

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

**Tuesday, 24 May 2005
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By authority of the Victorian Government Printer

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Mr P. J. RYAN

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Tuesday, 24 May 2005

The SPEAKER (Hon. Judy Maddigan) took the chair at 2.03 p.m. and read the prayer.

CONDOLENCES

Thomas William Templeton, OAM

The SPEAKER — Order! I advise the house of the death of Thomas William Templeton, OAM, member of the Legislative Assembly for the electoral district of Mentone from 1967 to 1985.

I ask members to rise in their places as a mark of respect to the memory of the deceased.

Honourable members stood in their places.

The SPEAKER — Order! I ask members to take their seats.

I shall convey a message of sympathy from the house to the relatives of the late Thomas William Templeton.

QUESTIONS WITHOUT NOTICE

Alpine National Park: cattle grazing

Mr DOYLE (Leader of the Opposition) — My question is to the Minister for Environment. I refer to the minister's promise in Parliament on 6 November 2003, and I quote:

Alpine grazing is a licensed activity and will continue as a licensed activity.

And I ask: can the minister advise the house why he has broken a legislated promise to maintain alpine grazing, and thus effectively destroy 170 years of Victoria's high country heritage?

Honourable members interjecting.

Mr THWAITES (Minister for Environment) — As the Leader of the Opposition should well know, in fact alpine grazing licences expire this year. The alpine grazing licences — —

Mr Plowman interjected.

The SPEAKER — Order! That will do! I ask the member for Benambra and other members to be quiet to allow the minister to answer the question.

Mr THWAITES — Also, as the Leader of the Opposition would know, there has been an alpine

grazing task force operating for the last year that has been investigating — —

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster will not yell out in that totally unparliamentary manner! The minister, to continue.

Mr THWAITES — It has been investigating alpine grazing and considering the implications of whether or not licences should be renewed. This has been a very public process, and the Leader of the Opposition has been very well aware of it. He and the shadow Minister for Environment have been at meetings with the Victorian National Parks Association where it has said that it would look seriously at a proposal to consider not renewing the licences. That is what it told them, so we know — —

Mr Plowman interjected.

The SPEAKER — Order! I have already warned the member for Benambra. I ask him to behave himself!

Mr THWAITES — After considering all that information and the report of the task force, the government has decided not to renew grazing licences. That is because cattle grazing in the Alpine National Park is inconsistent with the purposes of a great national park. I might say that we have not announced that we are banning alpine grazing; we are not banning it. Alpine grazing will continue in the state forest, and I remind the Leader of the Opposition — I do not know whether he discussed this in his meeting with the Victorian National Parks Association — that the licences in the national park are for somewhat less than 8000 — about 7900 — cattle. The number of licensed cattle in the state forest is approximately 10 000, and they will all continue.

Alpine grazing will not be banned. It will continue as a licensed activity, exactly as I said. Over many years there have been many changes to the licences and to what is allowed to be licensed in the Alpine National Park. Over the years changes have occurred and the areas have been limited. But alpine grazing is not banned; it will continue as a licensed activity in the state forest.

Alpine National Park: world heritage nomination

Ms LINDELL (Carrum) — My question is addressed to the Premier. Can the Premier please outline to the house how the recent steps taken by the

Victorian government to protect Victoria's high-conservation-value national park will assist in moving towards world heritage listing for Victoria's Alpine National Park?

Mr BRACKS (Premier) — I thank the member for Carrum for her question. As the Deputy Premier indicated before to the house, national parks more generally are afforded the highest possible protection in relation to the natural assets which Australia has, and the Alpine National Park in Victoria is no exception. The house may not know that this is the only alpine national park in the country which currently allows cattle grazing. If you look at New South Wales, you see that it ceased its lease arrangements for the grazing of cattle some 33 years ago, in 1972; and if you look at the Australian Capital Territory, you see that cattle grazing ceased there 97 years ago. We are the only state in Australia that has allowed a licensing system for cattle grazing in a national park.

This decision arose for two reasons. One reason, as the Deputy Premier mentioned, is that the licences are expiring in August — I think 51 of the 61 licences are expiring in August and the remainder expire in 2006. The second reason for this important decision by our government is the fact that in 2003 we had extensive fires in the high country, which prevented the almost 8000 cattle for which there were licences from agisting on the high country in some of the areas which they go to regularly. In fact only 10 per cent, or less than 800, of those cattle were allowed on the high country itself. Those two reasons importantly meant that the government had to make a decision either to renew those licences for a further seven years or to examine the scientific and other evidence which is in place for examining whether those licences should be renewed.

We took advice on two levels, I should remind members of this house. One level was the commissioned scientific advisory panel, which was headed up by Professor Nancy Millis. That scientific advisory panel clearly indicated that the effects of the 2003 bushfires were of such an impact that you could only get 10 per cent of the cattle on site and there should be a pause for at least two years. Professor Millis found further that there should not be any significant grazing on this sensitive high country for the next 10 years, and on environmentally sensitive areas even beyond that.

Secondly, as the Deputy Premier mentioned, the alpine grazing task force, headed up by the member for Narracan, also over a 12-month period took 3600 submissions; visited Bairnsdale, Omeo, Bright and Mansfield; held 49 meetings; heard presentations

from the Mountain Cattlemen's Association of Victoria and the Victorian National Parks Association and found what the scientific study also found, which is that there is a significant impact from cattle grazing on the high country and that particularly after bushfires the impact from grazing is made even more severe. We have decided not to renew the licences for the grazing of cattle on the high country in the national parks. As the Minister for Environment mentioned, we will continue in our state forests with at least 10 000 cattle which have licence arrangements for grazing in state forests in that alpine area.

The question the member for Carrum asked me was what implications this has for further developments in the alpine high country across Victoria, New South Wales and the Australian Capital Territory. It does have an impact because we will now join with the governments of New South Wales and the Australian Capital Territory to put in a joint proposal and submission for national heritage listing of the alpine parks area across the three jurisdictions. If successful we will then seek world heritage listing for this great asset, this great resource, this great national park — for our state and our country.

Can I also indicate to the house — —

Mr Plowman — What about the cattlemen's huts?

The SPEAKER — Order! The member for Benambra!

Mr BRACKS — Can I also indicate to the house that we will have a range of initiatives in place for the cattlemen and the community more broadly in this transition phase. There will be a transition assistance package for those who have licences. It includes \$100 per cow for agistment and any transition required to a ceiling of \$100 000. We will have improvements to the park including weed control and improvements to cattlemen's huts and other tourism assets associated with the parks. We will also proceed with upgrades to the Bogong High Plains Road, including the sealing of that road, with a contribution we will make in the funding package alongside the council and other contributors.

This is the right decision to protect Victoria's Alpine National Park for future generations of Victorians. I know that future generations of Victorians and Australians will be grateful for our government taking the decision that has been taken in other jurisdictions, and protecting this environment for all time to come so that generations and generations of Victorians can enjoy this great national park.

Alpine National Park: cattle grazing

Mr RYAN (Leader of The Nationals) — My question is to the Premier. Given that today's announcements by the government destroy 170 years of heritage and tradition and simply implement longstanding Labor Party policy — —

Ms Lindell interjected.

The SPEAKER — Order! The member for Carrum!

Mr RYAN — Why did the government put these alpine communities through the agony of this inquiry when it knew it was a sham from the outset?

Mr BRACKS (Premier) — I thank the Leader of The Nationals for his question but I reject his accusations. We wanted to examine the evidence and the scientific basis and conduct wide community consultation before we proceeded on this matter. Can I say to the Leader of The Nationals that he should just examine the science and think about what we are leaving for future generations of Victorians. I am confident that we are leaving a great legacy in a great national park for all Victorians to enjoy for all time to come.

Alpine National Park: cattle grazing

Mr LUPTON (Prahran) — My question is addressed to the Minister for Environment. Can the minister outline to the house how the government's decision not to renew cattle grazing licences in Victoria's Alpine National Park and associated measures will protect the park's high conservation value and the region?

Mr THWAITES (Minister for Environment) — I thank the member for Prahran for his question. The Alpine National Park has very high conservation values. In addition, it is the source of many of our major streams and watercourses — streams like the Mitta Mitta and tributaries to the Snowy River and the Murray River. As the Premier has indicated, there is extensive scientific evidence that there are significant damaging impacts to the environment as a result of cattle grazing in the national park. The science is absolutely clear: cattle do trample the headwaters of our rivers and streams; they do cause bare ground and they cause erosion. Cattle do destroy native plants, some of which are threatened; and they spread weeds through the park.

Honourable members interjecting.

The SPEAKER — Order! The level of interjection is inappropriate. I ask members to be quiet.

Mr THWAITES — The purpose of national parks is to protect and preserve our highest conservation areas to the highest level. That is what we stand for: protecting our national parks — just as we are protecting the Otways and other parks around the state, just as we are putting \$91 million of extra money — —

Honourable members interjecting.

The SPEAKER — Order! I ask members to conduct themselves in a more parliamentary manner. The minister is to continue.

Mr THWAITES — We stand for something. We stand for the protection of our parks. You would not know what the opposition stood for. To one group — the Victorian National Parks Association — it says that it does not support cattle grazing, but here today it is saying something different.

Mr Perton — On a point of order, Speaker, the purpose of question time is for ministers to answer questions in relation to government administration. Let the minister answer that question!

The SPEAKER — Order! I ask the Minister for Environment to return to answering the question relating to Victorian government business.

Mr THWAITES — Not only is the science strong, but it is totally consistent with the purpose of our national parks. I would have thought great Liberals like Sir Rupert Hamer would be backing this. They would be backing this because great people like that supported our environment. We are backing this decision — —

Mr Doyle interjected.

The SPEAKER — Order! The Leader of the Opposition!

Mr THWAITES — The Leader of the Opposition does not know what he is doing. He says something different every day. He wants to log the Otways.

The SPEAKER — Order! Return to Victorian government business!

Mr THWAITES — We are backing this decision with more than \$5 million over the next three years to improve the condition of the national park, to support the national park and tourism in this area and to support the transition of the cattlemen. As the Premier has outlined, there is a transition package. The cattlemen will be able to get \$100 per head of cattle per year up to

a maximum of \$100 000. That funding will be available —

Mr Smith — They are not worried about the money. For them it's not the money! It's only 170 years!

The SPEAKER — Order! The member for Bass!

Mr THWAITES — That money will be available for agistment and for supporting those farmers. As well as that we are going to be providing additional weed and pest control in the area. We are going to be rehabilitating the areas that have been damaged by cattle grazing. We are going to be rehabilitating those moss beds we have seen that have been so damaged by cattle grazing in the past. This decision will mean that we will still have cattle grazing in the alpine areas into the future. It will continue in the state forests, but our most highly protected area, the national park, will have a new future, a better protected future and a future that all Victorians can be proud of.

Police: freedom of information

Mr MULDER (Polwarth) — My question is to the Premier. I refer the Premier to information released to a member of the public in January 2004 under freedom of information (FOI) which proves there are variations in tolerances for speed cameras across the state. I ask: why was this information denied to the Liberal Party and the Parliament under the same FOI laws from the same department?

Mr BRACKS (Premier) — Freedom of information (FOI) matters are for the decision of the department, FOI officers or Victoria Police. I am not sure if the member applied to Victoria Police, but if that is the case, Victoria Police deals with those matters. In relation to the information, I have already indicated that the information reinforces the government's view that we have a Road Safety Act which has a compliance regime and regulations which have a 2-kilometre tolerance for fixed speed cameras and a 3-kilometre tolerance for mobile speed cameras. In relation to discretion, Victoria Police always has discretion on any offence it finds. That has always been the case for Victoria Police.

Employment: rural and regional Victoria

Mr MAXFIELD (Narracan) — My question is to the Minister for Employment and Youth Affairs.

Honourable members interjecting.

The SPEAKER — Order! The members on my left will allow the member for Narracan to ask his question without interruption.

Mr MAXFIELD — They are a rabble! Can the minister outline to the house the government's most recent initiatives to promote employment growth in regional Victoria?

Ms ALLAN (Minister for Employment and Youth Affairs) — I very much thank the member for Narracan, who is indeed passionate about representing his community. I am very pleased to be able to inform the house today that the Bracks government is releasing a new targeted jobs package for regional Victoria.

This is a targeted new jobs package that will provide jobs for 430 young people in regional Victoria and at the same time meet key skills demands throughout rural and regional Victoria. This is a package that is creating job opportunities for young people right across rural and regional Victoria. It is an innovative package that is targeted at and will match the needs of regional industries, which we know are currently experiencing skills shortages, and will also create sustainable employment for young Victorians.

We know that throughout regional Victoria there is an enormous demand in some of the key areas, whether it is in the building area, metal trades, toolmaking, automotive engineering or horticultural work. By linking young people with these key areas of demand we are ensuring that young people can remain living and working in their home towns and regions. This regional jobs package will provide the assistance that young people need — not just by providing them with jobs but also by providing them with some additional assistance to help them to remain in their jobs, such as mentoring support, pre-vocational training, some job-readiness assistance and some financial assistance to help them cover short-term needs such as short-term rental and transport costs, which are some of the costs faced by young people when they start new jobs.

This package of 430 jobs will be delivered across 14 regions in the state. We are delivering this in partnership with local government, business and industry, unions and community organisations. Let us look at what this means for some parts of our state. Let us look at the Goulburn–Ovens–Murray region. I am sure the member for Murray Valley is interested in this. This is a region where we will see 93 jobs created for young people, by providing 826 —

Mr Honeywood interjected.

Ms ALLAN — It is interesting that the Deputy Leader of the Opposition is sitting there scoffing at this. The deputy leader was, of course, a minister in the government that put up the shutters on country Victoria. Under the Bracks government we see that employment is on the up, population growth is on the up, economic investment is up and confidence is up in country Victoria. That is as a result of the policies of the Bracks government. Whilst the Deputy Leader of the Opposition might be pooh-pooing what is happening in the Goulburn–Murray region, we are providing over \$800 000 through this package to help 93 young people find jobs in key areas such as bricklaying, cabinet making, plumbing and metal trades.

It was the member for Narracan who asked this question. In the Gippsland region we will be providing 65 jobs for local young people. That is in the area of the member for Narracan, and the member for Morwell will also be interested. Key areas of demand in those communities are construction, metal trades, electrical trades and plumbing, as well as aged care and child care. This is \$594 000 that will be delivered to the Gippsland region to help local young people — 65 local young people — find employment.

This is also a package that builds on our investment. It builds on the investment by the Bracks government in rural and regional Victoria — the \$4.5 billion worth of investment that has been made in our regional areas over the last five and a half years. Of course we have also seen the resultant creation of over 80 000 jobs in country Victoria under the Bracks government. The Bracks government will continue to work very hard to make Victoria the best place to live and raise a family, but it will also be supporting regional Victoria by encouraging more people to live there, work there and invest in this great part of the state.

Speed cameras: tolerances

Mr WELLS (Scoresby) — My question without notice is to the Minister for Police and Emergency Services. Given the contradictory information from the government surrounding speed cameras, including tolerances of 7, 8 and 9 kilometres, and the Premier's very confused comments on radio this morning, will the minister reveal exactly what the speed camera tolerances in Victoria are, or does the public not deserve to know these rules?

Mr HOLDING (Minister for Police and Emergency Services) — Firstly, I thank the member for Scoresby for his question. I say to the member — and I ask him to listen very carefully — that I am willing to disclose to this house, to all members of this house and to the

Victorian public once again just what the legislated tolerances are for speed cameras here in Victoria. Let us be very clear about this.

Honourable members interjecting.

Mr HOLDING — The legislated tolerance provided under regulation for fixed speed cameras in Victoria and handheld radar devices is 2 kilometres. The legislative tolerance for mobile speed cameras anywhere in Victoria is 3 kilometres. Those are the facts, and that is the consistent message we have provided to Victorians through the Department of Justice and Victoria Police.

We want to make this absolutely clear: we make no apologies for continuing to send powerful messages to the Victorian people saying that speeding is unacceptable. We make no apologies for sending messages to Victorians saying that we will use any technology to combat the road toll in this state, regardless of whether it is through the use of speed cameras or action to reduce drug-driving in our community. We make no apologies for putting in place measures which have delivered the two lowest road tolls in Victoria since records have been kept. We make no apologies for continuing consistently to send to Victoria — —

Mr Perton — On a point of order, Speaker, it is a theatrical and florid speech, but it is not relevant to the question. The question is: what are the tolerances? The minister has tried to avoid answering that by referring Parliament to the legislation that it passed.

The SPEAKER — Order! The member for Doncaster is debating the issue. There is no point of order.

Mr HOLDING — However, we do have one apology to make: we apologise that we have not been able to recruit the opposition for this campaign to tackle Victoria's road toll. We apologise that the opposition continues to send a message to Victorians saying that it is okay to travel — —

Mr Perton — Speaker, my point of order this time is that the member is debating the question.

The SPEAKER — Order! I ask the minister to return to answering the question and to relate his comments to Victorian government business.

Mr HOLDING — We have already indicated that for the first time in Victorian history the Victorian government will be releasing the siting criteria and guidelines for the operation of mobile and fixed speed

cameras in Victoria. Let me be clear about this: under previous governments that information was not made available. We will be releasing that information so that all Victorians will know the basis upon which mobile speed cameras, red-light cameras and fixed digital and fixed speed cameras are operating and so that they can see we have in place a transparent, open and accountable system. We will continue to tackle the road toll in Victoria and do everything we can to send the message to Victorians that it is never okay to speed.

Alpine National Park: tourism

Mr JENKINS (Morwell) — My question is directed to the Minister for Tourism. Can the minister outline to the house the key tourism-based initiatives being undertaken by the Victorian government to build upon the growing tourism market in Victoria’s iconic Alpine National Park region?

Mr PANDAZOPOULOS (Minister for Tourism) — I thank the member for his question as a member of the government backbench Friends of Tourism group. The alpine region, the north-east, is a great part of Victoria. It is a region that has even more tourism potential. When you think that nature-based and ecotourism is the fastest growing tourism segment you realise that immense opportunities are available in this region. I am very pleased that since we have been in government we have seen a record number of visitors to the region — now over 1 million. Despite the devastating bushfires in 2003 this area, because of its unique environment and its great attractions, is still getting that number of visitors. I am also pleased that in the last five years we have seen a record number of tourism jobs in that region, with an increase of 13.5 per cent.

The government invested \$2 million in 2003 to help the region bounce back after the bushfires, and it is really pleasing that within a year visitors came back to the area. We are very happy to be involved in strategic investment to help grow tourism numbers in the region, including the first-ever interstate campaign for the north-east called ‘You can always blame the alpine air’, but we know there is always more we need to do. We know that tourism benefits are not equally shared across the whole region. Some areas are lacking in infrastructure and in both private and government investment, and this government is about helping to deliver some of those improvements.

To the north of us, in the New South Wales and Australian Capital Territory region, there is another great alpine region, but to date there have been no natural links. The Bogong High Plains Road has

remained unsealed, so you can go to Falls Creek, but you cannot go from Falls Creek to Omeo unless you have a four-wheel-drive vehicle, and if you are a tourist hiring a car, your hire car company will not allow you to use that road. I am very pleased that this road will be sealed as part of this package along with the assistance of the local Alpine shire and federal government. It provides the link between Omeo, Falls Creek and north to Towong, and also provides other links from Omeo to places such as Anglers Rest, the hidden treasure in East Gippsland, and the Cassilis region as well.

I am also pleased to announce to the house extra new initiatives to help grow tourism in the region. There is a \$765 000 extra investment in very important projects in the area. As part of the bushfire strategy we have funded the Omeo tourism destination plan. Part of that plan is about mentoring and supporting packages to grow tourism. That plan has identified the need to preserve Omeo’s heritage character, upgrade tour routes linked to the Great Alpine Road, ensure key roads are well signposted, upgrade the region’s web site, invest in marketing and develop training packages for local tourism operators. I am very pleased to announce that as part of this \$765 000 extra funding for tourism there will be \$265 000 over the next three years to work with the Omeo community in developing this destination plan to move it to actually helping grow tourism in this wonderful and — —

An honourable member interjected.

Mr PANDAZOPOULOS — It is a great region. As part of that there is a big investment in signage — there is \$240 000 for interpretive signage. One of the things we know is that along that Bogong High Plains Road and along the touring routes there is a need for interpretive information to help explain the unique heritage and character of the region. That, of course, includes grazing. As we know, grazing will continue in the region, but it just will not be in the Alpine National Park. But what will be in the Alpine National Park is \$60 000 to help restore the historic cattlemen’s huts, which are an important part of horseriding and bushwalking tours in our Alpine National Park.

I am very pleased to report to the house that since we have been in government we have invested over \$600 000 in tourism events in the region. I am very pleased to be able to announce an extra \$200 000 over the next four years to fund tourism events in the region that help promote the heritage of the region, including events like the Man From Snowy River Festival.

Honourable members interjecting.

The SPEAKER — Order! I ask members to cease interjecting in that manner. I ask the minister to continue.

Mr PANDAZOPOULOS — The tourism industry and local government have been calling for — —

Ms Asher interjected.

The SPEAKER — Order! The member for Brighton!

Mr PANDAZOPOULOS — The tourism industry and local government have been calling for these initiatives for many years. These initiatives were never delivered when the other side was in government. We have been able to deliver a record number of visitors and a record number of jobs to the region, and with this package we will do more. We love the north-east, and we will continue supporting it.

Mr Plowman — On a point of order, Speaker, the minister has now been speaking for some length of time, and I ask you to ask him to conclude his answer.

The SPEAKER — Order! Indeed the member is right. The member has finished his answer.

Australian Labor Party: state conference

Mr McINTOSH (Kew) — My question is to the Premier. I refer to the government's fundamental obligation to administer the criminal justice system to protect all sections of the community, and I ask: what is the government doing to ensure that threats and allegations of physical assault, blackmail and fraud which were made at the ALP state conference last weekend are fully investigated and prosecuted?

The SPEAKER — Order! The Premier will respond in so far as it relates to Victorian government business.

Honourable members interjecting.

Mr BRACKS (Premier) — Why do they do it to the member for Kew? Is there — —

Honourable members interjecting.

Mr BRACKS — I mean, we have had — —

The SPEAKER — Order! The Premier!

Mr BRACKS — Sorry, Speaker.

The SPEAKER — Order! I ask members on both sides of the house to come to order and allow the Premier to answer the question.

Mr BRACKS — We have had a litany of questions in a similar vein from the member for Kew, and each of them has been either frivolous or ruled out of order. You would have thought with his background he would have asked something serious.

Honourable members interjecting.

The SPEAKER — Order! The member for Doncaster will cease interjecting in that inappropriate manner.

Mr BRACKS — The member knows there is no such complaint which deserves investigation.

Mr Cooper interjected.

The SPEAKER — Order! The member for Mornington is being frivolous, and I ask him to be quiet.

Abalone: poaching

Mr TREZISE (Geelong) — My question is to the Minister for Agriculture, and I ask: given the government's commitment to ensuring the future sustainability of Victoria's fisheries, can the minister inform the house of the success of new regulation and compliance measures which have been introduced by the government to address fisheries crime?

Mr CAMERON (Minister for Agriculture) — I thank the honourable member for Geelong for the question and for his interest in protecting our fisheries natural resource base from theft. This government is committed to getting tough on fisheries crime. Poaching, which is really theft, is very serious and is something this government takes very seriously. South-eastern Australia has the last fully sustainable abalone fishery in the world. If you have a look at Victoria, you will see that our abalone fishery is extremely valuable, as valuable as all the other fish we take in Victoria combined. Organised crime can result in the making of millions of dollars through the black market, and what we have to do is make sure we are capable of clamping down on that. If an individual abalone reef is wiped out, it does not return.

In 2003 we introduced new indictable offences to make a new crime of trafficking with penalties of up to 10 years imprisonment and fines of up to \$120 000. We have given fisheries officers more powers. We have increased the number of fisheries officers. We have put

in place a 24-hour phone line for the reporting of illegal fishing activity, and the phone number there is 13FISH. There has been a 40 per cent increase in prosecutions since the new laws came into effect. You know, abalone foot is valuable — —

Honourable members interjecting.

Mr CAMERON — The poor honourable member for Kew! Abalone is very valuable; it is a bit like a sea slug with a shell around it.

Mr McIntosh — This is hopeless!

Mr CAMERON — You know, the member reminds me of abalone, except that instead of a shell he has a thin skin!

The SPEAKER — Order! The Minister for Agriculture will answer the question.

Mr CAMERON — Take away the shell and we've got him! Over the last 12 months a lot of intelligence has been collected which has culminated this month in Operation Black Ice.

Honourable members interjecting.

Mr CAMERON — We have it all over here!

Honourable members interjecting.

The SPEAKER — Order! I remind members, particularly the Premier and the Leader of the Opposition, that they are required to be silent when the Speaker comes to her feet. I ask members to be quiet, and I ask the Minister for Agriculture to continue, addressing the question.

Mr CAMERON — Yes, we have collected a lot of intelligence, but none from that corner of the room! As a result of this there have been raids on 46 restaurants; 7 people have been arrested, with 36 indictable offences; and another 28 people are to be charged on summons. That has been getting to the endgame. We have to attack abalone theft in the water, but we also have to make sure that we have a look at the downstream operations and attack theft where people are buying that illegal abalone. Of course they are often doing that as innocent parties. Abalone is valuable to recreational areas and commercial areas. We have to protect that environment. Certainly recreational abalone fishers and commercial abalone fishers depend on that, and we are committed to doing just that.

BUSINESS OF THE HOUSE

Notice paper: printed version

The SPEAKER — Order! I have announcements for the house. I wish to advise the house that following discussions at the Standing Orders Committee the printed version of the notice paper will from tomorrow include only new general business notices of motion and orders of the day. All earlier notices will appear in the consolidated version of the notice paper, which is available online. Members will no longer receive a copy of the notice paper on their desks in their parliamentary offices, but they will still be able to continue to collect a copy from the papers office and receive a copy on their seats in the chamber.

Notices of motion: removal

I wish to advise the house that under standing order 144 notices of motion 261 to 264 will be removed from the notice paper on the next sitting day. A member who requires a notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

NOTICES OF MOTION

Mr PERTON having given notice of motion:

The SPEAKER — Order! Has the member given his notice prior to this? We do not seem to have a record of it.

Mr Perton — I thought I had emailed it.

The SPEAKER — Order! Can I ask the member to do so tomorrow, while we check where it is? We do not have a record of it at this stage.

Further notices of motion given.

NATIONAL PARKS (ALPINE NATIONAL PARK GRAZING) BILL

Introduction and first reading

Mr THWAITES (Minister for Environment) — I move:

That I have leave to bring in a bill to amend the National Parks Act 1975 in relation to cattle grazing in the Alpine National Park and for other purposes.

Mr COOPER (Mornington) — I ask the minister for an explanation.

Mr THWAITES (Minister for Environment) — The bill contains provisions in relation to the renewal aspects of the alpine grazing licences.

Motion agreed to.

Read first time.

RACING AND GAMBLING ACTS (AMENDMENT) BILL

Introduction and first reading

Mr PANDAZOPOULOS (Minister for Racing) — I move:

That I have leave to bring in a bill to amend the Racing Act 1958 with respect to the Racing Victoria Centre land and appeals to the Racing Appeals Tribunal, to amend the Gambling Regulation Act 2003 with respect to the publication of race fields and the health benefit levy, to amend the Casino Control Act 1991 with respect to the health benefit levy, to amend the Gambling Regulation (Further Amendment) Act 2004, to repeal spent acts and for other purposes.

Motion agreed to.

Read first time.

Mr SMITH (Bass) — Speaker, I wanted to ask what the bill was about. You seemed to rush through it, and you were looking the other way.

The SPEAKER — Order! The member for Bass was not standing up. Members are required to stand in their place to be called in this house. However, I am sure the Minister for Racing will, by leave, answer the member's question.

Mr PANDAZOPOULOS (Minister for Racing) (*By leave*) — Speaker, I thought there was enough in the introduction. It is about a new offence prohibiting the unauthorised publication of race fields, technical amendments relating to Racing Victoria Ltd, and the introduction of the health benefit levy, which is part of the appropriations.

STATE TAXATION ACTS (GENERAL AMENDMENT) BILL

Introduction and first reading

Mr BRUMBY (Treasurer) — I move:

That I have leave to bring in a bill to amend the Business Franchise (Petroleum Products) Act 1979, the Debits Tax Act 1990, the Duties Act 2000, the First Home Owner Grant Act

2000, the Land Tax Act 1958, the Pay-roll Tax Act 1971, the Taxation Administration Act 1997 and the Taxation (Interest on Overpayments) Act 1986 and for other purposes.

Mr CLARK (Box Hill) — I dare to ask the Treasurer to provide a brief explanation for this bill.

Mr BRUMBY (Treasurer) — This is fundamentally good news.

An honourable member interjected.

Mr BRUMBY — It is more good news, but it is not all good news. This legislation gives effect to many of the budget announcements — for example, the abolition of debits tax from 1 July 2005. It makes some amendments to the Duties Act in relation to the land rich provisions which have been foreshadowed publicly. It extends the first home bonus for a further two years. It makes substantial reductions to land tax. It exempts school councils from payroll tax. It makes some administrative changes to the Tax Act 1997.

In relation to the Business Franchise Petroleum Products Act 1985, this is an amendment to ensure a transparent link between revenue from speed cameras, red light cameras and other speeding fines and the government's expenditure on roads, road safety and road maintenance programs, and that of course goes to the Better Roads Fund.

Motion agreed to.

Read first time.

VICTORIA STATE EMERGENCY SERVICE BILL

Introduction and first reading

Mr HOLDING (Minister for Police and Emergency Services) introduced a bill to establish the Victoria State Emergency Service Authority, to re-enact with amendments the Victoria State Emergency Service Act 1987, to amend the Country Fire Authority Act 1958 and the Metropolitan Fire Brigades Act 1958, to make consequential amendments to certain other acts and for other purposes.

Read first time.

PETITIONS

Following petitions presented to house:

Peninsula Aero Club, Tyabb

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:

The humble petition of the Tyabb Ratepayers Business and Environmental Group Inc. and the undersigned citizens of the state of Victoria sheweth that the Peninsula Aero Club has presented a plan to the Mornington Peninsula Shire Council for the expansion of the certified landing area at Tyabb. This includes the relocation of the Peninsula Aero Club, redevelopment for full commercial helicopter operations, lifting of all current restrictions allowing operation of aircraft currently excluded, plus full 24-hour unrestricted operations.

Your petitioners therefore pray that permission will not be granted for this expansion.

And your petitioners, as in duty bound, will ever pray.

By Ms BUCHANAN (Hastings) (135 signatures)

Bass Coast: performance

To the Legislative Assembly of Victoria:

The petition of residents and ratepayers of Phillip Island, part of the Bass Coast shire, draws to the attention of the house that they are dissatisfied with the operation, structure and performance of the Bass Coast shire since amalgamation.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria appoint an independent panel to comprehensively review the operation, performance, and structure of the Bass Coast shire.

By Ms BUCHANAN (Hastings) (4815 signatures)

Schools: religious instruction

To the Legislative Assembly of Victoria:

The petition of citizens of Victoria concerned to ensure the continuation of religious instruction in Victorian government schools draws out to the house that under the Bracks Labor government review of education and training legislation, the future of religious instruction in Victorian schools is in question and risks becoming subject to the discretion of local school councils.

The petitioners therefore request that the Legislative Assembly of Victoria take steps to ensure that there is no change to legislation and the Victorian government schools reference guide that would diminish the status of religious instruction in Victorian government schools and, in addition, urge the government to provide additional funding for chaplaincy services in Victorian government schools.

The petition of citizens of Victoria is concerned to ensure the continuation of religious instruction in Victorian government

schools and to provide additional funding for school chaplains.

By Mr DELAHUNTY (Lowan) (43 signatures)

Tabled.

Ordered that petitions presented by honourable member for Hastings be considered next day on motion of Ms BUCHANAN (Hastings).

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

PLANNING: MINISTERIAL INTERVENTION

Mr HULLS (Minister for Planning) — By leave, I move:

That the statement on ministerial intervention in planning matters for the period May 2004 to April 2005 under the Planning and Environment Act 1987, the Victorian Civil and Administrative Tribunal Act 1998 and the Heritage Act 1995 be tabled.

Motion agreed to.

Tabled.

DOCUMENTS

Tabled by Clerk:

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

- Baw Baw Planning Scheme — No. C24
- Darebin Planning Scheme — No. C63
- Kingston Planning Scheme — Nos C51, C53
- Latrobe Planning Scheme — No. C36
- Loddon Planning Scheme — No. C15
- Mitchell Planning Scheme — No. C37
- Moreland Planning Scheme — No. C33
- Mornington Peninsula Planning Scheme — Nos C42 Part 2, C 65 Part 2

Subordinate Legislation Act 1994 — Minister's exemption certificates in relation to Statutory Rule Nos 23, 28, 29.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the house dated 26 February 2003:

Gambling Regulation (Amendment) Act 2004 — Sections 4, 5, 8, 10, 11, 12(1), 12(2) and 12(4) on 20 May 2005 (*Gazette G20*, 19 May 2005)

Gambling Regulation (Further Amendment) Act 2004 — Sections 9, 10, 11, 12 and 41 on 20 May 2005 (Gazette G20, 19 May 2005)

Planning and Environment (General Amendment) Act 2004 — 23 May 2005 (Gazette G20, 19 May 2005).

ROYAL ASSENT

Message read advising royal assent to:

Courts Legislation (Judicial Conduct) Bill
Justice Legislation (Amendment) Bill
Legal Profession (Consequential Amendments) Bill
Magistrates' Court (Judicial Registrars and Court Rules) Bill
Parliamentary Administration Bill.

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Transport) — 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, 26 May 2005.

Appropriation (2005/2006) Bill
 Appropriation (Parliament 2005/2006) Bill
 City of Melbourne (Amendment) Bill
 Emergency Services Superannuation (Amendment) Bill
 Energy Legislation (Miscellaneous Amendments) Bill
 Gambling Regulation (Public Lottery Licences) Bill
 Road Safety (Further Amendment) Bill
 Sex Offenders Registration (Amendment) Bill.

The government business program this week identifies some eight bills debate on which is proposed to be completed by or before 4.00 p.m. on Thursday. It is my view and the view of the government that that is an achievable target. I point out that the Appropriation (2005/2006) Bill was the subject of much discussion in the last parliamentary sitting week, and the bulk of debate has been completed. There are a few remaining speakers, and we hope to accommodate them before it is passed.

For the edification of the members and staff, today we propose to commence and complete debating the Road Safety (Further Amendment) Bill, the Gambling Regulations (Public Lottery Licences) Bill and the City of Melbourne (Amendment) Bill. Tomorrow we will

start and complete the Sex Offenders Registration (Amendment) Bill, the Energy Legislation (Miscellaneous Amendments) Bill and the Emergency Services Superannuation (Amendment) Bill. Therefore, on Thursday we will deal with the appropriation bills. I point out that if today or tomorrow the listed bills are completed before the end of the parliamentary sitting day, we will then start on the parliamentary appropriation bill. I make that information available so people can plan their days and nights ahead.

Mr PLOWMAN (Benambra) — The opposition opposes the government's business plan on the basis that it has been given less than 24 hours notice of the inclusion of three bills, nos 11, 14 and 15 on the notice paper. This is just not good enough. It shows a level of incompetence on the government's part if it cannot make its business program available to us within the time needed to deliberate on them and ensure that briefings are done and all members are available to debate them. We believe this is an unacceptable procedure on the government's part.

We believe the government's business program is achievable and is going to be achieved. We will certainly do our best to ensure that occurs. We will also do our best to make sure that no bills go to the guillotine on Thursday. But it is totally unacceptable that the government is so inefficient at delivering its own program that it cannot give us at least 24 hours notice. The agreement we have had is that, wherever possible, we get notice of the program in the week before the sitting week so we know what we will be debating in that week. To get it late on a Monday afternoon is not acceptable. I put that to the manager of government business, and I ask that things be improved in the future.

Mr MAUGHAN (Rodney) — The Nationals will also be opposing the government business program for this week. I have raised this issue in the house on a number of occasions. We need adequate notice. Yes, the government has been courteous and advised us of its program, but to be advised after the cabinet meeting on Monday — when our members have already left home and are on their way to Melbourne — that these bills are to be debated on Tuesday, hardly provides us with sufficient time to adequately prepare.

I would have thought it would not be too difficult for the government to organise its business program sufficiently in advance so that we had a week's notice of what bills were going to be debated. We can get through the business program this week. There is no difficulty with that; we will be able to accommodate the government. I have made this point previously, and I

will continue to make it. I believe we deserve a little more notice than we are getting, and on this occasion we will be supporting the opposition in opposing the government's business program just to make the point that the opposition parties deserve a little more respect. The government should be able to organise its business program so that it gives us more notice than it has on this occasion.

Mr LANGDON (Ivanhoe) — I am pleased to make a contribution to this debate. So far 24 government members, all 17 opposition members, all 7 members of The Nationals and 1 Independent — with one to go — have spoken on the appropriation bills. Therefore the debate on that is almost complete. Of the other 16 bills on the notice paper, we have chosen 6. The three that the opposition parties have taken exception to were second-read on 5 May. That is 20 days notice. I am not sure how much notice the opposition parties want.

Mr Wells interjected.

The SPEAKER — Order! The member for Ivanhoe is entitled to say whatever he likes without being given advice by the member for Scoresby.

Mr LANGDON — Within reason, Speaker, I am sure!

The SPEAKER — Order! I should say 'relating to the government's business program'!

Mr LANGDON — Another 10 bills are listed on pages 100 and 101 of the notice paper. I suggest the Liberals and The Nationals get ready, because we will be debating those in the next couple of weeks as well.

Mr DIXON (Nepean) — I take exception to what the Government Whip has said. It is not so much about the issue of the notice we have had of these bills over the last few weeks. We knew they were coming up. It is about the fact that we are told one thing on Friday and then some machinations happen in cabinet on Monday and all of a sudden it changes late on Monday. This is not the first time it has happened.

It is happening regularly week after week. It is very hard for us in opposition, having incredibly limited resources, to change our whole program at such short notice. It is the lack of trust that we have an issue with. Why, when something is said on a Friday, is it changed on Monday afternoon? As I said, it has happened on a few occasions so far. I know the government can do what it likes, but in this case there should at least be some explanation. I note with interest — —

Mr Andrews interjected.

The SPEAKER — Order! The member for Mulgrave is out of his seat. I ask him to be quiet.

Mr DIXON — I note with interest that debate on the National Parks (Point Nepean) Bill, which has been set down for the following week, has already been put off on three occasions. My community would obviously like to know why, because we have a real interest in that. Why has it been put off each time, given that it has actually come up and then disappeared onto the notice paper for the following week? That has happened three times.

Honourable members interjecting.

Mr DIXON — My colleagues have reminded me that the channel deepening bill is another one that seems to have disappeared into the never-never — and again, why? I think there is another agenda going on within the government business program, and it is breaking down the sense of trust on both sides. I ask the government, when it announces the government business program on Fridays, to stick to it — either that or not bother and just tell us on Monday afternoon. At least we will have some idea of the consistency — —

Honourable members interjecting.

Mr DIXON — I am just trying to be helpful! That is the reason why we are opposing the government business program this week.

Mr DELAHUNTY (Lowan) — I was not going to say anything, but after that last episode I would like to say that our whip very courteously informs us members of The Nationals as soon as he gets a list of the bills to be debated. I received three emails last week — or at least my staff did — and every email had different information. Most of us come down here for parliamentary committee work on a Monday morning. To do that I have to leave either Sunday night or Monday morning, so it is very difficult — —

Ms Munt interjected.

Mr DELAHUNTY — Yes, I know not many Labor Party members turn up for those parliamentary committee meetings, even — —

Honourable members interjecting.

The SPEAKER — Order! The member for Lowan on the government business program, without the assistance of the member for Scoresby!

Mr DELAHUNTY — It is good to hear a bit of interjecting, Speaker; however, I apologise. Let us get

back to the practicalities of this. The reality is that I leave either on a Monday morning or a Sunday night, and it is a 3¹/₂-hour drive. Often we are given bills the materials for which I might have left back in my office in Horsham. I do not have the luxury of being able to go back to my electorate office at short notice — —

Mr Wells — Or to get your wife to bring it down.

Mr DELAHUNTY — Or to get my wife to bring it down, as the member for Scoresby said. I do not think she would appreciate that! Let us be practical about this: we want to be able to have good debates in this chamber, and that is why it is important that we have every access to the materials we have collected in our electorate offices. I do not agree with the member for Nepean — although I have often agreed with him, because he does a great job chairing our Lions Parliament of Victoria Club. Giving notice of the program on a Monday would be too late for us members who have to travel long distances from country areas.

Motion agreed to.

MEMBERS STATEMENTS

Frankston Historical Society

Mr HARKNESS (Frankston) — The Frankston Historical Society has been formally recruited by the state government to store valuable records of local historical significance. This means the historical society is an official place of deposit that is able to support the valuable role played by the Public Record Office Victoria in maintaining the state's archives. It is a credit to the historical society that it has received formal recognition as a place of deposit. It means that the correct handling and storage standards needed to preserve historic materials, as set by Public Record Office, have been met.

The Bracks government recognises that public records are vital to a community's identity. This initiative to expand the network of places of deposit will ensure that local records are preserved in a way that keeps them accessible to their communities and the people of Victoria. The Frankston Historical Society is one of 16 historical societies and 1 museum that have been added to the places of deposit register across Victoria. There are 58 registered places of deposit, which supplement the high-tech Victorian Archives Centre in North Melbourne and the Ballarat Archives Centre. The recognition and accreditation of this society will allow

vital local records to be preserved for and made accessible to current and future generations.

The Frankston Historical Society is based at the Ballam Park homestead. Late last year the homestead received \$37 000 to upgrade timberwork and improve drainage under a Bracks government initiative to protect Victoria's heritage places. Ballam Park homestead is a beautifully maintained Frankston icon, allowing new generations of Australians to enjoy a slice of yesteryear. I take my hat off to the historical society for helping the homestead age with grace. Funds came from the Victorian heritage program, which aims to conserve Victoria's recognised heritage places through the provision of funding for building repairs, restoration and refurbishment projects, documentation to facilitate conservation projects, and support for places at risk

Australian Labor Party: branch stacking

Mr SMITH (Bass) — Did you hear the yells of the angry men and women about the corrupt practices of the Victorian ALP at its recent state conference? Did you hear about the accusations of branch stacking that goes on here in Victoria? Did you hear about the Premier sneaking in the backdoor of the conference with a police escort because he was afraid his grassroots comrades might get him? Did you hear the ALP state president, Brian Daley, asking the Premier for help with branch stacking? Did you hear the Premier's pathetic and weak excuses? Did you hear the ranting and the raving of Senator Kim Carr, from the left, and the rambling of Senator Stephen Conroy, from the right?

What a joke! What a disgrace! The problem is that this rabble is running the state of Victoria. Clearly the priorities are unions first, factions second, the ALP third, and last — and least in their minds — Victorians. The one thing for sure about the ALP is its factions, its fights and its failures! I can tell you that it is more interested in increasing numbers through branch stacking than reducing numbers on hospital waiting lists. No wonder it wants more police — for the safety of ALP members when they go to their state conferences.

Schools: reading challenge

Mr PERERA (Cranbourne) — I rise to speak on government business rather than wasting time. Last Friday I was fortunate enough to have the Premier visit my electorate of Cranbourne to champion the Bracks government's reading challenge at our Marnebek School.

Reading is not only an important skill for us all, including students and adults, but also a great way to relax and think and learn about other things, places, people and ideas. The Premier sat with a class of students from the Marnebek School and read to them. Marnebek School is also taking part in the Victorian certificate of applied learning (VCAL). This initiative provides practical, work-related experience as well as literacy and numeracy skills and the opportunity to build the personal skills that are important for life and work.

I would like to take this opportunity to thank the principal of Marnebek, Dennis Pratt, Ms Jan Lake, southern metropolitan regional director in the Department of Education and Training, the students and teachers at Marnebek School, the *Age* newspaper and the State Library of Victoria, who made Friday's visit a fulfilling one for all of us. Special thanks to Marnebek's hospitality students who served us with a delicious lunch prepared by themselves.

Apprentices: employer incentives

Mr JASPER (Murray Valley) — The Victorian government must immediately review the inadequate assistance being provided to employers to take on apprentices and trainees. The actions taken by the government in last year's budget in reducing the incentives for employers is now having a dramatic effect on their support for trade training of employees.

The house would be aware of changes to apprentice and trainee support that include a one-off payment for the employer only at the end of the training period, inclusion of their wages in the calculation of payroll tax and, of critical importance to small employers, a requirement to have a minimum of three apprentices or trainees receiving any payment at the end of the training period. This is at a time when there is recognition by all Australian governments of a shortage of trade-trained people throughout Australia and a groundswell of support from associations and the general community for strong positive action by governments to increase the number of trade-trained people within Australia.

In defending the changes the Treasurer indicated they would provide a saving of \$40 million in government financial support for the scheme. However, the government has thrown the baby out with the bathwater. If there were flaws or abuse of the system, corrective action should have been taken without wrecking the incentive scheme for all employers. I call on the government to act now, to talk to employers and their associations and to reinstate a more appropriate

incentive scheme to increase the number of apprentices and trainees in the state of Victoria.

Carrum Primary School: Education Week

Ms LINDELL (Carrum) — Last week was Education Week, and as part of the celebrations I had the honour of attending a special assembly at Carrum Primary School.

Mr Wells interjected.

The SPEAKER — Order! The member for Scoresby will sit down.

Ms LINDELL — Robyn McRae has been a member of the school council at Carrum Primary School for the past seven years. She was honoured with the outstanding parent award for the southern metropolitan region for her exceptional effort in her school community. The principal, Alana O'Neill, gave an amazing presentation listing the activities Robyn has been involved in in her time. Probably the most public was the 100-year celebration of the primary school, for which Robyn compiled an amazing oral history of the school from interviewing past and present students. The oldest student was someone who had been at Carrum Primary School in 1928. Robyn is an outstanding member of the school community. She does everything from fete organisation to writing submissions, and I congratulate her unreservedly for her outstanding contribution to Victorian education.

Police: Liberal Party policy

Mr WELLS (Scoresby) — This statement condemns the Bracks government for its failure to honour its election commitment to increase the number of front-line beat police. As a result of this, Victorians feel that they are increasingly becoming disconnected from the police. It is vital that the police have the support and respect of the local communities they serve. Too often the only contact people have with our police is when they are receiving a speeding ticket or are being cautioned for jaywalking.

The Liberal Party will help the police build closer links with local people and, where possible, reflect their priorities when making operational decisions. Initiatives are needed that will improve the relationship between police and the community. If elected, the Liberal Party will immediately restore and guarantee the future of the vitally important and respected police schools involvement program, which Labor wants to axe; locate police offices in public places like shopping centres, malls and entertainment precincts; and ensure

Victorians have better access to their local police stations.

The police schools involvement program is so important. This successful scheme familiarises schoolchildren with police and the role they play while educating them about vital policing programs. Our Cops in Shops policy initiative will make police more visible and accessible to the community. This will not only increase Victorians' access to police but have the added benefit of deterring antisocial behaviour. The Liberal Party is committed to better relationships between the police and the community.

Housing: neighbourhood renewal program

Mr WYNNE (Richmond) — I rise to acknowledge the excellent work being undertaken by the Minister for Housing in another place and the Office of Housing in relation to the neighbourhood renewal program. I want to refer specifically to two projects in my own area — the Atherton Gardens estate in Fitzroy and the Collingwood estate — although my colleague in Ballarat would remind me of the Wendouree West redevelopment which has been a wonderful success story in regional Victoria.

Over \$108 million has been invested in neighbourhood renewal and a further \$90 million will be allocated over the next two years for neighbourhood renewal projects not just in the Melbourne metropolitan area but in regional centres as well. We are rebuilding the physical and, I would argue more importantly, the social infrastructure of these high-rise estates. Frankly they were left in a shameful state by the former government which invested a paltry handful of dollars in its seven years in office.

This is an extraordinary success story. There has been excellent cooperation between the government, the welfare organisations and Victoria Police in bringing enduring benefits to people living on my public housing high-rise estates.

Police: schools program

Mr PERTON (Doncaster) — The matter I raise is about police in schools — or the police schools involvement program. Ms Helen Stanford, the secretary of Coburg West Primary School, has written to me and other members of Parliament saying that:

... news of the planned discontinuation of the highly successful police schools involvement program has been met with dismay by our school community ...

The removal of the (program) at a time when it is widely recognised that law and order issues are of particular concern within the Victorian community defies logic.

I have also received a letter from Mr Spiros Fatouros, school council president at Newtown Primary School. He said:

... news of the planned discontinuation of the highly successful police schools involvement program has been met with dismay by our school community ...

Research findings, including annual customer surveys, have highlighted the effectiveness of the program ...

The removal of the (program) ... defies logic.

I have today received letters from Irymple Primary School, Barwon Heads Primary School, Viewbank Primary School, Hillsmeade Primary School, Templestowe Primary School and Manchester Primary School all supporting the program.

The Manningham principals network has resolved that the program should be continued. It has written saying:

To remove the program will increase the difficulties for young people, schools, the community and the police. We believe that such a decision can only have been taken as a result of not understanding the outstanding work and positive impact of the officers involved in the police in schools program. We urge those involved in the decision to continue with this highly effective program.

The program includes working with year 12 students to minimise community disruption due to end-of-year activities, interviewing and counselling student lawbreakers, providing information on legal matters to classes at the request of teachers, identifying and supporting at-risk students in police camping programs, working with special needs students and the community to ensure an understanding of the law, attending school special events, and arranging for the attendance of other groups, including the police band.

Japara neighbourhood house

Ms BEARD (Kilsyth) — On Wednesday, 11 May, with the members for Evelyn and Monbulk, I had the pleasure of attending an evening of entertainment to celebrate the 25th anniversary of Japara neighbourhood house and Neighbourhood House Week. The gathering was held at the Montrose public hall.

Japara's aim is to provide a place for people to meet, learn and share ideas, skills and resources in an atmosphere of equality, flexibility and acceptance. One only has to visit Japara to see these aims being met on a daily basis. The staff and volunteers at Japara are dedicated and caring people who are involved in many community activities. The manager, the very capable

Pauline Walton, works tirelessly for Japara, as does Marg Fennell, secretary as well as acting coordinator for the Bridge community garden centre and convenor of the quality houses working party. Some of the many children's services run at Japara include occasional and out-of-school hours child care and playgroups. There are classes in such varied activities as French polishing, guitar, upholstery, floral art and belly dancing. There are information sessions on retirement, self-confidence classes and courses on food safety levels and asthma management. Callisthenics is taught at three levels, with members participating in competitions and an annual concert.

Japara is a true community house hosting groups such as the Montrose Historical Society and Friends of Elizabeth Bridge. Japara also manages Montrose public hall as well as the Bridge community garden centre in Durham Road, Kilsyth, which runs programs for those with acquired brain injury. Other activities for the 25th birthday include a life members dinner and a function at the Bridge community garden centre later in the year.

Drought: north-west Victoria

Mr SAVAGE (Mildura) — Members in this place will be aware that there is a drought in the Wimmera Mallee that has no equal in living memory. An interim exceptional circumstances (EC) declaration has been declared for most of the Wimmera Mallee but surprisingly has left out the area north of Speed and south of Ouyen. The case studies in that region need to be revisited. On Friday the Prime Minister, John Howard, visited the western region of New South Wales just north of Mildura and Wentworth. No doubt he would have seen from the air the parlous state of the Mallee in terms of the current drought.

I wish to formally invite the Premier and the Minister for Agriculture to visit the Wimmera Mallee to see first hand the depth of this drought. In 2002 the Premier visited Kerang, and the imperative now is to visit the Wimmera–Mallee. I would also urge the government to reconsider the drought packages made available in 2002. The exceptional circumstances policy needs a complete overhaul. If the federal government can find at short notice \$1 billion for the tsunami victims, then more needs to be done for our own. The recent observations by former Premier Jeff Kennett were timely and appropriate.

Eric Wieckman

Mr WILSON (Narre Warren South) — I am pleased to rise today to give praise to an individual who

deserves it and an organisation that talks of it. The 2005 City of Casey citizen of the year is universally known as Captain Eric. He has been known by that name by the many hundreds of young people he has contact with. He is the founder and executive officer of a local Casey group, Christians helping in primary schools (CHIPS). CHIPS is a volunteer organisation that ensures many young disadvantaged primary-aged children are provided with support and encouragement in areas which many children can do with much more support and encouragement.

Eric leads an extensive team of 250 volunteers and runs an excellent service. It notes that its primary purpose is valuing the lives of our children. The team of volunteers is highly motivated and leads children to consider the good aspects of life, what they want to achieve, how they want to be treated by others and other values. The basic tenet of the volunteer activities is the love of all children and their value as people. This is a true reflection of the Christian spirit.

Eric Wieckman tells a powerful tale of aspects of his life and is an excellent communicator both with adults and more importantly with children. I am told that CHIPS regularly talks with 10 000 children in some 30 primary schools in the city of Casey. Many children need a little extra care and CHIPS organises its own weekend camps as well as partnering with other organisations. I commend Captain Eric and his volunteers to the house and congratulate him on his excellent vocation.

Freedom of information: Ombudsman's report

Ms ASHER (Brighton) — I wish to draw the house's attention to the Ombudsman's *Review of the Freedom of Information Act — Discussion Paper of May 2005*, which highlights a number of deficiencies in the way this government handles FOI. The report provides some key data on the government's handling of Victorian Civil and Administrative Tribunal (VCAT) cases, especially those brought forward by members of Parliament. I wish to refer to that new data.

The report contains information obtained from VCAT that:

... in 2003–04 approximately 133 applications were made to VCAT ...

regarding FOI, and, unsurprisingly:

... 16 applications were by members of Parliament. Those applications however took on average more than twice as long to resolve as the average for all applications (225 days compared with an average of 101 days for all applications). Of the 16 applications by members of Parliament, 5 (31 per

cent) were determined at hearing with orders for full or partial release of the documents in four of the five cases, and in another seven matters ...

We have seen this reprehensible habit of the government forcing the opposition to expend its resources. Further:

... all documents were released before the final scheduled hearing. Two matters were settled on undisclosed terms, and another two were pending when —

this report was done. This data simply highlights a number of claims the opposition has been making for many years.

Preston: redevelopment projects

Mr LEIGHTON (Preston) — Last Wednesday the Minister for Planning visited Preston to announce funding of \$155 000 for three projects. The amount of \$65 000 will be spent on an upgrade of Cramer Street, \$60 000 will be spent on detailed planning of key redevelopment sites in Preston and \$30 000 will be spent for way finding and signage. Preston was designated a principal activity centre under Melbourne 2030. It has a great market, a healthy strip shopping centre and — thanks to the Bracks Labor government — and renewed government services such as the new police station. Unlike some areas, we welcome the renewal and development as it will increase local economic opportunities and lifestyles. Cramer Street, which is the east-west link through the centre of Preston, will receive works to improve pedestrian safety as well as wider kerbside lanes for bicycle safety. Turning movements along Cramer Street will also be improved to allow better access to the market.

Funding has also been provided to the City of Darebin to undertake a study of the urban centre at Preston. The project will look at better ways to use and develop council-owned land in the precinct as well as working with Australia Post on the redevelopment of the post office site on High Street, identifying commercial tenants and investigating a multideck car park. Last year the state government provided Darebin City Council with \$320 000 for the Pride of Place program. The council can draw on a portion of this money to explore ways of upgrading the market and the Preston oval. I say to the Minister for Planning that he is welcome to come back to Preston any time particularly with his chequebook.

Alpine National Park: cattle grazing

Dr SYKES (Benalla) — The Premier from Williamstown and the minister from Albert Park stand

condemned for their decision to lock cattlemen out of Victoria's alpine parks. The Premier and Minister for Environment have put cattlemen through another charade of Clayton's consultation when all along they intended to deliver Labor's policy of many years: to remove cattle from the high country. This is another broken promise and another charade — just like the toxic dump saga and the decommissioning of Lake Mokoan. The 170 years of heritage and cattlemen caring for the high country will now be replaced by a culture of 'lock the gate and throw away the key'. This government's claimed management of natural resources is fiction. Blackberries and wild dogs will take over the high country. Every time future generations — our children and their children — think of the Man from Snowy River they will also think of the Premier and the minister who brought an end to this magnificent era in Australian history.

The sealing of the Bogong High Plains Road is good news, but this project should stand alone and not be linked to the removal of cattle from the alpine parks. The Premier and the Minister for Environment have gutted one of the great cultural icons of this nation. In the words of the mountain cattlemen: you have plunged a knife deep into the heart of Victorian history. Hang your heads in shame!

Glenroy West Primary School: awards

Ms CAMPBELL (Pascoe Vale) — Congratulations to the 2005 Glenroy West Primary School leadership team led by Patrick LeRoy, Kristy Lowerson and Ryan Wills, student representative council members, house captains and vice-captains. At its first meeting it was decided that all school leaders should be responsible, good role models, listen to other students and be prepared for anything. On 6 May I was honoured to join the proud families of the leaders at a school assembly for a comprehensive badge ceremony. Along with their school community, I acclaim the student representative council members Ele Makrigorgos, Boyd Nalder, Teagan Ellison, Sophie Doyle, Brody McPharlane, Emily Loney, Thomas Mackey, Tim Sharp, Adam Schang and Casey O'Connell.

Acclaim also goes to the house captains and vice-captains: for York, Sarah Laurie and Emily Bennett; for Clovelly, Rebecca Bradley and India Amos; for Chapman, SNM Gray and Omar Ghazata; and for William, Jordan Kelly and Kiarra Nicholson. Thanks also goes to Ms Julie White for her coordination of the leadership program and one of the most significant assemblies in the lives of those students. It is clear that members of the student representative council and the house captains are future

leaders of our community. It was terrific to see them speaking about their fundraising and generally making school fun. This school is led by a dedicated principal, Kaye Gauci, and assistant principal, Gordon Nolte, together with a dedicated staff.

Police: schools program

Mr KOTSIRAS (Bulleen) — I once again stand to demand that this uncaring, lazy and incompetent government reconsider its decision to abolish the police schools involvement program (PSIP). I have received another letter from yet another school in my electorate outlining its dismay at this government's contempt for and neglect of the needs of students in my electorate of Bulleen. The president of the school council writes:

... news of the planned discontinuation of the highly successful PSIP has been met with dismay within our school community. As a school currently receiving the PSIP, we are extremely disappointed by such short-sighted action on behalf of Victorian police and Victorian state government. My grade 5 daughter participates in the PSIP at Templestowe Park Primary School and variously described her experiences and opinions as 'very good', 'the police are nice people', 'I enjoy having the police come to the school' and 'they do a good job', all of which illustrate the positive impact of the program. The removal of the PSIP at a time when it is widely recognised that law-and-order issues are of particular concern within the Victorian community defies logic.

The scrapping of this program is a direct result of shortages in the Victoria Police. Senior police are removing resources from the program to fill gaps in other areas. This government must now act and reinstate the PSIP at the same level of funding to ensure its survival. I ask and encourage the minister to attend the school and see for himself what a wonderful program it is.

Banksia Secondary College: *Seussical*

Mr LANGDON (Ivanhoe) — Last week I had the great pleasure of attending the Banksia Secondary College theatre to see the school's production of *Seussical*. I am very pleased that the Minister for Education and Training can be in the house to hear about one of her fabulous government schools. I saw the production twice. I am trying to name as many people as I can who performed in the production, but as there was a cast of thousands it is quite difficult to do so, so I apologise to anyone I miss.

The production team included Michelle Clark, Andy Coates, Dean Flanagan and Brendan McCormack. The band and cast also need to be congratulated: lead performers James van Langenberg, Stephanie Papworth, Christine Rose, Daniel Morabito, Christopher Bott, Lorien Stark, Paul Hyde, Tash

Mpantellis, Mark Morabito, Brett Walford and James Scarcella. A number of other people performed in what was a brilliant production — so brilliant that my children wanted to go back to see it twice.

A number of other primary schools participated in the production: Haig Street Primary School, Olympic Village Primary School, Fairfield Primary School, Preston West Primary School, Heidelberg Primary School, Viewbank Primary School, Ivanhoe East Primary School, Preston Primary School, Preston East Primary School, Bellfield Primary School and Banyule Primary School. They all played a part in what was a mass production. Again, I congratulate the school on a wonderful performance.

PACT Community Support: launch

Ms OVERINGTON (Ballarat West) — Last Friday, together with the Minister for Housing in another place, I had the privilege of attending the launch of the new name and logo of the Grampians Housing Network, PACT Community Support. PACT stands for 'pursuing advocacy and change together'. The name articulates the focus on advocacy, protecting people's rights and working collaboratively for change. The people at Grampians Housing have been providing advocacy services to public housing tenants for many years, and that has recently expanded to include the victims assistance program, which provides support and advocacy for victims of crime. They have also established Ballarat Community Gardens, which enables members of the community to grow their own vegetables.

My congratulations and sincere thanks go to the dedicated workers of the new PACT: Martin Prewer, one of the most compassionate men I know; the executive officer; John Halliday, who was founder of the community gardens; and Katrina Bevelander, Leonie Bird, Lindsay Lee, Toni Gillett, Kate Dymock, Shelley Panke, Vicki Lee Thomas, Kath Sims and Kim Lewry.

I also want to mention a very dear friend and past worker of the Grampians Housing Agency, Bronwyn Roberts. I think they would be very pleased if I mentioned Bronwyn. Bronwyn passed away last November with breast cancer and we all miss her. PACT will continue to provide advocacy and a voice for those most disadvantaged within our community.

Olinda: market

Mr MERLINO (Monbulk) — I am delighted to advise the house that shortly we will all be able to

purchase organic and locally grown produce at the soon-to-be-launched Olinda produce market. The new Olinda village fresh food and local produce market will be launched with a flourish on 25 June with the help of a \$9980 Bracks government grant. I welcome the fact that the state government grant, together with almost \$10 000 of cash and in-kind contributions from local traders and the community, will be matched by the federal government as well. The new weekly Olinda village market will give small niche producers, such as members of the Mountain District permaculture group and other local producers, direct access to new customers. The market will provide fresh and organic locally grown produce that will be welcomed by residents and tourists alike. As well as produce, the Olinda village market will feature stalls run as fundraisers by local community groups.

The Victorian government grant, which is being matched by Olinda market organisers and the Olinda Village Promotion Association, is being delivered through the community development program, which assists community groups and councils in Melbourne's outer metropolitan rural interface region to undertake innovative, event-based activities that bring people together and build on economic development opportunities. The Olinda Village Promotion Association has worked very hard with other local groups to bring the Olinda market alive, and I wish them the best in their endeavours. My congratulations go to the organisers and particularly to Judy Ischia, the chair of the Olinda Village Promotion Association.

Gembrook electorate: youth advisory councils

Ms LOBATO (Gembrook) — I wish to inform the house of the representative and advisory role being undertaken on my behalf by students at two secondary colleges in my electorate. Some time ago I invited Upper Yarra Secondary College and Emerald Secondary College to appoint interested students to form a youth advisory council to advise of relevant issues pertaining to youth and to encourage young people in decision making in their community. In each school students from years 10, 11 and 12 make up two subgroups of the youth advisory committee. One group is looking into current pressing issues for youth and the other is looking into future planning for the community. I would love to be able to take credit for this marvellous initiative but I cannot as it was a suggestion made by James Holman, who is a constituent, a university student and now my youth adviser.

I wish to thank all students on the youth advisory councils. They are: from Emerald Secondary College, Jordan Fogel, Allison Collins, Keiran Thomas, Brittany

Carver, Laura Doolan, Piper O'Dowd, Ashley Frith, John Shipp, Ryan Creed, Michael Borkowski, Kade Brindley, Ellen Marnock, Jason Purdy and Tara Fuller; and from Upper Yarra Secondary College, Brent Clinch, Allie Cox, Stacey Daniels, Miranda Talha, Tammy Van Horick, Cory Dwyer, Jim Ellis, James Walter, Stuart Beeby, Briony Colling, Noel Gardiner, Piotr Lorenc, Ben O'Brien, Casey Mayne, Rebecca Orr and Jade Timmermans.

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

ROAD SAFETY (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 5 May; motion of Mr BATCHELOR (Minister for Transport).

Opposition amendment circulated by Mr MULDER (Polwarth) pursuant to standing orders.

Mr MULDER (Polwarth) — The main provisions in this bill deal with issues related to the sunset clause permitting roadside drug testing for a further 12 months and the increase in the maximum penalty for hit-run offences from 2 years to 10 years — and that issue is the subject of the Liberal Party's amendment. It also aligns dangerous driving and excessive speeding penalties for driving at 45 kilometres per hour or more over the speed limit. The loss of licence penalty will increase from six months to one year. Motorists found guilty will still incur a loss of licence, even if the magistrate does not record a conviction.

The bill also allows the use of road spikes by Victoria Police to reduce road pursuits and increases the fine for unauthorised use of a freeway by pedestrians and cyclists from \$307 to \$511. As well it allows access to the VicRoads database to ensure easier clearance of vehicles from crash scenes by towing companies. At the outset I point out that the Liberal Party supports the legislation, but it is moving an amendment members of the opposition believe will enhance the legislation. We trust that the government will vote with the Liberal Party on this amendment, along with The Nationals and of course the Independents.

The areas of concern we have relate to the drug-testing trials, in which only 4800 motorists have been tested over 120 days. As we know there were many question marks about the accuracy of the testing in the first place. I refer members to my comments on this issue

when the drug-testing legislation was first introduced into the Parliament with fanfare from the then Minister for Police and Emergency Services. The issue I raised in particular was the fact that the process the government was engaging in had the smell of a sideshow. I said that it had the whiff of trying to convince the public that it is doing something. I also said at the time that I had no doubt that this issue would be well painted and well decorated as a Labor government media show. That is exactly what took place on the first day drug testing was introduced in Victoria. The media was notified as to where the testing was going to be conducted, and the government ensured that it had a full media scrum in attendance. It ensured that the circus would be under way, and it ensured it had a culprit to lead over to the drug-testing van as a result of the very early tests.

What an absolute disaster what should have been the successful launch of random drug testing in Victoria turned out to be. I point out that random drug testing is an issue that the Liberal Party pursued and supported for some time prior to its being taken up by the present government, and that did not happen until the government became aware that the coroner would be releasing information revealing the severity of the problem of people driving with illicit drugs in their system. Coronial examinations had found that there was a very high incidence of motorists who were dying on the roads with illicit drugs in their system.

The Liberal Party supported random drug testing all along. The member for Scoresby was a great supporter of its introduction, and we were outraged to see the government turn that introduction into an absolute sideshow and totally discredit the entire process. Mr De Jong is the person who was humiliated when police tests declared him to be the first person in the world to return a positive saliva drug test. That process was conducted under the glare of television cameras as the government hailed its innovation in road safety, and I am reading from page 4 of the *Herald Sun* of 26 December 2004. The article goes on to say that Mr De Jong was made a guinea pig in what turned out to be a flawed test. He was held up to public ridicule and then had the unsavoury task of trying to explain his innocence to friends and family.

The former minister's lame response to the farce was, 'No-one has been wrongly charged. No-one has been wrongly convicted'. However, Mr De Jong's name was broadcast to the entire Victorian population across television and radio and his name appeared in all forms of media as being a drug taker. As we know now, Mr De Jong returned a false positive test. The article goes on to say:

No, Minister, Mr De Jong was not wrongly accused. The presumption of innocence was sacrificed in his case for your political agenda.

At the very least, Mr De Jong deserves an apology from Mr Haermeyer and the police. A grovelling apology would be appropriate; a cringing request for his forgiveness would be better. In the longer term the bungle may have consequences for road safety.

This is the real issue and the real problem the Victorian community is starting to wake up to with this government. It is not about good government; it is not about good legislation; it is not about good outcomes. This was not about getting drug-drivers off the road; it was about a media opportunity for the government and a media opportunity for the minister of the day. It turned out to be an absolute disaster, and as we know it cost the minister his job — and it should have — along with a number of other bungles that he presided over. But the drug-testing regime, which should have been a positive thing and which had the support of the Liberal Party, turned what should have been a great day for Victoria into an absolute disaster.

Page 6 of the *Age* of Friday, 20 May, reported:

The government and Victoria Police yesterday admitted that if a person is pulled over for a drug test but found positive for alcohol first, they do not go on to be tested for cannabis or methamphetamine — even if they have the drugs in their system, this means that people driving under the influence of alcohol and drugs can escape the drug-related penalties, which include having their licence cancelled or fines for the first offence.

We raised this issue during the original briefing with the police. Victoria has invested a significant amount of money in a drug bus. We know that there are a large number of people who die in motor car accidents and that there are drivers who test positive for illicit drugs. This is a drug bus, so surely the people who are pulled up by this bus will be tested for drugs — but that is not the case.

We have some real concerns about the level of the government's commitment in relation to people who are driving with drugs in their system. We know very well that once a positive saliva test is taken — the kit is not all that expensive; I think it is about \$32 — it then goes on so that a further laboratory test can be conducted, and we understand the cost is somewhere of the order of \$500. When a driver is pulled up the first test he is offered is for alcohol. If they prove positive for alcohol, no drug test is carried out, so I would argue that the figures that are now being produced by the government from this 12-month trial are skewed. I would argue that they could be distorted. I would argue that a number of people who tested positive for alcohol

may have also had drugs in their system, but they were never tested for that. Therefore when you look at the statistics that have come out on the drug testing bus and the work it has conducted over the 12-month period, you realise that the information does not stack up — it does not produce what we thought it would. I suggest the government should totally review this operational matter to ensure that anybody who is pulled over for a drug test indeed undertakes a drug test.

From the people I have spoken to I have no doubt that the growth in the use of recreational drugs has been quite extraordinary. When you get a nightclub owner who says to you that the government of the day is going to have to do something about it as it is costing him money, because most of the kids now are just drinking water to help them to swallow pills and are not actually on the booze, it is time to find out what is happening. When you get a nightclub owner saying it is affecting his income stream because he is not selling alcohol to younger people any longer but is selling water for them to swallow pills, I would suggest there is a greater problem than the government is prepared to recognise.

There are also issues in relation to penalties. As we know, these people figure very prominently in the road toll, but it must be realised that they also take other lives on the roads when they are involved in crashes. When you look at drug testing in Victoria at the moment and the particular outcomes, you realise that the penalties of between \$307 and \$614 and three demerit points are really a slap on the wrist. They are nothing more than a slap on the wrist to someone who is prepared to take the risk of driving while under the influence of drugs. They are vastly inadequate and irrelevant to the young, who are mainly family and mortgage free. Is a fine of \$307 or \$614 fine and three demerit points a deterrent to a young person? It means they will be back in their cars and off driving.

We feel that there is a perfect opportunity being missed with this legislation because we have not had an increase in penalties. We know from discussions we had when we were being briefed very early in the piece that these tests do not pick up mild recreational use. According to the information we have, anybody who is a recreational user or who has taken speed or smoked marijuana 4 or 5 hours prior to being tested is not going to return a positive test. I am not sure how the prosecutions are going in relation to the number of people who have been detected. Given the tolerance issues currently before the public in relation to speed cameras, I will watch with great interest to see how well this legislation stacks up if it is challenged in the courts. We are told that this equipment will pick up use within the 3 hours prior to testing. That is fairly

broad. As I said, I would be interested to see exactly how this actually stacks up.

As I pointed out, a third of the drivers killed on the roads are found with drugs other than alcohol in their blood. Those figures make you very aware of the fact that drugs are possibly the new curse on the roads. We have done a lot of work on testing for alcohol in the systems of drivers, with random breath tests and the booze attacks on different areas. These have been extremely successful, but just when you think you are getting on top of a particular issue, up comes something else — something we never considered until the coroner's report indicated the high use of drugs among people who have been killed on our roads. As I said earlier, the issuing of demerit points and a small fine seems to be nothing more than a slap on the wrist, given that it is an issue involving a significant loss of life.

There are also some issues in relation to drug testing. We asked how many people were being tested for drugs per shift and noted that on average 52 tests are conducted per shift. We also asked a question in relation to the number of days the drug bus was off the road as a result of the initial false positive readings from the roadside screening devices in December 2004. Fortunately no days of operation were lost, and the bus did continue. We understand the problems that occurred in relation to the drug screening equipment involved the simple matter of how it was being handled at the site on the day. We understand some of the equipment may have got moisture in it and it was simply a handling matter for the officers who are trained to carry out the tests. It was a very simple matter, but it had dire consequences for the government and dire consequences for Mr De Jong. We do not know what the outcome of that matter has been — whether Mr De Jong has taken legal action and whether significant compensation will be paid to him as a result of that fumbling on the first day of drug testing.

We also asked how many police officers are involved during a drug testing session and how many sessions have been conducted per week since their introduction. We understand nine police are involved in operating a drug bus, and the drug bus operates for five shifts per week. Given the significant number of people who are losing their lives due to driving with drugs in their systems, you have to ask whether this is a good enough commitment by the government. I believe there is still only one drug bus operating, even after 12 months. As I said, we have a big problem in the community, but this seems to be a bandaid approach. We also asked how many drivers test positive for alcohol and hence are not required to do the drug test. What we found out was

that, as at 22 May, 61 drivers have been processed for alcohol offences via the drug bus. In the same period 83 drivers tested positive for drugs.

I ask how many of the 61 drivers who have been processed for alcohol offences had drugs in their systems that were not detected. I know the argument has been put forward that, if they prove positive to an alcohol test, they will be off the road and the penalties will be higher, but in terms of gathering the data and being able to argue the case for additional funding for drug buses, additional resources and additional training, we are not going to get the information we require. I have no doubt in my mind that a number of those drivers who had been out for a night on the booze had also been on drugs, but we will never know that. There is a lost opportunity. I am not aware of an issue being raised about alcohol in the system interfering with the equipment's ability to read the presence of drugs. That has never been raised with the opposition. If that is not the case, I urge the government to put a few more dollars into this program and make sure that we get a comprehensive range of information at the end of the next period of testing, which will go on for another 12 months as a result of this legislation.

In another issue that we raised and had answers on, the Victorian trial showed drug-driving was nearly four times as prevalent as drink-driving. Once again I ask: if that is the case, why are we not looking at more drug testing? Why is there not a real commitment by the government to wiping out this scourge from our road network and getting those people off the roads? This is a very, very poor response, given that we know the issue is so prevalent.

However, as I say, we are prepared to support the legislation in principle, particularly the issues that relate to drug testing, because we see it as a start. But it does need a higher level of commitment by the government. It needs more money and there needs to be a greater emphasis particularly on the education of younger people in relation to drugs — the danger of drugs in the community and of driving under the influence of drugs. Once again I point to the Liberal Party's policy on driver education. These are the types of issues that should be picked up in an extended driver education program for young people. A lot of younger people think that because they are on drugs they are in better control of the vehicle — whether they are on speed, which they claim heightens their awareness, or have been smoking marijuana, which they may say relaxes them. Irrespective of what they claim, obviously in terms of driving a vehicle their reflexes are not what they should be. We need a higher level of commitment in that regard.

I go to another issue relating to the bill which is the subject of the Liberal Party's amendment. We understand the provisions of the bill whereby the government has moved to increase the maximum penalty for hit-and-run offences from 2 to 10 years imprisonment. I was interested in listening to the Minister for Agriculture at question time today when he was raising issues in relation to abalone poaching. He made mention of the fact that the maximum penalty for an abalone poacher is 10 years imprisonment. We have here before us today an increase in the maximum penalty for a hit-and-run offence from 2 to 10 years imprisonment. One would have to ask whether members of the community would expect that, in relation to punishment, someone who commits the inexcusable callous crime of knocking someone over with a car or motorbike and leaving them to die on the side of the road would be treated the same as an abalone poacher. I do not think they would.

The Liberal Party believes, as I say, that this is a terrible crime. It wreaks havoc on individuals and families when someone strikes an innocent person with a motor vehicle and leaves them on the side of the road — to die, in many cases, and we have figures here to prove that. I do not think there is a greater crime against humanity. I mean, how could anybody do that — drive off and leave someone to die on the side of road? That is why the Liberal Party believes that the imprisonment period should be pushed out to 20 years. This would at least give the judge that option, if the judge believed that it was proved absolutely that someone knew that the injuries they had inflicted on someone else were such that that person was most likely going to die. The court should be able to deal with those people in the appropriate manner. As I say, I do not believe that abalone poaching falls into the same line as hit-and-run driving.

We have had a number of cases recently where this has been highlighted, along with the absolute trauma this has caused to families. There was the recent case of James Donnelly, who was left to die in the gutter and the case of Andrew Knowles, who was found by his stepfather on the Glenelg Highway. Andrew's stepfather said:

You wouldn't leave a dog by the side of the road like that.

I would say that most drivers who hit a dog or another animal would stop, investigate the damage to their vehicle, and go back and look at the animal on the side of the road. As to anybody who was to strike a person and drive off, knowing very well that they had inflicted serious injury to that person, you would have to question why that person would not at least be thrown

into the same category as someone who has been charged with culpable driving. That is the reason the Liberal Party has taken the step of introducing the amendment, and I hope it will be supported by the government.

As a result of a number of those issues I have raised, the *Herald Sun* of Wednesday, 20 April 2005, reported:

Community calls for hit-and-run drivers to face tougher penalties [have] led the government to draft new laws allowing courts to jail offenders for 10 years.

It has gone from 2 years to 10 years. But, as I say, the opposition is still questioning that. It further reported that the father of James Donnelly:

Kevin Donnelly last week called on the government to increase penalties after a motorist who left his son James to die in a gutter was jailed for —

a bit over two years. You can understand absolutely the outrage of the family and friends when they see somebody who has known that they caused significant injury to someone and that that person could die, drive off and then get a little bit over two years in jail. You can understand the outrage of the family, and I believe also the outrage of the community. The Liberal Party is moving that that maximum penalty be extended to 20 years, along with increases in financial penalties.

I will raise another issue with this particular bill — that is, the introduction of road spikes. Once again, the Liberal Party supports the use of road spikes. There have been a number of occasions in Victoria, and I suppose we see most of them on television from overseas, particularly America, where there have been a lot of hot pursuits with vehicles travelling at high speeds, particularly through pedestrian and residential areas. The police need to be given every opportunity to stop these motorists, a lot of whom are driving in stolen vehicles, before they actually kill somebody or create a significant amount of damage to property. An article in the *Age* of Friday, 18 March, states that when they were introduced in New South Wales in 2001, the first policeman to lay down the spikes was killed when a stolen car swerved to avoid them.

I know that there is a Victoria Police working party looking at the use of road spikes. I understand all of those occupational health and safety issues have been addressed. With the appropriate use of road spikes in Victoria I hope we will be able to avoid some of the carnage that has been caused, particularly by younger people who steal cars, by being able to slow drivers down. I am not sure what type of spikes Victoria Police will be using, but there have been reports about vehicles speeding even despite their tyres being deflated. It was

reported in January that a speeding Subaru with three deflated tyres was chased for more than 4 hours over 300 kilometres before the driver was arrested. So it may slow them down — —

Mr Wells — He must have been on a railway track.

Mr MULDER — He must have been on a railway track. It may well slow them down, but it does not necessarily mean that it will stop them dead in their tracks. But at least if someone was travelling at speeds of up to 150 kilometres or 180 kilometres an hour through residential areas, I would imagine that driving with three flat tyres would slow them down significantly. Any reduction in speed will of course result in a reduction in potential death or injury to the people in the car and those who are attempting to stop them.

I will touch briefly on the issue of cyclists. The bill increases fines for pedestrians and cyclists from \$307 to \$511. I just wonder how this will impact on the Critical Mass group. I know that any time its members have attempted to and have successfully ridden on freeways and tollways in order to get their point across, the government has gone to water and not pushed the political button and insisted that they be fined for what they were doing.

It has even been argued that if you want to ride your bike on a tollway or a freeway where you are not supposed to be without getting fined or arrested, you should join Critical Mass, because no-one seems to worry about those people every time they go down those pathways and disrupt motorists on their way to work and on their way home at night. It is one thing to have in place a fines mechanism for cyclists, and indeed for pedestrians who go onto freeways or tollways when they should not be there, but does the government of the day have the ticker to actually do something about it once it occurs? Quite clearly with this particular organisation the government has shown no spine or backbone whatsoever and has simply allowed it to go on its merry way and cause no end of grief to motorists.

The bill aligns the penalties for dangerous driving with excessive speeding penalties of 45 kilometres or more over the speed limit, and increases the loss of licence penalty from six months to a year. Motorists found guilty will still incur a loss of licence, even if a magistrate does not record a conviction. That is one issue that the Liberal Party supports. Whatever the circumstances are around a magistrate not wishing to record a conviction — it may be because a particular person has an unblemished record — we cannot see

why anyone who travels dangerously and puts the lives of other motorists and pedestrians at risk should not be treated in exactly the same manner if they have been found guilty of dangerous driving. A loss of licence should occur even if no conviction is recorded. We support that; I think it sends a very clear message out to the community that dangerous driving will not be and should not be tolerated within the community.

On that note I will once again indicate that the opposition supports the government's bill. However, we have moved an amendment and we ask that that be supported as well.

Mr WALSH (Swan Hill) — In speaking about the Road Safety (Further Amendment) Bill it is important that everyone in the house focuses on the fact that driving a motor vehicle is a privilege, not a right. That privilege brings with it some responsibilities, which is what we are talking about with this bill.

We can be very proud in Victoria that we have a very good history and are probably world leaders in behavioural change and driver patterns. Before I get into the detail of the bill I ask members to cast their minds back for a minute. We are all probably old enough to remember the debate around the introduction of seatbelt laws in this state and how a lot of people resisted those and felt that they were an impost on their personal liberties. But I think history has proven it right and that when our forefathers in this place brought in the seatbelt legislation they did a very good job and brought in something that has withstood the test of time and proved beneficial in road safety.

The other issue that was very controversial when it was brought in was the issue of breathalysers, which a lot of people also felt was an impost on their personal liberties. But they have also withstood the test of time as being an excellent way of making sure our roads are safer for all users. As I said, there are responsibilities with driving a motor car, and one of those responsibilities is for someone not to be in control of a motor car when they have consumed excessive alcohol.

Another issue that has created a lot of controversy over time in this state is the issue of the different ways we have caught speeding motorists. We can remember back to the introduction of the speeding tapes, then the introduction of radar, and in more recent times the very vigorous debate around speed cameras. Probably the disappointing part of the speed camera debate was the fact that it resolved into a debate about revenue versus road safety. I think, quite rightly, it was seen as a revenue raiser. How the speed cameras were placed and

how they operated were very much focused on revenue rather than road safety.

Mr Trezise — Rubbish!

Mr WALSH — It is not rubbish. This government focused very much on making sure that speed cameras were revenue raisers instead of road safety measures. That has been partly addressed by the fact that now there is a commitment to put those fines back into road safety projects. The thing that I think this side of the house would have concerns about is whether that is additional money going into the road system or whether it just replaces some of the normal budget appropriations for roads.

I have talked about some of the areas where we have a proud history in road safety. But where I do not think we have led the world is in the provision of transport infrastructure and in particular — and I say this as someone who lives in country Victoria — the funding of local government. A lot of our local and regional roads are not up to scratch for today's world. If we look at the agricultural industry, an industry that I very proudly represent, we realise that it is a key export industry, but all those products we produce for export start out on local and regional roads, and the state has a responsibility to start increasing its contribution to make these roads safer. If we are seriously committed to road safety in this place, that is what we should do.

The other area where we do not lead the world at all is bridges. Quite a few shires have literally hundreds of bridges getting to their use-by date and needing upgrades. On regional roads the width of seal has become a major issue as we have gone to more and larger trucks — as was spoken about in this place during the last sitting week. The amount of freight to be transported in the next 20 years is going to double, which is going to put huge strain on our roads, particularly on local and regional roads.

The other area in which we have not led the world is investment in rail infrastructure. If we were serious about road safety we would act on the real synergies between road safety and rail infrastructure to get freight off our roads and back onto the rail system. We commend the federal government for leading the way on this issue with its Roads to Recovery program — and the funding for the black spot program — which has been a fantastic initiative to get money back into our local and regional roads and make them safer.

This bill talks about road safety, and it is time for Victoria to make a real contribution to make our local and regional roads safer. I have spoken about

behavioural change, and one of the things this bill does is extend the roadside drug screening of samples of oral fluids. The testing period that was to sunset on 1 July 2005 now extends to 1 July 2006. As the previous speaker said, it is unfortunate that at first this initiative was set up as a media event for the then police minister to put some positive spin on it to suggest that the government was out there actually doing something. There were two issues involved in that. First, there was absolutely no regard for the privacy of the person charged. It was subsequently shown that this person was not breaking the law, but to be pulled up for supposedly breaking the law and to have to face a bevy of newspaper cameras when that happens is very, very bad — I cannot think of the right word.

Mr Wells — It's a disgrace.

Mr WALSH — It is a disgrace, because this was a test project to make sure the whole system worked. It was not about having a kangaroo court, finding the victim, putting them on the front page of the *Herald Sun* and making the minister look good. It was a trial period, not a chance to have a kangaroo court.

The other thing this bill does — probably the most important thing — is to increase the penalty for hit-and-run drivers. I can only endorse the comments of the previous speaker: accidents do happen, but to drive away is an absolutely reprehensible act. I cannot understand how someone could do it. I could probably understand how they may panic, but then to consciously not go back or not try to help people is just absolutely reprehensible. As I said, driving is a privilege that comes with some responsibilities, and one of those is that, if you are unfortunate enough to be involved in a situation where you hit an innocent victim, there is a responsibility on you to stop and make sure you do everything possible to ensure assistance is given to that person. I think in times gone by it has actually been the perpetrator whose rights we have looked after more than the rights of the victim, and this is a way of addressing some of those things. We support the Liberal Party's amendments on this bill.

I was here for the same question time the previous speaker mentioned, and it was rather interesting to hear the Minister for Agriculture speak about abalone poachers being put in jail for 10 years. How can society balance a 10-year jail sentence for someone who has poached abalone with the sentence for someone who has caused death through a hit-and-run accident? That is a very important question we could reflect on in this place.

No contribution from me to a debate on road safety would be complete without my talking about driver training and in particular about the Charlton driving school. We have had a lot to say in this place about it as an example of an excellent initiative. We talk about driving a motor vehicle being a privilege that someone has, and I think there are responsibilities on us as legislators in this state to make sure there is sufficient pre-licence and post-licence training into the future so that we put young people on the roads with the right skills. If you were going to be a crane driver, a forklift operator or the operator of some other sort of machinery, you would go to a school, be trained and sit an exam, and the examiners would make sure you knew how to drive that machine and were not going to create any unsafe situations in your workplace. But with a motor car, which can be a lethal weapon, we believe it is sufficient for someone's parents to train them. They take a licence test, and once it is taken there is no follow-up.

They can buy a very powerful motor car, or they can buy a not-so-powerful motorbike, because there are some staged processes in motorbikes' power-weight ratios. But effectively they can buy a lethal weapon and go out on the road without any further training. So there is an imperative to put in place a proper pre-licence and post-licence training program. I know there have been discussions between the federal government and the state government, particularly on post-licence training, and I know the Deputy Prime Minister, John Anderson is a fan of that, but it is our view that there should be a pre-licence program put in place as well. The Nationals are waiting with bated breath for the report from the Road Safety Committee on this issue.

I know that it is an absolute passion of a member for North Western Province in another place that we have a pre-driver program not only through the Charlton driving school but also using a similar model right across Victoria. The schools in my area that send students to Charlton cannot speak too highly of it, and the parents whose children go there find it is a lot easier to then spend time with them as learner drivers because they have learnt the basics of what they should be doing. To go from zero experience to driving on a highway is a big responsibility.

One of the other things this bill does is enable police to use tyre-deflation devices — or road spikes, in more common language — during pursuits. This provides an opportunity to increase the penalties for those who try to outrun the police. Again it comes back to the responsibilities involved in having a drivers licence. Outrunning the police might look good on the television or in the movies, but to do it in real life not

only places the police in danger in their line of duty but more importantly places the general public in danger. To have someone thinking they are smart by trying to outrun the police, particularly in built-up areas, is absolutely crazy. Anything that can stop it can only be good.

The bill authorises the disclosure of information by VicRoads where vehicles need to be towed away. Again, in relation to privacy, this is another example of our seeing the unforeseen consequences of legislation that has been passed in previous times. We are tying ourselves in knots with privacy legislation. You can no longer obtain information about quite reasonable things to help people go about their daily lives. The bill enables VicRoads to release information so it does not contravene any privacy legislation.

The last thing I would like to touch on is the amendments to the Road Management Act covering controlled access roads. The Nationals opposed the Road Management Bill and continue to oppose it. We have created a situation where we are creating paperwork and processes that churn and churn. It has come about because of a High Court hearing on the issue of non-feasance. I believe it would have been far better if we in this place had passed legislation to reintroduce the defence of non-feasance instead of tying people up with paperwork and the process of going through road hierarchies. In this case VicRoads has been dragged into the net, but previously local government has spent an inordinate amount of time, money and effort to comply with the Road Management Act, for very little outcome for road users in those areas. That has not delivered better roads, all it has delivered is tons of paper, a lot of meetings and additional costs for staff to attend them — and additional staff costs into the future to make sure it is all monitored.

The Nationals do not oppose the bill but support the Liberal Party's proposed amendments to it. It was a salutary lesson to hear the Minister for Agriculture in question time talk about abalone poachers being put in jail for 10 years, when on the other hand someone involved in a hit-and-run accident would only be put in jail for a maximum of 10 years. We support the Liberal Party amendments.

Mr CARLI (Brunswick) — It is a great pleasure to rise in support of the Road Safety (Further Amendment) Bill, which contains a series of quite diverse amendments, all of which fundamentally underpin Victoria's very strong commitment to road safety. The previous speaker said quite rightly that Victoria is a world leader in road safety and has been

for a number of years. Part of the reason for that is the cross-party support for road safety that goes back decades in this house. In recent times that has been severely tested by the Liberal Party's opposition to speed cameras — —

Mr Wells — Revenue raisers!

Mr CARLI — The member for Scoresby says, 'Revenue raisers'. They are a fundamental and integral part of our road safety system. That has tested the cross-party support, but today I am very pleased to hear the support of the Liberal Party for this bill and also the supportive comments from The Nationals.

As a leader in road safety in 2003 and 2004 we achieved the lowest road toll on record in the state. Since the election of the Bracks government we have seen the road toll drop by 17 per cent. As everyone knows, the Labor government has had its Arrive Alive strategy, which will see a 20 per cent reduction in road fatalities by 2007 and also a major reduction in serious injuries. That is our commitment, and these amendments underpin the government's strategy.

Looking at what that strategy entails, we have a focus on tackling drink-driving and also drugs and driving, and they are reinforced by these amendments. We support on-road safety treatments, speed management and pedestrian, motorcycle, bicycle and heavy vehicle safety. Essentially we are committed to various aspects of road safety to reduce the terrible death toll and the terrible number of injuries that occur, and we have had success. We seek the support of this house to ensure that we continue to have success and bring in and pass legislation which is at times controversial and which at times initiates a level of criticism. As a Parliament we need to be able to stand up and say, as we did with speed cameras, 'There will be a level of community concern, but as a Parliament we are committed to road safety and will take difficult decisions to make it possible'.

The other area of government activity is in the community. We work with community road safety councils, schools, local councils and community-based organisations. VicRoads also works with those community groups, as do the police, and we have seen major improvements there.

Looking at some of the issues of concern raised by this bill, the previous speaker talked about penalties for hit-and-run drivers. As a government we realise that there is community concern about recent events where people have been left for dead after hit-and-run accidents. We certainly believe the penalties for this

offence have to be strengthened. There are very good public policy reasons why we have arrived at the penalty of a maximum of 10 years in jail, and one of them is that we currently have a situation where a hit-and-run accident causing serious injury or deaths only incurs a penalty of 2 years in jail. Our intention is to increase that fivefold. The opposition amendment would make the offence of hit-and-run driving the same as culpable driving. It is our view as a government — and it is demonstrated in the minister's second-reading speech — that the offence of hit-and-run driving causing serious injury lies between culpable driving causing death and serious injury and dangerous driving causing death and injury.

Essentially, if the offence is one of culpable driving there is already the severer penalty. The bill creates a new penalty that sits in between dangerous driving and culpable driving. That is where it should sit. Certainly a hit-and-run offence that involves culpable driving would be a more serious charge and would have a more serious penalty. Nevertheless it needs to be noted that what we are doing with this amendment is increasing the penalty fivefold, a major increase which clearly also reflects community concerns about hit-and-run offences and also again strengthens the government's stance on road safety.

There are other elements in this bill. On the issue of roadside screening, we are the world leader in terms of drug screening. As we know, currently drivers are being screened for two drugs. The trial is due to expire on 1 July and this amendment will extend it for 12 months. That gives us more opportunity to test it out and to look at the pilot to see how we can initiate it as a permanent feature of our road safety strategy. It is an important initiative, one in which we are leading the world. Clearly, with anything like this where you are leading the world, there is a bit of learning to be done and a bit of understanding needed and that is why we want the extension of the trial period.

Another issue is the improved safety on freeways. This is to ensure that on our freeways road users are protected from the unauthorised use of freeways by pedestrians, horse riders and other vehicles, including cyclists, who are included in terms of the Road Safety Act. Currently under the road rules you cannot cycle down a freeway but that has a lesser penalty than it would have if it came under the Road Safety Act. This bill ensures that the offence sits in the Road Safety Act, increases the penalty and ensures that people who put themselves and other road users at risk are taken out of our freeway system.

There are also changes to the tolling and traffic infringement notices in the context of the Melbourne CityLink Act. The bill clarifies arrangements in relation to tolling and traffic infringement under the Road Safety Act and the Melbourne CityLink Act. There is another small element in the bill which did arise with the emergence of the Victorian Information Privacy Act which involves tow truck drivers who are unable to get from VicRoads information on a vehicle they may be towing. Occasionally tow truck drivers tow away a vehicle that no-one claims and they cannot find out who the owner is. This bill enables tow truck drivers to get that information from VicRoads, as was the case previous to the Information Privacy Act being enacted.

We have here a series of amendments which are very much part of a broader government strategy. The government is committed to reducing deaths and serious injuries on our roads and ensuring that road safety is improved. On behalf of the government, I am very pleased to hear positive noises from the Liberal Party and The Nationals about our working together on road safety strategies.

Mr WELLS (Scoresby) — I join the debate on the Road Safety (Further Amendment) Bill and restate that the Liberal Party will be supporting this bill but we do have one amendment which the shadow Minister for Transport has spoken about.

The purpose of the bill is to extend the operation of roadside drug screening and increase the penalties for hit-and-run and dangerous driving offences. The main provisions extend the sunset clause permitting roadside testing for a further year until 1 July 2006. The bill increases the maximum penalty for hit-and-run offences from 2 to 10 years imprisonment and aligns dangerous driving and excessive speed penalties at 45 kilometres or more over the speed limit. A loss-of-licence penalty will increase from six months to one year and motorists found guilty will still incur a loss of licence even if the magistrate does not record a conviction. It allows the introduction of road spikes by Victoria Police to reduce road pursuits, increases fines for unauthorised use of freeways by pedestrians and cyclists from \$307 to \$511 and allows access to the VicRoads database to enable easier clearance by towing companies of vehicles from crash scenes.

Areas of concern, and we will come to these individually, are that the drug test trial to date has tested 4800 motorists over 120 days. If a motorist is breathalysed initially and found to be over the blood alcohol limit, he or she is then not tested for drugs and there is obviously a low chance of detection with only one drug bust. The point that we made in November

2004 is that the Liberal Party supports drug testing but the concern we have is that when the Victoria Police annual report for 2003–04 was released it revealed that there were not even enough police to operate the booze buses. The question we asked at the time was that if we did not have enough police to operate the booze buses, how could it be expected that they could operate the drug-testing bus as well.

The trial has been in place for some time and the government knew it was coming. We have supported random drug testing for a number of years but it seemed that there was an issue when it came to staffing. I refer to the Victoria Police annual report at page 9 where for the number of alcohol screening tests conducted the target for 2003–04 was 1 300 000 and the result was 1 203 000. The footnote is the bit that is of interest. It states:

Apparent underachievement in the number of alcohol screening tests conducted is at least partially attributable to the inclement weather. The major part of the underachievement can be attributed to a shortage of graduating probationary constables to staff booze bus operations.

That is in the Victoria Police annual report, and it refers to the fact that there are not enough police out there to staff the booze buses.

The other point that comes out of the police annual report is that:

The number of drug-impaired driver assessments (DIDA) conducted is very significantly underachieved (28.6 per cent) against target. This is a reactive measure that requires an informed belief of drug impairment prior to any assessment being conducted. DIDA require an extensive assessment to be made across a range of agility and mobility tests, followed by a blood test at a police station. The DIDA are therefore extremely time consuming, and the result against target reflects local prioritisation of available resources and tasks.

This makes the point that there is a staffing issue when it comes to performing these tasks. We make the point very clearly that the alcohol screening tests conducted were 96 749, or 7.4 per cent, short of the target of 1.3 million tests.

If ever there were a public relations disaster, it was the first day of the drug testing. The government was very keen for a good news story, the minister was very keen for a good news story and the police were very keen for a good news story. They claimed that the roadside test of the second or third driver who was pulled over and tested was positive. They took that person, Mr De Jong, into the bus, where a second test proved to be positive. However, a later independent test proved the result should have been negative. The government crowed at

the time that the three-step system worked — that is, you are tested by the roadside, you go into the drug bus for a test and then an independent person does another test. The government said the three-step system was working.

At the time the minister said no-one had been wrongly charged, but this particular person faced public ridicule and then had to prove to a lot of sceptics that he was innocent. This person had been condemned. When we raised this with the police they said they had put all these very important checks and balances in place and had told the media team at the time not to film that person. If you invite the media down there and give them half a story, of course they are going to chase the other half of the story. We believe Mr De Jong was humiliated, but the senior police officer on the day said this had been an overwhelming success.

It is clear that the tests were flawed. We were contacted by the current Minister for Police and Emergency Services, who offered us a test, and we accepted that.

Honourable members interjecting.

Mr WELLS — It was an outstanding briefing, and we were convinced at the end of it that there was a problem with the testing regime at the time but that the police had realised what had gone wrong and that it had been corrected. We have been supportive of the testing regime since that briefing.

The testing results at the time we had the briefing showed that 2019 drivers had been randomly tested for drugs — 1585 car drivers and 434 truck drivers — with 18 charges pending following positive results for both cannabis and methamphetamines. The positive test strike rate was 1 in 112 drivers. That is frightening when the strike rate for alcohol is about 1 in 250. We are now convinced that the drug testing is accurate and we will continue to support it.

The next issue the government needs to confront is the difference between a person being caught for drink-driving and a person being caught for drug-driving. At the moment there is a fine of \$400 or thereabouts if you are caught for drug-impaired driving, whereas you lose your licence if you are caught with alcohol in your system. The Premier acknowledged in November last year that drugs and alcohol often go hand in hand. He said:

The consequence of ... taking drugs or a cocktail between drugs and alcohol and road deaths, it's estimated that drugs kill as many people behind the wheel as drink-driving does — with 31 per cent of drivers killed in Victoria last year testing positive to drugs other than alcohol.

When it is said that there are going to be different regimes for alcohol and drug testing, the Liberal Party calls on the government to try to make the system of alcohol and drug-testing penalties fairer, more open and more transparent. A drink-driver with a blood alcohol reading of .05 per cent to .07 per cent will receive 10 demerit points and those with higher readings lose their licences, but a drug-driver will only get a slap on the wrist and a fine.

The other part of the bill concerns cyclists. The bill increases the fines for pedestrians and cyclists who break the law from \$307 to \$501. There are already provisions in place to fine groups such as Critical Mass. We obviously want the government and the police to crack down on pedestrians taking over the Bolte Bridge or one of the tunnels and creating havoc. The Liberal Party supports this bill, but will be moving an amendment to it.

Mr TREZISE (Geelong) — I am very pleased to speak briefly in support of the Road Safety (Amendment) Bill 2005. This bill is one of many the Bracks government has introduced since 1999 with the aim of making our roads safer. As the member for Coburg mentioned, this bill is being debated in the context of the government's Arrive Alive strategy, under which it set a goal of reducing the road toll by 20 per cent between 2002 and 2007.

Despite what the opposition might say to score a few political points, the Arrive Alive strategy is producing results. The years 2003 and 2004 saw record low road tolls on Victoria's roads, despite there being record numbers of cars on our roads. As we all know, 2005 has seen an unfortunate increase in the toll, but with initiatives such as the bill we are debating this afternoon I am sure the trend will continue downward in coming years. As a Parliament we should all welcome that.

Victoria is now the safest state in Australia in which to drive a car. Victoria's 2003 figure of 7.6 fatalities per 100 000 head of population is well below that of other states, which have an average of nearly 9 people killed per 100 000 head of population. Of course there is still plenty of work to do. This government will not be resting on its laurels, because as we are all aware one death on our roads is one too many. Hence we continue to bring into this Parliament bills such as the one we are debating today.

As all speakers have alluded to, this bill contains a number of very important initiatives which will contribute significantly to improving road safety in Victoria. We are all aware of the tragedies we have seen with pedestrians being killed on our roads in

recent months. These generally involve younger or older people walking home or walking in the dark being hit by motorists who subsequently fail to stop to render assistance. Only six or seven weeks ago we saw this scenario in Linton, west of Ballarat, where after leaving the local pub late at night a young man was hit by a car, the driver leaving the scene without stopping. As all members have noted today, this is a deplorable crime, and there is no doubt we need to increase the penalty for it. The penalty is currently 2 years imprisonment, and I give my full support to increasing that fivefold to 10 years imprisonment for drivers who fail to stop and render assistance in instances such as those we as a community have witnessed in recent years.

The Victorian community will of course welcome with open arms this government's initiatives in increasing those penalties fivefold from 2 years to 10 years. I also wholeheartedly support the extension of roadside drug testing for a further 12 months. This will allow the current effectiveness of the program to be tested. As chairman of the Road Safety Committee I had the chance and the pleasure to visit a number of European countries last year with other members of the committee. I can assure this house that the drug testing initiative was applauded overseas. Many countries are watching our scheme very closely. I fully support another initiative, which provides authorities with the ability to tow away broken down, damaged or abandoned vehicles on freeways or in an area that is declared hazardous.

As a motorist who frequents the Geelong–Melbourne road at least two or three times a week, I find the number of broken down or abandoned cars on that road unacceptable. I clearly recall one afternoon five or six years ago when I was heading to Melbourne. I was driving behind a car travelling at 100 kilometres an hour. That car hit an old van that was broken down on the side of the road. My wife and I, together with another motorist pulled the injured driver out of the car before its engine caught fire. As you, Acting Speaker, would know, such a situation is very frightening. The provisions in the legislation we have before us regarding abandoned cars will hopefully minimise that type of scenario on roads such as the Geelong–Melbourne road. I commend the bill to the house.

Mr COOPER (Mornington) — I suppose that if we are looking at the range of issues that come before this Parliament in terms of their priorities in the general community, road safety would certainly be one that would stand if not at the top then very close to the top, because it is everybody's view that road safety is an important issue. As the member for Coburg said, road

safety has been a bipartisan issue in Victoria for many decades. Victoria led the way from the start, with the introduction of the compulsory wearing of seatbelts. Going on from there, Victoria has continued to lead the way on road safety initiatives, not only in Australia but certainly in the world. As a result we have a much safer environment on our roads than would otherwise be the case.

We can all recall the bad old days — they are not all that long ago — when we had over 1000 people killed in one year on Victorian roads. That created outrage and concern in the community. It was from there that the road toll was attacked by governments in this state. The toll has been progressively brought down and is now running in the 300s. Of course it bounces around a bit: we saw a drop last year, and it is going up again this year, but generally speaking, if we look at trend lines we can be reasonably satisfied. I think the word ‘reasonably’ needs to be underlined. We can be reasonably satisfied with the progress that has been made, but a lot more needs to be done.

I want to comment on a couple of issues in this bill. There are a number that could be addressed in some detail, but I simply do not have the time to do so. Like most members, I want to mention hit-and-run drivers. I want to congratulate the government for responding to community concerns over hit-and-run drivers and bringing in amendments to ensure there is no incentive for a driver that gets involved in an accident where somebody is injured and or killed to cut and run and take their chances later on, when they are caught up with. As we all know, usually in those instances they are under the influence of either alcohol or drugs. When they are apprehended later they know they cannot be charged with that offence but are just going to be dealt with for leaving the scene of an accident — and the penalty they incur is significantly less.

I congratulate the government for its actions in dealing with that issue. However, the Liberal Party is strongly of the view that the government has not gone far enough. The reasons for that have been significantly advanced by the member for Polwarth, the lead speaker of the Liberal Party, and by the member for Scoresby. I do not want to go into the details again, except to say that we believe the government needs to look at the question of the penalty, which we do not believe is sufficient. We believe the offence is certainly in line with culpable driving, and because it is in line with it, the penalty should be in line with it as well.

One objection that could be advanced by government MPs is, ‘If that is the case, then why do we need to have anything other than culpable driving?’. One of the

reasons would be public perception, because culpable driving is certainly and clearly a serious offence. It carries a major penalty, but leaving the scene of an accident where somebody has been injured or killed is an offence that attracts a particular odium that requires a person who does that to be charged for it. Whilst the odium is there a penalty should also be attached to it that reflects the odium of the offence. In our view a 20-year maximum sentence and a level 3 fine reflect what the general community would feel would be a reasonable response by Parliament to such an offence. That would give the judiciary the chance to apply penalties in the worst possible cases that would be approved of and applauded by the general community. That is the reason for the amendment that has been moved by the Liberal Party. We strongly support that amendment, because we believe it is the right and proper way to go.

Having talked about that offence, which is disgraceful and awful, I want to move onto another issue which is covered by the minister in his speech. He talked about improved safety on freeways, saying:

Including cyclists in the provisions relating to other unauthorised use of freeways will more effectively address the serious safety risk posed by cyclists on freeways, both to themselves and other road users, and will facilitate the lawful use of freeways by motorists.

I certainly support that move. However, I say to the government again that I do not think it has gone far enough, because it is not just on freeways where cyclists, pedestrians and other users can create significant road safety problems. I believe the government should look at widening this particular part of the bill to include all roads where cycling and pedestrian use is deemed by the Victoria Police and/or by VicRoads to be dangerous. I can certainly give an example in my electorate — that is, the Esplanade at Mount Martha, between the Mount Martha shopping centre and Safety Beach, where there is approximately 6 kilometres of winding road with double lines all the way. The two lanes are of a width that will only take a motor vehicle, and if you have cyclists or pedestrians using the road — particularly cyclists — then motor vehicles simply cannot pass them. We have instances day after day of motorists having to break the law by crossing double lines in order to go past a cyclist or group of cyclists, and that is particularly so at the weekends.

I have raised this issue in this house before, and I have appealed to the Minister for Transport to have a look at that issue. The Esplanade between Mount Martha and Safety Beach is not the only road in Victoria like that. There would be many other roads. I suggest a trip

around the Dandenongs would throw up long stretches of roads where similar situations occur, and I am sure probably every member in this house would be able to demonstrate a similar situation in their own electorate.

It is incumbent upon the government to look at road safety in its entirety, not just on freeways. That is why I believe the government should be widening this particular section of the bill to cover the dangers of mixed road use, whether it be motor vehicles with cyclists, motor vehicles with pedestrians or motor vehicles with horses and carts. Anything that moves slower than a motor vehicle travelling at the legal speed presents a major problem when there is not sufficient room for the combination of uses to occupy that length of road, and it does create dangerous situations. On the road in my electorate there has been a large number of incidents between motor vehicles and cyclists; cyclists have been knocked off their bikes. Fortunately in the last few years there has not been a cyclist death, but it is one of those situations where all the local people and their member of Parliament say it is only a matter of time before a death occurs. That is why I again bring this matter to the attention of the house.

Opposition members — Liberal Party members — are supporting this legislation, but we strongly urge the government to give serious consideration to the amendment moved by the honourable member for Polwarth. It reflects community opinion and concern on a major issue. Therefore I believe if the government accepts this amendment it will be doing something that will be widely approved of by the community throughout Victoria.

Mr HARKNESS (Frankston) — It gives me a lot of pleasure to also rise to speak briefly about the Road Safety (Further Amendment) Bill 2005. As the member for Swan Hill said, driving carries with it a strong responsibility. It is a privilege to be able to drive, and that is why it is so fundamentally important that we make our roads as safe as possible. I know that the Bracks government has had this very strong and clear commitment to road safety for a long time. For example, there is the Arrive Alive strategy that other members have referred to — that is, a 20 per cent reduction in the road toll by 2007. We are seeing the dividends already with the two lowest road tolls in 2003 and 2004 since records began. But a single life lost is one too many — of course it is — so we need to ensure that we continue to implement initiatives and solutions to some of these problems, and this bill lists a number of them.

Certainly the government has been spending a lot of time, energy and effort on those three Es which are

constantly referred to in road safety: education, enforcement and engineering. Working with the community is also very important, whether it is through road safety officers at a council level — and Frankston has a good one in Mr Bob George — or through community road safety councils, schools and other community-based organisations. That is very important. This particular bill provides additional penalties for hit-and-run accidents, which are heinous and terrible crimes. Nobody disputes that it is an absolutely despicable thing to leave somebody injured beside the road.

There have also been improvements to safety on freeways. I know that the Frankston Freeway has had a period without fatalities and serious accidents, which was spoilt only last weekend with another fatality. I am very pleased the government is investing \$6 million to ensure that we reduce the number of run-off-the-road collisions on the Frankston Freeway.

Also we have seen roadside drug screening and a range of other initiatives. Like a couple of other members who have spoken I find it disappointing that while we generally have a bipartisan approach to road safety, now and again there are people in our community who talk down the road safety message and label initiatives such as speed cameras as revenue raisers. We have a very good track record in Victoria of coming up with solutions, whether they be seatbelt laws, mobile booze buses, speed cameras or other initiatives. I think this bill goes a long way towards improving a lot of things. I have no hesitation in commending it to the house.

Mr KOTSIRAS (Bulleen) — It is a pleasure to stand and speak on the Road Safety (Further Amendment) Bill. It was interesting to hear the member for Brunswick say it is only the Liberal Party that is opposed to speed cameras. It was interesting to read in a *Herald Sun* survey that 78 per cent of Victorians believe that the main purpose of speed cameras is to generate revenue for the government. So it is not just the Liberal Party that is concerned. All Victorians are concerned about the way that speed cameras are being used.

I support this legislation because it is a start, a beginning, but I believe that more education is needed about the effects of drugs and that there also needs to be more driver training. More resources need to be put in, especially in schools, to advise drivers that taking drugs and driving is not sensible. To give an example, on Monday night I was walking down Bourke Street with my son. Between Swanston and Russell streets with my own eyes I saw a drug deal go down. I looked around for police presence, but there was none. When I turned

back the two young people had gone away. The concern I had was that one or both of those could get behind the wheel and drive a car, and as a result someone could get hurt, so I support any measure that tries to cut the road toll and minimises the suffering and hurt that is caused to members of a family.

However, I am amazed that this government's attempt to reduce the road toll is done through trial and error. It is amazing how it tries something that does not work and then brings in new or amended legislation to make sure that it does work. The main part of this bill increases the penalty for hit-and-run offences from 2 years to 10 years imprisonment. Unfortunately I do not believe this goes far enough, so I support the opposition's amendment, which is to:

... omit all words and expressions on these lines and insert 'and liable to level 3 imprisonment (20 years maximum) or a level 3 fine (2400 penalty units maximum).''.

It is a deplorable crime for a driver who hits a pedestrian to not render assistance, and it should not be acceptable.

It is also interesting to look at what happened when the government introduced roadside testing of drugs. On 14 December 2004 an AAP report stated:

A world-first random roadside drug testing facility has taken just 15 minutes to detect its first alleged drugged-driver in Melbourne.

A few days later, on 22 December, an article headed 'Police drug testing all gone wrong' stated:

Victoria's world-first roadside drug testing system is in trouble after police revealed two of the first three drivers to test positive have been cleared after laboratory analysis of their samples.

Victoria Police have released the results of the laboratory tests after demands for an apology and threats of legal action from van driver John de Jong.

The impact this has on families is enormous.

Indeed, in a newspaper article on 22 December Mr De Jong's 13-year-old daughter is reported as having said:

We are very relieved that this has come out now, that everyone should know now that my dad is an innocent person ...

It has been very hard on us all.

The article continues:

The stress has also taken its toll on Mr De Jong who appeared shaken today as he demanded an apology from police for his treatment.

I support the government in trying to alleviate the problems to make sure that the road toll is kept to a minimum and to alleviate the stress, anxiety and concerns of parents in regard to their children taking drugs and then getting behind the wheel of a car, but the government needs to be very careful when it brings in legislation to make sure that it will work. If it is serious about addressing the problems of drink-driving and hit-and-run drivers then I urge it to increase the maximum penalty from 10 years to 20 years, in line with the amendment that has been moved by Mr Mulder. As I said at the start, this legislation goes some way to doing that but a lot of work needs to be done and more resources need to be put into lowering the road toll.

Mr LANGDON (Ivanhoe) — As a long-serving member of the tripartisan Road Safety Committee, it is with great pleasure that I add my brief contribution to the debate on the Road Safety (Further Amendment) Bill 2005.

I fully support the bill introduced by the government. The legislation does quite a few things, but again the opposition is emphasising the hit-and-run penalties in the bill. I can see the direction the opposition is coming from, but unfortunately it is going too far and too fast — pardon the pun — in wanting to increase the penalty from 2 years to 20 years. I consider an increase to 10 years is appropriate.

Like members of the public I too was horrified when while listening to the radio — I think it was the Jon Faine show — the issue of the penalties for hit-and-run offences being lax first came to the surface. I certainly support the government's intention to increase the maximum penalty to 10 years. It is a step in the right direction and we can always come back and review the penalty if it is not harsh enough, but this is an appropriate step, as 10 years is a massive increase from two years.

The bill also makes improvements in respect of the freeway — not that I have a freeway in my electorate. I will not elaborate on that, I know — —

Ms Munt — You have a hospital.

Mr LANGDON — Yes, we have a hospital in my electorate, but not a freeway. Those amendments are certainly important.

In respect of roadside drug screening, one of the recommendations from the parliamentary Road Safety Committee related to all the issues associated with drugs in Victoria and how to test for them. I certainly

support the provision in the bill extending the trial period for another 12 months to 1 July 2006. It is going exceptionally well and the longer the review the better. I commend the bill to the house.

Mr WILSON (Narre Warren South) — I am pleased to rise and speak on this bill as all members of Parliament would agree, I am sure, that the road toll in serious injuries and death is just too high.

This bill addresses several matters that directly affect safety on our roads and the reduction of suffering from the major trauma of road death and injury. Victoria should be congratulated on introducing the drug testing of drivers on our roads. Decades ago we introduced drink-driving testing and we are now in the midst of the initial drug-driving screening tests. As a community we have a responsibility to deter people from the consumption of drugs and equally to discourage them from driving while under the influence of drugs. The worry and concern I feel is about the figures that show that 1 in 67 drivers tested records a positive result for drugs.

Another aspect of this bill allows for the use of road spikes to reduce the number of times police need to pursue drivers at high speeds. High-speed chases are inherently dangerous for the police, the occupants of the car being chased and, of course, third parties. Police need to be appropriately trained in the use of spikes but they would be a major deterrent to unnecessary road chases.

This government listens and acts. That has been one of its slogans for many years. The increase in penalties for drivers involved in hit-and-run collisions is a case in point. Drivers are well aware of their responsibility to stop at the scene of a motor vehicle accident. To leave the scene of an accident without rendering assistance or failing to stop are cowardly actions that are abhorrent to all in our community. To ensure that people understand the need for rendering assistance this bill increases the maximum penalty for failing to stop and render assistance in a fatal accident to 10 years imprisonment. This is a serious penalty indeed, and one that will convince the majority of people not to take the risk of leaving the scene of an accident.

The bill also introduces a licence disqualification period of at least six months if drivers are found guilty of dangerous driving. A disqualification period of 12 months applies if drivers exceed the speed limit by more than 45 kilometres per hour when they are driving dangerously. These changes to the law will increase the ability of Victoria Police and the public to manage our

roads safely, leading to fewer injuries and deaths in this state.

Mr McINTOSH (Kew) — I wish to make a brief contribution on the Road Safety (Further Amendment) Bill, in particular in respect of the penalties that are appropriate for the new offence of hit-and-run driving, as is noted in the second-reading speech — that is, occasioning death or serious injury.

At the outset I want to say that I am very close to Kevin Donnelly and his family. I have known them for a number of years, certainly the last 10 to 15. I know Amelia, his daughter, and Julia, his wife, and I also knew James. It was a matter of personal tragedy for many in our community to learn of the death of James in such appalling circumstances. It was also tragic to learn of the ongoing trauma they went through in respect of the legal proceedings and the inability of the law to apply the appropriate penalty. Despite public criticism the judge was, in fact, very limited in the penalties that were available to him at that time and in the circumstances, in accordance with the law, the penalty was probably appropriate. But it certainly does not preclude amendments from being made to legislation and a case such as that of James Donnelly throws up a circumstance where the government has to act to deter people from being involved in similar incidents in the future.

I welcome the government's bill to address this aspect of the legislation. It will lift the current maximum penalty from 2 years to 10 years in jail for the new offence of a hit-and-run incident occasioning death or serious injury. However, I take issue with this particular aspect — that is, that the minister in outlining the purpose of these amendments in the second-reading speech talked about their acting as an incentive for people to comply with the law and not leave the scenes of accidents. 'Incentive' is certainly a well-known aspect of the law, and general and specific deterrents are taken into account by sentencing judges. Culpable driving, which currently carries a maximum term of 20 years imprisonment, is the offence of intentionally or recklessly driving in a manner which leads to death or serious injury. Certainly that is the most serious of the driving offences — apart from the possibility of a manslaughter or murder charge when it is absolutely intentional.

Culpable driving is not something that is recognised under common law. The offence was brought in by this place to recognise the difficulties the police and other road traffic authorities had had in proving a charge when someone had behaved in a way which was well below the community's expectation of drivers. Driving

while intoxicated, for example, and driving at excessively high speed — if that can be demonstrated — are hallmarks of the charge of culpable driving. Certainly the notion of having a reduced standard of culpable driving reflects the difficulty in being able to prove the precise circumstances of what may otherwise constitute manslaughter or indeed murder. If the government — and this is my deep regret — were fair dinkum about providing an incentive for people to behave in a way that we expect of all drivers, surely the incentive here should be the same as the incentive to prevent people from driving in a way that is culpable.

While there is a disparity between the two penalties — 10 years and 20 years — there is still a disincentive under the existing regime to behave in a way that we expect of all drivers. So if you cause an accident — not just an accident where death or serious injury results — there should be an absolute incentive structured into the law to behave in a civilised, socially acceptable and appropriate manner and to at least stop and render assistance. At the moment there is a disincentive to stop. If somebody is intoxicated and driving erratically due to high speed and in a way that may otherwise constitute culpable driving, which to be proved requires only the lesser objective test for recklessness and not the necessary intention for murder or manslaughter, the penalty should be the same, otherwise there will still be a disincentive.

We have seen the government act in relation to the offence of driving while fatigued, and we saw the government act very speedily when there was a bad headline about hit-and-run accidents. In my view the penalties should be exactly the same. There is still an inbuilt disincentive to obey the law and behave in a way that is socially acceptable. This place should be dictating how a normal, civilised driver should behave. When they cause death or serious injury, drivers should stop and where possible render assistance. If the penalties are not the same, there is still an inbuilt disincentive. Accordingly I welcome the amendment moved by the member for Polwarth and will be supporting it.

Ms OVERINGTON (Ballarat West) — I too am pleased to speak on the very important Road Safety (Further Amendment) Bill. This bill amends a number of acts within the transport portfolio, including the Road Safety Act 1986, the Road Management Act 2004 and the Melbourne CityLink Act 1995. One of the amendments extends the offence of hit-and-run driving when a person has been killed or seriously injured to include a consideration of whether the driver should reasonably have known that the offence had occurred.

Unfortunately there was recently an accident at Linton, just south-west of Ballarat, involving a young man walking home from the pub being struck by a car. Tragically the young man died. The driver of the car, who did not offer any assistance and left the scene, was arrested a couple of days later. The young man's family have suffered a huge loss and will grieve for the rest of their lives, and I suspect that the young driver of the car will regret his actions for the rest of his life.

This bill increases the maximum penalty for a driver who fails to stop and render assistance when a person has been killed or seriously injured from 2 years imprisonment to 10 years imprisonment. I am aware of the opposition's amendment to this bill that seeks to increase the penalty to 20 years. I make it clear to the house that the charge of culpable driving can be added to the charge of hit and run. They do not stand separately.

Another issue I want to talk about briefly is the use of road spikes to assist the police in safely terminating police pursuits. How many times have we heard of police pursuits ending in tragedy — of the occupants of cars, which are in most instances stolen and driven by very young people, crashing and leaving others killed. I have also read about the very sad cases of cars that are being pursued crashing into other cars and unfortunately killing innocent people and families. Sometimes, very tragically, our police members are killed. Any measure that can assist the police in safely terminating these pursuits must be applauded. I will leave the other specific provisions in the bill for other members to talk on. This is a good bill, and I commend it to the house.

Ms ECKSTEIN (Ferntree Gully) — I too am pleased to make a brief contribution to the debate in support of this bill. I will confine my comments to just a few of the changes outlined in the bill. The first of these is roadside drug screening. It is necessary to continue the trial that has been going on to ensure we have at least 12 months of screening data that can be evaluated before considering whether or not to make the provisions permanent. The trial to date has been very effective: 4619 drivers had been screened by early May. However, the sunset clause is about to come in on 1 July if the trial is not continued.

As I indicated, the trial has been very successful, and it has been pleasing to note that there has been considerable support for the program from drivers. They have been minimally inconvenienced, the process taking about 5 minutes for those not found drug positive. However, there were 63 cases where drivers were found to be affected by drugs, and that was

confirmed by subsequent retesting in the bus and then further testing at the Victorian Institute of Forensic Medicine. This is about 1 in 73 drivers tested, or about three times the rate for drivers randomly tested for alcohol.

It is important we continue the trial and collect more data so there can be a fulsome evaluation of the program. Driving under the influence of drugs is just as dangerous as driving under the influence of alcohol if not more so. We need to do everything possible as a community to make sure we deter people under the influence of both drugs and alcohol from driving on our roads. The risk of death and serious injury to themselves and others is just too great.

The other aspect I want to mention briefly is the penalties for hit-and-run drivers. This must be absolutely the lowest, most disgusting and cowardly thing a driver can do — that is, fail to stop and provide assistance when there has been an accident, they have been involved in it and someone has been killed or seriously injured. The community is rightly outraged, and consequently we are increasing the penalties for this area. As my colleague the previous speaker said, this can be combined with a charge of culpable driving for the most serious offences. I think this is an appropriate increase of penalty, and I commend the bill to the house and wish it a speedy passage.

Ms MUNT (Mordialloc) — I also rise this evening to speak in support of the Road Safety (Further Amendment) Bill 2005. This bill contains a number of amendments. The most important of these will allow roadside drug screening of oral samples to continue for an extra 12 months and will increase the penalties for drivers who fail to stop and render assistance or who fail to give their name and address after an accident in which a person is killed or seriously injured. That must be one of the most cowardly acts that you could possibly perpetrate on another person.

The other important amendments in the bill include a variety of measures to improve the safety of freeways; improving the safety of vehicles involved in pursuits by allowing for the deployment of road spikes; ensuring that drivers found guilty or convicted of dangerous driving are disqualified from driving for not less than the period that would apply if they had been found guilty of an excessive speeding offence; and allowing the disclosure and use of information about the registered operator of a vehicle where that is necessary to allow the vehicle to be towed.

I fully support this bill and the continued efforts of our government to reinforce the road safety message and

put in place many road safety procedures, initiatives and laws. Arrive Alive, for instance, an initiative of our government, has achieved some great results. Since Arrive Alive has been introduced in Victoria an estimated 262 people have been saved and are with their families today. I think it is a great shame that members of the opposition do not join with the government — whether they cannot or will not — to save lives on roads in Victoria. I commend this bill to the house.

Ms DUNCAN (Macedon) — It gives me great pleasure to join the debate this evening on the Road Safety (Further Amendment) Bill 2005. I see this as a continuing move by the Bracks government to make our roads safer places. We have seen that achieved in recent years, with the lowest road toll since records have been kept. That shows that the tougher penalties, lower tolerance of speeding and increased campaigns are paying off and we are seeing the benefits of that on the roads. This amending bill continues that theme.

The aspect I wish to speak on this evening are the increased penalties for hit-and-run drivers. In recent times we have seen a number of instances that have highlighted the problem and what we would consider to be an inadequate penalty for it. This bill increases from 2 years to up to 10 years in prison the maximum penalty for failing to stop after an accident. A driver who leaves the scene of an accident in circumstances where they should have reasonably known an accident occurred will face this increased jail term. I commend the bill to the house.

Mr MERLINO (Monbulk) — I also rise to speak briefly on the Road Safety (Further Amendment) Bill. As we have heard, this bill continues the strong focus of the Bracks government on road safety. In the past that has included creating the new offence of dangerous driving causing death or serious injury, amending the Crimes Act to ensure that driving while fatigued can constitute culpable driving, and introducing random drug testing and the Arrive Alive strategy — and the list goes on.

This bill amends a number of acts, including the Road Safety Act and the Road Management Act. I would like to talk about roadside drug screening. As we have heard, the bill extends the sunset provisions for the current trial by 12 months to 1 July next year. This additional 12 months will ensure that a full evaluation of the drug-testing program can be carried out prior to any decision by the government to make the provisions permanent.

Roadside drug testing began in December last year and was a world first. It began because drugs are effectively the hidden killer on our roads. In fact, of the number of drivers and riders killed in 2003, 31 per cent had in their system drugs other than alcohol. An AAMI Young Drivers Index survey of over 1800 drivers of all ages found that one in four young Australian men have been under the influence of illegal drugs while driving a car. The survey also showed that 16 per cent of young drivers believed that driving after taking drugs was less dangerous than drink-driving. Swinburne University has also done a study of drivers driving under the influence of drugs. It conducted a test on 40 volunteers who smoked cannabis before attempting to drive in a simulator. It was found that there was impairment in maintaining a steady position within traffic lanes. A further test on people affected by amphetamines found that the volunteers wrongly used indicators, failed to stop at red lights and had slower reactions to emergency situations. So there is no doubt that drugs have a serious impact on drivers.

I commend the extension of the drug-testing trial for a further 12 months and look forward to seeing permanent drug procedures in place. I commend the bill to the house.

Mr LOCKWOOD (Bayswater) — As we all know, Victoria is a great place to raise a family under the Bracks government, and maintaining adequate road safety is obviously part of taking care of the family.

Road safety is clearly a very important issue to all of us. I am pleased to see the issues in this bill — for example, that which deals with drug-driving and extends the time for the roadside drug-testing trial. As many before me have said, drug-driving is not acceptable, and must be removed and discouraged at every turn. There is an increased penalty for failing to render assistance, which I am very pleased to see. While the government does not accept the amendment proposing a more severe penalty, to not render assistance is a despicable crime and people must be encouraged to help out wherever possible, no matter what the circumstances. I am pleased to see that tyre-deflation devices will be allowed for police pursuits, and that the bill increases licence cancellations for dangerous driving.

I will admit that at the moment my personal feelings for people who break the law are somewhat extreme, having had a member of my family yesterday experience the emergency system of the ambulance and hospital services by the actions of a rotten driver. I would be quite happy to have him in front of a firing squad at the moment. But I guess we all need to be

quite logical and have provisions in bills like this to ensure that people are cared for according to the law. I commend the bill to the house.

Mr SAVAGE (Mildura) — I rise to support this bill. This government has been at the forefront of road safety with a large raft of legislation in this state, and its predecessor was also equally focused on appropriate road safety legislation. In Victoria, the introduction of seatbelts, random breath testing and speed cameras have reduced the road toll, as other members have said, from that terrible annual figure of 1035 — as was featured in the campaign which I think was run by the *Herald Sun* or the *Sun*, as it was called — down to approximately 300. It is a remarkable figure but it is still a lot — too many people. However, 300 is certainly a figure more greatly accepted than 1035.

I have never forgotten an incident that occurred to me some 30 years ago when I was at Frankston and attended at a hit-run accident on Cranbourne Road. A young boy had been killed overnight by a motorist and was left for dead in the gutter with his bike. I have never forgotten that image. I have often pondered how anybody could do that — because it is almost impossible to hit something as large as a child and not know that you have struck an object — and not stop or, if they did stop, keep going. Of course the main reason why people do that is usually that they are or have been drinking. They sometimes reappear when they have got the alcohol out of their system and they come up with some lame excuses. I do not have a problem with the amendment proposed by the member for Polwarth. Ultimately it is up to the courts, and the penalties can be adapted to what the court sees fit.

As the member for Kew mentioned, I suppose we have to reflect on the Donnelly case, which was quite prominent in the newspapers. There is probably an appeal on sentence, so there may be some limitation on the debate that we can pursue in this place. I will not say anything other than that I thought the conspiracy by the family of the perpetrator was disgraceful. They certainly received a pretty light sentence for what they did, as did the person who actually killed the Donnelly boy.

The member for Monbulk made mention of the impact drugs have on the impairment level of drivers. We know what the impact is from drinking alcohol and that the taking of cannabis and similar depressant drugs has a very significant impact on people's motor skills. It is good to see now that there is some community awareness which indicates that cannabis is not cool. It should be discouraged at all levels. Not only can a person have serious psychotic illnesses as a result of

taking cannabis but the capacity to drive a motor car is severely impaired, and until now there have been minimal ways of finding out what people are doing behind the wheel of a car.

I am pleased to see the amendments that relate to the Road Safety Act and the Magistrates' Court Act about the PERIN court system. I have raised this issue on a number of occasions and I am still awaiting a response. I will raise it again here because it relates to what is happening now. This particular procedure has not yet been resolved. I refer to the Enright case from Mildura. Mrs Enright had a sheriff knocking on the door in August of 2003. The family was unaware that notices had ever been issued because they just disappeared into the PERIN court system. Until this was raised, people in country areas did not have the chance of having the database respond to their postal address. According to Chief Inspector Richardson of the police Traffic Camera Office, the policy was to send the notices out to the residential address.

Most members here would know that the vast majority of people in the country do not have postal deliveries to their front doors. Mrs Enright had two sheriff's warrants, one of which she was not aware of. Of course the family paid the extra costs, which were many hundreds of dollars. It was only afterwards that it was pointed out to her that she did not have to pay the costs if she was not aware of the tickets. I am still awaiting a response from the Attorney-General's office to this, which dates back to October 2003. I have sent several requests, to get some clarification on section 93, to the Minister for Police and Emergency Services. As yet they have not been answered.

It is very important, when managing this massive system of traffic cameras and civic compliance, that people are fairly dealt with. The amendments in the bill give people a definite chance to appeal within a certain period of time if they are unaware that they have been issued with a notice.

I am pleased to see those amendments, but we have to go back and make sure that citizens who have been unfairly dealt with, like the Enrights, have some resolution to their problems. I know there are some limitations on the time, but I concur with the comments made by other members. One thing in this house that we do seem to have good cooperation on is making sure that our roads are safe and that people who commit horrendous acts behind the wheel of a motor car, like hit-and-runs, are suitably dealt with by the courts. Unless you have actually been through that experience no-one really knows the true impact of it, and we cannot afford to fail to deliver good road safety

legislation. On that note, I commend the bill to the house.

Mr ROBINSON (Mitcham) — In my brief contribution to this bill, which I support, I endorse the comments of the previous speaker, the member for Mildura, regarding the extension of time provisions in the bill. I am familiar with the circumstances he outlined, having been through similar situations on behalf of some of my constituents, and I think the provisions in the bill will be of great assistance in that respect.

The other matter I would like to comment on with regard to the bill is clause 6, which inserts proposed section 63B into the act and which will allow the use of spikes by police to slow down offending vehicles. This is an innovative use of technology and is to be welcomed, but I recommend that research continues into the use of spikes. I note from the minister's second-reading speech that this is a practice which has been adopted interstate, but I think it is something that does require ongoing research. Roads do not come in one shape and size. We have differences in road surfaces and types between city and country; we have different weather conditions; we have different car tyre types, a whole range of car tyre types which, presumably, react differently when going over a spike; and I am sure that further research will be undertaken. I too commend the bill.

Mr BATCHELOR (Minister for Transport) — In concluding this second-reading debate, before we head into the consideration-in-detail stage, I would like to thank the members for Polwarth, Swan Hill, Brunswick, Scoresby, Geelong, Mornington, Frankston, Bulleen, Ivanhoe, Narre Warren South, Kew, Ballarat West, Ferntree Gully, Mordialloc, Macedon, Monbulk, Bayswater, Mildura and Mitcham for their contributions. I thank those people in a specific sense, but I would like to thank the Parliament for the careful consideration it has given to this bill.

An amendment will be moved by the member for Polwarth during the consideration-in-detail stage, but that is not against the thrust of what we are seeking to do; it is just a question of the magnitude of one of the penalties. I think the message that we as a Parliament need to send to the broader community is that there is a very wide consensus within this parliamentary chamber about the ways and means to improve road safety, and I would like to thank everybody who has made a positive and constructive contribution, both through this stage and, I anticipate, during the consideration-in-detail stage that will follow.

Essentially there are a number of interesting elements in this bill, and they relate to penalties for hit-and-run accidents. The Victorian community has been rightfully concerned about recent cases where a driver has left the scene of an accident in which a person has been killed or seriously injured. So with this bill we are extending the coverage of an offence of hit-and-run where a person has been killed or seriously injured to include where a driver ought to have reasonably known that the offence had occurred. We are also increasing the penalty. For a driver who fails to stop and render assistance where a person has been killed or seriously injured, the penalty under our proposals is being increased from a maximum of 2 years imprisonment to a maximum of 10 years imprisonment, and this will be the subject of consideration later on. There is also an increase in the penalty units accordingly.

Other penalty provisions will be increased, such as when a driver fails to provide their name and address after being involved in an accident in which a person was killed or seriously injured, or who fails to stop and render assistance after being involved in an accident in which a person was injured.

The maximum penalty in these circumstances is to increase from four months to eight months imprisonment for the first offence. God help us if it happens twice, because if it does it means there is a big problem out there, but the penalty for the subsequent offence will be not more than two years. We have made the changes proposed in the bill for hit-and-run offences as evidence of our commitment to improving road safety and responding to the clear expression of support for this from the broader community.

The bill also deals with road spikes and provides for their use to safely terminate police pursuits. As you would be aware, Acting Speaker, this was announced by the Premier and the Minister for Police and Emergency Services earlier this year. We believe it will go a long way towards ending pursuits in a much safer and more appropriate manner.

The bill also deals with improvements to safety on freeways. It extends the ban on the unauthorised use of freeways by pedestrians, horseriders and vehicles, which is set out in the Road Safety Act, to include bicycles. Currently cyclists are only banned from freeways under the road rules, offences against which attract a lesser penalty than will apply when these amendments go through, because the offence will be included in the Road Safety Act. We believe that this will more effectively address the serious safety risk posed by cyclists being on freeways, where they are a risk both to themselves and to other road users. When

these are passed, implemented and put into practice by the police, they will facilitate the lawful use of freeways by motorists, as was intended by their actual design.

The other major part of the bill relates to roadside drug screening, and many members have spoken about that. It extends the sunset provisions for the trial of roadside drug screening by 12 months to 1 July 2006. Currently they are due to sunset on 1 July 2005. It will enable the testing to be concluded and properly evaluated and allow some community dialogue without the ever-present sunset provisions breathing down everybody's neck. In an operational sense this has proved to be very successful. The concept has bipartisan support. We just want to make sure that the technology is suitable and meets the needs of a modern society. With those few words in response, I commend the bill to the house.

Motion agreed to.

Read second time.

Consideration in detail

Clauses 1 to 4 agreed to.

Clause 5

Mr MULDER (Polwarth) — I move:

Clause 5, lines 26 to 28, omit all words and expressions on these lines and insert 'and liable to level 3 imprisonment (20 years maximum) or a level 3 fine (2400 penalty units maximum).''.

In moving this amendment the opposition has considered the government's amendment whereby it has moved the penalty from 2 years imprisonment to 10 years imprisonment. If you ever needed that to be brought into question, it was done in this house today when, in answer to a question without notice, the Minister for Agriculture made mention of the fact that the maximum sentence for abalone poaching in the state of Victoria is 10 years. Yet we have a situation where the driver of a motorcar or the rider of a motorcycle who seriously injures a person and leaves them to die on the side of a road might only receive two years imprisonment.

I think there is an expectation within the community not only that the courts hand out appropriate sentences but also that the Parliament in its own right provides the courts with the ability to hand down an appropriate sentence if the offence is of such a degree that it requires significant imprisonment. The opposition believes the community would support a 20-year maximum sentence for a hit-and-run driver. It is

possibly one of the most callous and cowardly acts you could imagine for someone to seriously injure or kill a pedestrian or cyclist and continue to drive on and not accept any responsibility for their action.

Mr BATCHELOR (Minister for Transport) — The government is not in a position to accept this amendment, and I would like to take the opportunity to put the government's view on the reasons for that. Clause 5 deals with the penalties for the offence of failing to stop after an accident — or a hit-and-run accident, as it is commonly called. At the moment the penalty for that offence is two years. The opposition is seeking to increase that tenfold, both the maximum term of imprisonment and, as I understand it, the penalty units associated with it.

The government proposes to increase the penalty fivefold. Rather than 20 years, as is suggested by the opposition, our proposal is that the maximum penalty should be 10 years, and we propose to increase the penalty units to 1200 as opposed to the opposition's suggestion of 2400. We are doing that because we see this penalty, in its expanded form and its increased impact, being part of a continuum, if you like, or a progression of penalties that relate to these and other associated offences. Currently there is an offence of dangerous driving causing serious injury, which carries a maximum penalty of five years. Clearly that is a lesser penalty than the one we are talking about in this amendment.

On the other side of the penalty scale there is a provision for culpable driving causing death, which is 20 years. We believe that the appropriate penalty for this offence, given that it is, if you like, midway or part-way between a less serious offence and the more serious one of culpable driving, should reflect its place in the midstream. It is not that we are opposed to increasing the severity of penalties, because the intention of this bill is to do that. The reason why we are not able to accept the amendment moved by the member for Polwarth is that it does not recognise or take into account the penalties for the lesser offence and the penalties for the more serious offence. In that context we think you need to place it in that continuum of penalties to suit the appropriate offence. That is why we are unable to accept the amendment moved by the member for Polwarth.

Mr McINTOSH (Kew) — If I could just respond to that very briefly, no-one doubts that the government has been moved for appropriate reasons to increase the penalty. What the opposition says is that there is still a disincentive to act in a way that everybody here would accept as a civilised, appropriate, humane way to act

where an accident causes death or serious injury — that is, rather than behaving in an antisocial way that is less than humane, stopping and rendering assistance that may actually save a life. If they are intoxicated or were speeding, that constitutes the crime of culpable driving, so there is still a disincentive to stop. What I would like to see is a recognition that if someone does stop, even if they are driving in a way that is culpable — that is, if they are intoxicated or are guilty of speeding and hit someone — then yes, they would be charged with a serious offence, but by rendering assistance they may very well save a life.

I would have thought that this legislature would want to provide all the incentives for opting on the side of stopping and rendering assistance. Even if someone were charged with culpable driving, surely the sentencing process could take into account the fact that they actually stopped, rendered assistance and saved a life or lives. I think there is still a disincentive when there is a disparity between this offence and culpable driving.

House divided on omission (members in favour vote no):

Ayes, 55

Allan, Ms	Kosky, Ms
Andrews, Mr	Langdon, Mr
Barker, Ms	Languiller, Mr
Batchelor, Mr	Leighton, Mr
Beard, Ms	Lim, Mr
Beattie, Ms	Lobato, Ms
Brumby, Mr	Lockwood, Mr
Buchanan, Ms	Lupton, Mr
Cameron, Mr	McTaggart, Ms
Campbell, Ms	Marshall, Ms
Carli, Mr	Maxfield, Mr
Crutchfield, Mr	Merlino, Mr
D'Ambrosio, Ms	Mildenhall, Mr
Delahunty, Ms	Morand, Ms
Donnellan, Mr	Munt, Ms
Duncan, Ms	Nardella, Mr
Eckstein, Ms	Neville, Ms
Garbutt, Ms	Overington, Ms
Green, Ms	Pandazopoulos, Mr
Hardman, Mr	Perera, Mr
Harkness, Mr	Pike, Ms
Helper, Mr	Robinson, Mr
Herbert, Mr	Seitz, Mr
Holding, Mr	Stensholt, Mr
Howard, Mr	Treize, Mr
Hudson, Mr	Wilson, Mr
Hulls, Mr	Wynne, Mr
Jenkins, Mr	

Noes, 26

Asher, Ms	Mulder, Mr
Baillieu, Mr	Napthine, Dr
Clark, Mr	Perton, Mr
Cooper, Mr	Plowman, Mr

Delahunty, Mr	Powell, Mrs
Dixon, Mr	Ryan, Mr
Doyle, Mr	Savage, Mr
Honeywood, Mr	Shardey, Mrs
Ingram, Mr	Smith, Mr
Jasper, Mr	Sykes, Dr
Kotsiras, Mr	Thompson, Mr
McIntosh, Mr	Walsh, Mr
Maughan, Mr	Wells, Mr

Amendment defeated.

Clause agreed to; clauses 6 to 31 agreed to.

Bill agreed to without amendment.

Remaining stages

Passed remaining stages.

GAMBLING REGULATION (PUBLIC LOTTERY LICENCES) BILL

Second reading

Debate resumed from 5 May; motion of Mr HULLS (Attorney-General).

Mr RYAN (Leader of The Nationals) — I would like to start by thanking the shadow spokesperson for gaming, the member for Bass, for allowing me to speak first in relation to this legislation. The Nationals are not opposed to this legislation. I might also say that I have had the opportunity to review the proposed amendment which has just now been shown to me by the Liberal Party with regard to the provisions of proposed section 5.5.6A, and The Nationals will support that amendment for reasons I will return to.

This bill deals with the legislation in relation to the rules for public lotteries. Most of it is to apply after the conclusion of the present licensing system on 30 June 2007. The bill also deals with the licensing process for the licences or the individual licence that might ultimately apply for the purpose of the conduct of public lotteries beyond June 2007. Part of the review announced by the government in July 2004 was to do with various aspects of the gambling legislation at large. That announcement touched on electronic gaming machines (EGMs), it touched on wagering and it touched on lotteries licences. The casino and its operations are not the subject of the review because the casino is accommodated by different legislation and is therefore excluded in the broad sense from this particular inquiry regarding lotteries.

The three categories of gambling licences are generally those I have just recited — namely, the EGMs, the

wagering and the lotteries licences — and they are being reviewed in two stages. The public lotteries review was announced in 2004 and the gaming and wagering review is to occur in late 2005. Therefore, in essence, this legislation is dealing with the first of those two components — namely, the public lotteries review.

An issues paper was circulated in September of last year. There were 23 submissions to that paper and in March of this year the Minister for Gaming made an announcement comprising three principal components. The first was that the public lotteries licence — or licences, as the case may be — which will operate after 2007 will be awarded by a bidding process. The second element of that announcement was that we would then have either an exclusive lotteries licence — in other words, a licence allocated to an individual entity or organisation — or alternatively we would have up to three non-exclusive licences. The third element of that announcement concerned the overall licence-awarding process, outlined that there would be new aspects of licensing conditions and finally that there would be new regulatory arrangements.

The new arrangements being put in place are said to be appropriate for the purposes of accommodating the government's commentary with regard to responsible gambling; I will return to that shortly. They are also said to be about developing and maintaining probity regarding gambling. It was said that this series of initiatives proceeded on the basis of accepting the validity of gambling in our community and that this was intended to ensure competition regarding gaming providers. That is the general background to this bill.

Insofar as public lotteries are concerned, and as the second-reading speech recites, there is a nexus between the health system and public lotteries. The public lotteries process is worth about \$900 million a year by way of income to the government, and in 2003–04 some \$305 million was dedicated to the Hospital and Charities Fund. This is meaningful money on any basis. Based on that fact alone lotteries are an important element of community involvement in Victoria. I pause to say that this is part of the overall fabric of the government's position on gambling issues at large. The budget papers cite that in 2005–06 the government expects to receive \$1.479 billion from gambling taxes, rising to \$1.61 billion by 2008–09. It is an extraordinary amount of money. This all flies in the face of this government's professed intent before coming to government to do wonderful things about the issue of gambling and the reliance of government upon the taxes derived from it. That has turned out to be yet another complete fiction.

While I am on the point, a couple of years ago the government introduced a tax of \$1500 each on gaming machines to reap \$45 million, which it is putting into the health system. Only five weeks ago, on the day or thereabouts that the Premier left the state, the Deputy Premier and Treasurer called the industry representatives to the offices in Treasury Place and told them that they would be snipped for another neat \$45 million — just a quick doubling of the tax on gaming machines. I suppose this is a portent of things to come for all of us, because at the rate the government is pushing up taxes we are probably all going to be facing a doubling of them in the not-too-distant future. Suffice it to say that the reliance on these taxes is very heavy.

In this bill the government is looking to amend the Gambling Regulation Act 2003. It is looking to define public lotteries and distinguish them by having public lotteries, footy tipping and soccer pools in one category and then having approved betting competitions in a second category. There is then to be a clear distinction between public lotteries and the rest, and that is to take effect from 1 July 2007. There is then a series of amendments — about eight on my count — which deal with various other elements of the legislation. This is not to say that they are minor in nature — that is certainly not the case as they will have far-reaching consequences in many respects.

However, the amendment which has principally drawn the attention of the operators is clause 11, which seeks to insert proposed section 5.5.6A. This clause is the subject of the amendment foreshadowed by the Liberal Party. The concern that has been expressed by the operators is that this proposal, as embodied in the clause, is intrusive, is unnecessarily in breach of the conditions that will apply between the operators and those with whom they deal in the sense of commercial in confidence, and it is unnecessary for the government to go to the lengths it has. It is for that reason, no doubt, that the Liberal Party will attempt to amend the provision. No doubt the member for Bass will provide a more fulsome explanation of that in due course.

In commentary to me on behalf of Tattersall's it has been pointed out that in particular there is a concern about the bloc agreement which exists under the heading of 'The lottery bloc' and in which Tattersall's is involved. It is a commercial agreement between the lotteries that are party to that lottery bloc arrangement under which prizes are nationally pooled to provide more attractive prizes for players in all states. The government sought the detail of that arrangement. The operator politely declined to provide it. Now the government is bringing in some legislation which will

force the operator to provide it. It would seem to me and The Nationals that there is no need to have this provision be as intrusive as it is. We support the Liberal Party's foreshadowed amendment in that regard.

There is also a clause in the information paper distributed late last year which will make it a condition of any further licence that a public lottery licensee cannot maintain an exclusive distribution agreement with its retailers. Tattersall's has written to the government through its respective officers. It has set out a number of elements of concern with regard to the intention of the government to have access to the information giving rise to that arrangement with retailers and also to in effect put an end to the prospect of that exclusive distribution agreement being in place. There are a number of reasons why the operator does not believe that is a fair thing in all the prevailing circumstances. The same can be said on behalf of Tabcorp. It has also expressed to me concerns of a similar ilk.

The Nationals are in support of the amendment foreshadowed by the Liberal Party. The other amendments that the legislation embodies no doubt will be discussed by the member for Bass. Rather than taking the house through the amendments in detail I conclude my remarks by indicating — as I did at the outset — that The Nationals do not oppose this legislation. We have concerns about the particular clause to which I have referred. It is for that reason that we would like the government to adopt the amendment foreshadowed by the Liberal Party.

Mr SMITH (Bass) — It gives me pleasure to be able to rise to speak on this bill. This bill is a necessary piece of legislation to give effect to the re-licensing of public lotteries in Victoria as the licences expire on 30 June 2007. The new licence will be in place on 1 July. The bill sets out a process for the awarding of licences to conduct public lotteries. It has been set up by the government to provide the opportunity for the government — it thinks — to be able to cash in on a premium price for a larger number of organisations that will now be able to apply to be licensed.

Historically in Victoria we have always talked about buying a ticket in Tatts. It has always been one of those things. It was the first of the lotteries that came to the state of Victoria just over 50 years ago. A ticket in Tatts was also seen by the general public as a possible way of getting a pot of gold or to pay off some small bets, or as a gift for a birthday or something like that. It has always been there. Anybody in this house would understand the importance that we have always placed on lotteries

and being able to have them here in the state of Victoria.

As I said, Tattersall's has conducted lotteries for over 50 years in the state of Victoria, since a former Premier, John Cain, Sr, invited it to come to Victoria. At that stage Victoria was in need of additional funding because it was being lashed by the other states that were able to run these sorts of lotteries around the place. It came to Victoria and I think most people have probably participated. More people go into a Tattersall's shop on a weekly basis to buy their ticket than actually sit in front of poker machines and push buttons. It is seen as being a very large collector of money for the government. It is also seen to be a very large 'participatory sport' — if I can put it that way — for people who like to buy a ticket in Tattersall's or Tattsлото. They probably see the excitement of sitting in front of their TV or picking up the *Herald Sun* the next day and seeing the results. It gives people some joy if they win and despair if they lose.

It has been seen that Tattsлото has been run as a good clean game. I do not think there have been any major scandals involved in tickets at Tattersall's, Tattsлото or Powerball. There were a few little problems in Soccer Pools some years ago. We have had the great disaster called TipStar, which the Minister for Gaming thought was going to be the greatest saviour of Victoria. It has turned out to be a disaster for both the government — because it was not able to keep any of the promises it made beforehand — and Tattersall's which as of last year has cumulative losses of \$8 million to \$9 million which will probably be in excess of \$10 million to \$11 million in this coming year. It has not been a great result for anybody.

I suppose times have changed. We are now in a position where around the world 179 legitimate lotteries which have been authorised by various governments are being run and exclusive licences are running 155 of those lotteries. Tattersall's has had an exclusive licence to run the lotteries here in Victoria. It is the same in other states of Australia and in a number of other countries around the world.

In its preparation for this bill the Bracks government saw that there may be a great opportunity to get its hands on a premium — as the cost is described — payable to be the licensee and sell lottery tickets here in Victoria. It is going to be interesting because the government has set out in its paper *Public Lottery Licensing Information Paper — Gambling Licences Review*, which was put out on the 15 April, that it is looking at one exclusive licence or at any one of up to three non-exclusive licences in the state of Victoria. It

has made it interesting for the people who are going to apply on the basis that they have to put in two separate applications. One of the applications will be for an exclusive licence and the other for being maybe one of three people applying for licences. I do not know whether many people in this house would be aware of the break-up of the dollar that goes into Tattsлото. It is probably interesting for the house to have it recorded that 60 per cent of every dollar of a Tattsлото ticket goes back to the people who play the game in the form of prizes or it goes into the draw the following week in the way of a jackpot.

Of that money, 36.1 per cent goes to the government in the form of taxes and charges, and the operator at the end of the day has 3.9 per cent of the money to be able to operate the whole game. You only have to think about how much is involved in operating the game to realise it is a rather greedy government that is getting 36.1 per cent. It is getting nearly 10 times as much as the operator gets out of it, and the operator is the one who takes all the risks and who is working on a very small turnover. Having discussed with a few people — —

Mr Nardella — What is your policy?

Mr SMITH — Just wait and you might find out, Don. Do not get too excited up there in the back row!

The ACTING SPEAKER (Mr Ingram) — Order! The honourable member, through the Chair. The honourable member for Melton should cease interjecting.

Mr SMITH — The government is very greedy in the way it has gone about collecting money from Tattersall's. We can also see that the government does very well out of lotteries. It gets the highest return compared to any other lottery that is run in Australia or around the world. By getting 36.1 per cent the government is getting the highest return of anywhere in the world. From lotteries that are run by Tattersall's in Victoria the government turns over \$1.16 billion both from Victoria and around Australia because Tattersall's is part of the national lotto bloc, which helps in being able to generate extra funds.

In the year 2005–06 the government has budgeted for \$360 million to come in from the lotteries, which goes into the big bucket of money that this government is pulling out of gaming here in Victoria. We must be seen to be one of the biggest gaming communities anywhere around, because if two flies were running up the wall, obviously we would take a ticket in Tattsлото to see who was going to win, or we would bet on them in a gaming venue somewhere. We are certainly dynamos

as far as gaming is concerned. We only have to look at the Treasurer of Victoria. He is one person who should probably go to Gamblers Help. He is hooked on gaming. He is more than happy to take the \$1.3 billion to \$1.4 billion a year that is coming out of gaming here in Victoria.

An honourable member — How much are you going to cut out of it to pay for the toll road?

Mr SMITH — In answer to the interjection from across the chamber, we have already made a commitment. We have already committed to removing 5000 machines from use in the state of Victoria.

Mr Pandazopoulos — On a point of order, Acting Speaker, this is a very narrow bill. It is the Gambling Regulation (Public Lottery Licences) Bill. There is a bit of liberty for the lead speaker, but to talk about poker machines with lotteries is drawing the debate a bit too far.

Mr SMITH — On the point of order, Acting Speaker, I would not think he was right.

The ACTING SPEAKER (Mr Ingram) — Order! I am ruling on the point of order. Lead speakers do have a range of latitude, but I will remind the member that we are trying to keep the debate to the subject of the bill.

Mr SMITH — I am sorry. Obviously I have touched a raw nerve with the Minister for Gaming, because all I mentioned was that the Treasurer is a problem gambler and really should go to Gamblers Help, if only the government would give it enough money to be able to operate properly, which the government does not do.

We have to wonder what else the government has planned for the people of Victoria with this particular bill. The government wants to open up the area to as many people as it possibly can and to make the terms of the licence good for the people who are going to apply. So the terms of the licence are being extended from 7 years to 10 years, which of course gives the operator, whoever they may be, an opportunity to recover the costs that obviously they are going to have to take up, particularly if they are a new operator moving in.

The bill removes restrictions prohibiting directors of another licensee from having a significant interest in other bodies. This means that now Tabcorp, which has a licence on the wagering side of things, and on the poker machine side, and also the Packer group, which owns Crown Casino, can apply to take on licences. There are also other organisations around Australia.

Although they were not able to apply before, they are now in a position where they can apply to take on the licensing in this particular area.

The bill always allows the Victorian Commissioner for Gambling Regulations to recover the costs of investigations into applicants for public lottery licences. I was interested to read in the government's public lottery licensing information paper that these people can be charged a considerable amount of money. The government suggested that if these parties register their interests — and that is when a probity check will be done on them — that the cost of lodging their submission may be of the order of about \$25 000, which is probably chickenfeed when you take it into account. But if they get past that and the minister actually invites them to apply for the licence — that is, after they have undergone the first probity check — they are then going to be paying of the order of some \$200 000 for the next part of this probity check.

One has to question whether this is going to apply to organisations like Tattersall's, which already has a clean sheet. Although Tattersall's certainly has been under a lot of scrutiny, Tabcorp also has been under a lot of scrutiny and has been checked out time and again — and has to be on a regular basis. Crown Casino is also in a position where it would have undergone probity testing and also would have a clean sheet as far as being able to apply. So is this going to be an opportunity for the government, through the commissioners, to make a cool killing, if I can put it that way? The government only needs to get probably five of these operators apply and that is \$1 billion that will help keep the commission running for another 12 months. I do not blame the commissioners. Certainly the government is looking at any way it possibly can to rake in as much money as it possibly can. You have to think a little bit about what the government is trying to do.

The bill amends the process to allow the making of the regulations to provide responsible gambling measures in relation to public lotteries. One just has to think back to the responsible gambling measures that the government has moved into the poker machine area. The government has forced operators across Victoria to spend a lot of their own money to bring in regulations for changes that are in fact not the cost of the government but certainly the cost of the operators. One only has to think of the lights, the clocks, the cleaning of the windows so that people can actually see in and the cost of setting up smoking areas to know that they are all costs to the operator. The operators themselves wonder what the government is going to bring in under the guise of responsible gambling, and how much extra

cost it is going to be for them out of the 3.9 per cent that they have to try to operate their businesses on. The government could quite easily rip off that sort of money from them.

The bill also amends the definition of ‘a public lottery’ to mean a lottery, an Australian Football League tipping competition or a soccer football pool. In a way I thought that restricted very much what could be seen as a lottery. TipStar, as it says in the papers the government has put out, is not part of this, and one would have to wonder if the government is looking for a tipping competition that might give it greater returns than it is getting from TipStar, which is a minimal amount of money. It is certainly not going to save the world as the minister promised us.

All gambling equipment that is used, including equipment for any new games, has to be approved by the commission. I do not have a problem with that; I think it should be approved.

One of the clauses that concerns me greatly is clause 11 — on pages 7 and 8 of the bill — which inserts new section 5.5.6A allowing the minister to give a direction to a licence-holder to disclose information. The new section states:

- (1) The Minister may give a written direction to a public lottery licensee requiring the licensee to provide to the Minister any information or document, or any class of information or document, that is in the possession or under the control of the licensee and that —
 - (a) relates to any arrangement or agreement between the licensee and one or more parties in Victoria or in any other State or Territory or another country relating to the operation of public lotteries under the licence ...

This clause gives me some concern, and under standing orders I wish to advise the house of opposition amendments to the Gambling Regulation (Public Lottery Licences) Bill and request that they be circulated.

Opposition amendments circulated by Mr SMITH (Bass) pursuant to standing orders.

Mr SMITH — I have grave concerns in regard to this. We know that the minister has already requested information regarding this issue from Tattersall’s. One must ask where commercial confidentiality stops and the right of the minister to release this information to the general public starts.

Mr Herbert interjected.

The ACTING SPEAKER (Mr Ingram) — Order! The honourable member for Eltham is not assisting the Chair.

Mr SMITH — I am serious about this issue. I am not picking at the bill. The opposition is not opposing the bill except for this particular clause. In the proposed amendments the opposition is asking in respect of clause 11 that after line 27 on page 8 the following words be inserted:

Before the Minister discloses any documents or information under sub-section (3), the Minister must cause a statement in writing containing details of these documents or that information to be laid before each House of the Parliament.

What we are saying is that before he can disclose any of this information to the competition — which there will most certainly be for this licence — the minister must table it in the Parliament so that members have a right to debate it and, if necessary, knock back the opportunity for the minister to allow the information to get out. It almost certainly will be commercially confidential, and we believe this house has to take steps to try to protect industries in Victoria, particularly in the gaming industry, which is a cut-throat industry. The opposition believes if any information is able to be passed through to a competitor this legislation has not been drafted properly.

The opposition sees the bill as enabling there to be one exclusive licence or up to three non-exclusive licences. We wonder whether the minister is going to break up the lottery side of the bill and offer people the opportunity to just go in for the lotteries and then have somebody else come in and run the footy pools or the soccer pools or something else — although, as I said before, the legislation is flawed because it certainly cuts back on the size of lotteries that can be run. Is the minister looking at bringing in the other two racing parts of this legislation where people go for the Mystery 6 or Trackside, which are two other events run by Tabcorp where people go in, as they do with a Tattsлото outlet, and buy a ticket? They get allocated a certain lot of numbers, and then they have to sit and wait for a race or an electronic race game to come up with a winner or a loser for them.

Sitting suspended 6.30 p.m. until 8.02 p.m.

Mr SMITH — It is nice to get back on my feet after an excellent dinner at the Shark Fin Inn in Little Bourke Street. It was also very reasonably priced, I must say.

An honourable member interjected.

Mr SMITH — On the bill!

This bill causes us some small concerns, and those concerns are addressed in the amendment I moved earlier on. There are a couple of issues I would like to mention specifically again. One of them is that this legislation specifically excludes TipStar. That means there must be some plan by the government to set up another football tipping competition, which it hopes will be a little more successful than the disaster called TipStar, which has cost Tattersall's a lot of money. It has also cost the government a little bit of money, and it has certainly lost it a lot of prestige, given the promises that were made by the Minister for Gaming when TipStar was being set up.

The Bracks government has tried to follow in the footsteps of the Blair government in the United Kingdom, which looked at trying to change its lottery system to demolish the Camelot company, which was running the lotteries in England. Probably not everybody knows what occurred there, but it turns out that Camelot retained the lotteries and it cost the Blair government — a Labour government — a huge amount of money.

We know the bill is going to go through, because it has to go through. As is explained in the paper put out by the government, it is important legislation because it will put some cash into the pockets of the government — although I do not think it will bring in as much money as the government would wish!

We will not be opposing this bill in its entirety, but certainly we will be moving the amendment I foreshadowed earlier, which will take away the right of the minister to disclose what could be called commercially confidential information to other people who are involved in the gaming industry. I look forward to the minister trying to defend his position on that and to giving us some straight answers that address the issues I have brought forward.

Mr LUPTON (Prahran) — The Gambling Regulation (Public Lottery Licences) Bill has been brought into the house to give legislative effect to announcements that were made by the government in March on the future of the licensing arrangements for public lotteries after the current licences expire on 30 June 2007. It also sets up a two-step process for awarding licences — either one exclusive licence or up to three non-exclusive licences — to conduct public lotteries in Victoria after the current licence period expires.

The new licensing arrangements that the government has announced reflect its overall gambling policy principles. In particular these principles are about

developing and reinforcing the government's commitment to responsible gambling — this is something that I am very much a supporter of — and also developing and maintaining the state's commitment to the highest standards of probity for gambling service providers, which is another essential principle. The government accepts that gambling is a valid activity for many Victorians, who are entitled to expect ongoing high standards of service, transparency and accountability from the gambling sector. It also ensures — to the extent that it is possible while being consistent with these other principles — that gaming service providers operate in a competitive environment.

The history of lotteries in Victoria is intimately connected with the provision of hospital services in this state. The lottery system has been a longstanding contributor to the health system. Victorians spend more than \$900 million a year on lotteries, which in 2003–04 raised \$305.2 million which went into the hospital and charities fund. That is an important factor to bear in mind when ensuring that we have a proper, transparent, responsible and robust system for the regulation of lotteries in this state into the future.

The key features of the bill include the amendment to the Gambling Regulation Act to change the definition of 'public lottery' so as to draw a clear distinction between public lotteries, footy tipping and soccer pools on the one hand and other types of approved betting competitions on the other. The amendment will provide certainty about the scope of the games that may be offered under the new definition of a 'lottery licence'. These amendments will take effect on 1 July 2007.

Another feature is that the bill will allow the Minister for Gaming to issue public lottery licences for up to 10 years instead of the current maximum of 7 years. This will give a greater capacity to public lottery licensees to recover the rather substantial investment costs that they incur within a licence term, particularly if they incur substantial start-up costs, which any new licensee entering the public lottery system may by following the bidding process established by this bill.

That new public lotteries licence application process involves two steps, the first being registration of interest and the second being an invitation to apply for a licence. The amendments in the legislation deal with the setting up of the process. The bill also introduces some broader regulation-making powers, which provide for regulations to be made for responsible gambling objectives in relation to public lotteries. Responsible gambling objectives have been a feature of other types of gaming licences in this state for some time now, but those responsible gaming objectives have

not applied to public lotteries, and amendments in this bill will extend that regime to the public lottery system.

The opposition has indicated that it will be seeking to amend a particular element of this bill, and I want to deal briefly with that. The opposition amendment seeks to remove from the proposed legislation a clause that requires organisations bidding for licences to disclose certain information to the minister. The object of the exercise in having that clause in the bill is to enable a level playing field to be created between a current licensee, in this case Tattersall's, and any other new licensee which may be entering the bidding process. Because the current licensee is in a privileged position with regard to information, particularly about the national lotto bloc financial arrangements, it is important that any licensee bidder who wishes to enter the public lottery system has access to the financial information that this clause will enable it to have access to. Otherwise there would not be a level playing field, and people seeking to bid in the tender process would not have the information that they require.

The way opposition members are seeking to amend this legislation is another illustration of their lack of understanding of how this system operates. The opposition has a very long and dearly held relationship with commercial-in-confidence arrangements. The previous government used those processes to keep out of the public domain a lot of information that should have been in the public domain. In this situation it is entirely appropriate that this information be provided in order that the companies that wish to tender and bid in the licensing process have access to the information they need to make a proper and fair bid.

The other provision the opposition seeks to omit from the legislation is a no-compensation clause. If Tattersall's either loses its licence or its position as the sole licensee in the competitive bidding process, although it seems there would not be necessarily any legal requirement to pay compensation, it is very important that that position be clarified. It is important that this no-compensation clause be in the legislation so there cannot be any legal argument about it. The opposition seeks by its amendment to remove that clarification from the legislation. That would create uncertainty and difficulty and is another illustration of how the opposition does not understand the way a proper, transparent, robust and open licensing process and a proper bidding and tender process ought to work. The amendments really cannot be supported on any sensible or logical grounds; they should be opposed. I support the legislation and commend it to the house.

Mr COOPER (Mornington) — The Gambling Regulation (Public Lottery Licences) Bill is, according to the second-reading speech, to give legislative effect to the government's announcement in March 2005 on the licensing arrangements for public lotteries after the current licence expires on 30 June 2007. I note that the minister's second-reading speech says that the new licensing arrangements reflect the government's overall gambling policy principles. Two of those are to:

accept that gambling is a valid activity for many Victorians who are entitled to expect ongoing high standards of service, transparency and accountability from the gambling sector —

and to —

develop and reinforce the government's commitment to responsible gambling.

That is the issue that I want to touch upon tonight — responsible gambling.

At the beginning of his second-reading speech the minister said:

The lotteries licence announcement forms part of the government's overall approach and timetable for the review of the state's electronic gaming machine operator, wagering and lotteries licences.

As I said, I want to particularly zero in on the question of responsible gambling. In doing so I want to make it quite clear from the outset that I am certainly no wowsler: I have a punt along with a whole lot of other people and I am quite happy to do so.

Mr Robinson interjected.

Mr COOPER — I hear the member for Mitcham saying, 'Hear, hear!'. He is quite right: there is nothing wrong with responsible gaming. There is nothing wrong with people with disposable income using it for gambling and gaming if they so wish. Of course the problem the state has is that we have a substantial number of people who do not know when enough is enough, and it is those people whom we need to deal with, because while the vast majority of people will be able to spend their income on gambling and gaming with a considerable degree of self-control, there are many who cannot. The examples of people who have lost the plot with their gambling activities are legion and have been spoken of in this and in other places on many, many occasions. I again note — the member for Prahran referred to this — that in the second-reading speech the minister said:

Victorians spend more than \$900 million a year on lotteries and in 2003–04 lottery taxes raised \$305.2 million ...

What the member for Prahran did not go on to say — and I am not criticising him for this — is that in the budget for 2005–06 that figure of \$305.2 million will increase to \$360 million and that therefore it is seen that gambling is a growth industry — and that is just gambling on lotteries. When we look at other areas of gambling we can see that a large sum of money is in fact expended by Victorians and visitors to this state.

As the minister said, this bill:

... forms part of the government's overall approach and timetable for the review of the state's electronic gaming machine operator, wagering and lotteries licences.

It is important for this house to bear in mind that from gaming machines overall the government gains total revenue of the order of \$1.4 billion per year. That \$1.4 billion is not a minor amount of money; it is a considerable sum of money. When you add that \$1.4 billion to the other sums the government is gaining in revenue, it shows that it is a major revenue stream for the government.

That major revenue stream had its genesis back in 1991, when electronic gaming machines were introduced into this state, and since that time it has grown exponentially. That is fine for the government; it has this major revenue stream. It has money that is brought in from lotteries that it can apply to a whole range of activities. A considerable amount of that goes into the Hospitals and Charities Fund — as the minister said in his speech, lotteries are a major source of funding for the state's health system. That is good for the state's health system. It is good that that \$1.4 billion from gaming machines which goes into state revenue has an effect on a whole range of government programs. All of that is just wonderful. But on the other side of the coin we have to deal with the people who are contributing that money and who are out of control with their gambling habits. That is something about which not enough work has been done.

In the past couple of years many questions about problem gambling have been asked of the minister. The minister has responded by saying that a significant number of changes are being made to assist in the area of problem gambling, to assist problem gamblers to try to minimise their habit and to try to minimise the damage being done by the losses they are sustaining. I have to tell the house that in regard to all those initiatives that have been put in place — and I am sure they have been put in place with the very best of intentions and goodwill by the minister and the government — the reality is that they are simply not working.

You only have to look at the increased amount of money that is being gambled in this state — in a variety of ways, but particularly with electronic gaming machines — to know that they are not working. You only have to see the examples that are brought forward day after day by people in the area who have to deal with those people and the damage they are doing, not only to themselves but to their families and to other organisations they are associated with — such as businesses from which many of them are stealing et cetera — to know that the damages bill continues to mount. We know that it is out there and that it is happening, yet nothing substantial is being done.

Only in the last sitting week in this Parliament I said that it is about time that this Parliament — not the government but all sides of this Parliament — started understanding that we have a problem in this state and that we need to confront and deal with that problem properly. We need to be taking positive, firm action to deal with it. Pious words and some minor initiatives are simply not enough. Those people who doubt me should go and talk to some of the people who on a regular basis are confronting this issue and the damage that is being done. People like John Dalziel of the Salvation Army will tell them some facts and figures that will frighten them, if they do not know them already.

The purpose of my speaking on this bill is simply to once again reinforce the warnings that are being given to all members of this Parliament in both houses by significant figures in the community who are dealing with problem gambling. The warnings that we are getting from those people is that we simply cannot continue to ignore the damage that is being done and we simply cannot continue to apply band-aids to the problem; we need to deal with it. If we have any compassion for people in the community who are suffering significant damage from problem gambling, then we need to deal with that and deal with it immediately. Simply standing here and saying, 'It is a terrible problem and we are doing the best we can' is not good enough.

Mr JENKINS (Morwell) — It gives me great pleasure to rise in support of the Gambling Regulation (Public Lottery Licences) Bill. The bill reinforces this government's commitment to responsible gambling. It reinforces this government's commitment — and it would be good for the opposition to pay heed to this commitment — to the high standards of probity required of gambling services providers. It reinforces this government's commitment to accepting gambling as a valid activity for Victorians, but one that needs high standards of transparency and accountability right across the industry. That is what this bill seeks to do: it

reinforces the government's commitment to recognising an industry that exists in a competitive environment.

The bill redefines 'public lottery' to mean public lotteries, footy tipping and soccer pools. It allows lottery licences to be given for up to 10 years. This will ensure that those people looking to make a significant investment in the sort of hardware and infrastructure that will ensure we have proper probity processes in place can make a commitment and are able to reap the commercial benefits — and there will be commercial benefits — over a 10-year period. It will mean that the competitive environment will not be willy-nilly or short term but will involve people making a long-term investment in the gambling and gaming industries.

The bill provides for the regulation of public lotteries. It was interesting to hear so many members of the opposition talking about responsible gaming. This government, when it brings legislation forward involving any areas of gaming and gambling, ensures that it contains regulations that promote responsible gaming, protect those people who may become irresponsible in their gaming habits and deal with organisations that irresponsibly engage in gaming on the business side. It gives me a great deal of pleasure to commend this bill to the house.

Dr NAPHTHINE (South-West Coast) — I rise to speak on the Gambling Regulation (Public Lottery Licences) Bill, which provides for licences for public lotteries from 2007 to 2017. Clause 1 of the bill extends the initial term of a lottery licence from the original 7 years to 10 years. Clause 6 defines a 'public lottery' as:

- (a) a lottery; or
- (b) an AFL footy tipping competition; or
- (c) a soccer football pool.

One of the issues I would ask the minister to address in his response is whether, if a public lottery includes Australian Football League (AFL) footy tipping, it also includes other football betting that is an integral part of the TipStar competition. I am sure the minister at the table is taking notes to pass on to the Minister for Gaming so that he will be able to respond, because clearly the evidence thus far is that the TipStar competition, which was a major policy initiative of the Labor Party prior to its election to government in 1999, has been an absolute disaster. It is a dog of a product. I said at the time it was launched that it was a dog of a product, and it has proved to be a dog.

I am interested in the government's plans for the future of TipStar, given that it is now saying in clause 6 that AFL football tipping is a public lottery within the confines of the legislation. But there is no mention of football betting, which is more of a gaming product and which was previously within the parameters of sports betting under Tabcorp. I trust that this bill does not include sports betting but just includes footy tipping competitions. But the main purpose of the bill is the regulation of public lotteries, and it sets up a framework for the selection of lottery operators from 2007 to 2017. That 10-year period is very important. Public lotteries have been a part of Victorian life for many decades, and many people have grown up on the notion of buying their friends and relatives a Tatts ticket for a birthday or a gift of some form or another.

Ms Asher interjected.

Dr NAPHTHINE — As the member for Brighton says, the winner of a bet on the football or any other event almost invariably gets a Tatts ticket. That goes back many decades and certainly has been a part of Victorian life for a long time. There is an important role for government to play in ensuring that public lotteries are run in a fair and professional manner, and it is incumbent upon the government to make sure the successful bidder or bidders continue the high standard of probity which has been associated with public lotteries in Victoria. The second-reading speech says quite clearly that the winning tenderer's new 10-year licence 'will be awarded through a bidding process'. That implies that a substantial sum of money will be provided by the winning bidder to the government for the 10-year licence.

This is the issue I particularly want to pursue in my contribution to the debate. When there is a substantial bid for a tender, whether it be for a public lottery licence or for gaming machine licences, it is incumbent on the government of the day, irrespective of its political flavour, to use that money wisely in the long-term best interests of the people of Victoria. There would be enormous temptation for the government to use a windfall gain through a public lottery licence as part of recurrent expenditure. I urge the government to say no to that temptation and to recognise that this is the purchase of a 10-year licence and to use this money in the best long-term interests of Victorians.

I will suggest four areas that it could be used for, including paying down some of the state government's superannuation liability. I understand that liability is somewhere about \$19 billion or \$20 billion for public servants, and paying off a substantial portion of that would be a valuable use of those funds. Putting some of

the money into what is called a future fund such as the one the federal government has established would also be a good use of the money — as would reducing state government debt. I refer to this year's budget paper 2, which says quite clearly that under the Bracks government the net debt is projected to increase from \$1.9 billion at June 2005 to \$5 billion at June 2009. I never thought I would live to see the day when a Labor government in Victoria would be game enough to send Victoria back into debt, back to the Bankcard mentality. Perhaps some of the windfall gain from the public lottery licence should be used to reduce that debt to provide a longer term benefit to the people of Victoria.

Finally, the other thing I would suggest that this money could be used for if the government so wished is to invest in significant infrastructure for the benefit of Victorians for the long term — not the short term, not on recurrent expenditure or in meeting short-term commitments, but investing in the long term. I suggest that one of the best ways to invest this money in infrastructure would be to invest in country roads and bridges. There is an enormous need for investment in country roads and bridges, and I suggest that one of the things that the government could do with this gain from the public lottery licence is to match the federal government's excellent program. In its recent budget the federal government has just committed an additional \$69 million to the Roads to Recovery program, which is one of the best programs any government of any political persuasion has introduced for Australia and Victoria in the last two or three decades. It is putting money to local government for local roads and local bridges and investing in infrastructure that is really needed in regional and rural Victoria.

I leave a final message for the government. If it is to get windfall gains, which it will get from a 10-year lottery licence, they should not be wasted by a city-centric government on recurrent expenditure or wasted opportunities, as happened in the days of the Cain and Kirner governments. The money should be used for long-term investment in the future of Victoria by reducing state debt, paying superannuation liabilities or, most appropriately, investing in the future of Victorians by investing in infrastructure and making a state contribution to the Roads to Recovery program to help regional and rural councils deal with the appalling state of roads and bridges in country Victoria. The country roads and bridges that need this investment are important parts of the social and economic infrastructure, and that is where this windfall gain should be spent.

Mr ROBINSON (Mitcham) — In making a few comments in support of the bill I just have to refer to the observations of the member for South-West Coast, who said the government could use the proceeds of the forthcoming renewal for infrastructure projects in the country. The only problem with that is that he has already been beaten to the punch, because my recollection is that out in the eastern suburbs people who attended meetings on the Liberal Party's behalf at the time when the government reversed its position on the Scoresby tollway said that the Liberal Party was committed to using the proceeds of the forthcoming licence renewals for that road. So I wish him well in his endeavours to twist a few arms in the Liberal Party caucus room about getting the money spent in the country. That is a debate that I am sure will continue.

I support the bill and the competitive principles which underpin it because the experience in Victoria in the last few years where we have had monopolies in wagering and in lotteries does not necessarily lead us to the conclusion that monopolies provide great service. I think the competitive pressures will result in consumers getting the best deal in both wagering and lotteries. However, in making these remarks I wish to make a key distinction between gaming and lotteries and wagering, and that is important in the context of the licence renewal process. Like the member for Mornington and one or two others in the chamber, I enjoy a punt. I believe it is one of life's great pleasures. There is nothing like a cold stubby and a form guide to pass the time — —

Dr Napthine interjected.

Mr ROBINSON — I reckon I am pretty stuck on it.

Dr Napthine interjected.

Mr ROBINSON — It is a very good thing. I know that in his heart of hearts the member for South-West Coast has whiled away a few hours with a cold stubby and a form guide. But there is a key distinction, and that is that with wagering we are essentially involved in an exercise of reason. We have form guides, we have information, we have variables — —

Ms Asher interjected.

Mr ROBINSON — It is not hard to identify those who do not enjoy a regular punt, and I think the member for Brighton might just have revealed herself as one of them. It is an exercise in which people are encouraged to apply a little bit of grey matter. On the other hand, gaming and lotteries essentially involve random probability. The distinction is becoming increasingly blurred. For example, Tabcorp runs a

Mystery 6, which is a selection of 6 numbers on the last 6 races. But this is already done for the punter; it is predetermined. It is the equivalent of a lottery product dressed up as a punt. I understand the Victorian Commission for Gambling Regulation was comfortable in approving the Mystery 6 because it is weighted according to the prevailing odds in the win pool at the time of the bet. It is described by Tabcorp as follows:

The number of all horses in a race are put in a metaphorical barrel and drawn at random to select your numbers in a given game — however — the number of balls in the barrel with a particular number on them are determined by the prevailing odds on that horse — e.g., the favourite's number would appear more often than less fancied runners.

It is a subtle but important distinction. The difference is — and it is not necessarily apparent to punters — that what differentiates this bet type from a lottery product such as lotto is that the number selection is totally random. I am not sure that this is a good distinction which is sustainable. I hope in coming months —

An honourable member interjected.

Mr ROBINSON — No. My view as a punter is that we ought to be encouraging people to apply their reason. I understand there might be valid reasons, but I think it is a point that we ought look at in the coming months as the licence renewal goes on. With that personal observation, I am happy to conclude my remarks and support the bill.

Mr HERBERT (Eltham) — I rise to support the Gambling Regulation (Public Lottery Licences) Bill 2005. This bill details the government's future arrangements for public lotteries after the current licence expires on 30 June 2007. The bill also details the proposed process for awarding a future lottery licence or licences.

We want to ensure that these new lottery licence processes are conducted with full probity arrangements in place. No-one in Victoria wants to see the shambles that occurred around the awarding of the casino licence by the previous Kennett government in September 1993, and while I note the comments of members of the Liberal Party and The Nationals about the need for transparency and probity in the new lottery licence processes, they certainly did not have that point of view when Melbourne's lucrative casino licence was awarded to the hometown team of Mr Lloyd Williams and Mr Ron Walker.

We recall that the losing bidder, Sheraton, was privately emphatic that its bid was leaked and the tender rigged. Clearly ITT Sheraton was substantially ahead of Crown until a mysterious two-week extension of the bid —

Mr Smith — On a point of order, Acting Speaker, the member is in fact ranging far and wide in a debate that is about lotteries. He now wishes to bring in casino issues which have absolutely nothing to do with the bill before the house, and I ask you to draw him back to the bill.

Mr Pandazopoulos — On the point of order, Acting Speaker, what the member is referring to is the probity of the whole lot of re-licensing processes and he is referring to past examples. It is very important in this new approach to get it all right.

Ms Asher — On the point of order, Acting Speaker, the minister who has just contributed to this point of order raised a point of order earlier when the member for Bass was speaking. The minister's point of order was to pull the member for Bass up as the lead speaker, saying that he was transgressing in his contribution to the debate on the bill — again, I reiterate, in his capacity as lead speaker.

The fact now is that the member for Eltham has moved on to casinos. There is no mention of casinos in the second-reading speech and there is no mention of casinos in this bill. The Minister for Gaming, who is at the table, now has suddenly decided, because it is a member of his side speaking, that he wishes to reverse the point of order that he took earlier on the member for Bass, who was our lead speaker in this debate. The fact is that the member for Bass has made a very good point of order, which is that the member for Eltham is transgressing well beyond the second-reading speech and is out of order.

Ms Campbell — On the point of order, Acting Speaker, I refer you to clause 12 of the bill we are debating. It is clear that clause 12 refers to protected information, and in that clause there is reference to a prohibition on the divulging of information to anyone else. That is exactly the point that the member for Eltham has contributed in his speech, and I ask you to rule the opposition's point of order, out of order.

The ACTING SPEAKER (Ms Lindell) — Order! I did not have the opportunity to hear the entire debate. I have been here for some time, but as I was not here when the minister interrupted the contribution from the member for Bass I cannot refer back to something that I did not hear. The member for Eltham had been speaking for less than 2 minutes when the first point of order was taken. I am sure that he was making but passing remarks which normally are allowed in the second-reading debate. I will ask him to continue with his contribution on the bill.

Mr HERBERT — I do not want to say much more about that issue except that back in 1993 — and we do not want to see it repeated — one of the unsuccessful tenderers, in this case ITT Sheraton, claimed that it was duped by the licensing process. We do not want to go back to that. Consequently the process adopted by this government follows a detailed review of existing arrangements and the circulation of an issues paper by the Department of Justice last September. The new public lotteries licences will be awarded following a bidding process that guarantees Victoria receives a good return whilst ensuring that the most rigorous licensing conditions and regulatory arrangements in Australia are put in place.

Gambling is a valid activity for many Victorians. Revenue from gambling makes a major contribution to funding the state's health system. Even people who do not engage in most gambling or gaming activities will occasionally buy a lottery ticket. In fact, a winning lottery ticket is the dream of most Victorians — including most MPs in this house, I guess. But what people want to have guaranteed is that the lottery process is scrupulously clean and fair. They want to make sure that future lottery arrangements continue to build on the strong regulatory tradition that we have in place and they want to ensure a fair return to the government and a fair deal for the punter. This legislation achieves these two objectives and I commend it to the house.

Mr PANDAZOPOULOS (Minister for Gaming) — I want to thank the members who have contributed to the important debate on public lottery licences here in Victoria — the Leader of The Nationals, the members for Bass, Prahran, Morwell, Mornington, South-West Coast and Mitcham. I remind members why we are doing this. We are doing it because there was a national competition policy review, part of federal government policy, that was commissioned by the previous government. When I became the minister back in October 1999, that report had been commissioned by the previous minister. In the year 2000 the report came down and it said that it was anticompetitive to have a single exclusive monopoly licence. Whilst it might have been suitable at the time, many years ago, to have an exclusive licence, things have changed and the test had to change. The test had to be competition.

That was the principle which we accepted. We accepted that competition is what should drive government decisions and there should be very special reasons if exclusive benefits, that could be seen as being anticompetitive, were provided to only one operator of one business from any government action or licensing.

It is a very important principle. It is also very important to note that the other side's national government has threatened to withhold federal financial grants to the state unless we abide by national competition policy. The federal government put us on notice about this particular section. So obviously when reviewing our licences we chose — the licence for Tattersall's came up in 2004 — not to disadvantage the state but to extend that licence for three years to 2007 in an attempt to be able to set up a national lottery market. The year 2007 is important, because it is when New South Wales comes up, and Queensland comes up in 2008.

Since that time other jurisdictions have not pursued a national lottery market, and for us the fact that we have committed ourselves to competition is still the most important thing. I know during debates members on the other side can make glib and easy shots, and the member for Bass was one those. The member for Bass referred to the high tax rate. The tax rate is no different to when the opposition was in government. Then the member for Bass linked it to the so-called dependency of government on gambling taxes. Five per cent of our revenues are gambling taxes. I know it is a cheap, easy shot, and anyone can do it. The media criticises us, community groups criticise us but at the end of the day when you have got a legal product you must tax it.

Gambling taxes around the world are generally high-taxed products. If you do not tax them highly, the community does not benefit. The only beneficiaries are the companies, and they have the specific privilege of being given licences by government. The test we have is very important. While Tattersall's has a very good brand name and a very good reputation, at the end of the day when licences are up for grabs the only fair test is competition and getting the best value for Victoria. What we have announced as part of this lottery licensing review is all about getting the best results for Victoria. We have said that we will have either one exclusive licence or up to three other licences. The reason for that is we need to test the marketplace. We want to be able to test exclusivity versus competition and have a look at who is providing the best value and under what model.

We acknowledge that many have said that lotteries are a monopoly. The only other part of Australia which has more than one operator is the Australian Capital Territory, where Tattersall's and New South Wales Lotteries operate. Every other state has one operator, and they all happen to be public operators. We have the only private operator, so Tattersall's has another special privilege in Victoria. At the end of the day we have to abide by national competition policy.

I want to address a couple of the points raised by members. The member for South-West Coast mentioned footy tipping, but that is not part of this. Footy tipping does not come up for review until the wagering, gaming and Keno review.

Dr Napthine interjected.

Mr PANDAZOPOULOS — No, it excludes footy tipping from the definition.

Dr Napthine — No, it says it here.

Mr PANDAZOPOULOS — If the member reads the bill, he will see that it is a separate process. Nevertheless the only thing I can say about footy tipping is that at the end of the day the government earns revenue from a product and that that goes back to the community. This revenue did not exist before. At the end of the day the government does not wear the risk in any of this. The lotteries are operated by private companies, and private companies should be making their own decisions about the way they run their businesses.

The member for South-West Coast also talked about getting the best value for Victoria. He referred to what he claims will be windfalls. We want the best value, and competitive processes provide that. He seems to think that the best value is about the amount of dollars the government gets, and he wants that money to go to regional Victoria. That is fair enough, but members on the other side of the house need to work out as an opposition what they want to do with the money from licences. They are also saying that they want what they claim will be windfalls to be used to fund the Mitcham–Frankston project and remove the tolls from it. I know the member for South-West Coast is competing with the Leader of the Opposition in the leadership stakes, but they cannot have their cake and eat it too. They want to reduce the number of pokies, they want to take the tolls off the Mitcham–Frankston, and they want to fund projects in regional Victoria. They might be able to pull a rabbit out of a hat, but I doubt it very much. They need to work out what they want to do rather than taking cheap shots.

I guess the most important issue raised by members on the other side was the circulated amendments. We cannot accept the amendments for very good reasons, which I will explain to the house. The reality is that the first amendment would not provide an equal playing field for all prospective bidders. This bill removes any impediments to prospective bidders. If you want competition, you cannot say the rules are weighted in favour of one company or the incumbent. I know it is

hard on the incumbent, but the reality is that is not the right or fair thing to do.

We have said that these companies do not have to have their head office operations here in Victoria, because that requirement would lock out other businesses. We have also said that companies should not be prohibited from bidding for lottery licences if they have a wagering licence or another gaming licence. We want the best value, and that only comes through competition and removing impediments. The first amendment circulated by the opposition does not provide that equal playing field. Inadvertently it gives a benefit to the existing licence-holder, and that is not right.

Mr Smith interjected.

Mr PANDAZOPOULOS — It is about commercial information. The policy is about being able to provide information to bidders. At the moment the benefit the existing licence-holder has, which has been given as a privilege by government, is that it has information about a national lottery market. It is very important that we make information available under very strict conditions and under confidentiality arrangements, and that is not unreasonable and not uncommon for governments to do. We want to provide an equal playing field for the prospective bidders by giving them information about a national lottery market which the existing operator already has the benefit of, thanks to the people of Victoria. That information needs to be dealt with in a confidential way. The member is suggesting tabling that information in the house, but that is, firstly, against the interests of the existing operator in some regard, and secondly and most importantly, against the interests of getting best value for Victoria.

It is fair to have all the accessible information made available, and I have to apply that test. It is a test which is available in similar legislation in every other state but Victoria, whereby a minister can make a judgment about the release of that information. I have entitlements under the act in other areas to have information made available to me so I can make the best judgment in the interests of fairness and in the interests of Victorians. It would not be appropriate to table all that information in the house, as that could disadvantage lottery providers in the short term and in the future. It is information that should be dealt with, for very appropriate reasons, in a commercial-in-confidence way.

The proposed amendments are a deliberate attempt to delay the licensing process. We have already gone out to the marketplace to outline the stages of the process. I

was very disappointed to have these amendments brought to my attention at 5 minutes past 6, given that the Liberal Party had its shadow cabinet meeting on Monday. My principle is always to give the other side an opportunity to be briefed as early as possible. I want to continue that, but I do not appreciate being told that there are opposition amendments just before the bill comes on for debate in the house. I was told they were not bad amendments, but when you look at what they do you see that they give an advantage to the incumbent and sabotage the whole licensing process. If you do not ensure confidence in the licensing process and people do not apply, you are providing an additional benefit to the incumbent, and you do not get the best value.

More importantly, the foreshadowed amendments remove the no-compensation provision. We have a provision in the bill that says that the current operator should not be able to be compensated if its licence ends in 2007 when it has been given an opportunity to get an exclusive licence over a long period of time. The existing operator has benefited for the many years of the licence period. Who is advantaged if we remove the compensation clause? The answer is the incumbent. At the end of the day the incumbent might win or might be one of the licensees, but my job is to do the best thing for Victoria, to get the best value and to provide a level playing field to encourage as many serious investors as possible.

This information will only be made available when I am satisfied that at the end of the day it is wanted by serious bidders, not just anyone. Serious bidders will have access to this information, because the national lottery market is where the money is. If bidders do not know how that works, they are not going to provide the best bid, and then you do not have a competitive system. That is why the government cannot support these amendments. They are an attempt to sabotage and an attempt to provide an advantage to one potential operator versus others. I will not be part of that.

The member for Eltham raised the importance of probity and integrity in the licensing process. This is what has been exercising my mind and those of the people in government who are part of the panel advising me. This is only one of the tests, and maybe it is the easier thing to do. In future we will have other licences for wagering and gaming machines. They will be big decisions as well, but we have to get this one right in order to get the future ones right.

I want to thank all the members who have contributed to the debate. As I said, this bill is very important in setting a level playing field and getting the best value for Victoria. We will have ongoing licences for lotteries

in Victoria. The current operator has strong integrity and has delivered a very good product, but we need to be fair to others. When your licence is up it has to be open to the marketplace. That is what this bill is all about.

Motion agreed to.

Read second time.

Consideration in detail

Clause 1

Dr NAPHTHINE (South-West Coast) — Clause 1 refers to the application process for a public lottery licence. In the second-reading debate the member for Eltham tried to rewrite the history of the issue of the casino licence. In his Labor Party rewriting of history, the member for Eltham forgot to tell the Parliament and the people of Victoria that the legislation setting up the casino in Victoria was enacted by the Kirner government. All the provisions about the selection of the casino licence-holder were established by the Kirner government. The actual panel that went through the selection process was appointed by the Kirner government and was not changed in any way, shape or form by the incoming government.

Mr Pandazopoulos — On a point of order, Speaker, in the general opening debate for the bill, we have some leeway, as has been noted. When we are in the consideration-in-detail stage we are very specific about clauses. This is a clause about the purposes of the bill, which is about setting up lottery licences. It is about lotteries, not about anything else. I suggest that when we are in the consideration-in-detail stage we specifically stick to the narrowness of each clause. This clause has nothing to do with casino licenses or casino legislation. It is all to do with the purposes of this bill, which is about lottery licences.

Dr NAPHTHINE — On the point of order, Speaker, clause 1 refers to the purpose of the bill and includes:

- (h) to amend the process for applications for a public lottery licence ...

In the second-reading general debate we heard the minister say that an integral part of the application process was probity and that examples from the past were very important when referring to the probity of the application process. That is what the minister said when he was speaking on a point of order in defence of the member for Eltham. He has now done a 180-degree turn and is trying to say that we cannot talk about the probity of application processes. Therefore I would

argue that this point of order is irrelevant. The contribution I am making is absolutely relevant to subclause 1(h) regarding the purpose of the bill.

The ACTING SPEAKER (Ms Lindell) — Order! There is no point of order at this time, but I remind the member for South-West Coast that this is not the second-reading debate. We are in the consideration-in-detail stage and we are speaking about clause 1. I would like him to address clause 1.

Dr NAPTHINE — I am addressing subclause 1(h) and the need for the process of applications to have the highest probity and be of the highest standard. I am addressing the matters raised in the second-reading debate on the probity issues that were raised particularly by the member for Eltham who raised various concerns about probity issues. He was trying to rewrite history. He neglected to say that the process for selection of the casino tender was established by the Cain and Kirner governments and implemented by the Kirner government. On top of that, in 1999 the Labor Party in opposition said it was going to have a royal commission into the process when it came into government.

When it came into government it looked at the process and all the documents in detail and found the process was absolutely squeaky clean. There was no royal commission, inquiry or other process because it was absolutely squeaky clean. Now the member for Eltham and the minister at the table are trying to denigrate that process and make implications about the probity of that process. They are trying to rewrite history according to the Labor Party factional handbook.

Clearly the issue is that we need to have a proper process. We need to have probity in the process. We need to have a process which is as squeaky clean as the casino tender process was under the previous government.

Clause agreed to; clauses 2 to 10 agreed to.

Clause 11

Mr SMITH (Bass) — I move:

1. Clause 11, page 8, after line 27 insert —

- ‘(4) Before the Minister discloses any documents or information under sub-section (3), the Minister must cause a statement in writing containing details of those documents or that information to be laid before each House of the Parliament.’.’.

Can I say that the minister has just said he is prepared to reveal to other organisations and companies the

private and confidential information that he is going to force out of Tattersall’s — to provide it to and make life easier for other people who are competing for the licence that Tattersall’s is competing for.

Over many years Tattersall’s has been prepared to put its money and games at risk to try to get in place a process that will enable it to run particularly the lottery blocs around Australia. In fact it was the one that harnessed and came up with the idea. It was the one that put everything at risk. We now have a minister who has stood at this table tonight and said, ‘The reason that we want this left in is so that we can force Tattersall’s to give its confidential information over to the minister so he can hand it out to other people that are bidding for exactly the same thing that Tattersall’s is bidding for’. Tattersall’s has built up this information over a lot of years. It is really not in a position where it should be forced to hand over that information to allow the minister to do it.

The minister has in fact already been to Tattersall’s and said, ‘I want that information’. And Tattersall’s has said, ‘No. It is commercial in confidence. It is our information. We have generated it. We are the ones who got this lotto bloc going. We are the ones who are the owners of this intellectual property, which is the Tattersall’s lotto bloc’. This minister is going to try to force Tattersall’s to hand it over.

In moving this amendment the opposition is saying that before the minister can reveal anything he has to come back to both houses of this Parliament and put the general information before them without revealing all the confidential information. I am saying that it is not fair that the minister should be forcing this upon any company. This is just lunacy — absolute lunacy. Will anyone believe what this government says with regard to commercial-in-confidence matters? When companies deal with this government will they believe what it says? How could they ever trust this government with any sort of confidential information on making their companies run profitably and properly?

As I said, Tattersall’s has built its business up over many years, yet by drafting a piece of legislation this government is going to try and force the company to reveal its confidential information. It is wrong. I suppose this is the way the socialists work and the way this government works. It is wrong, and opposition members want the minister to take the amendment on board and allow these people to keep their information private and confidential. If we allow competitors, then let them go and work out how much it is going to cost them. Let them work out how much the split is between each of the states. Let them work out how much the

split is with the overseas companies that Tattersall's deals with when it runs the lotto bloc.

The minister should be fair dinkum about it. He should not do this to Tattersall's, because no-one who deals with this government in the future will ever trust him again with anything they gave him in confidence.

Mr PANDAZOPOULOS (Minister for Gaming) — Let this Parliament record that in one of the most important tests there is about a major gaming licence coming up for renewal, opposition members are doing the bidding of the incumbent. Let the house record this. I cannot believe that this free enterprise mob is against competition.

Mr Smith interjected.

Mr PANDAZOPOULOS — The reality is that you have no competition if you do not provide information to the prospective bidders. If the member was serious about this amendment he would not have brought it to us at 5 past 6. He would have raised it with me after the shadow cabinet meeting on Monday. He would have said, 'We have some serious issues with this clause. Can I have an additional briefing with the government's lawyers about this matter?'. He would have understood that this is about the national lottery bloc. Clause 11 of the bill refers to information or document that:

... relates to any arrangement or agreement between the licensee and one or more parties in ... any other State or Territory or another country in respect of the operation of public lotteries under the licence ...

It is about the lottery bloc. It is not about some of the other commercial arrangements such as how Tattersall's runs its technology as part of the national lottery bloc or its marketing strategies. It is about its written agreements. At the end of the day you can have up to three operators in Victoria that can all be part of the national lottery bloc, because business is not driven with lotteries unless you are part of a national lottery bloc — in other words, unless you are part of a bloc that maximises the return for players. That is what Tattersall's does at the moment. It is not about revenue that is obtained in Victoria, with some of it going back to people taking out lottery products. It is about combined revenue obtained from around Australia.

There is an opportunity to have a situation, as there is in the Australian Capital Territory, where you have two operators that are part of the national lottery bloc. And guess what? Tattersall's has that information. It has that information from the other states and it can actually be one of two companies in the Australian Capital Territory. What the opposition is saying is that any

other prospective bidder should be denied the opportunity that Tattersall's had in the ACT to be one of two lottery operators. How ridiculous!

At the end of the day, as I said, this is about a fair and evenly weighted competitive process. That is the obligation I have to this state as minister, and I am absolutely amazed and flabbergasted at what the opposition is proposing. No wonder the member for Eltham made the accusations that he made, as others have done in the past, about how the other side has dealt with licences. We deal with these issues very seriously, yet here in the house and on the public record opposition members are doing things that any student of law 101 at any university would be able to tell you automatically disadvantages the majority for the benefit of the incumbent. I honestly cannot believe it. That is why the government is opposing the amendment. We are for the public interest. Opposition members are for whatever — who knows?

Mr CLARK (Box Hill) — The minister has come forward with an enormous amount of mock outrage on this issue. What he fails to acknowledge is that the amendment being moved by the opposition spokesperson is not to prohibit absolutely any disclosure of information as part of the tender process; it is to require the minister and the government to be accountable for what they do. It is to require the minister to tell the house what it is that the minister proposes to make public and to give the house the opportunity to say that that is not acceptable.

This government came to office on a platform of being accountable to Parliament, but when the minister is asked to be accountable to Parliament he does not want to be. He wants to resist any form of democratic process and any form of democratic check or balance on his entirely unfettered power. The minister says, 'We only want to obtain some information to make it public in relation to the lotto bloc', but the very provisions of the bill that the minister quoted to the house make it clear that the minister has a far more sweeping power than that. For example, the minister could require Tattersall's to disclose, and the government could then make public to all other bidders information such as the entirety of the contractual arrangements which Tattersall's has with each of its franchise outlets.

That is entirely within the scope of the wording of paragraph (a) that the minister quoted. Indeed just about any piece of information that Tattersall's possesses would seem to fall within the specification of an arrangement or agreement between the licensee and one or more parties in Victoria or in any other state or

territory or another country relating to the operation of public lotteries under the licence. In fact I challenge the minister to nominate an agreement that might be possessed by Tattersall's that does not fall within paragraph (a), so this is an extraordinarily broad provision.

The minister puts the argument about openness of competition. What the minister needs to understand is that the rule of law and the stability and foundation upon which a flourishing free-market system can operate require confidence in property rights.

Mr Andrews interjected.

Mr CLARK — If you do not have that confidence and if any person's property rights are subject to arbitrary confiscation by the government, that puts you in a Third World situation, and when the honourable member talks about sovereign risk he is absolutely right. It is a form of sovereign risk. It is the same as when you arbitrarily impose a surcharge on gaming machines starting at \$333 and within a few years it has risen to \$3033. It is the same as when you whack on a parking tax out of left field and deter people from the possible future construction of parking stations. It is the same as when you increase land tax manifold times and you hit people who go into a business with one expectation and then end up with a burden many times higher.

All of these things that affect the stability and certainty with which people can plan undermine the confidence they have to invest and make decisions. If you hit one entity with this sort of left-field confiscation of their intellectual property, then that undermines the confidence with which all investors and all businesses in the state can operate. These are matters that have very profound ramifications for the stability and desirability of Victoria as a place in which to invest and do business. They also have ramifications for how accountable to this Parliament the current government wants to be. On both those scores the government fails by opposing this measure. If the minister is fair dinkum, I urge him to reconsider this amendment, to look at it on its merits and to support it.

Mr LUPTON (Pahran) — The opposition in this debate claimed to be seeking to protect the confidential information of companies, but what its amendment seeks to do is commit the very error it says it is against.

The proposal that prior to disclosing any documents or information under subclause (3) the minister must cause a statement in writing containing details of those documents or that information to be laid before each

house of the Parliament is precisely the very thing we cannot afford to have happen. What this legislation seeks to do in clause 11 is provide a mechanism whereby organisations that are part of the tendering process are able to obtain the requisite information to make a proper bid on a fair and level playing field with the incumbent licensee. It is not a proposal and it is not part of this legislation that that information be disclosed and put into the public domain. It is information that is to be made available, as appropriate, by the minister to either the commission or to a party engaged as a registered bidder. That is the only way we can have fair and equal treatment for all bidders in the tendering process.

If the opposition's amendment were agreed to we would have the ludicrous situation where instead of that information being provided to those who were registered in the bidding process it would be made available to the public at large. That is precisely the sort of thing the opposition claims on the one hand to be against. Its amendment, on the other hand, would in fact bring that about. The amendment could not be supported by anybody who understood the way in which investment and these operations are intended to operate. If we agreed to this sort of amendment it would bring about the very problems the member for Box Hill was just claiming to be seeking to avoid.

The opposition does not know anything about the problems of sovereign risk — and this is another example of it.

Mr SMITH (Bass) — Let us get straight the information the minister wants. Let us read from new section 5.5.6A, headed 'Directions to provide information etc.':

- (1) The Minister may give a written direction to a public lottery licensee requiring the licensee to provide to the Minister any information or document, or any class of information or document, that is in the possession or under the control of the licensee and that —
 - (a) relates to any arrangement or agreement between the licensee and one or more parties in Victoria or in any other State or Territory or another country relating to the operation of public lotteries under the licence ...

What we are asking is about any deal that is being done by Tattersall's with people in overseas countries — because the lotto bloc goes into overseas countries and into three or four other states around Australia. How could they ever trust that this minister is not going to get his hands on information at any time in any deal they might be going to work with, whether it is with Tattersall's, Tabcorp, Crown or somebody else in an

another state that is running a lottery? How could anybody trust a company here in Victoria when you have a minister who can demand any document — read what it says in the legislation: any document is going to be able to be revealed?

We cannot afford to allow that to happen here in the state of Victoria. The government is putting Victoria at risk by doing this about commercial-in-confidence information. I cannot understand how the government can be so stupid as to allow this to happen. If members support my amendment we will get it sorted out, and sorted out properly.

House divided on amendment:

Ayes, 23

Asher, Ms	Napthine, Dr
Baillieu, Mr	Perton, Mr
Clark, Mr	Plowman, Mr
Cooper, Mr	Powell, Mrs
Delahunty, Mr	Ryan, Mr
Dixon, Mr	Shardey, Mrs
Honeywood, Mr	Smith, Mr
Jasper, Mr	Sykes, Dr
Kotsiras, Mr	Thompson, Mr
McIntosh, Mr	Walsh, Mr
Maughan, Mr	Wells, Mr
Mulder, Mr	

Noes, 57

Allan, Ms	Kosky, Ms
Andrews, Mr	Langdon, Mr
Batchelor, Mr	Languiller, Mr
Beard, Ms	Leighton, Mr
Beattie, Ms	Lim, Mr
Bracks, Mr	Lindell, Ms
Brumby, Mr	Lobato, Ms
Buchanan, Ms	Lockwood, Mr
Cameron, Mr	Lupton, Mr
Campbell, Ms	McTaggart, Ms
Carli, Mr	Maxfield, Mr
Crutchfield, Mr	Merlino, Mr
D'Ambrosio, Ms	Mildenhall, Mr
Donnellan, Mr	Morand, Ms
Duncan, Ms	Munt, Ms
Eckstein, Ms	Nardella, Mr
Garbutt, Ms	Neville, Ms
Green, Ms	Overington, Ms
Haermeyer, Mr	Pandazopoulos, Mr
Hardman, Mr	Perera, Mr
Harkness, Mr	Pike, Ms
Helper, Mr	Robinson, Mr
Herbert, Mr	Savage, Mr
Holding, Mr	Seitz, Mr
Howard, Mr	Stensholt, Mr
Hudson, Mr	Trezise, Mr
Hulls, Mr	Wilson, Mr
Ingram, Mr	Wynne, Mr
Jenkins, Mr	

Amendment defeated.

The DEPUTY SPEAKER — Order! Although the member for Bass has circulated amendment 2, it is inadmissible because it requires an appropriation message.

Clause agreed to; clauses 12 to 15 agreed to.

Bill agreed to without amendment.

Remaining stages

Passed remaining stages.

CITY OF MELBOURNE (AMENDMENT) BILL

Second reading

Debate resumed from 21 April; motion of Mr CAMERON (Minister for Agriculture).

Mr SMITH (Bass) — I rise tonight to speak on the City of Melbourne (Amendment) Bill. This bill is in regard to the application of differential rates in the city of Melbourne. We do not oppose this extensive bill of two pages! But I want to talk a little bit about it, because it is an important issue that the house should take great note of.

The City of Melbourne uses NAV, or net annual value, which is the value of the site. Most other councils use CIV, or capital improved value, which is the value of the land and any improvements that have been carried out on the land. Until now the City of Melbourne has had to get approval to change to a different rate by order in council which had to be published in the *Government Gazette*. Under this piece of legislation the City of Melbourne will have the same ability as the other 78 councils in Victoria to change to a differential rate.

The City of Melbourne has a residential rate and a commercial and industrial rate for rental properties. Under this act the difference between the commercial and industrial rate can be only twice that of the residential rate. The commercial rate is now at 5.77 per cent and the residential rate is at 5 per cent, which is a difference of about 15 per cent, so it can most certainly change the rate if it wishes to. The house should also note that the other 78 councils can charge up to four times the residential rate whereas the City of Melbourne is now restricted to two times the rate.

Since the election of the Bracks government in 1999 — the house should take note of this — council rates across Victoria have risen by approximately 10 per cent

per annum. In fact the Auditor-General's report shows that they increased by about 11.6 per cent. The council has been forced to increase rates to this outrageous extent because of the cost shifting by the government. A reduction in rates and the forcing of further responsibility onto local government is costing the ratepayers an awful lot of money.

Also the government itself has levied certain charges, of which we are all very much aware and which are costing ratepayers additional funds. I heard our shadow Treasurer recently talk about the budget and the way this government has slugged local government. It is no wonder rates have gone up some 10 per cent a year. There has been a lot of cost shifting in recent times.

Neighbourhood houses and community centres across our state are in a very difficult position, having now been shifted from one government department to another and from the housing portfolio to the local government portfolio. That happened about six weeks ago, without any consultation whatsoever with the neighbourhood house or community centre people. That is going to cost them additional funds. I think each and every one of us here, certainly on the opposition benches, have been inundated with calls from community centres and neighbourhood houses asking us to try to get something going to relieve them a little of the financial burden that has now been thrust upon them.

For 30 or 40 years these groups have worked very hard in our local communities on building up individuals' capacities, on inclusion, empowerment, community in action and social cohesion, and on providing lifelong community pathways into education and employment for some of our community people who need that bit of help. Our neighbourhood houses and community centres have been working with these people to provide that help, but now we are finding that they do not have enough time or money to give people the supervision they need. They do not have the resources they had under previous governments because of the cost shifting that has gone on under this government and the way it deals with people.

It is not as if this government does not have the money to assist local government with some of the funding. The Treasurer has spoken about, and we know this government has received, an additional \$650 million from the GST, but none of that has flowed onto local government. None of it has gone to the hardworking people in our neighbourhood houses and community centres. I think the government should at least give some consideration to assisting those groups and organisations.

There have also been problems with grants and transfer payments to local government. They are going down all the time, sliding down the slippery slope to the stage where the value of some of them is just not worth it. The Minister for Local Government claimed there would be benefits worth about \$43 million over four years in pensioner rate concessions. She said they were going to increase by about \$25 per head, which sounds fine; but in reality, of course, it will not be an extra pool of funds for local government. It will simply replace the concession that has already been granted. Meanwhile we have to remember there are about 800 000 pensioners who have been slugged with an extra \$78.50 in motor vehicle registration fees, and that is hitting at some of our most —

Dr Napthine — Vulnerable.

Mr SMITH — It is hitting some of our most vulnerable people within our community — our aged people — who are not in a position where they can just find an extra \$80 per year.

The minister claims that councils will receive \$68 million from the Victorian Water Trust for water supply and infrastructure projects. That is not true, and when the minister mentions that, she fails to mention that she will be slugging water users — that is, the ratepayers, the same people — with a 5 per cent tax on any water that is used. That will collect some \$200 million. So the government is giving with one hand and taking back with about six as much money as it can possibly grab from ratepayers.

The Minister for Local Government claims that a \$5 million payment will help councils develop a system to make it easier for community organisations and the local government sector to access grants through her department. Now hang on. Why not just make it easier for the councils to do that? They are being thrown about \$5 million supposedly to make it easier. You have to wonder whether the bureaucracy has gone mad. Why do they not just make it easier? The government does not have to throw in that extra money and make some of these grants freely available to the councils.

The minister claims that the \$7 million extra in home and community care (HACC) funding is good news for local councils. Meanwhile council contributions for this program have increased from 20 per cent in 1999, when this government came to power, to anything up to and over 30 per cent now. That does not seem fair. This is cost shifting that is costing the same ratepayers an additional amount of money, and of course that flows on to the people in Melbourne and to the people who

are affected by the changes to the legislation being put forward by the government.

We do not oppose this piece of legislation, but I can only hope that the government becomes more caring in the way it deals with local councils so that ratepayers do not continue paying through the nose as they currently do.

Mrs POWELL (Shepparton) — I am pleased to speak on this piece of legislation as The Nationals spokesperson on local government and to say that we will not be opposing it. As the member for Bass has said, this is a very small bill, but it has one specific purpose — that is, to amend section 28 of the City of Melbourne Act 2001 to remove the requirement for the Melbourne City Council to apply for an order in council to allow it to use differential rates.

The City of Melbourne currently uses the net annual value (NAV) rating system and therefore cannot automatically charge a differential rate but has to apply to do so. The only rating system that automatically has that right attached to it is the capital improved value (CIV) rating system under section 161 of the Local Government Act 1989. The bill also provides that the highest differential rate must be no more than twice the lowest differential rate. However, section 161 of the Local Government Act provides that a differential rate on CIV must be no more than four times the lowest differential rate. The reason for this change is that NAV is seen as a very different rating system to CIV and is calculated very differently.

For non-residential properties Melbourne currently averages between 7 per cent and 8 per cent of CIV. The passing of this amendment will mean that the City of Melbourne will now not have to spend time, valuable assets and administration costs in each year going cap in hand to the government, asking to be allowed to apply a differential rate. That will obviously benefit City of Melbourne ratepayers and residents.

Currently the City of Melbourne has two differential rates rather than one general rate — the residential rate, which is 5 cents in the dollar of NAV; and the non-residential rate, which is 5.82 cents in the dollar of NAV. There was a concern that if no differential rate were set and it was just a general rate, there would be a very substantial shifting of the rate burden onto home owners. As a ratepayer of the City of Melbourne I am really pleased to see the council using that differential rate so there is not a burden on home owners. I actually support the use of differential rates.

To get some comment on this bill I spoke to Mr Paul Ferguson, a senior valuer with the Melbourne City Council. I also spoke to Mr Peter Walsh from the Municipal Association of Victoria, Mr Cameron Rowe, of the Victorian Local Governance Association, and Mr Ross Millard, from the Department for Victorian Communities. The 79 councils across Victoria can use three different rating systems, and their use varies from council to council. At the moment most of them — 72 of the 79 — are on the CIV rating system, and that means they can use the differential rate system as of right without having to go to the government. But they must make sure the differential rate is put to the community and that the community supports it.

There is only one council in Victoria, Monash, which uses site value, and there are six which use NAV — the Melbourne City Council and the councils of Port Phillip, Maribyrnong, Yarra, Glen Eira and Whittlesea. I have had some experience in local government as a councillor and commissioner, so I understand those rating bases, and I know the member for Bass was also a councillor. Obviously we have had some experience with trying to manage budgets and comply with the legislation while also raising enough funds to build new assets in a municipality, maintain those assets and provide services to the ratepayers and residents.

We also had to very quickly learn the differences between those rating systems. The capital improved value is the market value plus any improvements on the property. That is seen as fairer, because it better matches the wealth of the ratepayers and their capacity to pay. Site value is the value of the land without any improvements, and net annual value is the rental value of the property, which for a residential property is a mandatory 5 per cent of the CIV but which for a commercial or non-residential property is based on the annual rental value that the owner would expect to receive if the property were leased. So there are three very different rating systems, and all of those councils have determined with their communities what rating system they can expect. As I said, the Melbourne City Council is one of only six councils that use NAV. In fact, the Melbourne City Council is the only council that can use a differential rate on an NAV system of rating — but again, it must get approval from the government.

As I have said I have prepared a number of budgets. I think there were about four — three as a councillor and one or two as a commissioner. There are a number of processes that councillors and officers have to go through when they are determining their budget. They consider the budget proposals, and as anybody in this place who has been a councillor or commissioner will

know, they go to budget day with their wish lists. For example, a ward councillor will go along with what they want to see in their ward, whether it is a road, a park, some maintenance or whatever. The officers and their chief executive officer, obviously, also go there with their wish lists.

The councillors look at that and determine what will go into the budget, and then they approve it. Then they prepare it for public consultation and comment. They put the budget out for community consultation and allow for submissions. Members of the community can then either approve the budget or say that they do not agree with what the council or the officers have determined. The council considers all those submissions and adopts or revises the budget as it sees fit. Then it determines the rate rise which will allow it to increase — never decrease — the rate limit. I know that the Melbourne City Council has one of the lowest rates in Victoria. It has a 2 per cent rate increase, which is under CPI and is a very responsible budget.

During the amalgamations in 1994 a number of councils were encouraged to use the CIV rating system because of their being able to use a differential. I was a commissioner with the Shire of Campaspe, which saw five councils go into one. A number of those councils had different rating systems. A number used site value, and a number were on NAV. Going to the CIV rating system meant there was a huge increase in some of the rates that some people had to take on board. So we had to model and work out whether, if we used a differential rate, what areas in the municipality would be burdened by a bigger increase and whether that was fair. So differentials have been used for a long time and are seen as an appropriate means of taking away the rate burden in specific areas of the municipality.

It is also used to encourage development. If you have an area that you would like to see businesses or development coming into, you would be able to lower the rates to encourage more development in that area. It is seen as a very positive way of encouraging development in a municipality.

The city of Melbourne is unique. It is our capital city, and we are all very proud of it, but it is also unique in its election process as well as its rating process. The Lord Mayor and the Deputy Lord Mayor are popularly elected, and that is unique amongst councils in Victoria. The election of the seven councillors is by proportional representation, which is also unique, although at the next election other councils will be able to use that system as well. There were many candidates in last November's City of Melbourne elections. I think there were 21 teams for Lord Mayor and Deputy Lord

Mayor. John So was elected as Lord Mayor for the third year, having first become Lord Mayor in 2001.

As Victoria's capital the city of Melbourne provides many services for the residents and ratepayers, but more than that it is a city that attracts tourists from right around Australia, right around Victoria and right around the world, so ratepayers and residents cannot be expected to provide the rates raised for the benefit of the visitors who come here. The City of Melbourne has a very big job to do in making sure that its ratepayers and residents have appropriate services and appropriate infrastructure, but it also has to make sure that visitors and those who want to do business in Melbourne are able to do so in a commercially viable way.

The population of the city of Melbourne is 54 000. It has a budget of about \$119 million and, as I said earlier, there is a 2 per cent rate increase, which is very conservative for Victoria. It has many sporting facilities that have to be maintained, upgraded and built upon to provide for Australia's main events, not just for the people who live in this beautiful city. It is a mecca for the arts and for different cultures around Australia and also around the world. It has some of the best theatres in Australia and some wonderful parks and gardens, and it is a great tourist destination for the rest of the world to come to. The city of Melbourne is very important to the state of Victoria. It also has a large business, commercial and retail sector, and again we have to encourage people from around the world, so Melbourne has to market itself.

The rates are not just used to benefit the people of Melbourne; they are used to benefit the people of Victoria, and we need to make sure that the impost is not just on the ratepayer. The ratepayers have a number of services such as garbage collection, recycling, drainage, car parking and construction of roads, footpaths, bridges and so on, and areas like the Yarra River and many of Melbourne's icons need to be upgraded and maintained to an Australian standard. Of course we have the wonderful Commonwealth Games that are going to be held in Melbourne next year, starting on 15 March, when the eyes of the world will be on Melbourne. This is going to be wonderful.

Melbourne has to be in pristine condition. The council has to make sure the city runs smoothly with its public transport, its parks and gardens and the services it provides. It has to make sure it is a clean city. We have to ensure that all those services are up to the mark, because through the media the eyes of the world will be on us, not just for the visitors but also for the competitors who come here before the games. We have to make sure that they feel welcome in the city of

Melbourne and also that the services here meet the demand not just for this year but for years into the future.

It is always contentious when you are raising rates. People often say that the value of a property is not the best measure by which to raise rates, but they are not sure which is the fairest way. People say that although they have a decent property they still do not get the services, and particularly in country Victoria people say that they may pay for services but they do not get the services that some of the urban areas get. That is a very contentious issue and one that keeps raising its head, but we still have not found the fairest way of raising rates and being able to provide services, because how much a person pays should not really depend on the value of the property they live in or work from, but neither should it be a case of user pays. We have looked at the notion of user pays with libraries, home help, home handymen and all those services. Obviously the most vulnerable use those services and perhaps older people who no longer have an income that is as flexible as the incomes of people who are in the work force. We have got to find a fair and equitable way of raising rates without it being a burden on our ratepayers.

I went through the 2004–05 budget for the City of Melbourne. It is a really interesting document and a document that is made available to the public. The Local Government Act expects the council to make sure that when it raises rates it makes the budget available to the community. I will just refer to a few of the issues. It says:

The city's population has shown a consistently strong average annual population growth of 5.2 per cent over the six years to June 2002. In the 10 months to April 2004 the number of residential dwellings in the city has increased by 9.3 per cent. This has led to increased demand for council services and infrastructure. These have been accommodated in the budget.

It goes on to say:

The budget delivers a statement of performance surplus of \$6.083 million ... The city currently enjoys a AAA credit rating by Standard and Poor's and has since March 2000.

Total revenue has increased by —

just over \$3 million —

from \$222.814 million to \$225.824 million, which is a 1.4 per cent increase.

It goes on to say that the budget includes a general rate review of properties which happens every two years. The residential rate in the dollar has been decreased from 5.77 cents to 5 cents, and the non-residential rate in the dollar has decreased from 6.54 cents to

5.82 cents. The increase in rate revenue is attributed to the continued strong growth of the municipality over the previous year. It talks about some of the fees and charges and says that moderate fee increases in some services reflect either the mandatory rises as a result of state legislation or moving the fees closer to cost recovery of the services that are provided.

This is really important because, particularly in country Victoria, the services that are provided to ratepayers on behalf of the state government are not always provided at the appropriate amount because of some of the additional imposts on rural councils such as the cost of travel and so on. People are trying to provide a service, but they have to travel a lot to do so. If it is home help or home handyman or Meals on Wheels, those costs are not factored in, and I think that needs to be looked at. This is cost shifting from the state government where local government is providing a service that the state government has asked it to provide.

The document talks about the council works program of almost \$50 million, and that is a really big capital works program. It gives notice of intention to declare a differential rate:

At its meeting on 27 May 2004, the council resolved to give public notice under section 223 of the Local Government Act 1989 of its intention to declare a differential rate for the financial year 2004–2005.

It goes on to talk about what the differential rate will encompass:

Submissions in respect of the declaration of a differential rate will be considered in accordance with section 223 of the Local Government Act ...

Section 223 talks about dealing with the right to make a submission and council's obligations under that act. The Nationals think that in effect this legislation makes sense as the City of Melbourne will not have to keep going back to the state government to determine whether it can use the differential rate and get approval for it. It is important that the City of Melbourne is allowed to strike a differential rate rather than a general rate and therefore The Nationals do not oppose this legislation.

Mr LIM (Clayton) — I rise to speak on the City of Melbourne (Amendment) Bill which amends the City of Melbourne Act 2001. It makes two significant changes to rates as they pertain to Melbourne City Council, and I will elaborate on each change in some detail.

Firstly, the bill removes the requirement for an order in council to be made to charge differential rates when

Melbourne City Council uses its present system of valuation, called the net annual valuation system. To fully understand the essence of this change it must first be understood what is meant by differential rates and the net annual valuation (NAV) system of rate determination. Apparently many speakers before me have been into the detail of these two terms.

However, 'differential rates' is simply the term used to describe a system of applying differing rates for different types of land, which can be distinguished using a number of criteria — for instance, the use of the land, the geographic location, zoning or even the buildings on the land. The other term, the NAV system of valuation, describes a system in which the rates are based on either the reasonable annual rent obtainable from the property minus necessary expenses or 5 per cent of the capital improved value of the land, being the estimated sale value of the land if sold unencumbered.

So what does this bill do? It effectively ceases to require Melbourne City Council to apply each year to the Minister for Local Government to recommend an order in council be made to raise general rates by the application of a differential rate.

This brings me to the second significant change made by this bill, which puts limits on the first change that I have just outlined. In order to safeguard against the remote possibility that Melbourne City Council may inadvertently, or even inappropriately, seek to overly raise the rate burden in the commercial or industrial sectors of the municipality, the bill places a limit on the rate differential that can be used on those parcels of land. Therefore, when using the NAV system of land valuation, Melbourne City Council cannot raise the differential by more than twice the lowest differential. This protects against any attempt to overload the rate burden onto some sectors of the municipality, yet respects the inherent differential between residential and commercial properties rated on NAV.

At present, the NAV for residential properties is set by law at 5 per cent of the capital improved value, whereas for commercial properties using actual NAV it averages to about 7 per cent to 8 per cent of capital improved value. This safeguard of ensuring that the highest differential cannot be more than double the lowest differential is therefore very much in step with the current differences between residential and commercial land yet it allows for some rate movement should the council consider it appropriate.

So what is the significance of this change and why should Melbourne City Council have such a high level of autonomy and discretion compared to other

councils? The reasons are varied and many. I will limit myself to the salient points. The Bracks government has never been in the business of government for government's sake. It has always recognised that streamlining of processes, protocols and procedures is fundamental to the efficient running of government, even if it means having to pass on functions and empower another level of government. Local government is a distinct and essential tier of government and should be responsible for its own rating strategy, as this bill allows for Melbourne City Council.

These changes, though seemingly small, will reduce costs to Melbourne City Council by removing the extra administrative burden of requiring an order in council. Such an order has, by the way, been recommended by the Minister for Local Government and made by the Governor in Council every single year since differential rates have been applied by Melbourne City Council. Having the current administrative requirements in place is unnecessary and they can be safely removed. This specific treatment of Melbourne City Council is based on its unique position as compared with other municipalities, even other metropolitan municipalities. Melbourne City Council is a capital city council. It has a unique make-up, with a mix of commercial, retail and residential properties, where commercial properties comprise some 65 per cent of valuations. It is consequently in the best position to determine its own rating strategy.

On top of these factors, Melbourne City Council is an essential player in ensuring that Melbourne continues to be in the enviable position of being one of the most livable cities in the world. In this regard I wish to compliment the work of the current Lord Mayor, Cr John So, and his team. He has always placed his esteem and pride for the city of Melbourne above all else. He has worked tirelessly to ensure that council policy does not stagnate but continues to self-improve and make Melbourne the true jewel of all Australian capital cities. I have hosted many foreign dignitaries and foreign delegations and every single one of them has expressed that they were genuinely impressed with the beauty — —

Business interrupted pursuant to standing orders.

Sitting continued on motion of Mr CAMERON (Minister for Agriculture).

Mr LIM (Clayton) — As I said, I have hosted many foreign dignitaries and foreign delegations and every single one of them has expressed that they were

genuinely impressed with the beauty, orderliness and splendour of this great city of ours.

With all these factors in mind it is right to remove this administrative burden and enable a more than capable council to determine its own affairs concerning rates, albeit with some inbuilt safeguards for the residents of this great city of Melbourne. I commend the bill to the house.

Mr HONEYWOOD (Warrandyte) — I rise to join debate on the City of Melbourne (Amendment) Bill. In doing so I point out that as a city of Melbourne property owner I have a pecuniary interest, but I do not intend to go into any matters related to that. Unlike the Minister for Police and Emergency Services, who lives in millionaires row, I cannot quite afford digs in East Melbourne!

Anyway, on the bill, the situation we have here with differential rating applies to the old saying, ‘One for God, one for king and one for country’, because this bill is unfortunately all about allowing a situation to arise in which so many councils find themselves, that nowadays for many of them their annual rate increase is something of the order of 10 per cent. One-third of that is necessary because of cost shifting onto councils by the Bracks government; one-third is for the inflation increase in charges based on the consumer price index; and one-third is for an increase in services.

Certainly we would hope that as a result of this legislation the City of Melbourne will not be inspired to apply the full extent possible for differential rating. That could mean that even though the one to two limit applies under the legislation, some areas in the city of Melbourne could be selected for a disproportionately high rate compared to other areas of Melbourne. That could be in equal measure for residential areas, one residential area being rated considerably higher than another residential area; it could be the difference between commercial and residential or industrial and residential.

If we want to ensure that the city of Melbourne remains a vibrant international city we need to ensure we have got a balance between commercial, residential and indeed some industrial usages so that we are a full and proper city of world standing. In that respect, of course, we would not want a situation to arise in which the commercial ratepayers in this fine city were being unfairly penalised to subsidise the residential ratepayers. I think all members would agree that we need to ensure that the balance is right. While there is a longstanding practice in the city of Melbourne to apply a disproportionately high rating regime on commercial

ratepayers, this should not be allowed to get out of kilter.

When it comes to cost shifting we all know that this state government has made an art form out of requiring the third level of government — local government — to pick up the tab for many of its initiatives, many of its so-called delivery areas — for example, by giving local governments some pilot funding, which lulls councils into thinking that this pilot funding will be carried on on a recurrent basis, and then not carrying on that pilot funding which the ratepayers expect and is necessary for that service to continue to be delivered. This has become an art form with the government by way of cost shifting.

We have concerns for the Commonwealth Games and a number of major projects in the city of Melbourne where the Melbourne City Council is being prevailed upon by the state government in an ever-increasing proportion to subsidise what really are in effect, and should be, state government projects. Increasingly we are finding pressure being applied to the City of Melbourne to dig deep into the pockets of its ratepayers to fund what should be both state government services and indeed one-off projects that the state government has traditionally paid for but is now requiring this council to pay a much higher proportion of.

While the opposition does not oppose this bill, it is with some concern that we note the potential for if not corruption then certainly an imbalance in the internal rating regime that could be applied as a result of this legislation.

Ms BEATTIE (Yuroke) — It is with great pleasure that I rise to support the City of Melbourne (Amendment) Bill. One of the features of this bill is that the Melbourne City Council has been consulted about this bill and indeed supports the amendment.

In my short contribution I want to say that I am amazed at the criticism from the other side in relation to local government, because they are the people who actually abolished local government. They actually sacked local government, and I have heard people say they are proud to have been commissioners. If the opposition is proud to have destroyed democracy in this state, then I think it should hang its head in shame.

We restored democracy to this state, and we also ended compulsory competitive tendering. We hear members on the other side saying that rates rose. What we had in this state was a rate cap and compulsory competitive tendering that ripped the guts out of local government. That is what the opposition did when in government,

and now it has the gall to come in here and say how wonderful local government is. On this bill, I think the opposition is a pack of hypocrites. I am getting away from the bill but I thought it important to record the true feelings of the opposition towards local government. It does not like local government. It sacked local government; it destroyed democracy in this state, and it should be ashamed of itself.

We are debating the City of Melbourne (Amendment) Bill, and it really does treat the City of Melbourne differently to other councils. The City of Melbourne should be treated differently to other councils because most councils use the capital improved value system of valuing land for rating purposes. Here in the city of Melbourne the requirement is different. The City of Melbourne has many features that other councils simply do not have. We have heard many people talk about the Commonwealth Games — we all know that the Commonwealth Games are going to be absolutely fantastic, and the City of Melbourne has to have all the venues ready.

The City of Melbourne is in a unique position as a capital city council. The Melbourne city councillors do a great job and I commend them for that. Melbourne City Council has a large number of commercial and industrial properties in the municipality. This bill will allow the council to continue to ensure a fair and equitable distribution of the rate burden within its municipality.

I know other members are preparing to speak, but in my short contribution I want to say how ridiculous it is for opposition members to come in here and make themselves out as the great defenders of local councils in democracy, because the truth is that they sacked the lot of them and they should hang their heads in shame for ripping the guts out of democracy. I commend this bill to the house and I wish it a speedy passage.

Mr THOMPSON (Sandringham) — In commenting on the Melbourne City Council I think it is important to note that in fact it was a Labor government that sacked the City of Melbourne, and a comment was made in passing that it could not even run a chook shed. I am also reminded — and I can hear the words reverberating round this chamber as we contemplate this particular bill — of the City of Darebin, or in the words of a former Minister for Planning, ‘the Peoples Republic of Darebin’. That was where the City of Darebin was ungovernable as a result of the caucusing before council meetings because of the conflict and the disputation between the Centre Unity, Pledge and Socialist Left factions of the ALP.

The essential comment I wish to make tonight in relation to this bill is that it amends the City of Melbourne Act 2001 with respect to the application of differential rates by Melbourne City Council. The Liberal Party does not oppose this bill before the house. The one difference between the Liberal Party and the Labor Party in relation to this bill is we would not be spending the evening debating this bill if we were in government; it would be part of an omnibus bill that dealt with wider issues than just the application of a differential rate increase.

The reasons for the Liberal Party not opposing the legislation before the house relate to Melbourne City Council’s practice of applying differential rates to land subject to net annual value valuations having effectively been applied since 1994. Currently Melbourne City Council needs an order of the Governor in Council published in the *Government Gazette* each year to apply a differential rate. By including in this amendment that the highest differential rate — that is, the net annual value — must not be more than two times the lowest differential rate the same safeguard exists as in a municipal district rating on capital improved value where the highest differential rate must be no more than four times the lowest differential rate in the municipal district.

Melbourne City Council applies net annual value as opposed to capital improved value because 75 per cent of its rate base is derived from commercial rental properties and 25 per cent from residential properties. Commercial rates are currently at 5.77 per cent and residential at 5 per cent — a differential rate of 1.1 to 1.2, which equates to 15 per cent. In broad terms this amendment is minor in nature but it will reduce the administration costs for Melbourne City Council.

Rather than regard local government as fiefdoms, as the ALP does, the Liberal Party has a number of members in this and the other chamber who have served local government wisely and well. The member for Mornington served the council in his region for some 13 years and the member for Bass served the Shire of Hastings for some 6 years. In the other chamber the Honourable Bruce Atkinson, a member for Koonung Province, was mayor on three occasions, and the Honourable John Vogels, a member for Western Province, also served in the local government area. They were local, civic-minded individuals with a purpose to make a difference.

The arenas of operation of local government include looking after roads, rubbish, recycling and rates and this bill deals with the rates side of the equation. I understand a number of other members wish to make contributions

tonight but Victorians should never forget that it was an ALP government that sacked the City of Melbourne and that the City of Darebin was sacked because it was ungovernable due to factional disputes between the Pledge, Centre Unity and Socialist Left — —

Honourable members interjecting.

Mr THOMPSON — I am being asked to move on — —

Honourable members interjecting.

The SPEAKER — Order! We would like to go home. Perhaps if the member could address his comments to the bill very briefly, we could do so.

Mr THOMPSON — I am being asked to move on at this point but one needs to move no further than last weekend's state conference of the ALP.

Mr DONNELLAN (Narre Warren North) — What a marvellous conference it was. This bill specifically amends section 28 of the City of Melbourne Act 2001 to provide that Melbourne City Council may apply a differential rate system even though it does not use the capital improved value methodology for rating purposes and most councils today use that method. The City of Melbourne uses a net annual value methodology for its rate assessments. The bill specifically protects commercial uses and does not allow a differential between one type of property and another to be more than two times the lowest differential rate. In other words, if the net annual value for a residential property is 5 per cent — that is, it provides a 5 per cent return on the capital value — the net annual value for commercial properties cannot be more than 10 per cent. This is good protection as it keeps Melbourne, and for that matter Victoria, competitive on the basis of rates applied within the boundaries of the city of Melbourne. Further, the bill ensures that the City of Melbourne does not need to approach the Governor in Council on a recommendation of the Minister for Local Government if it is applying differential rates under the net annual value system. This will remove an unnecessary burden for the council.

The net annual value method of valuation is usually calculated at 5 per cent of the capital improved value of a residential property. In the marketplace this is pretty much a typical return for a residential investor. On the other hand, the net annual value for commercial and industrial properties is around about 7 per cent to 8 per cent or a little bit higher. In most instances the rate of return on commercial and industrial property is higher than 5 per cent at somewhere around 10 per cent, with

Melbourne using between 7 per cent and 8 per cent. I commend the bill to the house.

Mr CAMERON (Minister for Agriculture) — I thank the honourable members for Bass, Sandringham, Warrandyte, Shepparton, Clayton, Yuroke and Narre Warren North for their contributions. This bill makes changes in relation to the rating system in the city of Melbourne. Although it does not actually change what occurs, it does away with the necessity of the Governor in Council being involved.

That is pretty much part of what we have been about. Local government has been empowered because we believe in democracy. We heard the honourable member for Sandringham admit tonight that in the old days, during those seven dark and bleak years, this would have been lumped into an omnibus bill. Many members would remember the omnibus bills from those years when things were just rammed through and democracy was cast to one side. In stark contrast we have been a party of democracy. We believe in democracy, including in local government and I am very pleased that honourable members opposite recognise the errors of that past regime and have agreed to this regime. I wish the bill a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Remaining business postponed on motion of Mr CAMERON (Minister for Agriculture).

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house do now adjourn.

Cowes: Western Port jetties

Mr COOPER (Mornington) — I have a matter I wish to draw to the attention of the Minister for Environment. I am asking the minister to take some action in regard to disabled access to jetties by ferry passengers. The matter relates in particular to the jetties at Tankerton on French Island and at Cowes on Phillip Island. We have a situation in Western Port Bay where on many occasions when the ferries arrive at those jetties the gangways do not work due to the high tidal movement — the incline can often be far too steep for

the normal movement of the gangplank. A floating jetty is needed at each of those locations.

The ferry operator has spoken to Parks Victoria about this matter on many occasions. Even though Parks Victoria is aware of the significance of the tidal movements in Western Port and of the problems the ferry operator has when there are disabled passengers on the ferries, it has refused to install floating jetties. This means that the ferry crews have to physically manhandle disabled passengers getting on or off the ferries. This is very disturbing for the disabled people because they are not being given any kind of dignified way to access or egress the ferry. It is also dangerous for the crew from a work safety point of view. The ferry operator is very concerned that this could increase the workers compensation claims he may have to face.

What makes this particularly galling is that Parks Victoria has spent more than \$1 million providing disabled access to ferries at the Williamstown pier. When the ferry operator spoke to a representative of Parks Victoria at San Remo about this and asked why Tankerton and Cowes were being treated differently from Williamstown, the Parks Victoria representative said it was politics. I would not like to think that the Premier has asked for special treatment but it appears that he has received it. What I am asking is that the Minister for Environment treat the Cowes and Tankerton jetties with the same expedition.

Consumer affairs: Money for Living

Ms LINDELL (Carrum) — Tonight I have an issue to raise for the Minister for Consumer Affairs in another place. The issue has been brought to my attention by Mr Des Connor, the welfare officer at Bay Side Regional Veterans Centre in my electorate. The issue that Mr Connor has raised with me which I ask the Minister for Consumer Affairs to take some action on is regarding a company called Money for Living. It has a lovely glossy brochure with advertisements by Dawn Fraser and Paul Cronin. It sounds like a very worthy scheme. It offers pensioners some income to make their life easier. All they need to do is to actually sign their house over to this company. This may — —

Mr Mulder interjected.

The SPEAKER — Order! The member for Polwarth!

Mr Crutchfield interjected.

The SPEAKER — Order! The member for South Barwon!

Ms LINDELL — This may be a very beneficial program for older people and people on very restricted incomes who have some assets, but Mr Connor is very concerned about the regulations of this company and its asset base, what would happen to people's homes if this company were to go into liquidation and how the money is to be continued to be paid. One of the questions asked in this brochure is:

What happens if we pass away before we have received all the monthly payments?

The answer is:

Your monthly payments continue on to your estate.

As I have said, it is a very nice glossy brochure. This is targeted at pensioners who own their own homes. Often it is the only investment and asset they have. It has been widely advertised on TV. One of the uses that people suggest others might put their money to is going to the club because we all like going to the club — it is so warm and friendly et cetera. I have grave concerns, as Mr Connor does. I ask the Minister for Consumer Affairs to ensure that the financial regulation and the environment operated in by this company and similar companies — that offer such products to older and vulnerable people who have very limited means at their disposal and for whom the prospect of being given a supplementary income on a monthly basis might seem very beneficial — is very sound so that older people are not ripped off.

Carp: control

Mr DELAHUNTY (Lowan) — I raise a matter for the attention of the Minister for Agriculture. The issue relates to concerns raised with me by the Balmoral District Angling Club regarding carp in the Rocklands Reservoir and the Glenelg River system.

The action I seek from the minister is that he increase the efforts of the Department of Primary Industries or the Fisheries Victoria office and the Glenelg-Hopkins Catchment Management Authority to stock predatory fish such as Murray cod and/or Australia bass in the Rocklands Reservoir in western Victoria and also to hasten the building of carp screens in the reservoir. Apart from that, we would like him to make it rain and make sure we get some water in the reservoir!

Fishing is a very popular activity in the Lowan electorate. An Environment and Natural Resources Committee report shows that:

A 1996 survey estimated that 841 000 (23 per cent) of the state's population aged 14 years or over fished at least once during the year.

As you can see, it is a very popular activity, and that is particularly so in western Victoria when the lakes are full. The concern of the Balmoral club is that:

According to Rocklands Reservoir survey (February 2005), conducted by fisheries officers, south-west region, fish species currently in Rocklands (trout and redfin) are not acting in a predatory manner toward European carp.

They are growing in number. It also indicated that:

DPI Fisheries Victoria have indicated trialling a predatory species, and we believe that Murray cod in Rocklands Reservoir would be appropriate.

It also went on to say:

Monash University are to install rotary screens in the channel at the reservoir wall ... but must be done as soon as possible.

I received a response from the minister, which arrived late last week. I thank him for that, but the community are not happy with the pace of change in relation to this matter. The letter says:

As the minister responsible for fisheries —

I accept that and I note that he is at the table —

I will respond on behalf of my colleague, the Honourable John Thwaites —

who is the Minister for Environment. He talks about the advice given to them. There is plenty of science, and there are plenty of resources and many reports, but we are still not seeing enough action in relation to this matter. While the lake is low — it is well below 10 per cent at the moment — it is the ideal time to take action on the carp numbers in the Rocklands Reservoir and the impact they could have on the Glenelg River.

In the letter the minister says about the Glenelg-Hopkins Catchment Management Authority:

... I am advised that the GHCMA, in partnership with the responsible water authority, has committed substantial resources to expedite implementation of the screens.

Again there is no indication that the minister has set a completion date. While the lake is low this is an ideal time to do it. I ask the minister to take action and to do something about that. Steve Cooper highlighted in the *Weekly Times* last week that these fish are in the lakes at the moment, and if the lakes were restocked by the Department of Primary Industries fisheries people it would help to eradicate the carp that are taking over the lakes. I ask him to take further action and expedite the action.

Ms Duncan interjected.

The SPEAKER — Order! The member for Macedon should put a sock in it!

Breakwater Road, Geelong South: upgrade

Mr CRUTCHFIELD (South Barwon) — I was up at Rocklands Reservoir a week or two ago for my honeymoon reunion. I can tell the member for Lowan there are carp in there. A bloke caught about 200 of them the week before!

The SPEAKER — Order! Does the member for South Barwon have an issue to raise?

Mr CRUTCHFIELD — My issue is for the attention of the Minister for Transport. The action I seek is for the minister to fast-track funding for the much-needed improvements to Breakwater Road between the Princes Highway and Barwon Heads Road to the west. This section of road is a nightmare most of the day, but particularly during the morning and evening peaks. Residents from Barwon Heads, Ocean Grove, Torquay, Marshall and Grovedale use this route to get to the city and Bellarine. As well as that the road provides a key east-west arterial road connection between the Princes Highway West in Belmont and the Bellarine Peninsula. It carries approximately 18 000 vehicles per day, including 12 000 commercial vehicles, but in the summer months the area becomes gridlocked.

Members who have been down that way — including the member for Macedon — would understand the gridlock at that particular intersection. My last forum in Barwon Heads and Torquay also identified this as a pressing infrastructure issue. My recent survey identified this as an important issue: my wife travels this route to work and repeatedly reminds me of the delay she experiences at the roundabout at Barwon Heads and Breakwater roads. Other locals have raised this as an important issue.

I have raised this issue with VicRoads over the last couple of years, and I believe now is the time to install traffic lights and to improve this traffic black spot. I understand that, given the proximity of the intersection to Princes Highway West, the cost of this upgrade may be quite high, but we cannot resile from this. As recently as Friday I spoke to the mayor of the City of Greater Geelong and two other councillors — Cr McMullin from Barwon Heads and Cr Harwood from Belmont — who have been strong advocates of this, as indeed has Cr John Mitchell on the opposite side of the river.

People in business in that area also support this action, including Kevin Purcell, who works for B & B Aluminium, and Alex Popescu, who is well known to Geelong supporters and who works for Belmont Timber. The members for Bellarine and Geelong are also supporters of this project, and I join with them in supporting the building of a bridge over the Barwon River at Breakwater in the future, but we need to urgently improve this intersection in the short term. We believe that, if funded, it will be stage 1 of a larger project to improve east-west traffic flows and help people who use this route to access the city for work. Once again I call on the minister to support the installation of traffic lights and the widening of roads so that locals and visitors can travel this route more conveniently. I will also be able to say that I have responded favourably to a very important constituent — my wife.

Police: Brighton station

Ms ASHER (Brighton) — The issue I have is for the Minister for Police and Emergency Services. The action I am seeking from him is to give the Brighton community an assurance that the Brighton police station will remain as a 24-hour stand-alone police station. I received an assurance from the previous minister for police on 20 May 2003, and I do not want to see a ministerial reshuffle as an opportunity to raise a proposal that has been on the government's books for some time.

The history of this matter has been revealed through freedom of information documents. Firstly, I have received a copy of an old Department of Justice and Victoria Police document called *City of Bayside Police Station — Feasibility Study September 2001*. That particular feasibility study contained a proposal for a large station to be built on the Abbott Street, Sandringham, site — a site owned by the government — and, in part, the Sandringham police station was to be relocated there. But my main concern is that the feasibility study advocated the closure of the Brighton police station and the closure of the criminal investigation unit in Brighton, with those valuable pieces of land in both Carpenter Street and Asling Street being sold to part fund the relocation of Brighton police station to Sandringham.

Indeed what the police were proposing — and I refer to a briefing note from the police dated 6 December 2001 from Commander Gassner, region 1 — was a shopfront in either Church Street or Bay Street from which there would be no police response at all. Commander Gassner wrote:

The closing of the Brighton police station may cause some initial concerns from the community in regard to a perceived lack of police presence.

I wish to assure this house that should the Brighton police station close there will be real concern in the Brighton community, and I of course will be leading that concern. This is a vital service for the Brighton community and we, like every other community that has the services of a police station, want retention of this vital service. That policy was Liberal policy in 1999 and 2002 and it will be again in 2006. The Department of Justice has wanted the closure of the Brighton police station for years. This idea was kicking around under the previous administration as well, but it was quashed under the previous regime. I do not want to see this ludicrous idea emerge again as a result of the ministerial reshuffle, and I call on the minister to give an assurance to the Brighton community that the Brighton police station will remain open, will stand alone and will be 24-hour staffed.

Cerebral Palsy Education Centre: facilities

Ms MORAND (Mount Waverley) — I would like to raise a matter for the consideration of the Minister for Education Services. I ask her to ensure that the staff and children at the Cerebral Palsy Education Centre are able to move into their new facility as soon as possible. CPEC is an early intervention program that is part funded by the Department of Human Services. Currently CPEC does not have a permanent site and is renting a site from the City of Oakleigh. This service has been provided in different forms since 1987, when a pilot program of conductive education was started. It was established by the Spastic Society of Victoria, Knox Centre. The program was established by Claire Cotter and supported by Lynn Carter, two therapists who are both still at CPEC.

CPEC offers family-centred early intervention programs applying these principles for children aged between 12 months and 6 years who have physical and multiple disabilities, in particular those with cerebral palsy. CPEC also offers after-school programs for children aged 5 years to 18 years who have physical and multiple disabilities — again, mainly those with cerebral palsy. Finally, CPEC also offers training and support within the community for these families in places such as kindergartens and child-care centres.

CPEC has never had the comfort of having its own facility and has conducted an extremely successful fundraising campaign to enable it to build its own purpose-built and purpose-designed facilities. Recently it reached a tally of \$500 000 in fundraising, which really is an amazing effort. I want to congratulate

everyone involved in this fundraising effort. In particular I congratulate Gary Prigg, the president of CPEC, and Claire Cotter, the program manager.

On the weekend I was delighted to join the group of parents and children, staff and supporters on the site of the future location of their school, which is in Glen Waverley next to the Glenallen School. This is a vision that has come to reality through the effort of many people, but in particular those of Lee Barmby, who was present at the launch. Lee is a former principal of Glenallen School; he was its principal for 26 years. He said that he started thinking about the idea back in 1992, and he talked to Gary Prigg about the idea of an early childhood development school on that site. Lee retired recently, and I wish him very well in retirement. He has made an enormous difference to many people's lives over the years — many children with disabilities and their families. He is a terrific person.

On the weekend I met some of the parents who are part of this fantastic community. They place a very high value on the program that is run by CPEC. I ask the Minister for Education Services to continue to work with the Department of Education and Training to ensure that CPEC is well supported to best deliver world-class services to children with cerebral palsy.

Tertiary education and training: Colac

Mr MULDER (Polwarth) — The matter I raise is for the Minister for Education and Training, and it concerns the insufficient TAFE hours currently provided for apprenticeships and traineeships in Colac. Over recent years there has been an increasing demand for skilled labour in Colac and district, with the growth of industries such as meat processing and timber product manufacturing. This growth has led to the unprecedented action by local employers of bringing workers from overseas to fill vacancies in the district due to the lack of locally trained workers.

I therefore ask the minister to support Colac's need for new apprenticeships and traineeships by increasing the number of TAFE hours and courses allocated to the Colac campus. A couple of major factors make it difficult for people to undertake TAFE courses in Colac. The first of these is the requirement to commence courses at the Geelong, Warrnambool or Ballarat campuses before transferring to the Colac campus. The travel required between towns is both time consuming and expensive. It is a deterrent to prospective trainees, particularly young people. The second factor is the requirement for off-campus employment for some apprenticeships and traineeships.

It is no doubt seen as a good thing that there is sufficient work available in a rural town to provide jobs for local people and also have the flow-on effect of bringing new people into the community. However, it is most important that we continue to provide training opportunities for our young people to encourage them to remain in rural areas and that we provide the same opportunities for older workers needing to retrain, such as those who have been or will be displaced from Colac's timber industry. Distance and availability of training hours continue to have an impact, which makes this task more difficult.

To my knowledge there are only three TAFE courses currently available in Colac, two of which are required to be commenced in Geelong. The only traineeship that is available full time at the Colac campus carries with it the requirement to have a job. With an increase in TAFE hours it may be possible to attract more young people into automotive and horticultural apprenticeships, for example. Alternatively new courses which provide a good fit for the current range of skills required by local employers could be made available at the Colac campus.

In raising this issue I am highlighting the continued growth in Colac's work force demand and asking the Minister for Education and Training to play her part in meeting this demand by ensuring that both employers and prospective employees are catered for with additional courses and time allocations.

Autism: early intervention

Mr LANGUILLER (Derrimut) — I raise a matter for the attention of the Minister for Children and Minister for Community Services. I know I am not alone in this place in my concern for families of young children with autism. Over recent years the Bracks government has put tremendous focus on the importance of the early years for all children. I have heard the minister speak many times about the importance of providing children with the help and support they need in early life, because this is what ultimately shapes their future. I therefore ask her to act to ensure that young children with autism in Victoria get access to the specialist therapy services they need so that they can share in the right to the best possible start in life.

I am proud to be part of a government that is doing so much for children. I would particularly like to draw the minister's attention to the often very intense and complex needs of young children with autism. Autism is a disability about which we are slowly learning more and more. We are slowly learning that many of the

ways we have traditionally delivered services for other children do not necessarily work for children with autism. That does not mean we have to separate children with autism from the rest of the community, but it does mean we have to be prepared to do some things differently. We also need to be prepared to put considerable resources into providing children with autism with the therapy and other specialist services they require, particularly in the vital early years.

The government has already boosted funding to early intervention services by around 35 per cent since coming to office, and it is also putting in place a new model for these services. This model funds them more equitably and also encourages agencies to be more outward looking in supporting children with disabilities in their natural day-to-day environment as much as possible. However, I am also very aware of the need for good, intensive therapy services, particularly for children with autism, who often have very high and complex needs.

Again I ask the minister to act to ensure that young children in Victoria with autism get access to the specialist therapy services they need so that they can share in the right to the best possible start in life.

Agriculture: Mallee–Sunraysia economic data

Mr WALSH (Swan Hill) — The action I request is from the Minister for Agriculture. I ask him to employ a Department of Primary Industries (DPI) farm economist in the Mallee–Sunraysia region to provide up-to-date economic data for broadacre farmers and horticulturalists to assist them to manage business risk and make sound financial choices. Farmers need regular, current and comprehensive information before making their considerable investment in crops and they need to be thinking ahead to analyse industry prospects. I see it as part of the core business of the Department of Primary Industries to provide this service to industry. It is astounding that the region has no dedicated economist, given the scale and size of the agricultural industry and its contribution to Victoria's economy.

The north-west of Victoria has been underresourced for too long. There has been no specialist farm economist in the Mallee–Sunraysia area for more than two years. An economist stationed at Echuca is making a valiant effort to provide current financial data about the irrigated crops and industries of the whole Murray Valley, but her responsibilities do not extend to dryland agriculture.

The climate and crops of the western half of the Murray Valley are significantly different from those in the

higher rainfall areas of the east. Growers need to understand the cost structure of their industry and be better informed on market indicators as a basis for more effective decision making. They are now facing some major challenges and they need access to someone who is closely in touch with financial information about the viability of current crops and the economic opportunities offered by new ones.

Some 410 000 tonnes of wine grapes are crushed in the Murray Valley each year, most of them grown between Swan Hill and Mildura. The merger of wineries and the downward price pressure on wine grape contracts has created a situation where growers need specialist information. The minister will also be aware of the difficulties in the table grape industry where there is an urgent need for growers to understand the true cost of production and to develop ways to create efficient businesses that will survive into the future.

The location of a specialist agronomic economist in north-west Victoria would also provide vital information for effective business decision making by the region's dryland food producers. If the department had been able to provide an economist with good grounding in dryland crops and issues, the recent exceptional circumstances application would have been prepared far more quickly and easily, and would not have overloaded existing staff as it did.

I ask the minister to appoint a specialist agronomist who will live and work in north-west Victoria and whose role it would be to develop and present pertinent farm data for food producers in that area.

Hume: councillor

Mr NARDELLA (Melton) — I raise a matter for the Minister for Local Government in the other place. The action I seek is for her to refer the matter of Cr Medcraft who on numerous occasions has broken the law through the illegal use of electoral rolls, as per clause 24C of the Local Government (Democratic Reform) Act 2003, by misusing the electoral roll and not destroying a copy supplied to him within 30 days of the date of the municipal election.

March 2003 was the last time an election was held at Hume City Council, over two years ago. Under the act all candidates get a copy of the electoral roll to use for official business during the election — to get themselves elected and to communicate with electors. Afterwards candidates are required to destroy the roll or return copies of the roll to the chief executive officer within 30 days of the election.

At 10.15 a.m. on 20 December 2004 Mr Sean Payne complained on a web site called sunburyonline.com about the state of playgrounds in Sunbury — for which Cr Medcraft is responsible — and said that he had been derelict in his duty to provide quality facilities. In a reply posted on the web site at 12.07 p.m. on 4 January 2005 Cr Medcraft wrote in response to Mr Payne that he was not sure where he lived, but he did not appear on the electoral roll as a Sunbury ratepayer. However, he was glad that he was interested in Sunbury issues. Another example of illegality on the part of Cr Medcraft occurred at 1.06 p.m. on 21 July 2004 when Cr Medcraft responded to a posting by a Dorothy Reynolds the day before and said that he was interested in her comments but asked why she was not on the electoral roll in Sunbury?

Councillors do not have access to ratepayer rolls. These references to the Hume City Council electoral roll contravene the act and should be investigated by the appropriate authority and referred to a prosecuting authority. Cr Medcraft, who is the leader of the 'People against lenient sentencing' group, demands no less in his rantings and public utterances. The full penalties should be applied to Cr Medcraft in view of the fact that he believes there should be no flexibility in sentencing and that sentencing should be mandatory.

Cr Medcraft has undertaken illegal activities, because he has not carried out the simple act of destroying the roll. He has also blatantly misused the roll to try to humiliate his local residents, which is also in contravention of people's privacy and civil rights. Steve Medcraft is a hypocrite for saying that people should obey the law and that the full force of the law should be applied to transgressors without fear or favour. If he had any integrity or honour he would resign his council position pending the appropriate investigation by the authorities into his illegal activities.

Sunbury residents deserve better from their elected representatives, who should not be breaking the law. They should have integrity and honesty in their dealings with local residents, not abuse their civil rights. That is the reason I am referring the matter to the Minister for Local Government.

Responses

Ms ALLAN (Minister for Education Services) — I thank the member for Mount Waverley for raising this matter. She joined with me on Sunday for an important announcement for the Cerebral Palsy Education Centre, and I know the member for Mount Waverley has been a very strong supporter of the work that has been undertaken on the Glenallen School site. The

announcement I am referring to is the provision by the Bracks government of \$300 000 through our Community Facilities Fund towards the construction of a permanent home and base for the Cerebral Palsy Education Centre to provide the valuable services it offers to children with cerebral palsy.

The Community Facilities Fund allows for arrangements to be struck between school communities, community organisations and the Bracks government. Funding comes together in a pooled arrangement to construct infrastructure that can be used the education community and by the broader community as well. The Cerebral Palsy Education Centre has put forward its application for such funding, and I have been very pleased to be able to support that application to provide the centre with a permanent home.

On Sunday the member for Mount Waverley and I were joined by the community of the Cerebral Palsy Education Centre including Gary Prigg, who has worked incredibly hard to realise his dream, which was first envisaged a number of years ago. The group has worked tirelessly towards seeing its vision come about, and indeed it has even gained high-profile support from Derryn Hinch, who is the patron of this organisation and who has made a number of generous donations to the centre.

I was very proud to join with the member for Mount Waverley and the community and meet with some of the children who have benefited from the services at the centre. Two of the children there, who many years ago had the opportunity to receive some of the services, have now gone on to study at university. That is a tremendous outcome for these young people who are affected by cerebral palsy. A number of others have educational opportunities which without this centre they would not have been able to access. I am very proud that the Bracks government is able to give this centre its support.

Mr BATCHELOR (Minister for Transport) — The member for South Barwon raised with me an issue —

An honourable member — On behalf of his wife.

Mr BATCHELOR — That is right. He is a very special constituent. An issue of traffic chaos —

Ms Asher — And his wife's reaction.

Mr BATCHELOR — An issue of traffic chaos being experienced in South Geelong on Breakwater Road between, in particular, Princes Highway West and Barwon Road. Does the member

for Brighton want to know what his wife's reaction was?

Ms Asher — Yes.

Mr BATCHELOR — The member for South Barwon is a hardworking local member who responds to the needs of his local communities. It is because of his close interaction with his local community that these matters are able to be brought to the attention of the government. Like the member for Geelong, the member for Bellarine and the member for Lara, the member for South Barwon has previously raised this matter with me and in particular the roundabout at the intersection of Breakwater Road and Barwon Heads Road. In reality the intersection just cannot cope with the huge volumes of traffic including freight vehicles that are now required to use this section of road.

The member is right in stating that Breakwater Road is an arterial road. It is a key arterial road. It provides a connection through South Geelong. In the latest advice I have from VicRoads it confirms that about 18 000 vehicles, including about 1200 commercial vehicles, use this section each day. So it is very important in terms of commercial traffic and commuting traffic and, as the member for South Barwon said, it is a key arterial road in this area.

Clearly the roundabout no longer performs its function efficiently. Replacement with a set of traffic lights at the Barwon Heads Road intersection may well be the best solution for this intersection, given the current volumes of traffic. I will ask VicRoads to look at this suggestion by the member for South Barwon, which is supported by the other Labor members in the Geelong region. There is quite a good Labor team down there. They raise matters regularly — they look after their local area and they know which issues are important to the local community, as is this particular issue.

This intersection is important for the movement of freight and for the local economy, so it is important that we do something to relieve the traffic chaos that clearly exists at this location. So, for the member for South Barwon, the other MPs for the area and the member for South Barwon's wife, I will undertake to have VicRoads look immediately at what can be done at this location to help relieve traffic congestion.

Ms GARBUTT (Minister for Children) — The member for Derrimut raised the issue of funding for therapy and other specialist supports for children with autism. I want to take the opportunity to acknowledge the work that the member for Derrimut does. He is my

parliamentary secretary so he raises issues to do with disability across the whole state. I know people appreciate that he is very open and accessible, and I can assure them that he prosecutes the cases very vigorously.

On services for children with autism the member talked about the government's record on strengthening funding for early childhood intervention services and moving those services towards undertaking a more modern approach where children with disabilities are supported in their own local communities — in their families, kindergartens and child-care centres — rather than just having an emphasis on a centre-based approach. I am also aware that some families, especially those with children with autism, have expressed concern that this approach might come at the expense of therapy in the centres that they attend. I want to assure those families that that was never the government's intention. While modern approaches to early intervention stress the importance of looking at more than just the number of therapy hours delivered in a centre, I wish to make it very clear that therapy does have its place and is still a very important part of the picture.

The government's new early intervention service model is one that encourages agencies to plan the right sort of service mix for the child. So it is not a one-size-fits-all approach; children will need more of one service and less of another, and the services are flexible enough to cater for that. I am also pleased to inform the house that the model is now being further complemented by an extra \$7.9 million over four years for flexible support packages for families with children with disabilities, especially children with autism or other high and complex needs.

Mr Cooper interjected.

The SPEAKER — Order! I am quite happy to remove the member for Mornington if he wishes.

Ms GARBUTT — I have asked that that extra funding be able to be used for additional therapy hours for the child, if that is what the child needs and the family chooses.

In addition, \$8.6 million was announced in this year's budget for additional early childhood intervention places. It will provide 460 extra places across the state. That is an enormous boost to those services and to the families of children with developmental delay and disability. We are certainly making more opportunities for those families. We are responsive to individual

needs, and we are making Victoria a great place to live and raise a family.

Mr CAMERON (Minister for Agriculture) — The honourable member for Lowan raised a matter in relation to the Rocklands Reservoir. Essentially that was in two parts. One part related to the catchment management authority and the local water authority in relation to expediting the installation of screens, where my advice is that that is occurring. I will refer that matter to them, or alternatively the honourable member for Lowan may speak to them about what time frame is involved for that.

There was also the matter in relation to fish and fish stocking. What occurs in relation to fish stocking is that this is generally a process that goes through a period of consultation to arrive at a particular outcome. I will refer that matter back to fisheries, but can I just say that broadly this process has worked very well, particularly as the government has been very keen to see the increase in fish stocking inland. We now have record numbers of fish stocking of native fish, and we have a record number of fish stocking when it comes to trout in Victoria.

The honourable member for Swan Hill raised a matter in relation to an economist or economic services in the Mallee region in relation to not only wines but more broadly the grain belt. The Department of Primary Industries does economic analyses, but I will have further discussions with the department.

I must, however, take exception with him in relation to the recent exceptional circumstances (EC) application, and I would urge the honourable member not to gild the lily. In fact an EC application was submitted to the federal government at the end of last year. The federal government wanted additional information, and as a result the proponents of the application — namely, the local councils and the Victorian Farmers Federation grains group — had to obtain additional individual case studies, which my department helped coordinate. As a consequence of all that the federal government has done its assessments and we are expecting a full declaration of EC. I would have hoped that would have occurred by now, but certainly I think we are probably all expecting that, hopefully, in the next few days.

The honourable members for Mornington, Carrum, Brighton, Polwarth and Melton raised matters for other ministers, and I will refer those matters to them.

The SPEAKER — Order! The house is now adjourned.

House adjourned 10.58 p.m.

