PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 6 May 2014

(Extract from book 6)

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By authority of the Victorian Government Printer

The Governor

The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

(from 17 March 2014)

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Minister for Mental Health, Minister for Community Services, and Minister for Disability Services and Reform	The Hon. M. L. N. Wooldridge, MP
Cabinet Secretary	Mrs I. Peulich, MLC

Legislative Council committees

Privileges Committee — Ms Darveniza, Mr D. Davis, Mr Drum, Ms Lovell, Ms Pennicuik, Mrs Peulich and Mr Scheffer.

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

Legislative Council standing committees

Economy and Infrastructure Legislation Committee — Mr Barber, Mrs Coote, #Ms Crozier, Mr Finn, #Ms Hartland, #Mr Leane, Mr Lenders, Mr Melhem, Mr D. D O'Brien, #Mr Ondarchie, Ms Pulford, Mr Ramsay and #Mr Scheffer.

Economy and Infrastructure References Committee — Mr Barber, Mrs Coote, #Ms Crozier, Mr Finn, #Mr Leane, Mr Lenders, Mr Melhem, Mr D. D O'Brien, #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 Elasmar, Mr Elsbury, Ms Hartland, #Mr Leane, Ms Mikakos, Mrs Millar, Mr D. R. J. O'Brien, #Mrs Peulich, #Mr Ramsay and Mr Viney.

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

 # Participating member

Joint committees

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

Dispute Resolution Committee — (*Council*): Mr D. Davis, Mr Drum, 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 Millar and Mr Ronalds. (*Assembly*): Mr Burgess and Mr McGuire.

Education and Training Committee — (*Council*): Mr Elasmar, 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 Delahunty.

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

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

House Committee — (*Council*): The President (*ex officio*) Mr Eideh, Mr Finn, Ms Hartland, Mr D. R. J. O'Brien 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 Kanis, Mr Kotsiras, Mr McIntosh 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 D. R. J. O'Brien and Mr Ondarchie. (*Assembly*): Mr Angus, Ms Garrett, 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 D. R. J. O'Brien. (*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

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Deputy Leader of the Government:
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Leader of the Opposition:
Mr J. LENDERS

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Mr G. JENNINGS

Leader of The Nationals:
The Hon. D. K. DRUM (from 17 March 2013)
The Hon. P. R. HALL (to 17 March 2013)

Deputy Leader of The Nationals:
Mr D. R. J. O'BRIEN (from 17 March 2013)
Mr D. K. DRUM (to 17 March 2013)

Member	Region	Party	Member	Region	Party
Atkinson, Hon. Bruce Norman	Eastern Metropolitan	LP	Lovell, Hon. Wendy Ann	Northern Victoria	LP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Melhem, Mr Cesar [2]	Western Metropolitan	LP
Broad, Ms Candy Celeste	Northern Victoria	ALP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Coote, Mrs Andrea	Southern Metropolitan	LP	Millar, Mrs Amanda Louise [4]	Northern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	O'Brien, Mr Daniel David [8]	Eastern Victoria	Nats
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 [5]	Eastern Victoria	LP	Pakula, Hon. Martin Philip [1]	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 [3]	Northern Victoria	LP
Elasmar, 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 [7]	Eastern Victoria	Nats	Ronalds, Mr Andrew Mark [6]	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
Lenders, Mr John	Southern Metropolitan	ALP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP

[1] Resigned 26 March 2013
[2] Appointed 8 May 2013
[3] Resigned 1 July 2013
[4] Appointed 21 August 2013
[5] Resigned 3 February 2014
[6] Appointed 5 February 2014
[7] Resigned 17 March 2014
[8] Appointed 26 March 2014

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TUESDAY, 6 MAY 2014

Tuesday, 6 May 2014

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.04 p.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent to:

8 April

Game Management Authority Act 2014
Justice Legislation Amendment (Discovery, Disclosure and Other Matters) Act 2014
Mental Health Act 2014
Transport (Safety Schemes Compliance and Enforcement) Act 2014
Water Amendment (Water Trading) Act 2014

15 April

Children, Youth and Families Amendment (Security Measures) Act 2014
Fences Amendment Act 2014.

QUESTIONS WITHOUT NOTICE

Hospital waiting lists

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. On the eve of Anzac Day the minister released the health services performance data for Victoria, which showed that the elective surgery waiting lists had gone up to 48 094 patients, which was up on the year before. Given that there had been an increase in the number of elective surgery patients waiting at Northern Hospital, Royal Women's Hospital, Royal Melbourne Hospital, Royal Children's Hospital and Casey Hospital and that the waiting list at Sunshine Hospital had almost doubled to 2414, can the minister share with the house what hospitals have seen their elective surgery waiting lists go down and where they are?

Hon. D. M. DAVIS (Minister for Health) — The house will well remember that in 2012–13 there was a very significant event in Victorian health care. The federal government ripped $107 million out of Victorian hospitals — —

Mr Jennings interjected.

Hon. D. M. DAVIS — And you supported it. You ticked it off. You voted in favour. You cheered the federal government on as it cut the money. And do you know what? That did quite a bit of damage.

Mr Jennings — On a point of order, President, in the last sitting week you took the quite unusual step of intervening when the minister was debating this very matter that he has gone down the path of. You reminded him that we had heard this story many times and that he was debating the issue rather than dealing with the substance. I ask you to remind him, the earlier the better, not to debate the issue and just to provide the house with the details as requested.

The PRESIDENT — Order! On that occasion I was particularly courageous, was I not? The minister has just started his answer, and he is entitled to put a context for his answer to the question Mr Jennings asked. I do concur, however — and members would realise from my past rulings — that I am not enthusiastic about debate in responses to questions, which of course is not permitted under our standing orders, and I am sure the minister is aware of that and having put a context will be moving to answer the substantive question.

Hon. D. M. DAVIS — As I was saying, there was a particular event, and it did cause a great deal of damage to the Victorian hospital system. Our health services are steadily recovering from the damage inflicted by the Labor Party at a federal level. There is no doubt that there have been some significant improvements in the performance of our hospitals and health services more generally around the state.

One of the key aspects was an improvement in ambulance transfer times. That was a significant improvement following the report by Andrew Stripp and his task force. The report recommended a series of steps for our hospitals and our emergency departments and particularly for our ambulance service, and I have to tell members that that is improving performance.

Dandenong Hospital improved its 40-minute turnaround from 67.2 per cent to 91.1 per cent. Frankston Hospital went from 59.8 per cent to 84.7 per cent. These are significant improvements.

Mr Jennings interjected.

Hon. D. M. DAVIS — The previous government did not even declare those targets. It hid the transfer times; it would not even release them. They were so embarrassing for the previous government that it would not actually release them.

The bypass figures were also very good at 1.2 per cent of the time, which was well down on the 2.8 per cent bypass rate in the previous quarter. If you look at the median time to treatment for emergency department patients, it is 19 minutes down from 21 minutes in the

previous quarter and from 20 minutes a year earlier. In terms of the categories 1, 2 and 3 patients treated in our emergency departments, the median response time is 11 minutes, which is an improvement on the 12-minute median in the previous three months.

Mr Jennings interjected.

Hon. D. M. DAVIS — I have to say to Mr Jennings that it is compelling. It is a significant improvement in the performance of our emergency departments, and it is a significant improvement in the performance of our transfers between ambulances and emergency departments. The elective surgery waiting list has come down from the peak that was caused very directly by the intervention of the Labor government in Canberra. When it ripped the money out it did the damage, and we are still recovering from it. There is no question but that it has done a lot of damage.

There were also improvements in time to treatment for categories 2 and 3 patients, and 80 per cent of non-admitted emergency patients stayed less than 4 hours, which was up from 76 per cent the year earlier. The category 1 elective surgery patients all received their operations within the benchmark 30 days, and more than half of them received their operations within 11 days — a day quicker than it was in the previous quarter.

What I say to Mr Jennings is that, yes, there is always room for improvement in our hospitals, and we are certainly putting resources in — more than $2 billion to date. I can give Mr Jennings a little tip: there will be more when the budget speech is read by the Treasurer in just a little while. There will be more funding for our hospitals, and that stands in stark contrast to what Labor did when it was in government. It supported the cuts by the commonwealth government, and that certainly created a significant problem for our hospitals to rectify.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — I indicated in my original question that the elective surgery waiting lists had gone up at Northern Hospital, Royal Women's Hospital, Royal Melbourne Hospital, Royal Children's Hospital, Casey Hospital and Sunshine Hospital, where it almost doubled. I asked the minister to indicate at which hospitals the elective surgery waiting lists had gone down, and he did not do so. Can the minister indicate to the house that he has confidence that the needs of the 42 219 people on elective surgery waiting lists, which figure was anticipated in accordance with the statement of priorities for the year 2013–14, will be met?

Hon. D. M. DAVIS (Minister for Health) — The member will just have to wait a little while to see the expected outcomes in a number of areas. He will see that there are some — —

Mr Jennings interjected.

Hon. D. M. DAVIS — No, I am referring to the expected outcomes in some areas. I am going to say that the expected performance in some areas will be published in the budget.

Mr Jennings — But not this.

Hon. D. M. DAVIS — Let me come to that. It is clear that the elective surgery waiting lists have come down from the peak that was caused by the previous federal government's cuts to our health services. They have come down from that peak, and they will continue to come down. We will strive to meet the statements of priorities. There is no question that we will work very hard to meet those statements of priorities, but I have to say that the situation was not helped by the opposition when it supported the cuts made by the previous federal government.

Hazelwood mine fire

Mr RONALDS (Eastern Victoria) — My question is to the Honourable David Davis, my friend and the Minister for Health. Will the minister outline to the house any wider recognition of the efforts of the Department of Health to care for the community of Morwell during the recent fires?

Hon. D. M. DAVIS (Minister for Health) — Members of this house will well remember what occurred in Morwell, the challenge of that significant fire in the coalmine and the response by the government, and they will remember particularly, I might add, the response by my department and its determination to see a good outcome for the community in Morwell.

On 21 February the Victorian state health and medical command established the health assessment centre in Morwell. This model of care had never been established for emergency health management in Victoria.

Mr Jennings — It had not been established ever.

Hon. D. M. DAVIS — No, not of this type, Mr Jennings. The mission of the health assessment

centre was to provide information, assessment and referral services to residents and visitors, perform basic health checks, provide carbon monoxide monitoring, deliver medical care as needed and referral to a local doctor or emergency department, depending on the medical condition. The achievements of the team in supporting and operating the health assessment centre were described in terms of attendances — which is significant — services and referrals. The centre was staffed by paramedics and nurse clinicians, and I pay tribute to the leadership of Ambulance Victoria.

The 2014 Association of Public-Safety Communications Officials Australasia public safety award was presented at a ceremony on 30 April at the association's annual conference. The award was accepted by Professor Chris Brook, a senior officer in my department, and group manager Ian Hunt on behalf of the Department of Health and Ambulance Victoria. This award was in recognition of the work done at the health assessment centre. It was a first-rate response and a first-rate outcome for the community.

As I said, the centre provided information, assessment and referral, performed basic health checks, provided carbon monoxide monitoring and delivered medical care as needed and appropriate referrals to the relevant body, whether that be a local GP, the emergency department or elsewhere. The community health assessment centre did great work in protecting the Latrobe Valley community. I record formally my tribute to the nurse clinicians and the paramedics who, on roster, staffed this service for 12 hours every day, from 8.00 a.m. to 8.00 p.m., and delivered more than 2000 assessments over the period. It was established quickly, and it took a great deal of work by Ambulance Victoria and the relevant parts of the department to get its management running well and efficiently.

To have that formally recognised at the public safety awards ceremony on 30 April pays tribute to the work of those at the health assessment centre. It shows that it was an effective model, a well-delivered model, a timely model and a model that provided practical reassurance to the community and also practical health checks that enabled those relevant referrals to be made. Assessments of that management will no doubt be undertaken by the board of inquiry. The very clear thing to say today is that I am proud of the work that was done, and I welcome this award provided to the department and Ambulance Victoria.

Hospital waiting lists

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. The minister has been charged with his ministerial responsibility for the last three and a half years. Within the health service performance data that has been released during the whole term of the government, has there been data from one quarter that has actually met the target of 80 per cent for elective surgery category 2 patients being seen within 90 days? Has there been one occasion where that target has been met across the state?

Hon. D. M. DAVIS (Minister for Health) — I well understand the challenge of meeting the category 2 targets. In opposition I had quite a bit to say about the lack of performance by the previous government in meeting the category 2 targets. I am in no way saying that this is an easy target to meet, but it gets harder when cuts are applied by the federal government, cheered on by the state opposition. It is always going to be harder to meet those targets when the federal government is cutting promised funds to the state and it is actively being cheered on by the state opposition. It is going to be much harder.

It is true that it is tough to meet those category 2 targets. They were tough targets for the previous health minister, and I am in no way suggesting they are not tough. What I can say is that meeting those targets was not made easier by the gratuitous cuts by the federal government with the active and treacherous support of the state opposition.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — Within my supplementary question I just clarify that at no point will I accept the accusation that has been made by the minister about me or my colleagues in relation to our support for any cuts occurring in health. The performance of the system across Victoria is as low as 67 per cent of elective surgery category 2 surgeries being undertaken within the 90-day time frame. Can the minister name one hospital across the state where that target has been met?

Hon. D. M. DAVIS (Minister for Health) — It is very clear to me that there is a challenge in meeting the category 2 targets. Those challenges have been there for a long period. I even remember that back into the 1990s the target for category 2 patients — that is, the 90-day target — was always difficult to meet. The previous government in this state found it very difficult to meet the category 2 targets as well, so I am in no way resiling from the challenge that is involved. However, as I have said, and as I have said repeatedly, meeting those sorts of targets is not made easier when gratuitous cuts are made by a Labor government in Canberra with the active support of the state opposition in Victoria.

Sunvale Primary School site

Ms HARTLAND (Western Metropolitan) — My question today is for the Assistant Treasurer, Mr Rich-Phillips. There has been a long community fight to keep the former Sunvale Primary School site as open space due to the shortage of green open space in Sunshine. Despite this, tender signs for redevelopment have been put up at the site this week. Brimbank City Council has bought part of the site for $3.2 million, and promises have been made by Mr Finn to fight to keep it as open space. My question is: will the government support Mr Finn in his bid to keep the whole site as open space by withdrawing this tender process and gifting the land to the Brimbank council?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I thank Ms Hartland for her question and her proposal that the state gift that site to Brimbank City Council. I say to Ms Hartland that the government's approach with school sites, and its approach with disused or surplus land sites in general, is to make those sites available to the market so that proceeds from those sites can be reinvested in state assets to build new schools and to build new hospitals — to build new state infrastructure.

Ms Hartland has raised a particular example in her area. I cannot respond in terms of the specific site raised by Ms Hartland; as the house would appreciate, there are many such sites. The Labor government closed dozens of schools over its period in office and left many of those sites abandoned, derelict and decaying, and left it to this government to clean up those sites, to realise proceeds from those sites and to reinvest those proceeds. The approach this government is taking is to realise the value in those sites so they can be redeveloped and so the proceeds can be reinvested in new infrastructure such as schools and hospitals.

Supplementary question

Ms HARTLAND (Western Metropolitan) — In 2012, 11 hectares of Nunawading land was transferred from the department of the Minister for Roads to the then Department of Sustainability and Environment for use as parkland. I am wondering what is different between Nunawading and Sunshine, and if you can do it in Nunawading, why can it not be done in Sunshine?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — Ms Hartland has asked me a question about two departments that I have no role in administering, so I am not able to tell Ms Hartland about the circumstances of that transfer and the purpose of that transfer. Obviously within government there are intragovernment transfers all the time for different purposes. What I have said to Ms Hartland is that with respect to disused land the government's approach is to realise the value of that disused land so it can be reinvested in new infrastructure.

Premier's Active April

Mr RAMSAY (Western Victoria) — My question is to the Minister for Sport and Recreation, the Honourable Damian Drum. Could the minister inform the house of how the Victorian coalition government Premier's Active April has seen over 90 000 Victorians register and get active for the month of April?

Hon. D. K. DRUM (Minister for Sport and Recreation) — I thank Mr Ramsay for the question in relation to Premier's Active April. I quite often bump into Mr Ramsay in the parliamentary gymnasium as he is attempting to keep the weight off.

Mr Ramsay — Attempting?

Hon. D. K. DRUM — He is doing a pretty good job, actually, of keeping the weight off.

Honourable members interjecting.

The PRESIDENT — Order! I agree the minister invited it; nonetheless, the minister to continue without assistance.

Hon. D. K. DRUM — After five successful years the Premier's Active Families Challenge has undergone a new approach and is now called Premier's Active April. I am pleased to confirm that over 90 000 people went online to register to be part of Active April and effectively take up the pledge under the new format to commit themselves to 30 minutes of exercise and physical activity each and every day through the month of April. It is interesting to see that the demographic of those who signed up went right through the various ages. There was no barrier to getting active. Certainly people of all abilities were involved in the process, and it was great to see that so many different groups — different schools and workforces and a whole range of different sporting clubs — all went online to make sure they put their interests and their organisations front and centre with such a program.

We added a range of incentives to get people interested, involved and active throughout Active April. Some vouchers were available from the YMCA, Tennis Victoria, Rebel Sport, Sea Life Melbourne Aquarium and the National Sports Museum, plus there was the opportunity to win tickets to the AFL. There were a whole range of promotions, activities, incentives and

prizes to help get people in Victoria more actively involved in this. I think the people of Victoria now understand all the benefits associated with being more active, including the reduction in illnesses and conditions such as cardiovascular disease, diabetes and some cancers, along with general obesity. It is amazing that we had such a positive result, way above the best result we had from Victorians in any of the previous five years.

It was great to be able to kick off the program on 1 April with a walk from the MCG to Parliament House with Mr Ondarchie and the Premier. It was also great to go to some of the less well-known sports, including table tennis at the Melbourne Sports and Aquatic Centre, and to partake in wheelchair basketball with some of the Australian Gliders. That sport is certainly one that needs to be given its due, due to the fact that its participants are so talented and are taking that sport to another higher level.

There were opportunities to get involved with tennis over at the National Tennis Centre with Wayne Arthurs and the young up-and-comers he is working with. Whether it is simply joining the 7.30 group out at Bendigo to go cycling with a few others each and every Saturday morning, just walking the dog with the kids or enjoying the free fitness classes that operate at Federation Square three days a week — whatever it takes, it does not matter what it is — there is a great opportunity to get involved in Premier's Active April to make sure we try new activities and find new ways to try to keep ourselves in better shape.

Development infrastructure contribution

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Planning, Mr Guy, and I ask: can the minister inform the house of what action the government is taking to reform development contributions to ensure that vital infrastructure gets built at the time of development and not years after it?

Hon. M. J. GUY (Minister for Planning) — Thanks to Ms Crozier for that question. Last week I launched another major planning reform of this government — that is, to reform development contributions in this state. Development contributions can be a vexed issue; certainly they are very complex. What obviously occurs throughout developments in growth areas around the state and around Australia is that developers are levied a contribution by either the state or local government planning authority to make a contribution to developments in growth areas.

This state government inherited a regime that was complex and dated and under which developments in growth areas were, for instance, paying for bocce courts, which are not essential infrastructure for some growth areas. The regime was frankly in great need of reform after 10, 12 or 15 years of lumbering along with the same style of contributions system.

I inform the house that Victoria will have gone from having the most complex development contributions system in Australia to, when the legislation has finally passed through this Parliament, having the most transparent, streamlined and effective system of development contributions in Australia. The government has devised a system, both in a metropolitan and non-metropolitan context — and importantly for regional Victoria, also in a small town context — that will see between 6 and 24 months wiped off the time it takes to bring a development to market. We will see a huge amount of savings in cost, time and red tape from this vital reform.

Importantly, the government has set forward very clear rules about what can be part of a development contributions regime and what cannot. The baskets that we have established, which are of essential infrastructure, recognise that this is a mechanism of contribution. It is not a co-payment or a budget line item for someone else; it is, importantly, a contribution — not just in metropolitan growth areas, but throughout new urban renewal areas, as identified in Plan Melbourne, and urban renewal areas in regional Victoria.

I pay tribute to the advisory committee I put together, headed by Kathy Mitchell, to provide advice on this important policy reform to the government, to local government and to industry stakeholders across the state, who have been part of this process for around 18 months. It is without doubt one of the most complex planning reforms that has been undertaken for the best part of 30 years. Development contributions reform is, as I said, not an easy task — it is a very cumbersome task — but it is one that will ensure that Victoria's planning system becomes a reason for people to choose to invest in Victoria and not to back away from investment in this state.

The reform that we have put in place will last decades. It is reform that will be seen as the best in Australia. There are other states that are now actively looking at the system that we have put in place in Victoria. They wish to mimic it for their own states, and why would they not want to? This reform will save time, will cut costs and will improve affordability. It will not only ensure that Victoria is the best place to build and to live,

but it will showcase the fact that this government is building a better Victoria.

Emergency department performance

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. Within the health performance data the minister released on Anzac Day eve, it was very clear that the statewide target for patients being seen within our emergency departments has not been met right across the system. In particular, hospitals such as Northern Hospital, Royal Children's Hospital, Barwon hospital and Bendigo Hospital have been seeing less than 70 per cent of their patients on time. Can the minister indicate to us how many hospitals across Victoria are actually achieving that target?

Hon. D. M. DAVIS (Minister for Health) — I referred to some of these matters just a moment ago, as the member will remember. Indeed our emergency departments face significant challenges, as I think the community understands. It understands that there is increased pressure, that there is ageing of the population and that there has been significant growth in the number of people who come to our emergency departments.

If members look at the performance of our emergency departments, they will see that they are doing much better overall. If members look at the ambulance transferred times, they will see that they have improved very significantly. They are up significantly over the previous quarter and also over the same period in 2012. Dandenong Hospital, for example, improved its 40-minute turnaround time from 67 per cent in December 2012 to 91 per cent in December 2013. Frankston Hospital went from 59.8 per cent to 84.7 per cent, so hospitals like Frankston are actually doing much better in many respects.

Hospitals spent less time on bypass — 1.2 per cent of the time on bypass — which is well down on the 2.8 per cent on bypass in the previous quarter and well below the benchmark. The treating of emergency patients also occurred more quickly, with a median time to treatment of 19 minutes, down from 21 minutes in the previous three months and 20 minutes in the year before, so there is an improvement in the median time to treatment in our emergency departments. More than half of categories 1, 2 and 3 patients were treated within 11 minutes, an improvement on the 12-minute median time in the previous three months. Again, that is an improvement, and more than half the categories 1, 2 and 3 patients were treated within 11 minutes.

Hospitals admitted 123 271 emergency patients in the December quarter, up 7614 or 6.58 per cent on 2012. Of the 1940 category 1 patients — that is, the most urgent patients — 100 per cent were treated immediately. The most urgent patients are getting fast treatment within the time that is required, which is immediately. The categories 1, 2 and 3s, which are the most urgent three categories, are getting quick treatment, within 11 minutes median treatment time, which is an improvement on the same time last year. Improvements were recorded in the time for treatment for categories 2 and 3 patients, and 80 per cent of non-admitted emergency patients stayed less than 4 hours, up from 76 per cent a year earlier. The performance of our emergency departments improved significantly.

This is not to say that they are perfect and that some hospitals cannot do better, because it is clearly the case that some can do better, but I make the point that our hospitals took a big battering in 2012–13, and it impacted particularly on elective surgery. The cuts by the federal government were actively supported by the state opposition. That action of supporting those cuts speaks very much to whether the opposition can be taken credibly when it speaks on any of these matters. I do not believe it can. How treacherous to support those sorts of cuts by the federal government.

Despite all of that, our emergency departments are doing better. We are working hard to build up our capacity in our emergency departments. The Austin Hospital has a new short-stay unit going in, which will make a significant difference.

Mr Jennings — When?

Hon. D. M. DAVIS — It is actually being constructed now. What I will also say — —

Mr Jennings interjected.

Hon. D. M. DAVIS — It is actually in the budget. I can tell Mr Jennings that, but it was preannounced. It is referred to in the budget, so I will give Mr Jennings a tip, because it was announced some little while ago. Mr Jennings can go and have a look a little later, because the progress of it all is reported upon. There you are. Let me give another example — —

The PRESIDENT — Order! Time! Mr Jennings raises an interesting question, and it is something that I will give thought to; it probably will not affect us today. From my perspective the practice of the government of preannouncing initiatives in the budget allows members to ask questions about those initiatives that have been preannounced, despite the fact that the budget has not

been brought down in the other place. I am taking the view that you cannot have it both ways, where you announce something publicly but then do not take questions on it ahead of the budget. The extent to which public knowledge of an initiative is provided by a media release ahead of the budget is open to question by members in this place.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — I am not going to use that as a precedent. I am hoping that precedent will never be available to me again after today. In terms of my supplementary question, I congratulate the minister on identifying in his response some facts that relate to the effort of our emergency departments. He provided the chamber with some detail, and I see that as one of my big achievements in three and a half years in opposition. I thank him for providing that detail. But can the minister identify one hospital in Victoria where emergency department patients have been seen within the target range designed for their treatment?

Hon. D. M. DAVIS (Minister for Health) — I have been through the aggregate figures in some detail for the member. If the member looks at Dandenong Hospital, I referred to the turnaround time.

Mr Jennings — That's a different question.

Hon. D. M. DAVIS — These are all important aspects of the overall system and performance of the system. Our emergency departments are doing better. They are doing better in the face of interdiction from the previous federal Labor government, which is still having a significant impact, and the active support of the state opposition for those cuts. I believe our emergency department physicians, our nurses and other staff in the emergency departments have done very well indeed.

Early childhood facilities

Mrs COOTE (Southern Metropolitan) — My question this afternoon is for the Minister for Children and Early Childhood Development, Ms Lovell. Can the minister inform the house of any new announcements or outcomes for the children's facilities capital program?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I thank the member for her question and for her ongoing interest in early childhood development, particularly in the government's program to upgrade and build new early childhood facilities throughout Victoria. Last Friday I was delighted to stand with the Treasurer — —

Ms Mikakos — On a point of order, President, I am mindful of the ruling you have just given. I draw to your attention the fact that Mrs Coote's question may be inviting the minister to talk about matters that the minister has preannounced and that may well be in the budget about to be handed down. In light of the ruling you have just made, this question might be problematic.

The PRESIDENT — Order! This is the exact situation I was referring to where an announcement has been made in respect of facilities for which, we understand from a media release, a budget provision has been made. To the extent that that pre-budget announcement has been made and is a matter of public knowledge, it is appropriate that members of this place be allowed to ask questions on that matter without impinging upon the budget presentation by the Treasurer. As I said, essentially it cuts both ways, which means the opposition also has that opportunity.

Hon. W. A. LOVELL — As I was about to say, I was delighted to stand with the Treasurer last week to make a pre-budget announcement of additional funding for the children's facility capital program. I am happy to wait to talk about that budget announcement until after the budget is handed down, because we have a strong record on early childhood funding during our three and a half years in government. I know that annoys the opposition. I know the opposition does not like us committing money to early childhood facilities because the shadow minister tweeted some time ago that we had given enough money to kindergartens and that we should stop.

Over the last couple of weeks I have had the pleasure of announcing some successful applicants in the current grant round from last year's budget funding. I announced that Mildura TAFE Kids Community Child Care Centre will receive $287 550 to upgrade its facility. Robinvale Early Years Centre will build a new centre with a $650 000 grant from the Victorian government. Frankston South Delacombe Park Kindergarten received $350 000 for an upgrade. I made that announcement with our candidate for the Assembly seat of Frankston, Sean Armistead. There are many more announcements to be made over the coming weeks from the $20 million grant round that was announced some time ago.

From past grants rounds we have either opened or commenced 12 major capital projects for early childhood facilities. On 7 April Andrew Katos, the member for South Barwon in the other place,

performed a ground breaking ceremony for the Grovedale Children and Family Centre. On 8 April David Southwick, the member for Caulfield in the other place, opened the upgraded Abeles Liberman Preschool Early Learning Centre. On 11 April David Koch and Cr Kylie Fisher, turned the first sod for the Windsor Park Children and Family Centre. On 24 April I was delighted to open the upgraded FedUni Children's Centre, where I was joined by Sonia Smith, The Nationals candidate for the new Assembly seat of Buninyong — —

Mr Lenders — On a point of order, President, I seek your guidance. It seems strange that in answer to a question on government administration the minister has now referred, I think on four occasions, to candidates from government parties in her answer. I seek your guidance as to how that has anything to do with government administration, which this question is clearly designed to do. I seek your guidance either now or on notice as to how mentioning candidates from the coalition who are not members of Parliament has anything to do with government administration.

Hon. D. M. Davis — On the point of order, President, ministers attend all manner of events at which there can be a large number of different people. They sometimes include candidates, mayors and other local dignitaries. It would be quite a normal part of setting the scene in response to such a question that one might indicate that at a ceremony or event there was a lot of discussion as well as candidates, including some Liberal candidates, who may have been advocating very firmly for particular things. It would only be right that they be mentioned in that context, as perhaps other local dignitaries would also be mentioned.

The PRESIDENT — Order! There are a couple of things at play here. The first thing is that in the chair I am not entitled to direct a minister as to how to answer a question. The second thing is that ministers from time to time do refer — as indeed do other members in the various contributions they make in this place — to people who have attended events that they were at. In the context of ministers very often that is the case as part of visits to community facilities or at announcements. In that context what the minister is doing is not unusual.

However, it would be more edifying if there were reference to other dignitaries who might well have been at some of those events beyond mentioning just candidates of particular parties, because obviously a great many people attend these events. Perhaps the minister, having regard to the time available to her, has adopted a shorthand approach in terms of who is attending these functions. From the Parliament's point of view it would be more edifying if a broader range of participants at those events might be mentioned in answers.

Hon. W. A. LOVELL — On 24 April, together with the Premier, I was delighted to open the upgrade of the Lady Brooks Kindergarten in Kyneton. I was joined at that event by my colleague Amanda Millar, a member for Northern Victoria Region, and our great friend, Donna Petrovich, who is the Liberal candidate for Macedon.

On Thursday, 24 April, I opened the upgraded Wendouree Children's Centre. On that occasion I was joined by Mr David O'Brien and Craig Coltman, the Liberal candidate for the new Assembly seat of Wendouree.

On Sunday, 27 April, I opened the Bubup Womindjeka Family and Children's Centre in Port Melbourne, which is a fantastic facility. At that event I was joined by my colleague Andrea Coote. I was also joined by the member for Albert Park in the other place, Martin Foley, and the federal member for Melbourne Ports, Michael Danby. Even more importantly, I was joined by Shannon Eeles, the Liberal candidate for Albert Park.

On 29 April I opened the Rivercrest Christian College Early Learning Centre. On 29 April I also opened the Yarragon Early Learning Centre together with my colleague Gary Blackwood, the member for Narracan in the Assembly. On 1 May three centres were opened: Tim Bull, the member for Gippsland East in the Assembly, opened the Glassford Kindergarten; Andrew Katos opened the Jan Juc Preschool upgrade; and Tim Bull opened the Stratford Kindergarten upgrade. These projects are revitalising early childhood facilities right around the state.

The PRESIDENT — Order! Thank you, Minister.

Emergency department performance

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. I have asked the minister a series of questions stemming from the health performance data relating to elective surgery, patient treatment times within emergency departments and now ambulance transfer times. As the minister would be aware, there is an expectation that 90 per cent of patients will be transferred from ambulances to hospitals within 40 minutes. But that target has not been reached at a number of hospitals, including Bendigo, Barwon, Monash, Frankston Hospital, Royal

Melbourne Hospital, the Alfred hospital and Austin Hospital. Can the minister indicate how many have achieved the target?

Hon. D. M. DAVIS (Minister for Health) — I will reiterate some of the points I made earlier. The house will remember that I referred to the Stripp report and to Andrew Stripp's good work. With his task force, he moved around the state trying to improve the transfer times of patients from ambulances into the emergency department. That work of Andrew Stripp has had a significant effect. It has improved the transfer times around the state considerably, and they will continue to improve in my view — steadily, incrementally improving.

The last government refused to even release the transfer times. It hid them, and it hid them because they were embarrassing. It would not own up to the fact that it was not meeting them. It kept them secret. It kept the hospital early warning system data secret as well. Talk about leading with your chin when talking about transfer times. Mr Jennings's government would not even release the information. To find out what was actually happening, we had to get the information from other sources, and most of the hospitals were not meeting the transfer time targets.

We released the information, we are working on the task and we are improving the transfer times. The task force has done very good work. I pay tribute to the work done by Ambulance Victoria, our emergency department physicians, the nurses and other staff in the emergency departments, and to the whole-of-hospital approach that has been adopted on the advice of Andrew Stripp and his task force. It is a great outcome.

It is important to note that there is more work to do. In the quarter that has been referred to, 83 per cent of transfers were completed within the 40 minutes. That is up from 78.6 per cent in the previous quarter and 77.4 per cent in the same period in 2012. That is about a 6 per cent improvement over the year — a very significant improvement. Dandenong Hospital improved its 40-minute turnaround from 67 per cent to 91 per cent, and Frankston Hospital went from 59.8 per cent to 84.7 per cent. They are some examples for Mr Jennings of hospitals that have done much better with the implementation of the recommendations from the task force.

But who were the naysayers that said it would have no impact? It was the members of the opposition. The opposition criticised the report from the start. We heard the criticisms from the Leader of the Opposition in the Assembly, Daniel Andrews, and we heard the criticisms from the ambulance union too. Those two closely linked groups said it would not work. It is having a significant impact, it is improving transfer times, and I look forward to working with our hospitals to continue that steady improvement.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — I am not quite sure whether the minister intended to provide me with an answer to the question, but he identified one location where that target was met — Dandenong Hospital.

Hon. D. M. Davis — A number of improvements.

Mr JENNINGS — Yes, but the minister identified one, so I will take it that that target was met at one location because he mentioned it. In terms of the exemplars and the implementation of this policy, can the minister share with us whether the hospital that Andrew Stripp works at achieved the target?

Hon. D. M. DAVIS (Minister for Health) — Hospitals work very hard to achieve these targets. I have to say that the Alfred hospital, which is what Mr Jennings is referring to, is a hospital that carries a very heavy load in its emergency department. Let us be clear: the Alfred, the Royal Melbourne and the Children's are three particular hospitals; they carry the trauma load around the state, so in our state trauma system, which Mr Jennings may not be aware of, those three hospitals are the critical linchpin. So it is true to say that the outcomes at the Alfred can be directly impacted by trauma cases, and the same is true at the Royal Melbourne and the same is true — —

Mr Jennings — Trauma cases are treated immediately.

Hon. D. M. DAVIS — They are treated immediately, but it leads to a significant diversion of resources, quite appropriately. That is what the trauma system is meant to do; it is meant to prioritise the cases. It is meant to be a system where the most urgent cases are treated immediately. If one of the new choppers that are coming — it could be at a future time — for the $550 million, preannounced — —

Mr Jennings interjected.

Hon. D. M. DAVIS — Yes, indeed.

The PRESIDENT — Order! Thank you, Minister.

Prison officers

Mr D. R. J. O'BRIEN (Western Victoria) — My question is to the Minister for Corrections, the Honourable Edward O'Donohue, and I ask: can the minister provide an update on prison officer recruitment and any standout examples of the calibre of prison officers in the Victorian corrections system?

Hon. E. J. O'DONOHUE (Minister for Corrections) — I thank Mr David O'Brien for his question and his long interest in the corrections system and in building a safer Victoria. I thank Mr O'Brien for representing me at a recent prison officer graduation ceremony at Marngoneet prison at Lara, near Geelong.

I inform the house today of one of the standout examples of the great dedication displayed by Corrections Victoria staff across Victoria. For all of us it is a privilege to be members of Parliament, and it is also a great privilege to be a minister in a government. Never has that privilege been greater than last week, when I had the honour of presenting the Corrections Victoria Medal of Valour to one of those dedicated staff, supervisor Robert McNally from Barwon Prison.

In July last year Mr McNally intervened in an altercation between two prisoners, one of whom was wielding a sharp object. Mr McNally stepped in front of them, unarmed the prisoner and managed to hold off and subdue the armed offender until staff arrived to assist. Mr McNally suffered minor injuries, and Corrections Victoria considers that his actions prevented the prisoners from suffering serious injuries or much worse.

Mr McNally has a lifetime of service to the community. He joined Corrections Victoria in 2002 after serving almost 20 years in Australia's defence forces. In his time with Corrections Victoria he has been a prison officer and is now a supervisor. He has also served in the security and emergency services group, a highly specialised, highly trained section of Corrections Victoria.

The Corrections Victoria Medal of Valour was introduced in 1958. Mr McNally is just the 22nd recipient of a medal of valour, and it has been eight years since the last one was awarded. He is a brilliant example of the calibre of Corrections Victoria staff, both those already on the job and those coming into the system. It was a great privilege to be here at Parliament House with Mr McNally, the corrections commissioner, the leadership of Corrections Victoria and many of Mr McNally's family, including his mum, who flew down from Townsville to be part of the ceremony.

As this government fixes Labor's neglect of our prison system and builds a better, safer Victoria through its historic prison expansion program, Corrections Victoria is actively recruiting hundreds of new staff, creating hundreds of new jobs throughout regional and rural Victoria and metropolitan Melbourne. On my visits to the prisons across Victoria, I never cease to be amazed at the calibre and quality of the prison officers and the staff we have in our prison system. We have men and women of different ages, different ethnicities and vastly different life experiences and skills. This can only be a good thing for our prison system, where prisoners also come from hugely varied backgrounds and life experiences.

In the coming months, Corrections Victoria will be recruiting hundreds of new staff to serve as prison officers. This is the kind of job that many Victorians perhaps might not have thought of before, but I urge them to consider a career in corrections. Corrections jobs offer stability, a solid career path and, most importantly, an opportunity to serve our state and help us all build a better and safer Victoria.

QUESTIONS ON NOTICE

Answers

Hon. D. M. DAVIS (Minister for Health) — I have answers to the following questions on notice: 8476–83, 9537–45, 9547–9, 9947, 10 039.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 5

Hon. R. A. DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest* No. 5 of 2014, including appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Advance TAFE — Report 2013.

Anti-Cancer Council of Victoria — Report 2013.

Coroners Court of Victoria — Report 2012–13.

Crown Land (Reserves) Act 1978 —

Minister's Order of 18 November 2013 giving approval to the granting of a lease at Fawkner Park.

Minister's Order of 24 March 2014 giving approval to the granting of a licence at Toolangi Forest Reserve.

Minister's Order of 28 April 2014 giving approval to the granting of a lease at Rosebud Park and Recreation Reserve.

Environment Protection Act 1970 — Order in Council of 29 April 2014 for the Waste Management Policy (Storage of Waste Tyres).

Interpretation of Legislation Act 1984 — Notices pursuant to section 32(3) in relation to Statutory Rule Nos. 9 and 159/2013.

Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Return — April 2014 and Summary of Variations notified between 7 March 2014 and 5 May 2014.

National Environment Protection Council — Report 2012–13.

Northern Melbourne Institute of Technical and Further Education — Minister's report of failure to submit 2013 report to the Minister within the prescribed period and the reasons therefor.

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

Alpine Planning Scheme — Amendment C23.

Alpine Resorts Planning Scheme — Amendment C22.

Bass Coast Planning Scheme — Amendment C124.

Campaspe Planning Scheme — Amendment C86.

East Gippsland Planning Scheme — Amendment 101.

Glen Eira Planning Scheme — Amendments C116 and C119.

Greater Bendigo Planning Scheme — Amendment C197.

Greater Geelong Planning Scheme — Amendments C289 and C295.

Moonee Valley Planning Scheme — Amendment C117.

South Gippsland Planning Scheme — Amendment C52 (Part 1).

Stonnington Planning Scheme — Amendment C168.

Victoria Planning Provisions — Amendments C108, C111 and C115.

Wellington Planning Scheme — Amendment C74.

Statutory Rules under the following Acts of Parliament:

Adoption Act 1984 — No. 19.

Corrections Act 1986 — Nos. 12 and 20.

County Court Act 1958 — No. 14.

Drugs, Poisons and Controlled Substances Act 1981 — No. 15.

Local Government Act 1989 — No. 17.

Magistrates' Court Act 1989 — Nos. 11, 18 and 24.

National Gas (Victoria) Act 2008 — No. 22.

Road Safety Act 1986 — No. 23.

Sentencing Act 1991 — No. 16.

Serious Sex Offenders (Detention and Supervision) Act 2009 — No. 21.

Supreme Court Act 1986 and Administration and Probate Act 1958 — No. 10.

Victims of Crime Assistance Act 1996 — No. 13.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 11, 13, 14, 16, 19 to 24.

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

Greyhound Racing Victoria — Rule Amendments made under the Racing Act 1958.

Ministerial Direction under section 3.8A.2 of the Gambling Regulation Act 2003.

Transport Integration Act 2010 — Public Transport Performance Report for the period 1 July to 31 December 2013, pursuant to section 79W of the Act.

Wildlife Act 1975 — Wildlife (Control of Game Hunting) Notices — No. 1/2014, 10 February 2014.

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

Corrections Legislation Amendment Act 2014 —

Sections 6, 7, 9, 15, 16, 21, Part 3 and Part 4 (except sections 26 and 35) — 8 April 2014; Sections 3, 8, 18, 19, 26 and 35 — 1 May 2014; Section 20 — 1 July 2014 (*Gazette No. S112, 8 April 2014*).

Remaining Provisions — 1 July 2014 (*Gazette No. S136, 29 April 2014*).

Crimes Amendment (Grooming) Act 2014 — 9 April 2014 (*Gazette No. S112, 8 April 2014*).

Drugs, Poisons and Controlled Substances (Poppy Cultivation and Processing) Amendment Act 2014 — 16 April 2014 (*Gazette No. S122, 15 April 2014*).

Gambling and Liquor Legislation Amendment (Reduction of Red Tape) Act 2014 — Part 2 — 16 April 2014 (*Gazette No. S122, 15 April 2014*).

Health Services Amendment Act 2014 — 15 April 2014 (*Gazette No. S122, 15 April 2014*).

Justice Legislation Amendment (Discovery, Disclosure and Other Matters) Act 2014 — Part 2 — 12 May 2014 (*Gazette No. S136, 29 April 2014*).

Sentencing Amendment (Abolition of Suspended Sentences and Other Matters) Act 2013 — Part 5 and the Remaining Provisions of Part 7 (except section 59) — 19 April 2014 (*Gazette No. S122, 15 April 2014*).

Small Business Commissioner Amendment Act 2014 — 1 May 2014 (*Gazette No. S136, 29 April 2014*).

INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

Special report 2014

The Clerk, pursuant to Independent Broad-based Anti-corruption Commission Act 2011, presented special report.

Laid on table.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Budget estimates 2013–14 (part 2)

The Clerk, pursuant to Parliamentary Committees Act 2003, presented government response.

Laid on table.

STATEMENTS ON REPORTS AND PAPERS

Notices

Notices given.

Mrs MILLAR having given notice:

The ACTING PRESIDENT (**Ms Pennicuik**) — Order! Mrs Millar already has given notice of intention to make a statement. Does she wish to stick with that one relating to the *Victorian Government Aboriginal Affairs Report 2013* or replace it with this one?

Mrs MILLAR — I would like to make a statement this week on the 2013 Cancer Council Victoria report.

The ACTING PRESIDENT (**Ms Pennicuik**) — Order! The other notice will be removed.

Further notices given.

BUSINESS OF THE HOUSE

General business

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

That precedence be given to the following general business on Wednesday, 7 May 2014:

(1) notice of motion given this day by Mr Jennings referring a matter to the Legal and Social Issues References Committee relating to the provision of hospital beds;

(2) notice of motion given this day by Ms Pulford relating to the National Centre for Farmer Health;

(3) order of the day 9, resumption of debate on motion relating to the failure to table documents detailing the Country Fire Authority and Victorian WorkCover Authority actuarial assessment and cost estimates;

(4) order of the day 10, resumption of debate on motion referring a matter to the Legal and Social Issues References Committee relating to heatwave planning, response and recovery; and

(5) notice of motion 737 standing in the name of Ms Pennicuik calling for the implementation of policies against accepting donations from property developers.

Motion agreed to.

MEMBERS STATEMENTS

Earthworker Cooperative

Mr LEANE (Eastern Metropolitan) — I was very pleased to get a briefing from the Earthworker Cooperative recently. This is a cooperative made up of a number of people, including employers and union members, who have worked for a long time to establish a not-for-profit workers cooperative for those manufacturing environmental products in Australia.

What is unique to this cooperative is its use of agreements between unions and employers under which individuals can agree to purchase a solar hot-water service through the cooperative in lieu of their wages. Obviously that gives those people the opportunity to reduce their energy bills, it helps to create manufacturing jobs in Australia and it addresses the perils we face in relation to climate change.

The Earthworker Cooperative works out of a factory in Dandenong, but it will soon move down to Morwell, and that will increase its availability. We would all agree that manufacturing in Australia is very important, and these sorts of initiatives need to be supported by everyone in the house.

St Albans level crossing

Mr ELSBURY (Western Metropolitan) — I take this opportunity to say thank you. I thank the Premier and the Minister for Public Transport, who have announced the Napthine government's commitment to remove the Main Road level crossing in St Albans. I also thank the federal government. Under the leadership of Tony Abbott, it is providing funds that will make this vital infrastructure a reality. The 11 long years of Labor in power never saw the investment that we, the Liberal Party, are going to deliver to St Albans — that is, $200 million will be provided to lower the rail under the road, to build a new premium train station, to build a new bus interchange at the train station and to remove train stabling areas and relocate them to Calder Park.

This is a great investment for the people of the western suburbs. Removing Melbourne's most dangerous level crossing is a great indication of the care we have for the people of the western suburbs. I eagerly await the response from opposition members who represent the western suburbs — I am keen to hear them congratulate the government on doing something Labor could not do in its 11 years in government.

Fiona Warzywoda

Ms HARTLAND (Western Metropolitan) — On 16 April Fiona Warzywoda, who was aged only 33, was stabbed at the corner of Hampshire and Devonshire roads. The next morning I received an email from Sophie Dutertre saying that we had to do something. Following that email a community vigil against domestic violence was organised. It was held on Tuesday, 22 April. It was pleasing to see MPs from all parties attending that vigil.

In Victoria last year there were 29 deaths related to family violence. Unlike Fiona's case, most of those deaths occurred behind closed doors. Last year alone police responded to over 60 000 incidents involving family violence. Of the 29 deaths not all the victims were women, but all the perpetrators were male. Last year family violence was a factor in 80 per cent of child deaths known to child protection, and this year the numbers are already stacking up.

Some men choose to use violence because they think they have the right to use power and control women in this way. This should not be acceptable in our society. Every year family violence costs the Victorian economy $3.4 billion, and it causes 35 per cent of homelessness and over half of the substantiated child protection cases. I call on the government to find the extra money that agencies are asking for — not the $4 million but the $16 million that is required for an integrated approach to family violence.

National Commission of Audit

Mr SCHEFFER (Eastern Victoria) — The distraction and confusion of the Abbott government's messaging in relation to its forthcoming budget was made even worse with last Thursday's release of the report of the National Commission of Audit. The Victorian coalition has not welcomed the nonsense that voters are hearing from Tony Shepherd, the Prime Minister and Treasurer Joe Hockey, who are sucking air from what is supposed to be a good news budget for the Victorian coalition. The Napthine government is not helping itself with its avalanche of announcements. There have been 120 over the last 27 or so days. One radio commentator said this amounted to more than one announcement every two 2 hours and two media conferences a day — 77 in all. All this hype smacks of panic.

The Victorian coalition desperately needs clear air in the lead-up to the November election, and it is now engulfed in unprecedented static. This Victorian election budget — the one that has to count — has got off to a disastrous start. The alarm the commission of audit report has unleashed has unnerved voters at the very time state and federal coalition governments need voters to focus, not panic. Is it any wonder that the bad public reaction to the report has rattled the federal cabinet and the party room unsettled the Napthine government?

Through it all voters see the federal and state coalition governments blinded by an austerity ideology that will lead to job losses, low wages and a reduction of vital services. The coalition has forgotten that this country's success has always resulted from governments finding a balance between the innovative energies of collectives on the one hand and of individuals and small organisations on the other and between state institutions and regulated private activity.

Albert Park College

Mrs COOTE (Southern Metropolitan) — On 29 April I had the greatest pleasure in joining the Minister for Education, Mr Dixon, and a wonderful woman named Shannon Eeles, the Liberal state candidate for Albert Park, at the Albert Park College for the minister's announcement of a $5.5 million grant to relocate the school's year 9 campus. It is a huge credit to the entire school community, led by the principal, Steven Cook, and the school council president, Dominic Grounds.

Albert Park College is a victim of its own success. The school is doing so well it is bursting at the seams. This funding will enable year 9 to move from the campus where it is currently located into the old and now vacant Circus Oz buildings, which are based in Port Melbourne, not far from my office. As part of the refurbishment project the Circus Oz site had to be bought from Arts Victoria, and the total refurbishment of the site will commence on 1 July. This will enable the year 9 students to have an off-site campus of their own with an innovative program which will concentrate on the environment, sciences and art. It is such an exciting project. It is a win for the students and the community of Albert Park. Congratulations to Minister Dixon.

Fiona Warzywoda

Mr MELHEM (Western Metropolitan) — Like many, I was saddened to learn of the fatal stabbing of Fiona Warzywoda on Wednesday, 16 April, in Sunshine. Ms Warzywoda was stabbed by her estranged partner, Craig McDermott. It has since been revealed that the stabbing was preceded by a lengthy period of domestic abuse inflicted upon Ms Warzywoda.

My thoughts are with the four children who are left behind by this unnecessary tragedy, and I am sure those are the collective thoughts of this entire chamber. A silent vigil, held in Sunshine on Wednesday, 23 April, to express grief at the loss of Ms Warzywoda and to protest against domestic violence was attended by over 1100 people, including me and federal opposition leader, Bill Shorten.

From this tragedy a message must be heard: more must be done to fight domestic violence against women. It starts in the household, it starts in our education and it starts with governments being more conscious of continuing to fund programs which seek to make sure that violence against women stops. If we lose one woman, it is far too many. I hope in its incoming budget this government will invest more in programs to make sure violence against women is stamped out from our society. We cannot allow these tragedies to continue.

Mildura–Geelong rail link

Mr D. R. J. O'BRIEN (Western Victoria) — On Saturday, 3 May, I was pleased and proud to hear the Deputy Premier deliver the keynote address at the National Party State Conference in Benalla where Mr Ryan announced the coalition government's commitment to deliver the Mildura to Geelong standardised rail link, with construction to be completed by 2018. This is a significant landmark project that has been fought for by many western and north-western Victorians for over a century, and it will benefit the whole of western Victoria, including Portland, Geelong and many of the grain-producing communities in between. It has been fought for in most recent years by the hardworking and passionate member for Mildura in the Assembly, Peter Crisp, who deserves the lion's share of the credit for his advocacy, but I commend all those communities. This project will improve exports.

Western Highway

Mr D. R. J. O'BRIEN — I was also pleased to hear that $4 million has been secured for the planning of bypasses on the Western Highway at Ararat and Beaufort. Again the Deputy Premier and the Deputy Prime Minister made the joint announcement. This has been a significant campaign that I have been proud to be part of, together with Kevin Erwin, mayor of the Northern Grampians Shire Council and chair of the Western Highway Action Committee, Robert Vance, mayor of the Pyrenees Shire Council, Michael O'Connor, former mayor of the Pyrenees Shire Council, and Paul Hooper, mayor of Ararat Rural City Council. It is important that these communities plan for long-term infrastructure for their roads and communities. I commend them to their communities.

Seymour railway station

Ms DARVENIZA (Northern Victoria) — I place on the record my disappointment that Shepparton pensioner Eric Farrow has had to abandon his disability discrimination case against V/Line. Mr Farrow went to the Australian Human Rights Commission about the difficulties he faced at the Seymour railway station when transferring from a coach service and navigating up the steep ramp to the train platform. A buggy service which assisted passengers at Seymour station during the north-east revitalisation project works was cancelled when the works were completed.

I previously raised this serious matter of lack of access with the Minister for Public Transport, Terry Mulder, and the Minister for Disability Services and Reform, Ms Wooldridge, after constituents with chronic health conditions raised concerns about the difficulties they faced travelling up the ramp or using the steps to access the train. I also asked for the buggy service to be reinstated, but I was informed by the minister that there were no plans to do so. The Greater Shepparton City Council, disability groups and other residents continue to lobby for this important issue to be addressed. The

minister refused to reinstate the buggy service unless volunteers could be found to operate the service.

The Liberal-Nationals state government should be ashamed that our elderly and most vulnerable cannot access public transport. This is a disgrace, and it shows that either the government does not understand or does not care about the issues that rural and regional communities face.

Hospital performance

Ms MIKAKOS (Northern Metropolitan) — I rise today to again highlight the ongoing crisis in Victoria's health system. Although the health services performance data for the 2013 December quarter was released four months late, it paints a damning picture of Victoria's hospital services under the Napthine government. The coalition's $826 million in cuts is causing our hospitals and ambulance services to further deteriorate. Along with Prime Minister Tony Abbott's $277 million in cuts to our hospitals, the future looks bleak for Victorian patients under the coalition. Far from delivering on the promise to provide 800 beds in its first term, the coalition government has provided a paltry 43 beds, 27 of which were funded by the 2010 national health reform agreement signed by former Premier John Brumby and former Prime Minister Kevin Rudd.

In my electorate the local hospitals are being starved of resources. Emergency departments have been hit hard by the cuts and failures of this government. St Vincent's Hospital has the highest rate of non-admitted patients staying in the emergency department for longer than 4 hours, at 36 per cent, and also had the biggest increase, of 6 per cent. Austin Hospital and Royal Melbourne Hospital both failed to meet targets for category 3 patients in emergency departments. Northern Hospital and St Vincent's Hospital deteriorated further in this respect when their December 2013 figures are compared with figures from 12 months earlier.

Ambulance transfers within 40 minutes have again fallen short of the 90 per cent target at the Austin Hospital with 70 per cent, the Northern Hospital with 62 per cent, the Royal Melbourne Hospital with 68 per cent and St Vincent's Hospital with 72 per cent.

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

Anzac Day

Mr EIDEH (Western Metropolitan) — On Sunday, 13 April, I had the honour of laying a wreath at Moonee Valley City Council's Anzac commemoration ceremony at the cenotaph at Queens Park. Also in attendance were my parliamentary colleagues from the Assembly the member for Essendon, Justin Madden, and the member for Niddrie, Ben Carroll; and members for Western Metropolitan Region, Colleen Hartland and Andrew Elsbury. The City of Moonee Valley and the Essendon RSL sub-branch did a great job in hosting a dignified and respectful service to remember the sacrifices made by those who have served our country. The Moonee Valley Brass Band and the Strathmore Secondary College choir accompanied the ceremony.

On Anzac Day, 25 April, I attended a dinner to honour the 99th anniversary of Anzac Day, which was organised by Ramazan Altintas and the Turkish sub-branch of the Victorian RSL. I was joined by many members of the community as well as my parliamentary colleagues representing all political parties, both state and federal. I commend all who worked hard and volunteered their time to organise ceremonies and services across Victoria on this solemn day of remembrance of those who have died in battle. I am indeed proud to have been in the presence of so many people from different backgrounds at both events who were all gathering to pay their respects on such an important day for us all. Lest we forget.

ENERGY LEGISLATION AMENDMENT (CUSTOMER METERING PROTECTIONS AND OTHER MATTERS) BILL 2014

Second reading

Debate resumed from 3 April; motion of Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation).

Mr SOMYUREK (South Eastern Metropolitan) — I rise to speak on the Energy Legislation Amendment (Customer Metering Protections and Other Matters) Bill 2014. Whilst I preface my comments by saying Labor will not oppose this legislation, this government has not had a particularly good track record in managing advanced metering infrastructure, also known as smart meters, which it enthusiastically and gleefully, if you like, criticised whilst in opposition.

The bill aims to accomplish four main goals, and they are as follows: to provide powers to make orders in council relating to advanced metering infrastructure, otherwise known as AMI; to reduce reporting obligations of distributors and retailers under the feed-in tariff scheme — that is, the premium feed-in tariff (PFIT) and the transitional feed-in tariff (TFIT); to abolish the Equipment Advisory Committee, which

advises the government on safety appliances and other electrical equipment; and finally to make consequential amendments to the Gas Industry Act 2001 resulting from the National Gas (Victoria) Act 2008.

In relation to the first of these goals — that is, the provision of powers to the minister to make orders in council relating to advanced metering infrastructure — under the bill orders can be made requiring rebates to be paid to customers by a distribution company where AMI is not installed or is installed but not working in certain situations. The distributor will be required to pay the rebate if it has not installed a meter by 30 June 2014, though the rollout completion date is December 2013. Orders can also be made allowing that a charge be imposed on customers by a distribution company where manual reading of a meter is required to take place — for example, where a customer refuses an installation or the distributor has not visited the premises. Distributors will be allowed to charge a fee for refusal from March 2015.

Mr O'Donohue in his second-reading speech for this bill explained that these changes will:

> … ensure all consumers can benefit from the smart meter program by providing a financial incentive for electricity distributors to complete the rollout, and encouraging customers to accept smart meters.
>
> The bill will enable orders that govern the smart meter rollout to require a distributor to rebate customers where the distributor fails to attempt to install a smart meter, while providing that customers who refuse or prevent the installation of a smart meter will not be entitled to the rebate. The orders will be able to prevent distribution business from recovering the costs of rebates from customers.

The problem with this bill and with Mr O'Donohue's explanation is that several questions remain unanswered. These questions include the following: the value of the rebate; the role of the retailer; the manual meter charge, which must firstly receive Australian Energy Regulator approval; and whether the charges will be different across the distribution companies.

Whilst the opposition is advised that details of the rebates and charges will be addressed by an order in Council by 1 July 2014, when rebates come into effect, this issue remains a concern to the opposition. We know that this date has been set to meet the 31 August deadline for submissions to the Australian Energy Regulator as part of its process of the annual setting of metering charges, for 2015. Nevertheless, the opposition does not know the full story relating to these charges. I urge the minister to be as transparent as possible in this process, and I remind members of the house that a key benefit of advanced metering infrastructure is that it provides households with information about their energy use. The same principles should apply here. Households need to know how much they will be charged under these new arrangements. For example, what happens if a payment is late? This is one example of questions that need to be answered. As I said just a second ago, transparency is the key in these initiatives.

I will now take a moment to comment on the hypocrisy of those opposite. I make this comment not simply to criticise the government but to seek an explanation as to why these changes need to be implemented. First, we have to remember that this government when in opposition went to the 2006 state election with a firm commitment in support of the AMI program. After the coalition lost that election it saw fit to politicise the rollout process. It figured there may be some goals in kicking the AMI program. The politicisation whipped up by the coalition created a great deal of fear and anxiety in the community. A significant portion of our community began to see the AMI or smart meters as an evil imposed by the government, even though agreement for a national rollout was reached by the Council of Australian Governments under the stewardship of former Prime Minister John Howard.

Upon winning the 2010 election this government announced its review of smart meters, which of course delayed the rollout even further. Surprise, surprise! The review found that there would be maximum benefit by continuing with the smart meter rollout; that smart meters are safe and fall well within the requirements of electromagnetic and radiofrequency emissions; that consumers would benefit from the rollout with the introduction of flexible pricing; and that greater customer engagement is required to better explain smart meters and their operation — meaning to combat the hysteria triggered and facilitated by the coalition when it was in opposition.

After this review the smart meter rollout was due to be completed by the end of last year. We are now in May and, according to the department in the briefing, 60 000 households are still waiting to have their smart meters installed. I note that under orders a rebate will be paid if a smart meter has not been installed by 30 June 2014 — six months after the government's own deadline. Of course part of the delay was the government giving Victorians the option of turning away installers. Many Victorians did just that because they believed the hysteria of the coalition — not in government at that point but in opposition. They felt that their homes and their health would be placed under threat.

Victorians no doubt thought that the rollout would be cancelled under this government and that they would not have the opportunity to receive an analog reader back should they proceed with the AMI installation. This has created further delays and added costs because installers have had to return to properties to install a smart meter when other properties in the street have already been completed. That is not a very efficient way of doing a rollout. The now government, which was the opposition at that stage, between 2006 and 2010, is to blame for the public hysteria. This hysteria created by the then coalition opposition at that point is the reason why these orders need to be made now. Let us not forget that the costs associated with these delays are passed on to all consumers through an increase in bills, impacting on our cost of living.

I now move on to the next purpose of this legislation, which is to reduce the reporting obligations of distributors and retailers under the premium feed-in tariff scheme and the transitional feed-in tariff scheme. Again I quote from Mr O'Donohue's second-reading speech, which states:

> Part 2 of the bill further amends the Electricity Industry Act 2000 to reduce feed-in tariff reporting obligations for licensed electricity retailers and distributors. This will cut compliance costs for the industry, while allowing the government to continue to monitor trends in solar uptake.

My understanding is that these reporting obligations in relation to feed-in tariff distributors reporting requirements will be reduced — for the premium feed-in tariffs, from six monthly to annually, and for the transitional feed-in tariff, from monthly to annually. Retailers' reporting requirements will be reduced from every month to every three months, and they will no longer have to report on the total generating capacity of facilities under the scheme, as detailed in the explanatory memorandum under division 2, clause 7.

Whilst retailers will have to report every three months on the number of small generators and the amount of electricity they purchase from these generators — the most common example being households with rooftop panels — they will not have to report on the generating capacity of those rooftop photovoltaic systems. If this information is not otherwise reported, this may mean that the public will no longer be able to easily access information about the installed capacity of rooftop photovoltaic systems in Victoria. Mr O'Donohue in his second-reading speech claimed that this will cut compliance costs for the industry.

As stated, Labor will not oppose this bill, but I think the bill proves the coalition is not serious about renewable energy and therefore is also not serious about the cost of living and the environment. It has previous form here: it cut the solar feed-in tariff for those trying to cut their energy bills. The things I just mentioned are proof of that. I would like the house to remember that the government went to the election with a commitment to support the premium feed-in tariff, saying it would replace it with a far more generous gross feed-in tariff. Labor is not opposing the bill, though it notes the hypocrisy of the government.

I will now move on to the abolition of the Equipment Advisory Committee, which is the body that advises the government on safety appliances and other electrical equipment. The government does so without transferring the role and without a permanent replacement for this committee. The minister stated in his second-reading speech:

> The need for the Equipment Advisory Committee to advise Energy Safe Victoria on electrical equipment safety matters has been superseded, as the same function can be achieved through other existing consultation and communication methods.

Such an ad hoc arrangement does not appear to be a satisfactory replacement for a dedicated advisory committee. The minister's office has advised that Energy Safe Victoria reviewed the Equipment Advisory Committee, the Electric Line Clearance Consultative Committee and the Victorian Electrolysis Committee, with the last two committees being retained. This seems surprising, given the former energy minister, Nick Kotsiras, ordered another review into smart meters to prove that they were safe. Mr Kotsiras was quoted as follows in the *Shepparton News* of 5 February:

> I believe they are safe — I have one installed outside my bedroom — but people simply don't believe me. That's why it's important to get a third party.

I wonder why they do not believe Mr Kotsiras when he says that they are safe! Energy Safe Victoria, an independent state body, conducted a review into the safety of smart meters, and the former minister claims that this did not convince Victorians; hence the need for another review. Perhaps if the government had not run a scare campaign in this place whilst it was in opposition such a review would not be necessary. Nevertheless, it astounds me that such a review has been commissioned and yet the Equipment Advisory Committee is to be abolished.

I will conclude my contribution by reiterating that Labor does not oppose this bill and by reiterating the hypocrisy of the government in causing so many issues with the advanced metering infrastructure program and

now findings itself having to repair the damage it did with respect to the rollout of this program.

Mr ELSBURY (Western Metropolitan) — After that contribution by Mr Somyurek, where does one start? It was a ham-fisted approach by Mr Somyurek, much like when Labor started trying to roll out the smart meter program without explaining to the people of Victoria what it was doing. It just went and slapped another levy on people in their power bills and went helter-skelter out there trying to put these new machines in people's homes without explaining to them what the program meant, where it was going to go or what outcomes it was trying to achieve.

Understandably, when something is new people are a little bit reticent about taking up new technology. Take digital TV for starters: some people hear the word 'digital', especially those who are older in our community, and get a little perturbed about it. I remember telling my mum that she was getting a digital TV, and she said, 'What's all this? It's all new'. I had to say, 'No, you still use a remote control. It still gives you the TV shows you want to watch plus a few more'.

Smart meters have great technology. They have great abilities that can assist consumers, and that is something that was not explained at all by the previous government. It went out and just bunged an extra levy on people's power bills. It is a bit like Coles saying as you walk out of the checkout, 'We need some new cash registers. We'll just take an extra $2 off you as you walk to the registers, if you don't mind. Thank you very much'. It should not have been happening like that.

Other states have been able to roll out smart meter technology without placing such an impost on consumers, and they have been able to explain to consumers just what the benefits are. Western Australia has been able to do it quite well. As is normal when you give a project to a Labor government, it seems to find a way to stuff it up, whether it is trying to come up with a new ticketing system or providing health providers such as hospitals with a new computer system. Smart meter technology is a good idea, and its implementation in the power network delivers great benefits to consumers, including lower costs, because we no longer have people walking around the suburbs with their little computers, which they did up until recently, tapping in what was written on the meters on people's houses.

Instead they can receive the data instantaneously, and it is because of that that people are able to see their home power usage. They are able to log onto their distribution company's website to see their power usage. They can also see exactly what is going on through an in-home monitor. These systems bring great benefits to people and enable them to decide, 'Okay, maybe I don't need to have 17 lights on at the moment and considering it's the middle of the day I might open a window to let in some sunlight', or something like that. I know it is a strange concept, but I have been to friends' houses where they walk around in T-shirts and shorts in the middle of winter because their heaters are at Vesuvius level. It gets quite warm in their homes. They could turn down their heating and put on a jumper and save some power and possibly — and I see Ms Pennicuik looking at me — save the planet as well.

Reducing the impact on our resources is something the government needs to consider. Being able to reduce power usage means that the power we have available to us can be used across a broader section of the community. We do not have to build new power stations if people are conserving their energy.

The new system allows for flexible pricing to be made available, and it will enable people to pick peak and off-peak plans. Different retailers can offer different deals. Plans might start early in the evening and finish early in the morning or have lower rates if you want to put on your dishwasher at 10.30 p.m. rather than putting it on straight after the kids have gone to bed at 7 o'clock. You can do that and save a bit of power. You might even put on your washing later at night; it is up to you.

These flexible systems will not work for everyone, which is why we are not forcing everyone to go on to them, but it is yet another option. It is about choice. Mr Somyurek highlighted just how little choice people were given in the debacle created by the previous government. It was foisted upon them. There was no explanation; it was just thrown at them, and they were left wondering what had happened. They asked, 'Where did this come from, and what's it going to do?'. The government believes in choice. We believe in giving people the ability to understand what is going on with their metering technologies.

Another thing that has assisted people through the rollout of the smart meters is that a safety check of home wiring is done at the time that a meter is installed. In a lot of older homes the wiring is not crash hot. Barry has gone out at the weekend to McEwans, as it was back in those days, and grabbed a couple of lengths of wire and put in a brand-new spotlight in the backyard, not knowing that he has completely stuffed it up. Mr Leane has probably seen situations where Barry has done, in his mind, a fantastic job, but it is one that will kill someone at some stage in the future. That is why you need to use qualified electricians to do that

sort of thing, and I highly encourage it. When an older house has changed hands a few times, you are able to say, 'Right, this is a quick check to make sure that everything is going to be hunky-dory'.

More than 2.6 million smart meters have been installed — that is, 97 per cent of the network. Independent testing of smart meters has shown the electromagnetic fields emanating from smart meters are less than that from cordless phones and baby monitors. There has been some conjecture in this place and in the community about the safety of those objects through the electromagnetic disturbance they cause. Testing in 2011 found that exposure levels inside dwellings ranges from 0.000001 per cent to 0.0113 per cent of the general public limit specified in the radiation protection standards as set by the Australian Radiation Protection and Nuclear Safety Agency. Both that agency and Victoria's chief health officer have confirmed that smart meters are safe.

Having said that, some people still choose not to accept this knowledge, as Mr Kotsiras, the member for Bulleen in the Assembly and a former Minister for Energy and Resources, stated. Therefore, another study was commissioned by Mr Kotsiras while he was the minister, and the department is currently in the process of developing the study. Hopefully once it is completed it should just about settle it for most people. I hope they look intently at the findings and take note that quite a lot of work has been done to check the validity of the studies and the safety of the machines, which bring greater benefits than they ever will cause harm.

Smart meters have proved to be useful in identifying over 22 000 defects to faulty wiring or appliances in homes, potentially saving lives rather than causing risk to lives. Smart meters have become the standard metering system across the state. As I said, 97 per cent of homes and businesses now have a smart meter installed, and where they have been installed those customers deserve to gain the full benefits of the technology.

We have to deal with the issues relating to the customers who have decided that they do not want a smart meter installed. Those customers are going to have to wear the additional cost of having someone come to their premises and physically check their meter. They have made that choice. They have decided they will not allow their meter to be changed over, so they will not be able to access the rebates, the new metering opportunities or the new tariffs that they would be able to get — peak, off-peak or anything else. Of course it is not fair that those who still have one of the old meters and have not had a smart meter installed wear that cost. In cases where a company has not come out to install a smart meter, the customer will get a rebate to reflect the savings they would be getting were they able to access the newer technologies. On the one hand we have people who choose not to have a new smart meter placed on their property, and on the other hand we have people who would love to have one installed but unfortunately the technology has not yet reached them.

Through this bill we are going to be simplifying how retailers are able to report the feed-in tariffs from renewable energy sources — solar panels and such — from their homes. There are currently four different schemes available in the state of Victoria for people who have solar panels on their roofs. There is the premium feed-in tariff (PFIT), the transitional feed-in tariff (TFIT), the standard feed-in tariff (SFIT) and the feed-in tariff (FIT). We are very fit!

Mr D. D. O'Brien — You are very fit, Mr Elsbury.

Mr ELSBURY — I am very fit, indeed. In any case, having four separate systems and all the regulation that comes with them is rather time-consuming, and it ends up impacting upon the consumer. Distribution companies are currently required to report on the number of facilities, total generating capacity and total export electricity under PFIT and TFIT until the scheme's end. PFIT reports are required twice a year and TFIT reports are required every month. This bill will change that to being a single, yearly report. The distribution companies will provide an annual report on PFIT and TFIT. One has to be very careful not to mispronounce them.

Currently licensed retailers must also provide monthly reports on the number of facilities, total generating capacity and total exported electricity under the SFIT and FIT schemes. Whereas retailers can access information on a number of facilities and total exported electricity from metering data, they find it difficult to access information on generating capacity. Accordingly, it is proposed that this obligation to report the generating capacity be removed and reporting on the number of facilities and exported electricity be reduced from monthly to quarterly. All these measures are intended to make the system more efficient, to make our electricity networks more efficient in their delivery of information to customers about their home energy use and to allow cheaper energy rates to be obtained by people across our community. With those few words I commend the Energy Legislation Amendment

(Customer Metering Protections and Other Matters) Bill 2014 to the house.

Ms PENNICUIK (Southern Metropolitan) — The Energy Legislation Amendment (Customer Metering Protections and Other Matters) Bill 2014 does three things. It amends the Electricity Industry Act 2000 to further provide for the powers to make orders about advanced metering infrastructure and to simplify the reporting obligations of the electricity distributors and retailers with regard to feed-in tariff schemes. It also amends the Electricity Safety Act 1998 to abolish the electricity safety Equipment Advisory Committee which, we understand, is being replaced by the Electrical Regulatory Authorities Council, which is a coordinating body for Australian and New Zealand state and territory commonwealth regulators. The bill amends the Gas Industry Act 2001 to repeal definitions and exceptions to the definitions which relate to gas distribution and transmission systems that are now regulated under the National Gas (Victoria) Act 2008, which applies the National Gas Law in Victoria.

The Greens will be supporting this bill. It is a short bill — 12 pages long — of mainly technical and mechanistic-type amendments to the energy legislative scheme. The main concerns and questions we will raise when the bill goes into committee are those relating to vulnerable customers — that is, customers who may be adversely affected by extra charges and who may be unable to meet those charges. We will also seek information on feedback that the government may have received through its ministerial advisory committee on how to handle vulnerable customers in a fair and reasonable way. They are our main concerns with the bill, and we will raise them with the minister in committee.

Mr SCHEFFER (Eastern Victoria) — The Energy Legislation Amendment (Customer Metering Protections and Other Matters) Bill 2014 will enable the government to provide a financial incentive to electricity distributors to enable them to complete the rollout of smart meters and to persuade more electricity users to accept those meters.

The minister's second-reading speech asserts that people who buy electricity from the distributors will be the beneficiaries. The bill includes provisions that the government claims will protect customers by requiring distributors to provide them with a rebate where the distributor fails to attempt to install a smart meter. The distributor, under the provisions of this bill, will be prevented from passing on the cost of that rebate to its other customers.

Some people do not want a smart meter installed and some have actively prevented distributors from installing one. As a consequence it costs distributors more to have the old meter read manually. Where this happens, the bill enables a distributor to charge those customers any additional costs associated with them not having a smart meter. The argument is that it is unreasonable to expect a distributor to absorb the additional cost and that it would be unfair for the distributor to pass that cost on to other customers who have a smart meter installed. The bill aims to protect those electricity customers who have smart meters from any additional cost incurred from servicing those who refuse to have them.

The government is also concerned about cutting compliance costs. The bill aims to reduce the reporting obligations of electricity retailers and distributors that relate to feed-in tariffs. The second-reading speech also indicates that the Equipment Advisory Committee is redundant as its job advising Energy Safe Victoria on the safety of electrical equipment has been superseded because other consultation and communication approaches effectively perform the same function. In his contribution to the debate Mr Somyurek has already stepped the house through some of the issues related to that, indicating that the opposition believes this to be a rather ad hoc and unsatisfactory approach and that the government has not handled this matter as well as it should have. However, the opposition will not be opposing this bill.

In 2006 the former Labor government established the advanced metering infrastructure program which required every household and small business to install a smart meter. From 2009 electricity distribution businesses were enlisted to undertake the replacement process, with the aim of completing that rollout by 2013. Despite some initial problems with the rollout — which frequently accompany technological innovations of this scale — the benefits are significant because smart meters provide households with real-time information about how they use electricity.

There has been a level of public resistance to the smart meter rollout because some citizens are concerned about the health effects of the new meters. There is also some concern over the privacy implications of making detailed household electricity use available to large utilities. These objections are not confined to Victoria. They have been raised across the country and in both North America and Germany. Mr Elsbury would have us believe that the reasons for the objections in North America and Germany are the fault of the former Labor government's poor communication strategy.

In effect smart meters are a two-way data system that gives both the distributor and the purchaser virtually immediate information on how much power is being used. This enables the consumer to adjust the way that electricity is used in a household or business; on the other hand it allows the distributor to know precisely what to charge.

Smart meters enable customers to take advantage of flexible pricing and to reduce household power costs by buying electricity at off-peak times when it is cheaper. Smart meters have the potential to be of considerable benefit to consumers. Besides providing benefits to individual households, work is also under way to develop smart grids that have the capacity to improve energy efficiency and achieve low carbon emission targets through better integrating electricity from renewable sources into the supply system.

Smart meter and emerging smart grid technologies are showing how households and industry can buy electricity from renewable sources by selecting those that are cheaper at any given time. That could be solar during the day and wind in the evening. Smart grids aim to have the capacity to integrate distributed energy generation, such as rooftop solar and co-generation energy sources, into the power system and better manage these intermittent power sources. There has been a lot of work done within the power sector on the use of smart technologies. Hopefully before long a smart national grid will be created, despite the concerns that have been expressed that the country as a whole lacks a clear, holistic strategy. It should be said that most electricity companies are engaged and involved in the further development and rollout of smart technologies.

Two key projects conducted in New South Wales are worth considering in the context of this debate. They are the Smart Grid, Smart City project and the Intelligent Network Community project. These projects researched and tested advanced metering infrastructure, integrated distributed energy storage and generation, household energy management systems, which includes wireless controlled appliances, and a lot of other things.

The Smart Grid, Smart City project was an initiative of the former Labor government. It allocated $100 million to Energy Australia, which later became Ausgrid. The project trialled new tariff regimes and new technologies, such as an internet portal that showed real-time electricity consumption and costs. The Smart Grid, Smart City project also tested new network technologies that could enhance reliability and integration of new energy sources and, interestingly, trialled some 20 electric vehicles to gather information for a more general rollout. The project also examined potential smart grid compatibility with the national broadband network and other technologies such as smart gas and smart water metering.

Essential Energy's Intelligent Network Community — the other project I mentioned — commenced in 2011 in the Bega Valley, New South Wales. Its website says:

> It is enabling approximately 2000 customers located on the powerline between Bega and Tathra to trial intelligent technology, such as in-home displays, designed to help them monitor and manage their electricity consumption in real time.
>
> Other new technologies such as line fault indicators, distance-to-fault relays, gas switches, reclosers and grid interactive inverters, along with a sophisticated communications system, are allowing us —

that is, the company —

> to monitor and control power quality and flow, help our crews pinpoint faults remotely, divert power around problems and automatically restore electricity, delivering a more reliable and responsive power supply.

The rollout of smart meters to homes and businesses is an important development that Labor has always supported and encouraged, but the electricity and energy field, as anybody knows who has tried to read around this subject, is complex and fast moving. Late last year there was some debate in Germany over whether or not Germany should comply with European Union targets that require member states to ensure that 80 per cent of consumers have smart meters by 2020. I thought that was a puzzling thing. The German government commissioned Ernst & Young to undertake an economic assessment of the rollout under way. A key conclusion is that smart meters, particularly for small consumers, are not cost effective, because the saving in electricity use does not offset the combined cost of the meters and their operation. The Ernst & Young study recommends that there should be a greater focus on the interoperability of smart meters and renewable energy generation facilities and decentralised concepts. It says this would enable a more responsive rollout that could increase sufficiencies, and I have drawn that information from an analysis by the German Energy Blog from August last year.

It seems to me that with the smart meter rollout in Victoria and across the country it is critically important for consumers to reduce their power costs, and those power costs are onerous. Also, from an environmental perspective, in conjunction with the smart grid there is a greater potential to reduce reliance on fossil fuels. The Energy Legislation Amendment (Customer Metering Protections and Other Matters) Bill 2014 has a narrow

scope, but the protection of electricity consumers that it seeks to enhance goes well beyond the handful of provisions before us today. The second-reading speech says that the bill aims 'to ensure all consumers can benefit from the smart meter program' and that this benefit is principally financial, even though it includes other benefits such as reliability of supply.

Before I wind up it is important to mention that electricity has never been more expensive and that power bills have escalated to a point where Australians are paying amongst the highest prices in the world.

Mr Finn — Get rid of the carbon tax.

Mr SCHEFFER — I am coming to that. While the Victorian and federal coalition governments have attributed the cost to the preliminary carbon price and to the renewable energy target, everyone knows, including Mr Finn, that these are miniscule costs compared to the real cause, which is the overinvestment in so-called poles and wires. I can tell Mr Finn that these costs make up around 50 per cent of the average household electricity bill, whereas the fixed carbon price is around 9 per cent and the renewable energy target is around 4 per cent.

This is not the time to go into the hows and whys of the benefits that networks reap from this overinvestment in the poles and wires, but I mention in the context of the smart meter rollout, about which this bill is concerned, that an upshot of these high prices is that solar energy is now much more competitive and more and more electricity customers are going off grid. Some 1.2 million households are reducing their power bills by 50 per cent by putting modern efficient solar panels on their roofs, and this is reducing the profitability of the coal-fired generators. Without going into what is a fascinating set of developments, one question relevant to the present bill is that smart meters and the achievement of a smart grid will be essential in a power system where electricity from intermittent renewable sources outstrips the conventional fossil fuel electricity suppliers.

Mr RAMSAY (Western Victoria) — It gives me pleasure to speak to the Energy Legislation Amendment (Customer Metering Protections and Other Matters) Bill 2014. My contribution will be short this afternoon because my parliamentary colleague Mr Elsbury has eloquently gone into the substantive issues around the bill, but I want to make some key points.

I remember the introduction of smart meters, not when I was a member but when I was in another role. My predecessor as a member for Western Victoria Region, John Vogels, raised a number of concerns from constituents from western Victoria who went to see him. They were alarmed by Labor's introduction and rollout of smart meters because there was no consultation with the community. Labor said, 'This is good for you; it will reduce the cost of energy to your household. We'll provide an up-front charge to your electricity bill to pay for the smart meters, and at some point in time a distributor will come and put a smart meter on your property. He might find there are dangers or problems associated with the wiring in your house, and you may well be saddled with extensive electrical work. We have yet to do an appropriate review in relation to any possible health impacts of a smart meter'. The end of its propaganda was that this was going to reduce the cost of energy.

Of course none of those things happened, and the community is now less confused. It is a credit to the Napthine government that it amended this project, which was totally botched by Labor. An independent analysis showed that if the government were to continue delivering the program's benefits in its original form, this would come at a cost of over $300 million. So the implementation was hopeless, the consultation was extremely poor and the delivery did not have community support at the time.

I am pleased to say that, as with many Labor projects, the Napthine government has been able to resurrect this project and other projects that will provide significant community benefit, such as the Ararat jail. Certainly we are going to continue to pay the price for the desalination plant, but we have fixed myki as best we can and in relation to smart meters, customers are now getting some real benefits. Some of the significant benefits of smart meters are that there is flexible pricing, and customers are able to determine their energy need behaviours now that they can see and know when their peak use periods are and draw power accordingly.

The coalition government's extensive independent review of the smart meter program by Deloitte in 2011 showed Labor's poor implementation, which resulted in cost blow-outs, as I said. An independent analysis also showed that continuing to focus on delivering the program's benefits would eventually deliver a net benefit of over $700 million to consumers. It was yet another Labor program that was implemented without proper community consultation and with no consideration of the cost that the coalition had to fix.

The bill outlines the regulatory framework for the completion of the smart meter rollout and a return to

business as normal for distribution businesses in the provision of metering services. The bill sets a rebate to customers. As at 30 June, where a distributor has failed to attempt to install a smart meter at any premises for which it is responsible, the distributor must pay a rebate to the customer at those premises. In cases where distributors are unable to install a smart meter due to customer issues, distributors will be allowed to recover the costs of manually reading a meter of customers who refuse a smart meter. The rebate will not be payable to customers who refuse a smart meter. It is in the interests of customers to allow the installation of a smart meter so that they can have the significant benefits that are derived from having the smart technology.

Distributors will be able to consider recovering the costs of running a separate metering service from the small number of customers who continue to refuse to have a smart meter installed. Where a distribution business has tried to install a smart meter and has not been able to gain access to the premises, the government has decided that the costs associated with manual meter reading may be recovered by a distributor through an additional fee — the manual meter fee. This fee will be in place until the distributor is able to gain access and install the smart meter at the premises. Distribution businesses will be able to charge the manual meter fee from March 2015. The fee will not apply to premises where the distribution business has not attempted to install a smart meter or which do not have a smart meter for reasons beyond the customer's control. The Essential Services Commission will be responsible for enforcing the distributor rebate payment obligation.

The bill also makes a small change to the Electricity Safety Act 1998 to abolish the Equipment Advisory Committee which, as has been said, has been superseded by other regulatory processes and bodies. The bill also reduces the amount of reporting to government for electricity retailers on Victoria's four feed-in tariff schemes. These reduced reporting obligations will cut compliance costs for retailers and distributors, while allowing the government to continue to monitor trends in solar uptake.

All in all, another botched Labor project has been rescued by the Napthine government. Now it is in the best interests of the community to support the installation of smart meters so that customers can derive the significant benefits available from flexible pricing and obviously a change in behaviour in the use of energy. There have been a number of reviews in relation to health impacts. Some of my constituents in Western Victoria Region have raised concerns about the potential or possible health impacts of electromagnetic fields from smart meters. The significant number of reviews and health studies have demonstrated that there are no impacts of smart meters on the health of those people who are in close proximity to or reside in a house that has a smart meter.

It does not happen often, but I agree with Mr Scheffer that there are wonderful opportunities for communities to embrace solar energy as a means of supplementing supply. It can provide the bulk of the power for households as well as allowing them to sell power to the grid. Unfortunately that is only one of a few green energy schemes. Solar energy is viable and does not come at a significant cost to the taxpayer compared to ongoing investment in other schemes. I include wind farms, which are merely soaking up good tax dollars in a very inefficient green energy scheme. It is pleasing that even Mr Tee is supporting this bill, as are the Greens. On that basis I commend the bill to the house.

Mrs KRONBERG (Eastern Metropolitan) — In rising to make my contribution to the debate on the Energy Legislation Amendment (Customer Metering Protections and Other Matters) Bill 2014, I have to say that it is pleasing to hear that the opposition will not be opposing this bill. In saying that, I have to say also that once again Mr Somyurek has been a really considerate person — quite a gentleman, in fact — in giving me some nice ammunition to start off my contribution. People say that attack is always the best form of defence and that in this game you should always come out swinging. Mr Somyurek did that when he said first that it was all the fault of the Napthine coalition government and that we created fear about the prospect of advanced metering infrastructure, known as AMI. He got that bit right; I was very pleased to hear that he is good with acronyms. The irony is that the Labor government — with its legendary 11 years, topped off by the Rudd-Gillard-Rudd federal government — created the fear.

Who would not be fearful, given the absolute outrage we feel when we look back about how poor was the management of just about anything you want to think about that Labor was involved in, where it was holding the purse strings, subcontracting it out, developing a framework, scoping a project or monitoring a project? What can you say about Labor getting anything right? Was it ever delivered on budget, let alone under budget? When was it ever something Labor could be proud of? No wonder Victorians looking at advanced metering infrastructure were fearful, given the legendary history of the Labor Party's poor performance in delivering projects.

We need to reflect on the tragedy of the implementation of the pink batts program by the Rudd-Gillard-Rudd government, something that I think was developed on the back of a napkin or the back of an envelope; I think they are interchangeable. I am not sure whether it was on the back of some red underpants or not, but whatever — —

Honourable members interjecting.

Mrs KRONBERG — Yes, I know, but they were all in the same little pool together — all the ideas men of the Labor Party were there, scribbling little thought bubbles down. They still maintain those thought bubbles.

If we stop and think for a moment, we realise that probably the most horrific intrusion into houses in the history of government involvement in entering households is not advanced metering infrastructure; it surely has to be the pink batts program, given the pall of fear that it created the length and breadth of this nation, the fact that four young apprentices died as a result of the malfeasance involved in and maladministration of the program and the fact that more than 200 houses were set fire to. No wonder people are fearful of any project where Labor is intervening in their household.

Thank goodness the coalition government was elected just in time to take over these projects and restore public confidence in what is important technology. We all understand the benefits of the smart meter system and how it gives people choice and an understanding of when power is most costly for them. This is a splendid initiative, and as result of the sorts of cost savings that can be made by distributors, we look to them being able to either hold costs steady or pass cost reductions on to consumers.

The Greens contribution was, surprisingly, very limited. I understand the Greens will be focusing, as often happens, on the committee stage. I am always interested as to why the Greens like to interrogate ministers during the committee stage. That is their right, but it is also up to them to get bill briefings from the bureaucracy so that when they come into this chamber they are equipped to contribute to the debate and do not put extraordinary pressures on the operation of this house.

Once again, and as is always the really important message here, the Napthine government is getting on with delivering. It is delivering the benefits of smart metering technology to Victorians, and it is picking up and cleaning up a botched Labor project. It is restoring confidence to the consumers of Victoria, and it is pushing back a fearsome regime. The government is supporting customers by providing better information, and it has put up $1 million so people can know in a very adroit, clever and well-informed way how they can reduce their energy bills. This is important, because it provides a way for consumers to be savvy and to have a market understanding of or literacy about this new technology and how one can best use or manipulate it, exploiting its flexibility to bring home benefits for their households.

Of course we see through independent analysis that there is a continuing focus on delivering program benefits, and that has actually been given a dimension. The consolidation of the net benefits to consumers will be $700 million — not to be sneezed at. This is at the same time that electricity consumers are shouldering the burden of the madness of the carbon tax regime and the effects of that impost on the cost of their electricity. So this is a real net benefit to Victorian consumers.

Labor got pretty hot to trot about this. It got some sort of understanding, possibly through Mr Scheffer's erstwhile research endeavours in bringing in the latest thinking from North America and Germany, which he is still pretty excited about. It was sort of a rush of blood to the head. Labor members clearly need a cooling-off period for most of their thought bubbles.

Underpinning the points I am making here, it is also important to look at what the Auditor-General said in his 2009 report on advanced metering infrastructure — the smart meter program of the day. I will quote from that report. In the polite language of the Auditor-General, the Labor government had not used 'the checks and balances that would ordinarily apply to a major investment directly funded by the state'. It was a ship of fools adrift on a sea of taxpayers money, completely unaccountable. There were gaps in the project's accountability framework, and significant inadequacies were identified in the advice and recommendations provided to government. In the entire time I have been in this Parliament I have said that Labor never understood the advice it was given — it never had the nous to ask the right questions. Perhaps the people who supported the Labor government set them up; perhaps they said, 'We'll let this ship of fools sail off into the sunset'.

I will provide to the Victorian people some facts about the electricity safety issues we have, just to provide some comfort. Victorians are right to be clammy palmed and nervous about people installing smart meters on their properties. I have had a large number of people right throughout this program's life cycle come to me to say, 'No way! No-one is going to come and put such a thing on my house'. In the early days you

could understand the fear; it was an intrusion — 'Labor knows best, and we're going to trammel over all of your rights'. I can understand that. However, now things are different. The coalition is in charge, and people do not have to be fearful anymore.

Part of the smart meter installation process includes the provision of a safety check of the meter board of every Victorian home and business. This is really profound. How many people would have been in a position to have had this checking and this assurance provided? I know that these safety issues are quite acute in weatherboard homes. At the time we saw some sensational footage on television of the response of elderly ladies who had been made to be fearful about the installation of these things, and that was cruel.

Mr Leane interjected.

Mrs KRONBERG — It was not something that we did. That fear arose as a result of the Labor government's installations of smart meters.

I turn to an important figure. To date more than 22 000 homes have been found with wiring and other defects that needed to be repaired. Those repairs could potentially save lives and prevent property damage. What a profound by-product of this implementation process. Under this government electricity distributors are required to ensure that all workers involved in meter installation activities are appropriately qualified and supervised. It is quite different from the situation under the pink batts regime, where we had the little white vans and the people in white uniforms who had just arrived in this country and who invaded people's roof spaces and caused the fires in 2000 houses. Under this government, prescribed safety tests must be undertaken to confirm that a smart meter has been correctly installed, and sites are inspected at random by Energy Safe Victoria, which is responsible for the oversight of electrical safety matters.

In terms of the electromagnetic radiation that emanates from smart meters, from a public health perspective it is important to stress that Victorians can be confident that smart meters meet all applicable standards for radiation emissions and are safe for installation at residences. Independent testing has shown that the emissions of the electromagnetic fields of smart meters are a tiny fraction of the limit set by authorities and are below the emissions of many other common household devices. The radiation emitted by smart meters is less than that emitted by cordless phones, which people are quite happy to use in their homes. Furthermore the radiation emitted by smart meters is less than that emitted by baby monitors. That is a very profound message to get out there. People do not have to fear that smart meters are intrusive devices that create dangerous conditions or that they could affect the health of individuals and families.

In 2011 the Victorian government commissioned an independent assessment of the radiation emissions of smart meters and the exposure to those emissions of those who are inside dwellings. That assessment concluded that the exposure levels fell below the public limits specified by the Australian Radiation Protection and Nuclear Safety Agency. Victoria's chief health officer and that agency have both confirmed that smart meters are safe.

I turn to the issue of personal data security. We understand that with this new technology there is a two-way flow of information. It is right and proper for people to ask questions about data security as new technologies arise and have an impact on our way of doing things, our way of conducting our lives and our way of communicating with each other. The government has commissioned an assessment of the application of privacy regulations for smart metering infrastructure. That assessment found that the smart meter program's privacy controls are strong and that metering data is suitably protected. The department understands that the web portals of retailers and distributors employ appropriate levels of encryption and technical security safeguards to meet their obligations to protect customer data. With those final comments of reassurance for the Victorian people, I commend the bill to the house.

Mr D. D. O'BRIEN (Eastern Victoria) — It is a pleasure to rise to speak on the Energy Legislation Amendment (Customer Metering Protections and Other Matters) Bill 2014. I shall keep my contribution necessarily brief today as my colleagues on this side of the house, and indeed those on the other side of the house, have given a fairly full summation of the bill and what it does. Mrs Kronberg in particular outlined some of the concerns that existed. Of course this is the coalition government getting on with delivering the benefits of smart meter technology. We are fixing the program that was botched by the Labor Party. We should not be surprised. We have seen this happen several times before because, as we know, the Labor Party cannot manage money and it has trouble managing projects. For evidence of that we need only look to recent examples, including myki, the desalination plant and of course the north–south pipeline. As Mrs Kronberg said, all of these appear to have been designed on the back of — what was it, Mr Finn?

Mr Finn — A beer coaster.

Mr D. D. O'BRIEN — I think a beer coaster might have too much space, considering some of the work that went into these.

It is a pleasure to talk about this legislation, particularly because in my electorate of Eastern Victoria Region we are focused not so much on distribution but on the generation of power that is distributed to all Victorians. Certainly the Latrobe Valley is home to the vast bulk of Victoria's energy production, the majority of which is based on our brown coal reserves. It is a pleasure to see those reserves continuing to provide cheap energy to all Victorians. We have the Loy Yang power stations, both A and B, and the Hazelwood power station, and recently I was pleased to visit the Energy Australia power station at Yallourn to see the work that goes on there and meet the people who actually do the good work to keep the lights on in this state.

Smart meter technology is good technology, and I pay credit to the Labor Party for introducing it under the previous government. Sadly, as I said, its rollout was botched. There are many benefits to smart meter technology; most particularly, smart meters empower Victorian consumers by giving them access to more detailed information about their power usage, to more flexible pricing options, to faster and cheaper reconnection and to better network reliability. In one sense the reliability also comes from the ability of distributors to quickly pinpoint power outages, which is important in terms of blackouts and brownouts.

It is interesting to note that certainly in my lifetime we have seen a dramatic drop-off in the number of blackouts compared to when I was a child. The improved network distribution has been critical in that, and the smart meters are now assisting in making sure that we keep the power flowing to households. Consumers can get better access to information about their own electricity usage, and I will again reference my history of working in water and irrigation — and I promise I will not do that with every bill I speak on. We had a bit of a saying that if you cannot measure it, you cannot manage it. The same principle applies with energy use.

Smart meters allow consumers to measure their consumption and, as a result, to manage it. That means more efficient use and reduced cost for the consumer and more efficient use for the whole economy. Smart meters allow consumers to save power, to work out where their high usage is, to change their patterns of usage and to identify the appliances that are using the most power. That is good for consumers' power bills and good for the environment. Smart meters bring lower costs to consumers and allow the distributors to operate more efficiently, including by the reduction of meter reading charges and the ending of estimated readings. We have real data for those charges, which is important. Smart meters also allow for reductions in consumer costs, as customers respond to innovative pricing offers such as flexible pricing and, as I said, change their usage patterns, which is important.

I understand that there has been some concern about the rollout of smart meters, and it is important to note that all power users have been charged for the rollout, including those users who have not yet received a smart meter for whatever reason. If it is the distributor who has not yet installed the smart meter, then importantly this bill allows for a rebate to be provided to those consumers who have technically paid for the smart meter through their power bills over the years. Equally there are some people who have objected to having smart meters installed on their homes. They will incur an extra cost through the manual reading of their meter, because it is not fair for all of us to pay for the actions of a few. This bill will allow those people to be charged for the cost recovery of that manual meter reading.

There are two other elements to the bill. It abolishes the Equipment Advisory Committee, which comes from the government's economic strategy statement of December 2012, titled *Securing Victoria's Economy — Planning. Building. Delivering.* It included a commitment to streamline non-departmental entities and address entity proliferation — that phrase is almost Ruddesque — and I certainly commend the government for doing this, because we often have a tendency to add new entities or committees and that comes with a cost, so it is important that we streamline these processes as often as possible.

The other part of the bill is about reducing the reporting requirements for feed-in tariffs for solar energy to streamline them and make them much simpler. I applaud both of these changes because they cut red — and I guess you could also say green — tape. As I mentioned in my maiden speech, I believe that cutting red and green tape for Victorians and in particular for Victorian businesses is critical. This bill is good for Victorian electricity consumers and for Victorian businesses, particularly distribution businesses. I look forward to its speedy passage.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Ms PENNICUIK (Southern Metropolitan) — As I foreshadowed during the second-reading debate, I want to ask the minister what feedback the ministerial advisory committee has had from stakeholders that are concerned with vulnerable customers, such as the Consumer Utilities Advocacy Centre (CUAC) and other non-government organisations that are involved with energy costs and the effects on vulnerable customers who might be impacted by some of the provisions in this bill.

Hon. D. K. DRUM (Minister for Sport and Recreation) — Could Ms Pennicuik repeat the name of the group?

Ms PENNICUIK (Southern Metropolitan) — I named the Consumer Utilities Advocacy Centre. That is just one, but other stakeholders include the Consumer Action Law Centre (CALC) — any of those.

Hon. D. K. DRUM (Minister for Sport and Recreation) — My understanding is the ministerial advisory committee meets regularly — and it is meeting tomorrow, by the way. It continually liaises with a whole range of groups and continually takes advice. The inability to pay bills and inferences of harm have not been significant issues in the past and are not expected to be significant issues in the future.

Ms PENNICUIK (Southern Metropolitan) — Does the minister mean they are not significant issues in a general sense or are not significant issues with regard to the provisions in this bill and the rollout of the smart meters, or is he talking about the vulnerable? There are vulnerable consumers who get into trouble or are unable to pay their utility bills; is the minister saying that is not an issue or it is not an issue specifically relating to this bill?

Hon. D. K. DRUM (Minister for Sport and Recreation) — We understand it is always an issue for some people who are unable to pay their bills. That has been the case ever since we had electricity; however, nothing in this bill makes that issue either greater or smaller.

Ms PENNICUIK (Southern Metropolitan) — There is the additional cost for people who for whatever reason do not have smart meters. Under clause 4 the distribution company will be able to charge customers the full cost of reading meters manually, and in the briefing we were advised the Australian Energy Regulator would approve any such fees. I was just wondering if the minister knows how much that would be and what sort of an impost on a bill that might be for a person in that circumstance.

Hon. D. K. DRUM (Minister for Sport and Recreation) — That manual metering fee will only be charged to people who refuse to have a smart meter installed. It is clear that smart meters are now considered to be the standard metering device for all Victorians, and they are effectively creating a raft of savings for the 97 per cent of Victorians who have them installed. Therefore those people who choose not to have a smart meter will incur a cost, and that will be their choice. That amount has not yet been set; however, my understanding of that potential amount is that it will be one merely of cost recovery — that is, the cost of paying someone to physically drive to a residence, get out of their car, read the meter and then drive on to the next residence where a resident of their own volition has refused to allow a smart meter to be installed. That is not expected to be excessive; however, it will simply reflect the cost of having somebody do that job manually.

Ms PENNICUIK (Southern Metropolitan) — I am assuming that will just be added onto their bill; so if that person was in a situation where they were having difficulty, they would come under the regime of the distributor or retailer in relation to dealing with their general difficulties in paying their bill.

I want to take up something the minister mentioned with regard to the ministerial advisory committee, which is something that was not covered in the briefing. Mrs Kronberg is not in the room, but I know Mr Barber's office had a briefing on this bill, which does not prevent us from asking questions in committee. The minister has implied that the ministerial advisory committee looks at those issues of vulnerable customers and how to deal with people who are having trouble paying their bills. Do they look at those sorts of issues as a standard matter?

Hon. D. K. DRUM (Minister for Sport and Recreation) — I am advised that both CALC and CUAC, associations looking after vulnerable or low-socioeconomic people, have a position on the ministerial advisory council and both, I am led to believe, have very strong voices on that ministerial advisory council. I think Ms Pennicuik could rest reasonably assured that the group which she is advocating for this afternoon has a very strong voice on the ministerial advisory council. I would imagine that, if there is an increased number of people who are having trouble paying their electricity bills, their voices will be heard.

Clause agreed to; clauses 2 and 3 agreed to.

Clause 4

Mr SOMYUREK (South Eastern Metropolitan) — I refer to clause 4(2)(c), at page 4 of the bill. How often will a distribution company be required to report to the minister information about the installation or non-installation of advanced metering infrastructure (AMI) and associated systems; about installed systems — this second part of the question relates to the second part of subclause (c) — that do not meet specified functionality or a standard of performance or service for those infrastructure and systems; and about payments made?

Hon. D. K. DRUM (Minister for Sport and Recreation) — My understanding is that these reports will be coming back to the minister in June this year for an up-to-date situation on where the situation is in June, and then future reporting procedures are yet to be specified. I imagine that again it will be as directed by the minister into the future. That goes for both the first part of Mr Somyurek's question and also the second part of his question.

Mr SOMYUREK (South Eastern Metropolitan) — Staying on clause 4(2)(c), I am not clear what is meant by the terms 'specified functionality' or 'specified standard of performance or service'. Can the minister clarify?

Hon. D. K. DRUM (Minister for Sport and Recreation) — The terms that Mr Somyurek is looking for a definition of — a specified functionality and/or a specified standard of performance — are effectively the technological conversions that make these meters smart. They are about a meter's ability to talk to the system to effectively transfer the information. My understanding is that that is the terminology used there — 'advanced metering infrastructure and associated systems that do not meet' that specified functionality. Effectively, if they did not have those, then they would not be able to operate within the system.

Mr SOMYUREK (South Eastern Metropolitan) — I take it from that that there are currently no AMI or associated systems that do not currently meet these specified functionalities. Is that right?

Hon. D. K. DRUM (Minister for Sport and Recreation) — There are in fact some meters that are not logically converted, so Mr Somyurek is right in questioning whether there are some out there that are not logically converted. However, the upshot of this particular legislation is that those remaining meters that are not logically converted will become so.

Mr SOMYUREK (South Eastern Metropolitan) — I refer the minister to clause 4 of the bill, which inserts proposed section 46D(3)(a), which says that a payment will be made by a distribution company to a customer if there is:

> (i) a failure to install advanced metering infrastructure and associated systems;
>
> (ii) a failure to install advanced metering infrastructure and associated systems that meet a specified functionality or a specified standard of performance or service for that infrastructure and those systems …

Assuming that AMI and associated systems have been installed, how will the customer actually know when the AMI or associated system fails to meet a standard of performance or service?

Hon. D. K. DRUM (Minister for Sport and Recreation) — My understanding is that this will work similarly to how it does now: 'Is my meter working?'. In some ways it is an issue for the present. However, into the future, if people are concerned about whether their smart meters are working, they will be able to access a website which will give them a whole raft of answers to their concerns. They will also be able to access the distributor for further technical support if they feel they have matters of concern and cannot access the answers via the website.

Mr SOMYUREK (South Eastern Metropolitan) — Just sticking on proposed section 46D(3), with respect to the specified amount of payment, my question essentially is: will there be time-based payments? In other words, if you have a delay, for example, in having it installed or the system fails to perform, will there be greater payments made the longer the problem continues to remain unresolved?

Hon. D. K. DRUM (Minister for Sport and Recreation) — Yes. My understanding is that the payments in compensation made available for lack of connection, non-connection or failed service of meter would differ. My understanding is that it would reflect the potential losses incurred by any resident when their machine has been judged not to be working. The standard corollary from that is that compensation for four days would be more than for one day.

Mr SOMYUREK (South Eastern Metropolitan) — Staying on clause 4, under proposed section 46D(3)(c) will the retailer be required to specify any payments or rebate? If a customer disputes it, do they contact the retailer or the distribution business? That is essentially the question.

Hon. D. K. DRUM (Minister for Sport and Recreation) — If someone receives a rebate for all of the reasons we have spoken about earlier, that rebate will go directly to the resident — directly to the account-holder. So they will obviously realise that they have received a rebate for a fault or for lack of having their system installed in a timely fashion. It is yet to be decided whether this rebate will be paid by the distribution company or the retail company. That will be worked out, but there will not be a record of that rebate on the account. The money will go directly to the account-holder either from the distribution company or from the retail company. It is yet to be determined who will do that, but the amount of the rebate, whether it is $20 or $50, will not be sighted on the account.

Mr SOMYUREK (South Eastern Metropolitan) — This is my final question, and it relates to clause 4(4)(b) on page 6. With respect to the recovery of fees and charges in relation to the manual reading of any meters, will those fees and charges be different from distribution area to distribution area?

Hon. D. K. DRUM (Minister for Sport and Recreation) — The answer to Mr Somyurek's question is yes. There will be a difference in the amounts charged, and obviously that is for geographic reasons. It is much more expensive to check the meter of somebody where there is 100 kilometres between meters than it is to check somebody whose meter is only 100 metres from the next meter. That is consistent with the way it is done now. The answer to the question is yes.

Clause agreed to; clauses 5 to 7 agreed to.

Clause 8

Ms PENNICUIK (Southern Metropolitan) — Clause 8, or part 3, is about the abolition of the Equipment Advisory Committee. In the briefing we were advised that Energy Safe Victoria had done a review on electricity safety last year, and we wonder whether that review is to be publicly released. The briefing advice was that it was not to be, and I want to clarify whether it is to be made public.

Hon. D. K. DRUM (Minister for Sport and Recreation) — My understanding is that the expectation is that the review will be released to the public.

Ms PENNICUIK (Southern Metropolitan) — Does the minister know when that will be?

Hon. D. K. DRUM (Minister for Sport and Recreation) — No, I do not know exactly when it will be; however, certainly the expectation is that it will be directly.

Clause agreed to; clauses 9 to 13 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Hon. D. K. DRUM (Minister for Sport and Recreation) — I move:

That the bill be now read a third time.

In doing so, I thank those members who spoke in the second-reading debate, as well as Mr Somyurek and Ms Pennicuik, who spoke in committee.

Motion agreed to.

Read third time.

BUDGET PAPERS 2014–15

Hon. D. K. DRUM (Minister for Sport and Recreation) — By leave, I move:

That there be laid before this house a copy of the following:

(1) In accordance with section 27E of the Financial Management Act 1994:

  (a) strategy and outlook (budget paper 2);

  (b) service delivery (budget paper 3); and

  (c) statement of finances (budget paper 5);

(2) Treasurer's speech (budget paper 1);

(3) state capital program (budget paper 4);

(4) 2014–15 budget overview;

(5) regional and rural Victoria (budget information paper 1); and

(6) infrastructure investment (budget information paper 2).

Motion agreed to.

Laid on table.

Ordered to be considered next day on motion of Hon. D. K. DRUM (Minister for Sport and Recreation).

HONORARY JUSTICES BILL 2014

Second reading

Debate resumed from 3 April; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Ms MIKAKOS (Northern Metropolitan) — I rise to make a relatively brief contribution to the debate on the Honorary Justices Bill 2014, and I note from the outset that the Labor opposition will not be opposing this bill.

The bill proposes a new principal act for the appointment and governance of bail justices (BJs) and justices of the peace (JPs). We all know that JPs play an important role in the provision of justice services. They are volunteers who provide a much-needed and free document-witnessing and certification service to the community. They perform this service during and outside of business hours. I imagine even members of this house are justices of the peace. Bail justices are also volunteers and are called on to conduct hearings during out-of-court hours in relation to applications for bail or remand and interim accommodation orders relating to children. Collectively justices of the peace and bail justices are known as honorary justices.

By way of background, in 2009 the former Labor government appointed an independent advisory panel to review the appointment process for justices of the peace. This review attracted over 500 written submissions, 97 per cent of which came from justices of the peace serving at the time. Those submissions were all reviewed and considered closely, leading to reforms of the office of justice of the peace. Reforms were made around tightening the provisions relating to the criminal records of applicants, and public consultation was opened up on the future need for and the role of JPs.

The current government, then in opposition, was extremely critical of this review. It suggested it was in some way an attack on the independence of JPs and that it sought to undermine their role. This was not and is still not the case. The review found strong support for retaining the office and title of JP, but it also found that changes were needed. The Brumby government's reforms included developing a targeted recruitment process to attract more applicants, abolishing lifetime appointment and replacing it with a five-year term limit with the option of extension, formalising a code of conduct for all JPs in terms of their conduct and integrity in office, and revising the complaints process.

This bill repeals the provisions in the Magistrates' Court Act 1989 that relate to honorary justices and creates a new principal act to provide solely for the honorary justices scheme. It provides for the eligibility and appointment of honorary justices, but in reality there is no substantive change. In effect the bill replicates the current process, which is determined by the Governor in Council. It provides for the powers of honorary justices so that they may perform functions and exercise powers conferred on them under other acts. It also provides that bail justices can be appointed up to the age of 70 and then reappointed up to the age of 75. This represents an increase from the current ages of appointment from 65 up to 70 years.

JPs will be eligible for appointment for life, but they will be required to provide information on request to the Secretary of the Department of Justice. This information is unable to be requested more than once in a five-year period and can relate to a range of matters including training and professional development, contact details, availability and any matter that may constitute grounds for removal or suspension. The bill specifies that honorary justices must complete prescribed training and professional development and that all honorary justices must comply with a prescribed code of conduct. They are also required to be reasonably available and active.

The bill introduces a new procedure for suspension and removal from office. There is currently no power to suspend a JP under the Magistrates' Court Act. New section 33 specifies the grounds for removal, and these include a serious or repeated breach of the code of conduct, refusal to undertake training, failure to carry out duties, failure to comply with the act by not being active and available, being found guilty of an offence punishable by at least six months imprisonment, no longer being physically or mentally capable and being engaged in misconduct that has brought the office into disrepute. The removal of a JP is made subject to a recommendation by the Attorney-General to the Governor in Council.

The bill also provides for a new offence of impersonating an honorary justice and an offence of taking financial reward for performing the services of an honorary justice. These are appropriate inclusions.

Lastly, the bill enables a retired bail justice or justice of the peace to use the titles of BJ (retired) and JP (retired) in recognition of their outstanding community service. Overall this bill does little more than formalise through a new principal act the reforms to Victoria's honorary justices scheme that the former Labor government put in place a number of years ago. It is a straightforward bill, and for that reason we on this side of the house do not oppose it. We recognise the voluntary and honorary

work done by justices of the peace and bail justices in providing important justice services to the community.

Mr D. R. J. O'BRIEN (Western Victoria) — It is an honour and privilege to rise to speak on any bill in this house but particularly a bill dealing with such an important subject matter as this one which recognises and provides an enhanced governance framework for justices of the peace and bail justices, collectively known as honorary justices.

Honorary justices provide a wonderful service to this state and have done so over many years. They also provided such services in antecedent years in England. The role of honorary justice is a very old institution dating back to the 1100s when Richard the Lionheart commissioned certain knights to keep the king's peace, particularly in unruly areas.

When Victoria was first settled — which was also at the time of the wild west in America — many of the fine servants of this state took on the important role of justice of the peace (JP). Many people have continued in that role. In fact my great-great-grandfather, Terence O'Brien, was a JP and my family is very proud of his service.

There are now 4500 justices of the peace and 200 bail justices. I know one very active justice of the peace who also serves in another role in this chamber. I shall keep his name away from political debates as he provides an important independent service to this chamber. It is an important role, the payment for which is an honorarium of a maximum of $307 per annum. JPs are often called upon at inconvenient times, but that is essential for those who require their services.

Seven organisational groups represent honorary justices. Approximately half of all honorary justices are members of an organisational group, with some holding dual membership.

The current provisions relating to bail justices and justices of the peace are contained in part 6 of the Magistrates' Court Act 1989. The bill will repeal part 6 of that act in its entirety and replace it with a separate, stand-alone act relating solely to honorary justices. Some of the background to this has been covered in the other place. When providing this background Ms Mikakos certainly took a less adversarial tone than did her colleague Mr Pakula, the member for Lyndhurst in the other place.

The government is committed to supporting honorary justices, which is in contrast to statements made by the former Attorney-General, Mr Hulls. In conducting his review he queried whether the role needed to continue at all. That may have been one of the reasons so many submissions to the review indicated the role's importance. The government's careful consideration of those submissions has resulted in the bill before us.

The role of justice of the peace is changing. The Attorney-General's second-reading speech acknowledges this and recognises the recent administrative changes that have seen the establishment of justice of the peace signing centres at police stations and local community facilities, such as neighbourhood houses, in order for documents to be witnessed. There are approximately 64 of these document signing centres operating across Victoria, enhancing the visibility of the role of justice of the peace and providing greatly increased access to such services.

This role is excellently served by persons of standing. You cannot accept just anyone as a justice of the peace; they are persons of standing who are prepared to devote their time to put a jurat on, recognise or witness documents to ensure that the swearing of evidence or making of statements on those documents being witnessed or signed can have legal force and be accepted as credible and trustworthy. This then allows other citizens to use those documents in various ways to conduct day-to-day transactions. That is a very important role.

The institution of the new justice of the peace signing centres highlights the workload that would otherwise have been placed on police officers and other persons if the role of justice of the peace had been abolished. In some instances — for example, in Geelong — a justice of the peace is available between 9.30 a.m. and 1.00 p.m. on weekdays at Geelong police station and Monday to Friday at Corio police station. The *Geelong Independent* reports that in August 2013 justices of the peace in Geelong witnessed over 5000 documents per month. That is a significant contribution and is consistent with the contribution made by many volunteer groups across the state, including the Country Fire Authority, the State Emergency Service, St John's Ambulance and other organisations where people dedicate their time to others.

With that in mind, this bill makes some important changes. The government is proud to support both our volunteers and our justice system with the introduction and hopeful passage of the Honorary Justices Bill 2014. In short the bill sets out a number of key features which are designed to consolidate and modernise the provisions related to bail justices and justices of the peace in a stand-alone act. It also extends the current provisions governing the appointment and training of honorary justices. The bill improves oversight of

honorary justices by creating a statutory obligation on them to be reasonably available and active and to report changes in circumstances.

The bill provides a new framework for the suspension, investigation and removal of honorary justices. On meeting certain service criteria, honorary justices will be permitted to use the title, in the case of bail justices, BJ (retired), or, for justices of the peace, JP (retired). It creates a new offence of receiving money for honorary justice service and of providing false or misleading information regarding an honorary justice. Finally, it provides for a range of other reforms, including abolition of the office of acting bail justice.

As they are well set out in the bill, I will just touch on one of the aspects that has been discussed, which is the new scheme of using the titles BJ (retired) and JP (retired). This scheme will allow retired honorary justices to retain their title if they cease to hold office and, firstly, have undertaken 20 years service or secondly, have undertaken 10 years of service and either attained 75 years of age at the time they cease to hold office or cease to hold office on the grounds of ill-health. That is an important development under the bill.

I do not think the rest of the bill is being opposed, and so given the contingencies of time I reiterate the government's support for these changes. We thank the Attorney-General and the departmental staff who have undertaken an extensive consultation process and have listened to our honorary justices. We thank all those honorary justices who provide exemplary services to the state. With those words, I commend honorary justices for their work and I commend the bill to the house.

Ms PENNICUIK (Southern Metropolitan) — I am pleased to speak on the Honorary Justices Bill 2014. I am sure I echo the sentiments of everyone in this chamber and indeed in the Parliament in expressing appreciation for the work done in Victoria by honorary justices: justices of the peace and bail justices. I thank Mr David O'Brien for his comprehensive outlining of the number of justices of the peace (JPs), bail justices et cetera in the state and for providing examples of the work they do. I want to outline the main functions of a justice of the peace, which are: attesting to the execution of a document; witnessing a statutory declaration, which we as MPs can do as well; witnessing an affidavit for use in a court; certifying true copies of an original document; and certifying a person's identity.

Bail justices are community volunteers who are trained to hear bail applications at police stations when courts are closed. Their duties are usually conducted outside normal business hours, including on weekends, when bail justices are called out under a local roster system. They play an important role in the justice system. Not only do they provide prompt bail hearings for accused people who would otherwise have to wait until the next court sitting date or time, they also provide a vital review function, making police more accountable for remand decisions. Fulfilling that role requires time, commitment and of course knowledge.

The Greens will be supporting this bill, which creates a new principal act for the appointment and governance of bail justices and justices of the peace — collectively known as honorary justices — by repealing the current provisions in the Magistrates' Court Act 1989 that relate to honorary justices and providing for a comprehensive regime for the administration of the honorary justice scheme. It does so without making any major substantive changes, although it does provide for a new procedure for the suspension and removal from office of honorary justices. There is currently no provision for the suspension of a justice of the peace in the Magistrates' Court Act. The bill also provides for a new offence of impersonating an honorary justice and increases the current maximum age for appointment and reappointment of bail justices. The bill also enables a retired bail justice or justice of the peace who meets certain criteria to use the title BJ (retired) or JP (retired), enabling their service to the community to be recognised.

The bill replicates the Governor in Council process and provides for the eligibility and appointment of honorary justices and clarifies the powers of honorary justices conferred by various acts — namely, the Evidence (Miscellaneous Provisions) Act 1958 for justices of the peace and the Bail Act 1977 for bail justices. It provides that bail justices may be appointed up to the age of 70 and reappointed up to the age of 75, which is an increase from the current ages of 65 and 70, and it provides that justices of the peace are appointed for life.

The bill provides for the suspension and removal from office of honorary justices after being found guilty or convicted of an offence punishable by six months or more imprisonment, refusing to undertake training as required, not being physically or mentally capable, engaging in misconduct or bringing the office into disrepute. This suspension or removal is subject to a recommendation from the Attorney-General to the Governor in Council. The bill also creates an offence for impersonating an honorary justice, which is punishable by six months imprisonment, and makes it

an offence for an honorary justice to take financial reward for performing their services.

I had a look at the Department of Justice paper entitled *Consultation on Justice of the Peace Initiatives 2012*, and I was interested to read that over the last 14 years there had been three reviews of the role of JPs — in 1997, 2004 and 2009 — which led to previous reforms of the office of justice of the peace. This bill creates a new principal act for honorary justices, including bail justices. In regard to clause 46, which makes it an offence for an honorary justice to take financial reward for performing their services, in May 2008 — six years ago — I raised an adjournment matter for the attention of the then Attorney-General regarding a plea by bail justices at the time for some recompense for their expenses. They are required to have a phone and travel in a car in order to fulfil their duties as bail justices, and they were wishing to have some sort of recompense for expenses, not in terms of a reward but just so they were not out of pocket. That was recommendation 46 by the Victorian Law Reform Commission in its *Review of the Bail Act — Final Report*.

I note that Mr David O'Brien mentioned that honorary justices can claim an honorarium of $307 per year. I think that applied just to bail justices, and members are nodding their heads. That then begs the question: is that particular cap reviewed in terms of the rising cost of living or the consumer price index et cetera? That is my only remaining question with regard to the bill. I reiterate my admiration for the work that justices of the peace and bail justices do on a voluntary basis for the community of Victoria. The Greens will be supporting the bill.

Mrs COOTE (Southern Metropolitan) — It gives me a great deal of pleasure to speak on the Honorary Justices Bill 2014. As other speakers before me have done, I put on the record my enormous respect and praise for people who volunteer and do this great work in our community. Bail justices can be faced with quite confronting and difficult situations, particularly on weekends, while many of us are tucked up at home watching television. When you hear or see reports of something gruesome and of a bail justice having been called out, these are the people the bill is about. They give up their private time, including at weekends, to do an enormous amount of absolutely essential work for our community. It is essential also that we give them some certainty, so it is particularly pleasing that this bill is before this chamber today.

I will reiterate the role that bail justices and justices of the peace, collectively referred to as honorary justices, play in the Victorian legal system. Bail justices conduct bail hearings out of court hours, and justices of the peace witness affidavits and statutory declarations. Approximately half of those appointed as bail justices are also justices of the peace. As I said, next time members are watching the news on television or listening to it on a weekend, they should note how many times a bail justice is referred to. Members will realise that the references are frequent and will understand the kind of work that bail justices are doing for our community.

There are approximately 4500 justices of the peace and 200 bail justices. Both are volunteer positions, although bail justices receive an honorarium, as Mr David O'Brien said. There are seven organisations and groups representing honorary justices, and approximately half of all honorary justices are members of an organisation or group, with some holding dual membership.

It is important to ask ourselves and realise why this bill is necessary. For the first time, the bill creates a consolidated, stand-alone act relating solely to honorary justices. This new piece of legislation will underline the important contribution honorary justices make to the Victorian community. The bill aligns the provisions relating to bail justices and justices of the peace so that for the first time common governance provisions will apply to all honorary justices. The bill also implements important reforms through the provision of a comprehensive, transparent and fair process for the appointment, training, oversight, suspension and removal of honorary justices. For the first time legislation will contain specific appointment criteria for both justices of the peace and bail justices. All honorary justices will be required to undertake training, and a new process for oversight is introduced.

This is a very important element. We in the Parliament make the legislation. We see what is coming through and how it will affect the wider community. Our job in here is to legislate. We can see that it is important that justices of the peace and bail justices know what legislation has been passed, how that will affect the wider world and how it needs to be addressed in the work they do.

The independence of the office of honorary justice is also enhanced through the provisions setting out the model for the independent investigation of performance or misconduct issues concerning honorary justices. This is very important at a time when governance at every level is important. In government we are always under scrutiny, which is as it should be, and corporate governance is an important part of how corporations operate in this state. Not only is it important for people who might not do the right thing, but a very important

element of giving confidence to the people who are always doing the right thing is to have legislation so that they are aware of what the parameters are.

In summary, as I said, the bill enhances the governance framework for justices of the peace and bail justices and creates for the first time stand-alone legislation relating solely to honorary justices. The bill provides for the appointment of honorary justices, sets out the criteria for such appointment and describes the powers and functions of bail justices and justices of the peace. The bill permits the Secretary of the Department of Justice to request specified information of justices of the peace once every five years, unless circumstances exist which justify an earlier inquiry.

The bill also creates statutory requirements of all honorary justices to notify the secretary within 21 days of a change in circumstances, to undertake training and to be reasonably available and active. It is important to clarify this. There could be a nuance that has ramifications that people may not be aware of, so it is important to codify this.

The bill provides that a code of conduct may be prescribed for honorary justices. Currently this applies to bail justices only. The bill contains a comprehensive regime for the suspension, investigation and removal of an honorary justice in specified circumstances. Mr O'Brien outlined this regime in quite some detail, so I will not go into it any further, except to say that is an important aspect of the bill.

As Mr O'Brien and Ms Pennicuik highlighted, the bill introduces new titles of BJ (retired) and JP (retired), which may be used by a person who satisfies certain criteria regarding age and years of experience. For people who have put in an inordinate amount of time as a volunteer in the community, it is really important that that can be recognised when they cease to be as hands on as they were. The bill creates offences for impersonating an honorary justice, for using a title without authorisation and for providing false information regarding an application to be appointed as an honorary justice or regarding a person's capacity to exercise the role of honorary justice.

This is an exciting and really important bill — the first ever. It is terrific as a recognition of the work done by bail justices and justices of the peace. The minister and his entire department are to be congratulated. It has been a great honour to speak in the debate on the Honorary Justices Bill 2014.

Mr ELASMAR (Northern Metropolitan) — I rise to speak in the debate on the Honorary Justices Bill 2014. As I have been a justice of the peace (JP) for some years now, I fully understand the commitment of justices of the peace and the long hours that they provide to their community absolutely free of charge. Many current JPs have been doing the job for so long that it was natural for them to participate in a review that was undertaken in 2009 by the Department of Justice. A consultation paper was released seeking Victorians' views on the wider functions of JPs. The Department of Justice received 540 submissions, 97 per cent of them from current JPs. These reforms, in the form of this bill, having been initiated by the previous government's Attorney-General, are possibly long overdue.

The bill provides for the introduction of five-year fixed-term appointments for all JPs, new selection criteria and probity checks to ensure that integrity is maintained. There is the introduction of a code of conduct and a review of the complaints process in order to address breaches of the code of conduct and issues about suspension. There will also be a formal training package for JPs around appointment, reappointment and professional development, including training in identifying fraud and document fraud. Bail justices and honorary justices, formerly known as justices of the peace, have brought passion and commitment to their role within the community, so it is timely that they have their own governing legislation which specifies statutory requirements for their code of operation.

Nearly all members of the public will at some stage in their life require the services of a justice of the peace, so it is right and proper that they be accorded respect and recognition for outstanding services to their community. I am pleased to see that the bill incorporates the capacity for retired JPs to maintain their title and the flexibility to appoint lifetime JPs. The bill also creates offences for impersonating an honorary justice, using a title without authorisation and providing false information regarding an application to be appointed as an honorary justice.

In my office I have a staffer who is a JP and who carries out JP functions every day, and she said there was definitely a need to encourage more women, together with a wider and more diverse cross-section of Victorians, to apply for appointment. The system had worked well for many decades in Victoria, but it was in need of an overhaul, and this bill provides the resources to do just that. We have already indicated that we are not opposing the bill.

Mr ONDARCHIE (Northern Metropolitan) — I rise to speak on the Honorary Justices Bill 2014, which gives justices of the peace (JPs) and bail justices the

respect they deserve for being upstanding citizens dedicated to a life of public service. It also ensures that there are adequate safeguards in place in relation to any wrongdoings committed by JPs and bail justices to ensure that the vast majority of good bail justices and justices of the peace retain their well-deserved credibility.

This bill highlights the importance of civil society more broadly as well. While not completely outside the realm of government, many hours of work that would otherwise be done by paid officials is done on a voluntary basis by justices of the peace. We should keep this in mind when making public policy, as it counters the idea that elements of society necessarily need to be run and regulated by big government, and it reinforces the idea that civil society is crucially important to the functioning of our liberal democracy.

This bill restores and strengthens the community recognition of and respect for the offices of justice of the peace and bail justice that were weakened and undermined by the previous government. It assures those who take on the office of justice of the peace or bail justice of the high regard and respect in which those offices are held, and it assures the community of the high standards and dedication of those who hold those offices.

A bail justice hears and determines the question of bail and applications for interim accommodation orders under the Children, Youth and Families Act 2005 when a magistrate is not available. There are approximately 200 Victorian bail justices, and the Department of Justice calculates that in the three years from June 2010 to June 2013 they conducted more than 20 000 hearings. The Victorian community is indebted to each of them for their enormous contribution to our community.

I am lucky enough to know some of those JPs. In particular I mention Rex Griffin, a councillor and former mayor of the City of Whittlesea, a Diamond Valley Football umpire and a wonderful JP, who is out many hours late at night serving his community; Epping resident Peter Cocks, a great local resident known on the radio as Personality Pete, who does a wonderful job as a justice of the peace; local identity and, I think, octogenarian Bernie Lamers from Plenty, who is still out serving the people in his ninth decade; Jane Lauber, a great local business leader, a Yarrambat identity and one of our local JPs; and Deepak Vinayak from Craigieburn, who is heavily involved in the multicultural community in the northern part of my electorate of Northern Metropolitan Region. There is also another of my constituents, our own Greg Mills, an attendant here in the Parliament, who is a wonderful JP in our local area. We are indebted to him as we are to all JPs and bail justices for their wonderful work for our community. I commend this bill to the house.

Mr EIDEH (Western Metropolitan) — I rise to make a brief contribution to the debate on the Honorary Justices Bill 2014, a bill the opposition will not be opposing. I thank my parliamentary colleagues for their contributions to the debate and for reminding those on the opposite side of the house what this bill originated from — that is, an inquiry requested by former Victorian Attorney-General Rob Hulls to investigate the future roles and responsibilities of justices of the peace (JPs) and bail justices.

The role of JPs and bail justices and many other roles in modern-day life have changed in the past 200 years, which is why the former government's inquiry was so important. The demands that were on JPs and the roles played by them back then have completely changed. Following public consultation the review made several suggestions, including limiting the terms JPs serve, formalising a code of conduct, revising the complaints process and making appointments based on regional needs. In addition to these recommendations, the report said more could be done to ensure that current and future JPs were fully supported and in turn their rights and obligations were upheld.

The bill has been introduced to the Parliament following that inquiry. The service of JPs and bail justices is voluntary. These members of the community give up their personal time. In the case of bail justices, they may be required to do so at an untimely hour. Regardless of what those on the opposite side of the house may say, we on this side respect the valuable service and contribution that JPs and bail justices make to the community.

The bill ensures that JPs receive formalised training when they are appointed and reappointed. JPs will be provided with professional development during the time they serve in that role. The bill repeals provisions in the Magistrates' Court Act 1989 that relate to honorary justices, and it creates an honorary justices scheme. The bill provides that bail justices can be appointed up to the age of 70 and reappointed up to the age of 75. Previously appointment was up to the age of 65 and reappointment up to the age of 70. Furthermore, JPs will be eligible to be appointed for life.

As mentioned earlier, these changes have come about as a result of Labor's inquiry, which involved extensive public consultation. As such, we on this side of the house support this bill.

Mrs MILLAR (Northern Victoria) — I am pleased to speak in relation to the Honorary Justices Bill 2014, a bill which includes provisions to reinstate the standing, independence and prominence of justices of the peace (JPs) and bail justices (BJs) in our local communities. The role of justices of the peace is a time-honoured one. It dates back many centuries. Over time it has evolved from being at one time the role of keeper of the king's peace to its modern-day form.

The bill will consolidate the law relating to honorary justices into a single act. As other speakers have indicated tonight, the bill provides for the appointment of honorary justices and sets out the criteria, including the age criteria, that will apply. It describes the powers and functions of both bail justices and justices of the peace. It provides for a framework for the suspension, investigation and even removal of an honorary justice in prescribed circumstances. Honorary justices will be able to retain their title after they are no longer able to perform their role due to age, ill health or other reasons. In this instance, the titles awarded will be BJ (retired) and JP (retired). It is extremely important that the service of these individuals be reflected after they have stepped down from their active roles, and this will occur as a result of the retention of their titles.

The bill makes it clear that honorary justices may not demand, take or accept any fee for the performance of their duties. It requires those accepting appointment as honorary justices to make themselves available on a reasonable basis to perform their duties in order to ensure that those taking on the role accept a fair share of the associated duties for their community. The bill sets a requirement that those who undertake honorary justice roles do so on an active basis, again ensuring the sharing of duties with other local honorary justices.

The bill creates statutory duties for all honorary justices to notify the Secretary of the Department of Justice within 26 days of a change in their circumstances, to undertake training and to be reasonably available and active. This will assist the department to keep an up-to-date record of the honorary justices who continue to serve their community. While members opposite have played down the impact of the changes that they made during their last term of government, community members were well aware that the role of JP was diluted during that time, and that was not a change for the better. Under this bill the standing, community recognition and independence of honorary justices will be restored to ensure that they continue to play an active role in their communities.

Communities value these roles and the community leadership they provide. This is perhaps especially true in our regional towns. My father-in-law, Mr Graeme Millar, is a longstanding and hardworking justice of the peace in Gisborne. Like many other local JPs, he has served his community faithfully over many years, never seeking any personal gain from the many hours he has contributed. He has truly valued and enjoyed his role. He always sees it as a privilege rather than a chore. Over many years the doorbell of the house of my parents-in-law was worn out, with community members coming around almost daily; it seemed there was always someone at the door. Many cups of tea have been made, and many thousands of documents have been signed and witnessed at that kitchen table. This story could be told by JPs in every country town across Victoria.

I know another local JP who lives in Mount Macedon, Mr Ron Alexander, who has selflessly served in this capacity over a long period. I often see him at our general store, where a group of locals gather for an early morning coffee. He is one of those well-respected ever-present friendly faces, always playing down the significance of his contribution.

These two local JPs, Mr Millar and Mr Alexander, are just two cases, but they are illustrative of the many thousands of JPs past and present across Victoria who have served or continue to serve their communities voluntarily. I place on the record my thanks to all justices of the peace and bail justices across Victoria for all they do and contribute and for the leadership they show. It is not just about witnessing the signing of documents. It is about the support, care and leadership they show to many community members at times in their lives when they may be facing a range of life's large experiences. This role has enabled thousands of community leaders to serve their communities.

The bill reinstates and enshrines the status, standing and role of honorary justices, including justices of the peace and bail justices. It is my hope the legislative changes, if passed, will inspire others in our community to take on these leadership roles and that the roles will remain as much a feature of local towns and communities, especially regional areas, as they were in the past. The provisions of this bill will enable ongoing recognition, even after JPs or bail justices have ceased to undertake the formal duties of their role. They will ensure that those stepping up to these roles do so knowing clearly the requirements of the role and the expectations that are upon them. For these reasons, I commend this important bill to the house.

Mr FINN (Western Metropolitan) — I rise to support the Honorary Justices Bill 2014 and express my strong support for and admiration of bail justices and

justices of the peace (JPs), who give so generously of their time and make such a magnificent contribution to their communities. As the Acting President said in his own contribution, many have been doing so for a very long time.

It takes considerable commitment to get out of bed at 3 or 4 in the morning to see that justice is being done. As we know, criminals do not like to think of their particular vocation in life as a 9 to 5 job; quite often they are out on the job throughout the night, and of course our police officers quite often catch them during those hours of the night as well. As a result of the commitment of the bail justices and the JPs we are able to provide a degree of justice that I do not believe we would otherwise provide.

The role of honorary justices and JPs come to mind particularly this morning because just last week I launched the Volunteer West outreach program at the Sydenham Neighbourhood House at Watergardens shopping centre in Sydenham. Volunteer West is an impressive organisation. It facilitates volunteerism in the western suburbs of Melbourne and ensures that people who wish to volunteer are directed to places where their community spirit can be best utilised. I believe it does a pretty special job in providing some great work for other people, not just the volunteers but indeed those who benefit from the volunteers' work.

The outreach program I launched last week involves reaching out to newly arrived people on our shores. It reaches out to some of the perhaps more disenfranchised members of our community, including the long-term unemployed and people who may feel that they are not engaged in society as much as they would like to be.

It occurs to me that what the bail justices and the JPs do is similar to what Volunteer West does. Of course Volunteer West members do not get out of bed to provide justice at some extraordinary hour of the morning, but both the bail justice and JP roles and Volunteer West provide an avenue for a number of people who wish to provide volunteer services. It would perhaps be a very good thing if Volunteer West was to get together with the Department of Justice to discuss what can be done with people who might otherwise be sent to jail or find themselves in diabolical trouble. That is just a suggestion.

I see that the Minister for Liquor and Gaming, Mr O'Donohue, is in the house at the moment, and that might be something that he takes into consideration because I know he is a deep thinker. He is a man who takes these things on board. I well remember some years ago when in his previous role he came to see me in St Albans. I know he has since carried the lesson he got in St Albans that day on his shoulders almost constantly. I want the minister to know that that burden is lifted from his shoulders as of today, and that has to be a good thing.

As I said earlier, justice delayed is justice denied. The honorary justices are people who ensure that justice is not delayed. They ensure that in our society we have justice readily available at any time of the night or day. It seems quite extraordinary that — believe it or not — the former Attorney-General of this state, Rob Hulls, had the JPs and the bail justices in the gun just a few years ago. It is amazing when you consider what wonderful work these people do, and it is beyond comprehension as to why the chief law maker in the state would have had these people in the gun. That is a part of the mystery that continues to be Rob Hulls. He was a mystery when he had the job and he is a mystery now that he does not have the job. I look back on him, and the only thing I can say is, 'Thank God for Robert Clark', because that is one of the great joys, as I have said previously, of the change of government in 2010.

This government is clearly supporting the JPs and the bail justices. Through my contribution to this debate I would like to offer my very strong support to them, offer my very sincere thanks and congratulations to them and urge the house to do the same by speedily passing this bill.

Motion agreed to.

Read second time.

Third reading

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — By leave, I move:

That the bill be now read a third time.

I thank all members for their contributions to the debate, including Ms Mikakos, Ms Pennicuik, Mr Elasmar, Mr Eideh, Mr David O'Brien, Mrs Coote, Mr Ondarchie, Mrs Millar and Mr Finn, and I am pleased that the house is supporting this bill.

Motion agreed to.

Read third time.

TRANSPORT LEGISLATION AMENDMENT (FURTHER TAXI REFORM AND OTHER MATTERS) BILL 2014

Second reading

Debate resumed from 27 March; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to make a contribution on this very important bill dealing with taxi reform. In doing so it is worth noting the incredibly important role taxis play in our community. For many people on a Friday night they are a safe and efficient way of getting home. For many visitors to Victoria they are an important part of the cog of getting around. More importantly, however, they are a way to get around for those who cannot drive because of age or because they are living with a disability, those who would otherwise be incredibly isolated and vulnerable were it not for the services provided by the taxi industry. They are an important part of our economy, but for those vulnerable people they are an incredibly important part of their lives.

The drivers and owners of taxis are also an important group; sometimes they are the same, but more often they are not. Collectively, whether you are a passenger, a driver, an owner or an operator, you deserve better than the treatment that has been dished out by this government since it got elected. If you want an example of why this government is so derided in the community and of why this government has failed on so many levels, you need look no further than this industry. You need to look at the treatment of licence-holders who purchased their licence for sometimes up to half a million dollars and at how that asset has now been devalued so that the new value is closer to $280 000. There are people who saved for years to have this as their one asset who have seen that value halved and whose homes might be at risk because the bank will not recognise their asset. There is a group out there who have been major victims of this government and of the disregard this government has toward the Victorian community, economy and infrastructure. On this occasion it is toward those involved in the taxi industry.

It is not as if this government was not warned. It is not as if the government did not know what it was doing. It walked into this with its eyes open. It deliberately set about to dismantle the industry in a way that would cause harm to this group. Government members went in with their eyes open, because they had advice from none other than Professor Fels, who, in his report, told the government it would need to consider a hardship provision for this group of individual licence-holders, and it failed to do so. In my view and in the view of the opposition that is both mean spirited and cruel.

This is the second instalment of legislation the government has put in place for the industry. It is 18 months since Professor Fels released his report, and once again we have a proposition in this bill which at many levels is incomplete — if we are to be positive about it — but more effectively is half-baked and has a lot more questions than answers. There is no doubt the industry will see further change because there will need to be further amendments to this bill.

Whether it is this bill, whether it is the IBAC legislation or whether it is the reforms to the parole system, it goes to the competence of this government. The government is simply unable to operate in a comprehensive, effective and efficient way. What we see is a drip-feed of legislation. What we see time and again is an ad hoc and arbitrary approach to legislation which then needs to be amended. The government fills in a gap, creates a gap and then needs to fill in another gap; that is not the way to provide certainty to the community. It is not the way to provide transparency. It is not the way a government would operate if it were looking to enhance business certainty and looking at a way of improving the business climate in the Victorian economy.

I am concerned about the approach generally of this government, but I am particularly concerned about its approach in relation to this bill. It is for that reason the opposition is moving a reasoned amendment, which stands in my name.

I move:

> That all the words after 'That' be omitted with the view of inserting in their place 'this house refuses to read this bill a second time until appropriate consultation with stakeholders has occurred to address serious numerous concerns in the bill, including —
>
> (1) the impact of the proposed price notification scheme on taxi operators in cooperatively run network service providers in regional Victoria;
>
> (2) the determination of taxi zones;
>
> (3) wheelchair-accessible taxis;
>
> (4) possible fare increases; and
>
> (5) consumer protections for regional Victorians, particularly in relation to the proposed price notification scheme'.

I take the house to some of the specific issues that are picked up in the reasoned amendment. The first concern of the opposition is that the government's proposal enables taxi operators in regional and country

zones to set their own fares. We have two concerns about this proposal, and these are the concerns we had hoped the government would have resolved in the 18 months it has had the report, before legislating in the way that it has. Clearly these are the sorts of matters that, with a bit of time and a bit of consultation, could have been got right and could have been finalised, rather than the current government's approach, which is to legislate now and talk later.

Specifically the concern in relation to the price notification scheme is that this reform may be in contravention of federal competition and consumer laws regarding cartel behaviour when it comes to making decisions about maximum fare structures. In other words, the concern is that if you provide a capacity for operators to put in place a fare structure, does that breach consumer protection and competition and consumer laws? This is an issue that has been raised by the opposition and by others, an issue that is yet to be resolved, and an issue we think ought to have been addressed before legislating in the way that has been done by this government.

As important as the potential breach of federal legislation are the concerns raised by many in regional and rural Victoria, where there might only be a single operator and a monopoly market. What does this provision mean for people in those parts of regional and rural Victoria where there is only one taxi operator? What does that mean in terms of the ability of that operator to jack up fees? There is no competition; the market is too small. There is no capacity for that community in rural Victoria to go anywhere else. There is no maximum, there is no fare ceiling, to protect them from gouging. We are concerned about those isolated communities in rural Victoria where there are distances that need to be travelled. To have a situation where a monopoly provider is able to provide an unlimited increase in fares would potentially disadvantage many in regional and rural Victoria. It could increase the isolation. It could make it harder for many people there to commute, to meet with friends and family, to do their shopping — to do the incredibly important things that all of us take for granted.

We are concerned about the power here, and particularly the unregulated nature of that power and the fact that there is no ability to provide any justification for any fare increases. That is something which ought to be taken back and examined properly in consultation with people living in regional and rural Victoria. There is nothing wrong with talking to people in regional and rural Victoria. In fact the government might get a better outcome if it did so. That is a concern the opposition has, and it is picked up in my reasoned amendment, which deals with the fare notification scheme and possible fare increases.

Another issue I pick up concerns compliance and enforcement. The bill provides a mechanism to enforce the powers and provisions that came in in the original legislation that was moved and passed in this house some time ago. They go to matters such as driver agreements, non-cash-payment surcharges and the like. It provides quite extensive powers, including the power to enter and inspect a vehicle and the power to require the production of documentation and so on. We are concerned that these powers are to be implemented on an interim basis, 18 months after the taxi industry inquiry final report.

They are extensive powers. We are not necessarily critical of the nature of the powers, but I would have thought that after 18 months the government could have got it right and that if it was going to introduce these powers — which, as I said, are extensive: the power to enter and inspect a vehicle or commercial passenger vehicle premises, the power to require the production of documents — it would have taken the time to make sure they were right. If you are going to put in this kind of change and this sort of impost, it is a matter that you ought to consult on before you legislate. In our view, that again is an important reason for this bill to go back to the drawing board.

The final issue that I want to pick up in my reasoned amendment deals with the concerns about the zones: how zones have been determined — how the regional zone has been determined, how the country zone has been determined — and where you draw the line between those zones. Again, this is not something that should be too technical or too complicated. It is indeed the very thing that you would get right if you took the time to talk to people. We are aware that there are some significant concerns among operators and licence-holders about where the lines have been drawn and where the determination has been made in terms of towns and regions.

We do not think there is any reason the government cannot make sure it gets this right. It is an issue that not only goes to making sure people in regional and rural Victoria have access to a taxi service but also goes to the livelihoods of people: these are people's lives, their mortgages and an incredibly important part of the fabric of a community. To legislate in this sort of haphazard way and to determine these zones in a way that causes people great concern is something that I think should embarrass the government, because in this day and age we ought to do better. To make sure that we can be confident we have the right outcome we ought to be

able to come up with a model where there has been considerable discussion. Clearly that is not the case with this bill.

In my view, and in the view of the opposition, the bill is not ready to proceed. It would need, and it does need, further consideration. A degree of consultation and community input are needed to make sure the bill is right. For that reason I have moved my amendment, and I urge the government to take the time to get it right for the sake of the community and for the sake of the drivers, the operators and the whole industry. There is no need to rush, and there is every opportunity to get a better outcome that will result in a better service for all concerned. I urge the house to support my reasoned amendment.

Sitting suspended 6.28 p.m. until 8.02 p.m.

Ms HARTLAND (Western Metropolitan) — I rise today to speak on the Transport Legislation Amendment (Further Taxi Reform and Other Matters) Bill 2014. This is a substantial bill with a range of purposes. Many of the purposes appear to be reasonable in the context of the reform taking place, and the Greens will not oppose them. Labor has outlined its concerns about taxicab operators in the regional or country zones being able to determine their own maximum fares or hiring rates, and the Greens share many of those concerns.

However, today I will focus the Greens comments around one section of the bill, which is clause 45 relating to wheelchair-accessible taxicab fixed-term licence fees. The fee for a wheelchair-accessible taxicab fixed-term licence is payable in 10 annual instalments. Under previous arrangements wheelchair-accessible taxicab licence-holders paid $26 400 for their first instalment, with subsequent instalments indexed in accordance with the consumer price index. For example, in the second annual instalment they paid $27 350. Some drivers have gone on to pay third, fourth and even later annual instalments, which I imagine are now up around $28 000 or $29 000.

In last year's Transport Legislation Amendment (Foundation Taxi and Hire Car Reforms) Act 2013, the government reduced wheelchair-accessible taxicab licence fees to $18 400. The Greens welcomed that as one step towards fixing the issue that wheelchair taxis are not a profitable enterprise. This bill proposes to backdate the reduced annual licence fee, which will mean that taxi operators who have not paid their fourth annual instalments will only have to pay $18 400. Those who have paid their fourth annual instalments will receive a credit, which can be used to pay fees in future years. Again, this is a step forward, but it does not go far enough.

In reducing this fee, I hope the government is acknowledging that there is a significant problem with the viability of wheelchair-accessible taxicabs as profitable enterprises. When you consider the significant up-front costs of the cab, which are perhaps double that of a standard taxi, and the repayments required to pay them off, together with the annual licence fees, even with the discount, and other costs such as CityLink fees, you see that the economics of wheelchair-accessible taxis are extremely marginal. It is no wonder we see significant problems in the quality of this service.

I remind the government that the Fels inquiry identified that there is inadequate supply of wheelchair-accessible taxicabs and that consumers reported unacceptably long waiting times, poorly trained drivers and limited scope in the taxi market to cater for customers with special needs. With little government support for specialised training, it is no surprise that drivers are not well trained and that some provide poor quality services to specialised consumers. When drivers and operators receive such poor returns for their investment in the taxis and licence fees, it is no wonder that they prioritise the most profitable jobs, such as to and from the airport, and do not prioritise disabled passengers, which leads to long waiting times for these consumers.

It is also no surprise that, according to the Footscray Community Legal Centre's taxidriver legal service, in the order of 50 to 100 of the less than 300 wheelchair-accessible taxi owner-operators are behind with their annual licence fee payments. Not only have they not yet paid their 2014 fees, but they are still trying to pay off their 2013 fees — and some even their 2012 licence fees. This retrospective drop in fees will help them to some extent, but it will still mean that many owner-operators will be trying to pay off both this year's and the previous year's fees at once. I see little prospect of these taxi owner-operators being able to repay licence fee debts, as well as keeping up with current fees and repayments for their vehicle and earning a living wage.

Without minimum wages, drivers can end up working extremely long hours just to earn enough to survive, which is bad for drivers and their families. It is also dangerous for the drivers and for the public to have overworked, fatigued taxidrivers on the road. The reality is that some owner-operators are not earning enough, their debt is increasing and we risk them simply walking away from the industry, leaving us with fewer and fewer wheelchair-accessible taxis. While

retrospectively reduced fees are an improvement, this issue is by no means addressed. We need to see far more consideration of how wheelchair-accessible taxis can be made a more viable enterprise and how services can be improved. We know these two issues must be addressed hand in hand.

Both this bill and the previous bill on taxi reforms have failed to give this issue the consideration it requires, and for that reason the Greens put forward a reasoned amendment. As Mr Tee has also put forward a reasoned amendment, we withdraw ours and support his amendment. We do not believe the bill is ready. The government needs to withdraw the bill and do serious consultation with stakeholders.

Mrs MILLAR (Northern Victoria) — I rise today to make a contribution to the Transport Legislation Amendment (Further Taxi Reform and Other Matters) Bill 2014, which is an important bill relating to taxi services in the state of Victoria. The primary objectives of the bill are to reduce red tape and to facilitate further reform to the taxi and hire car services in Victoria.

Those in this place as well as in the wider Victorian community will be aware that there is a long history behind these reforms. Some of that history has been reflected by the other speakers tonight. There have been attempts to reform this industry in the past, and in this context I raise the reforms initiated in 1996 by a former Premier, the Honourable Jeff Kennett. Taxis became the now famous canary yellow, and Mr Kennett sought wider reforms with the aim of improving and raising the bar for taxi service delivery in Victoria.

Facing a very poor customer satisfaction rating of 56 per cent and given longstanding and deep-rooted service problems, the government established a taxi industry inquiry in 2011. This inquiry was headed by Professor Alan Fels and was established to review the taxi and hire car industries. The inquiry released a draft report entitled *Customers First — Service, Safety, Choice* in May 2012. This was a lengthy and wide-ranging inquiry and resulted in an astonishing 139 recommendations.

I will read some of Professor Fels's comments from that report noting the service problems and the complexities in reforming the taxi industry:

> Over the course of the past year it has become very clear that Victorians want greater choice and better quality taxi services. It is also clear that Victoria's taxi market lacks the basic hallmarks of a competitive market and that restricting entry into the market — and the resulting high licence values — is a major contributor to the problems facing the industry today. It is also apparent that the taxi industry has not recognised the need for change. Industry participants often cannot agree on key issues or seem paralysed about how to remedy inequities, improve services and sustain their own viability into the future.
>
> The taxi industry is an extraordinarily complex one and there are no simple 'fixes'. The inquiry's draft reforms aim to set a new direction for the industry that balances different interests and constraints. But — make no mistake — we are determined that the results of this inquiry will not be 'business as usual' for the industry. We are determined to propose reforms that lead to a much more diverse and dynamic industry and one that ceases to be beholden to the interests of dominant parts of the industry to the detriment not only of consumers but those who deliver the services 'on the ground': taxi operators and drivers.
>
> If there is one conclusion to be drawn from the inquiry's work, it is that the industry's structure has to change. If it does not, it will not only be consumers who suffer: the industry itself will stagnate and decline.

These comments remain a useful overview of this issue; there are no simple fixes, and the industry has, perhaps owing to excessive government overregulation in the past, been dysfunctional in a number of key respects. In the words of Professor Fels, it has been beholden to 'dominant parts of the industry' at a cost to those delivering on-the-ground services and to the customers.

Following the tabling of this report there was a period of public consultation. The government's response was announced on 28 May 2013. I will not be supporting the proposed amendments to this legislation as there has been a significant consultation process along the time line leading to this point. After releasing its response the government moved swiftly to introduce the first of its taxi reform legislation, the Transport Legislation Amendment (Foundation Taxi and Hire Car Reforms) Act 2013. Those in this place will recall that this legislation includes the cut in surcharges which came into effect on 1 February this year and which is already saving Victorians money and operating well.

This bill sets out further significant reform, including enabling taxi operators in regional and country zones to set their own fares; reducing red tape on taxi licence holders by abolishing the requirement to be accredited; reducing red tape on taxi operators and network service providers by minimising accreditation requirements; tightening commercial passenger vehicle driver entry standards by introducing a fit and proper person test; giving the Taxi Services Commission (TSC) additional compliance and enforcement powers; improving the efficiency of dispute resolution arrangements for agreements between taxi operators and drivers; enabling zone conditions for prebooked taxi work to be varied by the TSC; enabling taxi zones to overlap at Avalon Airport; enabling the TSC to establish a public register of taxi industry participants; and making further

minor, miscellaneous and technical changes to support the taxi and hire car reform program.

This is a complex bill, and I am not going to reflect on each and every aspect in detail. I do wish, however, to briefly examine each of the key reforms.

The taxi industry inquiry recommended replacing government regulation of taxi fares in regional and country zones with a price notification scheme. Living as I do in regional Victoria, I know the current fare arrangements do not work. This reform will give country and regional operators the freedom to set their own taxi fares. The other key reform tied to this is the provision to give taxidrivers at least 55 per cent of the fare generated. This means that country operators will have the ability to set their fares to reflect the increase to driver payments, and it will also allow operators to compete more effectively with each other for local business.

Notification of the fares set by country and regional operators must be given to the Taxi Services Commission, which will then publish the fares. The Essential Services Commission will undertake a watchdog role regarding the operation of this aspect of the bill. This is important in country and regional Victoria because at the moment taxidrivers in these areas often refuse to accept work.

I recently spent time with friends and as we were sitting around the table stories were told about the ways in which one might get a taxidriver to drive them the types of distances that people in regional Victoria would not blink at but which, under current taxi pricing, are unviable. Participants in this discussion talked about being refused by cab after cab just to travel, for example, 70 kilometres. They talked about being left, sometimes at night, with no way to get home. The consensus view in this discussion was that people in rural and regional Victoria would not mind paying a premium for taxi transport — they just want some service. Stories like these are very common. I have experienced similar situations, and I suspect many in regional Victoria have too. Under this bill taxi operators will be able to set fares to ensure that they are willing to provide service at a quoted fee.

The taxi industry has long been burdened with excessive regulation which is overly complex and overly prescriptive. This bill fixes some — though by no means all — of this. The bill contains a number of provisions to eliminate red tape, which is currently a government priority for other bills coming before the house.

Accreditation of the taxi industry is a key area. The accreditation requirements introduced by the previous government are burdensome and have done nothing to improve service quality for Victorians, as noted in the statistics I quoted earlier. Yes, they add red tape, but they have not been focused on service standards, and accordingly it is regulation for regulation's sake. This bill will repeal taxi licence-holder accreditation but still requires licence-holders to maintain up-to-date name and contact details. Again, this cuts unnecessary red tape.

The bill amends driver accreditation requirements by introducing a fit and proper person test, which aligns with similar tests for other occupations and activities under other Victorian legislation. The bill will also provide for a review of these decisions. The reason for the introduction of the fit and proper person test should — I hope — be accepted by all in our communities. Incidents, including convictions against taxidrivers for assault, and in particular indecent and sexual assault against female passengers, are well documented. Violence against women is never acceptable, and incidents of these types highlight the need — and I believe the public's expectations are clear on this — to ensure that those who transport passengers in taxis and hire cars meet a fit and proper person test to minimise risk to members of the public.

The removal of mandatory affiliation is a measure to remove the requirement for taxi operators to affiliate with network service providers. This was a key recommendation of the taxi industry inquiry. Again, the aim of this reform is to free taxi operators from unnecessary regulation and promote greater competition in the industry.

It is certainly true that existing network service providers are benefiting greatly from the current mandatory affiliation requirements: they stifle competition. But likewise there is no doubt that increasing competition and allowing new entrants ultimately benefits the customers. This is what customers want — customer-focused and better quality service.

Under the bill additional compliance and enforcement powers will be given to the Taxi Services Commission. These include the ability to enter and inspect commercial passenger vehicles and commercial passenger vehicle premises without consent or warrant in certain special circumstances for the purpose of inspecting a commercial passenger vehicle and related equipment or for securing information about fare payments or driver agreements in circumstances where

there are reasonable grounds for believing there may be concealment, loss or destruction of evidence.

To do so, the driver or operator must be present and the inspection must occur during normal business hours. These entry powers are consistent with those provided to transport safety officers in rail and bus sectors. Search and seizure powers provided under this bill align with powers available to transport safety officers.

I would not stand and speak on this bill without reflecting on the service which many taxi operators and drivers make and have made in serving the Victorian public well over a long time. In the inquiry, the consultation responses, the media comments and discussion in public, much has been said to deride the taxi industry and taxidrivers. But it would not be right to comment on this subject without reflecting that there are many hardworking operators, especially small operators, and drivers who have served their customers well, in some instances going to extraordinary lengths to assist and protect the public.

Living as I do in regional Victoria, I know a number of taxi owners and drivers who fit this bill. Some who I do not know have written to me, and I have no doubt whatsoever that they are valued in their towns and communities. They work hard. They care about their customers and the towns they live in. This is acknowledged. When I was younger and living in Melbourne I was always grateful to see a cab coming down the road or have drivers who actually watched to see me safely inside my door at night.

In many instances members of the public, especially women, have been protected by cab drivers intervening in incidents, sometimes at risk to their own safety. Many passengers have had wallets, purses and phones returned by conscientious cab drivers. To these people I say thank you, and while I know some of these people will be among those who speak against these reforms — because they are already delivering services above and beyond — the industry overall is not serving everyone well, as is reflected in customer satisfaction ratings of 56 per cent. Poor and unhealthy practices have crept in, and the public of Victoria is the victim of this.

This is an important bill for both the taxi industry and the public of Victoria. Victorians want better taxi services, and it is clear that the taxi industry in this state is not currently delivering to the standard and expectations of the Victorian public. This bill is another step — the second and by no means final step — along the path of taxi reform in the state of Victoria. For these reasons I commend the bill to the house.

Ms TIERNEY (Western Victoria) — I rise to support Mr Tee's reasoned amendment and also to contribute to debate on the Transport Legislation Amendment (Further Taxi Reform and Other Matters) Bill 2014. Although the bill attempts to reform the taxi industry in this state, the opposition has significant concerns with it. These concerns were addressed in proposed amendments introduced by the opposition in the lower house but were ultimately defeated by the government. I raise these concerns once again for the benefit of the house and to highlight the hardship sustained by the current owners of taxi licences.

Over the past 12 months we have heard directly from many people in our electorates — whether they be customers, drivers, owners or people who have had difficulty accessing taxis as a result of a lack of accessible taxis — about the taxi industry. We have heard about these issues for some time directly through our electorate offices. We have also heard through both the media and representatives of the taxi industry that people will endure significant hardships as a result of many of the proposed reforms. Regardless of this the government has decided to proceed with a bill that does not consider the livelihoods of many of the people who will be captured under its framework.

The bill amends the Transport (Compliance and Miscellaneous) Act 1983 and the Transport Legislation Amendment (Foundation Taxi and Hire Car Reforms) Act 2013 to repeal taxi licence-holder accreditation requirements; enable taxi network affiliation requirements to be removed; change compliance and enforcement provisions in relation to entry, search and seizure powers; and require notification and publication of fares and hiring rates.

In 2011 the government announced an independent inquiry of Victoria's taxi and hire car industry and appointed Professor Allan Fels to oversee it. In May 2012 a report was released titled *Customers First — Service, Safety, Choice*. The findings detailed by the report were to embrace competition and move towards self-regulation so as to result in an improvement in the quality of service. More taxi licences together with measured fees would allow drivers to receive more revenue and create an improvement to the service, with more taxis available.

However, the report also recommended that the government support the equity and income of existing licence-holders. The inquiry concluded that there were grounds for targeted assistance to those licence owners who experienced significant financial difficulties due to these reforms.

The report even went so far as to provide examples of the way other jurisdictions have managed relevant reforms. In 2001 the New South Wales government reduced its annual licence fees for car hire by half. A panel was formed to consider the financial impact and recommended that those affected be offered an unrestricted taxi licence in exchange for their car hire licence. Between 1997 and 1998 the Northern Territory cancelled all taxi licences, which had been trading at around $230 000. Owners of the licences were compensated with a lump sum payment based on market value. Ireland also created a scheme of refunds, changed the taxation treatments of the capital cost of purchasing licences and created a scheme of compassionate payments after its High Court ruled in 2000 that it was illegal to restrict the number of taxi licences. Prior to the ruling their licences had been worth between $200 000 and $310 000, and then they were reduced to close to zero.

In relation to hardship, it is estimated that the financial loss to be incurred by holders of taxi licences in Victoria will be between $200 000 and $250 000. We have heard the personal stories of people who have significantly invested in licences to support their retirement and livelihood only to learn that their licences have now declined in value by around 50 per cent. People's houses are being sold, and their financial security for the present and future has been shattered. These realities form the basis of the opposition's position that the government has failed to consider, listen to and support the members of this industry, and that is the basis upon which Mr Tee moved his reasoned amendment this evening.

In concluding, while competition within the taxi industry and an improvement of services would be welcome, the government has failed to implement a structure that supports existing licence-holders, which will in turn impact on the industry. A framework for financial support was detailed by the inquiry and recommended for the government's consideration. The licence-holders have rallied outside Parliament House in an attempt to convey the seriousness of their position to the government. The industry group Victorian Taxi Families has indicated through the media that its members are preparing to blockade the CBD. The group acknowledges that this will impact the travelling public but says its members have no other option; they seek consultation on this reform.

It is incredibly unhelpful that in attempting to reform the taxi industry and provide services the Napthine government has in essence caused serious hardship within the industry. That is why I support the reasoned amendment moved by Mr Tee. He is essentially calling for appropriate consultation with stakeholders because there are so many serious issues connected with this bill. He has called on those consultations to include:

(1) the impact of the proposed price notification scheme on tax operators in cooperatively running network service providers in regional Victoria;

(2) the determination of taxi zones;

(3) wheelchair-accessible taxis;

(4) possible fare increases; and

(5) consumer protections for regional Victorians, particularly in relation to the proposed price notification scheme.

We have serious concerns. This is an extremely important list of issues, which calls for proper consultation with drivers, licence-holders, Victorian consumers and of course the wider taxi industry. Essentially this issue is an important opportunity that cannot and must not be missed by this house.

House divided on amendment:

Ayes, 18

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

Noes, 19

Coote, Mrs	Millar, Mrs (*Teller*)
Crozier, Ms	O'Brien, Mr D. D.
Dalla-Riva, Mr	O'Brien, Mr D. R. J.
Drum, Mr	O'Donohue, Mr
Elsbury, Mr	Ondarchie, Mr (*Teller*)
Finn, Mr	Peulich, Mrs
Guy, Mr	Ramsay, Mr
Koch, Mr	Rich-Phillips, Mr
Kronberg, Mrs	Ronalds, Mr
Lovell, Ms	

Pairs

Viney, Mr	Davis, Mr D.

Amendment negatived.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

GAMBLING AND LIQUOR LEGISLATION AMENDMENT (MODERNISATION) BILL 2014

Second reading

Debate resumed from 3 April; motion of Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation).

Ms PULFORD (Western Victoria) — This bill is not opposed by the Labor Party. Its purposes are to simplify the operation of the Gambling Regulation Act 2003 and to increase the effectiveness of the Liquor Control Reform Act 1998.

Alcohol abuse is one of the top 10 avoidable causes of death and disease in Victoria. Through its links to injury and its relationship to violence, including family violence, and to disease and accidents, alcohol abuse is a significant risk and cause of harm to many Victorians. It is estimated to have a $4.3 billion cost every year to the Victorian economy — to our health and justice systems. It affects families and the wellbeing of many people across Victoria, those living in groups and those living alone. It results in road trauma and in accidents in workplaces.

The Alcohol Policy Coalition has started flexing its muscles in the lead-up to the Victorian state election. Its members have identified a number of steps that could be taken to promote a better and healthier drinking culture in Victoria. In doing so they have provided some very alarming statistics that I would like to share with members tonight. Between 2000 and 2010 there was a 93 per cent increase in emergency department presentations for intoxication and a 32 per cent increase in hospital admissions for alcohol-related injuries.

Cancer Council Victoria, which is a member of the Alcohol Policy Coalition, has reported on a point in time survey conducted in December of last year. It was found that one in three hospital admissions were related to alcohol abuse. These things can have seasonal patterns, of course, and December is that time of the year when people are vastly more likely to tie one on. The council similarly reports a cost of alcohol-related harm to the Victorian economy of some $4 billion a year. The council describes a direct cost of $366 million to government on this state budget day. Without a doubt, Victorians enjoy drinking their booze, but also without a doubt there are a great many risks associated with that behaviour.

In relation to gambling, there are of course many different ways that people participate in gambling activity. I feel that in the context of this debate I must confess that last week, along with a number of members in this place, I ventured to Warrnambool for a flutter on the gee-gees. I did not do very well at all.

The most harmful gambling in our society is that caused to people who suffer from poker machine addiction. There is an enormous amount of research on this issue, and there are very strong and effective advocates for an ongoing reform agenda. Indeed things have been done by Victorian governments over many years now to seek to address this problem, but it is important to note the most recent figures published by the Victorian Commission for Gambling and Liquor Regulation. They show that in the period from July to December last year almost $1.3 billion was spent on poker machines. That was an increase on the figure of $1.19 billion that was spent in the first half of the year. There are correlations between those losses and other factors, including rising unemployment. There are correlations between poker machine addiction and family violence. There are, of course, devastating consequences for people who find themselves transfixed by poker machines.

I provide some of those comments by way of introduction, and I suggest to the house that those in our community who hope to see bold reform or creative and innovative solutions to tackling these issues will not find those in this bill. A modest number of changes are made, but in the main the bill modernises and rewrites a very long and complicated piece of legislation and makes a number of other changes. Indeed I was surprised that a number of those changes needed to be made, and I will speak very briefly about those.

One of the changes to the Gambling Regulation Act 2003 relates to the prohibition of illegal gambling. The current provisions refer to games that are not played or do not exist anymore, and I am advised that the legislation is intended not to change the legal status of any game one way or the other but simply to cover unlawful gambling activities in a more general sense. It is not as if the effect of this legislation is going to be particularly direct.

Another provision in this legislation relates to the ministerial power to obtain information from commercial gambling licensees. Any additional information that can be made available can certainly be a good thing, but I note it does not seem to be the government's intention to make this additional information public. Whilst the government is seeking to obtain this information to formulate policy that fosters responsible gambling and to ensure that minors are

neither encouraged to gamble nor allowed to do so, which is a good aim, I urge the government to make the best use of the information it can and to make it publicly available where appropriate. I think this is an issue of great public interest.

A further provision in the bill relates to trade promotion lotteries of keno licence holders. There is a requirement for the employees of bookmakers to satisfy a fit and proper person test. The legislation will make it an offence for a bookmaker to employ a person who is not fit and proper; of course we expect that of bookmakers as well. The bill also increases penalties for the provision of alcohol to minors. Indeed it doubles the penalty from 60 to 120 penalty units, which is quite a significant change indeed. The bill also addresses a loophole where a licensee may defend an action in relation to drunk and disorderly persons on licensed premises on the basis that the licensee was not there. This legislation makes it clear that, if the licensee is not there, that responsibility transfers to an appropriate employee or manager within the establishment.

This legislation does not address the big questions about the effects of alcohol abuse and dangerous drinking in our society, and it does not tackle the devastating impact poker machine addiction can have on members of the community. In terms of the big vision coming from this government about how to address some of the harms that can arise as a result of activities many Victorians enjoy and engage in in a non-harmful way — including most if not all the members representing western Victoria at the track in Warrnambool as recently as last Thursday — this bill is not the place where we are going to see that vision.

We believe the information-seeking power that will be given to the minister has very good potential, and I invite the minister in his concluding remarks to give us a hint of where he would like to take that power and how he would like to use that information and perhaps indeed to respond to our suggestion that such information be made publicly available so that we can have a broad debate in Victoria about the effect of government policies in this area.

We are concerned about the fines that can be issued to parents if underage drinking takes place at parties. The doubling of the relevant penalty rate makes that a very large fine, well in excess of $10 000. In saying that, I stress that the bill does not in any way address the root causes of underage and problem drinking. On the one hand, then, we have a penalty regime that is doubling, but on the other hand we see no great ideas coming from the government about how we can tackle this kind of behaviour in the first place. We urge government members to consider that as they go about their business.

Victoria frankly deserves a better response to problem gambling and to the abuse of alcohol than has been offered by this government to this point. People will not find the answers to any of those questions in this bill. In and of itself, however, the bill does no further harm, and for that reason we will not be opposing it.

Ms HARTLAND (Western Metropolitan) — I rise to speak on the Gambling and Liquor Legislation Amendment (Modernisation) Bill 2014, and I thank Ms Pulford for going through many of the technicalities of the bill. I will make some comments and speak particularly about clause 53, which the Greens intend to vote against. The bill goes to a number of issues, such as unauthorised gambling, which is currently prohibited under the Gambling Regulation Act 2003. The Greens accept the proposed changes in relation to conducting advertising and providing places for unauthorised gambling on the basis that they provide no greater leniency in regard to this illegal gambling.

The bill prohibits registered bookmakers from engaging persons with a relevant conviction to assist certain aspects of a bookmaker's operations, including handling or making arrangements in relation to any bets made with a bookmaker or the publication of betting odds. This fit and proper person test, which is now a common test across a number of areas, addresses concerns raised by the racing integrity commissioner that the employment by bookmakers of disreputable persons may undermine the integrity of Victorian bookmakers.

There are several reasons why we intend to vote against clause 53. We find it astounding that the government has put forward this particular clause. The reason we are concerned is that the bill provides that the Victorian Commission for Gambling and Liquor Regulation may issue a permit to conduct a lottery to promote a keno game. While I understand that currently other gambling licensees can undertake such lotteries, I do not believe that action makes it right. It is one thing for a business retailing average products, such as bikes or clothes, to conduct a lottery as a way of promoting their business, but it is another thing to allow a business to use a lottery to promote gambling.

I understand there are some safeguards in place that attempt to exclude trade promotion lotteries that are not in the public interest. For example, we already exclude producers of smoking products and firearms from promoting their products through trade promotion lotteries. There are a number of provisions related to

gaming that aim to limit harm to children, but they do not go far enough.

We know that gambling has the potential to become addictive and cause social harm. I am equally uncomfortable with the idea of allowing trade promotion lotteries to include alcoholic products or bottle shops. As we know, alcohol is addictive for some and can cause social harm. I imagine that many young people will actively engage in these kinds of promotions to get that extra bottle of alcohol. Unfortunately drinking and gambling are very much part of our culture, but I believe there should be some limits on the advertising of these products, and I do not believe that free giveaway lotteries or significant discounts are an appropriate means by which to promote them. That is why the Greens will vote against clause 53.

This bill provides the Minister for Liquor and Gaming Regulation with the power to obtain information from commercial gambling licensees to assist in the development of policy, implementation and evaluation. We very much welcome this provision. Information is critical to evidence-based management of the gambling industry, particularly problem gambling. The bill does not provide the government with the power to direct gambling licensees to provide particular types of information. This is a missed opportunity. Often there is a shortfall in the information that is available that could have easily been collected. This new power would enable the government to understand what data there is and what is not being collected. This would put it in a better position to return to this area of reform.

The bill proposes to amend the Liquor Control Reform Act 1998 to close the loophole through which a licensee can successfully argue their way out of an offence in relation to failing to remove from their premises someone who is drunk and disorderly. The Greens welcome this reform. The bill also proposes to increase the penalties for certain offences relating to the provision of alcohol to minors. It does not apply to minors found to be in possession of liquor. This is also welcomed by the Greens in the interest of protecting children's health and wellbeing.

During the committee stage I will come back to clause 53, and I will have one or two questions on it. However, as I said, while we will be voting for the bill, we will be voting against clause 53.

Hon. R. A. DALLA-RIVA (Eastern Metropolitan) — I am pleased to speak on behalf of the government on the Gambling and Liquor Legislation Amendment (Modernisation) Bill 2014. I acknowledge the contributions of Ms Pulford and Ms Hartland to the debate on this bill. There are a range of issues I can short-circuit in respect of the committee stage, because in my view, and in the government's view, there are very clear reasons why clause 53, which was discussed by Ms Hartland, and clause 54, which was discussed by Ms Pulford, have been put forward.

Before we get to that, I will speak on the bill more generally. It makes a number of legislative amendments to the Gambling Regulation Act 2013 (GRA) and the Liquor Control Reform Act 1998. These amendments implement the government's election commitment to address recommendations made in reports by the Auditor-General. As I indicated, the bill will modernise the prohibition on illegal gambling under chapter 2 of the GRA. It will simplify the legislation and streamline its operation. It will remove some 50 pages of outdated and overly prescriptive prohibitions, some dating back to legislation drafted in the 1890s. The second-reading speech refers to the Police Offences Act 1890. It is clear that life has moved on since that legislation was enacted, and it is fair to say that after 124 years it is time to modernise sections of the act, which is what the Minister for Liquor and Gaming Regulation is doing with this bill. This approach accords with more modern consolidated gambling legislation, such as laws that have been enacted in the United Kingdom through its Gambling Act 2005 and laws enacted in New Zealand through its Gambling Act 2003.

The bill will provide a number of measures. As has been outlined, it will provide the Minister for Liquor and Gaming Regulation with a new single power to obtain information held by a major commercial gambling licensee for the purpose of policy development. As I indicated, in order to obtain information the minister must form the view that it will assist in the development of policy in accordance with the objectives of the gambling legislation, such as fostering responsible gambling or ensuring that minors do not gamble. Essentially that relates to clause 54, which Ms Pulford discussed. Clause 54 will empower the minister to issue a direction to commercial gambling licensees to provide information that will assist in the development of policy in accordance with the objectives of the Gambling Regulation Act.

There are currently a range of different powers to request information from different commercial gambling licensees, and as part of the review of the GRA in line with the government's election commitment it was identified that the minister's power to obtain information from different commercial gambling licensees varied significantly. The minister will now be able to obtain the same level and type of

information from all commercial licensees under the regulatory framework. Importantly that power is fettered by the requirement that the minister must form the view that information is necessary to support policy development in accordance with the objectives of the act. That means that the powers cannot be misused to conduct a fishing expedition.

It is also important to put on the record that if the ministerial direction is framed so that the information it requires licensees to provide will impose an appreciable burden on industry, there are obligations set out under the Subordinate Legislation Act 1994. As the current minister would know, and as I would know as the chair of the Scrutiny of Acts and Regulations Committee, the preparation of regulatory impact statements (RISs) requires that a significant amount of work be undertaken. If that type of information is required, a regulatory impact statement will be triggered and a thorough cost-benefit analysis will be undertaken prior to imposing any such requirement. It is fair to say that in the current framework of the bill that is before the chamber, there are a number of checks and balances in place.

There was an issue about the oversight and scrutiny of the bill. I do not think the bill can be more scrutinised than through the Scrutiny of Acts and Regulations Committee in terms of RIS being undertaken as a result of the type of information required and where it would impose a burden on the industry. It is fair to say that while the section inserted by clause 54, which provides for a ministerial direction to licence-holders to provide information, is significant, it is about streamlining the information-gathering process and is not, as I indicated, a fishing expedition. It has an overarching framework through the Subordinate Legislation Act 1994. I know this issue will perhaps be taken into committee, but I was trying to short-circuit that process by detailing the reasons.

The other point raised in the debate is the amendment to the GRA to allow a keno licensee to conduct trade promotion lotteries to promote keno games. As you know, Acting President, a keno licensee is the only commercial gambling licensee not permitted to conduct trade promotion lotteries. On the government's side there appears to be no policy rationale for treating a keno licensee differently to other commercial gambling licensees, such as the public lotteries, Tattersall's and Intralot, which are permitted to conduct trade promotion lotteries. I will go into that in some level of detail. Clause 53, under the heading 'Determination of application', inserts after section 5.7.4(1) of the Gambling Regulation Act 2003, the following subsection:

> "(1A) Despite subsection (1)(b)(ii), the Commission may issue a permit to conduct a lottery to promote a keno game.".

This is to ensure consistency across public lottery licensees, including Tattersall's and Intralot. It appears to be an oversight that a keno licensee is not permitted to conduct trade promotion lotteries. Prior to 15 April 2012 the two gaming operators conducted a different game, known as Club Keno, which was regulated separately from keno. The GRA provides that a permit must be issued to promote a product or service other than a lottery. Public lotteries like Powerball are specifically excluded from this requirement.

Therefore the intention of the section to be inserted is to ensure that a trade promotion lottery is conducted to genuinely promote a product rather than the promotion of the lottery itself. Further, the oversight was identified by the Victorian Commission for Gambling and Liquor Regulation and the amendments have been made as soon as possible to resolve the issue.

On reviewing the principal act I note that section 5.7.4 states under the heading 'Determination of application':

> (1) The Commission must determine an application for a permit to conduct a trade promotion lottery having regard to —
>
> (a) whether the applicant is of good repute, having regard to character, honesty and integrity; and
>
> (b) whether the trade or business to be promoted by the lottery —
>
> (i) is conducted in good faith …

The insertion under clause 53 of the bill states:

> "(1A) Despite subsection (1)(b)(ii), the Commission may issue a permit to conduct a lottery to promote a keno game.".

I note that there is almost identical wording in section 5.7.4(2) of the principal act, and I think it is important to draw attention to the fact that the same words are used in the bill, with the inclusion of the words 'a keno game'. I will read the subsection in the act in its entirety:

> (2) Despite subsection (1)(b)(ii), the Commission may issue a permit to conduct a lottery to promote a public lottery that is authorised by a public lottery licence.

It is fair to say that this provision has been in the principal act for a while, and the omission of the keno game is, as I said, an oversight that was identified by the Victorian Commission for Gambling and Liquor Regulation. The amendment is almost identical in terms of wording, apart from the fact that the act uses the

words 'public lottery'. The amendment is almost identical to the principle outlined in section 5.7.4(2) of the principal act.

It is fair to say that this is not, as perhaps indicated by Ms Hartland, about promoting gambling per se; rather it is about promoting the product and correcting the oversight. As I said, prior to 15 April 2012 two gaming operators conducted a different game known as Club Keno. While I understand Ms Hartland's wish to oppose the amendment, it seems rather silly given that there is already a similar exemption that applies for public lotteries. I gather public lotteries could include the public lottery conducted by the Royal Children's Hospital, which is allowed under permit, and it would seem odd to support that yet not support the promotion of a product for keno when it has been identified as an oversight by the independent Victorian Commission for Gambling and Liquor Regulation.

Hopefully that gives members some clarity. Of course there is always the entitlement to take the bill to the committee of the whole to explore that a bit further, but I think I have explored it as best I can in the time that has been provided.

There are further amendments in terms of new offences for bookmakers, as I outlined. The bill makes amendments to reduce alcohol-related harm associated with the supply of liquor to minors and to resolve an issue around the allowing of drunk and disorderly persons on licensed premises. The bill doubles the penalties that apply to eight offences relating to the provision of alcohol to minors to create consistency with similar offences under the gambling and tobacco legislation.

Finally, the bill ensures that the knowledge and conduct of relevant persons, for example, employees or agents of a liquor licensee, can be attributed to the licensee in relation to allowing a drunk or disorderly person on licensed premises. Currently a licensee is able to successfully defend an infringement notice for prosecution on the grounds that the licensee was not on the premises at the time of the offence and that their staff had completed responsible service of alcohol training.

In conclusion, as the then opposition and now government we came to power with a very clear Liberal-Nationals coalition plan for gaming in Victoria. We made a number of election commitments with respect to the regulation of gambling in Victoria. With the minister, who is present in the chamber and who has been listening to the contributions throughout the entire debate, we have been moving towards ensuring that we not only respect the election commitments we made to the people before the last state election but also acknowledge the Victorian Auditor-General's Office report entitled *Effectiveness of Justice Strategies in Preventing and Reducing Alcohol-Related Harm* that was tabled in Parliament on 20 June 2013. With those final few words, it is a bill on which the minister should be congratulated. I know he looks forward to its passage and to continuing the great work he has been doing over the recent past.

Mr ELSBURY (Western Metropolitan) — It is my pleasure to rise this evening to speak on debate of the Gambling and Liquor Legislation Amendment (Modernisation) Bill 2014. This legislation adds to the raft of bills that have come through this house to improve liquor regulation and gaming in Victoria under the coalition government. We take very seriously these areas that will have a great impact on our society if we get it wrong. As has been raised by my colleagues opposite, in some aspects we are talking about the causes of domestic violence, the causes of stresses within families and also the causes of injury whether that be through drink driving or a violent act that occurs on our streets.

This legislation will make changes to the Gambling Regulation Act 2003 and Liquor Control Reform Act 1998. In particular the Gambling Regulation Act 2003 will have approximately 50 pages removed from it. Normally the Greens would be happy with that considering we will use less paper, but we are talking about making it easier for people to understand exactly where they stand when it comes to gambling regulation in Victoria. It makes it easier because instead of having great reams of paper listing what games we are regulating, we are saying it is just plain illegal to run illegal gambling — making it simple. That is how you ensure that people understand what the law is — that is, you are breaking the law by running an illegal gambling game; it makes it very simple.

There was some discussion of games mentioned in legislation back in the 1890s — who says the government moves slowly if we are only just getting around to changing legislation from that period. However, it is not quite the case that we can say these games are not being played any more, so we do not need to worry about them. Quite often people get a bit nostalgic, especially if there is a quid in it and they think they might be able to make some money out of games that are no longer on the list. However, instead of saying these games are the only ones we cannot play, we have also excluded newer forms of gambling that may come onto the market, whether they be from exotic locations around the globe or from some

ingenious person who comes up with a new way of fleecing people of their hard-earnt cash.

I am one of those people who gets fleeced every so often. I have been known to put a few coins into a pokie machine. I have also put some money across the table at a casino. Crown Casino has done very well out of me in the past, but I have not done so well out of it. I have played Tattslotto as well, which is possibly the most stupid game you could play. It has no skill whatsoever. Basically it involves two random number generators. With one of them I say, 'Give me a quick pick', and the other one happens to be on TV every couple of days. These games are in place, and they will be regulated under this legislation.

We have benefited from the experience of other jurisdictions with this legislation. By looking across the Tasman to our dear friends in New Zealand we have taken note of New Zealand's Gambling Act 2003 and seen how it became a much simpler piece of legislation. We also looked to the United Kingdom. We went back to old Blighty to see what was happening with gambling and looked at its Gambling Act 2005. We were also able to learn from that experience, so we are not just jumping into this blindly.

Another game, and one of the few that I do not actually participate in, is keno. If you go to the pub, that is one of those games you will see up on the wall where the numbers jump up all the time. I am known to play heads and tails but never put down any money on it. I will have a friendly bet with one of my friends across the table as to who is going to have the next shout. It is not right to say that a lottery run in a pub or club removes it from being considered as a trade promotion lottery, because there are the other lotteries that are run by Intralot and the many that are run by Tattslotto. Why should it be treated any differently?

Importantly, under this legislation bookmakers will be required to have proper persons working for them. We are also bolstering our legislation covering the supply of liquor to minors by bringing eight offences into line with the penalties that would be doled out for people who break tobacco legislation or gambling legislation. Also, allowing drunk and disorderly persons into a licensed premises will become a much more serious offence. Employees of a liquor licensee will have to take their job seriously rather than just doing their responsible service of alcohol training and saying, 'That's good enough, thank you very much; I've done my bit'. The actions of an employee of a licensee will become relevant to the licensee; he or she will have to make sure that their employee is a fit and proper person. With those few comments, I support the bill and look forward to its passage through the house.

Mr RAMSAY (Western Victoria) — I am pleased to speak to the Gambling and Liquor Legislation Amendment (Modernisation) Bill 2014. In doing so, I will make some opening remarks in relation to the Liberals Nationals coalition plan for gaming, from which much of this bill stems. I certainly support and understand that responsible gambling offers a legitimate entertainment choice for many in the rural areas that I represent, but at the same time there is a responsibility attached to that legitimate entertainment choice.

Victoria's gambling industries are significant employers. Gambling raises substantial revenue for government and funds for community assets and for the various activities of sporting, social and welfare organisations that would otherwise struggle. I am reminded of that particularly with another piece of legislation, which affects sporting clubs, hotels and the like, in relation to raising revenue from gaming machines. Problem gambling can clearly lead to disastrous problems for families and the broader community, ranging from suicides or family breakdowns to criminal activity and financial devastation and ruin for many. The government must manage its dual roles as the regulator of legal gambling and as the major economic beneficiary of gambling via the collection of taxation and licensing fees. We all have responsibilities in that manner. It must also safeguard integrity and probity standards while ensuring that Victorians maximise the financial and other benefits from gaming licences.

I am pleased to see that we are modernising legislation that historically has been archaic and unwieldy, and is often misunderstood in its regulations, through the amendments to the Gambling Regulation Act 2003 (GRA). I am also pleased to see there is an attempt, through a number of amendments, to streamline the GRA and remove a lot of unnecessary provisions. The bill will provide the Minister for Liquor and Gaming Regulation with a new single power to obtain information held by major commercial gaming licensees for the purpose of policy development. The bill amends the GRA to allow a keno licensee to conduct trade promotion keno games. This has been well canvassed by previous speakers. The bill also provides a fit and proper person test for bookmakers and employees. The bill includes amendments to reduce alcohol-related harm associated with supplying liquor to minors and allowing drunk and disorderly persons on licensed premises. It also increases the

penalties and fines in relation to many of those activities.

Given the time constraints on this debate, I believe the bill modernises, streamlines and provides clarity to the act. It also gives the minister more responsibility and oversight and significantly increases penalties for owners of establishments related to activities that provide for the supply of liquor to minors and to those who are obviously incapacitated because of the liquor. On that basis, I commend the bill to the house.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I thank the members who have contributed to this debate. I thank Ms Pulford for speaking on behalf of the opposition and note that the opposition will not be opposing the bill. Similarly, I thank Ms Hartland for her contribution to the debate. I note that we will address some particular issues in committee. I also thank the government speakers — Mr Dalla-Riva, who led them, Mr Elsbury and Mr Ramsay — for their support for this legislation.

I pick up a couple of points made by Ms Pulford in particular. Whilst acknowledging some of the amendments in the bill and the beneficial effects those amendments will bring to liquor and gambling regulation in Victoria, Ms Pulford said the government lacked a clear strategy to deal with some of the issues that are associated with liquor and gambling regulation in Victoria. I point out to Ms Pulford that prior to the last election the then opposition, now government, had a very clear plan for improving liquor and gambling regulation here in Victoria, and it has gone about implementing that clear blueprint and strategy.

We have created the new single regulator that brings together liquor and gambling regulation. We have created the Victorian Responsible Gambling Foundation and resourced it to the tune of $150 million over four years, a 41 per cent increase on the funding provided by the previous government. We have released the alcohol and drug strategy led by the Minister for Mental Health, Ms Wooldridge. We extended for a further two years the freeze on late-night liquor licences for local government areas in the inner city. We have provided Victoria Police with the resources it needs to properly supervise late-night precincts, and I have had the pleasure of being out with the Safe Streets task force in the CBD late at night and seeing 70 or 80 police around the CBD keeping the streets safe. We have increased penalties.

There have been effective education campaigns, such as Name That Point. We have introduced the 5-star rating system for licensees as well as the demerit point system to encourage good behaviour by licensees when it comes to the operation of their premises. So we have had a very comprehensive strategy. We continue to look for ways to improve liquor and gambling regulation here in Victoria, but we have provided significant resources to address and tackle some of the issues associated with problem gambling.

This takes me to the point Ms Pulford made about the information-seeking power. With the removal of ATMs the government, through the Office of Liquor, Gaming and Racing, engaged Swinburne University to do research into the effect of the removal of ATMs from electronic gaming machine venues. By doing research both prior to the implementation of the removal and after the removal came into effect, Swinburne University was able to provide the government with some very clear evidence about the impact of the removal and to validate that as a measure to address problem gambling. We know that those who reduced their gambling the most as a result of the removal of the ATMs were those who were more likely to have a problem with gambling. It is that sort of evidence-based analysis that this government seeks to replicate.

Whilst I will not pre-empt how the information-seeking power may be used if indeed this legislation passes the house, with the policy of this government to implement voluntary precommitment on every electronic gaming machine in Victoria by 1 December next year, there may be occasions when having information may assist in the analysis or improvement of the implementation of that policy. There will be times when providing information in line with the objects of the act will assist the government in making appropriate policy to address harm and to improve policy outcomes, and I am pleased that the opposition and the Greens will support that particular part of the legislation.

I thank Mr Dalla-Riva for addressing in his contribution the issue which I think is of concern to Ms Hartland, and that is in relation to the keno licence and the issue of trade promotion lotteries. As Mr Dalla-Riva articulated very clearly and fully, from the government's perspective this bill corrects an omission and puts this particular licence on the same footing as all the other licences that operate in Victoria. We do not believe that it is an expansion of gambling per se; it merely puts this particular licence on the same footing as all others that operate in Victoria. With those words, I thank members of the house for their support of this legislation and I look forward to further exploration if it is required in committee.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 8 agreed to.

Clause 9

Ms PULFORD (Western Victoria) — In relation to clause 9: has the minister seen the Scrutiny of Acts and Regulations Committee (SARC) report comments on clause 9 and associated correspondence from SARC to the minister?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I thank Ms Pulford for the question. I have had the opportunity to briefly read the SARC report. I have not had the opportunity to seek advice from my department about the report, but I have had the opportunity to read it.

Ms PULFORD (Western Victoria) — The SARC report expresses some concern that clause 9, which inserts new section 2.2.8(1) into the Gambling Regulation Act 2003, may prohibit some educational, literary and political advertising. In particular the committee report talks about types of advertising information — television commercials, newspaper advertisements and internet advertising — that would warn of the risks of unauthorised gambling, and says that kind of information might inadvertently be prohibited. I suppose my question to the minister is: what is the government's intention with this clause? Is the intention to create that loophole, or are these things that the government would not want to have prohibited?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I thank Ms Pulford for the question. That is not the intention of this clause. Whilst I wish to seek advice and respond in writing to SARC — and I will undertake to do so before this legislation is debated in the other place — I want to make it clear that that is not the intention of the government. I will give a full response to clarify that matter.

I thank Mr Dalla-Riva and the Scrutiny of Acts and Regulations Committee for bringing to the Parliament's attention this particular issue. I make the general observation that there are often competing rights to be analysed when it comes to the Charter of Human Rights and Responsibilities Act 2006 and when analysing the limitation of those rights under section 7(2) of that act. The intention of this legislation more broadly is to improve the regulation to address behaviours that can cause harm, and therefore I do not necessarily agree with the interpretation, but as I say I will respond in a fulsome manner before this legislation is debated in the other place.

Ms PULFORD (Western Victoria) — I thank the minister for that response, and I indicate that we look forward to having the government's considered response to this issue, because it would certainly be my expectation that this is an unintended consequence of the new arrangements around unauthorised gambling. I thank the minister for his willingness to respond in full to that question. That is all on that clause.

Clause agreed to; clauses 10 to 52 agreed to.

Clause 53

Ms HARTLAND (Western Metropolitan) — As I said during my contribution to the second-reading debate, I have concerns about this clause in that it could be used as a trade promotion to promote a keno game. I understand there was a loophole and that this clause is an effort to close that loophole, but it is my understanding that this could be used as a trade promotion for both gambling and alcohol. An example that has been given to me is that in a pokies venue people could be given lottery tickets or offered some kind of prize and told that it would be drawn in 1½ hours, which would mean that people would tend to stay on the premises longer than they would normally. Can the minister clarify that for me?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — As Ms Hartland has acknowledged, and I thank her for it, the intention of this change is to make this licence consistent with other licences that operate in Victoria. That is the principal purpose of the amendments. The example provided by Ms Hartland, whilst theoretically possible, is not the intention of the change being made. At the risk of repetition, the intention of the change is to bring consistency between the different licences.

Ms HARTLAND (Western Metropolitan) — While it is not the intention, it could very well be used to promote gambling. The example I gave could happen in a pokies venue, and even though it may not be the intention, it would appear from the minister's answer that it could well happen in that way.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — There is a very robust regulatory environment when it comes to the pokies. In my summing up of the second-reading debate I talked about some of the changes that have flowed from the removal of ATMs. The environment is regulated and staff are trained. The example given by Ms Hartland is

not the motivation for these changes; the changes are to bring consistency across the licences.

Ms HARTLAND (Western Metropolitan) — The minister cannot guarantee that the example I have given will not occur. I appreciate that he has given the example of ATMs, and the Greens are very proud that we were able to negotiate with the previous government for the removal of ATMs from venues. The Greens will vote against this clause because I do not believe we have been given any guarantee that it will not be used in the way I surmise.

Ms PULFORD (Western Victoria) — I do not have a question, but for the benefit of the house the Labor Party will support the inclusion of the clause in the bill as it stands. We accept the government's position on this — that is, that it is a clarification of existing arrangements and that it is about the consistent application of the arrangements.

Committee divided on clause:

Ayes, 35

Atkinson, Mr	Melhem, Mr
Broad, Ms	Mikakos, Ms (*Teller*)
Coote, Mrs	Millar, Mrs
Crozier, Ms	O'Brien, Mr D. D.
Dalla-Riva, Mr	O'Brien, Mr D. R. J. (*Teller*)
Darveniza, Ms	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
Jennings, Mr	Scheffer, Mr
Koch, Mr	Somyurek, Mr
Kronberg, Mrs	Tarlamis, Mr
Leane, Mr	Tee, Mr
Lenders, Mr	Tierney, Ms
Lovell, Ms	

Noes, 3

Barber, Mr (*Teller*)	Pennicuik, Ms
Hartland, Ms (*Teller*)	

Clause agreed to.

Clauses 54 to 56 agreed to.

Clause 57

Ms PULFORD (Western Victoria) — Clause 57 amends section 119 of the Liquor Control Reform Act 1998 and increases the penalty for various offences from 60 penalty units to 120 penalty units. What is the current value of a penalty unit?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — My understanding is that it is approximately $140.

Ms PULFORD (Western Victoria) — That means there is a maximum penalty of approximately $16 800. Is one of the offences for which the maximum penalty is almost $17 000 the offence of an adult supplying liquor to a minor at their home without the consent of the minor's parent or guardian?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — Yes.

Ms PULFORD (Western Victoria) — How many prosecutions have there been under that provision of the Liquor Control Reform Act since it was introduced by this government?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — There have been approximately 10 prosecutions.

Ms PULFORD (Western Victoria) — I thank the minister for being able to provide these answers. How many of the 10 prosecutions incurred the maximum penalty of 60 penalty units?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I advise the member that I will have to take that question on notice to be able to respond to her.

Ms PULFORD (Western Victoria) — If it is the case that none of these prosecutions have incurred the maximum penalty, what would be the benefit of doubling the penalty?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — In answer to the first part of Ms Pulford's question I will identify whether the maximum penalty has or has not been awarded in cases where a fine has been imposed. The second limb of Ms Pulford's question can be answered by saying that the increase in maximum penalties is consistent with a recommendation contained in the Victorian Auditor-General's Office report on alcohol-related harm *Effectiveness of Justice Strategies in Preventing and Reducing Alcohol-Related Harm* which sought to make the penalties more consistent with equivalent offences in relation to minors under the gambling and tobacco regulatory frameworks.

Ms PULFORD (Western Victoria) — Does the government have any evidence that $16 000 would be a vastly greater deterrent than $8000?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — As I said in my previous answer, the increase in maximum penalties is a response to a recommendation contained in the Victorian Auditor-General's Office report on alcohol-related harm.

Clause agreed to; clauses 58 to 64 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

ADJOURNMENT

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I move:

That the house do now adjourn.

City of Stonnington planning

Mr LENDERS (Southern Metropolitan) — The matter I raise on the adjournment tonight is for the attention of the Minister for Planning, Mr Guy. I draw the minister's attention to an area in my electorate to the east of Cabrini Hospital known by some as the Coonil estate or Malvern Hill. It is an area in which a lot of the housing is heritage listed and is from around the year 1910.

Stonnington City Council has recommended that the area remain residential, in particular preventing it from becoming a hospital car park as part of Cabrini Hospital. Cabrini Hospital is seeking to vary this recommendation, and locals are particularly agitated. I think it is fair to say that the local Assembly member, Mr Michael O'Brien, has been remarkably silent on this issue. I know he has been a bit busy today, but I recall Mr O'Brien being a lion on behalf of local residents when in opposition. However, since he has been in government he has become a very quiet little pussycat. I do not expect him to say something on budget day, but I would have hoped he would pay a bit more attention to those residents of Malvern who live near Cabrini Hospital.

Last December Stonnington City Council sought ministerial sign-off for this area to remain residential. The action I seek from the Minister for Planning is that he actually meet with local residents, seeing that the local member is clearly not lobbying on their behalf. On a serious note, I am delighted to facilitate that meeting with the minister. I invite him to come to the area east of Cabrini Hospital, talk to some of the residents and have a look at the area so he can make an informed decision on this issue. A number of the residents have written or spoken to me. I am very happy to facilitate a tour for Minister Guy of Mr O'Brien's electorate.

Dog breeding code of practice

Ms PENNICUIK (Southern Metropolitan) — My adjournment matter is for the Minister for Agriculture and Food Security, Mr Peter Walsh. It is in regard to the revision of the code of practice for the operation of breeding and rearing businesses, revision no. 1, under the Domestic Animals Act 1994, which was published in the *Government Gazette* of 11 April.

As the minister is aware, this code has caused great consternation amongst animal welfare organisations such as Oscar's Law, the Royal Society for the Prevention of Cruelty to Animals, the Humane Society and others, as well as the general public, because people want to see an end to cruel practices and the exploitation of animals in pet breeding establishments. Thousands of people participated in good faith and made submissions on the revision of the code. They expected the final code to include provisions that were in the final December draft — at least that was what they were led to believe would occur. Instead of limiting the number of litters that female dogs can have, the new code reads:

> Female dogs must be retired when they have had five litters, except when owners obtain veterinary certification to indicate the dog is sufficiently healthy to continue breeding. Annual breeding clearance certificates are required for dogs continuing to breed from five litters onwards.

People feel furious and betrayed by the process, the minister and the government, which promised to crack down on puppy farms.

In an interview with Chris Uhlmann on *AM* of 15 April, Maria Mercurio from the Royal Society for the Prevention of Cruelty to Animals said:

> I guess to say we're shocked and disappointed would be an understatement. We really were hopeful that finally we had a good, strong code that would help us to stamp out these puppy farms. That door was shut and now the government's opened it again.

On the same program Debra Tranter from Oscar's Law said:

> These dogs can be confined for life, deprived of social interaction and environmental enrichment; and they can just

> be bred until they cannot breed anymore, and they can be killed.
>
> I'm convinced that it is to protect the commercial interests of the puppy farmers. It was going to cost them too much to desex the dog after five litters.

In response to a comment made by Peter Walsh that Victoria's dog breeding laws remain some of the toughest in the world, Debra Tranter went on to say:

> … I completely disagree. I mean, this code is allowing for the caging of dogs 23 hours a day. The exercise period, they've increased it by 10 minutes, so it's not a significant increase.
>
> We find a lot of vets are on the payroll of these puppy farmers. So a lot of vets don't even go to the puppy farm; they're just filling out paperwork in the vet clinic, and the puppy farmers get to pick it up.
>
> So to breed from a dog after five litters, the vets just tick the box: 'Fit for breeding'.

The Humane Society has also written to us regarding this new revised code.

The action I seek from the minister is that he immediately revise the new code of practice, revision 1, under the Domestic Animals Act to include a provision which was included in the draft code to limit to five the number of litters that a dog in a registered breeding establishment can have.

Summer Foundation

Mrs COOTE (Southern Metropolitan) — My adjournment matter is for the Minister for Planning, Matthew Guy. Last Friday Minister Guy joined the CEO of the Summer Foundation, Dr Di Winkler, together with Estelle Fyffe from Annecto and a wonderful young man, Bill Hurley, in Abbotsford to look at a project developed by the Summer Foundation to assist young people to exit nursing homes. It is an excellent example of a project that works extremely well.

As an aside, the Summer Foundation was established in 2006. Its key aim is to resolve the issue of young people with disabilities living in nursing homes. It currently employs 24 skilled staff who work with volunteers, partner agencies and individual and corporate supporters in three key areas: conducting and fostering research that provides an evidence base for policy change; supporting people with disabilities to share their stories with the Australian community to highlight the importance of their work and to keep the issue on the political agenda; and developing integrated housing demonstration projects in order to increase the range and number of supported accommodation options.

The Summer Foundation's first housing demonstration project in Abbotsford — the one we looked at last week — was established late in 2013. The housing project was established to test and refine a new housing option that enables people with high and complex needs to live in a more integrated way in the community. There are 6 apartments for people with disabilities peppered throughout a larger mix of 59 apartments for private and social housing in the development. These were very attractive and fabulous apartments.

The Summer Foundation has purchased two of these apartments for young people with disabilities who are either living in nursing homes or at risk of nursing home admission. The project was developed in cooperation with Common Equity Housing Ltd and the Transport Accident Commission. On the ground floor is an office for disability support workers, who provide 24-hour on-call support in response to unplanned and emergency needs for assistance. Common Equity Housing Ltd, a housing association, manages the properties and tenancies, and Annecto was appointed to provide disability supports via a select tender process.

This is an excellent project and model. I ask that the minister encourage his department to work very closely with the Summer Foundation to establish these types of apartments in the new developments being built across Victoria, including one in Fishermans Bend in my electorate and another in Heidelberg. This will make an enormous difference to young people with acquired brain injury, quadriplegia and other issues, who should not be living in aged-care facilities. This program will enable them to live in the community with the rest of us.

Duck hunting

Mr LEANE (Eastern Metropolitan) — My adjournment matter is directed to the Minister for Agriculture and Food Security and concerns the Department of Environment and Primary Industries and the issue of game hunting. Recently one of my constituents, Kerry Parker, came to see me. She is a lover of wildlife and had decided to observe the recent opening of the duck shooting season. She gave me a very concerning eyewitness account of one of the duck shooting sites at Lake Lonsdale near Stawell. This site was not well policed by the department with regard to the actions of some of the hunters. A slogan on one of the hunter's utes read, 'If it flies, it dies'. After the group had left, Kerry Parker took photos of empty shells, alcohol bottles and rubbish in the wetlands. There were also a number of dead birds, some of which were endangered freckled ducks.

I have Kerry Parker's evidence and photographs with me in an envelope for the Minister for Agriculture and Food Security, and I will hand it to the Minister for Liquor and Gaming Regulation, who is the minister at the table. I ask that the minister investigate this incident to ensure that this sort of bad behaviour is policed in an appropriate manner and stopped.

Western Highway

Mr RAMSAY (Western Victoria) — My adjournment matter is for the attention of the Minister for Roads, the Honourable Terry Mulder. It is in reference to a full-page advertisement in the *Pyrenees Advocate* of Friday, 2 May, from the Pyrenees Shire Council, in which a range of leaders in that town called for funding for a study for planning for the duplicated Western Freeway bypass options for Beaufort and Ararat. I mention this advertisement because on many occasions in this Parliament I have mentioned that I have been approached by both the Ararat Rural City Council and the Pyrenees Shire Council to seek and provide support for funding for a potential feasibility planning study for a bypass of those two towns.

That call comes on top of the $505 million Western Highway duplication project between Ballarat and Stawell, which continues to progress as part of a joint commonwealth-state project. Just one month ago I stood with the Premier alongside the Western Highway near Beaufort, where he announced funding of $95 million for the duplication between Beaufort and Buangor, known as section 2A.

Mr Finn interjected.

Mr RAMSAY — That is right, Mr Finn; I did nearly get run over. The bypass study is crucial to the towns of Beaufort and Ararat. Every day about 5500 vehicles move through these towns, including 1500 trucks. It is estimated that by 2025 — just over 10 years away — the volume of traffic will double. The bypass will make it safer for these towns. It will create jobs, improve traffic flow and create certainty for businesses and farmers and for development in the region.

Mr D. R. J. O'Brien interjected.

Mr RAMSAY — I understand, Mr O'Brien, that there has been significant lobbying and advocacy from members of Parliament from both sides, as well as from our federal colleagues. I also note that in yesterday's *Ararat Advertiser* an announcement was made in relation to planning funding for these bypasses. The action I seek from the minister is that he give this chamber an indication regarding the time frame for this study and a guideline for the opportunities that residents, businesses, farmers and councils in the affected region will have for input into this study.

St Albans level crossing

Mr FINN (Western Metropolitan) — I raise a matter for the attention of the Minister for Public Transport, and it concerns the announcement by the minister and the Premier, in the presence of Mr Elsbury and me at St Albans railway station on Sunday of last week, of the removal by this government of the Main Road level crossing. I am sure Minister O'Donohue is familiar with this particular level crossing; it has a long and very painful history.

While the overwhelming majority of people have greeted this announcement with a great deal of joy, and I have to say significant excitement, there is also a degree of scepticism on the part of a number of people I have come across. They are having difficulty believing that it is actually going to go ahead. Some locals have said to me things along the lines of, 'The removal of this level crossing was first promised by the Labor Party back in 1982'. That was the year John Cain became Premier. He did not do anything about it for 10 years.

Mr D. R. J. O'Brien interjected.

Mr FINN — He did send us broke, but he did not fix the Main Road level crossing. Labor reprised its promise again in 1999, when Jeff Kennett looked like he was going to do it, but for 11 years nothing happened. The house will understand that there is a degree of disbelief from some local people that this is actually going to happen. The thing that confuses some people is, as they put it to me, why the Liberals are doing this if Labor will not do it for the people in what it regards as its home turf.

Mr D. R. J. O'Brien interjected.

Mr FINN — They are asking why the Liberals are doing it. I said to them straight out that we believe in doing things that are worthwhile for people, without political considerations. I think that is a fair and reasonable thing. I ask the minister, particularly in light of the Treasurer's announcement in his budget speech today, to reassure people living in the St Albans area and the western suburbs of Melbourne who are a little sceptical about this project that this is actually happening. Work will begin this year to remove the Main Road, St Albans, crossing. We know it is long overdue; it should have happened a long time ago. I ask

the minister to take whatever action he believes is necessary to reassure people in that area that the level crossing is history and that work will begin this year under this government.

Creswick Library

Mr D. R. J. O'BRIEN (Western Victoria) — My adjournment matter is for the attention of the Minister for Local Government, the Honourable Tim Bull, and it relates to the Creswick Library, one of the Hepburn Shire Council's libraries. The Creswick Library is an important part of that shire, but it is too small and at the moment has limited opening hours. One can see on its webpage that the library is limited to about three and a half days a week — namely, 10.00 a.m. to 1.00 p.m. and 2.00 p.m. to 5.00 p.m on Tuesday, Wednesday and Friday, and 10.00 a.m. to 1.00 p.m. on Saturday. In the context of the announcement by the government of its public libraries funding program, which has a total of $38.6 million in recurrent funding, I am seeking that the minister inspect this library with me and other concerned representatives.

The Creswick community has put in an application for funding from that program. By way of further background, about $17.2 million is being made available through that program over four years. An extra $4.5 million is being delivered over four years through the Premiers' Reading Challenge Book Fund program. This continued under the re-established bipartisan ministerial advisory council, which completed its review in November 2013. That council was led by the very hardworking Parliamentary Secretary for Local Government, Mr David Morris, the member for Mornington in the Assembly, and it undertook an extensive program of consultation with all library services in Victoria.

The township of Creswick suffered from the adverse flooding events of 2010 and 2011, and from time to time it is also at risk of fire. It has recovered remarkably well, and the government has provided support for that. I seek that the library, which is an important facility, be given the best consideration by the minister. That is why I invite him to inspect the library with me and other concerned representatives.

Craigieburn conservation area

Mr ONDARCHIE (Northern Metropolitan) — My adjournment matter tonight is for the Honourable Matthew Guy in his capacity as Minister for Planning. It concerns conservation area 34, the northern growth corridor, which is part of the growling grass frog corridors. It is an area of 1009.74 hectares, predominantly around the Craigieburn area. This relates to an agreement which was signed originally in 2009 by the then federal Minister for Environment, Heritage and the Arts, Peter Garrett, and then environment and planning ministers Gavin Jennings and Justin Madden for overlays on some land as part of the federal Environment and Biodiversity Conservation Act 1999. The agreement has some effect on residents, particularly those in the Craigieburn North employment precinct that the Metropolitan Planning Authority is now looking at. I seek that the minister understand further the issues facing landowners.

In particular I have for the Minister for Planning a petition signed by 766 residents. I ask the minister for two actions. One is to receive from me on behalf of the residents this petition with 766 signatures. The other action I seek is that he meet with me to fully understand the issues facing the landowners in that conservation area.

Responses

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — This evening Mr Lenders raised a matter for the attention of the Minister for Planning, Mr Guy, seeking that the minister meet some residents in his electorate. I will pass that matter on to Minister Guy.

Ms Pennicuik raised a matter for the Minister for Agriculture and Food Security, Mr Walsh, in relation to the Domestic Animals Act, seeking his revision of a new code of practice. I will pass that on to Minister Walsh.

Mrs Coote raised a matter for the Minister for Planning, Mr Guy, in relation to the Summer Foundation and the outstanding work people there are doing to assist young people to exit nursing homes. I will pass that matter on to Minister Guy. I congratulate Mrs Coote on her advocacy for and involvement in that important issue.

Mr Leane raised a matter for the Minister for Agriculture and Food Security, Mr Walsh, following a meeting Mr Leane had with a constituent. I thank Mr Leane for providing me with the material that he mentioned in raising his adjournment matter. I will deliver that to Minister Walsh.

Mr Ramsay raised a matter for the Minister for Roads, Mr Mulder, in relation to the study for the Beaufort and Ararat bypass, seeking further information about the time frames and opportunities for the local community to have input into that bypass study. I will pass that matter on to Minister Mulder.

Mr Finn raised a matter in relation to the Main Road, St Albans, level crossing. I appreciate the importance of this issue to the local community, having had the pleasure of visiting that level crossing with Mr Finn in a previous capacity.

Mr Finn — They remember you well.

Hon. E. J. O'DONOHUE — Thank you, Mr Finn. I am sure members of the local community very much look forward to the delivery of this project. I appreciate the degree of scepticism following the false starts on this project, shall we say, over many, many years. I will pass Mr Finn's request on to the Minister for Roads, Mr Mulder, and seek that he provide reassurance to the community that this project is actually happening. I can tell Mr Finn that it is actually happening, but I will pass the request on to Minister Mulder.

Mr David O'Brien raised a matter for the Minister for Local Government, Mr Bull, in relation to the Creswick Library, seeking that the minister visit the library with him and some representatives of the local community to learn more about how the library facilities could perhaps be improved and what opportunities there may be to do that.

There are 20 written responses to adjournment matters, from a matter raised by Ms Tierney in September last year through to a matter raised by Mr Melhem in late March this year. Those responses will be distributed to members.

The PRESIDENT — The house therefore stands adjourned.

House adjourned 10.14 p.m.