of international tourists, who of course do not understand much about our environment, get into all sorts of mishaps and are not aware that their mobile phone may not work for them; and areas with a considerable population of people living in fire-prone areas. I would like to see the representatives of these areas — western Victoria, eastern Victoria, north-eastern Victoria and East Gippsland — come together and come up with some bids that have a good rationale behind them and put them to the federal government.

Instead we are being asked to take part in this current exercise where we write submissions to some hokey discussion paper that the federal government has put out which says, 'Tell us how you think this program should be designed and tendered for'. I am sorry. I have no doubt there will be a large number of submissions received by the deadline of 28 February, but they will not be about how Canberra bureaucrats should best design a tendering process. They will be about why the priority should be for their own area. Obviously \$100 million will not go very far across the whole of Australia. Victoria should get a fair share of that money.

**Mr Drum** — 25 per cent.

**Mr BARBER** — It may be 25 per cent, as Mr Drum says, but even a few million would be enough to address our three worst black spots in the north-east, the west and the east. It will require members of The Nationals and perhaps the Independent federal member, Cathy McGowan, to sit down with the government and put these priorities together, and ideally, if other political parties get behind it as well, we could have a bipartisan way forward. If not, I fear that in the multiplicity of different requests and the competing interests of Liberals, Nationals, independents and other

political groupings, Victoria might get nothing, or it might not get what it deserves based on the evidence-based analysis. That is critical and it is something that we can achieve before the state government has to face an election.

It is essential that ministers from the telecommunications area — I am looking at Mr Rich-Phillips — from the emergency services area and from the regional development area come together to develop a whole-of-government response. They should sort out their coalition politics between them and come up with a Victorian submission to the federal review that says these are the priorities we have put forward and this is why we think they need to be urgently addressed.

I had hoped debate on this bill would not be about picking at old wounds, taking cheap political shots and the rest of it. Certainly from the way Ms Hartland dealt with it in her contribution and on the fifth anniversary of Black Saturday I thought we had all moved beyond that. We had a consensus about the necessary policies. We have a bushfires royal commission implementation monitor in the form of Neil Comrie, who is making recommendations. But some people just cannot help themselves. There are some members in this place who cannot help themselves; they want to get in a rabbit punch somewhere behind the back lines when they think nobody is watching.

Communities that are recovering from a bushfire — and I include in that the people who experienced the bushfires five years ago and those who experienced one two weeks ago — in many ways are still living on that hair-trigger feeling of fight or flight. Anybody who goes through the experience of running for their lives from a bushfire or staying around to protect their home has that experience and it plays out in different ways. I could see it in the eyes of the people that I met in the Grampians last weekend.

I did not raise this during this morning's debate on the commemoration of Black Saturday but I do raise it now. The best memorial we can give to those who died and those who suffered is to work in a constructive way in this Parliament to ensure that the right measures are put in place to lessen the impacts of these tragedies. That is still a very much alive and widening debate. In this place at least we should be able to trade ideas and alternatives rather than relying on misinformation and cheap clichés that were thrown around here earlier by one member and have been around over many years.

**Hon. P. R. HALL** (Minister for Higher Education and Skills) — I just want make a couple of points in

response to some of the contributions from members. First of all, I want to thank all those who have contributed to the debate for the generally positive way in which the debate has been conducted.

**Ms Hartland** — Most of us.

**Hon. P. R. HALL** — Yes, it is a very serious issue that is particularly relevant today as we acknowledge the fifth anniversary of the bushfires of February 2009. This an important issue. Indeed there is a connection because many of the matters contained in the Electricity Safety Amendment (Bushfire Mitigation) Bill 2013 arise from recommendations of the royal commission following those 2009 fires. Although the bill covers a number of areas, most members commented on powerlines and their influence on bushfires. Members commented about the lack of progress on some of those associated issues and recommendations regarding powerlines in bushfire-prone areas. I am sure the Minister for Energy and Resources would be happy to respond to inquiries about progress on a number of those recommendations. He has given me some material which would take me some time to put on the record, and would be beyond the time available for me to respond to this debate.

Let me just say first of all in brief that the powerline bushfire safety program is the Victorian government's \$750 million response to recommendations 27 and 32 from the 2009 Victorian Bushfires Royal Commission. It is a 10-year program that is focused on initiatives to significantly decrease the risk of powerlines causing catastrophic bushfires. There are a number of subprograms within that program: the powerline replacement program; the Powerline Replacement Fund, which has over \$200 million allocated to it; network assets — about \$500 million towards that particular area; the local infrastructure fund, up to \$40 million; research and development, up to \$10 million; and also areas in network operations. There are a number of subprograms to address those particular recommendations. It is a 10-year program because there are quite a number of powerlines and issues that the royal commission identified as needing to be addressed.

I would encourage members who want to know further details of what I have just described briefly to write to the Minister for Energy and Resources, who I am sure would be happy to supply them with a report on the progress being made in implementing those recommendations of the royal commission. Again, I thank members for their contributions and their indicated support for this piece of legislation.

**Motion agreed to.**

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

*Third reading*

**Motion agreed to.**

**Read third time.**

**PARLIAMENTARY COMMITTEES**

**Membership**

**The ACTING PRESIDENT (Mr Eideh)** — Order! The President has received the following letter from the Speaker of the Legislative Assembly:

I formally tender my resignation from the Economic Development, Infrastructure and Outer Suburban/Interface Services Committee, effective immediately.

This resignation is due to my being elected Speaker of the Legislative Assembly.

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

That —

1. Mr Elsbury be discharged from the environment and planning legislation and references committees and be appointed to the legal and social issues legislation and references committees; and
2. Mrs Peulich be discharged from the legal and social issues legislation and references committees and be appointed as a participating member of the legal and social issues legislation and references committees; and
3. Mr Ronalds be appointed to the environment and planning legislation and references committees.

**Motion agreed to.**

**ADJOURNMENT**

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

That the house do now adjourn.

**Food task force**

**Mr SOMYUREK** (South Eastern Metropolitan) — I raise a matter for the attention of the Premier concerning the food task force that the government announced on 14 June last year. Since the announcement of this task force very little has occurred, with the exception of a trip being made to China and Japan. I am not being critical of that trip; I am sure it

was all a part of it. But very little has been reported about the activities of this task force. I understand its major objective was to develop a food strategy that positioned Victoria's food and agriculture industries as Asia's food bowl. Given that our food industry has been placed under further stress by the closure of SPC Ardmona's cannery, I ask the minister to give me an update as to when the task force will complete its food strategy. I also ask the Premier to inform me what other activities and initiatives this task force has been undertaking.

**Mobile phone coverage**

**Mr BARBER** (Northern Metropolitan) — The federal government went to the last election with a policy of creating a \$100 million fund to address mobile phone coverage black spots. A discussion paper on how that program will operate and what model may be used for ultimately delivering the works has been established on the federal Department of Communications website, with submissions due 28 February.

As a result of visiting the Grampians area and learning a bit more about the recovery from the Grampians bushfires I was told by many, many people — in fact I would say across the board, unanimously — that the biggest issue they faced before, during and after the fires was the lack of communication about what was happening because in one of the most affected areas, being the Wartook Valley and nearby Laharum, mobile phone coverage is minimal to non-existent.

This necessitates a whole-of-government response from the state of Victoria, bringing in all ministers who have information and perspectives to bring to bear, including emergency services, regional development, ICT responsibilities and for that matter tourism, to develop some priorities to put in a submission that can then be forwarded to the federal review. A good evidence base is required in order to determine a priority list of which particular black spots should be corrected and in what order.

I was away at the time of the fires. In fact I was climbing on Mount Kenya, where my trekking guides were getting mobile phone coverage the whole time. It seems to be a case of the lack of mobile phone coverage being a First World problem. The Third World seems to have got it right; it is here in Australia where we are still lacking. That may have something to do with the ill-advised privatisation of Telstra, but whatever the case may be we now have to address these black spots. Telstra and other providers are willing to do so if someone else pays to prop up their business case. We

are looking for a fair share of the \$100 million for Victoria. I hope the Premier will coordinate a whole-of-government submission to the federal review before 28 February.

### W. L. J. Crofts Reserve

**Mr FINN** (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Sport and Recreation, Mr Delahunty. It has to be said at the beginning of my contribution that I am a tragic of the Australian football variety. I love the footy. I want to bring to the attention of the minister a need in the western suburbs of Melbourne related to football.

It stems from a visit that Mr Elsbury and I made to W. L. J. Crofts Reserve in Altona North not so long ago with Shane Sexton from the Western Jets Football Club; Andy Collins, who is the Williamstown Victorian Football League team coach and former Tiger champion; and Bob Tregear, who is the CEO of the Western Region Football League. The W. L. J. Crofts Reserve in Altona North is the home of the Western Jets Football Club in the TAC Cup. It is home to the Williamstown Superules Football Club and also the Altona North Cricket Club. The Williamstown Football Club in the Victorian Football League also uses it for limited training. The Western Region Football League uses it for senior and junior finals series, so as I said, the reserve is well used by any understanding of the word.

However, it also has to be said that the facilities at W. L. J. Crofts Reserve have seen better days. They are dilapidated and in desperate need of an update. In fact they are in desperate need of a major upgrade. This is where a proposal has been put forward, which I find very attractive: the proposal is to build new unisex umpire change rooms because we now often have female umpires umpiring games. The proposal is also to expand the unisex change rooms. There will be a new gymnasium and public toilets. Currently there are no external toilets at the ground. One cannot begin to imagine how appalling that must be. A new scoreboard will be built, as well as coaches boxes, sealed car parks — currently the car parks are gravel — and an expanded community room.

The proposal will allow for women's football, multicultural football and additional use by schools. It is all about maximising use and enhancing the community asset that we have at W. L. J. Crofts Reserve. I am asking the minister to accompany me on a visit to W. L. J. Crofts Reserve so he is able to see what the community is currently dealing with and see in his mind's eye the potential of this proposal. I ask that

the minister accompany me as soon as is humanly possible.

### Ringwood railway station

**Mr LEANE** (Eastern Metropolitan) — My adjournment matter is directed to the Minister for Public Transport, Mr Mulder. I start by complimenting him on the action that was taken after I raised an adjournment matter late last year calling for lifts to be put back into the plan for the Ringwood train station. Similarly, in relation to the Mitcham train station project there were calls by the community and opposition MPs for lifts to be put back into the plans. This has happened, but unfortunately the lifts will not be installed until six months after the recent reopening of Mitcham train station. The action I seek from the minister is that he let the community know if the lifts that are part of the Ringwood train station project will be available at the opening of the new train station or whether the lifts will be installed at a later date.

### Telephone scams

**Mrs PEULICH** (South Eastern Metropolitan) — The matter I wish to raise is for the attention of the Minister for Consumer Affairs, who is typically the minister who takes responsibility for investigating scams.

**Mr Finn** — Talking about global warming again?

**Mrs PEULICH** — Mr Finn, there are many scams we have to contend with; regrettably this one is a little more targeted. The Minister for Consumer Affairs may well need to work with the Minister for Multicultural Affairs and Citizenship and also liaise with the Australian Taxation Office, because this scam seems to be focusing on the elderly and multicultural population.

I had heard of this scam before, but it hit close to home this week when my mother was contacted by telephone — a message was left on her voicemail — by someone supposedly from the Australian Taxation Office. The person advised my mother that she was entitled to a \$7000 refund but that to claim the refund she would need to phone a 02 telephone number and quote the reference number provided. A friend called the number in question, and when she gave the reference number she was put through to an account manager. At this point the friend said she was calling on behalf of my mother and the call was immediately disconnected.

Following further investigation by my office it appears this scam is being operated on a broad basis. Most people who know how the Australian Taxation Office

works would see it for what it is, but my concern is that people who are more vulnerable — the elderly and those who have language difficulties, who perhaps lack knowledge of Australian Taxation Office procedures — may be taken in. I do not know what would have happened if my mother or a similar person had made that call and spoken to the so-called account manager.

My point in raising this adjournment matter is that our more vulnerable citizens seem to be being targeted, and we need to somehow spread the word of caution to those at greater risk that this is not the usual business practice of the Australian Taxation Office. There is clearly a need to get information to multicultural communities, especially those with an older demographic, to make sure they are aware of these scams and are not taken in by them. The public needs to see them for what they are. I look forward to the opportunity to draw this issue to the attention of the general public.

### Grampians bushfires

**Mr O'BRIEN** (Western Victoria) — As we pause to remember the tragedy of the Black Saturday bushfires nearly five years ago, I raise an adjournment matter for the Minister for Education in relation to the more recent bushfires that tragically affected the Grampians area in my western Victoria electorate. I seek information from the minister as to any assistance his department may be able to provide to schools and school camp centres in the northern Grampians shire, including Halls Gap, that were affected by the recent bushfires.

The fires in mid-January burnt about 50 000 hectares, including farmland, and 10 dwellings. I travelled through the affected areas, including Halls Gap, Brimpaen, Wartook, Laharum and the Stawell recovery centre with the federal member for Mallee, Mr Andrew Broad, and the mayor of Northern Grampians Shire Council, Cr Kevin Erwin, shortly after the blazes were contained.

The settlements of Wartook and Roses Gap were among those affected by the fires, and unfortunately the Roses Gap Recreation Centre was badly damaged by fire. According to reports, 50 per cent of the buildings were lost. This adventure school camp caters for school groups looking to experience outdoor activities, whether for an overnight stay or a week. Schools find the camp beneficial for their students and return year after year. I quote from the testimonials on its website:

Our camp to Roses Gap is the highlight of the year for staff and students.

... The Roses Gap Recreation Centre staff understand the needs of large school groups and go out of their way ... to make the week enjoyable and comfortable for students and teachers alike.

In a further blow the owners of the business, Drew and Melissa Sutherland, lost their home in the blaze. There was also a tragic loss of life in the Roses Gap area. As members can imagine, the centre relies for its revenue on forward bookings by school groups. Drew and Melissa are determined to rebuild it, but it is too soon to put a time line on it as they await insurance assessments.

I believe that primary schools at Laharum and Halls Gap were also under threat. Fortunately, as this was prior to the start of the school year, no evacuations were required. However, I believe that these schools, like many in rural areas, rely on tank water, so contamination may pose a health risk as the school term begins.

Many businesses in Halls Gap were also affected by the 2006 bushfires and the flooding in 2010 and 2011. It is an area that is very resilient, however, and the businesses and tourism operators at Halls Gap remain open for business. I encourage all Victorians to continue to enjoy the experience of the Grampians and look after those important tourism operators, albeit at present there are some changed experiences and areas that are not open. One important initiative of a business operator, supported by Parks Victoria, was an alternative bus shuttle in the Mount William area, and other initiatives will occur. I look forward to the minister's advice about the important information I seek.

### Responses

**Hon. G. K. RICH-PHILLIPS** (Assistant Treasurer) — Mr Somyurek raised a matter for the attention of the Premier with respect to the food task force and an update on its work, and I will pass that on to the Premier.

Mr Barber raised a matter for the attention of the Premier with respect to the commonwealth government's \$100 million mobile coverage program. This is a matter I spoke about in the house yesterday. Mr Barber sought the Premier's undertaking that the government would make a whole-of-government submission by 28 February to the discussion paper on the mobile coverage program, and I advise Mr Barber that the government is preparing a whole-of-government submission. I assure Mr Barber that work on that submission started long before he raised it in the adjournment debate, and it encompasses

emergency services input. We have sought input from local communities and local government as to their specifically identified black spots and also from the Department of State Development, Business and Innovation.

The objectives of the Victorian government in making a submission to that program are not only to highlight where the mobile black spots are but also to maximise Victoria's share of benefit from the program. As Mr Barber would appreciate, having seen the discussion paper, there are a number of models set down as to how the \$100 million will be committed, the type of infrastructure rollout that will take place and the way in which the infrastructure may or may not be shared between carriers. The Victorian government is working with the commonwealth not only through the submission but also in separate discussions and is seeking to maximise the return and coverage for Victoria through that program.

Mr Finn raised a matter for the attention of the Minister for Sport and Recreation with respect to W. L. J. Crofts Reserve and a ministerial visit, and I will pass that on.

Mr Leane raised a matter for the attention of the Minister for Public Transport with respect to the Ringwood station upgrade and the provision of lifts, and I will pass that on to the Minister for Public Transport.

Mrs Peulich raised a matter for the attention of the Minister for Consumer Affairs with respect to the latest consumer scam of people purporting to represent the Australian Taxation Office and engaging Victorian citizens with the idea of bogus refunds. I will pass that on to the Minister for Consumer Affairs.

Mr O'Brien raised a matter for the attention of the Minister for Education with respect to fire-affected communities in his region of western Victoria, specifically the Roses Gap Recreation Centre adventure school camp. I will pass that on to the Minister for Education.

I have written responses to adjournment matters raised by Mr Lenders on 26 June 2013, Ms Darveniza on 17 October 2013, Mr Finn on 12 November 2013, Mrs Coote and Mr Lenders on 27 November 2013, Mr Lenders and Ms Mikakos on 28 November 2013 and Ms Crozier on 11 December 2013.

**The ACTING PRESIDENT (Mr Eideh)** —  
Order! The house now stands adjourned.

**House adjourned 4.33 p.m. until Tuesday,  
18 February.**