

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-SIXTH PARLIAMENT**

**FIRST SESSION**

**Tuesday, 22 June 2010**

**(Extract from book 9)**

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**FIFTY-SIXTH PARLIAMENT — FIRST SESSION**

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**Deputy Leader of the Parliamentary Labor Party and Deputy Premier:**

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Mr E. N. BAILLIEU

**Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:**

The Hon. LOUISE ASHER

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Mr P. J. RYAN

**Deputy Leader of The Nationals:**

Mr P. L. WALSH

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Brumby, Mr John Mansfield	Broadmeadows	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
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Clark, Mr Robert William	Box Hill	LP	Noonan, Wade Mathew <sup>7</sup>	Williamstown	ALP
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Hodgett, Mr David John	Kilsyth	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
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Kosky, Ms Lynne Janice <sup>6</sup>	Altona	ALP	Weller, Mr Paul	Rodney	Nats
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<sup>1</sup> Resigned 6 August 2007

<sup>2</sup> Elected 15 September 2007

<sup>3</sup> Resigned 2 June 2008

<sup>4</sup> Elected 13 February 2010

<sup>5</sup> Elected 28 June 2008

<sup>6</sup> Resigned 18 January 2010

<sup>7</sup> Elected 15 September 2007

<sup>8</sup> Resigned 6 August 2007



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**Tuesday, 22 June 2010**

**The SPEAKER (Hon. Jenny Lindell) took the chair at 2.04 p.m. and read the prayer.**

**QUESTIONS WITHOUT NOTICE**

**Alfred hospital: information technology system**

**Mr BAILLIEU** (Leader of the Opposition) — My question is to the Premier. I refer to reports today that doctors at the Alfred hospital have said the IT system there is so bad that ‘catastrophic, and perhaps fatal consequences’ are likely for patients, and I ask: is it not a fact that due to this government’s incompetence the new health IT system is now four years late and \$35 million over budget and this has led to huge delays for Victorians attempting to use the hospital system and to the lives of patients being put at risk?

**Mr BRUMBY** (Premier) — I thank the Leader of the Opposition for his question, and again he has got it wrong. This is not a HealthSMART project. Got it wrong again; yes, he did!

*Honourable members interjecting.*

**Mr BRUMBY** — We know that. The Minister for Health has urged Alfred Health to work with its staff to address any concerns about the medical record scanning project, and I understand that Alfred Health management is meeting with its staff on this matter to provide further support. That includes providing additional training and IT infrastructure such as more computers.

**Regional and rural Victoria: government initiatives**

**Mr CRUTCHFIELD** (South Barwon) — My question is to the Premier. I refer to the Labor government’s commitment to make Victoria the best place to live, work and raise a family, and I ask: can the Premier update the house on the actions the government is taking to secure the future of regional and rural Victoria and the support for those actions?

**Mr BRUMBY** (Premier) — I thank the member for South Barwon for his question and for his contribution to the preparation of this document, which the Minister for Rural and Regional Development and I released last week in Ballarat. It is called *Ready for Tomorrow — A Blueprint for Regional and Rural Victoria*. This is a \$631 million package which builds on our record of achievement in country Victoria in the years we have been in government. One of the biggest single increases

in this \$631 million package is, of course, for our Regional Infrastructure Development Fund (RIDF) — there is \$260 million extra for that. I still remember the very first piece of legislation that our newly elected government put up in this house. It was about rebuilding government, rebuilding country Victoria, rebuilding opportunities and rebuilding hospitals, rebuilding schools, and it was about creating jobs across country Victoria after the terrible devastation inflicted on us by the Liberal and National parties.

The opposition is embarrassed today about those days and about the carnage that was wreaked on country Victoria. I remember that we introduced a bill and it was voted down — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the Premier not to debate the question.

**Mr BRUMBY** — I am pleased to say we persevered with that legislation, and finally the Liberal and Nationals parties backed down and we pushed it through the Parliament. Had we not done that, country Victoria today would be missing out on more than \$1 billion worth of new investment, thousands of new jobs and the sort of confidence, jobs growth and population growth we have seen across the state.

There has been a big increase in the Regional Infrastructure Development Fund. By the way, there is great support in this package for small towns; we on this side of the house have been passionate about supporting small towns. We have been passionate because we can remember the awful state they were left in by the former government. I remember, and the member for Ripon remembers, the more than 20 empty shops in the main street of Ararat — a story that was mirrored time and again across the state.

Whether it has been in health, education or community services; whether it has been the investment we have made in country roads, the gold freight lines and the silver freight lines; whether it has been returning rail to Bairnsdale and Ararat; or whether it has been the water projects across the state, the super-pipes to Bendigo and Ballarat, the Wimmera–Mallee pipeline — all of these have been decisions that we have made, in most cases despite the opposition of the Liberal and National parties, to build up opportunities and confidence in country Victoria.

Another big part of this package is building up opportunities in tertiary education and TAFE, and there is over \$100 million to do that. Already we have received wonderful feedback from the regional

universities — Monash, Melbourne, La Trobe and Ballarat — about those opportunities. I am pleased to say, of course, there has been great support —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the Premier to cease for a minute. I ask the members for Warrandyte and Evelyn to cease interjecting in that manner.

**Mr BRUMBY** — There has been great support literally from across the state. I mentioned small towns, and I am particularly pleased with the support from small towns. I have a quote from the chair of the rural councils, Cr Rob Gersch, who was quoted as having said:

We are happy with the document and the way the government has recognised rural and regional Victoria. The government was asked to put up or shut up and I think it has put up ...

It's a real win-win and I think they have listened to what people have been saying.

The blueprint is \$631 million over five years and it's all additional money ...

From business, the CEO of the Victorian Employers Chamber of Commerce and Industry, Wayne Kayler-Thomson, said:

The Victorian government's regional blueprint ... ticks many of the boxes for regional Victorian business.

Andrew Broad was quoted as having said on behalf of farmers:

Greater funding for rural development will help to lift the quality of life both in regional areas and in Melbourne by ensuring a more even spread of population across our nation. We look forward to working with the state government as these initiatives are implemented ...

The same sentiment was repeated throughout the country media.

A couple of days before the release of the regional blueprint, as part of our community cabinet in Bendigo I announced, with the Minister for Agriculture and the Minister for Industry and Trade, a \$43.5 million initiative — additional funding — to attack locusts. This spring we have an opportunity to eliminate what potentially could be the worst locust plague in our state since 1973–74, and before that going right back to 1934. The advice we have received suggests that there are literally hundreds of billions of eggs out there —

**An honourable member** interjected.

**Mr BRUMBY** — Yes, there are. If we do not act decisively and support farmers on this, we could

potentially lose up to \$2 billion worth of agricultural production this year. This is a war on locusts. We provided \$43.5 million to set up incident control centres across the state. Support will be given to councils and to local government. We intend to work in partnership with the Victorian Farmers Federation and other groups across the state to do everything we can to get on top of this problem.

Finally, in relation to the blueprint I thank all the regional and rural councils for the great contribution they have made. We are proud to work in partnership with them. It is a great blueprint going forward, and I look forward to implementing it during the next term of our government.

**Mr R. Smith** interjected.

**Questions interrupted.**

## SUSPENSION OF MEMBER

### Member for Warrandyte

**The SPEAKER** — Order! Under standing order 124I ask the honourable member for Warrandyte to leave the chamber for 30 minutes.

**Honourable member for Warrandyte withdrew from chamber.**

## QUESTIONS WITHOUT NOTICE

**Questions resumed.**

### Police: confidential information

**Mr BAILLIEU** (Leader of the Opposition) — My question is to the Premier. I refer the Premier to his failure to answer a previous question in relation to the affidavit signed by the Chief Commissioner of Police, Simon Overland, dated November 2007, in which Mr Overland stated that the terms of reference for the strategic reference group associated with operations Briars and Diana included that:

The Chief Commissioner of Police provide any necessary advice to the Premier ...

and I ask: when was the Premier first briefed or advised about investigations associated with operations Briars and Diana?

**Mr BRUMBY** (Premier) — I will seek advice from my department on that matter.

*Honourable members interjecting.*

**Mr Baillieu** — On a point of order, Speaker, the question was an explicit question following the failure of the Premier to answer a previous question. In answer to the previous question, he said he would check. It is a bit rough for him to now say that he will check. He has had a number of weeks. He should answer the question.

*Honourable members interjecting.*

**The SPEAKER** — Order! There is no point of order. I ask members to come to order.

### **Regional and rural Victoria: government initiatives**

**Mr EREN** (Lara) — My question is to the Minister for Regional and Rural Development. I refer to the Brumby Labor government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister update the house on what action the Brumby government is taking to create jobs and secure investment in regional Victoria and how the policy has been received?

**Ms ALLAN** (Minister for Regional and Rural Development) — I thank the member for Lara for his question. I am delighted to inform the house about the launch of the government's blueprint Ready for Tomorrow, which the Premier has just spoken about, and the response right across the state. We launched Ready for Tomorrow last Tuesday in Maryborough and in Ballarat. It is this government's plan to lock in a new era of opportunity, prosperity and growth for every single corner of the state. As the Warrnambool *Standard* headline put it the next day, the blueprint was 'On the right track'. It is absolutely right and it captures it very well: it is on the right track.

Government members are absolutely determined to continue the work we started from our very first day in government — that is, to build vibrant and thriving regional cities and towns, not treat them like the toenails of the state as some others did, but to support them very strongly. We take a different approach —

*Honourable members interjecting.*

**Ms ALLAN** — The complete lack of respect for regional Victoria from members opposite should be noted; it continues through to this very day where they continue to treat regional Victoria as the toenails of the state. We take a very different approach.

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn the members for Kew, Ferntree Gully and Hastings and suggest to members that jeering will not be allowed in this chamber.

**Ms ALLAN** — We take a very different approach on this side of the house. We respect the people of regional Victoria, and that is why we work with them to develop our blueprint. I am pleased to inform the member for Lara, and indeed the entire house, of the response, because it has been a very positive response. The president of the Municipal Association of Victoria, Cr Bill McArthur, said about the government's \$631 million plan:

The state government has heard the message that has been delivered ... There's a lot of positives in there ...

There certainly are a lot of positives in the plan.

One of the key positives, indeed the centrepiece, is the tertiary education opportunities package. We have developed this package in response to a message that we heard loud and clear through every one of the consultations we held during the development of the blueprint, which was that communities wanted to see greater access for young people to participate in tertiary education and they wanted to see more young people have the opportunity to stay and study in the regions. This approach has been supported by the University of Ballarat, and in particular by its vice-chancellor, David Battersby, who has worked long and hard in this area. It has been very pleasing to hear him say that the government had 'connected the dots' in determining what is important in regional Victoria to attract and retain students.

Another important part of our blueprint is our plan to create more jobs — to build on our job creation record of the last 10 years, where we have created an additional 120 000 new jobs in our region — and to bring more jobs and investment into our regional communities. This includes the government's commitment to show leadership by example by creating and supporting another 400 government jobs in regional Victoria.

We should not forget that we saw the immediate result of that just last Thursday with the announcement by the Premier of 600 new jobs going to Ballarat following the announcement by Vertex that it will be establishing its headquarters there. As a headline in the Ballarat *Courier* says 'Six-hundred new jobs come at a perfect time for Ballarat'. I think any time is a perfect time for 600 new jobs. It is certainly great news, not just for Ballarat but for Victoria as a whole. Six-hundred jobs is

a significant investment in Victoria, and it is great to support that for Ballarat.

Regarding our job creation efforts, the Victorian Employers Chamber of Commerce and Industry, as the Premier has indicated, has supported the government's blueprint, saying it 'ticks many of the boxes for regional Victorian businesses'.

I would like to turn briefly to infrastructure and the hugely popular and successful Regional Infrastructure Development Fund. We heard that people really strongly supported the RIDF, and we have responded with a \$260 million injection into RIDF, taking total investment under this fund to \$871 million — a significant investment. The mayor of Wodonga, Cr Mark Byatt, reflected the views of many of the regional councils when he said:

The government is listening to the needs of the regions and providing more flexible funding ...

In finishing, Ready for Tomorrow, the government's blueprint for \$631 million of support, is the outcome of hard work — the hard work that was done by the government in partnership with local communities, with extensive consultation and extensive discussion. We listened very, very closely to the priorities that were identified by regional communities.

This is a markedly different approach to the one others have taken. Just recently I heard someone on the radio say that the development of a regional policy 'does not require the sort of basic information and the analysis of that information which this issue does'. This is once again a further demonstration of the lack of respect, indeed contempt, that is shown for regional Victorians from someone who issues a three-page press release and thinks it is a substitute for detailed policy. This is the same person who supported a former Premier calling Victoria the toenails of the state.

**The SPEAKER** — Order! I ask the minister not to debate the question.

**Ms ALLAN** — The approach of the Brumby government is markedly different. We respect regional communities. It is why we worked in partnership to develop our \$630 million plan, and we very much look forward to working with those communities to implement this plan, the shared plan, to lock in a new era of growth and opportunity for regional Victoria.

### **Police: confidential information**

**Mr RYAN** (Leader of The Nationals) — My question is to the Premier. I refer the Premier to media

reports that suggest that information obtained from a police telephone tap was used by the government in regard to the enterprise bargaining agreement negotiations with the Police Association, and I ask: will the Premier categorically rule out that any information derived from secret phone taps was made available to or used by any member of the government?

**Mr Hulls** — On a point of order, Speaker, in relation to this matter, it goes back to a matter that was raised when Parliament last sat, when accusations were made allegedly based on police telephone intercepts. I think the last time we sat they were made against the member for Albert Park. Those accusations were completely false.

Anyone who has read any information or indeed seen any quotes in relation to those telephone intercepts would be quite clear that the premise of the question was absolutely false. What I am seeking, Speaker, is for you to ask the questioner on this occasion to reveal the evidence upon which he is basing this premise, because previously the premises have been false, they have been absolute lies and there is no reason to suggest that is not the case on this occasion.

**Mr RYAN** — On the point of order, Speaker, the Attorney-General protesteth too much. What I have done is ask a question. I have asked a question of the Premier about the media reports which suggested the link between these phone taps and as to whether the government had access to them. I have asked the question. It is a matter for the Premier as to whether he accepts or otherwise the proposal which has been put to him in the form of the question. I am simply asking the question. The Premier should respond to it.

**The SPEAKER** — Order! There is no point of order.

**Mr BRUMBY** (Premier) — In relation to the matter raised by the Leader of The Nationals, I reject the assertion and the imputation as they are not correct. The enterprise bargaining agreement was negotiated in the normal way.

### **Education: government initiatives**

**Mr HERBERT** (Eltham) — My question is to the Minister for Education. I refer to the Brumby Labor government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister outline to the house how the Brumby government is investing responsibly in our education system to achieve 21st century facilities, and is she aware of any challenges?

**Ms PIKE** (Minister for Education) — I thank the member for Eltham for his question. Education is the government's no. 1 priority. That is because we know that investing in our young people is an investment in their future and of course the future of our state.

We have delivered the \$1.9 billion Victorian schools plan that we committed to in 2006. That was a plan that over a period of time we would rebuild, renovate and modernise over 500 schools as the first tranche of rebuilding, renovating and modernising every single Victorian government school in this state. Over this last term right around the state, in country Victoria and in metropolitan areas, we have seen schools being rebuilt, students accessing great new facilities and of course jobs being created as that investment has been made. In fact we have not only delivered on our commitment but we have overdelivered — 553 schools have been funded.

That forward planning and that hard work positioned Victoria very well when additional funding became available from the commonwealth government through the Building the Education Revolution program. Putting those funds together has meant an absolute transformation of the physical fabric of our schools. It is only Labor governments working together that have shown this huge commitment.

*Honourable members interjecting.*

**Ms PIKE** — Those opposite call this a waste of money. I am not surprised, because their record is one of closing schools, of selling them off and using that as a way of saving money on the budget, and we can expect that to continue — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the minister not to debate the question.

**Ms PIKE** — We have been able to deliver this record funding in education because of our sound financial management year in and year out every year, putting the budget in a position where we can invest in those essential services, of which education is but one. The last thing this government would do is sign up to multibillion-dollar policies that would put revenue at risk without doing any homework, without doing any costings, without any policy documents and with no idea how those policy decisions would affect the budget. That is something this government would never do.

If you cannot commit to education as your no. 1 priority, then you cannot commit to giving young

people the very best chance in life. There are other approaches — you can go and fund the odd token school or you can play politics by identifying a few schools here and there on an individual basis — but only a government that has a plan, only a government that has an ongoing commitment and only a government that delivers strong economic growth and can balance the books can actually deliver real education reform.

We all know that past behaviour is an indicator of what future behaviour will be. If you have a record of shutting schools and if you have a record of sacking teachers, then when you have large unfunded and uncosted policies you are putting forward to the Victorian public we know that the first area that will be sacrificed will be education, followed very quickly by health, followed very quickly by police and other areas. We have the spectacle of those opposite promising a \$2 billion uncosted, unfunded policy direction — —

**The SPEAKER** — Order! I ask the minister to come back to answering the question and not to debate it.

**Ms PIKE** — As I said, this government has been able to deliver for schools right around this state through sound financial management and our absolute commitment to the priority of education. It is the way we have behaved in the past, it is the way we continue to behave, and it really shows foresight for the future. This commitment to education will continue to be the no.1 priority of this government.

**Former Chief Commissioner of Police:  
government support**

**Mr McINTOSH** (Kew) — My question is to the Premier. Will the Premier confirm that, whilst Chief Commissioner of Police, Christine Nixon had the full support of the Premier and the government?

*Honourable members interjecting.*

**Mr McINTOSH** — I will repeat the question. Will the Premier confirm — —

**The SPEAKER** — Order! The member for Kew does not need to repeat the question.

*Honourable members interjecting.*

**The SPEAKER** — Order! If members paid more attention to the person given the call, we would not find ourselves in a situation where we need to have questions repeated. I warn the Minister for Sport and Recreation.

**Mr McINTOSH** — My question is to the Premier. Will the Premier confirm that, whilst she was Chief Commissioner of Police, Christine Nixon had the full support of the Premier and the government?

**Mr BRUMBY** (Premier) — I am assuming the question was: during the period in which Christine Nixon was the Chief Commissioner of Police, did she enjoy my confidence as Premier. If that was the question, the answer is yes.

**Police: government policy**

**Ms BEATTIE** (Yuroke) — My question is for the Minister for Police and Emergency Services. I refer to the Brumby Labor government's commitment to make Victoria the best place to live, the best place to work and the best place to raise a family, and I ask: can the minister outline to the house the investment the Brumby Labor government is making in community safety, and has the government considered any alternative policies?

**Mr CAMERON** (Minister for Police and Emergency Services) — I thank the honourable member for her question — and her good grammar. This financial year Labor has a record investment in police, with a budget of \$2 billion — double what we had when we came into government. When we came into government we totally rejected the policy of slashing police numbers by 800.

Certainly when the end of this year comes what we will have seen during our time is an increase in police numbers of nearly 2000. We congratulate local police out there across this great state on the work they are doing to bring about safer local communities, with a 25 per cent reduction in crime; to tackle hotspots and areas that need tackling; and to do good work with their local communities. Of all the states, Victoria has the lowest rate of offenders when it comes to violent crime, but we know there is more to be done. That is why this government is investing even further, building on that number of 2000 with the increase we have announced for the next five years.

This has been made possible only because of the sound economic decisions of the Brumby Labor government. You have to have strong economic foundations so that you can deliver services. We have to consider all of the alternatives, and fundamental to that is making sure we have a sound financial plan. If you wanted to put a \$2 billion hole in that plan, you could just wipe out the \$2 billion police budget for the coming year; it would just be gone.

A consequence of that would be that someone would have to enforce the law and you would have to look at an approach like that we saw in *Police Academy 4 — Citizens on Patrol*. When you had a look at the film's characters Mahoney, Hightower and Tackleberry and the policy of Commandant Eric Lassard you would certainly have to say that we on this side totally reject that, because we are Labor, the party for police — and to Commandant Leader of the Opposition we say we will not have a bar of it.

**Former Chief Commissioner of Police: government support**

**Mr McINTOSH** (Kew) — My question is to the Minister for Police and Emergency Services. Will the minister confirm that, whilst Chief Commissioner of Police, Christine Nixon had the full support of the minister and his office?

**Mr CAMERON** (Minister for Police and Emergency Services) — In answer to the honourable member for Kew, I say that I totally agree with what the Premier set out in his answer to the preceding question from the opposition.

**Mr Burgess** interjected.

**Questions interrupted.**

**SUSPENSION OF MEMBER**

**Member for Hastings**

**The SPEAKER** — Order! Under standing order 124 I ask the member for Hastings to leave the chamber for 30 minutes.

**Honourable member for Hastings withdrew from chamber.**

**QUESTIONS WITHOUT NOTICE**

**Questions resumed.**

**Hospitals: infrastructure projects**

**Mr PANDAZOPOULOS** (Dandenong) — My question is to the Minister for Health. I refer to the Brumby Labor government's commitment to make Victoria the best place to live, work and raise a family and ask the minister to outline to the house the investment the Brumby Labor government is making in health capital and say whether he is aware of any challenges.

**Mr ANDREWS** (Minister for Health) — I thank the honourable member for Dandenong for his question and for his very strong interest in health service delivery in his local community.

I was very pleased earlier today to visit Monash Medical Centre in Clayton with the Premier to make an important announcement of \$13.9 million in additional funding to open 102 beds to treat something of the order of 1029 patients during this year's winter. That will benefit many patients. We know winter is a busy time right across our health services, and it is important that we give to our dedicated doctors and nurses the true and meaningful practical support that they need to treat those patients, who are often very frail Victorians or Victorians who need long-term care.

It was an important announcement not just in terms of those 102 additional beds but also, building on the budget's important boost less than a month ago, in terms of additional intensive-care beds. We will have seven additional intensive-care beds open before the end of next month, with the balance of those new beds to be open before the end of the year. It is about ongoing important investment in each part of our health system. That means we get better patient flow, and it is a better environment in which to get care. It is all about responding to the known pressure at the busiest time of the year.

However, it is not just about ongoing funding. There is also, as members know, \$2.3 billion worth of capital works in this year's budget and many very important projects: the comprehensive cancer centre, for instance, which is worth around \$1 billion, and the important Royal Children's Hospital, which is not funded this year but every time we go along Flemington Road we can see the fantastic progress that is being made on what will truly be one of the world's best paediatric health centres. Also in this year's budget there is \$473 million for the Bendigo hospital and \$407.5 million for the Box Hill Hospital. They are all big projects.

Those three projects — the Parkville comprehensive cancer centre, Box Hill and Bendigo — are worth the better part of \$2 billion. You can see what \$2 billion would get you, Speaker. It would get you one of the world's best comprehensive cancer centres, the biggest suburban health infrastructure project in our state's history and the biggest regional health infrastructure project in our state's history.

One of the reasons we are able to deliver those important projects and all the attendant benefit that comes from that for tens of thousands of Victorian

families is that we run a strong budget that is prudently and expeditiously managed so that we can invest the proceeds of economic growth in the services that matter for families right across the state. It is not a great leap of logic to work out that if one were to punch a \$2.3 billion hole in that budget in terms of revenue without finding at least equal savings — that is to say, cuts or offsets — one would not be able to invest in these sorts of infrastructure projects. That is in terms of capital. If we look at ongoing funding, \$2 billion represents about 80 per cent of our nursing payroll. Again, if you were to punch a \$2 billion hole in your revenue base, perhaps you would have some difficulty making that payroll. As good as our nurses are — and they are the world's best — they expect to be paid for the work they do.

It is very clear: you can have sound financial management and strong investment in the services that matter to families across our state or you can play cheap politics and have no budget credibility whatsoever. What that means is that in very real terms you put at risk all the services and improvements that have been achieved to this point and a strong agenda to build on those improvements going forward.

It is good policy that the community in our state wants, not cheap politics. Again, it is so obvious who might be espousing this particular agenda and who might live in his own little world where things do not need to balance, where things do not need to add up, taxes can come down, spending can go up, debt can come down — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the minister not to debate the question.

**Mr ANDREWS** — All these things may be able to be achieved in that parallel universe, but in the real world only through sound financial management can you deliver the services that are so important to Victorian families. This is Victoria; it is not Baillieu-land.

## RULINGS BY THE CHAIR

### Sub judice rule

**The SPEAKER** — Order! The Standing Orders Committee has been considering to what extent, if any, the sub judice convention should apply to matters before royal commissions. As a consequence of the Standing Orders Committee's considerations, I provide

the following ruling to update and clarify the situation with regard to royal commissions.

Consistent with the practice in many other jurisdictions, general discussion on matters before royal commissions will be allowed. However, where the proceedings are concerned with issues of fact or findings relating to the propriety of actions of specific persons the house needs to be conscious of the possibility of prejudicing, or appearing to prejudice, their interests.

## CIVIL PROCEDURE BILL

### *Introduction and first reading*

**Mr HULLS (Attorney-General) introduced a bill for an act to provide for the reform and modernisation of the laws, practice, procedure and processes for the resolution of civil disputes which may lead to civil proceedings and for the initiation and conduct of civil proceedings and appeals, to amend the Supreme Court Act 1986 the County Court Act 1958 and the Magistrates' Court Act 1989 and other acts and for other purposes.**

**Read first time.**

## JURIES AMENDMENT (REFORM) BILL

### *Introduction and first reading*

**Mr HULLS (Attorney-General) — I move:**

That I have leave to bring in a bill for an act to amend the Juries Act 2000 and for other purposes.

**Mr CLARK (Box Hill) — I ask the Attorney-General to provide a brief explanation of the bill.**

**Mr HULLS (Attorney-General) — This bill amends the Juries Act to increase community representation on juries in this state. It maintains the independence and impartiality of juries, and in addition it makes funding for juror remuneration and allowances more secure.**

**Motion agreed to.**

**Read first time.**

## ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL

### *Introduction and first reading*

**Mr BATCHELOR (Minister for Energy and Resources) — I move:**

That I have leave to bring in a bill for an act to amend the Electricity Industry Act 2000, the Electricity Safety Act 1998, the National Electricity (Victoria) Act 2005, the Energy Safe Victoria Act 2005, the Mineral Resources (Sustainable Development) Act 1990, the Petroleum Act 1998, the Gas Industry Act 2001, the Victorian Energy Efficiency Target Act 2007, to repeal the Mines Act 1958 and to amend other acts and for other purposes.

**Mr O'BRIEN (Malvern) — I ask the minister to provide a brief explanation of the content of the bill.**

**Mr BATCHELOR (Minister for Energy and Resources) — As you can see from the number of acts this bill is seeking to amend, Speaker, this is an omnibus bill which deals with both parts of my portfolio of energy and resources — just to elucidate the situation for the member for Malvern. The most important part of the changes that will take place will be the implementation of the legislative amendments that were foreshadowed by the government in response to the written submissions of counsel assisting the 2009 Victorian Bushfires Royal Commission with respect to the electricity sector.**

**Motion agreed to.**

**Read first time.**

## FIREARMS AND OTHER ACTS AMENDMENT BILL

### *Introduction and first reading*

**Mr CAMERON (Minister for Police and Emergency Services) — I move:**

That I have leave to bring in a bill for an act to amend the Firearms Act 1996, the Control of Weapons Act 1990, the Graffiti Prevention Act 2007, the Transport Act 1983 and the Liquor Control Reform Act 1998 and for other purposes.

**Mr McINTOSH (Kew) — I seek from the minister a brief explanation of this bill.**

**Mr CAMERON (Minister for Police and Emergency Services) — This is a bill that involves a range of measures across the pieces of legislation it amends. For example, the bill includes an amendment to the Liquor Control Reform Act to allow banning notices to enable people to be thrown out of**

entertainment precincts when they are behaving in a disorderly manner. You will remember, Speaker, that acting in a disorderly manner became a separate offence recently. There are also changes concerning consent notices: an occupier of a private dwelling will need to give only one consent for recurring graffiti events. There are some changes to the Firearms Act, including a new Victorian residency requirement for obtaining a firearms licence.

**Motion agreed to.**

**Read first time.**

## PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL

### *Introduction and first reading*

**Mr HELPER** (Minister for Agriculture) — I move:

That I have leave to bring in a bill for an act to amend the Catchment and Land Protection Act 1994, the Livestock Disease Control Act 1994, the Primary Industries Legislation Amendment Act 2009 and the Veterinary Practice Act 1997 and for other purposes.

**Mr DELAHUNTY** (Lowan) — I request that the minister give a brief explanation of this bill.

**Mr HELPER** (Minister for Agriculture) — The bill is to improve the administration and enforcement of the aforementioned acts and to improve biosecurity measures. Just to provide a little bit of detail, amongst its many measures the bill remove references to ‘a placental mammal’ from the provisions dealing with offences relating to swill feeding of pigs to improve enforcement of that offence.

**Motion agreed to.**

**Read first time.**

## PETITIONS

**Following petitions presented to house:**

### **Rail: Brighton level crossing**

To the Legislative Assembly of Victoria:

The petition of the residents of the city of Bayside draws to the attention of the house the urgent need to reopen the New Street/Beach Road railway gates for the benefit of Bayside and Melbourne motorists so that motorist inconvenience and traffic delays are eliminated and to avert the diversion of traffic into Hampton Street and the dangerous traffic build-up at other intersections along Beach Road where right-turning

vehicles forced to use alternate routes impede the city-bound traffic flow.

Prayer

The petitioners therefore call upon the Brumby government, Metro and the City of Bayside to instigate immediate action so that Bayside and Melbourne motorists are not endangered or inconvenienced any further by the closure of the New Street railway gates.

**By Ms ASHER (Brighton) (30 signatures).**

### **Gaming: licences**

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house that almost 100 small businesses and more than 500 jobs across Victoria are at risk because the continued operation of the current network of retail betting agencies is not a condition of the post-2012 wagering licence.

The petitioners therefore request that the Legislative Assembly of Victoria ensures the continued and viable operation of the current network of retail betting agencies is a condition of the post-2012 wagering licence to be awarded by the Victorian government, whoever it is awarded to.

**By Ms ASHER (Brighton) (3145 signatures) and  
Dr NAPHTINE (South-West Coast)  
(4445 signatures).**

### **Victoria Road, Doncaster: pedestrian crossing**

To the Legislative Assembly of Victoria:

The petition of the residents of the Domaine Retirement Village and environs draws to the attention of the house the dangerous situation they face each time they attempt to leave or enter the village, which is situated on busy Victoria Street.

The petitioners therefore request that the Legislative Assembly of Victoria direct VicRoads to install pedestrian-operated traffic signals outside the village on Victoria Street so that the residents can enter and leave the village in safety.

**By Ms WOOLDRIDGE (Doncaster)  
(179 signatures).**

### **Community sector: working conditions**

To the Legislative Assembly of Victoria:

The petition of these residents of the state of Victoria draws to the attention of the house the current and serious workforce crisis in the ‘not for profit’ community sector.

The community sector offers support to those most vulnerable in our community and provides services that are central in addressing disadvantage. The sector is an essential part of our community ‘safety net’, working to reduce the worst effects of poverty, social exclusion, violence and inequality. To ensure that our community is able to access adequate and appropriate services, the community sector must be able to recruit and retain a skilled, dedicated and stable workforce.

The sector is increasingly unable to do this as the wages and conditions of these workers fall further and further behind other sectors. For example, full-time qualified community workers earn on average \$15 000.00 less than the average wage in Australia.

The petitioners therefore request that the Legislative Assembly of Victoria immediately invest in the conditions of workers in this vital sector specifically so as to provide:

1. better wages as an immediate way to stem the flood of workers leaving for other sectors where they are paid significantly more for doing the same or similar work;
2. portability of long service leave across the sector to overcome the barriers workers face in achieving the required length of service with a single employer such as limited duration funding and lack of clear career paths;
3. paid parental leave across the sector to address the ongoing exodus of recent graduates who have identified the lack of paid maternity and co-parent leave as a significant factor in their decision to leave;
4. safe workplaces through fully funded best practice occupational health and safety standards so as to remedy the current major 'burn out' factors.

**By Mr TREZISE (Geelong) (2168 signatures).**

### **Community sector: wages**

To the Legislative Assembly of Victoria:

The petition of these residents of the state of Victoria draws to the attention of the house the current and serious workforce crisis in the 'not for profit' community sector.

The community sector offers support to those most vulnerable in our community and provides services that are central in addressing disadvantage. The sector is an essential part of our community 'safety net', working to reduce the worst effects of poverty, social exclusion, violence and inequality. To ensure that our community is able to access adequate and appropriate services, the community sector must be able to recruit and retain a skilled, dedicated and stable workforce. The sector is increasingly unable to do this as the wages and conditions of these workers fall further and further behind other sectors. For example, full-time qualified community workers earn on average \$15 000.00 less than the average wage in Australia.

In 2010 the Australian Services Union will be running an equal remuneration case in the Fair Work Australia Tribunal to increase the rates of pay for community sector workers to that of comparable workers. For too long the work in this sector has been undervalued and unrecognised — this cannot continue. Now is also the time for proper funding of the community sector.

Your petitioners therefore request that the Victorian government support the community sector by committing to properly funding the pay increase that will result from the ASU's equal remuneration case.

**By Mr TREZISE (Geelong) (584 signatures).**

### **Electricity: smart meters**

To the Legislative Assembly of Victoria:

The petition of citizens of the state of Victoria draws to the Legislative Assembly's attention the Brumby government's mismanagement of smart meters, in particular:

the Auditor-General's finding that the project cost has blown out from \$800 million to \$2.25 billion, all of which will be paid for in higher bills;

the Auditor-General's finding that the electricity industry may benefit from smart meters at the expense of the consumers who pay for them;

the unfairness of many consumers and small businesses having to pay for smart meters before they are installed; and

findings by Melbourne University that many families will have to pay around \$300 per annum in higher electricity bills as a result of Labor's smart meters.

The petitioners therefore request that the Legislative Assembly require the Brumby Labor government to immediately freeze the rollout of smart meters across Victoria until it can be independently demonstrated that consumers will not be forced to pay for the Brumby government mistakes in the smart meter project.

**By Mr CRISP (Mildura) (8 signatures),  
Mr NORTHE (Morwell) (100 signatures) and  
Mr WALSH (Swan Hill) (365 signatures).**

### **Liquor licensing: fees**

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the need to urgently reconsider the massive increases in liquor licence fees in view of the severe financial pressure these are having on country liquor outlets.

Such huge blanket increases in licence fees are impacting on employment, community organisations and sponsorships, and even business survival in a number of cases.

Risk-based fees should actually address the problems which have arisen in 'hot spot' areas, distinguish activities increasing risk of antisocial behaviour, and thus be imposed selectively, to address those issues.

The petitioners therefore request that the Victorian government recognises the damage such across-the-board increases are causing, particularly in many country communities and review the legislation as a matter of urgency.

**By Mr WALSH (Swan Hill) (19 signatures).**

### **Insurance: fire services levy**

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the inequitable nature of the current fire services

levy (FSL) on house, property and business insurance and points out to the house that everyone who benefits from fire services should contribute to its funding not just those who take out insurance whose premiums are effectively doubled by the FSL and associated taxes.

The petitioners therefore request that the Legislative Assembly of Victoria investigate and implement a fairer model of funding fire services as is the case in other states of Australia.

**By Mr WALSH (Swan Hill) (19 signatures).**

**Tabled.**

**Ordered that petitions presented by honourable member for Brighton be considered next day on motion of Ms ASHER (Brighton).**

**Ordered that petition presented by honourable member for South-West Coast be considered next day on motion of Dr NAPHTHINE (South-West Coast).**

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

**Ordered that petition presented by honourable member for Mildura be considered next day on motion of Mr CRISP (Mildura).**

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

## SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

### *Alert Digest No. 9*

**Mr CARLI (Brunswick) presented *Alert Digest No. 9* of 2010 on:**

**Control of Weapons Amendment Bill**  
**Courts Legislation Miscellaneous Amendments Bill**  
**Electoral Amendment (Electoral Participation) Bill**  
**Personal Safety Intervention Orders Bill**  
**Pharmacy Regulation Bill**  
**Supported Residential Services (Private Proprietors) Bill**  
**Working with Children Amendment Bill**

together with appendices.

**Tabled.**

**Ordered to be printed.**

## DOCUMENTS

**Tabled by Clerk:**

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

Baw Baw — C75

Greater Geelong — C226

Melbourne — C122

Murrindindi — C23

Surf Coast — C37

Statutory Rules under the following Acts:

*Conservation, Forests and Lands Act 1987* — SR 37

*Subordinate Legislation Act 1994* — SR 38

*Subordinate Legislation Act 1994* — Ministers' exception certificates in relation to Statutory Rules 37, 38

*Water Act 1989:*

Campaspe Deep Lead Water Supply Protection Area Abolition Order 2010

Lower Campaspe Valley Water Supply Protection Area Declaration Order 2010.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Livestock Disease Control Act 1994* — Section 92(2) — 1 July 2010 (*Gazette G24, 17 June 2010*)

*Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Act 2010* — Part 1 and ss 3, 4 and 5 — 8 June 2010 (*Gazette S212, 8 June 2010*)

*State Taxation Acts Further Amendment Act 2008* — Section 11(3) and Division 3 of Part 4 — 1 July 2010 (*Gazette G24, 17 June 2010*)

*Transport Legislation Amendment (Compliance, Enforcement and Regulation) Act 2010* — Sections 39, 72, 73 and 74 — 11 June 2010; ss 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13, Division 2 of Part 2, the remaining provisions of Division 1 of Part 3 and ss 75, 76 and 80 — 30 June 2010; Remaining provisions of Part 4 — 1 July 2010; Division 3 of Part 5 and Part 7 — 31 December 2010 (*Gazette G23, 10 June 2010*).

## ROYAL ASSENT

**Message read advising royal assent on 15 June to:**

**Building Amendment Bill**  
**Courts Legislation Miscellaneous Amendments Bill**

**Parks and Crown Land Legislation (Mount Buffalo) Bill  
State Taxation Acts Amendment Bill.**

**APPROPRIATION MESSAGES**

**Messages read recommending appropriations for:**

**Personal Safety Intervention Orders Bill  
Supported Residential Services (Private Proprietors) Bill.**

**ROAD SAFETY COMMITTEE**

**Reporting date**

**Mr BATCHELOR** (Minister for Energy and Resources) — By leave, I move:

That the resolution of the house of 24 November 2009 providing that the Road Safety Committee be required to present its report on the inquiry into federal-state road funding arrangements to the Parliament no later than 1 July 2010 be amended so far as to require the report to be presented to the Parliament no later than 1 September 2010.

**Motion agreed to.**

**MACEDONIAN ORTHODOX CHURCH (VICTORIA) PROPERTY TRUST BILL**

*Withdrawn*

**Mr BATCHELOR** (Minister for Energy and Resources) — By leave, I move:

That the following order of the day, government business, be read and discharged:

Macedonian Orthodox Church (Victoria) Property Trust Bill 2009 — Second reading — Resumption of debate.

and that the bill be withdrawn.

By way of the very briefest of explanations, this is a bill that has been prepared following initial representations by the Macedonian Orthodox Church. Members would be aware that it has been on the notice paper for some time and has not progressed. During that interregnum there has been some further discussion with the Macedonian Orthodox Church and the church has been provided with legal advice. I can advise the house that at the end of May the Attorney-General received a letter from Bishop Peter Karevski, the administrator of the Macedonian Orthodox Church for the Diocese of Australia and New Zealand, specifically asking for this bill to be withdrawn.

In his letter Bishop Peter commences by blessing the Attorney-General. He sets out the background to the issues behind the church's initial request and its change of heart along the way, going on to ask for the bill's withdrawal. In his letter he says:

I therefore respectfully request on behalf of the diocese that the bill be withdrawn, and as I do so I extend the gratitude to you of the church and our Macedonian community for the many assistances and support provided during this endeavour. Any inconvenience that may have been experienced because of this request is most sincerely and deeply regretted, and the support that you and your government have provided to the diocese and the Macedonian community is truly appreciated.

With those words, I commend the motion to the house.

**Motion agreed to.**

**BUSINESS OF THE HOUSE**

**Program**

**Mr BATCHELOR** (Minister for Energy and Resources) — I move:

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 24 June 2010:

- Control of Weapons Amendment Bill
- Domestic Animals Amendment (Dangerous Dogs) Bill
- Electoral Amendment (Electoral Participation) Bill.
- Gambling Regulation Amendment (Licensing) Bill
- Public Finance and Accountability Bill
- Supported Residential Services (Private Proprietors) Bill
- Water Amendment (Victorian Environmental Water Holder) Bill
- Working with Children Amendment Bill

In moving this government business program in the Legislative Assembly today I indicate the government's intention to have these eight pieces of legislation dealt with by 4.00 p.m. on Thursday. There are a number of significant bills on the program, and we will be seeking to maximise the time available to the Assembly to debate them. Accordingly, item 6 on the notice paper deals with a series of suggested amendments to the Severe Substance Dependence Treatment Bill 2009, which have come from the Legislative Council. My proposal is to deal with those after 4.00 p.m. on Thursday.

Secondly, we would be considering doing the second readings for the bulk of the bills that were introduced today after 4.00 p.m. on Thursday. I make those additional comments. When I say the bulk of the bills, I anticipate that it will be most of them, but at this stage we are unclear if that will be the case.

What I am trying to do is to maximise the time available for the second-reading debate on these eight pieces of legislation on the government business program. The amendments and matters from the upper house, which is order of the day 6 — the Severe Substance Dependence Treatment Bill — and the second readings are scheduled to be done after 4.00 p.m. on Thursday. I am told there are about 2 hours of second-reading speeches, and I provide that information to assist members in organising their evening on Thursday.

**Mr McINTOSH (Kew)** — The opposition is profoundly concerned that we have eight bills before us this week. In a normal sitting week there are 14 or 15 hours of debating time. With eight bills 6½ hours or 7 hours will be taken up just by the contributions from lead speakers on the bills. I also note the government wants our assistance to adjourn debate on bills. This is not something the opposition has facilitated, knowing this is probably the only principal forum we will have to discuss matters in a public way or to raise our concerns or ask questions of ministers, because we rarely get an opportunity of going into committee on these sorts of bills.

Given that a lead speaker speaks for 30 minutes, debate on eight bills means there could be as much as 6½ or 7 hours of contributions from lead speakers. I note that does not apply to the Public Finance and Accountability Bill, which is a significant bill. A number of matters have been raised in relation to that bill, and the member for Box Hill has moved a reasoned amendment to it. He will be saying something about that, but there has been little or no negotiation on those matters and we are surprised it is back on the government business program this week.

It is a demonstration of the fact that the government cannot manage its legislative program. We understand that a lot of time was provided for members to make their contributions on the budget over the last three sitting weeks, but that is a predictable outcome given our standing orders provide for up to a 15-minute contribution to debate on the budget for each member, and everybody wishes to make a contribution on the way the bill may impact on anything from their constituencies right through to their portfolio responsibilities in many cases.

Again, it demonstrates that as we come to the end of a notional sitting of the Parliament the government jams in all of this legislation and then expects us to make a significant contribution to debate on a number of bills. In reality it means that many members will not be able to make their contributions to discussions of these pieces of legislation because of the way the government mismanages its responsibility to ensure there is adequate time for proper debate.

I am pleased the Leader of the House has indicated that the bulk of the second-reading speeches will occur after 4.00 p.m. on Thursday. It is a matter of some significance that over the last few weeks second-reading speeches have been conducted during the normal sitting period. I appreciate that we sat late on two nights in the last sitting week to facilitate members making their contributions to the budget debate, but again it is a demonstration that the government should be managing its legislative program to facilitate members making their contributions. Because of the sheer weight of numbers that will not be possible with eight bills this week. Accordingly, the opposition is forced to oppose the government business program.

**Mr LUPTON (Pahran)** — I rise to support the government business program and to add a few short comments in relation to it. The Leader of the House has set out a number of important matters which are going to be dealt with after 4.00 p.m. on Thursday so they do not impact on the speaking time on bills being debated this week. I commend the way those matters are going to be dealt with. It is also important to recognise that this week, as opposed to the previous few sitting weeks, we will no longer be debating the terrific 2010 Brumby government budget, which has now been passed by this chamber. That frees up a significant amount of speaking time for members to deal with the bills on the government business program this week.

The Public Finance and Accountability Bill has been subject to some debate previously in this chamber, and regardless of the comments made by the member for Kew, I understand it has been the subject of considerable and lengthy discussion between the parties. However, that has been to no avail at this time, and that bill is being brought back on so it can be dealt with further. Putting aside that bill, which has already been the subject of some debate, we have seven bills to deal with before 4.00 p.m. on Thursday, and I believe that is an appropriate amount of debating time for this week.

**Mr DELAHUNTY (Lowan)** — I rise to speak on behalf of the Lowan electorate, but in relation to this matter I speak on behalf of The Nationals. Its members

punch above their weight in relation to contributions to bills, and earlier this week I asked members what bills they would like to speak on — because as we know we have been given notice by the Leader of the House that eight bills will be debated this week as well as the amendments from the Legislative Council to the Severe Substance Dependence Treatment Bill, which will be debated after 4.00 p.m. on Thursday. Like the member for Kew, we had discussions about these matters.

I cannot support the government business program. There are eight bills to be debated, and they are all important bills. It highlights again how this Labor government cannot manage. We know it cannot manage money, we know it cannot manage projects, and we have evidence it cannot manage its business program. The Leader of the House said there are eight bills to be debated this week, and he has given us an indication there are some second readings, which could take 2 hours after 4.00 p.m. on Thursday. That will be of great benefit —

**Ms Beattie** interjected.

**Mr DELAHUNTY** — No. That will be of great benefit, because it will allow more debating time.

I have done the figures, and I find that today we will have about 5 hours of debating time. On Wednesday we will have about 4.5 hours of debating time and on Thursday it will be about 3.5 hours, which gives a total of 13 hours or 780 minutes. The speeches by lead speakers will take 50 minutes, which will take up 400 minutes, leaving 380 minutes or the equivalent of 38 members having an opportunity to speak for 10 minutes on each of the eight bills. When you divide it up it means we will see another two or three members from this side of the house being given an opportunity to speak on the bills. Members make the effort to come to this place; they travel long distances. The member for Mildura travels all the way down from Mildura —

**Mr Batchelor** — He comes all the way from New South Wales.

**Mr DELAHUNTY** — He lives in Victoria and travels down from Mildura. I know the member for Benambra travels a long distance down here, as does the member for South-West Coast. The member for Gippsland East is not here at the moment, but he travels from the furthest point in the east of the state. Many members make a big effort to come down here because they want to speak on these bills on behalf of their electorates. These members live in their electorates,

which is much more than I could say for some of the —

**Mr Batchelor** — Peter Crisp doesn't!

**Mr DELAHUNTY** — Yes, he does; I can assure you he does. The member for Mildura has spent money in Victoria building a brand-new house, and I am sure every member would love to go up and have a look at it.

Like the member for Kew, I say it is very disappointing that we will not have an opportunity to debate these bills fully. The Leader of the House said he wants to maximise the opportunity for debate. I think it is good that we will have the second readings after 4.00 p.m. on Thursday, as well as discussions on the amendments to bills from the Legislative Council, but the reality is we have to debate eight bills. Five can be debated today, two can be debated tomorrow and one can be debated on Thursday, and even that is going to be tricky to work through. With a 4.00 p.m. guillotine only four or maybe five members from this side of the house will be allowed to speak on each of the bills. I do not think that is sufficient time.

I condemn the Brumby government for its mismanagement of the government business program. This highlights that it cannot manage programs, it cannot manage money and it has not been able to manage the government business program. For those reasons, I support the member for Kew and oppose the government business program for this week.

**Ms CAMPBELL** (Pascoe Vale) — I rise to support the government business program. I also rise to support the member for Mildura, who travels such long distances from interstate to come here. I enjoy his appearances in this house, as well as his participation in our parliamentary committee. I am glad he is building a house in Victoria; it is really good. I wonder if he got a first home buyers grant, because he probably would not ever have had one before!

Back to the government business program, this is a great business program, and in the interests of ensuring that there are at least 4 minutes more than the previous speaker calculated, I will merely say this is a program that should be supported, as should bringing the member for Mildura back to Victoria — if he ever lived here before!

**Mr CLARK** (Box Hill) — I wish to speak in particular about the proposed inclusion of the Public Finance and Accountability Bill in the government business program. In the opposition's view the bill should not be on the program. The bill has been put on

the government business program twice previously, and it has twice been removed from the program. It was partially debated in this house twice in February, and since then it has sat on the notice paper.

When the bill was first brought on for debate I moved a reasoned amendment on behalf of the opposition parties. Without canvassing the issues, the opposition parties are strongly opposed to measures in the bill, including the power it will potentially give the government over public bodies, including independent bodies, and the basing of budgets and accountability on open-ended outcome measures. We have concerns about a range of aspects in the bill, including basing the accountability framework on unpublished directions from the Minister for Finance, WorkCover and the Transport Accident Commission, the continuing of powers currently present in the Monetary Units Act, the fact that the bill does nothing to address the dropping and manipulation of performance measures —

**The SPEAKER** — Order! I ask the member for Box Hill to come back to the government business program and not to debate details of a bill on the program.

**Mr CLARK** — In short there are a range of aspects in the bill which cause us concern, and these were set out in my reasoned amendment, which sought the withdrawal and redrafting of the bill to address those issues. Since that bill was last before the house there have been some discussions between the parties, but from our point of view the changes raised by the government are nowhere near adequate. Far more extensive changes are needed. Again, without canvassing the issues, those changes would address the various concerns I previously raised.

In those circumstances it makes no sense to bring the bill on for debate this week, unless the government is prepared to either accept the reasoned amendment or to devote extensive time to consideration of the bill in detail. The government has given no indication that it intends to do either. Neither course of action would require the bill to be put on the government business program and put to the guillotine on Thursday. Instead it seems that the government wants to push the bill through the Assembly and have it further considered in the Council. That may give the government some show that it is making progress on the bill, but in fact it would not be progress because it would not go to resolving the fundamental differences between the parties over the bill. To adopt that course is to further diminish the status of —

**The SPEAKER** — Order! I ask the member for Box Hill to come back to the government business program and not to debate the particular issue of one bill.

**Mr CLARK** — Speaker, my argument is that the government business program should not be supported so long as it contains the Public Finance and Accountability Bill. We already have a very heavy business program this week. It is counterproductive to include that bill on the program. Financial management is an important subject, and there has been a lot of dedicated work put into the bill by public servants and external parties. There are some worthwhile measures in it, but putting it on the business program this week is not going to resolve matters. We are more than willing as a coalition to seek to achieve a financial management bill in a form that all members support and one that can make worthwhile reforms. However, we are not prepared to support a bill that would take accountability and the rule of law backwards rather than forwards. For that reason, we are opposed to a government business program that includes this bill.

#### House divided on motion:

#### *Ayes, 51*

Allan, Ms	Kairouz, Ms
Andrews, Mr	Langdon, Mr
Barker, Ms	Languiller, Mr
Batchelor, Mr	Lim, Mr
Beattie, Ms	Lobato, Ms
Brooks, Mr	Lupton, Mr
Brumby, Mr	Maddigan, Mrs
Cameron, Mr	Marshall, Ms
Campbell, Ms	Merlino, Mr
Carli, Mr	Morand, Ms
Crutchfield, Mr	Munt, Ms
Donnellan, Mr	Nardella, Mr
Duncan, Ms	Neville, Ms
Eren, Mr	Noonan, Mr
Foley, Mr	Pallas, Mr
Graley, Ms	Pandazopoulos, Mr
Green, Ms	Perera, Mr
Hardman, Mr	Pike, Ms
Harkness, Dr	Richardson, Ms
Helper, Mr	Robinson, Mr
Hennessy, Ms	Scott, Mr
Herbert, Mr	Seitz, Mr
Holding, Mr	Stensholt, Mr
Howard, Mr	Trezise, Mr
Hudson, Mr	Wynne, Mr
Hulls, Mr	

#### *Noes, 31*

Asher, Ms	Napthine, Dr
Baillieu, Mr	Northe, Mr
Blackwood, Mr	O'Brien, Mr
Burgess, Mr	Powell, Mrs
Clark, Mr	Ryan, Mr
Crisp, Mr	Smith, Mr R.
Delahunty, Mr	Sykes, Dr

Dixon, Mr  
Fyffe, Mrs  
Hodgett, Mr  
Ingram, Mr  
Jasper, Mr  
Kotsiras, Mr  
McIntosh, Mr  
Morris, Mr  
Mulder, Mr

Thompson, Mr  
Tilley, Mr  
Victoria, Mrs  
Wakeling, Mr  
Walsh, Mr  
Weller, Mr  
Wells, Mr  
Wooldridge, Ms

**Motion agreed to.**

## MEMBERS STATEMENTS

### Arts: Emerge Festival

**Mr BATCHELOR** (Minister for the Arts) — Last weekend I had much pleasure in joining Melbourne's multicultural community to officially open Multicultural Arts Victoria's seventh annual Emerge Festival. The festival opening commemorated the United Nations World Refugee Day and celebrated Refugee Week, which runs until this Saturday.

The message from the audience and participants is that refugees are welcome in Victoria, a sentiment with which I wholeheartedly agree. Victoria's cultural make-up is rich and constantly changing. The arrival of new generations of migrants and refugees adds new and wonderful layers to our culture. The Emerge Festival reflects this and celebrates it with gusto. It brings our refugee and emerging cultures into the limelight, recognising the contribution they are making to Victoria's cultural life and giving us all the opportunity to experience something new.

Over the next six weeks the festival will celebrate many more communities through music, dance, exhibitions, workshops, information sessions and documentary screenings. These will include the Burundian Drum Festival; the launch of the documentary *Step by Step* and the Don't Be Left Out in the CALD workshop series running every Saturday throughout July.

Whether it is making music, singing, dancing or experiencing a cultural ceremony, there is much to do for the whole family. I encourage everyone's participation.

### Gaming: licences

**Dr NAPTHINE** (South-West Coast) — Today the member for Brighton and I have tabled petitions signed by 7590 Victorians, calling on the Brumby government to listen to the concerns of almost 100 local retail betting agencies, their 500 staff and their many thousands of happy customers who are worried about

their future under the post-2012 Victorian wagering licence.

The Brumby government is currently running a process to select the post-2012 wagering licence-holder. Under the existing licence held by Tabcorp, local TAB agents play a vital role in providing wagering services to customers. These agencies are also great local businesses and local employers. They help to make betting more accessible and user friendly to the community, especially to those who do not want to go into a hotel to have a bet or do not want to bet over the telephone or the internet. These agencies are providing a service to the community and to Victorian racing.

What we need is action from the Brumby Labor government to ensure that the network of locally based agencies is part of the post-2012 wagering licence in Victoria.

### Parkinson's disease: south-western Victoria

**Dr NAPTHINE** — On another matter, I call on the Brumby Labor government to fund a full-time consulting Parkinson's disease nurse for south-western Victoria. There are about 150 people in Warrnambool and district with Parkinson's disease, and unfortunately this number is increasing each year.

People with the disease require special advice, care, support, help and medication. A locally based nurse would work with local hospitals, doctors and health services to provide an integrated care service for people with Parkinson's disease and their carers.

Evidence from overseas shows that having a locally based Parkinson's disease nurse improves sufferers' quality of life and reduces the number of hospital admissions.

### City of Wyndham: infrastructure projects

**Mr PALLAS** (Minister for Roads and Ports) — The Brumby Labor government is continuing to support growth in the west through two essential infrastructure projects: connecting the Federation Trail to the city and the extension of the Palmers Road overpass. New amendments to the Victorian planning provisions will improve the safety and ease of travel for Wyndham cyclists, connecting Wyndham to the city through improvements to the Federation Trail.

The Brumby Labor government is building a better transport system. We understand how important cycling is as a viable, sustainable and accessible travel option as well as ensuring connectivity of cycling facilities with public transport.

Wyndham's population is growing and the Brumby Labor government is committed to providing more sustainable transport options that improve the lifestyles of Wyndham families. By making these amendments we are supporting the development of vibrant and healthy communities.

Wyndham residents will also receive relief with a direct road link to the new Williams Landing railway station, thanks to \$24 million from the Brumby Labor government to extend the Palmers Road overpass beyond the Princes Freeway and across the Werribee rail line. The Palmers Road overpass will be developed as a continuous north-south route for more than 6 kilometres from Dunnings Road in Point Cook and through the new Williams Landing estate to Sayers Road at Laverton North.

The Brumby Labor government will continue to support growth in the west through funding essential infrastructure and ensuring that funding reflects the need for sustainable transport options.

### **Shire of Strathbogie: infrastructure maintenance**

**Dr SYKES** (Benalla) — Strathbogie Shire Council is on its knees. It has a massive \$60 million infrastructure maintenance funding gap on which it is falling behind at the rate of \$3 million per year.

Pleas for assistance to the Brumby state Labor government and the Rudd federal Labor government have fallen on deaf ears. Not only have the Brumby and Rudd governments failed to provide adequate funding assistance to Strathbogie, they have continued to shift costs to Strathbogie and other local councils.

As a consequence of this financially disastrous situation Strathbogie Shire Council last week closed Kirwans Bridge, leaving local residents feeling isolated as their access to nearby Nagambie is now via a longer, less safe route. More bridge and road closures are likely.

The council has also announced a massive rate increase of 15 per cent for each of the next three years and the phasing out of the rural land rebate. In addition, the council is considering closing swimming pools and libraries and stopping services such as Meals on Wheels.

This disastrous situation has not just happened. It has been going on for years. The Strathbogie Shire Council has raised it repeatedly with the federal and state governments, and I have raised it repeatedly with the Brumby government — the Premier, the Treasurer and various ministers — and on each and every occasion I

have been told it is not the Brumby government's problem.

I challenge the Brumby government to live up to its claim that it governs for all Victorians, and I call upon it to immediately stop cost shifting to the Strathbogie Shire Council and other small rural councils and to provide adequate funding to meet infrastructure maintenance needs and service delivery requirements.

### **Ukrainian Youth Association of Australia: 60th anniversary**

**Mrs MADDIGAN** (Essendon) — Over the long weekend I had the pleasure of attending some functions organised by the Ukrainian community to celebrate 60 years of the Ukrainian Youth Association of Australia. I would like to congratulate all those people involved with the organisation over the weekend. They had gone to a great deal of effort and I think were very successful in promoting Ukrainian culture. On the Saturday a specific concert was held showing Ukrainian dance, which some members here may have seen previously, and on the Sunday they had a church service, a lunch and some other functions for the people involved. It was an Australia-wide event and so had a broad range of people representing various areas of Ukraine as well as of Australia.

The Ukrainian community in Victoria has been very successful in maintaining its culture while at the same time assimilating into the broader Australian community. The people of Ukraine have had difficulties in their history, relating to genocide, occupation and more recently the Orange Revolution and its aftermath. I think Australians of Ukrainian background have worked very hard to try to retain their culture. I know they are concerned at the moment about the decline of the Ukrainian language being taught in Australia. I congratulate all the people involved; it was a great weekend.

### **Regional and rural Victoria: employment**

**Mr WELLS** (Scoresby) — This statement condemns the Brumby Labor government for its cynical regional blueprint announcement last week on the very day that new unemployment data was released showing significant increases in rural and regional unemployment across Victoria. Despite a current average unemployment rate of 5.4 per cent across the state, commonwealth government small area labour market data for the March quarter showed concerning rates of unemployment in many regional areas, including up to 9.1 per cent in the city of Greater

Bendigo and 9.6 per cent in the city of Greater Geelong.

State Labor's so-called regional blueprint is nothing more than cynical pre-election spin and a smokescreen to hide its appalling neglect of families in regional Victoria. In stark contrast, the Victorian coalition's commitment of \$1 billion to regional infrastructure projects, announced last month, will provide infrastructure, facilities and services, strengthen the economic base of our communities, create jobs and improve career opportunities for regional Victorians. Labor's neglect does not just stop at the door of regional Victoria. The worst rate of unemployment reported in the state was actually in the Premier's own electorate of Broadmeadows, at 14.9 per cent. The Brumby government has had 11 years to promote and grow employment opportunities across Victoria, yet these latest unemployment figures reveal that it has failed terribly. Regions heavily reliant upon the manufacturing sector have been particularly neglected by the Brumby government.

#### **Yuroke electorate: Pierre de Coubertin sport awards**

**Ms BEATTIE** (Yuroke) — Today I rise to recognise the efforts of two terrific young individuals: Renae Farrugia, of Craigieburn Secondary College; and Stephen Stavrou, of Gladstone Park Secondary College. On 6 June Renae and Stephen attended an awards ceremony at Melbourne University to receive a Pierre de Coubertin award for sporting achievement and excellence. As members of the house know, the Pierre de Coubertin awards are an initiative of the Victorian Olympic Council and the Department of Education and Early Childhood Development and are named after the founder of the modern Olympic Games, Baron Pierre de Coubertin.

This year 140 students from years 10, 11 and 12 across Victoria received Pierre de Coubertin awards. These awards recognise students who demonstrate values of pride, sportsmanship, respect, individual responsibility and expression whilst participating in sport. I am told by the Parliamentary Secretary for Education, the member for Eltham, who attended the awards ceremony, that the day was extremely successful. Both Renae and Stephen should be extremely proud of their efforts. I am sure we will be hearing much more about these two fine individuals in years to come. They are two examples of the fantastic young people I have in my electorate of Yuroke.

#### **Mornington Peninsula: public land management**

**Mr MORRIS** (Mornington) — A disturbing trend has developed in recent years as first the Bracks government and more recently the Brumby government have sought subsidies for the costs of national parks, state parks and other nature reserves. That trend is complete and utter abrogation of the duty the government has of proper stewardship of public land to protect and enhance that land and the flora and fauna it contains for the benefit of future generations of Victorians. It seems the government is not content merely to keep expanding the urban growth boundaries and to consume ever greater quantities of prime agricultural land in the south-east; it is also determined to surrender even public land to 'highest and best use'.

Nowhere is this more evident than on the Mornington Peninsula, an area already under stress from the pressures of the adjacent urban growth precincts. It has become clear that the government intends to manage the Point Nepean National Park not for all Victorians but for the relatively few who can afford to pay for the privilege. The government has been working not on a management plan but on a plan to develop this public asset into an exclusive and restricted enclave. Over at Devilbend Reserve — or what remains of it after the Bracks government sold off 42 hectares — the future of the natural features reserve is also in limbo. Little or nothing has been done except for the development of a seemingly secret management plan, only released by the government after the Devilbend Foundation lodged a complaint with the Ombudsman. It is time the government started managing public lands in the interests of all Victorians.

#### **Eltham electorate: Pierre de Coubertin sport awards**

**Mr HERBERT** (Eltham) — I rise to congratulate three students from the Eltham electorate on receiving the highly prestigious Victorian Olympic Council's Pierre de Coubertin award. These awards were established to promote the ideals of Olympic sportsmanship by encouraging young people to strive to achieve excellence in all sporting endeavours. I was an official attendee at the award ceremony on 6 June, which saw 96 young people and their families brave a cold Melbourne winter's morning to participate in this significant event. I was absolutely delighted to be present to acknowledge the efforts of local award recipients: Katelyn Duckworth, of Catholic Ladies College, for basketball, indoor cricket and badminton; Brendan Canty, of Eltham College of Education, for athletics, triathlon and cross country running; and

Brianne Geary, of St Helena Secondary College, for netball, athletics and swimming.

The Pierre de Coubertin awards, named after the founder of the modern day Olympics, are a joint initiative of the Victorian Olympic Council and the Department of Education and Early Childhood Development. The awards take place on an annual basis and seek to recognise senior secondary students who demonstrate attributes consistent with the ideals of Olympic sport — attributes such as positivity, discipline and fairness, through participation and commendable behaviour in sporting activities. I am delighted to recognise the efforts of these terrific local students and their contribution to sportsmanship, and the promotion of health and fitness in young people throughout the Eltham electorate.

### **Australian Ballet: *Coppélia***

**Mrs VICTORIA** (Bayswater) — I was once again blown away by the superb efforts of the Australian Ballet at a recent performance of *Coppélia*. The company is a treasure for all Australians to enjoy, particularly those of us who are lucky enough to live in its home state of Victoria. The dedication shown by the cast is outstanding. Every night they take to the stage ready to expose a new audience to the wonderful world of dance. As with all live theatre, where performers bare their souls so the audience may have some insight into a character, the ballet is a truly magical experience. We are privileged to have such a vibrant arts industry in this state, and I am proud to be in the party that sees the value of this industry — a party that values learning and development in the arts as highly as performance.

### **Circus Oz: *See It to Believe It***

**Mrs VICTORIA** — Last week I was fortunate to enjoy a performance of *See It to Believe It* by Circus Oz. Everyone I spoke to after the show agreed this was a highly entertaining and captivating display of circus art.

Once again this performance was a showcase of the outstanding talents of gifted and highly trained artists, many of whom developed their craft at the National Institute of Circus Arts. Were it not for a centre for excellence like NICA, those artists may not have had the chance to study in Victoria and work for Circus Oz.

I look forward to the day when a Baillieu coalition government secures the future of another centre for artistic excellence, the Victorian College of the Arts. One only needs to attend a live performance of any type to appreciate the importance of quality arts training and

realise that Labor's inaction, indifference and incompetence when it comes to the arts are a genuine threat to the industry and our economy.

### **Bayswater West Primary School: trivia night**

**Mrs VICTORIA** — Congratulations to Donna and Donna and all involved with the fabulous trivia night put on by Bayswater West Primary School last Friday. They put the fun in fundraising.

### **Rod Holland**

**Ms GREEN** (Yan Yean) — Today I rise to pay tribute to one of the great Country Fire Authority volunteers in my electorate, Rod Holland, who was one of five CFA volunteers recognised in the Queen's Birthday honours. They were acknowledged for their dedication by receiving this prestigious award. Australian Fire Service Medals are awarded each year to recognise the paid and volunteer members of Australia's fire services, and recipients are announced on the Queen's Birthday holiday and Australia Day.

Described as a quiet achiever, Rod Holland has been a dedicated member of CFA for all of my life. Having served in the same brigade as Rod, I find it amazing that he began his CFA career in 1963. He has served as captain of the Diamond Creek brigade and group officer for the Whittlesea-Diamond Valley group, as well as deputy chair of the region 14 regional planning committee. I was privileged to have Rod here in the gallery on the very sombre occasion of the condolence motion following Black Saturday. I wanted to have him here in recognition of his amazing work and leadership on that day. Congratulations, Rod.

### **Epping Views Primary School: Keep Australia Beautiful award**

**Ms GREEN** — I also want to congratulate Epping Views Primary School, which has received the sustainable cities and clean beaches active schools category award in this year's Keep Australia Beautiful awards, announced last weekend. This fantastic school is in only its third year of operation and it has great passion for the environment. Well done!

### **Latrobe Valley: energy industry**

**Mr NORTHE** (Morwell) — The release of the Brumby Labor government's latest energy statement, entitled *Victoria's Energy Future*, is just another example of this government's failings. This document is overdue and already outdated, it is full of motherhood statements and offers no practical outcomes or new initiatives. From the perspective of people in the

Morwell electorate, this energy statement is extremely disappointing. It provides absolutely no direction from the Brumby government as to the future of the very community that currently generates enormous electricity capacity for this state.

The Latrobe Valley is mentioned in the document itself. However, there is nothing tangible to indicate that this government has a plan to minimise potential social and economic impacts upon the Latrobe Valley community. In the future, as we move away from current brown coal electricity production practices, it is imperative that our region is adequately supported by government. However, this document will instil little confidence in the Brumby government's capacity to deliver.

It is difficult to comprehend that this latest energy statement refers to the development of the blueprint for regional and rural Victoria, which of course has already been released, and espouses the virtues of the smart meter rollout, which has been a debacle. There is all of this but no plan for the Latrobe Valley community. The Brumby government must do more than simply lobby the Rudd federal government should an emission trading scheme be introduced, but this energy statement is no more revealing than that. There is a distinct feeling of uncertainty associated with the energy industry based in the Latrobe Valley, and this document does absolutely nothing to allay those concerns.

### **Glenroy Football Club: facilities**

**Ms CAMPBELL** (Pascoe Vale) — Congratulations to the Glenroy Football Club and all those involved in the \$1.25 million redevelopment of the Sewell Reserve pavilion in Glenroy. After thorough planning and assessment by the club and Moreland City Council, the project was successful in winning Brumby government sport and recreation funding, which was announced by the Minister for Sport, Recreation and Youth Affairs at the club in 2008.

Sewell Reserve has long been home to Glenroy Football Club. Known as the Wallabies, the club was established in 1946. The club plays in the Essendon District Football League and wears red and white.

The redevelopment was completed in two stages, with renovations to the kitchen, toilets, player and umpire changing rooms, first aid room and office space. Access has been improved for people with a disability and the facilities made more attractive and comfortable for viewing games and socialising. The club has collaborated with Moreland council on the project since 2005 and worked hard with its members and sponsors to save the much needed funds. It is a credit to the club

and its supporters that it was able to contribute \$80 000 as well as in-kind donations to the project, together with sport and recreation grant funding from the state government of \$60 000 for stage 1 and the balance from council.

I acknowledge the enthusiastic and dedicated efforts of Glenroy Football Club, particularly its president, Jeff Osborne, and committee and members Glenn Clements, Murray Nilsson, Des Menzies, Jamie Gibson, Scott Gibson, Darren Kelso, Brendan Schultz, Jason Leffanue, Geoff Cox and Lindon Wescombe. Good luck to the Wallabies!

### **Federal government: resource rent tax**

**Mr THOMPSON** (Sandringham) — Today I call upon the Brumby government to show some mettle, show some spine and take a very strong stand against the Rudd federal government's proposed resource super-profits tax. This tax will affect all Australians, including Victoria's supply industries. The house welcomes the initiative of the Melbourne Mining Club's super-tax forum to be held on Thursday, 24 June at the Melbourne town hall.

The speakers include Chris Richardson, director of Access Economics; Craig Yaxley, corporate tax partner, KPMG; and Ian Smith, CEO, Newcrest Mining and chairman of the Minerals Council of Australia. There will be a panel whose presenters will include Richard Atkinson, taxation global adviser, Rio Tinto and member, taxation committee, MCA, and Mitch Hooke, CEO of the MCA.

It should be noted that this tax, if implemented, will impose additional upward pressure on coal and gas prices. It will impact adversely on Australia's ability to attract investment, including overseas investment. It will deplete share value for Australian investors, and it will retrospectively

impact on the value of investments where the initial undertaking was made without regard to this particular tax. It will have a retrospective impact on the returns from Australian mining investment.

### **La Trobe University: alumni awards**

**Mr BROOKS** (Bundoora) — On 26 May I had the pleasure of attending the La Trobe University annual dinner held at the National Gallery of Victoria. In 1997 the annual La Trobe University distinguished alumni awards were introduced to recognise individuals who have demonstrated significant accomplishments in professional or business life, or for services to their community, state or nation. Since 1997 this prestigious

award has been received by 31 people, including the 5 awarded this year. I would like to pay tribute to these five outstanding men and women and to four others who received different awards.

Those who received the award were: Professor Ian Coyle; Andrew Demetriou; Professor Trevor Lithgow — it is worth noting that Mr Lithgow actually completed his higher school certificate at Watsonia High School in my electorate in 1981 before undertaking a bachelor of biological sciences at La Trobe University — the Honourable Tony Sheehan, a former member of this house; and Professor Toh Swee-Hin. The amazing work of these individuals cannot be adequately covered in the time I have, but in their respective fields they have each worked to make the world a better place.

I would also like to pay tribute to the three individuals who received young achiever awards — Dr Rebecca Kippen, Hyder Gulam and Thu Pham — and also to Joan O'Shea, who was awarded the distinguished alumni fellow award for over 60 years service in the field of nursing. I was truly honoured to have been able to sit amongst such amazing people who have made, and I am sure will continue to make, significant contributions to our society in a range of endeavours.

### **Gas: Mildura supply**

**Mr CRISP** (Mildura) — Mildura's natural gas is supplied via a pipeline from South Australia. The pipeline has reached its current design capacity, limiting the availability of natural gas, while Mildura's economy is changing and is under pressure due to drought and economic factors. The pressures are further complicated by the rising cost of electricity. What is required to augment Mildura's natural gas supply to deliver the best results for Mildura is compressors on the gas line, some of which need to be located in South Australia.

I should note and acknowledge at this point the work done by Mildura Rural City Council's Andrew Millen on this matter. This issue is well known to government and is vital to Mildura's future but is not mentioned in the blueprint for regional and rural Victoria. Will the minister ensure the future economic expansion of Mildura and get serious about the augmentation of Mildura's gas supply?

### **Rail: Mildura line**

**Mr CRISP** — On another matter, Mildura's rail corridor track is laid on red gum sleepers. The track was recently upgraded with some new sleepers, but

additional sleepers will be required to replace existing sleepers and to maintain the track in the future. With the closure of the red gum forests and sawmills in both Victoria and New South Wales, where will replacement sleepers come from? What will be the future of the wooden-sleeper tracks? Or is the Victorian government's blueprint for regional and rural Victoria really a blueprint for a rail maintenance disaster?

### **Norman Rothfield**

**Ms RICHARDSON** (Northcote) — On 4 June Norman Rothfield, a long-term resident of Alphington and, in the words of Phillip Adams, 'a warrior of peace', died at the age of 98. Throughout his life Norman worked tirelessly for the labour movement, against anti-Semitism and for a peaceful solution to the problems in the Middle East.

Norman was born in Newcastle upon Tyne in 1912, and even before coming to Australia in 1939 he had already become active in the labour movement, becoming a Labour councillor in the London borough of Marylebone. In 1934 he married Evelyn, who shared his commitment to social justice, world peace and tolerance. The Rothfields emigrated to Australia in 1939 and shortly afterwards joined the Australian Labor Party. In 1958 he contested the federal seat of Balaclava. He also dedicated himself to the Jewish cause, and in 1942, at the height of World War II, he became an executive member of the Jewish Council to Combat Fascism and Anti-Semitism and became its president in 1947. That same year he became chairman of the public relations committee of the Victorian Jewish Board of Deputies.

Over the next 30 years the Rothfields were active in the labour and peace movements, especially against the Vietnam War and the threat of nuclear annihilation. Always a strong supporter of peace in the Middle East, he founded the journal *Paths to Peace* and was a founding member of the Australian Jewish Democratic Society. In 1998 Norman and Evelyn Rothfield were recognised for promoting peace and human rights when they were both awarded the Medal of the Order of Australia, an honour they both richly deserved.

Norman's three sons, Robin, David and Jonathan, seven grandchildren and four great-grandchildren carry on the family tradition and are proud advocates for the values Norman and Evelyn spent their lives fighting for. In an era of seemingly intractable problems, particularly in the Middle East, someone of the generosity, good humour and commitment of Norman Rothfield will be sorely missed.

### **Maroondah Hospital: car parking**

**Mr HODGETT** (Kilsyth) — I call on the Brumby government to devote funding to the building of more car parking at Maroondah Hospital in Ringwood East. As the Minister for Health would know, Maroondah Hospital is a vibrant and busy medical facility in my electorate. It has 326 beds and accommodates a huge number of patients and visitors each and every day. Unfortunately there are continual problems with parking as the parking spaces available are not sufficient to cater for the high usage at the hospital. I am continually contacted by local residents, both patients at and visitors to the hospital, who cannot get a car parking space. I hear from patients who have been unable to get a disabled car parking space and have been forced to park hundreds of metres from the hospital, as well as patients who have been fined for parking in the surrounding streets when the car parks were full.

I have contacted the hospital about this issue in the past, and although staff members do the best they can, they admit that obtaining parking at and around the hospital can sometimes be hard. The existing multilevel car park meets some of the demand, but each and every day patients and visitors are forced to park in the surrounding streets. This is an inconvenience to both those at the hospital and the local residents and needs to be addressed. I have spoken to many patients who have been fined by the council because they have been forced to park illegally or have overstayed the parking time limits while at the hospital. Clearly the multilevel park on Davey Drive is not catering to the needs of the hospital.

I am aware that a plan already exists to construct a new parking facility across the road from the hospital. I call on the state government to speedily implement this plan and provide the necessary funding so that the parking issues at the hospital can be addressed sooner rather than later.

### **Gembrook electorate: Queen's Birthday honours**

**Ms LOBATO** (Gembrook) — I wish to congratulate two outstanding and tireless community workers in the electorate of Gembrook for receiving Order of Australia medals. Dorothy Edgelow's outstanding contribution within the electorate and beyond was recognised in the recent Queen's Birthday honour list when she received the Medal of the Order of Australia. Dorothy's work in education and the promotion of natural diets and healthy lifestyles began after her daughter, Lynette, fully recovered from

terminal cancer through natural healing methods. Some years ago I introduced Dorothy to Millwarra Primary School, where she initiated a healthy lunch program that continues to improve the eating and lifestyle habits of students and their families. In 2004 I was privileged to officially launch Dorothy's Children's Whole Health Foundation, which provides education about the holistic wellbeing of children. Recently I also had the honour of contributing to Dorothy's new book, *Creating Cooks*.

Robert Anderson — 'Bob' — was also rightly honoured with the Medal of the Order of Australia. Many members of this house would be familiar with the massive contribution Bob has made towards the preservation and sustainability of Victoria's faunal emblem, the critically endangered helmeted honeyeater. The former schoolteacher has for the past 20 years led Friends of the Helmeted Honeyeater, and I can assure Victorians that if it were not for passionate and committed humans like Bob, this most precious and beautiful bird would now be extinct. The work undertaken by the friends group also benefits an equally endangered species, the Leadbeater's possum.

On behalf of the Gembrook electorate I thank both Bob Anderson and Dorothy Edgelow for their dedication to improving our environment and our health.

### **Williamstown electorate: Queen's Birthday honours**

**Mr NOONAN** (Williamstown) — I rise to congratulate some truly exceptional local residents who were all recognised in the most recent Queen's Birthday honours list.

A former member for Williamstown and Premier of Victoria, Steve Bracks, was one of just five recipients of the highest award, the Companion of the Order of Australia, for eminent service to this Parliament and the community of Victoria. Having led the ALP to three successive victories in 1999, 2002 and 2006, Steve Bracks has earned his place among Australia's greatest Labor leaders and Victoria's most successful premiers. His list of achievements is imposingly long and distinguished, but it is the way people describe Steve Bracks, using words such as 'decent', 'principled', 'honest' and 'fair', that tells us so much more about this remarkable individual. He served as a Premier for all Victorians.

Another longstanding ALP member and born and bred Williamstown resident, Patsy Toop, received a Medal of the Order of Australia for her lifelong service to the community of Williamstown through heritage,

maritime and social welfare organisations. Having led a range of community groups such as Preserve Old Williamstown, the Williamstown Maritime Association and the Seaworks Foundation, Patsy is aiming to make a permanent mark on Williamstown by converting the old Port of Melbourne Authority site in Nelson Place into Victoria's first maritime heritage centre.

Finally, I congratulate Phillip Grano of Newport, who received a Medal of the Order of Australia for his distinguished service to people with disabilities through advocacy organisations and to the law.

## CONTROL OF WEAPONS AMENDMENT BILL

### *Second reading*

**Debate resumed from 27 May; motion of Mr CAMERON (Minister for Police and Emergency Services).**

**Government amendment circulated by Mr HELPER (Minister for Agriculture) pursuant to standing orders.**

**Mr Ryan** — On a point of order, Acting Speaker, could the pause in proceedings while the amendment is circulated be a little longer than might otherwise be the case? I had no notice of any intended amendment. It would give me the opportunity to have a look at the amendment.

**Mr Helper** — On the point of order, Acting Speaker, I am sure the circulation of the amendment will take an appropriate amount of time.

**The ACTING SPEAKER (Ms Munt)** — Order! There is no point of order.

**Mr RYAN** (Leader of The Nationals) — It is my pleasure to join the debate in relation to this important legislation. The scene for the debate on the Control of Weapons Amendment Bill is set in the form of a press release from the Premier. The press release is headed, 'No more excuses on crime — Dangerous knives to be banned in Labor's anticrime strategy', and in part it states:

Today's first new solution on crime by Labor is to control the possession and use of knives and all dangerous weapons.

It goes on to say that the key features will be:

ban the sale and display of knives and other weapons that have no legitimate occupational, ceremonial or sporting occupation;

ban the sale of knives to 16-year-olds or under;

enhanced powers to search for and confiscate weapons.

It goes on to talk about:

Tougher penalties for the carriage of knives and weapons in a public place, on public transport, entertainment venues ...

and so on. All that is laudable, except for the fact that the date of the press release is 18 March 1999. It has taken Labor 11 years to bring to this house legislation which, in part, accommodates the promises made by the now Premier some 11 years ago.

That sets the scene for the broader debate over these issues. That is so because Labor's record on issues regarding law and order, including knives, is one of appalling neglect. The people of Victoria recognise it to be so, and they have made that patently clear to the government. The issues surrounding knives and their use and misuse are reported in our media with monotonous regularity.

These issues have at their core a number of matters. One of those matters, very clearly, is a lack of police numbers. Police officers who are engaged in trying to solve crimes to do with knives and otherwise are absolutely sick of the fact that for a decade they have been told by this government that there are enough serving police officers in Victoria, that there are enough front-line police officers in our state and that basically they should just shut up and get on with it.

It is a lamentable state of affairs, which certainly is recognised by serving police. The Police Association, as we know, has made assessments that we need something in the order of another 2800 police officers on the front line to address the shortage which we have in the state of Victoria. In addition to the problems that already exist there is the prospect of an increasing population, so that deficiency which now exists will of course be aggravated. And yet the government has rested on its laurels for all these years, out of touch and arrogant, and it has basically told police to get on with it.

The pinnacle of all this from a police perspective was the extraordinary circumstance of police in Ballarat recently marching on the office of the local Labor member to protest the fact that there simply were not enough police numbers to do what was required of the police in that fair city.

It is not only to do with knives; it is to do with issues at large. The simple fact is that we do not have enough serving police in the state of Victoria. The further simple fact is that the lack of serving police on the front

line in the state of Victoria is due, entirely, to a Labor government which has lost its way over this critical issue. As a direct consequence of this, all too often in the metropolitan area, as reported in the media at all levels, there is the incidence of crime, particularly to do with the use of knives. That is a circumstance which applies right across the state of Victoria. It is not a situation that afflicts only those who live and work in Melbourne or travel in this great city; it is something that is reflected right across the state at large.

I will quickly flick through some statistics. These relate not only to crimes with knives but to crimes at large. In the period from 2001 through to 2008–09 the crimes statistics show a monotonous regularity in the pattern which is now well established. For example, in the city of Ararat over that time assaults increased by nearly 138 per cent and crimes against the person increased by 145 per cent; in the city of Ballarat the increases were 77.5 per cent and 50.4 per cent; in the Bass Coast shire assaults went up by 45.7 per cent; in the city of Greater Bendigo the assaults went up by 67.1 per cent and crimes against the person went up by 64.8 per cent; in the Central Goldfields shire, which takes in Maryborough, assaults went up by 38 per cent and crimes against the person went up by almost 31 per cent; in the East Gippsland shire, which incorporates the areas of Bairnsdale and Lakes Entrance, assaults went up by 49.5 per cent and crimes against the person went up by 38.2 per cent.

In the same period in the city of Frankston assaults increased from about 83 per cent and crimes against the person increased by just over 49 per cent; in the city of Greater Geelong the level of assaults increased by 68.7 per cent; in the city of Kingston, which takes in Mordialloc, assaults went up by nearly 34 per cent; in the Mitchell shire, which takes in Seymour and Kilmore, assaults went up by an extraordinary 153 per cent and crimes against the person increased by nearly 71 per cent; in the city of Monash, which takes in Mount Waverley, assaults increased by 33.6 per cent; and finally, in the Surf Coast shire, down at South Barwon, the level of robberies went up by 50 per cent, assaults went up by 55.2 per cent and crimes against the person went up by 51.1 per cent.

It is a sorry litany of commentary on a government which has completely lost its way on issues to do with law and order, including issues to do with the terrible incidents of crimes involving knives.

The legislation which is now before the house and the legislation which has been introduced over the last couple of years around this whole question of control of weapons has substantially been driven by the

opposition parties. We on behalf of Victorians have been calling for these initiatives to be adopted over a period of years. Once again we have led the way. That is to be compared with what Labor has done — or, more particularly, not done — over the course of these years. I referred to a press release dated 18 March 1999, but there are plenty of them to pick from.

In a press release dated Tuesday, 21 March 2000, the headline of the day was ‘Bracks government unveils tough new knife laws’. A release dated Tuesday, 21 November 2000, is headed ‘Haermeyer’ — who was the then Minister for Police and Emergency Services — ‘commissions knives study’. A release dated 29 November 2000 is headed ‘Tough weapons laws start soon — Haermeyer’. A release dated 25 October 2001 is headed ‘Knives, CBD focus of new crime fight — Haermeyer’. These are reflective of the dismal failure on the part of this Labor government to do what it said it would do over these years. The government has allowed this circumstance to develop to a point now where we have these terrible problems with regard to crimes at large and with knives in particular.

The government has known of the problem but has been trotting out rhetoric for 10 years, as is evidenced by the press releases to which I have just made reference. Now we have more of the same coming from the government, with a press release which has the headline ‘Australia’s toughest knife search and seizure laws’ — that was from the Premier, and it is dated 4 March 2010. Here we are 10 years later, and at last the government is moving to the point of actually doing something with regard to this terrible problem.

The intent of the bill is to amend the Control of Weapons Act 1990. It is important in the course of these discussions to look at the terminologies that are used so that members can perhaps have a clearer understanding of the import of this amending bill and the principal legislation. ‘Controlled weapon’ and ‘prohibited weapon’ are terms that are used throughout the legislation. Section 3 of the principal act contains the definitions of those respective terms, and I will refer to them. The act reads:

controlled weapon means —

- (a) a knife, other than a knife that is a prohibited weapon; or
- (b) an article that is prescribed by the regulations to be a controlled weapon;

A ‘prohibited weapon’ is also defined within section 3 as:

... an article that is prescribed by the regulations to be a prohibited weapon.

When one moves to those regulations one sees that they are further instructive for the purposes of the debate. Prohibited weapons are defined under schedule 2 of the regulations. When you go to those provisions you see they are nothing less than extraordinary. There are 47 separate items and instruments which are defined as being prohibited weapons. Twelve of them are knives and swords, and the others are a vast array of weaponry, including such luminaries in the trade of violence as the ‘knuckle-duster’; the inimitable ‘nunchaku’, the ‘studded glove’ and various other items of dress and the like, all of which come within the definition of prohibited weapons in schedule 2.

Controlled weapons are referred to in schedule 3 of the regulations. They include not only a knife other than a knife that is a prohibited weapon as defined in the act, to which I have already referred, but also a relatively limited number of categories of additional weapons — namely, a spear gun, a baton or cudgel, a bayonet, an imitation firearm and, of all things, a cattle prod. That in essence is the definition contained within the regulations.

For the purposes of speaking to today’s legislation I have had regard to a variety of documents, not the least of which — and they are in no particular order — is the research brief which has been prepared through the library. It has been prepared for some time and specifically in relation to this legislation. It is recommended reading. I give great credit to those who have been responsible for its preparation. The Scrutiny of Acts and Regulations Committee report, of course, is mandatory reading for all members. I am sure it is by the beds of most of us when we finally close the eyes of an evening. I see the Minister for Agriculture nodding furiously. The second-reading speech is another reference point for the purposes of discussion, together with the various commentaries contained in the different elements of the media coverage.

Amongst the most contentious elements of the legislation are the provisions of clause 6. I will return to dealing with the particular issues arising from that clause as I move through the legislation. The legislation begins with a definition of ‘child’. That appears in section 4 of the amending bill. This is the first occasion since this legislation was introduced back in 1990 that a definition of ‘child’ has been included within the legislation itself. A definition of ‘child’ does appear within the schedule to the act, but this is the first time a definition of ‘child’ has been included within the legislation itself. I make that point particularly in the context of the press release of the Premier of March 1999, when all sorts of things were being said about what was intended to be done in relation to restrictions

on children aged 16 or under being able to purchase certain types of weapons. It has taken 11 years to get the definition of ‘child’ into the control of weapons legislation.

Proposed section 5(2) will make it an offence to sell a prohibited weapon to a child. Of course a prohibited weapon is a more serious type of weapon, as I have just indicated, and the penalty for this will be 240 penalty units, which is a hefty fine by anybody’s standard — that is, about \$25 000-odd or imprisonment for two years. It will also become an offence for a child to purchase a prohibited weapon, and the penalty for doing that will be 25 penalty units.

Proposed section 6 provides that it will become an offence for a child to purchase a controlled weapon, for which there will be a penalty of 12 units. As I have indicated, a controlled weapon is a knife other than a prescribed knife, a spear gun, baton, bayonet or imitation firearm. It will also become an offence for a person to sell a controlled weapon to another person knowing that the other person is a child. The penalty in relation to that issue will be 20 penalty units.

A number of matters arise from the provisions of clause 6, to which I wish to have regard. Those matters are set out in different locations, but I first go to *Alert Digest* No. 8 of the Scrutiny of Acts and Regulations Committee (SARC), and very particularly to pages 9 and 10 which deal with a series of issues. For a start it surely cannot have been the intention of the government to have such a breadth of coverage as is now contained within the literal reading of this provision. I ask that the minister commit to responding to that and the other matters that I raise concerning this provision. I understand how the need for the legislation has arisen — as the now Premier pointed out in 1999, and as we have pointed out many times since — but it seems to me that what we have here is an unintended consequence. Again I received the usual excellent standard of briefing from those who spoke to me about the legislation. At that briefing I asked about that point and I was told that the government recognised that there was a breadth of coverage within the provision as it appears in the amending legislation. However, I ask the minister to comment upon it in the course of making his closing remarks.

Clause 6 of the bill says:

After section 6(1) of the Principal Act insert —

“(1AA) A child must not purchase a controlled weapon.

Penalty: 12 penalty units.

- (1AB) A person must not sell a controlled weapon to another person knowing that the other person is a child.

Penalty: 20 penalty units.”.

I wish to raise some issues about this particular provision. In the course of the report from the Scrutiny of Acts and Regulations Committee there is reference at page 9 to the fact that despite its reliance on ‘the fact that, as discussed below, the difference in treatment is justified by statistical evidence’, in fact the statement of compatibility does not provide or otherwise discuss any of the statistical evidence upon which the government and the minister apparently seek to base the installation of this provision in these terms.

Secondly, SARC’s report goes on to deal with the issue of clause 3, and the fact that the definition of ‘child’ extends to all persons aged under 18 years. In so doing it defines all those who are classed as children in the sense that they are under 18 years of age so that no distinction is made between those categories of people; it relates to all of them. What the SARC report highlights is that many children under the age of 18 years live away from home, often in difficult circumstances, and there is the need for them to be able to obtain knives for cooking and eating. There is reference in the SARC report to what occurs in the United Kingdom legislation, and the query is raised within the report as to how it is that we have legislation in this form in circumstances where in the United Kingdom this matter has been accommodated.

In the statement of compatibility there is reference to, as they are termed, the ‘carve-out’ provisions that apply in that other jurisdiction and an expression of concern about using them here in Victoria, but I think it is important that the house hears from the minister on this point.

The third matter I raise is there is an apparent conflict between clause 6 as it appears in the amending bill as opposed to the fact that in section 6 of the principal act a person is entitled to have a controlled weapon as long they have a lawful excuse. On the face of it we now have the impending passage of legislation which is in direct conflict with the legislation contained within the principal act. This is very much so in the sense of the extension of these provisions all the way through to impacting upon the use of plastic knives. If you take the division literally — and as I understand it that is the present intention of the government — we have the situation where these provisions would apply to the point where a person under the age of 18 years would be prohibited from buying a plastic knife. The Australian Capital Territory and New South Wales

have provisions in their legislation, and I think it behoves the government to look at this on a qualitative basis and see whether it does intend to have the breadth of coverage which literally arises from the provision as it now appears.

As a fourth point one has to have sympathy for those who are policing this legislation. They are faced with the prospect — as, from memory, I think is observed in the second-reading speech — that a person under 18 years of age will be able to serve in a shop and handle these controlled weapons. They will be able to serve a customer in a retail or wholesale sense and sell that customer a knife, be it plastic or otherwise, yet they are not allowed to buy the same instrument that they are otherwise able to sell from the other side of the counter. I wonder again how the government can explain that any such circumstance should properly apply.

The fifth issue arises from the perspective of business, and small business in particular. Small business is faced with the prospect of being prosecuted under the amending legislation because of the provisions to which I just referred, which are contained in clause 6, which inserts into the principal act:

- (1AB) A person must not sell a controlled weapon to another person knowing that the other person is a child.

There is now a situation where it is feasible that takeaway food businesses, without naming any commercial outlets, as part of the packaging that they provide to customers, some of whom may be under 18 years of age, would include a plastic knife, and accordingly under the provisions of this legislation those businesses stand to be prosecuted. Will we have the silly circumstance whereby businesses will have to say in their advertising that when a customer makes a purchase they are buying only the food per se and are not buying the knife, but that rather the businesses are giving the knife away? Do they need to go to that point to ensure that they are not in breach of the legislation?

The sixth issue I wish to raise is with regard to that same provision to which I have just referred. It concerns the meaning of ‘knowing’ in reference to one person knowing that the other person is a child. I query the government and the minister in particular as to how that is to operate. Where is the onus of proof in that regard? Does the vendor — the business operator — have to take any steps to establish the fact that the person to whom the sale is being made is not a child, or is there an onus resting somewhere else?

How is this to be accommodated? Is this supposed to be somehow different from under-age drinking provisions

which apply in liquor outlets where the onus is clearly on the proprietor to establish whether the person coming to the premises is under age or not? Is there something different about the provisions that appear in this legislation and, if so, what is it?

Finally, as a seventh point, I appreciate that the minister acknowledges that there is only partial compliance with the charter, and he says as much in the statement of compatibility. He sets out a number of reasons why he thinks that; nevertheless, the legislation is sound. However, SARC (Scrutiny of Acts and Regulations Committee) has written to him, and on behalf of other members of the house I also am very keen to hear from the minister about these various points.

There are a number of other clauses in the legislation that are largely machinery related and I do not intend to deal with them, let alone with a restriction on the time that is now available. They primarily deal with allowing infringement notices — that is, on-the-spot fines — to be issued for certain offences under the act and the confiscation of controlled weapons so that in those circumstances those weapons can be forfeited to the Crown. The bill is also intended to clarify matters around planned and unplanned random searches for weapons. It also clarifies rules regarding strip searches that are being conducted in certain circumstances. Those are matters that will also bear examination by members as this debate unfolds.

This whole issue of knives is one of critical importance to the community, and from its perspective the coalition recognises it as such. It is a problem that is rampant in our society and I have many clippings here about events that occurred only in May and June which demonstrate that even in that limited time frame something like 15 or 20 different instances have been reported to the public of crimes of this nature happening in the Melbourne metropolitan area and in a couple of instances in country Victoria. This is a whole-of-life issue, and that is recognised by the coalition parties. We are dealing today with one element of something of a much broader nature, and therefore we have established a shadow ministry for crime prevention because those whole-of-life issues have to be dealt with.

There is a paucity of research around this critical issue, particularly its impact on young people, and I implore the government to undertake more research than has already been done. We have very limited research available to us in Victoria. There is reference to it in some of the material that has been provided through the parliamentary library, but quite clearly not enough has been done to be able to properly identify all the issues

surrounding this terrible problem. As I said, I urge the government to undertake that research.

Members of the coalition have led the way with regard to law and order issues in this state. On 6 April we issued a policy that promised to add another 1600 police officers to the front line in Victoria, and for that we were bagged unmercifully by the government. As I recall, 21 days later the government came out with a policy couched in almost precisely the same terms. Prior to that we announced a \$200 million transport safety policy which will put 940 protective services officers into service across Victoria's transport system to better ensure safety for those who travel.

The coalition will deal with these issues, and in the event that we are elected on 27 November I can guarantee the house that it will not take us 11 years to implement what we say we will do. We will do it and we will make sure it works.

**Ms GREEN (Yan Yean)** — It is with great pleasure that I join the debate on the Control of Weapons Amendment Bill. It is always very interesting to follow the contribution of the Leader of The Nationals to debate in matters pertaining to law and order. At the end of his contribution he referred to some of the policy announcements that have been made by the opposition this year.

I remind members about the debate a month or two ago in which the Leader of The Nationals issued a challenge to members to show where he had said the coalition promises would be funded from and that they would not be funded out of the government's transport or advertising budget, and then we were able to find that very information in *mX*. I think that underscores that the opposition cannot be believed on matters related to law and order.

With the bill Victoria will have the toughest anti knife regime in Australia. I am pleased to be part of a government that puts such legislation before the house and is front and centre in tackling a difficult issue that raises a lot of fear in the community. This is part of our government's commitment to being tough on crime and tough on the causes of crime. We put our money where our mouth is. Since we have been in government we have added nearly 2000 extra police to assist the Chief Commissioner of Police in doing the work of keeping Victorians safe. This is in stark contrast to the 1990s when Ted Baillieu was the president of the Liberal Party and the National Party, as it was then called, held the police portfolio. The former coalition government promised 1000 extra police, but cut police numbers by

800. Coalition governments are proven copper choppers.

It is not surprising that opposition members do not offer all-round support for whatever measures are brought before this house and that they carp and complain when other measures come before the house to deal with crime outside licensed venues. They had to be dragooned into supporting that legislation. They wanted magistrates to be the ones who make decisions about declaring areas rather than giving the police the powers to designate areas outside licensed premises where difficulties occur. They are always pretending they are tough on crime. They go around and pretend to the community — —

**The ACTING SPEAKER (Mrs Fyffe)** — Order! I draw the member back to the bill.

**Ms GREEN** — The bill will give police new powers to issue \$1000 on-the-spot fines for first-time offences for those aged 16 years or over who are caught carrying a knife or other controlled weapon without a lawful excuse, and the item could also be seized. This will strengthen our laws, which will mean that Victoria Police can designate a public area such as a train station or public place for a random weapons search. This has already been introduced, but it will mean police will no longer have to give notice about the area designated for searching.

These knife prohibitions are the toughest in Australia, and they will mean that minors — those under the age of 16 years — will be prohibited from buying a prohibited or controlled weapon. The \$1000 on-the-spot fines will give Victoria Police a new way of dealing with controlled weapons, but of course they will still have the option of arresting a person in relation to a knife offence and taking the matter to court rather than issuing a \$1000 fine if they judge it to be a more serious circumstance. This is a good way to deal with a problem that the community is very concerned about. It is a positive way to deal with this problem, and it has a great deal of support from the community, the police, our hospitals and families across the state. Parents like me of young people who like to go out in safety will feel better understanding that these changes are being enacted in legislation.

In a debate like this it is important to celebrate what is good about our state, and overall in the state crime is down. That is due to the community being responsible and accountable, but it is also due to there being additional police on the beat. But there is no doubt that there is a problem with the increase in knives being carried and with knife crime, which is why these

measures are important. It is interesting that the Leader of The Nationals called for additional research into the matter. In the time his party was in government bodies that undertook that sort of research, like the Law Reform Commission, were shut down. It is yet another example of the opposition on the one hand talking tough and talking about the need for measures or for research but on the other hand not doing those things when it was in charge.

I can give further details of what is contained in the bill. Police will be given powers to issue an infringement notice for the possession, carriage or use of a controlled weapon in a public place without a lawful excuse. The existing maximum penalties in sections 6 (1AA) and (1AB) of the principal act will remain unchanged at 120 penalty units or imprisonment for one year and 240 penalty units or imprisonment for two years. The maximum penalty for a new offence of a child purchasing a knife or other controlled weapon will carry a maximum penalty of 25 penalty units. I support the lower penalty unit amount, because although we need to protect our kids we also need them to understand that this is an important penalty. It can be used as an educative tool to show them why it is not appropriate and not a lawful thing to do.

Clause 7 strengthens the Governor in Council exemptions. Among other things the Governor in Council may order to be published in the *Government Gazette* an exemption for a class of person or a class of prohibited weapons or body armour from the constraints that would otherwise apply. Consultations have occurred with affected groups in this category. The bill contains detailed amendments to provide for the forfeiture of controlled weapons where a police member issues an infringement notice and seizes such weapons. Section 9 of the act already provides for the forfeiture or return of prohibited weapons and controlled weapons, dangerous articles and body armour where a person is charged with an offence.

Some people have been concerned about the measures providing for the searching of minors. The bill makes a number of changes to the act to allow for annual reporting by the Chief Commissioner of Police in relation to that matter and also in relation to planned or unplanned searches in designated areas. The bill provides greater flexibility for police and enhances their ability to undertake more designated area searches. The reporting requirement will mean there is scrutiny for people in the community who are concerned about that.

In short this is another example of where the government is tough on crime and tough on the causes of crime. It is very important for us to strengthen our

laws in relation to important issues the community is concerned about, such as knife crime. I am pleased to be part of a government that takes these matters seriously. We have increased the number of police in Victoria, and we have increased the powers they have to do their job. We have built new police stations and provided additional resourcing, which is an important part of keeping Victoria the safest state in Australia. It is something we are very committed to, unlike those on the other side, who when they were in office promised 1000 police but cut 800. They cut bodies like the Law Reform Commission and did not support victims of crime. In government we are very much a different creature. I commend the bill to the house.

**Mr MULDER** (Polwarth) — I rise to join the debate on the Control of Weapons Amendment Bill 2010. I will just raise a couple of issues in relation to some of the provisions in the bill. Clause 5 is headed ‘Prohibited weapons’ and states in part:

A person must not sell a prohibited weapon to a person (other than a child) without an exemption under section 8B or an approval under section 8C.

That offence carries a penalty of the order of \$25 000, and that is absolutely supported. Clause 6 is headed ‘Control of controlled weapons’ and states in part:

A child must not purchase a controlled weapon.

It also states:

A person must not sell a controlled weapon to another person knowing that the other person is a child.

For the purposes of the bill a child is:

... a person under the age of 18 years.

We are talking about a knife other than a prohibited weapon. The Leader of The Nationals raised the issue of how broad the provisions are in that they capture the issue of plastic knives. As we know, in this day and age people who order takeaway food are often provided with a plastic knife and fork. We seek assurances from the minister in his summing up as to whether this is the overall intention of the bill, and how he intends to deal with this issue in terms of food outlets.

The other thing I would like to touch on is the matter of children and flats. Anybody who has had children who have headed off to town to set up in a flat with friends will know about going out and purchasing everything they require for that flat. It appears to me that under the provisions of the bill younger people, those under the age of 18 years, can purchase every appliance and utensil they need to set up a flat, other than knives. They can buy a fork, but when it comes to a knife they

will be required to get mum or dad to make the purchase for them — —

**Mr Lupton** interjected.

**Mr MULDER** — I am just asking whether this is the intention of the bill, and how this is going to be dealt with when it hits the street. These are the issues you need to deal with when you are summing up. Irrespective of what the member for Prahran is saying, the fact is that children are going to end up with knives in their possession, particularly in the situation where they have to eat in a flat they have set up. The knives will need to be provided at some time.

The other issue I would like to touch on is something I saw many years ago, and that is the issue of knife-makers and how easy it is for someone to make a knife. When I lived in Colac and had a family holiday home at Wye River an elderly gentleman there was very well-known right along the Great Ocean Road for his knife-making skills. It was simply a matter of a bandsaw cut to the shape of a knife, coins that framed up the handle and a polishing exercise. A lot of people came down to buy his knives, and a lot of fishermen used them.

As much as the intention of the bill before the house is to take knives out of the hands of younger people, it is easy for anybody who so wishes to make a knife. We support the intention of this bill, which is to try to get as many knives as possible out of the hands of younger people. What I am pointing out is that you may go down the path of controlling these weapons by making it illegal for a child to purchase a knife or for anyone to knowingly sell a knife, but it does not mean you are going to stop people carrying them. The bill may do a little to take knives out of circulation, but if someone wants a knife, they will get one or they will make one.

One of the major reasons behind the opposition’s plan to put more front-line police out on the street is to let young people know that this type of behaviour will not be tolerated by a Liberal-Nationals coalition government. The reason we plan to put 940 protective service officers on railway stations at night is to make sure we can prevent crime. The reason that, if elected, we will put more transit police on the public transport network is to ensure that we prevent knife attacks and these types of incidents, which are occurring on a very regular basis in the community.

In the past we had situations where if a couple of fellas eyed off, a few punches would be thrown, others would step in, the fight would be broken up and that would be the end of it. Now we have escalating rates of violence

and crime against the person. Government members have claimed that the crime rate in Victoria is dropping. The actual number of crimes against the person are going up. Vicious assaults are going up. Knife attacks are something we have never seen in this country before, but we are now seeing them in the state of Victoria on a very regular basis. We have not seen this level of violence before, and certainly not this level of violence involving knife attacks.

A returned soldier walking down a Melbourne street minding his own business found himself slashed across the face. He went through a war unscathed, but when he turned up in Melbourne for a night out he was slashed across the face as he innocently walked down the street. Young people do not understand the risks associated with carrying knives and the fact that if they do get themselves into a situation where they have to protect themselves, pulling out that knife is a life-changing event.

It is one thing to put this legislation in place, one thing to ban the sale of these particular weapons, but I do not believe this bill in its own right is going to stop the problem we have today. As I pointed out before, the current situation is that if anyone wants to get themselves a weapon like this, it is easy to do it: it is easy to obtain a knife from other sources or indeed to manufacture a weapon. I have seen that done before; it is terribly easy to do. The only way you are going to deal with this problem is by having more front-line police so that young people fear they could be taken aside and if they have a knife in their possession, could find themselves before the courts. That situation will not happen until you get enough front-line police to confront these young people on a day-to-day basis, and that is why we released our policy position of additional front-line police, protective services officers and transit police.

You hear government members talking about the crime rate going down, but I was looking at some records in relation to offences on public transport in the year 2008–09 and there were 307 offences involving weapons and explosives. I am not aware of incidents involving explosives on the public transport network, but I am aware of a lot of assaults that have taken place involving weapons, in particular knives.

One only has to look at some of the media reports that are readily available which tell the story I have been outlining to the house during the course of my contribution. The *Herald Sun* of Tuesday, 8 December 2009, reported that:

An Indian student has described being stabbed 'like an animal' for just 20 cents during a frenzied attack in Footscray.

...

As he moved to get his wallet from his pocket, he was stabbed to the upper body, arms, neck and face.

The month before the *Herald Sun* of 5 November 2009 reported that:

Hard-core juveniles are running amok in the community with serious assaults, weapons offences and robberies almost doubling between 2003 and 2008.

...

Last year, 1749 serious violent crimes, including murder, rape and assault, were committed by 10 to 14-year-old juvenile offenders ...

A lot of offenders are younger people carrying knives, and this is the sort of the activity they are involved in because there is no fear of confrontation, no fear of being caught by the law.

If you go back to a couple of months prior to that report, the *Herald Sun* of 26 September 2009 reported that:

Gang violence erupted yesterday —

in the western suburbs —

...

One boy, 15, was stabbed three times and taken to the Royal Melbourne Hospital.

...

Police found knives, sticks and umbrellas at the scene when youths, mainly aged between 13 and 15, bolted.

These are the young people who are out there carrying knives.

If we go to the *Herald Sun* of 20 July 2009, it reported that a:

... Melton brawl erupted when a group of would-be gatecrashers arrived at a 17th birthday party and confronted party-goers. Two of the party guests were stabbed.

The member for Prahran shook his head when I said we have not seen this level of violence in Victoria before. This type of violence is new. Young people committing knife crimes is new. We have not seen this level of violence before, and it is out of control. The government was very slow to jump on our policy of putting additional front-line police out there. We believe as a coalition that the only way you are going to deal with this situation is to prevent crime. We are not interested in closed-circuit television systems that will tell a story after the event, after someone has had their face slashed and their looks are ruined for life. We want

to stop crime. We want to prevent crime. We are going to make sure we put the measures in place to ensure that young people know very well that if they are going to commit these types of offences, they are going to be caught and they will find themselves before the courts.

**Mr LUPTON (Prahran)** — I am pleased to rise in support of the Control of Weapons Amendment Bill, which is part of a suite of changes to our laws in Victoria that this government has brought in to deal with crime in this state — to drive crime down and to make sure we continue to make Victoria the safest state in Australia. This legislation follows many years of activity by this government directed towards reducing the crime rate, increasing the resources available to police to prevent crime and fight crime and increasing the number of police in the state of Victoria, which is an important part of that overall approach to continuing to make our state the safest place.

When we came into government we set about increasing the number of police in Victoria. We came into government having seen the previous Liberal-Nationals government reduce police numbers in this state by 800 officers after promising to increase them. The coalition promised to increase police numbers, but in government it in fact slashed police numbers. One of the first tasks of our government was to set about increasing those police numbers again and rebuilding our police force in this state not only in numbers but also in resources and morale. It has been a very successful project to date.

More recently our government has announced the biggest one-off increase in police numbers in our state's history. There will be another 1966 front-line police officers. We have started the funding for that increase, which will take place over five years. That is a funded government commitment which is under way. The people of Victoria know that they can trust us in government when we say we will increase police numbers, unlike those opposite. The Control of Weapons Amendment Bill that is before the house today fits into this overall strategy our government is following.

We have acted to deal with a range of issues that have arisen in recent times, including the troubling issue of a growing knife culture. Appropriately and effectively dealing with that involves a range of responses, including providing more police but also education — getting the message across, particularly to young people, that carrying a knife is not a good idea: it is not cool, it is not a good means of defence and it is in fact illegal and dangerous. We need to get that message across to people in a range of ways. There is an

important large-scale education campaign going on in the community to educate people about that and to get that message across.

In Victoria we now have around 2000 more police than we had when we came to government. That is a very large increase in police numbers over that period of time. We have actually employed a lot more police than that. We have employed over 5000 police, but when you take into account retirements and so forth the number of police that we now have in service to look after the safety of the people of Victoria is about 2000 more than it was when we came to government. That is the base upon which we now intend to build and provide a further 1966 police. Those extra police will need the resources and powers necessary to ensure they are able to effectively do their work of making our community safe. We have continued to give our police in Victoria record budgets to make sure that they have the resources they need to do their job effectively. As an example of that, the Premier and I were at Prahran police station a short time ago to hand over the keys to one of the first new high-technology divisional vans — the first one in the metropolitan area. That is just another local example of the rollout of important police resources.

We also need laws which are appropriate and which give police the ability to do what they need to in order to keep our community safe. One of the things this bill does is address this very important issue of being able to search for and seize knives where people are carrying them without lawful excuse. In a situation in the community where somebody has a lawful reason to be carrying a knife that is fine, and that is not something this law is intended to infringe against. What we are dealing with is a situation where a growing number of people have been carrying knives without lawful excuse, sometimes because they mistakenly believe it is a good way of defending themselves if they encounter trouble. However, that is not an appropriate response.

We need to make sure we reduce the amount of knife carrying in the community. These laws strengthen even further what was already the strictest antiknife regime in Australia. Police will now have the ability to issue infringement notices to people who are 18 years and older who are carrying knives without lawful excuse. There will be significant financial penalties for people carrying knives without lawful excuse, and those penalties will be doubled if the offender is in or in the vicinity of licensed premises or entertainment precincts, and that is something that is very important to people in my community.

One of the issues that has confronted police in the past is that it has been difficult for police to search for knives without having a reasonable suspicion that somebody was carrying a knife, so it was very difficult to enforce the laws that have existed for some years against carrying knives. We are extending those search provisions to make the law more effective and more enforceable.

We are ensuring that people under 18 will not be able to purchase knives or controlled weapons, and selling a knife or controlled weapon to a person under 18 will be prohibited. In this proposed legislation we are also strengthening the ability of the police to designate an area for knife searches without prior notice, which means police will be able to carry out those searches more easily and effectively, so that people who think they might get away with carrying a knife are more likely to be searched and those weapons found. We want to encourage people in the community, whatever their age, to turn away from that knife culture and to do their best to continue to make our communities safe.

In that regard I want to take this opportunity to commend the work of our police around Victoria because they do a terrific job, and I want to relate some pleasing statistics that were released recently by Inspector Adrian White, the inspector for the Stonnington police region. The latest police statistics show there has been a 42.6 per cent drop in robberies and a 27.6 per cent fall in home burglaries in the Stonnington police district in the last year. They show also that crime against the person is down 7.3 per cent and crime against property is down 9.2 per cent; and total crime is down 5.8 per cent. There was a modest drop in the rate of assaults, but it was particularly pleasing to note the drop in crimes against the person more broadly.

I think the overall results of the police work in the Stonnington police service area show that with the high quality of policing, the police resources that we have in place, the laws that our government has enacted in order to promote community safety and the good work of all members across the community who are doing the right thing to keep themselves safe, to keep their friends and family safe and to keep our communities safe, should be commended. We are definitely heading in the right direction, and the good work that has been done in the community by everybody to bring down the crime rate should be commended. This new legislation that we are debating today is part of that, and I commend it to the house.

**Mr HODGETT** (Kilsyth) — I rise to speak on the Control of Weapons Amendment Bill 2010, a very important bill in this house.

The purpose of the bill is to amend the Control of Weapons Act 1990, the principal act, to implement changes which include the prohibition of the sale of forbidden and controlled weapons to children, the prohibition of the purchase of forbidden and controlled weapons by children, a broadening of the powers of the chief commissioner to designate unplanned search areas, the empowering of police to provide on-the-spot fines for the unlawful carriage of weapons for those over 16 years of age and a relaxing of the requirements for independent persons to be present at searches, other than planned designated searches, of children and people with intellectual impairments.

In the second-reading speech the Minister for Police and Emergency Services, Minister Cameron, said:

The changes ... proposed in this bill are designed to encourage a fundamental change in community attitudes about the carriage of weapons such as knives.

It was good to hear the minister finally acknowledging the need to reduce knife crime and to warn young people about the dangers and penalties associated with carrying knives. It begs the question: why has it taken so long for the Brumby government to act?

We heard it said in the earlier contributions from this side of the house — and it was acknowledged by the government members — that week after week we have picked up the newspapers only to read on the front page or accompanying pages another story of another knife attack, another stabbing or another assault. That has continued for far too long. The Brumby Labor government should have acted years ago to ban the purchase of weapons by children, to decrease the circulation of weapons in the community and to curb the development of a knife culture amongst children.

Indeed the powers for police to conduct weapons searches in unplanned designated areas, such as transport hubs, to conduct random searches and to issue infringement notices should have been implemented years ago. We heard from the Leader of The Nationals in his contribution to the debate a very good summary of Labor's 11 years of inaction on law and order, on control of weapons and in particular on dealing with the issues of knives, knife culture and weapons crime.

There has been a significant rise in weapons crime on the Brumby government's watch. I think all members on both sides of the house would agree that people have the right to feel safe in the city and in their local

communities, neighbourhoods and suburbs. The Brumby government has sat on its hands for far too long. It has had its head in the sand, ignoring these issues. It has ignored them for far too long, and it has now been forced to act on this very serious issue.

To give a personal example of the sort of thing that occurs, a person very close to me was recently threatened on a train from Mooroolbark to Croydon while travelling with a group of his mates on a Saturday evening. They were approached by a couple of thugs, threatened with a knife and asked for cigarettes and money. They were robbed of money. Given the circumstances as they were described to me, I thank God that they had the common sense to remove themselves from the situation by getting off the train at Croydon, where obviously the thugs had a group waiting as they had phoned ahead to let them know that was where they would be. But the person known to me and his mates managed to get off the train and run down to the Croydon police station to report the crime, and the police went to investigate the incident. This was armed robbery in our local community. Again I thank goodness that the situation did not escalate and result in another victim suffering a stabbing from a knife attack or other personal injury.

Turning to the bill, we have heard that the main purpose of the bill is to amend the Control of Weapons Act 1990 to prohibit the sale to children under the age of 18 of prohibited weapons such as flick-knives, daggers and swords, and of controlled weapons, which include all other knives which are not prohibited weapons, such as kitchen knives. The bill amends the principal act to make it an offence for a child to buy a prohibited or controlled weapon. It amends the act to enable infringement notices or on-the-spot fines to be issued for certain offences under the act and confiscated controlled weapons to be forfeited to the Crown. The bill clarifies when an unplanned or planned random search for weapons can be declared, and it clarifies the rules for strip searches conducted during random searches for weapons.

We know the main provisions; we have heard about them. We know the bill deals with the sale of prohibited and controlled weapons to children. We have discussed the issuing of infringement notices for the possession of a controlled weapon, the declarations of unplanned and planned searches for weapons and the rules for strip searches. In the time available to me to speak in this debate I intend not to go into the details of each and every one of those areas but to make only a couple of quick points.

As the Leader of The Nationals said when he spoke on this matter, 'child' is finally defined in clause 4 of the bill as 'a person under the age of 18 years'. Clause 5(2) makes it an offence to sell a prohibited weapon to a child. A prohibited weapon is a more serious type of weapon, such as a flick-knife, dagger, knuckleduster or sword. It also makes it an offence for a child to purchase a prohibited weapon. Under clause 6 of the bill it will become an offence for a child to purchase a controlled weapon. A controlled weapon is a knife other than a prohibited knife, a spear gun, a baton, a bayonet or an imitation firearm. It will also become an offence for a person to sell a controlled weapon to another person, knowing that that person is a child.

The Leader of The Nationals made a very good point in his contribution when he spoke about clause 6, which inserts two new offences into section 6 of the principal act. It inserts new subsection (1AA) after section 6(1) of the principal act. This subsection makes it an offence for a child to purchase a controlled weapon, and it sets a maximum penalty. Clause 6 also inserts new subsection (1AB) into the principal act. This new subsection makes it an offence for a person to sell a controlled weapon to another person knowing that the other person is a child, and it sets out the maximum penalty.

An example, which was given to me, of the ridiculous situation this creates is where a mum and dad are out on the weekend with the kids on their way to an outing, a picnic or barbecue and they pull up outside the Coles New World supermarket in Mooroolbark or at one of the Coles outlets in Croydon and their 16-year-old jumps out of the car and runs in to purchase the knives and forks for the barbecue lunch that have been left out of the picnic set. Under the literal meaning of this provision the 16-year-old could be prosecuted for that. We seek clarification from the minister on that issue when he is summing up the debate.

The library research brief on this bill has been mentioned. I commend the library for putting together that information. Some terrific research was done on knife carriage amongst young people. The parliamentary library research brief also discussed New South Wales, Queensland, South Australian and United Kingdom experiences in relation to these issues. There is some great information in it. Time does not permit me to go into or highlight some of those points, but I commend that research brief to members of the house whether they are making a contribution to the debate or not, because there is some very interesting information in it that supports the need to get on top of this problem of knives and weapons crime.

This is a very important bill; it is long overdue. I cannot for the life of me understand why it has taken the Brumby Labor government so long to introduce measures to try to deal with weapons crime and the carrying of knives in our local community. It is a very important bill, it is long overdue, and I commend it to the house.

**Mr HOWARD** (Ballarat East) — I too am very pleased to speak on the Control of Weapons Amendment Bill before the house tonight. Clearly this bill represents a further stage — not a first stage as members of the opposition pretend — in regard to this matter; it is a further stage that this government is bringing in to crack down on weapons-related violence and to make perfectly clear to any member of our community that if they wish to carry inappropriate knives and weapons around within the community, then they can expect to be followed up and fined and that this is simply not acceptable.

The bill before the house simply acts to extend the powers we have already put in place in regard to police searches, in regard to finding and following up on anybody carrying knives and unlawful weapons. As we have heard from some of the previous speakers, it does so in a number of ways. It provides greater powers to carry out random weapons searches and clarifies issues in relation to those so that they can operate more sensibly.

We know that Victoria already has the toughest weapons search and seizure powers in Australia, which we have brought in over a number of years. In 2007 legislation was introduced to double the penalties for being found in possession of an illegal weapon or a knife, and in 2009 we brought in random search powers to further strengthen the powers police have to detect and to search for inappropriate weapons. That legislation sent a message to the community that if people wanted to carry unlawful weapons, we would be seeking them out. We wanted to reinforce the message that they would be caught and they would be fined, and that those people needed to think again because it was not sensible and it was a dangerous thing to do.

I am pleased that every member of this house, I think, supports this legislation. When we hear of acts of violence happening in different parts of the state we are horrified. It is normally just a small number of crimes that attract significant attention. Fortunately there are not so many in my electorate. Certainly attacks with knives and illegal weapons happen only on fairly rare occasions. There are other forms of violence against the person, crimes against the person, that arise in my electorate and attract media attention at times, and we

want to ensure that all crime against people, in fact all crime, is addressed and that we continue as a government to send out the message that we want people to be able to feel safe on our streets and to be able to go about their business feeling confident, not fearful.

Although the opposition periodically presents figures or simply makes statements asserting that crime is rampant and it is not safe to go out on our streets, when you look at the information before us it does not show that. In relation to those areas of crime against the person that would be of greatest concern to people wanting to get out and about and do their business, the statistics in my electorate of Ballarat over recent years show that crime against the person has not been on the increase. In fact last year crime against the person dropped by 10 per cent, so that is encouraging. I want to ensure that people across my electorate can continue to feel safe. We need to address those issues, and this government continues to address issues associated with crime.

The Leader of The Nationals presented a case earlier that made it sound like the coalition had a great record on law and order issues, whereas we know that when the coalition was last in government it did not increase police numbers. In fact in the latter years of that coalition government, when the Leader of The Nationals was part of it, we saw police numbers plummet. They plummeted by over 800 police in the latter part of the Kennett government period. Since we came to government we have consistently promised more police in every term of government, and we have delivered those police. There are already more than 650 more police on the front line across the state acting to address issues of crime in our community.

In this budget the government committed further funding to build up our police numbers by a further 1996 members. This is not just a hollow commitment; this is a commitment backed up with a budgetary response which not only allocates further funding to train and employ more police but enables police communications staff to move into the Emergency Services Telecommunications Authority unit in Mount Helen in the Ballarat district, which will see an additional 180 people employed there taking emergency calls for police and ambulance as they do already for fire services. Not only will we see those additional people employed to take on that role but it will free up police — in this case 66 police officers — from taking emergency calls and will enable them to be out on the beat in the community. The government has committed to providing further administrative staff to support police, and that in turn will free up more police

from doing paperwork in police stations. It will ensure that they are out there on the streets where people want them and where they can be proactively addressing crime issues.

I also want to say that crime issues are not just about police and police numbers. We have continued to act to increase police numbers, but we also need to recognise that many other issues are involved in addressing crime in our community. The community does not want crime to increase. There are a range of services across the community that can help to identify young people who might be disenfranchised by the system and can act to ensure that those youths are supported and help them to see that turning to acts of violence and the like is inappropriate. We need to address issues associated with alcohol, and the government has taken significant steps in putting in place a range of community measures to support groups that are already working to try to address areas where young people, or old people, might consider undertaking criminal acts or acts of violence which show disrespect for the rights of other community members.

The government has continued to act throughout its term in office to address issues of crime, including knives, which have been of greater concern in recent years. We do not want to see this trend continue; we want to see it reversed so that people can feel safe on the street. All areas of crime that are of concern to people we want to see addressed. That is why we are increasing police numbers further and why we continue to bring in legislation like this bill, the hoon driving legislation and a broad range of legislation that sends the message that crime is inappropriate and that we need to respect others in our community and act sensibly and safely. I certainly commend this bill to the house.

The actions that the government has taken have been positively recognised in our media. I noticed that the *Sunraysia Daily* strongly approved of the advertising campaign that has been undertaken by the government to remind people that if they carry knives they will be caught and can be subject to new \$1000 on-the-spot fines. References to this legislation in the *Age* have also been very supportive. I trust that the media will continue to reflect this issue and there will be a good response in our community.

**Mr WELLER** (Rodney) — It gives me great pleasure to rise this afternoon to speak on the Control of Weapons Amendment Bill 2010. To begin, let me mention some of the contributions by government members. The member for Yan Yean once again lost her way addressing the house by criticising the

coalition's commitment to providing extra police. I remind the house that when on 6 April the Leader of The Nationals announced the commitment to providing extra police in Victoria the government said, 'It cannot be done; you will not be able to fund it'. But what did the government do? Some weeks later, the week before the budget was delivered, the government said it could match that. So here we have the government being dragged kicking and screaming into committing to extra police — a commitment that the coalition announced some three or four weeks earlier. It is the coalition that is leading the way here; it is not the government.

On another point, namely being tough on crime, in January the coalition said it would abolish suspended sentences for crimes against the person. Once again the Attorney-General commented that that would fill all the jails up and asked, 'Where are you going to put everyone?'. Here we are now, after two or three weeks, and the government has come to the point that it agrees with the coalition: it too has adopted the policy of no more suspended sentences for crimes against the person. The government is trying to match the coalition on getting tough on crime; that is what we are seeing here. The member for Yan Yean also inadvertently made a slip-up where she spoke about the bill being for the benefit of children under 16 years of age. This bill actually applies to children under 18 years of age.

Then we had the member for Prahran speaking about the government committing to increasing police numbers. What he does not realise is that the government was only matching the coalition commitment. Those opposite need to remember that it was the coalition that led the government. The member for Prahran has obviously forgotten about that. Then he talked about the government's commitment to police resources. I invite the member for Prahran to come and have a look at police resources in my electorate.

Every year since I have been the local member we have been campaigning for a new police station at Echuca. If you go into the police station at Echuca, you can hear the white ants chomping away at the wood there, but all the government ever does is put more wood in to give the white ants more feed. What we need is a new police station at Echuca. The good officers who are there deserve to have an up-to-date and high-standard police station. Forget about just talking about it; it needs to be done.

There is also the police station at Rochester. I have highlighted in this place many times that it is very small and outdated. I must say I have never been interviewed there, but people tell me that if you take a witness with

you into the interview, there is not enough room for three people in the interview room so you have to leave the door open. The police station at Rochester has been in need of renewal for a long time.

What also has to be remembered about the government's commitment to police is that it has actually cut police numbers in my area. In the Campaspe and Moira shires the numbers have been cut. Why? The government says it is because the people in my area are too law abiding and so they do not need the police. The government has made all these commitments to police and yet the numbers in my area have actually been cut.

The member for Ballarat East went on saying, as always, the government never gets it right. He talked about how this has been a process, there have been bills and the government keeps building this up. What we have found with this government is that it has been quite sloppy in how it brings forward a lot of its bills and there is always a need to bring them back some months later and make further amendments. This is probably another case where it has been dragged kicking and screaming to this position of actually doing something about knives because of the stance the coalition has taken. It has taken the government a long time. You could say that the government has been in denial that there has been a problem for the last 10 years and that the coalition's commitment to extra police and protective services officers on the trains is what has brought the government to try to regain some ground when the community is well aware that it is the coalition that has been leading the way on these things.

The bill itself, if I can go to the bill — —

**Mr Merlino** — Finally!

**Mr WELLER** — I had to give a few answers where members of the government have been misled.

The bill amends the Control of Weapons Act 1990 to prohibit the sale of prohibited weapons, being flick knives, daggers, swords and controlled weapons, and other knives which are not permitted — weapons such as kitchen knives — to children under 18.

Clause 6 of the bill inserts two new offences into section 6 of the principal act. The clause inserts new subsection (1AA) after section 6(1) of the principal act. This new subsection makes it an offence for a child to purchase a controlled weapon. The maximum penalty is 12 penalty units.

The term 'controlled weapon' includes plastic knives. What happens on a Sunday morning in Echuca when a

16-year-old goes down to McDonald's and buys pancakes? Can McDonald's sell a plastic knife with those pancakes? In theory this bill says it cannot. That means the children will then have to eat their pancakes with their fingers. My mother would not tolerate that. I do not think it is acceptable. Once again we need to get the minister, when he is summing up the second-reading debate, to clarify what this means. Is this what the government is saying has to happen? Will it be the case that when a child goes into McDonald's to buy a feed and a knife comes with it he cannot have the knife? Is this the case or not? We need this to be clarified.

There is also some very interesting information in the research brief prepared by the parliamentary library. It talks about a study by Brown and Sutton and says:

Evidence on the effectiveness of supply side strategies (such as restricting the availability of knives through legislation) —

which is what is what we are doing and what we are supporting here —

for reducing knife carriage and use, suggest their effectiveness will be enhanced when used in combination with other strategies.

The other strategies are that we have more law enforcement officers and that we restrict the availability of weapons, but we must always have education as part of that. There is nothing in this bill about education about dangerous weapons and trying to get the culture changed. As we all know, to change culture takes a long time and a lot of effort, and education has to be a part of changing culture. That is what we should have in this bill — a commitment to education to change the culture of people carrying knives.

The bill also talks about planned and unplanned strip searches and people's rights. I too am committed to and think it is right that if you are having a search, the person being searched has an independent person there who they are comfortable with, which this bill goes on and talks about. It identifies that they have that ability.

The bill also talks about the sale of prohibited or controlled weapons to children and some of the penalties there. If you knowingly sell to a child, you get 240 penalty units. The maximum penalty for a child buying a prohibited weapon is 25 penalty units. We are increasing the penalties, which is good and a further deterrent, but we need to have the complete suite of tools here, and education should be a major part of that.

We also have to remember that the government has been dillydallying. For 11 years there has been inaction in this area, and the government has sat on its hands. At

long last it has been dragged kicking and screaming to do something — —

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

**Debate adjourned on motion of Ms MUNT (Mordialloc).**

**Debate adjourned until later this day.**

**Mrs Fyffe** — Acting Speaker, I direct your attention to the state of the house.

**Quorum formed.**

## GAMBLING REGULATION AMENDMENT (LICENSING) BILL

*Second reading*

**Debate resumed from 15 May; motion of Mr ROBINSON (Minister for Gaming).**

**Mr O'BRIEN (Malvern)** — It is a pleasure to rise to speak in the debate on the Gambling Regulation Amendment (Licensing) Bill 2010. I say at the outset that the opposition will not oppose this bill in the Assembly but reserves its position on the bill in the other place for reasons I will outline during the course of my contribution. This bill represents another instalment of the government's efforts in this place to try to get gambling regulation right. This is a government that never believes that less is more when it comes to legislating. We now have an act of around 1100 or 1200 pages and this bill will add another 70 or so pages to that by the time we have finished with it. There are some important measures in this bill, and given its length and complexity it is probably best for me to deal with them thematically rather than go through them clause by clause, as time will not allow that.

In relation to the licensing measures contained in this bill, there is one provision that the opposition thinks is quite sensible and that fixes up what could be termed a 'loophole' which would otherwise allow an operator who holds a hotel venue operators licence to conduct gaming with a club gaming machine entitlement. On this side of the house we have been very strongly in favour of the distinction between club pokies and pub pokies being clear cut and enforceable. It was this side of the house that required as a condition of its agreement to previous licensing legislation that the 50-50 rule — that is, half of the 27 500 pokies must be in clubs and half must be in pubs — provided for in

legislation. We did not think it was adequate that this measure should be subject to a simple ministerial direction and therefore changeable at the whim of the minister of the day. We think that if you are going to set up this industry for the longer term, it is important there be certainty for everyone involved: government, industry stakeholders and players as well for that matter. Part of that involves putting important policy decisions such as the 50-50 split into legislation.

In the course of the review of the legislation that governs gaming in Victoria it became apparent that there was a potential loophole. This bill seeks to fix that loophole by providing that only a venue operator who holds a club venue operators licence will be authorised to conduct gaming under a club gaming machine entitlement. That is a very sensible measure, and it is one this side of the house endorses. There is another provision in the licensing part of this bill which deals with who can hold a venue operators licence. Previously the law stated that a natural person could not hold a venue operators licence which had with it the opportunity to have gaming entitlements. However, there are other forms of legal existence other than natural persons and corporations. There can be trusts, and a trust is not a natural person but potentially it could hold gaming entitlements or a club or pub venue operators licence, and there could also be an incorporated association or there could be a partnership. For various probity reasons it is very important that the legal structures of those entities which are operating venues and which hold gaming machine entitlements be clarified. We welcome this measure to restrict the ability to hold a venue operators licence only to bodies corporate.

Under the licensing provisions in this bill there is also provision for the monitoring licensee to facilitate the operation of linked jackpots on gaming machines across multiple venues. I will spend a little bit of time discussing this matter because it is a contentious one and one about which I have received many representations from community groups. It deserves some discussion in this place.

At the moment under the current gaming system Tattersall's and Tabcorp own and operate the 27 500 gaming machines in Victoria that are outside the casino, and they own half of that number each. Because they have operator systems they can have jackpots that extend beyond just one venue — for example, they can have jackpots that involve all Tattersall's machines or all Tabcorp machines. This allows the operator and the venues to then offer large jackpots because obviously the more machines you have in an operating system the greater the amount of money that goes into the jackpot

pool. I understand tonight's Oz Lotto has a \$40 million jackpot. Big prizes tend to attract more gamblers.

It is the search for a life-changing win that attracts a large number of people who would not otherwise be persuaded to buy a lottery ticket or play the pokies; it can have that effect. Linked jackpots are seen as being important from the point of view of the pokies operators and the venues because they attract players by offering the opportunity to win a large payment which they would not otherwise have if they were limited to just jackpots operating on the small number of machines in a given venue.

With the change to the venue-based system in 2012 that dual-track system of Tattersall's owning half of the machines and Tabcorp owning the other half will come to an end. For that reason the government has introduced a monitoring licensee, which will be in charge of monitoring the operation of gaming across Victoria — for example, the monitoring licensee will have the power to hold moneys in trust where there are linked jackpots beyond a particular venue. Essentially this legislation will set up the opportunity for linked jackpots across multiple venues to continue across from the old operator system to the venue system. This has attracted some controversy because a number of people are concerned that linked jackpots can encourage problem gambling. The questions that have to be asked are: what is the evidence for that proposition, how strong is that evidence and what would be the consequences of not having linked jackpots?

In 1999 the Productivity Commission undertook a landmark inquiry into gambling in Australia. Its inquiry report, which was issued on 26 November 1999, considered the issue of linked jackpots. At chapter 16.9 of that report the commission notes:

Problem gamblers were, in general, in favour of almost any measure which would increase their control over gambling and/or reduce accessibility ... while measures such as removing linked jackpots ... received more equivocal endorsement than other measures.

Table 16.8 of the report sets out a survey on attitudes of problem gamblers to the effectiveness of harm minimisation measures. In response to the suggestion that 'poker machines should not have linked jackpots', 35.3 per cent of respondents said it would not work, 30.9 per cent of respondents said it would work a bit and 33.8 per cent of respondents said it would work well. Essentially even amongst problem gamblers there was a three-way split in response to whether or not getting rid of linked jackpots in poker machines would be effective in dealing with problem gambling.

As a result of that the commission went on to state:

The commission agrees that such jackpots are likely to increase player entertainment and that any ban would appear to involve some implementation costs and transfers from shareholders of gaming providers ...

On the other hand, there appears to be some evidence that problem gamblers find linked jackpot machines a greater attractant than non-problem gamblers, with about 30 per cent of gaming machine playing problem gamblers specifically seeking out such machines, compared with about 3 per cent of non-problem gamblers (table 16.13). This does not, however, necessarily mean that in the absence of jackpot machines, visits or money spent by problem gamblers would be any less.

On the next page the commission went on to say:

Currently there appears insufficient evidence that jackpots do exacerbate risks. In this case, a ban appears premature, given their possible consumer benefits. However, as these new technologies expand in significance, future research on problem gambling should investigate whether they are a major source of problems.

I had a little bit to do with this report because back in the days when that report was being undertaken and then delivered I happened to be working in the office of the then federal Treasurer and was responsible for various government agencies within that office, including the Productivity Commission, so I had some intimate knowledge of that particular report. I was proud to be part of the office and the government which took gambling issues seriously enough to want to commission some independent research, which is something that no government had done previously, at least not to that extent. Gambling has always been part of the Australian culture, but there had never been such a clear-headed report on the problems that gambling can lead to prior to that Productivity Commission report.

Subsequently the Rudd federal government decided to update the Productivity Commission's report and commissioned it to undertake a new report on gambling. In the Productivity Commission's draft report of October 2009 — almost 10 years later, to the month — the commission again considered the issue of linked jackpots and their relationship with problem gambling. At chapter 11.5 under the heading 'Jackpots' the commission said:

... there is a trade-off between the recreational enjoyment of jackpots and the potentially adverse impacts they may have by encouraging even greater intensity of play (and bigger financial losses) for those experiencing problems with their gambling.

...

Overall, the commission has not reached a definitive conclusion on the impacts of jackpots. They are a popular feature with consumers, although prima facie they may accentuate harm for some consumers.

In view of the limited research on the effects of jackpots on gaming machine play, the commission seeks further views and information about whether any changes are warranted and, if so, what form they should take and the likely associated costs and benefits.

Ten years on it appears that, as far as the Productivity Commission is concerned, the jury is still out on the association between linked jackpots and problem gambling. The Victorian government published a document *A Study of Gambling in Victoria — Problem Gambling from a Public Health Perspective* dated September 2009. Page 15 of the document refers to poker and electronic gaming machines (EGMs) and states:

influence of linked jackpots on EGM play — findings overall showed that reported influence significantly increased with increasing risk for problem gambling ... However, overall 83.97 per cent of players reported 'no influence'.

The state government has come up with findings that suggest there certainly may be some link. There is no direct link for the overwhelming majority of players, but nonetheless there may be some correlation.

I have received a number of submissions from community groups, including the InterChurch Gambling Taskforce. I pay tribute to the tireless efforts of the chair of the task force, Dr Mark Zirnsak, in this area. I do not necessarily always agree with Dr Zirnsak's conclusions, although on a number of occasions I have found that I do. He is certainly somebody who has a terrific community interest at heart. I always take his views and those of the InterChurch Gambling Taskforce seriously. Dr Zirnsak sent me a submission in which he notes there is strong evidence that linked jackpots facilitate problem gambling and that most gamblers would not miss them. He said:

The Productivity Commission gambling draft report sought further submissions on the effects of linked jackpots on gambling behaviour ... and therefore at this point in time we do not know if the Productivity Commission made a recommendation to restrict or ban linked jackpots in its final report. Thus, the task force would argue that, at the very least, the Victorian Parliament should wait until the final Productivity Commission is public before committing to continue with linked jackpots in EGM venues in Victoria.

I concur with Dr Zirnsak that the fact the Rudd government has refused to release the final report of the Productivity Commission, despite the fact that that release date is overdue, is an indictment of the Rudd government. We all remember the front page article

that appeared in the *Australian* in the lead-up to the 2007 election in which Kevin Rudd declared that he hated poker machines. Having said that, he has done nothing to address any of his concerns about the pokies, which is typical of his government. There was a lot of talk before the election about all the problems Kevin Rudd was going to fix, including FuelWatch, Grocery Watch and the pokies, but we have not seen anything happen with any of those things. It has all turned out to be a bit of a mess.

**Mr Hudson** interjected.

**Mr O'BRIEN** — Kevin07 has turned into Kevin0Lemon, as I am sure the member for Bentleigh would agree.

**The ACTING SPEAKER (Mr Seitz)** — Order! On the bill.

**Mr O'BRIEN** — We are waiting for Kevin Rudd and his federal Labor government to release the final report of the Productivity Commission on gambling, which deals with linked jackpots, the subject of the bill, which the Minister for Education, who is at the table, and the member for Bentleigh seem to have forgotten about.

**Ms Pike** interjected.

**Mr O'BRIEN** — That is why opposition members say the opposition is reserving our final position on our attitude to this bill in the Council until we have the opportunity to see whether the Productivity Commission's final report will be released.

**Mr Hudson** interjected.

**Mr O'BRIEN** — I am delighted that the member for Bentleigh interjects and says this is posturing.

**The ACTING SPEAKER (Mr Seitz)** — Order! Interjections are disorderly, and the member on his feet should ignore them.

**Mr O'BRIEN** — It is great that the member for Bentleigh believes there is no point in the Productivity Commission's final report being released. He would like to keep everyone in the dark. He does not want this Parliament to make an informed decision. He thinks we should take whatever pap he and the government shovel out. We do not agree, and that is why I call on Kevin Rudd and the federal government to release the final report of the Productivity Commission on gambling.

**Ms Pike** interjected.

**Mr O'BRIEN** — He does not listen to anyone else, Minister, does he? Just add me to a very long list of people Kevin Rudd does not listen to. Opposition members are calling for that report to be released, and we think it is important that this Parliament be able to make an informed decision on this important issue of linked jackpots and any relationship it might have with problem gambling. I note that the Council of Gambler's Help Services, an organisation for which this government should have some regard, shared the view that the release of the Productivity Commission's final report into gambling is very important and should inform the Parliament's debate on this piece of legislation.

I note that the government has basically said there will be linked jackpots post-2012. A document entitled *Gaming Auction Monitoring Information* was released as part of the licensing processes in relation to gambling licensing. It states:

The monitor will oversee the integrity of gaming machines transactions in Victorian venues (outside of the casino) and in doing so, be responsible for a number of monitoring functions, including:

...

facilitating linked jackpots

...

This complicates things to some extent, because a number of clubs and hotels have now purchased gaming machine entitlements from this government on the basis of the government stating linked jackpots will be facilitated.

One argument, which I do give some weight to, is that it would be unfair for Parliament to turn around and prevent linked jackpots from operating when the government has sold these entitlements to these organisations on the basis that linked jackpots will operate. That being said, members of the coalition still think the Productivity Commission's final report will carry a large amount of weight and should be part of the overall consideration of this issue.

Finally on the licensing issue, let me refer to the fact that this bill also deals with the wagering licence. A number of organisations and individuals will be affected by the way the wagering licence process is carried out. One of those organisations and some of those people are the operators of off-course agencies — the people who own and operate the TABs that you might find in your local high street. These people are very concerned about their jobs and their future. The government has thrown a massive amount of

uncertainty into the industry in the way it has gone about this process. The livelihoods of these people are tied up in what happens with this wagering licence decision and, not unreasonably, a lot of the Victorian off-course agents have wanted to meet with government members to discuss their concerns and to talk about how their futures can be affected by whatever decision the government takes in relation to the next wagering licence. Unfortunately far too many members of the Brumby government have refused even to give these agents the time of day. The livelihoods of those people and their businesses are on the line, so many Labor members will not meet with them.

A petition signed by 8000 punters was tabled in Parliament today. It was organised by the Victorian Off-course Agents Association and its president, John Haberman, whom I have met. The petition talks about the importance of the continuing operation of existing retail betting agencies to be part of the next wagering licence, whomever the Brumby government awards it to. We are talking about 100 small businesses and about 500 jobs across Victoria being on the line. Many members of this government have not even had the courage and the decency to give these people who are going to be affected by this decision the time of day, and for that the government stands condemned.

The very last concern I would like to mention on the licensing front is about the provisions that have been raised with me by Clubs Victoria. In a nutshell, the bill provides for changes to the way in which there are variations of approval of premises for the conduct of gaming. Clubs Victoria has identified some inconsistencies contained within the act as well as within the bill whereby there is no process for increasing the number of machines for which a premises has been approved — that is, once a premises has been approved for gaming and for a particular number of machines, as the act currently operates it would seem that a venue that wanted to increase the number of machines it could operate would need to submit an entirely new application rather than varying an existing application. It is a technical and complicated issue that has been identified by Clubs Victoria, and I think the government should take those concerns on board and use the opportunity while the bill is between here and the other place to work out whether further amendments to this legislation are required.

The government rightly expects industry participants to comply with the law. The government has an obligation to ensure that in the legislation it puts before this Parliament it gets it right. When we have seen, as I have identified, examples that have been put forward by organisations such as Clubs Victoria which suggest the

government has not got it right, government members need to take the issues seriously and if there is a problem, fix it up.

This bill also makes provision in relation to the approval of premises and time lines for local government in dealing with those approvals. The bill provides that prior to applying to the Victorian Commission for Gambling Regulation for approval of premises for gaming or for an increase in gaming machine numbers the applicant must provide a copy of the proposed application to the relevant responsible authority — that is, the local council. The applicant must provide the VCGR with the application within three days of providing the proposal to the responsible authority.

Once the VCGR notifies the responsible authority it has received the application, the responsible authority has 37 days within which to notify the VCGR that it wishes to make a submission and 60 days in which to make the submission. Some concerns have been expressed that this unduly limits the time in which local government can decide whether it wishes to make a submission and then to make that submission. When these measures were first legislated — I think it was last year — I said at the time that opposition members would not oppose this streamlining of the procedures but that we would be keeping a very close watching brief on whether or not the measures unduly affected councils or communities. While we would hope that councils are at all times representative of all their citizens, we know from experience that that is not always the case. What I would say to organisations that have expressed concern about the time lines set out in this bill is that we will again keep a very close watching brief on this issue in that regard.

The bill provides for some changes to disciplinary action that can be undertaken by the VCGR. It increases by tenfold — from 500 penalty units to 5000 penalty units — the fines that can be issued by the VCGR to gambling industry participants for various disciplinary breaches. The VCGR has advised that it is now going to have a much harder job. Previously the only organisations which really touched the gaming machines were Tattersall's and Tabcorp. We are now going to have hundreds of pubs and clubs across Victoria owning and operating gaming machines. That vastly increases the number of probity issues that will have to be dealt with. To that extent we do not oppose the increase in penalties or the increase in the VCGR's powers, but this is something which we think was always going to be a consequence of the government's move away from the operator system.

I have said that the Premier had the right to make that decision, but he also had the responsibility to make it work. He certainly has not made it work in terms of public finances with the gaming entitlements being thrown away at a bargain basement price. This has seen the pockets of many big AFL clubs and other big pokie barons swell as they have picked up 10-year gaming entitlements for a song, so we know the government has not got it right when it comes to the finances. What we now need is for the government to ensure that it gets things right on the probity side of the fence. We know it has mucked up the finances — it is a Labor government, so who would be surprised by that? — but it is just as important that it makes sure it does not let crooks into the industry. We cannot afford to let crooks into the gambling industry in Victoria, and if the government's changes allow this to happen, it will be on its head.

The bill also broadens the definition of associates of gambling industry participants and introduces the definition of 'associate suitability criteria'. Again, we think this is important from a probity point of view. We do not want to have undesirable people in positions where they can exercise control over companies or organisations that operate gaming machines. A bipartisan feature of gambling regulation in this state has been at least a stated desire to keep crooks out and make sure we have a clean industry. The government has, through its changes, introduced what I would say will be a lot of challenges to ensuring that crooks will continue to be kept out of the industry. We think it is very important that the VCGR not only has tough powers but also has the resources to be able to undertake the sorts of investigations that are necessary to ensure that gambling is well run in this state.

In the very brief time that is left to me I point out that the bill also removes the restriction preventing a shareholder from owning more than 10 per cent of shares in Tattersall's or Tabcorp. This measure was initially put in place to allow smaller shareholders to own part of these companies, but since the regulation of associates will apply to shareholders in these companies and since those companies will not be operating machines after 2012, that seems to be a very sensible measure.

There are a number of measures in this bill which are worthy of support. There are also a number of measures about which we have concerns, particularly in relation to linked jackpots. We think there should be further information available. We reiterate our call for the Prime Minister and the federal government to release the final report of the Productivity Commission.

**Mr Nardella** interjected.

**Mr O'BRIEN** — The human vuvuzela from Melton comes in here late and does not understand the issue. The grown-ups have already made a decision on this, and that is to reserve our position until this legislation gets to the other place.

**Mr HUDSON** (Bentleigh) — It is a pleasure to speak in support of this bill, because it puts in place some of the legislative framework needed to support the new venue operator structure for gaming machines. It is a structure that does away with the duopoly held by Tattersall's and Tabcorp and post-2012 places gaming machine entitlements in the hands of venues with venue operator licences. That has been supported on this side of the house. It is a bit hard to know what is being supported on the other side of the house, but that structure is certainly something we support. We have supported clubs being able to own their own machines: we gave clubs a pre-auction entitlement of up to 40 machines at a fixed price and we ensured that the other machines were part of an auction where they could be bought by either clubs or hotels in a competitive marketplace.

The member for Malvern spent a lot of time during his speech talking about linked jackpots. Linked jackpots are on gaming machines now, and it is expected they will continue to be offered post-2012. We had the member for Malvern coming in here and saying, 'We are not sure. We support the legislation now but we are going to hold our judgement on this; we are not sure whether we are going to support it in the upper house'. The reason he offered was that the federal government had not yet brought down its Productivity Commission report on gaming. He said it is just possible that there might be something in that report about linked jackpots and problem gambling. He said this report is overdue and is like a lot of the things that the Rudd government does: it says it is going to do something and it does not do it or it takes too long. The fact of the matter is that that report is not due until this Thursday, and I am sure it will come down on Thursday. The problem is that the member for Malvern wants to have an each-way bet on each of these things.

In June last year this Parliament passed legislation establishing a monitoring licensee to undertake a number of functions. One of those functions was to handle and manage the funds in relation to linked jackpots. As far as I remember, the Productivity Commission was conducting its inquiry into gaming at that time, but I did not hear opposition members say then that we should not have linked jackpots. They did not say, 'We should not have this as a function of the

monitoring licensee', and they did not move amendments in relation to linked jackpots. In relation to this legislation the member for Malvern has not moved an amendment that says, 'We seek the deferral of this legislation until the Productivity Commission report comes down so it can be examined properly'. The reason he has not done so is that this is pure posturing on his part. He wants to play to both audiences. He wants to play to clubs and hotels and to the church groups on this question. He does not have a policy.

The proper thing to do in these circumstances is not to have this each-way bet but to wait until the Productivity Commission brings down its report, consider the report and then maybe propose a policy. So far as I know, to this date the opposition does not have a policy in relation to this issue, and it is a bit rich for the member for Malvern to come in here and say, 'We do not have a policy now, but by the time it gets to the upper house we might just have one'.

**Mr Nardella** — On Thursday.

**Mr HUDSON** — 'We might have one on Thursday'. I really think that is stretching the credibility of the opposition in relation to this issue.

The member for Malvern also said the government had sold the gaming machine entitlements for a song. The government auctioned the entitlements for \$981 million, which means that over 10 years the gaming machine entitlements will generate \$98 million a year. When the Kennett government created the duopoly and granted gaming machine and wagering operator licences it included the right to run every TAB agency in the state. It included the tote at Victorian races and gaming machine entitlements, and guess how much that government got for them? It received \$81 million a year. The member for Malvern said we had sold them for a song! That was before the introduction by the government of a whole range of measures including the strongest problem gambling measures introduced by any government around Australia. They include slower spin rates, lower maximum bets, smoking bans in hotels and clubs and the introduction of a health benefit levy of over \$4000 a year on every machine, which was opposed by the opposition. The bidders in the auction have to factor in even tougher problem gambling measures from 2012.

From 2012 automatic teller machines (ATMs) will be removed from all hotels and clubs and there will be precommitment measures in place, which will allow players to control the length of time and the amount they gamble. When the member for Malvern says we

gave them away for a song, I do not think he knows what he is talking about.

Let us talk about — —

**Mr O'Brien** interjected.

**Mr HUDSON** — I'll tell you what — Bruce Mathieson does not regard me as his best mate.

The bill also strengthens and regulates the ongoing monitoring of associates. The bill gives the minister the power to require a person to dispose of shares in the business of a gambling licensee, because under the current Gambling Regulation Act the Victorian Commission for Gambling Regulation (VCGR) can conduct investigations into the associates of gambling licence-holders. The member for Malvern has just left the chamber; he has had enough. This power is essential to ensure the industry is free from criminal interests. Every member of this house wants to see that. We want a clean industry, we want an industry of integrity, and we want an industry with probity.

The bill gives the minister an additional power in relation to unsuitable associates where the holder of a gambling licence is a listed corporation and that associate holds shares in the corporation, because that person is in a position to significantly influence the management or operation of the gambling business. Under the bill the minister can require the associate, where they are deemed to be an unsuitable or inappropriate person, to dispose of those shares if in any way they can influence what the corporation does. They do not have to own the shares. They could be in a position, for example, to influence someone who owns shares, in effect to exercise control over the relevant interest in shares that someone else has. The bill will ensure that the associate cannot, for example, exercise control over a vote attached to those shares or control the power to dispose of the shares. Where that person is an unsuitable associate the minister will be able to say to that other person, 'You are required to dispose of those shares'. I believe that is a very important provision.

In relation to premises approval, the government is very proud of its record in giving local councils greater control over the approval of premises for gaming machines. We have given local councils increased power over the placement of gaming machines in their communities, but under the current act there is no time frame for when an application or an amended application has to be provided to the VCGR. Under this bill we are reducing that time so there will be greater

certainty over the approval processes. I commend the bill to the house.

**Dr SYKES** (Benalla) — I rise to contribute to debate on the Gambling Regulation Amendment (Licensing) Bill 2010. I commence by indicating that the bill is another chapter in the ongoing saga of changing the management of gambling in Victoria, hopefully for the better. The story so far has had everything. It has had comedy: we had the comical implementation of the changes relating to Intralot, which would have been really funny had they not hurt many small businesses so severely. Then we had the presentation by the member for Bentleigh which, it would be fair to say, added an element of humour and comedy to the debate. He was ably assisted by the member for Melton, whose contribution we will wait with bated breath to receive.

There have also been allegations of secret deals being done with the big players, notably Crown Casino. We have had tense negotiations in order to protect the interests of community clubs and Clubs Victoria. The Liberal-Nationals coalition stood up for the community clubs and forced the government and the responsible minister to be dragged kicking and screaming to come up with a reasonable arrangement which would protect the interests of our community clubs, particularly in country Victoria that do so much for the communities in which they are located. Having negotiated a deal which contained in particular a requirement for being able to purchase machines at an agreed price prior to the auction, it was absolutely critical that we maintained a watching brief to ensure the Brumby government honoured the commitments that were made in those negotiations. Certainly the negotiators had to keep their wits about them because the Brumby government has form in backing down on deals that people think they have made.

Many community clubs took advantage of the pre-auction commitment arrangements, and then we proceeded to the auction system, where there were individual winners and losers. For example, on the one hand the Mansfield Golf Club in my electorate purchased additional machines at auction and paid a price similar to the price it paid under the pre-auction commitment arrangement. On the other hand, the Benalla Bowls Club was able to buy extra machines at a very low price, which made its members wonder about the wisdom of the decision they had taken to buy a large number of machines under the pre-auction commitment arrangement. They made an informed business decision, and they understand that they need to live with the consequences.

Other clear winners, as mentioned briefly by the member for Malvern, are the pokie barons who have picked up many machines at a very modest price, and, as has been argued on previous occasions, that is in part a consequence of the government having set the reserve prices for its machines at a very low rate. The analogy given was of setting the reserve price on the house you are selling based on the price of the lowest valued house in the street, which is clearly not a sound business approach. That analogy should not shock us because the Labor Party cannot manage money; it cannot manage anything, because it has no real world experience.

In addition we have had a clear loser — that is, the public of Victoria. The total income from the auction system was under \$1 billion, when pre-auction estimates from a number of sources suggested that it should more realistically have been between \$2 billion and \$3 billion.

In relation to particular aspects of the bill, the member for Malvern indicated the interest of the Liberal-Nationals coalition in seeing what comes out of the Productivity Commission report, particularly in relation to the impact of the linking of jackpots to problem gambling. The bill also includes the provision for means of addressing problem gambling, such as the banning of ATMs from gaming venues. I think that is generally supported, but I know there are some issues in country Victoria where the absence of an ATM in a venue may create difficulties for people accessing money for general purposes. I believe there has also been general support for mandating that gaming machines contain a new precommitment mechanism.

We also know, and it is particularly evident in small country communities, that gaming machines can be a very divisive issue in communities. In my electorate we have an example of the divisive nature of gaming machines. A hotel in the Mansfield community in north-east Victoria purchased licences for gaming machines within the figure allocated for that area, but that move is causing real division in the town. Some people are accepting or even supporting the addition of gaming machines in Mansfield, while others are reacting very strongly, circulating a petition against those machines. I have a total lack of interest in poker machines; I think they are boring with a capital B, but I recognise that some people become addicted to them.

**Mr Nardella** — Hear, hear! I agree with you, Bill.

**Dr SYKES** — The member for Melton has agreed with me! That is one of the great achievements in this democratic process. I recognise that playing these

machines can become addictive, and they can have a massive impact on the small percentage of people who are classified as problem gamblers — on their lives and on the lives of their families. A living example of the impact of gambling on life and family is the situation of footballer Brendan Fevola, who has everything in terms of his ability on the football field, which is reflected in his being able to generate significant income, but because of a now much-publicised gambling problem, he has lost all that he has earned and has probably now gone into debt. It has obviously put a lot of pressure on his relationship with his wife and family.

The measures in this bill are another step towards addressing problem gambling, but there is always more to be done. The Leader of The Nationals holds strong views on problem gambling and, addressing it as a health issue, he has a very good grasp of what needs to be done. Anyone who seeks to learn more about problem gambling should look at the contributions made by the Leader of The Nationals in previous debates on this issue, because, as is so often the case, his contributions are well worth listening to and well worth reading.

In relation to the future of this legislation and the general changes to gaming in Victoria, there needs to be ongoing monitoring on the impact of its implementation, and the government needs to listen to the industry and other stakeholders on issues that arise. The government needs to fix problems as they occur. I highlight this issue because we have seen a parallel situation with the liquor licensing fees: the government introduced what should have been a risk-based fee structure, but it was an appalling first effort. For a long time the Brumby government refused to listen to the people and hear their concerns about the illogicality of the so-called risk-based fee structure. Begrudgingly and belatedly the government is now starting to listen, and we are starting to see changes implemented, which interestingly is happening just ahead of an election when the people impacted by these fees have a vote. The government is scurrying to try to win back their hearts, minds and votes.

In conclusion, as the member for Malvern indicated, the coalition will reserve its position on this bill until it is debated in the upper house. We want to take on board the content of the Productivity Commission report, because, contrary to the ravings of the member for Bentleigh, it is important that you have the maximum amount of information available to you prior to making decisions, and good governance dictates that that is the way it should be. We will wait with interest to see the result of the debate in the upper house.

**Sitting suspended 6.27 p.m. until 8.02 p.m.**

**Mr LANGUILLER** (Derrimut) — I rise in support of the Gambling Regulation Amendment (Licensing) Bill 2010. The purpose of this bill is to amend the Gambling Regulation Act 2003 and the Gambling Regulation Further Amendment Act 2009 to make further provision in relation to regulatory arrangements for gaming machine entitlements and monitoring, wagering and betting keno licences and the regulation of associates of gambling industry participants. The other purpose of the bill is to amend the Casino Control Act 1991 to make further provision in relation to disciplinary action against the casino operator for offences involving minors, and to amend the Confiscation Act 1997 to remove a redundant reference to minor gaming permits.

This bill is terrific legislation that this government is very proud of. It is part of a package of legislation that will implement the government's reform of the industry structures for gaming machines, wagering and betting, and keno that will operate in Victoria after 2012. I refer to a section of the bill's statement of compatibility headed 'Overview of the bill':

... Under the new licensing arrangements:

- (i) holders of a venue operator's licence will bid directly for 10-year gaming machine entitlements which will authorise venues to possess and operate gaming machines;
- (ii) a new monitoring licence for the monitoring of gaming machines will be issued for a period of 15 years;
- (iii) keno will be offered as a single 10-year licence; and
- (iv) a single stand-alone 12-year licence will be offered for wagering.

Legislation related to these new regulatory structures is already in place. The bill further implements the regulatory arrangements that will apply post-2012 ...

The basis of this policy is a very long period of consultation, starting in July 2004 when the Minister for Gaming announced the broad-scope approach and the timetable for the review of Victoria's electronic gaming machines, club keno, wagering and lottery licences. In its initial phase the gambling licences review considered options for lotteries licensing, which concluded with the government's announcement in 2007 that two lottery licences were to be granted from July 2008. The second stage of that review was announced in 2006 and included the industry arrangements for electronic gaming machines, keno and wagering, plus funding for the Victorian racing industry beyond 2012.

Finally, on 10 April 2008 the government announced the new industry structural arrangements for wagering and betting and keno gaming machines up to the expiry of the current gaming operator. The announcement included a range of decisions. Under the new arrangements keno will be offered as a single 10-year licence, a single 12-year licence will be offered for wagering and betting, and, in place of the current gaming operators, approved venue operators will be able to bid directly for the 10-year gaming machine entitlements.

The basis of the policy of this Labor government is broad. It goes back a considerable time, and it proves that this government is serious about tackling a range of challenges that exist in this industry. By contrast what we saw today was an opposition that has not yet made up its mind. It has decided that it will continue to consider what it will do in relation to this bill, subject to the reports by the federal government. It is calling on the Prime Minister to release the reports of the Productivity Commission. Once that happens the opposition will then determine what it will do in relation to this bill. We on this side think it is about time that the opposition made a position clear in relation to this important matter. We are not far from 27 November, and one would have thought the opposition would have a view by now. If it does, it is one we have not yet heard of.

The fact is that this government has finally dealt with the issue of the duopoly. The gaming machine duopoly that existed in Victoria since 1994 has finally been broken, with this government carrying out Australia's first machine entitlement auction, as the Minister for Gaming quite correctly said and announced very proudly on behalf of the government, in May 2010. We also need to say that the gaming machine entitlements allocation process that concluded in May raised \$981 million to be directed mostly towards health, with any remaining funds to be directed to bushfire preparation.

As other members in this chamber have said, like many I also am not interested in gaming or gambling of any type. But I do accept that it is very much part of the Australian culture. Indeed in my electorate and in the region an enormous number of people consider it a leisure activity and take pleasure in putting some money towards it. But I am very happy to confirm that arising from these gaming machine allocations we will invest in health and education and in bushfire preparation.

I must say that our government is very proud of this legislation and the decision it has made. Instead of

maintaining a duopoly, the government is establishing an industry that is more accountable to local communities and one that meets its obligations to tackle problem gambling.

All gaming machine entitlements were taken up in the initial entitlement allocation process, so breaking up the duopoly in Victoria builds on the steps this Labor government has taken to tackle problem gambling and to develop a more mature industry in the state. Of course there will be regional caps, municipal limits and the banning of ATMs from the venues, which I think is a very good idea because it affords the opportunity to limit the amount of money people can access. With those things and other measures under the Taking Action on Problem Gambling strategy, I think we can confidently say we have become the best jurisdiction and the toughest regime in the land.

I wish to commend particularly the Taking Action on Problem Gambling strategy that the government has in place, through which it has increased funding to Gambler's Help services by \$26.8 million to \$79.8 million over the next five years. The strategy includes a range of other measures that will assist problem gamblers and help them to deal with problem gambling. For example, funding is provided for face to face, online and telephone counselling in community languages, which is particularly welcome in the electorate I represent in the western suburbs where, as you would know, Acting Speaker, some 120 or more nationalities are represented and many dozens of languages are spoken. People have reported to me how useful these services have been, and I wish to place that on record.

The other point I wish to place on record is that having attended, as I have done each year, the lunch organised by the Club Managers Association Australia, having been invited by the Victorian zone president, Barry West, I heard with enormous pleasure that the clubs were very happy with the decisions and the new regime that the government has put in place.

**Dr Napthine** interjected.

**Mr LANGUILLER** — Let me tell you, they were very happy, because for the first time they will be able to put back into the community.

I conclude by saying that we have on the one hand a government that has a clear policy direction — indeed a legislative direction — and a new regime in place which happens to be the toughest in the land, but on the other hand unfortunately what we have witnessed again today is an opposition that is unable to make a

commitment and make up its mind in relation to the policies that it should have ready by now.

**Dr NAPHTHINE** (South-West Coast) — I rise to speak on the Gambling Regulation Amendment (Licensing) Bill. The purpose of the bill is to make changes to the Gambling Regulation Act and associated legislation with regard to gaming machine entitlements, monitoring of gaming machines, wagering and betting licences and keno licences.

I will comment particularly on the clauses related to wagering and betting licences in my role as shadow Minister for Racing. I want to put this in the context of the absolutely appalling track record of the Minister for Gaming in dealing with gaming licences in Victoria. One only has to look at the mess that he made of Intralot to see that. I meet regularly with my local agencies that are dealing with Intralot, and they are still paying a heavy price for the mess created by Intralot and this minister.

Of course topping that disaster was the absolutely disgraceful performance of this minister, which has cost Victorian taxpayers at least \$2 billion, in the bungled gaming machine sale process. This minister ought to hang his head in shame, indeed he ought to resign, for the way he bungled the gaming machine sale process. Is it any wonder, as the member for Derrimut has said, that a number of people who purchased gaming machines are laughing all the way to the bank — because they got such a good deal? Particularly some of the so-called pokie kings and some of the larger AFL clubs paid a minimum price for a large number of poker machines, and the biggest losers in the whole process were the Victorian taxpayers and the Victorian community, and the person responsible is the incompetent Minister for Gaming.

Now we are concerned about the racing industry, because this incompetent Minister for Gaming and the Minister for Racing are presiding over the process to select the Victorian wagering and betting licence-holder post-2012. To put the matter into context, the current wagering and betting licence is held by Tabcorp and it expires in August 2012. Victorian racing is a multibillion-dollar industry across the three codes, providing over 75 000 jobs and providing the impetus for the Spring Racing Carnival, which is one of the major racing events in Victoria. There are major events in country communities right across Victoria that hold local racing carnivals, local harness racing meetings or local greyhound racing meetings. This racing industry is largely funded by the revenue stream from the Tabcorp wagering licence plus \$80 million to \$90 million a year currently, and increasing each year,

that it gets through Tabcorp from Tabcorp gaming machines.

As other members have said, in April 2008 the government announced that it would end the Tabcorp and Tattersall's poker machine duopoly from 2012 and that alternative arrangements would be put in place that, in the words of the Minister for Racing, 'would be no less favourable' in terms of the funding outcome for racing. In November 2008 the Minister for Racing and the Minister for Gaming, in a media release put out the day before the Melbourne Cup, announced that the government would provide \$45 million in capital for racing and change state taxes on betting which would deliver \$1 billion to racing over the period of the new wagering and betting licence.

The minister and the government said that would deliver a no less favourable outcome for the racing industries. Unfortunately the racing industries do not agree with the Minister for Racing, the Minister for Gaming and the Brumby Labor government. They had Ernst and Young do some studies about what the loss of this gaming machine revenue would mean to the racing industries in this state. Ernst and Young said it would cost the racing industries \$1.622 billion over the period of the licence. It said they would need \$64.3 million in capital from the state government to compensate and deliver the no less favourable outcome which the minister had promised.

As you can see, Acting Speaker, when you compare the figures from the Ernst and Young study, and I trust Ernst and Young's figures on this issue much more than I trust the figures from the Minister for Racing and the Minister for Gaming, there is a significant black hole for the racing industry — this 75 000-job industry, this multibillion-dollar industry which is one of the largest employers across the state, particularly in regional and rural Victoria — created by this government of \$622 million in recurrent funding during the licence period and \$19 million in capital. With that significant black hole we must look at other things that are affecting this wagering and betting licence, which is one of the subjects of this legislation.

There is at the same time a massive growth in corporate bookmakers and betting exchanges, which in the competitive environment are taking money away from Tabcorp, the current operator of the wagering and betting licence. That threatens the value of the licence — the exclusivity of the licence — which is its main point of value, and threatens returns to racing. More recently we have also had venue betting machines in hotels and the suggestion that perhaps they

will go to other outlets, which would threaten the exclusivity of the licence.

I will be careful here because the matter is going to the courts, but I will quote from an article in the *Age* of 16 June, which says:

The kiosk installed in the Rising Sun Hotel in April last year is a computer with internet access that allows punters access to Darwin-based Sportsbet.

The kiosk is seen as a test case for online betting and whether current laws are capable of safeguarding the state's exclusive wagering licence and at what stage a computer becomes an 'instrument of betting'.

...

The online betting kiosk has outraged Victoria's exclusive retail wagering licence-holder, Tabcorp, and the racing industry, which gets a slice of Tabcorp's wagering income.

The terminal also has the potential to undermine the value of the Victorian government's tender for a new wagering licence from 2012 — that could be worth hundreds of millions of dollars.

So there are real issues with this licensing process. Indeed the industry has enormous issues relating to how this process is being managed by the Minister for Gaming and the Minister for Racing, particularly given the Minister for Gaming's appalling track record of mismanagement of these projects.

You also have concerns about this process when you look at the website to find out more about what is going on. On 21 June I looked up wagering licences and printed out the information. It says that Tabcorp currently holds a licence and that the industry will be funded post-2012 from this new licence. It says the Gambling Licences Review Steering Committee has commenced work on the competitive bidding process, and further states:

On 3 November 2008, the government announced the proposed new tax arrangements that will apply ...

That is what I was talking about before.

The most up-to-date statement on this website about the new wagering licence, when I looked it up yesterday, was 'Wagering licence update — issue 3 — December 2008'. There has been nothing since December 2008. The industry is being kept in the dark. The industry is concerned because that is inconsistent with what it was told. The wagering and betting licence document, or notice of registration of interest document, contains a timetable which states at page 33:

Public release of this notice — 5 November 2008

It goes through a whole series of time frames, including:

Announcement of successful applicant ... and grant of licence and signing of related agreements — End 2009.

Here we are in June 2010 and we do not know what is happening.

Clause 37 of the bill says that only a body corporate can apply for a licence.

Clause 39 provides the government with power to deal with the new licence-holder in the period up to 16 August 2012 when they will take over, to make sure they are ready and able to take over immediately in August, which is the lead-up to the spring racing period.

Clause 40 provides authorisation for the purposes of the Trade Practices Act and competition code. Racing Victoria says this is a precautionary measure to ensure compliance, and the racing industry agrees with that.

Finally, let me conclude by saying this arena is littered with court cases, competition and issues that are very costly and risky to the industry and participants. There is an absolute need, as the *Herald Sun* article said on 17 June, to 'ditch the egos and work this out'. What needs to be worked out is what I said on 2 May 2007, as reported in *Hansard*; on 4 June 2009, as reported in *Hansard*; and on 25 March 2010, as reported in *Hansard*: we need a national approach agreed across all racing codes throughout Australia to ensure that all participants, whether they be betting exchanges, corporate bookmakers or totalisators, pay a fair and reasonable share back to racing for the future of racing.

**Ms KAIROUZ** (Kororoit) — In April 2008 the government announced its landmark decision to restructure Victoria's gaming industry. This basically ended the gaming machine duopoly, with Tatts and Tabcorp no longer owning and operating gaming machines in Victorian pubs and clubs.

The new venue operator structure ensures profits go back to local communities to create local jobs rather than into the pockets of shareholders. The restructure reflects the government's aim to develop an industry that is more accountable to local communities and to deliver on its obligation to act on problem gambling. Initiatives such as banning automatic teller machines from gaming venues and delivering a precommitment system are groundbreaking harm minimisation measures, and they are certainly welcomed in my electorate of Kororoit, out in the western suburbs.

The venue operator model also necessitates the delivery of a monitoring function for all venues to access. The government is therefore also tendering for a monitoring licensee to complement the new gaming machine arrangements and guarantee the integrity of the conduct and regulation of gaming in Victoria. The relicensing process has for the first time brought competition to the keno and wagering and betting licences.

This bill is one of the important steps in the process of restructuring the industry. It will further enhance and strengthen the legislative framework needed to support the transition of the Victorian gaming industry to a venue operator model while making a number of amendments to improve the operation of post-2012 wagering and betting and keno licensing schemes.

The Gambling Regulation Amendment (Licensing) Bill 2010 will authorise the holder of the monitoring licence to undertake the financial administration of linked jackpots. I have heard many stories of people, particularly in my electorate, going to venues day in, day out, trying to monitor jackpots, believing that if they stay and continue gambling, they may be able to win a very big prize. Under the new bill while venue operators will now be responsible for the management of jackpots that operate solely within their venue, multiple venue linked jackpots require a different model to ensure funds are handled appropriately. As jackpot funds are player funds, it is important that they be closely regulated. Hopefully having monitoring licensees managing linked jackpots will provide security and surety over the managing of linked venue jackpots.

The bill will also ensure that club gaming machine entitlements can only be operated by clubs. The government remains fully committed to the 50-50 distribution of entitlements between clubs and hotels. Further to this, only bodies corporate, not unincorporated bodies or partnerships, can apply for licences. The electronic gaming machine manufacturers must establish a standard price list. This will work like a recommended retail price providing transparency for venues after 2012 and will prevent small venues or operators from being at a price disadvantage compared to bigger operators.

This bill will also consolidate the power of the Victorian Commission for Gambling Regulation (VCGR) to conduct investigations into the associates of gambling licence-holders to ensure the industry is free from criminal influence. The minister will also be given the power to weed out criminals from the gambling industry. The minister now will be able to force those deemed unsuitable to hold a gambling licence to sell

their interest in the licence, and they will not be able to hide behind someone who holds shares on their behalf as the minister will be given the power to force the sale of shares in this case as well. The Victorian government is determined to maintain an industry that is clean and free of criminal activity.

Venue operators will be the great beneficiaries of the changed industry structure after 2012, but greater responsibility will also be required of them. The bill will increase the maximum fine that can be imposed by the VCGR from 500 to 5000 penalty units to reflect the greater responsibility venue operators will hold after 2012. This is a significant rise; in fact it has been increased tenfold. Hopefully this will give venue operators more responsibility and will make them aware of the risks that will be involved if they do not exercise that responsibility correctly.

The bill will also allow industry bodies to negotiate joint venture agreements with the new wagering and betting licensees. The bill provides for Trade Practices Act and competition code authorisations. Once the wagering and betting, keno and monitoring licences have been awarded, the new licensees will come under the regulation of the industry's rules and structures. The bill will allow disciplinary action to be taken against the licensees from the time they are awarded the licence. The bill will also clarify that bingo operators who fail to comply with VCGR rules will be liable to disciplinary action. It will ensure that an offence committed by the casino operator under the Gambling Regulation Act is also grounds for disciplinary action under the Casino Control Act.

The bill also endeavours to streamline the process for premises approval and sets out time periods for lodgement of submissions to the VCGR. These reforms are designed to put clear and reasonable time frames in place to ensure that both the relevant local council and the VCGR make timely assessments on applications.

Additionally, the bill will ensure that where an applicant makes an amendment to their submission, the time the council has to make a submission on the application will start again. This will prevent applicants turning up to the VCGR and changing their application. This was a common occurrence, something that we have heard about over and over again, and it put councils at great disadvantage.

The bill adheres to the principles of natural justice by ensuring that all parties to the process work from the same information when forming a view on an application; it ensures that everybody is on the same page. It ensures that councils continue to have a

reasonable amount of time to make a submission to the VCGR if they choose to do so. I believe that with regional caps put in place, municipal limits, the banning of automatic teller machines from venues and the Taking Action on Problem Gambling strategy, Victoria now has the most heavily regulated gaming machine industry in Australia. The market is well aware of the operation of strict regulatory constraints and everybody is aware of the changes that have been introduced to Victoria to foster a more reasonable, responsible and accountable industry. I am pleased to be part of a Brumby Labor government that has taken action to more heavily regulate the gaming industry. I think this is a fairly good bill and it should be commended to the house.

**Mr CRISP (Mildura)** — I rise to make a contribution to debate on the Gambling Regulation Amendment (Licensing) Bill 2010. The Nationals in coalition are not opposing this bill but have a reservation about it which I will get to a little later. The purpose of the bill is to amend the gaming legislation with respect to gaming machine entitlements and monitoring, wagering and betting and keno licences, associates of gambling industry participants and disciplinary action against the casino operator for offences involving minors. There are a number of provisions in this bill including linked jackpots applying to gaming machines in multiple venues being managed by the independent monitor established to oversee the integrity of gaming machine transactions.

There is a provision that would prevent a hotel venue operator from operating club machines acquired through the transfer scheme in a club, and the monitoring of associates of gambling trustees is to be made consistent with all forms of gambling licences. The bill also removes the 10 per cent shareholder restriction applying to current gambling operators and streamlines the process for having a premises approved.

The Gambling Regulation Act now stretches over 1100 pages, and we are about to get 70 pages more in the regulation of gambling. The bill fixes a loophole in club and pub machine allocation and prevents licences or machines from being moved between the two sectors. There are 27 500 machines split roughly 50-50 between the club and pub venues in Victoria, and this bill also tightens up the restrictions on those who can hold venue licences; as we know, a natural person cannot hold a venue licence but a corporation can. The bill also clarifies the issues relating to incorporated trusts and partnerships.

The big issue being dealt with in this legislation is the linked jackpots. Currently Tabcorp and Tattersall's link

their machines together for accumulating jackpots, with Tabcorp and Tattersall's each having a 50-50 share approximately — and the big prizes attract more gamblers. A change in 2012 to venue-based operations could have seen the end of linked jackpots. This legislation allows for their continuation by creating a way to hold the linked jackpots together.

The Productivity Commission has looked at and is continuing to look at the issue of linked jackpots. In 1999 the Productivity Commission noted that linked jackpots had an influence on problem gamblers and increased interest in gambling on gaming machines. The Productivity Commission is looking again at gambling and the issue of linked jackpots. Currently a draft report has been released, and in paragraph 11.3 it further considers the issue of linked jackpots. A definite conclusion was not reached in the draft report; however, the Productivity Commission suggested that further consultation and research was welcomed. As I understand it, the Interchurch Gambling Taskforce has made further submissions on linked jackpots. As the member for Malvern concluded, the commission's final report is due out soon and what it contains will be relevant to this debate. If Victoria has any influence over our federal government, then it would be better sooner rather than later to have this report on the table.

I understand the Brumby government's need for haste. The electronic gaming machine licences were recently sold at auction with the expectation that there would be linked jackpots. There is an issue that if the Productivity Commission comes down with some recommendations, this legislation may well already have been through both houses of Parliament.

The legislation also changes the approach for the approval of gaming premises, and Clubs Victoria has expressed some concern about this process. Although it is meant to streamline the process, there is a concern from Clubs Victoria about how to amend the number of poker machine licences within a venue. Clubs Victoria is concerned that it may have to make a new application rather than vary an existing one, and that will be expensive and cumbersome. It also expressed a concern that the legislation may limit the amount of time local government has in which to consider the variation and that a shorter time to consider the application may put undue pressure on local government. I hope that in summing up the minister can give assurances that this is not an issue to be concerned about.

The legislation also increases fines and penalties, and given that in 2012, instead of just having either Tabcorp or Tattersall's managing the poker machines, there will be many more hands on them, that is a concern. Also

the Victorian Commission for Gambling Regulation will closely monitor the new laws about associates. The legislation broadens the definition of 'associate' with the aim of keeping undesirables away from gambling machines and gaming venues. It also limits shareholdings and classifies shareholders as associates.

With those concerns that we have about this legislation, particularly what the Productivity Commission may or may not say in relation to linked jackpots, The Nationals in coalition will not oppose this legislation.

**Debate adjourned on motion of Mr PERERA (Cranbourne).**

**Debate adjourned until later this day.**

## TRANSPORT LEGISLATION AMENDMENT (PORTS INTEGRATION) BILL

*Council's rejection*

**Message from Council read rejecting bill.**

## DOMESTIC ANIMALS AMENDMENT (DANGEROUS DOGS) BILL

*Second reading*

**Debate resumed from 6 May; motion of Mr HELPER (Minister for Agriculture).**

**Mr WALSH** (Swan Hill) — I rise to make a contribution on behalf of the Liberal-Nationals coalition on the Domestic Animals Amendment (Dangerous Dogs) Bill 2010. The purpose of this bill is to make further provision for the registration of restricted breeds, to amend the definition of a restricted breed dog, to provide for the Victorian Civil and Administrative Tribunal to review the declaration of restricted breed dogs, to abolish the review panels that used to have that role, to increase penalties for certain offences, to further enable the making of declarations of dangerous dogs and menacing dogs, and to provide further powers for dogs to be destroyed.

Any companion animal legislation that comes before this house always attracts a lot of interest, and this legislation is no different in that regard. Most members would have received a lot of emails about this particular piece of legislation. I would like to acknowledge all those people who took the time to provide feedback to me and other members about this issue. One of the great things about Australian democracy is that

everyone can have a say and come back with some form of comment for members to discuss in this place. I would like to thank everyone who made a contribution. No doubt members will not agree with all the contributions that were made to them in the emails they received. Some of the emails indicated that some people had not read the legislation well and did not understand what changes will be introduced — the issue is not what some people believe it is.

The only restricted breed identified in this legislation that is in Victoria at the moment is the American pit bull terrier. I will try to pronounce the names of the restricted breeds correctly. They are the Japanese tosa, the fila Brasileiro, the dogo Argentino, the perro de presa Canario and the American pit bull terrier.

This legislation is another step in responsible dog ownership, and those who are responsible dog owners should not have an issue with this particular piece of legislation. I believe, and I hope the majority of members in this place agree, that a dog owner needs to take responsibility for the actions of their dog. That is what the responsibility of owning a pet is all about. In some ways the actions of the dog are an extension of the owner's actions, and that is the way it should be seen by society: a person who has a pet dog has an obligation to make sure it behaves correctly in public. Like most of the legislation introduced in this place, this bill is not about those people who do the right thing, it is about the small minority who do not do the right thing. Those dog owners who do the right thing and take responsibility for their dogs, including having the dog registered, identifiable and restrained in public, will probably never have anything to do with this particular piece of legislation.

The parliamentary library has provided an excellent brief on this bill, and I commend it to anyone who is interested in the legislation. In his second-reading speech the minister said:

It is a central tenet of dog management legislation that a dog is confined, registered and identifiable to its owner.

One of the comments the minister made — and I have heard it in the comments made to me — is that something like 40 per cent of dogs in Victoria are still not registered animals. We have the Domestic Animals Act to deal with restricted breeds, and if it were actually enforced by local government, we would probably have much better compliance and more dogs registered in Victoria. The minister also said that in 2010 there were 335 restricted breed dogs in Victoria, but a lot more dogs would probably fit into that category if they were checked and registered correctly. He went on to say:

In order to better regulate restricted breed dogs, in the place of current prohibition, the bill provides a two-year amnesty period to allow owners to register restricted breed dogs and thereby bring them under the existing strict controls.

This amnesty period is to allow those people who have a dog that is either a restricted breed dog or a crossbreed dog to be identified as a restricted breed or registered as a different breed. If they do not comply with the legislation, the dog can be seized and destroyed.

The bill increases a number of penalties for non-compliance with this particular legislation. The library brief refers to dog attacks in the community. It mentions that Australia probably has one of the highest rates of pet ownership in the world, with something like two-thirds of households having pets. If you are talking about the number of dogs Australia-wide, there are something like 4 million dogs in Australia, which is a huge number. Owning shares in a pet food factory would probably be a good business to be in.

**Mr Helper** — No pecuniary interest?

**Mr WALSH** — No, there is no pecuniary interest at all. The library brief refers to the fact that something like six people are attacked by dogs in Victoria every day — that is a frightening number when you think about it — and in 2008 something like 2000 people were treated in hospital for dog bites and their length of stay ranged from two days to one month. In 2009 almost one dog attack a week was reported in the Greater City of Geelong area, yet the number of registered dangerous dogs had dropped by almost half, so there is an issue about how people are managing their pets out there.

Research by the Monash University Victorian injuries surveillance unit (VISU) found that in 2005 to 2007 there were three deaths and more than 6330 people were treated for dog bite injuries in Victorian hospitals. The VISU research found that two-year-olds were at the highest risk of dog bite injury and that something like 57 per cent of dog attacks were on a person who was known to the dog. A substantial number of the victims had been attacked by their own family pet or a friend of the family's pet. I will come back to this later in my contribution when talking about the increased registration fees that will be paid to the government. There is a real need for an education program so that people understand that they need to be more responsible with their pets, particularly when they are around their children or their friends' children. One dog attack on a child is one attack too many in Victoria. Just seeing the results of a dog attack on a child is

traumatising for us, let alone the trauma for the child or the parents or friends of the child.

The VISU went on to state that there is some evidence that biting dogs are less likely to be registered than non-biting dogs. It seems the issue is that the owners of some of these categories of dogs have effectively gone underground. We have introduced a number of bills in my time in this place to deal with these particular dogs, but some of the owners have gone underground and are no longer registering them. That is an issue that needs to be picked up. The VISU goes on to say that the issue is complicated by the fact that nearly half of the dogs in Australia are crossbreeds. That is probably true given the number of dogs you see around — —

**Ms Munt** — There is nothing wrong with a good mongrel.

**Mr WALSH** — No, there is nothing wrong with a good mongrel, as the interjection pointed out, but if that good mongrel is dangerous, the owner needs to make sure — —

**Mr Helper** — Then it is not a good mongrel.

**Mr WALSH** — It is not a good mongrel; that is exactly right!

**The ACTING SPEAKER (Ms Beattie)** — Order! A little less yapping in the chamber!

**Mr WALSH** — The pun was very good, Acting Speaker. The legislation deals with the issue of dangerous dogs and restricted dogs and the fact that they need to be declared as dangerous, menacing or restricted breeds. The location of such a dog also needs to be recorded on the Victorian declared dog register. Owners of dangerous dogs must display signs warning people that a dangerous dog is kept on the premises. An owner of a dangerous dog must notify their local council within 24 hours if the registered dog is missing or if there is any change to the owner's address, the place where the dog is kept or the ownership of the dog, and dangerous dogs must wear collars at all times. I suppose it comes back to reinforcing the message for those people who raised issues about the short time frame that councils had to deal with these dogs if they were seized while roaming at large. If people comply with the legislation there is no need for councils to put those dogs down.

This legislation also gives councils the power to seize and destroy restricted breed dogs if they have not been previously registered, declared or living in Victoria prior to 2 November 2005. Those who were in this place at that time would remember when we introduced

that legislation. If memory serves me correctly, some contentious issues arose, particularly about border issues between New South Wales and Victoria, on which side of the river a particular dog might live, and making sure that those registrations were normalised at that time.

One significant increase in penalties means that if a person who is in apparent control of a dog at the time of an attack or biting, whether or not the person is the owner of the dog, is guilty of an offence and liable to a term of imprisonment not exceeding six months or a fine not exceeding 120 penalty units. As I said at the outset, the responsibility is on the dog owner or the person in control of a dog to make sure the dog does not attack people, otherwise it is a very serious offence. Some significant increases in penalties are contained in this bill.

Another issue I would like to touch on is shown in a couple of very good flow charts which were provided by the Bureau of Animal Welfare. The charts very clearly set out the details of how dogs will be dealt with if they are seized. I commend these charts to people who have reservations about how their dog might be handled if it is found at large. If a dog at large is identified as a danger to the public, the chart shows that it will be seized by the council, impounded and scanned for its microchip. The question then is whether the dog is identifiable to its owner. If it is, which means the owner has done the right thing, you go to the 'Yes' column and a notice is sent to the dog's owner, who has eight days to recover the dog. It is only when a dog is not identifiable to an owner that the issue of the time frame for the destruction of that dog kicks in. Again, if people do the right thing there is no issue.

The other flow chart relates to dangerous dogs that are at large or in a prohibited place. There is another series of questions, and if that dog is identifiable to the owner and the owner can be contacted, the matter can be dealt with by the council and the dog potentially can be returned to the owner. However, if the dog is not identifiable, the council has a responsibility under the time frames in this legislation to destroy it. I reinforce that there is no issue for people who do the right thing, have their dog registered and identifiable and have a collar on it because the owner can be found and informed about what is going on.

Earlier I spoke about the issue of education programs. Clause 17 of the bill is entitled 'Payments to the Treasurer'. In this place members always show great interest in payments to the Treasurer, and section 69 of the Domestic Animals Act provides that each council must pay an amount to the Treasurer in respect of each

registration fee collected annually for the registration of dogs and cats. Currently councils must pay \$1 in respect of each cat registration, which the bill proposes to increase to \$2, and clause 17 of bill provides that councils must pay the Treasurer \$2.50 for each dog registered, which is to be increased to \$3.50. It is estimated that there are 800 000 dogs in Victoria, and if every dog was registered and \$2.50 paid to the Treasurer there would be quite a substantial amount of money available to be used for education programs in Victoria.

**Mr Helper** — Your dog is not registered!

**Mr WALSH** — In response to the minister's interjection, when I had a dog it was always registered, so I have always complied with that requirement. My dog tended to wander, but people knew where to send it back to. It was a very good mongrel.

As I have said several times, there is the issue of stakeholders who have commented on this legislation. I would like to start off by quoting the Lost Dogs Home's chief executive, Graeme Smith, who said the proposed legislation would offer little protection. An article in the *Herald Sun* quotes him as saying:

The number of declared dangerous dogs known to and registered by authorities is the tip of the iceberg compared to the number of dogs with the potential to turn killer ...

There are about 10 000 dangerous pit bull terrier types in Victoria but only 277 are registered as a restricted breed.

As I said earlier, there is a two-year amnesty that provides the opportunity for people who want to do the right thing to normalise that registration and put it in place.

It is interesting that the Victorian president of the RSPCA (Royal Society for the Prevention of Cruelty to Animals), Dr Hugh Wirth, has called for pit bull terriers to be exterminated. He has made a quite definite statement in the media saying that pit bulls are a menace and not suitable as pets. He has also said that pit bulls are 'time bombs waiting for the right circumstances' and that the breed is lethal because it is a breed that was 'developed purely for dog fighting, in other words killing the opposition'. He has said that dog attacks continually occur because of a mismatch between the choice of dog and owner lifestyle, noting that generally many dogs are still programmed for hunting and working.

As I understand it, one of the issues for RSPCA shelters is that if they are to sell a dog, they have to make sure it is desexed, has been immunised and is microchipped. Staff at shelters spend some time working with

potential purchasers to make sure that the dog is matched to the purchaser's lifestyle and to the premises in which it will live. If someone who lived in a flat went to an RSPCA animal shelter to buy a pet dog, you would not find them going home with a big dog. As I understand it, if such people go to a pet shop they would not necessarily receive any advice about that. There is no compulsion for pet shop owners to have dogs desexed, microchipped or vaccinated.

**An honourable member** interjected.

**Mr WALSH** — My advice from Dr Wirth is that there is not. There is no compulsion for a pet shop owner to talk to the owner about what might be the most appropriate dog to place into their lifestyle. I think there are some issues in that space that need to be resolved in the future.

Quite a few local councils responded to requests for information about the legislation. I received one response from the VLGA (Victorian Local Governance Association), but the Municipal Association of Victoria did not put in a response, which I found disappointing, given that the MAV considers itself to be the representative of local councils. However, the Brimbank council said that there had been 111 reported dog attacks in Brimbank and that there were 50 restricted breed dogs and 49 registered dangerous dogs of non-restricted breeds. The Brimbank council collected 1251 stray dogs in the past year. As I understand it, Brimbank council is one of the councils that has a particular issue with dangerous dogs. We in this place could be cheeky and suggest that they might belong to Hakki Suleyman or that there could be some issues around branch stacking in that area, but we would not go down that particular path, would we? That would be disingenuous.

Dr Peter Higgins from the Australian National Kennel Council has expressed concerns that the proposed legislation will do little, since rangers are overworked and there are not enough of them to protect the community against dangerous dogs. One of the themes that came through in the consultation is that council rangers in general are overworked, and councils do not necessarily have the resources to enforce the issues around companion animals. Some people expressed concern in their feedback as to whether authorised officers or council rangers were appropriately trained to deal with some of these issues.

Peter Frost, the president of Dogs Victoria, which is a state member body of the Australian National Kennel Council, said that new laws did not present a threat to any dog owners who cared for their dogs responsibly. I

suppose that comes back to some of the issues I have been mentioning.

Another group that gave feedback on this particular legislation is Kidsafe Victoria. Kidsafe stated that it wanted Victorian councils to publish monthly tallies of dog attacks in their area. It said that New South Wales and Queensland had recently required councils to report dog attacks to state authorities. Kidsafe also stated that it backed the new dangerous dogs legislation. In particular, Kidsafe supports the increase in council officers' powers to seize and destroy unregistered dogs and the doubling of penalties. Dr Stokes, the president of Kidsafe Victoria, has also called for compulsory obedience and social training for all dogs to be undertaken as part of dog licence requirements. I am not sure that would go down all that well with the 800 000 dog owners in Victoria. It would be a major impost on those people.

The American Pit Bull Terrier Club of Australia Inc. expressed concerns over the proposed legislation and objected to not being included in the consultation process on the bill. I suppose that is an issue that the minister may choose to take up with the club. That club believes very strongly that it is the deed that should be punished rather than the breed. That is an ongoing theme that comes through in quite a lot of the consultation from people who have reservations about this legislation. They believe it is the deed and not the breed that should be punished. One of the issues with that approach is that once the deed has been committed it is quite often too late, because the deed has resulted in an injury to a child or another person.

When I look at what other states do, my assessment is that Victoria is probably at the leading edge in what it is doing with the control of companion animals, particularly in relation to dangerous dogs. In some of my reading I learned that at one stage England and the Netherlands, from memory, had legislation that outlawed particular breeds and that was found not to work, so I advise anyone proposing to go down that path that it will not necessarily work, because it forces the ownership of those dogs underground.

One of the interesting statistics I learned was that in 2009 the City of London seized 1146 dogs, but because of the way its legislation works people can challenge the destruction of those dogs, and it can cost the police in London anything up to £9000 to fight a court case on whether or not a dog should be destroyed; so there were some particular issues there.

To finish off, one of the other groups that came back to us with comments on the legislation was the German

Shepherd Dog Club of Victoria. One of its comments was:

It is stated in this bill that some 40 per cent of dog owners fail to register their animals. Surely this is a failure of the current system, yet we see nothing in the bill that would effectively counteract this situation.

I think I have already touched on the fact that there is a need to better enforce the current domestic animals legislation rather than extending it further. The German Shepherd Dog Club of Victoria goes on to comment that the current legislation should be enforced more often.

The Australian Companion Animal Council commented that there are something like 850 000 dog owners in Victoria — a huge number — and that management of pets in the community is an emotive issue. It strongly disagreed with the introduction of the domestic animals legislation, particularly the two flow charts I talked about earlier relating to the powers of councils to dispose of dogs. The council believes that:

... random attacks in public places are comparatively rare, and as such education for parents and children is the best strategy to decrease the occurrence of dog bites.

Again, the education of the owner and the dog is probably more important than the education of other people who are around the dog, although other people do need to be aware of the dog's sensitivity.

The goodfordogs.org website also gave some feedback on this legislation. It said:

Fines for failing to register or renew registration for a dog should be in proportion to the offence. Owners of impounded dogs should be given the opportunity to register their dog as a condition of its return but should not face steep fines that would result in more dogs remaining unclaimed.

I found that an interesting scenario. If you took that logic to the nth degree, most people would not bother to apply for a drivers licence until they were caught. There need to be some reasonably strong punitive measures for those who do not do the right thing and register their dog. Goodfordogs.org went on to say that:

Breed-specific legislation (BSL) has been tried around the world —

as I mentioned —

and has not been shown to reduce the incidence of dog bites. Experts here and abroad are calling for a rethink on dangerous dogs with a focus on 'deed not the breed'.

But, as I said earlier, once the deed is done it is too late.

The last comment I would like to touch on is from Dr Bill Harkin, president of the Victorian division of the Australian Veterinary Association, who said:

We do not support the breed-specific parts, though, and believe that it should be the actions or behaviour of the dog, not its breed, that should determine how it is treated.

He goes on to say:

It would be better to impose greater sanctions on irresponsible owners —

rather than punish the dog.

He says further:

If you don't recognise the role of the owner in the existence of dangerous dogs, you won't even come near solving the problem. If you were able to immediately eliminate every pit bull and pit bull cross, but they were replaced by Rottweiler-Doberman crosses, selected for aggression, and trained to be aggressive, it won't be a safer place for children. That you can be sure of.

I suppose some people for good reasons, and some for not so good reasons, like to have that type of dog around their place, sometimes as a guard dog, but if they are not trained well and if they are not restrained, they can be dangerous to people.

The Liberal and Nationals coalition will not be opposing this bill. The thought I would like to leave people with in relation to this legislation is that the current provisions of the Domestic Animals Act need to be enforced more rather than introducing further provisions to increase the penalties.

There is a real need to work with local government in particular. Councils bear the brunt of this work with the registration processes and employing authorised officers and rangers to make sure that as many as possible, if not all, of the dogs in Victoria are registered. If all dogs were registered, there would be better control over what is going on and we could make sure people were very well educated about how they should manage their pets, particularly how they should have them restrained when they are out in public if they are large dogs, restricted breeds or dogs that have some potentially dangerous habits and which could attack children.

I emphasise to the minister that we need to make sure the current act is enforced better, and in summing up the last question I would like to put to him that what is of interest to a lot of people is, with the abolition of review panels, how the Victorian Civil and Administrative Tribunal process is going to work in reviewing particular dangerous dogs. We all know someone somewhere who has been in the VCAT

process. It is a very long and drawn out process that has quite substantial waiting times. In his summing up of the second-reading debate I will be interested to hear the minister's views about how the VCAT process is going to work on the review of these dangerous dogs.

**Mr HARDMAN** (Seymour) — I rise to support the Domestic Animals Amendment (Dangerous Dogs) Bill 2010. The main purposes of the bill are to amend the Domestic Animals Act 1994 to make further provision for the registration of restricted breed dogs and to amend the definition of restricted breed dogs. The bill also provides that VCAT may reverse declarations of restricted breed dogs, and it abolishes review panels. As well, the bill increases penalties for certain offences and further enables the making of declaration of dangerous dogs and provides further powers for dogs to be destroyed.

Since we began making amendments to our domestic animals and dangerous dogs legislation there have been some changes in the awareness of the public, and between 2005 and 2009 dog registrations increased by 3 per cent. That is not a great deal, but it is a big education process. From 2005 we required councils to implement domestic animal management plans, and on the whole councils seem to have done that. I know from discussions I have had with the minister's advisers that the Municipal Association of Victoria was able to assure them that all councils have domestic animal management plans in place. A little later on I will talk about the City of Whittlesea, which supports the changes because it will help it to do its job better.

Restricted breed dogs are a bit of a bane of our society. We have laws in place to make sure there is signage at premises about these dogs. They have to be on leashes and muzzled at all times when they are in public, and they are supposed to be kept in secure enclosures and be desexed. These are all really important provisions that we have either made or are making for restricted breed dogs, and later on I will relate an anecdote about how important this is, which I reflected on only tonight as I was writing my speech.

The bill will provide a two-year amnesty for people to register their dogs. We are doing that because we know from the figures that some people are not registering their dogs. The member for Swan Hill outlined that before. We want people to have a chance to register their dogs and to meet all of the conditions. The bill is about making sure we send people as strong a message as possible that we want them to register their restricted breed dogs in order to comply with the law. I know councils already have in place a number of processes to ensure that people's rights and dogs' rights are looked

after, but in the end the legislation will ensure that we have a big stick for those who are recalcitrant. Councils will send a reminder letter to people if an offence has been committed, and they will send out a warning notice if one is needed. They can use the infringement provisions in the bill to ensure people understand that these laws are very serious, but in the end the bill provides for a court order to be served and a doubling of the fines that are possible for recalcitrant dog owners.

The bill is supported by a number of bodies. Guide Dogs Victoria wrote to the minister earlier this year, before the legislation was introduced, about its concerns in relation to the current laws not protecting vision-impaired people from unrestrained or not effectively controlled dogs and the impact that has on a vision-impaired person whose dog is an extension of themselves and their feelings about being able to move around safely if they have been attacked or if they fear being attacked by a vicious dog.

An article in the *Whittlesea Leader* of 25 May, which talks about what is happening with this bill, states:

Whittlesea council local laws manager Bill Ryley agreed the proposed changes would give the council greater powers to regulate dangerous dogs.

Thirty-eight dog attacks were reported in Whittlesea in the last 12 months but no prosecutions were launched during that period, and the council collects 1202 stray dogs every year. The bill does not mean that every stray dog will be destroyed. For example, as a rule if a dog is registered and microchipped and therefore identifiable, it will be okay provided it has not attacked anybody.

The bill recognises that we are better off preventing vicious dog attacks by increasing our ability to promote responsible pet ownership through our responsible pet ownership programs. The registration fee collected by the state government via council registration fees will increase by \$1, so for dogs it will now be \$3.50 instead of \$2.50 and for cats it will be \$2 instead of \$1. From what I can gather, the experience of my children with the responsible pet ownership programs when they were in kindergarten was very positively received, and certainly what they learned then will stay with them for the rest of their lives.

The legislation sends a strong message that it is not okay to be an irresponsible dog owner. That responsible dog owners have nothing to fear is another strong message that comes out of the legislation, and councils will have a greater ability to control dangerous dogs. There is no doubt the legislation has arisen from community concerns about vicious dog attacks. We

have all seen some of the pictures and read the various articles over time about children who have been disfigured by dogs that are dangerous or not properly controlled, and responsible dog owners, indeed the general public, deserve to have the right to go for a walk and feel safe.

As I was saying earlier on, as I was writing this speech I was reflecting on the fact that I came home one evening to a very distraught wife who had been for a walk with our dogs. She felt very fortunate that on that particular occasion our child, who was very young at the time, was with a babysitter so she only had our two cocker spaniel dogs with her. She was very close to our home when out of nowhere came a pit bull terrier that attacked our dogs. They were on leads and trying to hide behind my wife's legs while the pit bull terrier was biting at them. Luckily my wife did not have our child in the pram. What happened then, maybe luckily, was that the owner came along, but of course he took no responsibility and sought to blame everyone but himself for his dog's behaviour. He blamed Gail because she had the hide to walk somewhere near his house with our dogs.

The impact of that was that some blood was drawn from one of the pet dogs, Ikey, and there was another vet bill as a result, and for a very long time afterwards my wife was too scared to walk in our neighbourhood with the pram or the two dogs because of her fear of further dog attacks. My wife did the right thing and reported the incident to the local law officer, and he followed it up. He did a good job. He checked the premises of the dog owner and made sure that the people knew to do the right thing around their house. My wife then reported that even though the dog owner walked his dogs with a lead, he could not control the dogs. She saw him walking past the kids coming home from school. Unfortunately we all know we cannot legislate for stupidity, and she called the police on that occasion.

The bill seeks to protect the responsible dog owners who fulfil their responsibilities. The expanded powers to destroy dogs are controversial, but they are there for councils to use in limited circumstances. It is very important that practice notes and flow charts be in place for councils to follow to ensure that the best possible checks and balances can be put in place. A lot of negotiation and consultation has occurred to get the balance right, and I congratulate the Department of Primary Industry's Bureau of Animal Welfare on this. I note there has been a lot of consultation, including with the American Pit Bull Terrier Club of Australia, which had formal consultations with the bureau.

**Mrs FYFFE** (Evelyn) — I am pleased to speak in the debate on the Domestic Animals Amendment (Dangerous Dogs) Bill 2010. The main purpose of the bill is to make further provision for the registration of restricted breed dogs, to amend the definition of a restricted breed dog, to provide that the Victorian Civil and Administrative Tribunal may review declarations of restricted breed dogs, to abolish review panels and to increase penalties for certain offences. The bill also enables the making of declarations for dangerous dogs and menacing dogs and provides further powers for dogs to be destroyed by authorised council officers.

As a dog owner I can attest to the joy and fun that a dog brings to an owner's life. My young springer spaniel can often be seen tearing around bounding eagerly after cars coming down the driveway and jumping up at anyone that pays this show-off the slightest bit of interest. This is what springer spaniels are hardwired to do, and I would not change him for the world. Every breed of dog has a different set of instincts and behaviours, and the same can be said of humans.

There are many breeds of dangerous dogs, although not all of them are on the restricted breed dog list. The importation into Australia of dogs on that list is strictly prohibited under the Commonwealth Customs (Prohibited Imports) Regulations 1956. The dogs on the banned list include breeds such as the notorious American pit bull terrier, the Argentinian fighting dog, the Brazilian fighting dog, the Japanese tosa and the Spanish perro de presa Canario. However, other dogs that have been known to be aggressive at times are more commonly found in the family home. These dogs include Dalmatians, boxers, chow chows, Doberman pinschers, Alaskan malamutes, huskies, German shepherds and Rottweilers. While these dogs typically make wonderful pets when owned by responsible owners who train their dogs and understand animal hierarchies, in certain circumstances any type of dog can be dangerous.

Even friendly dogs can turn and inflict a great deal of harm in the wrong circumstances if they feel threatened, have been abused, sense fear or are anxious. My family has had dogs for many years, usually springers and other types of spaniels, and we were once asked to take in a labrador that was quite young and that the owners could not cope with. Sadly, after two months I had to have the dog put down because we discovered that it did not like small children and labradors are notorious for biting children on the face. There was not any hesitation on the part of any member of the family that this dog had to be put down to protect children.

What is important is that we recognise the difference between aggressive behaviour invoked by a stressful situation and aggressive behaviour that is hardwired in certain dogs. Breeders are able to exercise extraordinary control over the genetics in dogs, which is why so many breeds have been successfully programmed for hunting and working. While this makes them ideal companions in the right circumstances, in the wrong circumstances they can be ticking time bombs. There have been some highly publicised cases of dog attacks in recent times, including an attack on 23 March this year when a 67-year-old woman was mauled by a Staffordshire pit bull cross in Portland. In the space of just 2 minutes the woman sustained injuries to her arms and face before her neighbours intervened by throwing a wheelie bin to scare the dog away from the victim. Dogs Victoria chief executive officer Elizabeth White said of the attack that Staffordshire bull terriers were generally a good breed but that crossbreed dogs have temperaments that are more unpredictable.

In 2003 the Parliament passed restricted breed dog legislation, followed by legislation in 2005 to require declared dangerous dogs and restricted breeds to be desexed, effectively breeding them out of existence in Victoria. As of January 2010 we were told by the Minister for Agriculture that there are 335 restricted breed dogs in Victoria. A report in the *Herald Sun* of 17 December 2007, entitled 'Five-hundred dogs in Victoria blacklisted' states that 507 dogs were blacklisted on the dangerous dogs register, with the bulk of the dogs being pit bulls, Rottweilers and German shepherds. On face value the apparent decline in restricted dogs registration might suggest that fewer restricted breed dogs are being purchased. However, the minister said in his second-reading speech that an examination of microchip identification registry declarations by owners shows that several times the 2010 figure are in the community registered as an almost identical breed or as a crossbreed of what he terms a 'dangerous dog'. The minister went on to say that this bill will provide a two-year amnesty period to allow owners to register restricted breed dogs and thereby bring them under existing controls.

The existing controls have had little impact on the registration of restricted breeds, so whether a two-year amnesty will help with compliance is uncertain. Like most of my colleagues, I have been contacted by various dog lover groups and residents who are deeply distressed about what the proposed changes will mean for their loved pets. As such I will deal first with the section of the bill that is causing the most concern. Clause 23 inserts a new section into the Prevention of Cruelty to Animals Act 1986 to allow councils to destroy a dog under the following conditions: when a

dog is at large and is not registered and the owner is not identifiable, and when a dog is reasonably believed to have caused or is likely to cause an offence under section 29 — that is, by attacking or biting a person or animal or by rushing or chasing any person. If all these conditions are met, a council may destroy a dog no sooner than 48 hours after a record is made by an authorised officer.

But the question arises of what is the litmus test for the condition of ‘imminent death’ or ‘serious injury’. Does a certain breed of dog simply have to bare its teeth for it to be regarded as a potentially fatal threat

? Does it have to have its jaws clamped around a victim? Does it have to have someone cornered? Does it have to be chasing after someone? There is a lot of ambiguity in this clause, which in effect passes the administration of state government legislation onto the shoulders of a single individual — the council authorised officer.

In this week’s *Lilydale and Yarra Valley Leader* there were some letters that were posted online that I would like to quote to the house. One was from Mark Edwards, who said:

Having recently met a council ranger, it was amazing to me that he had received only a few days training on how to handle dogs and was trying to enforce a law about which he had no real idea. Councils should focus more on training their staff appropriately. Giving staff such draconian powers serves no useful purpose and only serves to harm the community — the majority of which are responsible owners — and their pets.

Another letter says:

To the inexperienced eye, fear and aggression can look very similar.

...

We need to start breeding for temperament and educating dog owners about how to stop aggressive tendencies before they become a problem

There is no question in my mind or the minds of the majority of the electors in Evelyn that if a dog is deemed dangerous, it should be put down without any hesitation. As I said before, we have done the same in my own family. However, it is very important that the council rangers have the training and resources provided to help them in handling and understanding what it is that is happening with the animals they are dealing with at that time.

The owners of dogs that are on the restricted breeds list have said they are concerned that their pets will be unfairly discriminated against based on an authorised

officer’s bias towards personal experience with or lack of knowledge of a breed. I can see how this might happen in the case of a dog whose physical features perhaps appear more threatening than the breed really is. For instance, a large dog like a Great Pyrenees may instantly evoke a feeling of fear in people because it is large and has a very loud and deep bark. However, a Pyrenees dog is normally very protective but extremely gentle and affectionate. Whereas a Samoyed, which is a very pretty all-white or cream fluffy dog, can be aggressive and prone to biting. Looks can belie behaviour and potentially influence a decision made in the heat of the moment.

I recognise the bestowing of powers on the officers by this bill has merit under certain circumstances. However, I believe the behaviour of dogs that are posing an immediate risk of death or serious injury should be more tightly prescribed so the officers have a greater degree of certainty about the circumstances under which a dog may be euthanased. When you live in a rural area or a small community the ranger can be the person everybody hates — hates because he does not get to the dogs fast enough and hates because he has put down someone’s beloved pet or has asked that a dog be put down. Rangers really need to have all of the necessary training.

Other members have talked about the range of penalties and the increases in the penalties, so in the few seconds I have left I will not mention that.

I want to touch on dogfighting. Some of the breeds we are seeing now have been purposely bred for dogfighting. It is illegal in every state and territory in Australia. Unfortunately we hear whispers that dogs are still involved in dogfights, and I urge that every avenue be taken to stop this horrible practice.

In conclusion I would like to say that the main part of this bill that I have issues with is the new powers that allow snap decisions to be made. I understand the community’s anxiety about having a much-loved pet destroyed. However, responsible pet owners microchip their animals, keep them secured and keep them on leads and under control when they take them out.

**Ms MARSHALL** (Forest Hill) — I am very pleased to rise in support of the Domestic Animals Amendment (Dangerous Dogs) Bill 2010. I listened very carefully to some of the contributions by other members, and it seems to be quite simply a no-nonsense bill, to make the obvious statement. A bit of the background is that this bill has come about out of community expectation more than anything. The bill is designed to provide a balance of education and enhanced compliance

capability to reduce the risk of any dog causing injury or being a significant threat to our community.

The bill gives increased powers to councils to control or immediately destroy an unregistered and unidentifiable dog which is considered to be a danger, and it increases the penalties relating to irresponsible dog ownership that allows a dog to be unidentifiable, cause an attack, menace a person or stray at large. It also includes a court power to order an owner and dog to attend responsible dog ownership and dog obedience training. It increases by only \$1 the levy payable to the Treasurer for every cat and dog registration to further fund responsible pet ownership community programs and to complement the increased compliance capability. It revises the restricted dog breed appeal process to ensure procedural fairness, encourages increased compliance by permitting a council registration amnesty period for dogs that currently remain undeclared, provides a standard for restricted dog breeds and provides other amendments to improve the administration and the enforcement of the act.

I raised this issue with the minister in the adjournment debate in February this year, as a result of a number of constituents contacting me with concerns. I am a mother of two young girls, so it was of concern to me as well.

I vividly recall Charlotte and Phoebe attending their child-care centre when they would have been about two-and-a-half or three. They came home, each of them at that time around that age, and recited a poem to me. It was a fantastic little poem. I will not damage people's ears because they actually sang it to me, but the long and the short of it is that the words were: if a dog comes up to you, you know what you have to do, stand very still, keep your hands down, stay quiet as a mouse and look at the ground. That was really to teach these young children how to behave around dogs.

We always think of dogs as friendly and very easygoing in nature. Certainly through the images that we see portrayed on television, including in cartoons, we often see that very good nature of dogs. This bill is not designed for the best and most educated of dog owners. It is really designed to ensure that all dog ownership comes with a responsibility. When we think of little kids, we know how unpredictable they can be, certainly when they are under the age of five. They can also be very trusting. When they walk up to any dog it is not possible for them to determine the natural instincts of that dog. If a young child moves very rapidly, screaming and running around, that can put an immediate fear into any dog, regardless of how well it

has been trained, and cause it to react in quite an unpredictable and dangerous manner.

This really came home to me when a number of constituents contacting my office were wanting me to lobby our government — and I am very proud that it has reacted in such a great way — to increase the powers to ensure our safety from dogs when we are out on the street and walking around with our children or on our own. Significant compliance measures are applied to unrestricted dogs, and power has been returned to local councils to ensure that they can act in the best interests of those of us who are doing the right thing.

I would like to acknowledge the Whitehorse City Council and the Monash City Council, the two councils that my electorate covers. I mention particularly Steve Morris of the Whitehorse council who has been involved with one of the committees in providing consultation to the government. These councils provide a real template for how to work both with the dog owners and within the council and the constituents because they have shown so great an engagement, I guess, with the education of everybody involved. When we look at the results of that education program, we see the Whitehorse council in particular has such a terrific record.

I was reading some of the media articles that pertain to attacks, and they are horrific. You are not talking about a wild dog in the bush, you are really talking about domestic animals that have suddenly attacked in quite unpredictable manners.

But the senior council officers from the Whitehorse council in particular have been leaders in their professional organisation. Their recent appointment to the Domestic Animal Management Implementation Committee is testament to their desire not just to participate as one of many councils but to be leaders in their field. I heard the member for Seymour talking about giving councils more stick. This is what the bill does: it gives councils much more power to do what it is that Victorians want to see. This is not about responsible dog owners and incredibly well confined dogs. This is about irresponsible dog owners and dogs that are left to roam and left to their own devices.

This bill gives councils power to destroy dogs that are a danger to the public. The main words there are 'danger to the public'. It does give councils the power to immediately destroy a dog that is behaving in a very serious threatening manner. It gives power to destroy a dog that is declared dangerous at large. It gives power for the prevention of recovery of a dog declared to be a

danger to the public. There is a requirement for details of a dog destroyed due to being a danger to the public or being dangerous to be provided to the secretary. It applies increased penalties for not registering a dog, for a dog being at large that does not have a council identification marker and for serious dog attacks. It gives power for the Magistrates Court to order the owner to attend responsible dog ownership training and gives power for authorised officers of council to scan dogs. It revises the definition of 'menacing and dangerous dogs' and increases the levy payment to the Treasurer by \$1 for every dog and cat registered. There are also amendments related to restricted breeds of dogs.

I was able to read a letter from Dr Graeme White, the chief executive officer of Guide Dogs Victoria, who said:

Guide Dogs Victoria has received numerous complaints from vision-impaired clients who have had their guide dog attacked by an unrestrained dog.

No only are unrestrained dogs a danger to the community but to the vision-impaired person with a guide dog — an attack of this nature robs them of their confidence and independence.

...

Guide Dogs Victoria has had to retire several guide dogs as a result of dog attacks that have caused irreparable damage to their working ability ... The financial loss is significant, but their value in providing freedom and independence is immeasurable.

We think so often of just how a piece of legislation will affect us. My mother-in-law is blind and I know how essential her independence is to her, and certainly through Guide Dogs Victoria, which does an absolutely fantastic job, we want to make sure that every single piece of legislation will provide the best conditions for every single Victorian regardless of their way of life.

Again, this is a fantastic piece of legislation. The onus is on the owner to do the right thing. If the legislation is complied with, there will be no difficulties. It protects all Victorians when they are walking around in our communities and gives the power to councils to impound and destroy any unrestrained, unregistered dog that is declared to be dangerous.

**Mr MORRIS** (Mornington) — Dogs are a central part of the life of many Australian families, and indeed many Australian couples and individuals as well, whether we are talking about family pets, companion animals or working dogs — working dogs in the sense of cattle dogs, sheep dogs, perhaps dogs employed in public agencies, personal assistance dogs, police dogs, Customs dogs and all those sorts of things, guide dogs,

as the member for Forest Hill mentioned, and perhaps guard dogs of a particular breed are closer to what we are talking about this evening. As I said, dogs are a central fixture in the lives of many Australians.

I should note that I have no interest to declare in this matter, because unfortunately I do not own a dog, although over the years I have owned many. One of the challenges of the lives we all lead is that many of us do not have the hours available to act as responsible dog owners and commit time to our pets that we would need to.

Not only do dogs fill an almost infinite variety of roles in modern Australian life, but they come in equally numerous shapes, sizes and temperaments. Whether you are talking about anything from a lap dog all the way up to a large dog, you have a huge disparity. Unfortunately there are also dogs that are bred, as I said earlier, as attack dogs or guard dogs, and while all dogs require and receive some regulation, the more aggressive breeds, because of their natures and their temperaments, obviously require special consideration. That is essentially what is involved in the amendments proposed by the government to the Domestic Animals Act 1994.

The changes proposed amend the registration arrangements for restricted breed dogs. They allow the Victorian Civil and Administrative Tribunal review of declarations of restricted breed dogs. I make the observation in passing that it is interesting that VCAT is given this role. When you think back to its forebear, the Administrative Appeals Tribunal, or even VCAT in its early incarnations, you recall it was very much an appeal body. VCAT now seems to be effectively an administrative body as well. I am not sure that that is a particularly good development, but I simply make that observation in passing.

The bill will also abolish review panels, make some changes to penalties, and destruction powers and make variations to some of the definitions, including inserting additional definitions and indeed some substantial variations to the definitions.

One of the ironies of this bill is that despite its title, the Domestic Animals Amendment (Dangerous Dogs) Bill of 2010, if the Parliament agrees to it, this legislation will be upping the registration fee for cats — at least upping by a dollar the proportion of each registration fee that goes to the Treasurer. The funds that go to the Treasurer are payments intended to subsidise the activities of the department, the DPI (Department of Primary Industries). Whether we are dealing with dangerous cats I am not so sure. They are probably not

so much dangerous to human beings as they are to native Australian fauna.

Many people have the view that anyone who loves and cares for dogs cannot be all bad. Unfortunately that does not always hold true. I recall from a former life as a councillor at the Mornington Peninsula Shire, probably in the late 1980s, that we had what appeared at the time to be an epidemic of dog attacks. It was not an epidemic but it was certainly a string of incidents in which quite some harm was done. It occurred simply because people had forgotten that as dog owners they had a responsibility to keep their pets restrained on their properties to prevent them from roaming at large, and if the dogs were out on the streets to keep them under effective control. In those days effective control included voice control and there was no reference to 'chain, cord or leash' in the act as there is now. Nevertheless, many dog owners, probably because the laws had not been enforced as well as they could have been, had forgotten they had those responsibilities. A modest increase in the enforcement effort soon dealt with the problem. Like many similar issues it was more about the culture, about modifying behaviour, than about necessarily coming down hard.

While we solved that problem reasonably quickly without too much expense, activity in this area is very much dependent upon the attitude and commitment of the local government concerned to the administration of the act. While all councils are required to submit a domestic animal management plan to the secretary of DPI, to review the plan annually to publish the evaluation of its implementation in their annual report, there is no obligation, as far as I am aware — if there is I would certainly be interested to learn the details — to actually report the number of dog attacks that occur in each municipality. There is also no opportunity to consolidate the figures and compare the performance of councils in this area, whether relative to the animal population or relative to the human population. Given the requirement to evaluate the domestic animal management plans, it is probably not an overextension to report that data and make it available. I note that is a view shared by Kidsafe Victoria.

I want to acknowledge the work done by the staff of the parliamentary library, which prepared a very comprehensive research brief on the bill. One of the quotes in it came from the *Brimbank Leader*. It detailed the experience in animal management of the City of Brimbank, in particular that it had 111 reported dog attacks. I assume that was over a 12-month period, perhaps in the last 12 months. If so, that is virtually one dog attack every three days.

Coincidentally, the Mornington Peninsula Shire — for what reason I do not know — included in its domestic animal management plan some comparisons with the City of Brimbank. The estimated total number of dogs for both municipalities is virtually the same — 37 500 or thereabouts. On the peninsula 23 000 of those were registered. In Brimbank the number was considerably lower — 17 898. The number of registered declared dogs on the peninsula was 15 compared with 102 in Brimbank. The number of impoundments was similar — 1269 on the peninsula and 1449 in Brimbank, but then when it came to the number of dogs rehoused and the number of dogs euthanased the figures differed substantially. In terms of rehoused dogs, there were 188 on the peninsula compared with 304 in Brimbank. The number of dogs euthanased was 212 on the peninsula and 696 in Brimbank. Those figures indicate that although there is a common starting point there is in fact a substantial variation to the dimension of the problem that is unique to each municipality.

Nevertheless, the first step is to ensure that all, or virtually all, dogs are registered — we can see from those figures that nowhere near enough are — because the simple act of registration establishes ownership and also establishes all the obligations that go with ownership. Until people can be encouraged by carrot and stick to take responsibility for their pets we will continue to experience problems, we will continue to have the 2000 or so dog attacks that we have in this state every year. This bill is all about sticks. I would suggest that the next step is for the state to work with local government to develop and implement appropriate carrots to encourage further responsible dog ownership.

**Ms CAMPBELL** (Pascoe Vale) — I rise to support the legislation before us, the Domestic Animals Amendment (Dangerous Dogs) Bill 2010. This is important legislation, and at the outset of my speech I want to place on the record congratulations to three different groups of people. The first is the Minister for Agriculture, the government and the staff of the Department of Primary Industries who have brought this bill before us. It is legislation that I have been working on with Moreland council and a number of Moreland residents since even before the current minister was responsible for it, so I have a longstanding interest in the legislation. Secondly, I want to pay tribute to a wonderful constituent of mine, Mr Scott Brown.

Scott has a longstanding interest in this topic as a result of the mauling of one of his neighbours by an animal. He raised this issue with me and has been utterly

persistent in his interest. I believe he will be extremely happy that this strengthened legislation will soon be law. Thirdly, I want to pay tribute to Moreland City Council, to its local staff who tried to implement the current legislation and to the councillors who have spoken on this issue at council meetings. I thank the minister and his office for communicating with Moreland council on a number of matters that concerned the council.

Other members have had the opportunity to speak about the legislation in general, but I want to highlight some of the matters that are particularly pertinent to people in my electorate and have been raised with me locally. The first is a matter that Moreland council has been concerned with, and I reiterate that the minister and staff have been responsive to the council.

The council is concerned about the proposal in clause 3(4) of the bill to replace the definition of 'restricted breed dog' with the following:

"restricted breed dog means a dog that is any one of the following breeds —

- (a) Japanese Tosa;
- (b) fila Brasileiro;
- (c) dogo Argentino;
- (d) Perro de Presa Canario ...
- (e) American Pit Bull Terrier ...

For members who might like an education like the one I have recently received, I can say that I have been advised that there are no Japanese tosas or fila Brasilieros that we are aware of in Victoria, that in Australia there is one dogo Argentino — which is in Adelaide — and that the presa Canario is not found in Victoria. Now, don't we all feel better having that information? The reason I highlight it is because where there are concerns about crossbreeds involving these restricted dogs, some people may believe they should be outlawed. However, this bill is fantastic legislation because it does not concentrate just on restricted breed dogs; it refers to any dog that is dangerous to the community. That is what all of us want to ensure passes in legislation.

I would suggest that there probably would not be a single member in this Parliament who has not had an experience with a dog attack: witnessing or hearing of a dog attack, or being informed by constituents of their concerns. This legislation makes it perfectly clear that we, as a community, are expecting dog owners to be increasingly responsible, and we outline exactly what we expect. It is clear that it is going to be implemented.

Moreland council, in my electorate, has communicated with the minister's office, and I want to put on record how pleased I am to learn that there is considerable work under way in relation to regulations. There is a commitment to make the regulations as strict as possible to ensure people are protected. We have concentrated quite a bit tonight on children, as we should, but when you look at the media clips it is clear that dogs are not discerning about age. They are prepared to attack people of any age: the young, the old and all those in between.

This legislation will ensure that VCAT (Victorian Civil and Administrative Tribunal) has clarity in relation to a dog meeting certain standards, and that is important. If the dog meets those standards, then a council is allowed to act in a far more proactive way to protect the community by declaring it a restricted breed dog. The current panel provisions can be quite arbitrary, but the new legislation makes it perfectly clear that a dog that attacks, regardless of its breed or crossbreed, will not get a second chance and that people have to move fairly promptly in relation to making an appeal to VCAT. I think that is excellent.

The second point I want to make tonight — and I know the member for Benalla wants to make a brief contribution prior to the adjournment so I will try to be quick — is to highlight the wonderful work that has been done by the independent review. I note the article published in *Hazard*, edition 69, summer 2009, entitled 'Unintentional dog bite injury in Victoria: 2005-7'. The work that has been done by this government and different dog clubs, councils and child-care centres has resulted in a 22 per cent decrease, in child dog bite hospital admissions and emergency department presentations over the three-year period 2005 to 2007. That did not just happen. It was the result of a lot of hard work by many people led by the department. So to all of them I say, 'Well done!'. Far too many people are hospitalised as a result of dog bites. In 2007 there were 9.5 dog bite hospitalisations per 100 000 population. That is lower than the Australian rate of 11.3, but for anybody who is hospitalised as the result of a dog bite the experience is appalling.

I give my congratulations to the minister, and I wish the bill a speedy passage

**Dr SYKES (Benalla)** — I commence by thanking the member for Pascoe Vale for cutting short the time for her presentation to enable me to make a couple of brief comments on a subject that is near and dear to my heart. I am a dog owner and I am a dog lover, but I have zero tolerance for dangerous dogs, especially sheep killers, of which I have dispatched many.

I focus on three aspects of this bill. First, the breed-specific component of the legislation is fundamentally flawed. The focus should be on deed, not breed. I know that from my experience with sheep killers. It is not necessarily pit bull terriers; it can be Jack Russells, German shorthaired pointers, kelpies or collies. The issue of a breed-specific approach is flawed. If we look at the practicalities of applying the breed-specific approach, then the guidelines provided at this stage by the government are very general, and it will be an absolute minefield to come up with any form of guidelines that will accurately help determine what are restricted breeds. Primarily they are pit bull terriers and their crosses here in Victoria.

The second issue I will touch on briefly is the level of authority given to council officers to destroy a dog after 48 hours and the basis for forming a reasonable belief that a dog is dangerous or likely to be dangerous. I have seen the template and the four factors to be considered in determining whether a dog is likely to be dangerous, and I have seen the decision-making tree. I believe both the templates and the decision-making tree are a very sound basis for addressing the issue. Whilst they may be refined in light of experience, I believe they are a very good basis and will alleviate many of the concerns raised with me by very many people.

The third issue concerns the level of authority provided to the council officers. It is the expectation of the minister, and I believe it will be enforced, that an individual officer is likely to be required to consult with his superior before making a decision to destroy an animal after the 48-hour minimum period.

On the broader issues of the level of feedback and the broad range of issues raised in the bill, I refer members to the excellent presentation by the member for Swan Hill.

**Business interrupted pursuant to standing orders.**

## ADJOURNMENT

**The DEPUTY SPEAKER** — Order! — The question is:

That the house do now adjourn.

### **Wellington Road: bus lanes**

**Mr WELLS** (Scoresby) — I raise a matter of concern for the Minister for Roads and Ports regarding the push for a vehicle lane on Wellington Road, Rowville, to be converted to a bus lane. The action I seek from the minister is that he rule out the plan and

make it clear that existing vehicle lanes will not be converted to bus lanes.

I know that both my office and the member for Ferntree Gully have been inundated with complaints from constituents regarding this plan to close an existing vehicle lane and create a bus lane. The member for Ferntree Gully sent out surveys to gauge the reaction of constituents to this plan. The response the member has received has been overwhelmingly one of opposition to the planned conversion.

The state government has broken a crucial promise made on 29 April 2003 when, in answer to a question without notice, the then Premier, Steve Bracks, stated very clearly that the government would not close or narrow roads, so that motorists would have the choice of using existing roads or the Scoresby freeway. Once again this is a blatantly broken promise.

We have seen what has happened with Stud Road. The third lane on Stud Road between Ferntree Gully Road and Kelleets Road has been removed, which has created absolute chaos.

I make it very clear that the Liberal-Nationals members of Parliament support bus lanes when they are built in addition to existing vehicle lanes, but we are totally opposed to taking away existing vehicle lanes to create a bus lanes.

The situation is coming to a head, and we want the Minister for Roads and Ports to be very clear on this issue. When I was first elected to Parliament in 1992 Wellington Road, Rowville, had one lane in each direction. We were able to get funding to make it two lanes in each direction, and now we are at the stage where we have been able to make it three lanes in both directions. To now take away one of those lanes would undo the hard work already done. It is clear to me that the minister and his government do not understand the volume of road traffic carried by Wellington Road between Rowville and Lysterfield at peak times. Taking away a traffic lane and turning it into a bus lane is just short sighted. The action I seek from the minister is for him to state very clearly that this will not happen.

### **Rail: Craigieburn line litter**

**Ms CAMPBELL** (Pascoe Vale) — I raise a matter for the attention of the Minister for Public Transport, and the action I seek is that he write in support of my application to Metro Trains Melbourne to clean up the area of the Craigieburn railway line between the northern part of the Glenroy region beginning at the Western Ring Road down to the area south of the

Pascoe Vale railway station which goes down to the Moonee Ponds Creek.

I say at the outset that it is appalling that this request even needs to be made. I am making this request because people drop litter from the trains, at railway stations, out of their cars and as they are walking along the streets, and although it is not a problem that has been created by Metro, nevertheless it is a problem that it has to attend to.

I urge all people around Pascoe Vale and people using trains to respect the property of others and not drop litter. The fact is that this happens; it happens in the rail corridor, and I require Metro to assist in clean-up work. Earlier this year participants in the 20th annual Clean Up Australia Day attempted to clean up along this railway corridor. Participants could not go into the rail corridor itself for obvious safety reasons. Once they had finished their hard work, the wind blew and the rubbish in the rail corridor moved into the surrounding areas of Pascoe Vale, Glenroy and Oak Park.

It is important both from a community perspective and for the aesthetics of the rail network that we have clean areas around the Pascoe Vale, Oak Park and Glenroy stations and clean areas between them. Once this work has been done I will be encouraging people in the local community yet again to dispose of litter appropriately. In the absence of people doing the right thing, we all have to pay for the cleaning of our suburbs.

Thank you to all the people who were involved in the Clean Up Australia campaign. They did a great job around the Moonee Ponds Creek and the Pascoe Vale station and enhanced that area. With Metro's help, we intend to keep it as clean as possible. I also want to compliment the Moreland City Council and those who are involved in graffiti removal. Metro is part of that solution, and we are all part of it as well.

### **Police: Mildura**

**Mr CRISP** (Mildura) — The matter I wish to raise is for the Minister for Police and Emergency Services. The action I seek is the provision of extra police and tougher laws to make Mildura's streets safer. Mildura has two main issues: problems around nightspots and groups of youths being involved in theft, vandalism and antisocial behaviour. The nightspot issues are generally evident on weekends in the CBD in the early hours of the morning, between 1.00 a.m. and 4.00 a.m. Most of the issues are alcohol related.

The licensed venues work hard to minimise the problems, but Mildura has a liquor accord which is

voluntary. Perhaps it is time to consider taking these liquor accords to the next level and providing legislative support for them. Things would be much worse if the operators of the town's licensed premises were not working together. The coalition's proposal to ban violent drunks from licensed premises would help to reduce the assaults.

**The DEPUTY SPEAKER** — Order! I advise the member that he cannot ask for legislation on the adjournment debate. I want to be sure he is aware of that point.

**Mr CRISP** — Thank you, Deputy Speaker, I was talking about the coalition's proposal. It is time for urgent and serious action to stop the alarming growth in the number of assaults. The coalition will introduce laws that will prohibit any person found by a court to have committed a criminal assault under the influence of alcohol from entering a licensed premises within Victoria where alcohol is consumed for a period of two years.

Away from the CBD the threat is from youths involved in theft, aggravated burglaries and other antisocial behaviour. Sometimes these incidents involve numbers of very young offenders. The problems facing police are the size of Mildura and the speed at which these offenders can move. This group also has respect issues, and the police face difficulties in moving on youths who are gathering together. The courts are also loath to apply penalties to this group of offenders. The issues with young offenders also tend to go beyond just policing, and there is a need for more appropriate penalties for these young offenders.

**The DEPUTY SPEAKER** — Order! The member can ask for only one action. He has asked for more police, and he needs to deal with that issue rather than the courts.

**Mr CRISP** — Thank you, Deputy Speaker. The Mildura police station has approximately 105 staff, less the number of vacancies and less those on leave, those attending training and those absent for other reasons. Before an officer can leave the station the fixed station requirements must be met, so it is sometimes a struggle to get two divisional vans and two cars on the beat. The coalition's plan to make our streets safe again would end this problem. People in the Mildura electorate want to feel safe and secure within their community. I call on the Minister for Police and Emergency Services to make Mildura a safe community.

### Environment: landfill levies

**Ms MARSHALL** (Forest Hill) — I rise in the house tonight to raise a matter for the Minister for Environment and Climate Change. The action I seek is for the minister to write to the Whitehorse and Monash councils in my electorate urging them not to impose significant rate increases as a result of the recent increase in landfill levies.

The legislation passed in May this year increased the levy paid on every tonne of municipal — council and household — and industrial waste sent to landfill. Litter and waste reduction is an issue that requires a coordinated approach at a household, local council and state government level. It is something that starts in the home. There was a lot of interest conveyed by my constituents regarding this issue, especially by those present at my Forest Hill community morning tea held in April, at which the minister was also kind enough to be present. The minister informed constituents that this small increase in the levy would deliver significant benefits, including allowing an additional 1.2 million tonnes of waste to be recovered and helping to create up to 700 new jobs in the recycling industry.

The government will also reinvest more than \$53.7 million raised from the levies to help support local government and industry to reduce waste, increase recycling and tackle litter. This is on top of the Victorian government's commitment of \$6 million to work with the local councils to curb litter and includes the rollout of recycling bins at sporting grounds, local shopping strips and on the transport network. Local government litter prevention officers will be employed to educate and, where necessary, issue litter penalty notices. The minister has acknowledged that the increase in landfill levies will result in a small increase in council rates in the order of 20 cents per week in the first year. I ask that the minister do everything within his power to ensure that councils do not use this increase in landfill levies of around only 20 cents — which equates to about \$9 per year — to impose significant rate increases on the families of Forest Hill.

Forest Hill constituents to whom I have spoken have indicated that they are willing to pay this modest increase to decrease waste and help the environment. Recent media reports in my electorate of Forest Hill have stated that councils are making claims about the impact of the recent landfill levy increase on council rates, because in Victoria councils collect waste for households and pass those costs on through council rates. City of Whitehorse mayor, Bill Pemberton, was quoted in the *Whitehorse Leader* as suggesting that this year's sudden increase will cost the city \$3 million and

that he could not rule out passing on the costs to ratepayers.

I congratulate the government on its hard work to ensure that the impact of the levies has been kept to a minimum, with the average household cost being only 20 cents per week. I hope it is only this amount that will be passed on to households through council rate bills. I ask the minister to strongly urge councils in my electorate and across the state to ensure that the increased landfill levies do not impose an excessive rates burden on residents.

### Electricity: smart meters

**Mr TILLEY** (Benambra) — I raise a matter for the attention of the Minister for Energy and Resources. The matter I wish to raise with the minister is the impact smart meters will have on the residents of the Benambra electorate. The action I seek from the minister is to immediately halt the rollout of smart meters until such time as an independent audit can assure savings to assist local residents who are disabled, suffer medical conditions or are on fixed incomes. The Brumby Labor government's bungled rollout of smart meters has caused much distress to my local community. I have been contacted by many constituents who have seen their electricity bills increase dramatically through the impost of high tariffs and service charges for smart meters that many still do not have at this point in time. Labor's promised statewide smart meter rollout was expected to cost taxpayers \$800 million. Unsurprisingly, however, just last month the Brumby government admitted that the cost of the smart meter program had blown out to \$1.6 billion. Even worse, Victoria's Auditor-General has reported that it could cost Victorian taxpayers as much as \$2.25 billion, almost three times the original cost.

As a result of the Brumby Labor government's mismanagement, the cost of the project has blown out from \$800 million to \$2.25 billion, every cent of which will be paid for by Victorians through higher electricity bills. Many Victorians are being forced to pay for smart meters before they are installed, and the University of Melbourne found that low-income households will be the hardest hit by smart meter cost increases, with pensioners paying up to \$152 this year for smart meters that have not been installed and having to face electricity price increases of a further \$150 a year when time-of-use tariffs are implemented. Labor's incompetence and inability to deliver on time and on budget has ensured that constituents will pay more for their electricity whether they can afford it or not. The evidence is clear that Labor's mistakes are placing a

massive and unfair financial burden on Victorian families, especially on pensioners and others on fixed incomes.

As we head into the coldest period of the year it is completely unacceptable to hear of cases of constituents questioning whether they can afford to use essential services to keep themselves warm throughout winter. I call on the minister — as he has done with time-of-use pricing — to halt the smart meter program until Victorians can be confident that it will deliver results, unlike the Brumby Labor government.

### **Innovation: sustainability initiatives**

**Mr FOLEY** (Albert Park) — I raise a matter for the attention of the Minister for Innovation. The specific action I seek from the minister is that he ensure that his department works with a range of stakeholder and policy groups from across the community and private enterprise in implementing the government's push to a sustainable and prosperous future as set out in the Jobs for the Future Economy action plan which was released as part of this year's budget arrangements. This plan outlines Victoria's next steps in developing industries for the future, securing jobs and fostering new skills throughout the community.

The government is very good on plans because it has a vision for the future — a fairer, sustainable, just and prosperous Victoria — unlike those opposite, who are out of touch, lazy and not very good, including their recently released policy to kill the wind energy industry. Those of us on this side of the house know that the government's plan is about dealing with the issues of climate change and the great opportunities it creates. Whilst members on the opposition benches might be climate change denialists, those of us on this side know that this government sees the opportunities and the challenges that come from responding to climate change, and that is part of the government's plan in this area. The government's plan is also about seeking to make sure that the state's great efforts and capacities in innovation and new technologies are developed right across the state.

My specific request is that the minister take the government's plan out into the community and work with industry and those who have ideas and policies or the framework to develop this into the future. In this regard I note that the policy document released by the government has a strong focus on working with the private sector to show how in partnership with industry we can build a framework for investment certainty for cleaner and better sustainable industries. The areas that could open up in this area are limited only by our

imaginations, whether they are promoting high standards in design and construction in commercial buildings and how best to go about implementing that, transforming the energy sector from a high-carbon producing fixed-energy sector to a greater focus on renewables — unlike those opposite with their anti-wind farm policies — or building new low-emission industries by removing the barriers to investment and innovation through so-called removing green tape arrangements and by supporting training and investment in this very important sector, such as the green plumbing sector.

### **Fishing: European green shore crabs**

**Mr INGRAM** (Gippsland East) — I raise a matter for the attention of the Minister for Agriculture. The action I seek is for the minister to protect Gippsland East's waters and estuaries from the spread of European green shore crabs. The process I believe the government needs to undertake is to conduct a thorough and complete survey of Gippsland waters for this exotic pest and in the interim impose restrictions on the transportation and translocation of European green shore crabs and the sale of live shore crabs for bait, particularly where they can be spread to areas outside their natural range.

Concern has been expressed by local recreational fishermen about the sale and use of live crabs for bait in some of our local estuaries. Whilst these crabs are not allowed to be used as live bait, some fishermen have been seen on the wharves of local estuaries with buckets of live European green shore crabs. It is not known whether these crabs currently live in some estuaries such as the Bemm and Yeerung estuaries, the inlets at Tamboon and Mallacoota and other estuaries along what is known as the Wilderness Coast. I have asked a number of recreational fishermen and people at local fisheries whether they are aware of the location of the shore crabs in their systems but there is no proof that the crabs have established themselves in those areas. European green shore crabs have long-established populations in the Gippsland Lakes where they are recognised as a significant pest, and they are known to have significant impacts on many native species and the ecology of the Gippsland Lakes system.

In the far east of Gippsland we have a number of very important and pristine natural estuarine systems — some of the most natural estuarine systems in the south-east of Australia. It is essential that we protect these systems from exotic pests. Local fishermen have recently established fisheries based on collecting European green shore crabs and they have been selling the crabs as live bait. It is essential that regulations or

restrictions are imposed to ensure that these crabs cannot be translocated to systems where they are not presently known. If we can determine where the crabs are established, then that information should be obtained and restrictions should be put in place to ensure the European green shore crabs do not spread further.

### **Solar energy: government initiatives**

**Ms RICHARDSON** (Northcote) — I raise a matter for the attention of the Minister for Energy and Resources. I call upon the minister to take urgent action to ensure that Victorian families are provided with the most up-to-date and practical information to assist them to make the right decision when planning to install a household solar photovoltaic panel system. I am very proud to be a member of a Labor government that has led Australia in investment in renewable energy and, importantly, the clear renewable energy target we have set.

Unlike those opposite, government members do not flip-flop on the need to address climate change. Our commitment to shifting Victoria to a low-carbon economy is absolutely clear. Whether it is investment in wind technology, geothermal technology or large-scale solar generation, all these measures and more are at the forefront of our plans to ensure that we reduce our carbon emissions in Victoria. We have already committed \$369 million to our energy, technology and innovation strategy, \$23 million to the new Climate Communities initiatives, and in April we committed \$175 million to our Jobs for the Future Economy action plan, which will ensure that thousands of new jobs are created for Victorian families. In short, those of us on this side of the house see opportunities, not obstacles, as we seek to transform our economy to a low-carbon economy.

Like all of those genuinely interested in tackling climate change, our government was very disappointed — in fact bitterly disappointed — by the decision by the Greens and the Liberal Party at the federal level to reject the commonwealth's emission trading scheme. We need this scheme if we are going to tackle climate change, because putting a price on carbon will enable us to fast-track the zero emission technologies that we need in our state and around Australia. For the Greens to have taken this particular course of action is very disappointing and an abandonment of all they claim to hold dear.

I wish to bring to the minister's attention some of the concerns that my constituents have had about the solar energy systems they have put in place in their

households. Two issues that are continually raised with me include that when a solar system is installed in people's homes they are forced to forgo their existing tariff rates and conditions, and they are also frustrated that they have had to pay for bidirectional meters and will have to pay for new smart meters when they are rolled out to their particular suburbs.

Many constituents have told me that if they had been told about these things prior to installing their solar systems, they may not have gone ahead with the installation or may have deferred it until a later date. Therefore I call upon the minister to take urgent action to ensure that Victorian families know what they are signing up for before they commit to installing solar photovoltaic systems in their homes.

### **West Gippsland Hospital: emergency department**

**Mr BLACKWOOD** (Narracan) — I raise a matter for the attention of the Minister for Health. The action I seek is the allocation of \$2 million for the upgrade of the emergency department at the West Gippsland Hospital. The West Gippsland Healthcare Group's strategic services plan, developed in 2008, forecasts emergency department presentations to increase from 14 946 in 2005–06 to 21 000 by 2013–14. This year the emergency department will deal with in excess of 18 000 presentations, an increase of over 3000 presentations in four years. Due to the population growth in this part of Gippsland, the ageing population, the increase in those suffering from mental illness and the quality of care attracting patients from outside the hospital catchment, the pressure on the emergency department will continue to increase dramatically in the short term.

The Department of Health has a benchmark of 1300 admissions per emergency department cubicle per year. This suggests that the emergency department at West Gippsland Hospital should have 14 cubicles available to handle 18 000-plus presentations. The medical and nursing staff are doing an excellent job of coping with this enormous demand in just eight cubicles.

The Minister for Health visited the West Gippsland Hospital on two occasions last year. He was briefed about the difficulties facing staff and patients and given a tour of the substandard facility. The board of management submitted an application for funding to the Department of Health in December last year. This application was accompanied by preliminary plans and costings for extending the current emergency department. I received a letter from the CEO of the

hospital in December 2010 requesting my support for its application to the Department of Health.

There were two parts to the application. The West Gippsland Healthcare Group had written to the Department of Health requesting, firstly, that approval be given to proceed to a feasibility study to determine the best option for the redevelopment of the West Gippsland Hospital, and secondly, that funding be made available for interim works to extend the current emergency department.

I wrote to Minister Andrews in January this year asking him to give the West Gippsland Hospital emergency department his urgent attention. I received a very unsatisfactory and disappointing response from the minister in March. In response to my request for the minister to meet with representatives of the West Gippsland Healthcare Group board of management the minister has just fobbed us all off by referring the board to Department of Health officers. The minister also went into his usual rant about record investment in health services at the West Gippsland Healthcare Group.

I am sorry to tell the minister that his record investment has not manifested itself at the coalface and resulted in adequate service provision which satisfactorily meets demand. I urge the minister to immediately access alternative funding opportunities outside the normal budget cycle to fund the upgrade of the emergency department of the West Gippsland Hospital.

### **Torquay Football Netball Club: facilities**

**Mr CRUTCHFIELD** (South Barwon) — The issue I raise is for the attention of the Minister for Sport, Recreation and Youth Affairs. The action I seek is for the minister to ask his department to assist Surf Coast Shire officers in an application to our government, and the minister's fund, for funding under the country football and netball grants program. The minister, who coincidentally is at the table, recently joined the president of the Torquay Football Netball Club, Ross Henderson, and me at the club, where we spent an interesting and illuminating hour or so inspecting those facilities.

I am pleased to advise the minister that the council has done a number of pieces of work since he visited a few weeks ago. For example, it has sealed the area. I was down there at the weekend at the sponsors day for the football club I sponsor and for which I am an umpire, and the council has sealed the whole precinct. The car parking area is no longer dirt and some significant bollards have been installed, and this has really picked

that precinct up. But as the minister would know, the building itself is a little tired, to say the least. As an umpire for that league I can say that the umpiring facility has been improved but is not at the standard the league would like.

The ground surface is one of the best in the region. When I was playing we would play practice matches down there.

**An honourable member** — Geelong West?

**Mr CRUTCHFIELD** — Not Geelong West, no; although Geelong West may have played down there many years ago because it has been a premier surface for decades. The Bellarine Football League plays its grand finals there regularly. I am pretty sure it did last year; if it was not last year, it was certainly the year before. It almost secured a Victorian Football League practice match last year, but one of the requirements is that it improve both the player facilities and its social club rooms. As the minister would be well aware, there needs to be some work done in the downstairs area, but the council officers need some assistance. It is a small shire that needs assistance. It has some resource issues around councillors' time, and I would appreciate it if the minister was able to get his officers from the department to assist the club in an application to that fund.

The football-netball club provides services for a considerable number of men, women and children. My wife was at the netball at the weekend watching the netballers. There are kids jumping out of trees down there. The club has two or three sides in most of the divisions. It services from a community perspective, and indeed from a health perspective, that whole community, and I would appreciate, as would the Surf Coast Shire, some assistance with that application.

### **Responses**

**Mr BATCHELOR** (Minister for Energy and Resources) — I would like to respond firstly to the matter raised by the member for Northcote. She raised with me a very important issue, and it is important that we take the time to adequately deal with that issue.

As the member rightly noted, it is vital that Victorian families have the most up-to-date and practical information on hand when they are considering installing a solar photovoltaic (PV) system. It is really disappointing to hear that some of the member's constituents have not had a positive experience when they have had solar systems installed because, as the member for Northcote knows, we need to encourage all

Victorians to take action against climate change, and a solar PV system is one way to do that, albeit an expensive way.

The member for Northcote requested that Victorian families be provided with an up-to-date and practical tool that will assist them when making the decision to install solar panels in their homes, so I am pleased to advise the member that the Clean Energy Council has put together a consumer guide to buying household solar panels. This guide, which is a very useful tool, is available on the internet at [www.cleanenergycouncil.org.au](http://www.cleanenergycouncil.org.au).

The consumer guide provides important information to customers considering installing a solar system and answers questions such as: how does a solar PV system work, how much do such solar panels cost and what government schemes are in place to lower the cost of purchasing a solar PV system? It deals with solar credits and the feed-in tariffs and what size and what sort of panels people should consider purchasing.

I think this guide is very helpful, but there is one area where I think it needs improvement. It is crucial that when Victorian families consider going solar they understand up-front, before they sign anything or pay any money to purchase solar panels, that everything in terms of their current electricity rates, their current terms and conditions and their current metering may change if they decide to invest in installing solar panels in their home.

I will be contacting the Clean Energy Council to ask it to ensure that Victorian families who go solar are made aware that effectively they are tearing up their current electricity contract and signing up to a totally new one. They need to understand that before they embark on the decision to purchase panels. This is because from an electricity network perspective customers who have a solar panel system installed in their homes are feeding the unused electricity back into the grid and are different from those who are simply using electricity supplied to them by the electricity network. This situation is somewhat similar to that of people who have slab heating or electric hot water in their homes. Those customers have access to tariffs that are tailored to their particular type of connection, and the same idea applies to solar customers. In particular, customers must be mindful that they may not be able to continue to keep their old tariff when they go solar as their connection characteristics will have changed.

Almost all Victorian families who install solar will be eligible for a premium feed-in tariff, and I am pleased to be able to advise the house that according to the

latest commonwealth data — that is, as of May — Victoria already has over 27 000 solar installations connected to the grid. This is more than any other state, so it seems our premium feed-in tariff is working well. Another useful website is the Department of Primary Industries site, and I suggest people have a look at [www.dpi.vic.gov.au](http://www.dpi.vic.gov.au). This very helpful government website has a range of solar feed-in tariff information, including a step-by-step guide to receiving the premium feed-in tariff. It has a guide to who is eligible to install a solar panel system and, most importantly, a guide to what each electricity retailer is offering for unused electricity fed back into the grid. I strongly encourage all customers, including those who live in the electorate of Northcote, to consider installing solar panels at their home. However, before they do that they should do a bit of research and ensure that they are truly informed on all the impacts before they sign up, because we want to make sure that those who make the investment in solar power are able to make hay while the sun shines.

In conclusion, it is most important that householders who have been considering installing solar panels should first contact their electricity retailer and their electricity distributor to check if there will be tariff changes and also to see if a new electricity meter needs to be purchased. These matters should be resolved before the customer places an order for solar panels and certainly before they sign any purchase contracts or pay any money. I think if members of the public follow the simple steps that are outlined both on the Clean Energy Council website and on the website of the Department of Primary Industries, they will have a much better understanding of what contractual arrangements they are entering into and have a much more successful understanding of how the solar photovoltaic system will work for them and work for their environment.

The member for Benambra raised an issue about smart meters. I would just like to quote to the member from a document which says:

A Liberal government will also ensure the rollout of interval meters, with minimum mandated technology, to Victorian energy consumers by energy distributors.

The rollout will include the mandating and monitoring through licenses of all interval meters to ensure that they are capable of providing routine read, special read, and connect/disconnect functions controlled remotely.

That quote comes from the Liberal Party policy before the last election. That is the election commitment upon which the member for Benambra was elected to this house, and it is the commitment he supports. Additionally recently the shadow Minister for Energy and Resources, when asked whether the Liberal Party was going to abandon the smart meter rollout, said it

would be continuing it if it were to gain government at the next election or at the election after that or at the election after the election after that. You can see that what the member for Benambra has said here tonight is the height of hypocrisy.

**Mr Wells** interjected.

**Mr BATCHELOR** — The member for Scoresby, who is the shadow minister at the table, says he loves the member for Benambra's arrogance.

I think it is important to understand that we took this decision based on a series of cost-benefit analyses, which is really the basis of what the member for Benambra asks us to undertake. Based on a cost study undertaken in 2009 and recently reviewed, the total cost of the smart meter rollout, based upon the functionalities agreed in 2008, is estimated to be around \$1.6 billion. In part of his contribution the member acknowledged that was the correct figure. This cost includes substantial upgrades to the IT systems of electricity distribution businesses to make substantial use of the two-way communications capabilities of the smart meters this government is rolling out.

Over the past six years there have been a number of cost-benefit analyses undertaken in relation to the rollout of smart meters in Victoria. Each has shown a net benefit to society, and each consecutive study has identified far greater future benefits from this major infrastructure upgrade. After all, it is a significant upgrade in the technology provided for the distribution of electricity here in Victoria and real benefits will flow through to households and to businesses once the rollout has been completed.

Smart meters use new digital two-way communications technology to provide regular remote reading of energy use. The new meters will replace existing meters, which are based on 100-year-old technology. Smart meters, like the existing meters, are part of the poles and wires electricity distribution network and are owned by the distribution businesses. Smart meters will allow the network companies to manage the electricity system more effectively, and the savings in network costs will be passed through to customers as part of regulated electricity network charges. This has been confirmed by the Australian Energy Regulator, which is part of the Australian Competition and Consumer Commission. It has given an undertaking that it will pass these benefits back to individual consumers in the years ahead.

The benefits of the smart meters being rolled out include, firstly, that there will be no need for estimated bills, for meter readers or for home access for meter

readings. Estimated bills or having to provide access to your home to the meter reader if the meter is inside and not readily accessible has been a big issue for households. Further, there will be faster remote electricity connection and disconnection when people are moving house. Not only will this improve the convenience for people when they change locations but it will improve efficiencies for the distribution companies, the benefits of which I have said will be passed back to customers as a result of announcements already made by the Australian Energy Regulator.

**Mr Tilley** interjected.

**Mr BATCHELOR** — Benefits will also include remote and immediate identification of power outages, with faster response times and emergency management. I would have thought this is an issue the member for Benambra would have been interested in having passed on to his constituents. People, particularly in country and regional Victoria, understand the importance of having increased reliability of their electricity, and smart meters will do this. After a day spent out on the farm you will not have to come home and find the electricity has been disconnected and then have to find some way of reporting it. It will be automatically reported to the distribution company, which will then be able to dispatch the right type of technician to do the repairs or make the necessary technical adjustments to restore power to your location.

Smart meters will underpin the development of a smart electricity grid and will support the installation of solar photovoltaic panels in our homes. Smart meters will provide for more efficient operation of electricity networks, and the savings will be passed back to consumers. There will be more information and more control for customers over their energy use. New electricity time-of-use prices will enable customers to get better value from their retail and network companies, and this will reduce their electricity bills. In addition, smart meters will reduce the carbon footprint of individual households and will be a positive addition to our attempts to meet the climate change challenge. We are responding to bringing down prices and to making the network more efficient, but we are also helping to deal with climate change issues.

The member for Benambra raised some wrong and non-factual information in relation to alleged blow-outs during the cost of this rollout. Various costs were cited in his contribution, but none of them was checked against the facts or the figures, and he did not make valid comparisons. It is important to note that the original proposal in 2005 to install new metering was at a cost of about \$800 million, and I have acknowledged

that costing. This cost has been confused with the decision taken much later on to roll out a different type of meter with more advanced capabilities that would enable us to take advantage of emerging international technologies.

The cost of installing the more advanced meters is currently estimated to be \$1.6 billion, but this is the cost over 20 years — an important fact that the member for Benambra deliberately or accidentally concealed in his contribution. Whilst he will not be here in Parliament over the next 20 years — and, Deputy Speaker, you may well be here in that period of time — in 20 years time members of the public will still be receiving the benefits of the decision that we have taken in recent times. The figure of \$2.25 billion that the member for Benambra mentioned, which he alleges was cited by the Auditor-General, was based on 2007 budget claims developed by Victorian electricity distribution businesses for all the metering services costs, not just the cost distributed to the enhanced smart meter rollout program. Interestingly, this cost of \$2.25 billion was not accepted by the Australian Energy Regulator. It was not approved, it was not passed on and it is not part of the existing cost structure.

The costs and benefit estimates are currently being updated by the Department of Primary Industries. These revised estimates will shortly be released, but I can tell the house, and in particular the member for Benambra, that the revised estimates show that the full 20-year cost of smart meters will be around \$1.6 billion but the benefits will range from \$2 billion to \$4 billion. So for a cost of \$1.6 billion consumers are going to get back benefits of \$2 billion to \$4 billion. Who would be opposed to that? The member for Benambra is clearly opposed to it, and he is supported by the shadow Treasurer, who is here in the house. They do not want to see a magnitude of benefits to the environment and benefits going back to individual households.

Further, it should be noted that the deliverables of Victoria's enhanced metering infrastructure program do not refer to any specific technology. This means that the relevant electricity businesses are obligated to meet the program functionality requirements whilst simultaneously managing any technology risks or change issues. A key element of the functionality of the new meters is that future technology enhancements can be handled remotely by software upgrades, therefore ensuring that the current smart meters do not become obsolete.

From any perspective what we are doing in rolling out smart meters will be of benefit to individual customers and of benefit to the environment. The crude politicking

demonstrated here tonight by the member for Benambra is in stark contrast to the coalition's election promises made before the last election to continue this rollout — promises reinforced recently by its shadow spokesman. I say to the member for Benambra and any other members opposite who are being deceitful and who are trying to cloud the issue and play crude politics that when there is a benefit for the Victorian consumer of electricity and for the Victorian environment they should speak the plain truth and they would understand the benefits that this smart meter rollout will bring to Victoria.

**The DEPUTY SPEAKER** — Order! The Minister for Sport, Recreation and Youth Affairs to respond to the member for South Barwon, and he only has 9 minutes left.

**Mr MERLINO** (Minister for Sport, Recreation and Youth Affairs) — The member for South Barwon raised a matter in regard to the Torquay footy and netball club and specifically requested of me that officers from the Department of Planning and Community Development (DPCD) be involved in discussing the application and assisting the Surf Coast Shire with the country football and netball program.

As the member for South Barwon outlined, I had a terrific meeting with president Ross Henderson and other members of the club, along with the member for South Barwon, during the Rip Curl Pro. It was a great opportunity for me whilst I was at that magnificent major sporting event in the member for South Barwon's electorate to also have a look at the Torquay footy and netball club. I saw firsthand the potential of this important sport and recreational facility, particularly as a regionally significant sporting facility across the Surf Coast. The member for South Barwon outlined the many finals activities that happen there not only for the local competition but more broadly right across the region. I have seen the plans and can see the opportunity to transform that facility for the players, the umpires and indeed the spectators.

Sport is very strong in the electorate of South Barwon, and the member is a great advocate for sport, both at the elite level and the grassroots level, in his electorate and right across the Geelong region. I can assure the member for South Barwon that I will get officers from Sport and Recreation Victoria to get involved and discuss the Surf Coast Shire's application to the country football and netball program. Often the way we can get the absolute best outcomes for everybody is having either the DPCD regional teams or SRV officers from Melbourne discuss those applications with councils

right across Victoria. I will ensure that happens as a priority for the member.

I will ensure that the matters raised by members will be referred to the relevant ministers for their action and response.

**The DEPUTY SPEAKER** — Order! The house now stands adjourned.

**House adjourned 10.52 p.m.**