

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Wednesday, 8 February 2006

(Extract from book 1)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

The Governor

JOHN LANDY, AC, MBE

The Lieutenant-Governor

Lady SOUTHEY, AC

The ministry

Premier and Minister for Multicultural Affairs	The Hon. S. P. Bracks, MP
Deputy Premier, Minister for Environment, Minister for Water and Minister for Victorian Communities	The Hon. J. W. Thwaites, MP
Minister for Finance, Minister for Major Projects and Minister for WorkCover and the TAC	The Hon. J. Lenders, MLC
Minister for Education Services and Minister for Employment and Youth Affairs	The Hon. J. M. Allan, MP
Minister for Transport	The Hon. P. Batchelor, MP
Minister for Local Government and Minister for Housing	The Hon. C. C. Broad, MLC
Treasurer, Minister for Innovation and Minister for State and Regional Development	The Hon. J. M. Brumby, MP
Minister for Agriculture	The Hon. R. G. Cameron, MP
Minister for the Arts and Minister for Women's Affairs	The Hon. M. E. Delahunty, MP
Minister for Community Services and Minister for Children	The Hon. S. M. Garbutt, MP
Minister for Manufacturing and Export, Minister for Financial Services and Minister for Small Business	The Hon. A. Haermeyer, MP
Minister for Police and Emergency Services and Minister for Corrections	The Hon. T. J. Holding, MP
Attorney-General, Minister for Industrial Relations and Minister for Planning	The Hon. R. J. Hulls, MP
Minister for Aged Care and Minister for Aboriginal Affairs	The Hon. Gavin Jennings, MLC
Minister for Education and Training	The Hon. L. J. Kosky, MP
Minister for Sport and Recreation and Minister for Commonwealth Games	The Hon. J. M. Madden, MLC
Minister for Gaming, Minister for Racing, Minister for Tourism and Minister assisting the Premier on Multicultural Affairs	The Hon. J. Pandazopoulos, MP
Minister for Health	The Hon. B. J. Pike, MP
Minister for Energy Industries and Minister for Resources	The Hon. T. C. Theophanous, MLC
Minister for Consumer Affairs and Minister for Information and Communication Technology	The Hon. M. R. Thomson, MLC
Cabinet Secretary	Mr R. W. Wynne, MP

Legislative Assembly committees

Privileges Committee — Mr Cooper, Mr Herbert, Mr Honeywood, Ms Lindell, Mr Lupton, Mr Maughan, Mr Nardella, Mr Perton and Mr Stensholt.

Standing Orders Committee — The Speaker, Ms Campbell, Mr Dixon, Mr Helper, Mr Loney, Mr Plowman and Mrs Powell.

Joint committees

Drugs and Crime Prevention Committee — (*Assembly*): Mr Cooper, Ms Marshall, Mr Maxfield, Dr Sykes and Mr Wells. (*Council*): The Honourable S. M. Nguyen and Mr Scheffer.

Economic Development Committee — (*Assembly*): Mr Delahunty, Mr Jenkins, Ms Morand and Mr Robinson. (*Council*): The Honourables B. N. Atkinson and R. H. Bowden, and Mr Pullen.

Education and Training Committee — (*Assembly*): Ms Eckstein, Mr Herbert, Mr Kotsiras, Ms Munt and Mr Perton. (*Council*): The Honourables H. E. Buckingham and P. R. Hall.

Environment and Natural Resources Committee — (*Assembly*): Ms Duncan, Ms Lindell and Mr Seitz. (*Council*): The Honourables Andrea Coote, D. K. Drum, J. G. Hilton and W. A. Lovell.

Family and Community Development Committee — (*Assembly*): Ms McTaggart, Ms Neville, Mrs Powell, Mrs Shardey and Mr Wilson. (*Council*): The Honourable D. McL. Davis and Mr Smith.

House Committee — (*Assembly*): The Speaker (*ex officio*), Mr Cooper, Mr Leighton, Mr Lockwood, Mr Maughan and Mr Smith. (*Council*): The President (*ex officio*), the Honourables B. N. Atkinson and Andrew Brideson, Ms Hadden and the Honourables J. M. McQuilten and S. M. Nguyen.

Law Reform Committee — (*Assembly*): Ms Beard, Ms Beattie, Mr Hudson, Mr Lupton and Mr Maughan. (*Council*): The Honourable Richard Dalla-Riva, Ms Hadden and the Honourables J. G. Hilton and David Koch.

Library Committee — (*Assembly*): The Speaker, Mr Carli, Mrs Powell, Mr Seitz and Mr Thompson. (*Council*): The President, Ms Argondizzo and the Honourables Richard Dalla-Riva, Kaye Darveniza and C. A. Strong.

Outer Suburban/Interface Services and Development Committee — (*Assembly*): Mr Baillieu, Ms Buchanan, Mr Dixon, Mr Nardella and Mr Smith. (*Council*): Ms Argondizzo and Mr Somyurek.

Public Accounts and Estimates Committee — (*Assembly*): Ms Campbell, Mr Clark, Ms Green and Mr Merlino. (*Council*): The Honourables W. R. Baxter, Bill Forwood and G. K. Rich-Phillips, Ms Romanes and Mr Somyurek.

Road Safety Committee — (*Assembly*): Dr Harkness, Mr Langdon, Mr Mulder and Mr Trezise. (*Council*): The Honourables B. W. Bishop, J. H. Eren and E. G. Stoney.

Rural and Regional Services and Development Committee — (*Assembly*): Mr Crutchfield, Mr Hardman, Mr Ingram, Dr Napthine and Mr Walsh. (*Council*): The Honourables J. M. McQuilten and R. G. Mitchell.

Scrutiny of Acts and Regulations Committee — (*Assembly*): Ms D'Ambrosio, Mr Jasper, Mr Leighton, Mr Lockwood, Mr McIntosh, Mr Perera and Mr Thompson. (*Council*): Ms Argondizzo and the Honourable Andrew Brideson.

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JUDY MADDIGAN

Deputy Speaker: Mr P. J. LONEY

Acting Speakers: Ms Barker, Ms Campbell, Mr Cooper, Mr Delahunty, Mr Ingram, Mr Jasper, Mr Kotsiras, Mr Languiller, Ms Lindell, Mr Nardella, Mr Plowman, Mr Savage, Mr Seitz, Mr Smith and Mr Thompson

Leader of the Parliamentary Labor Party and Premier:

The Hon. S. P. BRACKS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. J. W. THWAITES

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

Mr R. K. B. DOYLE

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

The Hon. P. N. HONEYWOOD

Leader of The Nationals:

Mr P. J. RYAN

Deputy Leader of The Nationals:

Mr P. L. WALSH

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Languiller, Mr Telmo Ramon	Derrimut	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Leighton, Mr Michael Andrew	Preston	ALP
Asher, Ms Louise	Brighton	LP	Lim, Mr Hong	Clayton	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Barker, Ms Ann Patricia	Oakleigh	ALP	Lobato, Ms Tamara Louise	Gembrook	ALP
Batchelor, Mr Peter	Thomastown	ALP	Lockwood, Mr Peter John	Bayswater	ALP
Beard, Ms Dympna Anne	Kilsyth	ALP	Loney, Mr Peter James	Lara	ALP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Lupton, Mr Anthony Gerard	Prahran	ALP
Bracks, Mr Stephen Phillip	Williamstown	ALP	McIntosh, Mr Andrew John	Kew	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	McTaggart, Ms Heather	Evelyn	ALP
Buchanan, Ms Rosalyn	Hastings	ALP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Cameron, Mr Robert Graham	Bendigo West	ALP	Marshall, Ms Kirstie	Forest Hill	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Maughan, Mr Noel John	Rodney	Nats
Carli, Mr Carlo	Brunswick	ALP	Maxfield, Mr Ian John	Narracan	ALP
Clark, Mr Robert William	Box Hill	LP	Merlino, Mr James	Monbulk	ALP
Cooper, Mr Robert Fitzgerald	Mornington	LP	Mildenhall, Mr Bruce Allan	Footscray	ALP
Crutchfield, Mr Michael Paul	South Barwon	ALP	Morand, Ms Maxine Veronica	Mount Waverley	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Delahunty, Mr Hugh Francis	Lowan	Nats	Munt, Ms Janice Ruth	Mordialloc	ALP
Delahunty, Ms Mary Elizabeth	Northcote	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Dixon, Mr Martin Francis	Nepean	LP	Nardella, Mr Donato Antonio	Melton	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Doyle, Mr Robert Keith Bennett	Malvern	LP	Overington, Ms Karen Marie	Ballarat West	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Pandazopoulos, Mr John	Dandenong	ALP
Eckstein, Ms Anne Lore	Ferntree Gully	ALP	Perera, Mr Jude	Cranbourne	ALP
Garbutt, Ms Sherryl Maree	Bundoora	ALP	Perton, Mr Victor John	Doncaster	LP
Gillett, Ms Mary Jane	Tarneit	ALP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Green, Ms Danielle Louise	Yan Yean	ALP	Plowman, Mr Antony Fulton	Benambra	LP
Haermeyer, Mr André	Kororoit	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Hardman, Mr Benedict Paul	Seymour	ALP	Robinson, Mr Anthony Gerard	Mitcham	ALP
Harkness, Dr Alistair Ross	Frankston	ALP	Ryan, Mr Peter Julian	Gippsland South	Nats
Helper, Mr Jochen	Ripon	ALP	Savage, Mr Russell Irwin	Mildura	Ind
Herbert, Mr Steven Ralph	Eltham	ALP	Seitz, Mr George	Keilor	ALP
Holding, Mr Timothy James	Lyndhurst	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Honeywood, Mr Phillip Neville	Warrandyte	LP	Smith, Mr Kenneth Maurice	Bass	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Sykes, Dr William Everett	Benalla	Nats
Hulls, Mr Rob Justin	Niddrie	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Ingram, Mr Craig	Gippsland East	Ind	Thwaites, Mr Johnstone William	Albert Park	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Trezise, Mr Ian Douglas	Geelong	ALP
Jenkins, Mr Brendan James	Morwell	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kosky, Ms Lynne Janice	Altona	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Kotsiras, Mr Nicholas	Bulleen	LP	Wilson, Mr Dale Lester	Narre Warren South	ALP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wynne, Mr Richard William	Richmond	ALP

CONTENTS

WEDNESDAY, 8 FEBRUARY 2006

BUSINESS OF THE HOUSE	
<i>Notices of motion: removal</i>	75
<i>Orders of the day</i>	110
PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE	
<i>Legislative framework for independent officers of Parliament</i>	75
PETITIONS	
<i>Sewerage: Tynong</i>	75
<i>Heritage Springs primary school: funding</i>	75
<i>Lake Mokoan: decommissioning</i>	75
<i>Education: home-schooling</i>	75, 76
<i>Peninsula Aero Club: expansion</i>	76
<i>Bass Coast: review</i>	76
<i>Schools: religious instruction</i>	76
<i>Preschools: accessibility</i>	76
<i>Bentons Road–Nepean Highway, Mount Martha: traffic lights</i>	77
<i>Neighbourhood houses: coordinators</i>	77
DOCUMENTS.....	77
MEMBERS STATEMENTS	
<i>Chinese New Year</i>	78, 82
<i>Planning: Melbourne 2030</i>	78
<i>Cr Stanley Chiang</i>	78
<i>Bushfires: Grampians</i>	79
<i>Ron Kitchingman</i>	79
<i>South Barwon electorate: coastal events</i>	80
<i>Melbourne Youth Music: funding</i>	80
<i>Parliamentary bocce trophy</i>	80
<i>Buses: Cranbourne electorate</i>	80
<i>Boating: safety regulations</i>	81
<i>Frank Brady</i>	81
<i>Bushfires: volunteers</i>	82
<i>Schools: exceptional circumstances funding</i>	82
<i>Gaming: problem gambling</i>	83
<i>Vasey RSL Care: closure</i>	83
<i>Ashwood College: performing arts complex</i>	83
<i>Friends of Farm Vigano</i>	83
<i>Consumer affairs: mall traders association</i>	84
GRIEVANCES	
<i>Sex offenders: sentencing</i>	84
<i>Rural and regional Victoria: opposition party policies</i>	86
<i>Rural Ambulance Victoria: administration</i>	89
<i>Southern Rocyling: operating hours</i>	91
<i>Rail: Bayswater crossings</i>	92
<i>Bayswater electorate: Little Athletics</i>	93
<i>Schools: safety zones</i>	94
<i>Government: advertising</i>	94
<i>Police: numbers</i>	94
<i>Banyule: councillor</i>	96
<i>Bushfires: government response</i>	98
<i>Cleanaway: Tullamarine landfill site</i>	101
STATEMENTS ON REPORTS	
<i>Family and Community Development Committee: regulation of funeral industry</i>	103
<i>Public Accounts and Estimates Committee: budget estimates 2005–06</i>	104, 105
<i>Road Safety Committee: country road toll</i>	106
<i>Economic Development Committee: labour hire</i>	107
INTERPRETATION OF LEGISLATION (FURTHER AMENDMENT) BILL	
<i>Second reading</i>	108
PUBLIC SECTOR EMPLOYMENT (AWARD ENTITLEMENTS) BILL	
<i>Second reading</i>	110
DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) (EXTENSION OF PROVISIONS) BILL	
<i>Second reading</i>	112
DISTINGUISHED VISITOR.....	113
QUESTIONS WITHOUT NOTICE	
<i>Member for Ivanhoe: conduct</i>	114, 116
<i>Health: national reform initiative</i>	114
<i>Snowy Hydro Ltd: sale</i>	114, 117
<i>Mental health: national reform initiative</i>	115
<i>Tertiary education and training: skill levels</i>	116
<i>Disability services: young persons accommodation</i>	117
<i>Minister for Health: adviser</i>	118
<i>Economy: performance</i>	119
LAND (ST KILDA TRIANGLE) BILL	
<i>Second reading</i>	120
PRAHRAN MECHANICS' INSTITUTE (AMENDMENT) BILL	
<i>Second reading</i>	122, 129
<i>Remaining stages</i>	133
TERRORISM (COMMUNITY PROTECTION) (AMENDMENT) BILL	
<i>Second reading</i>	127
LIQUOR CONTROL REFORM (AMENDMENT) BILL	
<i>Second reading</i>	133
<i>Remaining stages</i>	160
CRIMES (FAMILY VIOLENCE) (HOLDING POWERS) BILL	
<i>Second reading</i>	160
<i>Remaining stages</i>	166
ADJOURNMENT	
<i>Cardinia: inquiry</i>	166
<i>Macclesfield Primary School: redevelopment</i>	167
<i>Insurance: fire services levy</i>	167
<i>Great Ocean Road International Marathon</i>	168
<i>Police: Brighton</i>	168
<i>Seymour Technical High School: performing arts complex</i>	169
<i>Mildura Specialist School: bus service</i>	169
<i>Yarrambat Primary School: upgrade</i>	170
<i>Roads: footbridges</i>	170
<i>Country Fire Authority: Yaringa boat harbour</i>	171
<i>Responses</i>	171

Wednesday, 8 February 2006

The SPEAKER (Hon. Judy Maddigan) took the chair at 9.32 a.m. and read the prayer.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 92 to 101, 209 to 212 and 350 to 358 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.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Legislative framework for independent officers of Parliament

Ms CAMPBELL (Pascoe Vale) presented report, together with appendix and minutes of evidence.

Tabled.

Ordered that report and appendix be printed.

PETITIONS

Following petitions presented to house:

Sewerage: Tynong

To the Legislative Assembly of Victoria:

The state government through South East Water has failed to provide sufficient funds to allow sewerage to be connected to the township of Tynong under the backlog sewerage program.

We, the undersigned, are concerned citizens who urge the government and South East Water to act now to ensure that sufficient funding is provided for the earliest possible time to allow our township to be connected to sewerage, which is a normal expectation of people living in this town which is in the designated growth corridor to the east of Melbourne.

By Mr SMITH (Bass) (540 signatures)

Heritage Springs primary school: funding

To the Legislative Assembly of Victoria:

The strain on educational facilities in the Pakenham region is becoming greater with every new family moving to the area, part of the growth corridor out of Melbourne. The overall

growth rate in Cardinia shire in 2003–04 was 6.5 per cent, the fifth highest in metropolitan Melbourne. Not one government school has been built in Pakenham in the past 10 years and the following forecasts by Cardinia Shire Council show how many will live in Pakenham in the future. The average annual forecast increase in numbers of primary school aged children is 9 per cent.

	2001	2006	2011	2016
Total population	12 983	↗ 20 967	↗ 30 743	↗ 38 523
Households	4601	↗ 7467	↗ 11 078	↗ 14 064
Dwellings	4777	↗ 7752	↗ 11 502	↗ 14 602

We, the undersigned concerned citizens of Victoria, ask the Victorian Parliament and the Minister for Education to confirm the future of education in the Pakenham region by funding a new primary school on the Heritage Springs estate in Pakenham in the 2006–07 state budget.

By Mr SMITH (Bass) (726 signatures)

Lake Mokoan: decommissioning

To the Legislative Assembly of Victoria:

The petition of water users in the Broken Valley draws to the attention of the house that the government has discontinued irrigator involvement in the decision-making process regarding the decommissioning of Lake Mokoan.

The petitioners therefore request that the Legislative Assembly of Victoria urge the government to:

reinststate the members of the Broken System Reliability Reference Committee in decision making on the decommissioning of Lake Mokoan and the Broken system;

undertake an independent assessment of the current reliability of water supply provided by the Broken System including Lake Mokoan;

ensure commitments given by the former and current ministers for water that irrigators will not be adversely affected by the decommissioning of Lake Mokoan are honoured in full;

investigate the possibility of a permanent wetlands in the bed of the lake to enhance reliability of supply to water users.

By Dr SYKES (Benalla) (85 signatures)

Education: home-schooling

To the Legislative Assembly of Victoria:

The petition of Victorians who support home-schooling points out to the house extensive research in America, Canada, England and Australia has revealed that home education works both academically and socially and produces 'literate students with minimal government interference at a fraction of the cost of any government program'.

Home-educated children enter conventional schools, go on to university, enter the work force and become responsible citizens. The government has provided no evidence to show

that regulation would have any beneficial effect. Moreover, the powers granted to the Victorian Registration and Qualifications Authority under the terms of the exposure draft of the Education and Training Reform Bill in regard to home education are unlimited and would allow unfair and ineffective regulations to be imposed on Victorian parents to the detriment of their children.

The petitioners therefore request that the Legislative Assembly of Victoria orders the redrafting of the clauses of the Education and Training Reform Bill pertaining to home education in line with the existing requirements of the Education Act of 1958 and Community Services Act of 1970 that parents provide 'regular and efficient instruction' without reference to a statutory authority. This provides for the parents' rights to determine the manner of their children's education and for the state's responsibility to ensure all children are educated.

By Mr CLARK (Box Hill) (11 signatures)
Mr LEIGHTON (Preston) (150 signatures)
Mr WALSH (Swan Hill) (20 signatures)

Education: home-schooling

To the Legislative Assembly of Victoria:

The petition of Victorians who support home-schooling points out to the house extensive research in America, Canada, England and Australia has revealed that home education works both academically and socially and produces 'literate students with minimal government interference at a fraction of the cost of any government program'. Home-educated children enter conventional schools, go on to university, enter the work force and become responsible citizens. The government has provided no evidence to show that regulation would have any beneficial effect. Moreover, the powers granted to the Victorian Registration and Qualifications Authority under the terms of the exposure draft of the Education and Training Reform Bill in regard to home education are unlimited and would allow unfair and ineffective regulations to be imposed on Victorian parents to the detriment of their children.

The petitioners therefore request that the Legislative Assembly of Victoria orders the redrafting of the clauses of the Education and Training Reform Bill pertaining to home education in line with the existing Education Act's requirements that parents provide 'regular and efficient instruction' without reference to a statutory authority. This provides for the parents' rights to determine the manner of their children's education and for the state's responsibility to ensure all children are educated.

By Mr INGRAM (Gippsland East) (44 signatures)
Mr ROBINSON (Mitcham) (4 signatures)

Peninsula Aero Club: expansion

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) (15 signatures)

Bass Coast: review

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) (8 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 Ms BUCHANAN (Hastings) (19 signatures)

Preschools: accessibility

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria draws to the attention of the house that preschool education in Victoria needs urgent reform to ensure every Victorian child can access high-quality preschool education.

The petitioners therefore request that the Legislative Assembly of Victoria recognise that preschool is the critical first step of education and move responsibility for preschools to the Department of Education and Training.

**By Ms BUCHANAN (Hastings) (674 signatures)
Ms BARKER (Oakleigh) (64 signatures)**

**Bentons Road–Nepean Highway, Mount
Martha: traffic lights**

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

The humble petition of the undersigned citizens of the state of Victoria sheweth that the intersection of Bentons Road and Nepean Highway in the suburb of Mount Martha is confusing in design, dangerous and unable to safely cope with the current traffic volume.

Traffic flows through the intersection have dramatically increased due to the development of the Bentons Square shopping centre, Bentons Junior College and continued housing development in the area.

Your petitioners therefore pray that the Minister for Transport fund the installation of traffic lights at the intersection of Bentons Road and Nepean Highway in the suburb of Mount Martha as a matter of utmost urgency.

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

By Mr COOPER (Mornington) (41 signatures)

Neighbourhood houses: coordinators

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

The humble petition of the undersigned citizens of the state of Victoria shows their great concern for supporting the important contribution that neighbourhood houses make in strengthening our communities and building social capital, by providing programs for 95 000 participants each week with the assistance of 13 000 volunteers.

Your petitioners therefore respectfully request that the government commit to \$84 million over five years so that both the hours and the remuneration of neighbourhood house coordinators can be increased.

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

**By Mr MAUGHAN (Rodney) (44 signatures)
Mr WALSH (Swan Hill) (255 signatures)**

Tabled.

Ordered that petitions presented by honourable member for Bass be considered next day on motion of Mr SMITH (Bass).

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 Oakleigh be considered next day on motion of Ms BARKER (Oakleigh).

Ordered that petitions presented by honourable member for Swan Hill be considered next day on motion of Mr WALSH (Swan Hill).

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

Ordered that petition presented by honourable member for Sandringham on 7 February be considered next day on motion of Mr THOMPSON (Sandringham).

Ordered that petition presented by honourable member for Benalla be considered next day on motion of Dr SYKES (Benalla).

Ordered that petition presented by honourable member for Gippsland East be considered next day on motion of Mr INGRAM (Gippsland East).

DOCUMENTS

Tabled by Clerk:

Parliamentary Committees Act 2003 — Response of the Minister for Employment and Youth Affairs on the action taken with respect to the recommendations made by the Family and Community Development Committee's Inquiry into Issues relating to the Development of Body Image Among Young People and Associated Effects on their Health and Wellbeing

Statutory Rules under the following Acts:

Magistrates' Court Act 1989 — SR No 6

Human Tissue Act 1982 — SR No 7

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No 4

Victorian Law Reform Commission:

Uniform Evidence Law Report — Ordered to be printed

Implementing the *Uniform Evidence Act* Report — Ordered to be printed.

Mr Wells — On a point of order, Speaker, yesterday I gave notice of a motion in regard to the bushfires in the Grampians. I notice that in item 505 on today's notice paper only half of my notice has been printed. A point of order was taken by the member for Macedon, but you ruled that the full notice could be read, and I expected that it would be printed.

The SPEAKER — Order! It is a mistake, as I understand it. The full motion should have been printed. That will be fixed for the member.

MEMBERS STATEMENTS

Chinese New Year

Ms MORAND (Mount Waverley) — I would like to take this opportunity to wish all members of the Victorian Chinese community a happy new year as they celebrate the Chinese New Year festival. Chinese New Year is an important and significant festival for the Chinese community. The festival is celebrated according to the Chinese lunar calendar, and this year the celebration for Chinese New Year started on 28 January, being the last day of 2005 for the Chinese. The first day of the Chinese New Year is 29 January, and this is the Year of the Dog. Chinese New Year is becoming a great festival for Victoria, and the Chinese community has really enriched Victoria's multicultural society.

According to the most recent — but getting rather outdated — statistics from the Australian Bureau of Statistics, there were 153 000 Victorians of Chinese descent in 2001 as measured by the birthplace of parents. In the city of Monash there are more than 16 500 Chinese people, and in my electorate they are a growing and significant part of the Waverley community.

Today the Waverley Chinese Senior Citizens Club is celebrating Chinese New Year with a lunch for members at a Chinese restaurant. This is a great club with around 1200 members who get together twice a week at the Glen Waverley community centre for activities and good company.

I would like to commend the president of the club, Frank Chau, for his hard work in leading this club. I also want to pay tribute to the other members of the executive, Zhang Hu, Mr Xiang, David Chan and Wendy Chau, for their hard work in supporting the club and making it such a success. In this the Year of the Dog, which represents loyalty and safety, I wish all members of the Chinese community a successful and happy year ahead.

Planning: Melbourne 2030

Mr THOMPSON (Sandringham) — Across Melbourne in many suburbs that are underpinned by large backyards and densely treed streets there is concern about the impact of the Melbourne 2030

planning policy. In the Sandringham area residents are concerned about the loss of residential amenity and issues relating to overlooking, overshadowing and increased density and height — —

An honourable member interjected.

Mr THOMPSON — A question has just been raised about ResCode. A number of years ago the Labor Party web site listed as its achievements in office the development of dual occupancy and medium-density development. That might be fine on greenfield sites, but in existing suburbs with in-fill development the compatibility with existing neighbourhood amenity does not always fit. The Melbourne 2030 planning policy is having an adverse impact upon the residential aspirations of many Bayside residents.

Yesterday I lodged a petition from 1067 residents from Sandringham and nearby areas expressing concern about the Melbourne 2030 plan. The petition illustrates that the residents are greatly concerned about, and are against, the high-density proposed in the draft structure plan summary document, a consultant's vision of how Melbourne 2030 should be applied to Sandringham. The petitioners are not willing to accept up to five-storey buildings in the commercial zone of Sandringham, and three storeys in residential areas.

Cr Stanley Chiang

Mr LEIGHTON (Preston) — I wish to congratulate my friend Cr Stanley Chiang on his election as mayor of the City of Darebin for 2006. Stanley has been a tireless worker for our community and has also provided distinguished service to the state. Born in Shanghai, Stanley came to Australia at the age of 20 years. He studied medicine at Flinders University in South Australia and is now a general practitioner and family doctor in Thornbury. He has been involved in a range of local health issues, such as opposing the Kennett government's sale of PANCH, and is now on the board of the Darebin Community Health Centre. Stanley has provided outstanding leadership of the North East Melbourne Chinese Association and was a driving force behind the kite festival, which is now a regional attraction.

Strongly re-elected to council, Stanley is now the first Chinese-born mayor in this state. Stanley also serves as a commissioner with the Victorian Multicultural Commission and is playing an important role in strengthening the relationship between the People's Republic of China and Victoria in areas such as health, culture and business. I wish him not only a successful

but also an enjoyable year as mayor. I also congratulate last year's mayor, Cr Diana Asmar, on her successful year. I wish the Chinese in my electorate a happy new year in the Year of the Dog.

Bushfires: Grampians

Mr DELAHUNTY (Lowan) — State government agencies have stated publicly that this is the worst fire in the Grampians for 70 years. Most people are saying it is the worst ever. We have four funded specialist organisations; the Department of Sustainability and Environment, Parks Victoria, the Country Fire Authority and the State Emergency Service. They are all well trained and have the newest and best technology and equipment and are supported by aircraft including helicopters such as Elvis. Yet with all these advantages we still had the worst fire in history. What have we done wrong?

I have viewed the affected areas and attended public meetings and spoken to many involved in the fire. Many things went well, but there were many problems such as the distribution of food to firefighters, the poor road network and vegetation limiting access for fire vehicles. Also, the collection of statistics by Department of Primary Industries staff took priority over animal welfare work. Overall, most feel the limiting factors in controlling the fire were the bureaucracy, an unedifying difference between authorities, the lack of use of local knowledge, a communications breakdown, the cool burn practices, and the patterns of definable firebreaks outside the park.

We need to capture the advantage and strength of this experience by having an independent inquiry in the Grampians region, which importantly involves the people who were at the fire front and experienced these difficulties. I want to finish by again praising the efforts of our firefighters, volunteers and support people who were extraordinary as they battled the worst fire on record in the Grampians.

Bushfires: Grampians

Mr HELPER (Ripon) — I thank the Premier, the Leader of the Opposition and the Leader of The Nationals for their contributions during yesterday's condolences for the victims of the recent bushfires. The Grampians fire, largely in my electorate, was the largest of the many fires during the period throughout Victoria, a distinction I wish I could not claim. But to put this fire into some sort of perspective, the Grampians fire burned an area approximately half that of Luxembourg. To this, of course, we need to add the losses that were caused by the New Year's Day fires near Stawell.

I want to join all those who have expressed their sympathies to the families and friends of Malcolm and Zeke Wilson who so tragically perished during the Grampians fires. The heart-wrenching circumstances of Malcolm — more usually known as Milky — and Zeke's death were made just a little easier to come to terms with through the moving celebrations of their life conducted last Wednesday in Stawell by Salvation Army major Allan Laurens. Of course in thanking the firefighters who worked so hard to minimise the loss of life and property, our thoughts are with the family and friends of Country Fire Authority captain, Trevor Day. Maybe one solace for them at this difficult time is the knowledge that we all admire the heroic service he gave so willingly.

I add my thanks to the gratitude expressed by so many others to the Country Fire Authority, the Department of Sustainability and Environment, and Parks Victoria.

Ron Kitchingman

Mr PERTON (Doncaster) — I rise to condemn the Bracks government for the disrespectful and dismissive attitude it has towards community-minded citizens and volunteers. One of my constituents, a bail justice and justice of the peace, Ron Kitchingman, turned 70 in late December. Ron served as mayor and councillor of the former City of Doncaster and Templestowe. He is a former Citizen of the Year with a distinguished history of community involvement and was recently elected as a councillor with the City of Manningham.

Since 1980, when he was appointed a JP, and more recently as a bail justice, Ron has made himself available at all hours to help others in need. This has often meant travelling to police stations in Heidelberg, Thornbury, Preston, Box Hill, Kew and Nunawading in the early hours of the morning. In the last 25 years he believes he would have averaged about five callouts a week. Justices receive no payment or recognition, yet last month he received a computer-generated and computer-signed note from the Department of Justice informing him that his services as a bail justice had ceased because he had turned 70. Ron was deeply offended by the note and very unhappy with the department's treatment of him. I would have thought that at the very least our part-time Attorney-General could sign letters thanking JPs for their long service.

Mr Kitchingman has previously raised with the Department of Justice the lack of bail justices and has waited for months for even a simple response. The same department that has yet to take up his concerns was very quick to formally retire him. He also takes issue with the compulsory retirement age, pointing out

that although he is no longer deemed capable of providing this important community service he was recently elected to the Manningham City Council.

The Bracks government should make a greater acknowledgment — —

The SPEAKER — Order! The member's time has expired.

South Barwon electorate: coastal events

Mr CRUTCHFIELD (South Barwon) — The weekend of Saturday and Sunday, 14 and 15 January this year, was one of the biggest summer weekends my electorate has ever had in terms of multiple sports events and volunteer participation on the coast.

The Jan Juc Surf Life Saving Club conducted its Bells Bash Cliff Run on Friday night, the Nipper Blitz on Saturday morning, the Thankyou Umpire Ocean Swim with Richmond Football Club on Saturday morning, the Torquay Danger 1000 Ocean Swim on Saturday, and a full surf lifesaving carnival at Jan Juc on the Sunday. This was all in one weekend — a massive logistical exercise.

The Minister for Sport and Recreation in the other place, Mr Madden, and I officiated at the run on the Friday night, while the Minister for Transport, the Premier, and the member for Hawthorn and myself swam on the Saturday. Yes, the Premier did beat me — unfortunately, quite comfortably — but I am getting closer, thanks to Peter Hansen's excellent wetsuit. It was a record-breaking weekend for Jan Juc, with the Thankyou Umpire Ocean Swim becoming the second largest ocean swim in Australia. I express my thanks to the hundreds of volunteers who worked literally most of the weekend to ensure a very successful and smooth-running event.

A special mention goes to race director, Andrew — 'I am shy' — 'Flash' Flanders; president Neil Haugh; operations manager for the run, Tom Blanchonette; operations manager for the Nipper Blitz, Peter 'Kid' Curry; and operations manager for the swim, Hayden Torney. Race director Flash has asked me to thank the ministers for their support of the events. In the words of Flash, 'It was good to see them relaxed and comfortable, and our members saw their attendance as a recognition of the positive things the lifesaving fraternity is doing in the community'.

Well done, Flash! Your enthusiasm is infectious. No, you did not offend the Premier, but you might have offended Justin with the floaties gag. I am sure next year will be even more successful.

Melbourne Youth Music: funding

Mr KOTSIRAS (Bulleen) — I rise to condemn this uncaring and selfish government for cutting funding to Melbourne Youth Music (MYM). It is a disgrace that the Minister for Education Services is allowing cuts to such a vital education program. Perhaps the Minister for Employment and Youth Affairs should speak to the Minister for Education Services and plead for more money for MYM. It seems that the Minister for Employment and Youth Affairs does not care that the grants to MYM have been slashed every year.

This year MYM sought \$1.1 million over three years. Unfortunately the Bracks government is only offering \$100 000 a year. What an insult to our young Victorians! What a disgrace for an uncaring Labor government! MYM gives youth the opportunity to learn and perform in bands and choirs at a professional level. It also provides them with a unique environment that encourages an appreciation of musical excellence. Shame on the minister, and shame on this government.

Parliamentary bocce trophy

Mr KOTSIRAS — I also wish to say 'Well done' to the Liberal parliamentary bocce team for winning the trophy from the Labor Party. After five dark years the Liberal Party finally defeated the Labor Party and was presented with a trophy. A special thanks to the member for Derrimut, who decided not to turn up because he was afraid that Labor was going to be thrashed. I also thank the Honourables Richard Dalla-Riva and Bruce Atkinson, respectively members for East Yarra and Koonung provinces in the other place, for being part of the winning team. I hope Labor has another go next year, and I hope the member for Derrimut is present.

Buses: Cranbourne electorate

Mr PERERA (Cranbourne) — I am pleased to note that my constituents in the areas of Carrum Downs, Skye and Cranbourne are big winners in the improvements and extensions to bus services recently announced by the Bracks Labor government. The additional services are a significant boost for our residents. Route 832, the Frankston–Skye service, has been extended into developing areas along McCormicks Road, Wedge Road and Cadles Road in Carrum Downs and on weekdays will run an extra 3 bus services earlier in the morning, 13 later in the evening and 3 across the day. There will be 12 additional services operating on Saturday afternoons.

Some areas like Carrum Downs, Skye and Cranbourne have experienced substantial residential growth, so it was essential that the Bracks government delivered these services to meet the demand. I frequently contact my constituents in the electorate of Cranbourne by way of mobile offices and by doorknocking. The majority of residents in Carrum Downs, Skye and Cranbourne wanted improvements to the bus services. The Bracks government has listened to the community feedback and put in these services to address issues of crowding and infrequency as well as demand. The funding for the bus improvements, worth \$1.5 million over four years, comes from the Bracks government's \$44 million budget commitment to improve suburban bus services.

Boating: safety regulations

Mr INGRAM (Gippsland East) — I rise to speak on the regulatory impact statement on personal flotation devices (PFDs) and the new regulations that came in on 1 December last year, just before Christmas. I call on the Scrutiny of Acts and Regulations Committee to reject these regulations in order to ensure that they come before Parliament to be debated. This is a major shift in public policy and in the accepted rights and freedoms of individuals. If it is as important as the minister has made out, this should be something that is debated by Parliament.

There are a number of inconsistencies and difficulties with the regulations, particularly regarding the compulsory carrying of flares in the small estuaries of East Gippsland, which has, to all intents and purposes, no safety benefit at all.

Then there are the changes in the regulations requiring the carrying of very heavy, large, dry-powder fire extinguishers. I have heard from a number of people who have large boats and who are therefore required to have two extinguishers who say they cannot even lift them, so they would not be able to use them anyway. Also, there is the issue of the compulsory wearing of PFDs in all vessels up to 12 metres in areas of heightened risk. This issue has generated an enormous amount of opposition in boating areas around the state. I think it is important that this should be debated in Parliament and not made by regulation.

Frank Brady

Mr TREZISE (Geelong) — I take this brief opportunity to mark the life and passing of a true champion of the working class, Frank Brady, who passed away on 20 January 2006 at the age of 80. Frank Brady was born on 20 October 1925 in Meredith, where he spent much of his childhood. Frank served

our country in the Second World War and on his return in 1945 took up work as a rouseabout in the woolsheds of rural Victoria.

Settling in Geelong in 1958, Frank moved in with the Hodgson family and remained there for essentially the rest of his life. In 1975 Frank joined the Federated Miscellaneous Workers Union and eventually became a full-time organiser for the union and then a life member in 2000. He was a past president of the Geelong Trades Hall Council and a union delegate for many decades. Frank was a founding member of the Trades Hall radio program *Fire against the Wall* on 3YRR. He was also a member of the ALP and stood for the seat of Bellarine in 1967 and 1970.

Outside the labour movement Frank committed much time and effort to other community organisations such as the Wathaurong Koori community and the Geelong Hospice, where he was a much-respected board member. He was an avid Cats supporter and loved his music and theatre, being involved in the Geelong Musical Comedy Society. The work of Frank Brady was recognised in 2001 when he received a Centenary of Federation medal. People of the ilk of Frank Brady are few and far between, and this world will be poorer for his passing.

Boating: safety regulations

Mr DIXON (Nepean) — The new regulations governing the wearing of life jackets in Victorian waters have proven to be a farce. The regulations were introduced in December with only two days notice, giving boat owners and suppliers no time. These regulations speak volumes about what this government is doing — running a revenue-raising nanny state. Almost immediately boat owners were being fined for not wearing approved jackets, even though, as I have said, almost no notice was given and supplies were limited.

This government does not believe in allowing people to take responsibility for their own actions. No, government knows best! If a person takes the risk of not wearing a life jacket, the consequences are obvious. Everybody else should not pay the price of the actions of a few idiots. The cost of practical life jackets is huge — in some cases, the cost of four jackets exceeds the value of the boat they are in. Some models require servicing every two years, so that is a further ongoing expense.

Boat owners are seen by this government as rich milch cows. Unfortunately the majority of boat owners in my electorate are pensioners. They pay this government

fees for boat registration, trailer registration, boat launching, boat operator licences and fishing licences — and now they have to pay for compulsory life jackets. I say to this government: get off the backs of boat owners, allow people to take responsibility for their own actions and get on with managing the real issues in this state.

Bushfires: volunteers

Ms DUNCAN (Macedon) — I rise this morning to speak in praise of the volunteers in our community. We have a great tradition of volunteerism in this country, and we have seen this just lately over the course of the recent fires. I pay tribute to volunteers from the Country Fire Authority, the State Emergency Service and the Red Cross who have been involved in dealing with those fires; to their families, who go without their family members — particularly, this year — over the festive season; and to their employers, who give them time off work.

We have loads of other volunteer organisations, certainly in Sunbury and the Macedon Ranges, and I will just name a few. There are clubs like the Lions Club and Rotary and groups like Probus, various historical societies, the Landcare groups and the various friends groups — as well as the mums and dads who give so much of their time to their children in support of their sport and education and the participants in things like Clean Up Australia Day. These are fabulous organisations, which give so much of their time and energy. We would be lost without many of them.

I would also like to comment on specific volunteer organisations such as the Macedon Ranges adventure playground group, which is fundraising for an all-ability playground in the Gisborne area. It is a very innovative and committed group of parents. Last Saturday I had the pleasure of joining them in Gisborne for their Teddy Bears Picnic. This is just one example of the many different groups that form and do ongoing work to support firefighters. I pay tribute to them all.

Schools: exceptional circumstances funding

Mr WALSH (Swan Hill) — I rise to voice the frustration of people in my electorate at the Bracks government's focus on spin rather than delivering on its promises. The classic example of that was on 7 July 2005. The Minister for Agriculture, who is at the table, and the Premier visited Birchip for the Birchip Cropping Group Expo and announced a drought funding package. Part of the package was \$200 000 for schools in the exceptional circumstances (EC) areas to assist schoolchildren with books, uniforms and other

things they needed. At the time I praised the minister, because I thought it was a good announcement. But lo and behold, that money was never forthcoming.

In October we asked a question of the Premier, and he responded in writing that the money would be available in term 4. But the application forms were only sent out in mid-December, near the end of the school year. As I stand here now, as far as I am aware none of that \$200 000 has actually been delivered to help any schoolchildren in the EC areas of Victoria. It is a shame that we have lots of publicity about great initiatives but the money never comes through because the process never catches up with the announcements. It is a shame that that money has not been made available to help the schoolchildren in my electorate.

Chinese New Year

Mr LUPTON (Pahran) — As we have just celebrated the Chinese New Year, ushering in the Year of the Dog, I take this opportunity to say happy new year to the Chinese community in my area around Pahran and congratulate the community on its contribution to Victoria, to multiculturalism and to the vibrant and diverse society that we enjoy.

Organisations like the Stonnington Chinese Association are wonderful examples of this contribution to communal life in Melbourne. The association has around 700 members and is thriving under the leadership of its longstanding president Pei-Zhao Ge, known as Jimmy Ge. Jimmy and his wife, along with their daughter, Mary, came to Melbourne from Shanghai, and Jimmy has been a wonderful volunteer and community worker. His efforts were recognised in December last year, when he was presented with a medal for excellence in multicultural affairs by the Lieutenant Governor, Lady Southey, AC, at a ceremony at Government House, also attended by the Premier. I was delighted to be at Government House to celebrate the award with Jimmy.

The Stonnington Chinese Association runs many community activities, including English classes, dancing classes, tai chi and mah-jong, and a wonderful fashion show is put on by the women's group. They hold regular lunches and dinners, especially around the important Chinese festivals such as new year and the moon festival. These activities are subsidised through the Victorian government's multicultural commission grants, and they are very important in ensuring that members of the community are involved and active.

Since the election of the Bracks government the Stonnington Chinese Association has received very

significant financial support for festivals, events and organisational support. I congratulate Jimmy Ge on his well-deserved award and the entire Chinese community for its contribution to Victoria.

Gaming: problem gambling

Mr SMITH (Bass) — The Bracks Labor government has been living off the misery of problem gambling for far too long. It has not been prepared to act decisively to address the real problems or to try to save the souls of some of these poor people.

The government funds Gamblers Help for only \$7 million a year. Last year the Minister for Gaming set up a half-baked group to go around Victoria and discuss capping the number of gaming machines to try to create a perception in the community that the government cares and is actually doing something. We know that the committee had great difficulty finding just a few people who would support it with justification for removing these machines from areas. The committee was told this did not work when the government put in caps in the municipalities of Bass Coast, Greater Dandenong, Darebin, Latrobe and Maribyrnong.

The result of that was more money being put into fewer machines. I cannot believe the government is going on with this farce and is not being fair dinkum in fighting this insidious problem. The Bracks government has not been prepared to make the tough decisions which we know will help alleviate this problem. Why? Because it would lose too much income. The government has budgeted to rake in \$930 million from poker machines alone next year. We know the Treasurer has an addiction to the problem gambling dollar and will not allow this river of gold to stop flowing. Shame, Treasurer, shame.

Vasey RSL Care: closure

Ms MUNT (Mordialloc) — Vasey RSL Care wrote to the residents of the Cheltenham RSL village on 19 January to inform them that their village was to be demolished and redeveloped. No consultation and little information has been provided to the residents. These residents are all elderly — 80 or 90 years old — and war veterans or their wives. I find this treatment of our elderly war veterans by Vasey RSL Care completely unacceptable. I have been inundated with concern from residents, their families and friends and the general community since the residents received these letters from Vasey RSL Care. Seeing these elderly war veterans, who bravely served our country, struggling into my office with fear and confusion in their eyes and

crying at my table is extremely distressing and simply not right.

While I understand the issues of rationalisation of assets and the meeting of accreditation deadlines for 2008, the way these residents have been treated and the process that has been put in place for them is simply appalling. I sincerely hope Vasey RSL Care takes quick action to reconsider its approach to this redevelopment and consults with the residents. The deadline of 31 May should be dropped and a new consultation process put in place and continued until a satisfactory agreement is reached with the residents. I will continue to support the residents of this Vasey RSL Care village.

Ashwood College: performing arts complex

Mr STENSHOLT (Burwood) — Just before the end of the school term last December I joined the Ashwood College community in welcoming the Minister for Education and Training to the school. It was an historic day for the college as the minister announced a very welcome grant of \$1 million for a new arts and performance space. This announcement was welcomed by the school principal, Kate Long, the school council president, Sharon Rice, and me on behalf of the Ashwood College community. The grant was also celebrated in song and dance by the college's very talented students. The college has developed a very strong performing arts program with several bands and a strong music section. Each year Ashwood College puts on high-quality stage performances. I commend the students and the excellent teachers at the college, such as Aidan McLaren and Felica Mundell, for their achievements. Ashwood College is an excellent school and is very much valued by the whole community.

I also want to commend the arts and design programs at the college, which maintain a consistently high standard. A visit to the college to see the high standard of the students' work on display would surely inspire any budding artist. All new school building projects come about because of hard work and dedication, and I want to pay tribute to everyone who has worked on this project, particularly Chris Rath, the former school council president, whom I worked with over a number of years to make this dream a reality.

Friends of Farm Vigano

Ms D'AMBROSIO (Mill Park) — I am pleased to provide a progress report to the house on the redevelopment of the Farm Vigano property in South Morang. This heritage site, which was saved by the state government through its intervention in December

last year, will be revived through the expert management of the Mint committee. Things are moving very quickly with the removal of the cyclone wire fence and shutters on the caretaker's cottage. This has enabled the appointment of a live-in caretaker who will provide much-needed security from late-night intruders. It is anticipated that the caretaker will be moving into the caretaker cottage within the next month. Temporary asphaltting of the main access road is due to start today to facilitate access for construction works.

Power, water and phone lines will soon be installed once a trench is dug allowing for underground connections. I am pleased to inform the house that progress is being made regarding alternative road access via privately owned land so as to avoid heavy traffic from visitors to the redeveloped property impinging on local residents. I, together with the Friends of Farm Vigano, am currently involved in discussions with potential donors in the construction industry who may be able to assist with the costs of constructing that road. Plenty Valley Community Health Service has expressed a keenness to take up tenancy on the site. There will be a mix of commercial use, and the site will probably cost \$4 million to be redeveloped.

The DEPUTY SPEAKER — Order! The member for Ivanhoe has 1 minute and 20 seconds.

Consumer affairs: mall traders association

Mr LANGDON (Ivanhoe) — Early last year I made a public stand locally against corruption and incompetence. I knew I would come under attack for my stance from those who feared exposure. Recent personal attacks against me are clear evidence of this. Let me put the record straight. I recently became the interim president of the mall traders association at the request of various traders and owners. The previous year I was made the honorary treasurer but only obtained the books halfway through that year after trying to get them from the then president and treasurer. Since becoming treasurer I have discovered that no business activity statements have been completed since 2003. In fact some were returned marked 'Not at this address', yet the mall has been at that location for over 40 years.

The books I received were in such poor condition I do not believe they had been audited, and with council approval I have asked for an independent auditor to go back and audit them. I have also recently been advised by Consumer Affairs Victoria that changes of public officer and annual reports have not been received since 2000. The centre manager has since signed a statutory

declaration saying she completed the forms and submitted them to the then president and treasurer for forwarding on and the issuing of a cheque. They appear not to have been forwarded. Public liability has also become a concern. Recently public liability for the mall of over \$10 million became an issue for all traders —

The DEPUTY SPEAKER — Order! The honourable member's time has expired.

GRIEVANCES

The DEPUTY SPEAKER — Order! The question is:

That grievances be noted.

Sex offenders: sentencing

Mr McINTOSH (Kew) — Can I say at the outset that I am sure I speak on behalf of all in this place in noting the recent tragic death of two sisters at the hands of a dangerous offender. I would be the first to admit that I have not read in any detail the particular case, the case history of the offender or indeed the precise circumstances of his antecedents, and certainly nothing I say today could possibly in any way impact directly on that case or identify a way in which it could have been prevented. The tragedy, whatever else it does for people in this place, demonstrates that there are many steps we can take and in fact have taken to try to avoid such an offence, particularly in the case of a dangerous reoffender.

The tragedy highlights a particular problem I have spoken about, both in this place and outside on other occasions, that perhaps there is more we could do to try to protect the community from such offences. As I said, it is not about what we have done or not done or about what could have been directly adopted to prevent such a tragedy, but it highlights that we ought to be thinking about where we should be going in the future. It simply relates to the way we deal with those offenders whom the police, the Adult Parole Board and Corrections Victoria know are likely to reoffend.

The police minister early last year introduced the Serious Sex Offenders Monitoring Bill, which was supported by the opposition and certainly welcomed. It went a long way towards dealing with reoffending paedophiles. However, it has been a concern of the opposition — certainly from my own personal perspective it is a matter of profound concern — that that legislation does not go far enough to protect the community against people who have committed serious crimes such as rape or murder.

Indeed in relation to those two offences, rape was specifically included as an opposition amendment in the schedule of offences under the Serious Sex Offenders Monitoring Bill, but regrettably the government chose not to support that amendment. The Minister for Police and Emergency Services, when queried during the committee stage of that bill, explained why rape was not included. In the words of the police minister, it was not included — and I accept what he said at the time — because paedophilia is known to have the highest rate of recidivism of any offence. Something of the order of 35 per cent of paedophiles are likely to reoffend.

That is fine, but the argument I mount in relation to that is that it is not about the rates of recidivism, it is about offenders who have committed serious crimes — such as paedophilia, murder, rape, arson, drug-related offences — or indeed fraudsters, who could be guilty of very serious offences, who, because of their particular make-up and personality or their social context or whatever, are likely to reoffend for whatever reason. It does not matter whether it is because of a psychiatric disorder, a psychological disorder or just contempt for everybody else around them or whether the person is a sociopath or not. It does not matter what reason could be advanced for reoffences, the fact is that there is sometimes a link between previous offences, time in jail and then, upon release, reoffence.

The real tragedy in all of this is that in many circumstances, if not the majority or even all those circumstances, by the time the offenders have been investigated, prosecuted, tried, convicted and sentenced, and indeed right through their time in jail, they have come across all sorts of different experts in the criminal justice system who can make a genuine and legitimate assessment of the particular individuals. It is not about the reprehensible nature of their previous crimes; it is about whether they are likely to reoffend.

The sentencing laws in this state are primarily there to deal with rehabilitation as well as retribution, punishment and restitution, but I think it is time to recognise that our sentencing regime and our criminal justice system can also be used to determine whether somebody is likely to reoffend. It is a fundamental part of our criminal justice system. I have said it before and I have certainly heard members of the government parrot it again and again: you are punished for a particular offence only; you cannot be punished for something that is in the future, that is in escrow, that has not yet happened. You cannot be punished in anticipation of a crime. I accept that absolutely, but there are many times in our modern world when we take action to prevent something from occurring. I will

not go into any detail, but I just mention the terrorism debate we are likely to have in the next 48 hours.

We have preventative detention in relation to people who may have an infectious disease, we have preventative detention where someone is suffering from a disorder we commonly call alcoholism, and we have preventative detention in all sorts of other areas — and yesterday we debated a bill that dealt with preventative detention as well. It is not because someone has committed an offence but because the consequences for the community could be so grave that we are prepared to detain someone. We are prepared to remove someone from the community to prevent members of the community from contracting an infectious disease or being harmed as a consequence of someone being an alcoholic or suffering from a mental disorder.

But this is not even about detention. It is about the ability of the experts in our criminal justice system — the police, the Adult Parole Board and Corrections Victoria — to make appraisals, based on police investigations, the trial, the conviction, the sentence and the term in jail, that with a high degree of probability some people will reoffend.

Yes, they will sometimes get it wrong. Sometimes a person will not re-offend; and sometimes the experts may not see a person as being a continuing danger to the community upon their release from jail but that person will reoffend. But in many cases they can identify particular individuals, for whatever reason, who are likely to reoffend.

Members in this place debated the Serious Sex Offenders Monitoring Bill and its relevance to the case of Mr Jones, otherwise known as Mr Baldy. In that particular case the police, the Adult Parole Board and Corrections Victoria made the clear assessment that, given Mr Jones's antecedents and his behaviour in jail, he was likely to reoffend. We were happy to pass a bill that enabled the secretary of the department to make the application to the Supreme Court to get an extended supervision order to enable the Adult Parole Board to implement a regime of very strict conditions and monitoring of Mr Baldy.

It was not about punishing him in anticipation; it was about protecting the community. There is a high rate of recidivism with paedophilia but not with murder. As I understand it, murder is an offence that is unlikely to be repeated; there is a very low rate of recidivist murderers. Likewise, there is a much lower rate of recidivist rapists, for example, but it is not unknown.

I have spoken in this place before about Mark Anthony Jewell, a man who was arrested in a boarding house in my own electorate about a hundred metres from where I live. Over a 20-year period in his adult life he had been in and out of jail for all sorts of different offences, including theft and sexual offences, including rape. His most recent crime was the indecent assault of a 12-year-old girl. I will not go into the details of that offence, because it causes too much personal distress, but the reality is that he is likely to reoffend. The evidence given by experts and police at the time of his sentencing after he had been convicted went along the lines that he was a sexual predator.

In committing a particular offence he became involved in a relationship with a woman who had a 12-year-old daughter. He went out with the woman on the basis that he would have access to the daughter, and after two to three months of the relationship he was left alone with the girl and a friend, and committed the offence. Luckily it was only indecent assault, horrific as that is; it could have been far worse given his antecedents.

The incredible part of this is that he was described as being a sexual predator and someone for whom time in jail would be absolutely no deterrent. He was also described as being likely to reoffend once he was released from jail, no matter what the circumstances. At some stage in the near future he will probably come out of jail. Yes, the authorities may be able to obtain an extended supervision order under the Serious Sex Offenders Monitoring Act, but what I am grieving about today is that serious offences like murder and rape are not included in our sex monitoring legislation.

Indeed I go further and say that offences such as arson should also be included, as well as drug-related offences. Likewise, offences such as fraud should also be included. In fact all serious offences as defined by the Crimes Act should be included in that monitoring act. It should not just be a sex monitoring act, it should be an overall monitoring act. It should enable our authorities, when they know somebody is likely to reoffend, to make an application to the Supreme Court or the County Court to get an extended supervision order. Of course, the way it is implemented devolves to the Adult Parole Board, which operates as an effective and independent arm of the executive.

The consequence of doing this is manifest. The first benefit we get is that our criminal justice system may actually improve in the minds of the community at large. I must admit, as shadow Attorney-General, that the complaints I receive about the police and the way they have handled cases, the way the Adult Parole Board has handled cases or the way Corrections

Victoria has handled cases are sometimes distortions of the problem. The problem is not with the police or the Adult Parole Board or Corrections Victoria, which largely do a good job in this regard. The problem is that the government has not completely armed these bodies with the appropriate tools that we in the modern world are prepared to accept their using in relation to terrorism, alcoholism and other serious offences. Unfortunately we are not prepared to accept them in relation to murder, rape, fraud, drug trafficking and other offences.

These crimes should enable the making of extended supervision orders at the end of their sentences. It is not about continuing to punish someone for a sentence they have received; it is about the protection of the community. It is about that great halfway house — yes they are released, but subject to strict conditions. Over time, as with any other parole system, those conditions can be eased if the particular person is demonstrating that they are responding to treatment or otherwise. It is an important and very powerful tool.

It also needs to be flexible enough so that, rather than its being treated like a normal offence, where the offender goes to a Magistrates Court and then is potentially bailed, any breach of a monitoring provision under the sex monitoring act — or indeed what I would call a more general monitoring act of Parliament — would warrant incarceration immediately. Yes, it is a new offence, but it ought to be treated as a show-cause offence; and any breach of those conditions would warrant the person being taken into custody and then having to show cause why they should be released.

It may well be that they can make that demonstration, but the most important thing is that this is a flexible, powerful tool that would enable those in authority such as the police, the Adult Parole Board and Corrections Victoria to do their job properly. When they made that decision that somebody represented a continuing danger to our community, an application could be made to the court, just as it is in the case of paedophiles. It should apply to all of those other serious offences, whether it is murder, rape or otherwise. It is a powerful tool and a good tool, and I implore the government to move in that direction.

Rural and regional Victoria: opposition party policies

Mr HARDMAN (Seymour) — I grieve today about the neglect that the Seymour electorate suffered at the hands of the Liberal Party and The Nationals when they were last in government and the ongoing disregard those parties show for country areas. I do so because it

highlights the need for the Bracks government to continue to work to address the untold damage to state government infrastructure right across Victoria that was done during the Kennett government years. We see similar issues of neglect and abuse by the Liberals and Nationals federally since they have been in power.

Some of the current spending ideas of the opposition parties demonstrate their hypocrisy. They continue to whinge and knock, but they offer no positive alternatives. They make promises amounting to hundreds of millions of dollars, but in the end their own costings are pretty shady and shaky. They think they can get away with it because they assume there is a natural credibility that goes with the Liberal Party and The Nationals as far as finances are concerned. But the current opposition parties are undoing and very seriously damaging the credibility they once had.

Country Victorians remember how the former coalition government let the schools, police stations, hospitals and national parks run down. They know the Bracks government is trying to fix them. They know it cannot do it all at once because it is an economically and financially responsible government. They know it cannot build or fix up every school today and that it needs to do it under a planned program. However, that does not stop people from getting up whingeing and knocking every time they find a school that has some paint peeling, and there are still plenty of those in the Seymour electorate.

I put that down to the fact that the Liberal Party and The Nationals in government did nothing for seven years. They did nothing to ensure that the infrastructure of this state was upgraded. A classic example is the railway infrastructure. The regional fast rail project should be called the regional renewal of railway infrastructure, because that is what has happened with the upgrading of railway lines, level crossings and the rolling stock, making sure passenger trains are comfortable and up to the expectations of patrons.

For the last few years an expectation expressed in the Seymour electorate, which is not on one of the fast rail links but the line is being upgraded, is that more trains would be put on. We cannot do that because V/Line cannot do that. During the seven years of the Liberal-National coalition government there was no planning for new railway stock. The Sprinter trains came in, but they had been ordered by the previous Labor government — —

Mr Wells interjected.

The DEPUTY SPEAKER — Order! I note that the member for Scoresby will take part in the debate later, and I ask him to save his remarks until then.

Mr HARDMAN — To address that issue the Bracks government, when it first came to office, after the necessary work had been done ordered new rolling stock which is now starting to come out. The member for Scoresby will be pleased to know that a major upgrade to Seymour commuter services began just a week ago, with a later service from Melbourne and one going back to Melbourne. Other services will be added into the future, and that is being made possible by the new rolling stock the Bracks government has ordered and delivered.

It is something the Liberal Party may need to think about as it goes into the next election campaign. What are its plans for the future? We need to look at the infrastructure and spending programs announced by the Liberal Party. I shall highlight just two examples because they show the opposition's utter contempt for the people and the towns in Seymour electorate, including Healesville, Kilmore, Wallan, Alexandra and Yea. These examples show the opposition's utter contempt for these communities. Its big approach is the undergrounding of all electricity powerlines in Melbourne. That will cost billions and billions of dollars — big deal! Isn't that going to make life better for everybody! Where will it get the money from? It will rip it out of new schools, hospitals, police stations, railway lines and public infrastructure to build underground powerlines. My electorate is enamoured with the policies of the opposition.

Another example that shows the Liberal Party's utter contempt for country communities and the Seymour electorate in particular is the use of taxpayers money to subsidise a toll road in Melbourne for people who have alternatives which are free. That makes no sense whatsoever, and it must be an absolute embarrassment to the Liberal Party, which has stuck by the decision so far, but its members must be throwing their hands up in the air. None of these big-spending ideas provide any benefit for country Victorians. They take much-needed funds away from those communities. By the same token, those people go out and knock and whinge across a range of areas. We see them in the Seymour electorate saying, 'Yes, there should be a new set of traffic lights, a new school and a new hospital'. Where are the policies and programs? How will they pay for those projects? How will they afford anything into the future with those kinds of harebrained spending schemes and no sensible policies and plans. I do not think the people living in the Seymour electorate will believe them. I am hoping they will not believe them,

because the Liberal Party and The Nationals want to get into government by duping the electorate through telling pork pies.

Mr Wells interjected.

Mr HARDMAN — Exactly. The Scoresby freeway promise made by Kim Wells and Robert Doyle will be remembered as one of the biggest debacles in history.

The DEPUTY SPEAKER — Order! The member will refer to other members of the house by their correct titles.

Mr HARDMAN — Thank you, Deputy Speaker. It would also prevent a Liberal state government from putting in other new infrastructure and revitalising existing infrastructure as the Bracks government has been doing across the state. It would also prevent it from putting new infrastructure into communities like Kinglake, Wallan and Kilmore, which are rapidly growing areas. Because of the Bracks government's responsible economic management towns like Wallan, a new and rapidly growing town, are reaping the benefits of good management by a good, sensible state government and good local representation.

The runs are on the board. The Minister for Water opened the extension to Yarra Valley Water so that the people in Wallan will now have security of water supply. Only a couple of years ago, again because of the neglect of the former coalition government with no planning or policies, we were trucking water from Seymour to Broadford so that members of the Broadford community would not have to tap into the Sunday Creek Reservoir for their water supply. The people of Wallan were basically allowed to drink water, shower and wash their clothes, and that was about all. The crisis could have been far worse if the drought had continued. All up, \$23 million was spent to extend the water supply to Wallan, plus another \$6 million for sewerage to cope with the growth in that area. That would not have happened without good economic management.

The Minister for Education and Training, who is at the table, knows about the new secondary college at Wallan. So far well over \$8 million has gone into that project to ensure that that community has a new secondary college that will cater for the future. There has been a change in government programs and policies, because under the former Kennett government each secondary school had to have projections of about 1600 children to commence a building program. I know that because I battled with that policy until the figure was reduced to about 1100. Now Wallan Secondary

College is starting off with 122 students in year 7, which will not get it quite up to that number, but the way Wallan is growing each year, we are planning for the future. It has had a great start, and I was there on the first day of school. I talked to the children and told them that they have a real privilege and a responsibility, because they will be the leaders through the school every year, and they can make it a great place to learn.

The Seymour electorate has benefited greatly from the Bracks government's fantastic investment in the area. It is very difficult to pick one town, and Wallan is but one example. The state government has invested in many other infrastructure projects in the Seymour electorate. In Kilmore, also a growing area, a new children's centre has been built. That is a great thing.

I grieve about the economic madness of the Liberal Party and The Nationals and their promises for tollways and the undergrounding of powerlines and ridiculous infrastructure spending like that. They know they will have to work those things out when they get into coalition — and they will probably not deliver, just as they did not when they were in government.

The new children's centre in Kilmore is fantastic. We have been able to pay for that. It was initially given \$250 000, and it received another \$250 000, so it has received \$500 000. Under the Bracks government the primary school has also received funds for an upgrade to cater for new students, and it is now on the planning list and is expecting more funds. These funds will not be available if the Liberals get in, because they will be too busy paying a subsidy for toll roads, which is just a ridiculous proposition.

Seymour has seen amazing revitalisation and renewal since the Bracks government came to office. That is because a great community got in there and utilised the Bracks government, which has been prepared to invest in that community. You need only come into the town to see there is a new 24-hour police station, one that the town is proud of. It is not in the run-down condition that the police used to have to put up with. You need only go to the Kings Park area and see that there have been oval renewals, a new exhibition centre, a new park and road infrastructure built in the area and the upgrade to the netball courts. All the money has been coming from the Bracks government's good financial management.

A brand new fire station has also been built, and a brand new ambulance station, and a nursing home is under construction in Seymour. They are all on time, all on budget and all delivered by the Bracks government. It has delivered good economic management, unlike the

threat posed by the Liberal Party and The Nationals, which have been unable to come up with any decent policies or costings for anything they have put to the electorate.

We have to again look at the Liberals and The Nationals in Canberra. You cannot trust them. They take away workers' rights. They do not mind; they just sit there and say, 'It's okay'. It is all right for the Liberals and The National to do that, but in the end they will pay for it, and, just quietly, I think those on the other side are going to pay for it, too.

What is the truth about the Australian Wheat Board? You cannot believe the federal government, given the children overboard issue and other things. No-one believes what it is saying. By the same token it will keep on saying such things. The federal government seems to get the support from the press and whatever else to continue getting away with it. I do not know, but it cannot last forever.

Wandong now has a sewerage scheme. It was a good program that was put together by the previous Liberal-National party government — —

The DEPUTY SPEAKER — Order! The honourable member's time has expired.

Rural Ambulance Victoria: administration

Mr RYAN (Leader of The Nationals) — I grieve today for the people of country Victoria in relation to the operation and administration of Rural Ambulance Victoria. In so doing I pay tribute to and have the greatest regard for the paramedics who are the primary focus of the service which is delivered through RAV. These great people are superbly trained, highly skilled and very committed. They are there, of course, in times of sickness for the people of country Victoria, and they are also there at times of accidents — be they on our roads, be they in the workplace, be they in the home or otherwise. I have the greatest admiration for those people.

What I am concerned about, though, relates to the operation and administration of RAV. The Nationals believe the Auditor-General should be requested to undertake an investigation of these matters, and I advise the house today that I will be writing to the Auditor-General to that effect. There are various matters of concern. Without giving any priority in this, the first of those that I turn to is the inability of RAV to manage occupational health and safety issues that come its way, particularly with regard to the issue of bullying. Since I have been involved in taking up matters on

behalf of members of RAV I have had a number of people from the service come to me with their concerns about this issue.

One of them is Peter Bradley. He is a constituent of mine who lives in Leongatha. This man is a member of the ambulance service, and he is a case in point. For literally years he has been subjected to severe bullying in the workplace. The events in relation to that have been thoroughly investigated in a variety of forums on numerous occasions. The facts are there. It has happened, and this man has suffered as a result of it. WorkSafe and the Magistrates Court have been involved; there have been a variety of forums in which this issue has been investigated and dealt with, and findings have been made against the person concerned.

Peter Bradley now finds himself in the invidious position where he is back at work in Leongatha, which is a good thing, but he is faced with the prospect of the person who has been found guilty of bullying him being returned by RAV to actually work at the same station at which he is presently involved. Seven of the 10 personnel at the station have made representations to RAV stating that they do not want this individual back. Peter Bradley, of course, is one of those who has signed, and I am reliably informed that the other three have not signed simply because they are concerned about the prospect of retribution being made upon them by the person who is the subject of all of this. But the point of it is that RAV is persisting with the notion that the Peter Bradley issue will somehow go away and not be dealt with.

I must say that this is but one instance among a variety that have come to me. For reasons that I think are pretty obvious, the people concerned do not want their names mentioned in this most public of forums. Just this morning I was talking to others who have been affected by this particular aspect of the administration activities of RAV. It is inappropriate in today's world that there should be this environment where employees are subjected to this sort of treatment and yet are not able to have their matters dealt with appropriately. It is an issue that needs investigation.

A second matter is the question of non-emergency patient transfers. RAV is in competition with the private system, which is providing non-emergency patient transfers. These are patients who require transport assistance but do not need assistance of an emergency nature. They are what are termed 'walkers' — if I might put it that way — within the system. They are people who do need help but do not need an ambulance. Apparently for a long time RAV was prepared to allow the private system to do the job,

but over the past months RAV has been back in the marketplace.

The non-emergency patient transfer system now finds itself under enormous pressure from Rural Ambulance Victoria, because ambulances are being rostered to do the work that the private system should be doing. In that regard I have a letter from an ambulance officer who again, I am afraid, does not want me to use his name. But I will read from his correspondence, which was sent to me on 29 December 2005, and I spoke to him again about it today. He says, amongst other things:

I have been despatched almost daily to Melbourne in recent times. On many occasions we have been sent to Melbourne empty (no patient) in order to pick up a patient on discharge home. Many of these patients have been 'walkers'. This means a fully equipped emergency ambulance staffed with a MICA and ALS paramedic has been taken from its home area (with no patient on board) and sent to Melbourne, a round trip of some 5 to 6 hours, depriving the local area of MICA and ALS coverage. This also means that a crew has had to be recalled locally to cover (if available) i.e., another emergency vehicle has to be found and staffed. If none is available and an emergency call comes in: ACOs —

That is ambulance community officers —

will have to be sent!

One night several weeks ago we were sent to Box Hill Hospital. On the way there we passed a Wonthaggi crew who were doing the same. When we arrived at Box Hill a Moe crew were just leaving! That's three emergency vehicles and three ALS/MICA crews unavailable to do emergency work in their local areas. All in Melbourne doing non-emergency transports because RAV says that private contractors charge too much.

That is a second issue that needs to be investigated.

The third issue relates to the increasing use of ambulance community officers as substitutes to do work which should properly be done by trained paramedics. I make the point that paramedics, those superb people who do such wonderful work, each have a degree which takes them three years to obtain. The ACOs also do invaluable work. They are trained at a basic level to assist where appropriate, but the fact is that their training only takes about seven weeks. What we are now increasingly finding is that RAV wants to use ACOs to work in conjunction with trained paramedics to, as RAV would have it, supply an additional service to country Victoria. There are about 400 ACOs in country Victoria. As I understand it there are none in the metropolitan area. That is because the ACO positions were originally designed to contribute to the needs of communities in remote areas. I see the

Parliamentary Secretary for Health nodding in acquiescence to that description.

What has happened is that 400 people, who are all making a contribution — and that is not to be doubted — now find themselves in the situation where RAV wants to use them as substitutes for fully trained paramedics. I say to the house that it is not good enough. Country Victorians are entitled to receive the benefit of an ambulance service which equates to that provided for Melburnians. It can and should be done. I grant that it is a difficult task, but the emphasis should be upon an aspiration by RAV, which is principally responsible to the government, to have that happen. Anything else is not appropriate and should be not allowed.

There are other general concerns which time precludes me from going through. I want to emphasise that the sentiment I am putting here is not simply my own. I have already read out the material from an officer who has referred to the non-emergency patient transfer issues. I have referred to the situation that applies to Peter Bradley in Leongatha, which I know applies to others. Various other people who are concerned about having their names mentioned have come to me. But then again there are others who are very relaxed about having their names mentioned.

I have read the correspondence from Mr Mark Doyle, who is the secretary of the Yarram group of Country Fire Authority brigades. Mr Doyle recently wrote to the Minister for Health expressing concern on behalf of the Yarram group of brigades about the issue of ACOs being used more extensively and about the proposal by the RAV to use ACOs in both Foster and Yarram, when both those communities are crying out for an additional paramedic officer. Those communities want one more officer, and instead RAV is trying to implement the use of ACOs between the two stations.

Mr Doyle, a respected gentleman in his community, took the trouble to write to the minister in relation to this. He is some 70 years of age, and I only mention that in the context of his decades of contribution to his community in a variety of voluntary spheres, particularly with regard to the CFA. He has a great interest in this issue as well, so he made the point to the minister in the course of correspondence which he sent last year. He said:

It is with grave concern that members of the Yarram group of Country Fire Authority brigades view the proposed move by your government to allow or require the introduction of 'ambulance community officers' as support for paramedics of Rural Ambulance Victoria instead of funding adequate professional staff for this role.

He received a letter dated 17 January from the chief executive of RAV. It addresses, some would say, the commentary made by Mr Doyle, but the first page concludes with a paragraph which states:

Given you have written in your capacity as a CFA group secretary, I have raised the issue of the appropriateness of you commenting on behalf of the CFA with your chief executive officer and requested that a policy review in this regard be determined and discussed with you as appropriate.

Now there is a nice little whack! Here is a fellow with decades of experience who is an important member of the community: he lives at Woodside and has a great association with the people around Yarram. He took the trouble to write to the minister, yet he got a letter back in those tones. That highlights the problem we have.

I have a letter from Dr Michael Smallwood, who is the chairman of the Foster and Toora medical centres. In a letter dated 7 February, after the usual openings, he said:

The Foster and Toora medical centres provide a 24-hour comprehensive medical service —

and he goes on to say how extensive it is. I pause to say that it is extensive; it does a great job. The letter continues:

We have a close working relationship with our local paramedic and MICA paramedic officers. They, in addition to other allied health and nursing staff, significantly reduce the burden of our after-hours work. The highly trained staff are often able to assist in the provision of medical care that would otherwise further stretch the local medical resources. Additionally MICA-trained ambulance officers are a welcome help in the treatment and transfer of critically unwell patients to tertiary medical care facilities. Because of these issues, we are concerned that the introduction of minimally trained community ambulance officers would significantly reduce the quality of medical care to our community and also increase the workload of an already overstretched medical facility.

He goes on to make further points about it. I say to the Parliamentary Secretary for Health that this letter is from a fully qualified medical practitioner. The letter states:

In summary, we rely heavily on the support of Rural Ambulance Victoria in the provision of quality emergency services for our community. Increasingly, we have become aware that there are serious deficiencies in their ability to provide this support. This places a greater burden on our already overstretched medical facility, and compromises the care of rural constituents. We would unconditionally support the training and employment of suitably qualified additional ambulance officers in our region.

Amongst other things this highlights the significance of this concern amongst country people. It is not only in Gippsland, which seems to be some sort of focus for

this at the moment. Last Monday night when I raised this issue with my colleagues at our party meeting I noted that the members for Shepparton and Benalla were saying the same things. I have notes here from both, but time precludes me from reading them out. I have also written to the health minister about it. I got a letter from the minister dated 3 January on the issue of the ACOs, and essentially it is dismissive of the concerns raised. I have written before in relation to non-emergency patient transfer issues, and similarly nothing has been done by the government.

The Auditor-General should investigate this and a series of other things. He should look at work practices, particularly with regard to occupational health and safety and bullying within RAV. He should look at non-emergency patient transfers and the issue of the use of ACOs and their deployment throughout the state, allowing the terrific work they do to be deployed in a proper manner, not as it is being done now. The Auditor-General needs to look at staffing levels and rostering within RAV. He needs to compare the service delivery levels of RAV and the Metropolitan Ambulance Service and at the funding levels being applied to these problems by this government, because in the end this comes back to the government.

Country Victorians are not only entitled to the benefits of a properly functioning ambulance service as part of the health regime, but the government of the state has a duty to provide it, and it is not living up to that duty. It is patently not living up to that duty. That duty is not being discharged in this case.

The government needs to wake up to the fact that the overall administration and operation of the Rural Ambulance Victoria does need a shake-up. The people out in the field doing the job on behalf of the community are doing it magnificently, but there are a series of issues that require investigation. The government obviously will not do it. It has no intention of doing it and is prepared to sit on its hands while all of this is allowed to happen. I therefore want the Auditor-General to investigate these matters and deal with them in the manner they deserve.

Southern Rocycling: operating hours

Mr LOCKWOOD (Bayswater) — I grieve this morning for residents who live in and around Heatherdale Road in Ringwood and Mitcham and their ongoing dispute with a local company, Southern Rocycling. The residents have formed the Heatherdale Road action group, ably led by Elwynne Kift and Dennis Burley. Southern Rocycling is a metal recycling company. This is something that we need to encourage

as it is a valuable kind of business to be running, and the company operates in the industrial area off Heatherdale Road.

The nature of the dispute relates to noise and dust; what the residents call an horrendous barrage of noise and dust at all hours of the day and night. This has been going on for quite a few months, in fact the best part of a year. The residents are getting quite good support now from the local councils of Whitehorse and Maroondah, and their newly elected City of Maroondah councillor, Alex Makin, has taken the issue on board and is fighting hard for his local residents. The residents see this as environmental vandalism. They have no problem with the business being in their area, but they do not want the endless noise and dust problems that seem to accompany the processing. They do not see why the business cannot operate within reasonable hours and let them get their sleep at night.

It becomes quite an issue when people cannot sleep night after night; so much so that they get out on their own in the wee hours of the morning taking photographs of the actions of the company in order to provoke authorities into doing something. Maroondah council is the appropriate authority in this case. Given that it is in an industrial zone, the activities of the company are quite okay; it is just the hours and the fact that the residential amenity needs to be protected.

There have been some nasty incidents where residents taking photographs have allegedly been threatened by truck drivers, with photos also being taken of the residents, and there has been quite a deal of abuse hurled both ways. The situation has degenerated to the extent where they constantly snipe and insult one another. The company does not seem to be looking for a solution; it seems to want to proceed with business as usual. One of the major complaints is that the phone the company uses is hooked up to a car horn-type siren that quite often rings in the early hours of the morning, waking up the whole neighbourhood. There is some dispute about who rings it, but residents are quite adamant that it is company employees deliberately trying to wake up the neighbourhood and provoke the issue.

I would like to see some mediation. I would like to see these people sitting down together and working out their problems, rather than sniping at each other. There are accusations flowing both ways about intimidatory tactics by some of the residents against the company, but there is certainly no doubt about the noise and dust that is created by Southern Recycling and its lack of cooperation in sitting down with the residents and working out a solution. I would have thought that

solutions would be fairly straightforward, and it is certainly not reasonable for the company's drivers and employees to be abusing residents and deliberately provoking them. Nor is it reasonable for any of the residents to do similar things to the company.

I urge Southern Recycling to sit down with the residents, listen to their concerns and come to a reasonable solution. As I said earlier, recycling is a great business to be in; it is a very valuable thing to do for our community, and metal recycling is obviously part of that. Southern Recycling vehicles are often seen on local roads transporting their stuff around, and it is only right that they do that in a proper manner, that their vehicles are clean, they do not mess up the roads, and they do not wake up the residents when they work overnight — and they should not be working overnight.

Rail: Bayswater crossings

Mr LOCKWOOD — I also wish to grieve about one of the local councillors with the City of Knox, Cr Adam Gill, who is involved in a grandstanding campaign on undergrounding the local rail crossing.

Dr Napthine interjected.

Mr LOCKWOOD — He might be on the way back; you never know!

He is grandstanding about the local level crossing, without taking into account some of the complexities of the situation. There are two level crossings within 300 or 400 metres of one another, so you would have to put both underground. Access to the Alstom maintenance rail yards is immediately off the crossing and to underground the crossing would mean the closure or removal of the Alstom rail yards at the loss of a considerable number of jobs and the loss of an important industry to Bayswater. Councillors who get out and grandstand on these issues without doing a bit of homework are really only thinking of themselves and not thinking of the community. They are not thinking about jobs in the area, the need for the industry and the need to support the local community.

The state government has recently been involved in tackling level crossing safety with a \$1 million statewide advertising campaign to improve rail crossings with radio, TV and outdoor advertising and greater enforcement of the road laws. This is obviously needed because there have been two incidents recently at Bayswater, and this is what has prompted the local councillor's opportunism. But the idea is to make level crossings safer. The government has offered a combination of initiatives to make level crossings safer

because level-crossing deaths take a terrible toll on families in the wider community, and serious injury obviously does likewise. There is a need to reduce this needless waste of life and suffering across regional Victoria as well as metropolitan Melbourne.

It takes around 200 metres for a suburban train to stop, so this campaign is about making all motorists think about what they are doing when approaching a level crossing. Do not risk it — that is the idea of the campaign. A video camera trial last year at Springvale Road recorded over 5000 traffic offences in only 28 days. This shows the need for people to be made aware of the risks they are taking. To save a minute or two is really not worth risking your life, particularly when drivers enter the crossing when it is blocked, race the boom gates or drive around them. It is amazing sometimes to see some of the risks people take.

I have seen the boom gates out of action at times in Bayswater. They come down and do not go up for a while, but car drivers then start to drive around them and across the railway line without taking into account that a train could be coming down the line. It is a foolish risk to take. We need to do our utmost to educate drivers and to play our part in reducing accidents. There are nearly 3000 level crossings in Victoria, so there is no way we are going to get rid of them overnight, but we can make them safer, and there is a program to make level crossings safer both in the country and in the city. Some \$10.8 million over four years has been allocated to do that. More than 80 crossings have been improved since 1998. This year an education program will target high-risk pedestrians, including children, teenagers, the elderly, cyclists and the mobility impaired. Over the last seven years 22 people died at level crossings, including 9 in Melbourne, so the education program is obviously quite necessary.

A program will be commenced shortly to upgrade all railway pedestrian crossings to meet new disability access standards. This of course will involve extensive consultation with those with mobility problems. We certainly need to improve these crossings. People have spoken to me a number of times regarding local crossings and people in wheelchairs have pointed out the problems in getting across the railway line. They have reportedly been stuck in the crossing between the rail line and the bitumen a number of times, and it is only passers-by who have got them out and saved us from tragedy. There is certainly a need to improve pedestrian railway crossings for people with disabilities.

Where there are mazes to slow people down, we need to make them more accessible for larger scooters. As

one disabled lady in a wheelchair pointed out to me, a lot of the standards are set at the minimum size. She has an oversized scooter, and a lot of the standards for building access and the like are not set up for larger scooters. She pointed out the importance of making sure these larger scooters can access railway crossings.

Our local councillor should be supporting his community a bit more. He has been ignoring the local traders association and not supporting its events. For example, late last year there was a Christmas carnival at which over 2000 people turned up. It was a great event, and it would have been good to see the local councillor getting behind it instead of avoiding it and avoiding his local community. Held near the station one Wednesday afternoon, it was an enjoyable event, with the local schools, gymnasts, acrobats, singers and Santa all helping out. Santa arrived on a local Country Fire Authority fire truck. There were cha-cha rides, jumping castle, trackless trains, face-painting, animal farms, a sausage sizzle, Dutch pancakes and all the usual food, tea and coffee and so on. The local shopping plaza came good with a Christmas cave. It allowed the access way to the centre to be used as a Christmas cave for kids to go and buy cheap \$1 gifts. It was a great success and was well appreciated by the local Bayswater community. It showed that the local traders and local business people in Bayswater support their local community and get in and do the right thing by the community. We would like the local councillor to join in, instead of sitting on the sidelines.

The traders will be organising more local community events for the benefit of the community, particularly the younger members, to build a better Bayswater and to rejuvenate the community. Bayswater rejuvenation has been going on for some time now; it is well under way and has had many successes. Two big successes coming up will be the new commercial redevelopments of the old Bayswater plaza and the building of an Aldi supermarket, both in High Street. These will be great things for Bayswater.

Bayswater electorate: Little Athletics

Mr LOCKWOOD — Recently I went along to a Little Athletics open events day at the Knox Little Athletics Centre, just outside my electorate, but it was washed out, so I grieve for the washing out of this wonderful event! I go along to support my local Little Athletics clubs — in particular, the Bayswater Bullets, the Fields, Wantirna and the Boronia Bolters.

The Victorian Little Athletics Association runs wonderful open days in centres all around the state so that local athletes can compare themselves against

children from other centres. Of course there is a good deal of enthusiasm at the moment, with the Commonwealth Games being held in March. I will have to get down there to support my local Little Athletics clubs. Unfortunately the open events day, as I said, was washed out and had to be rescheduled to 18 February. There was quite a crowd there on the day — including a lot of athletes, all keen to go — but the track was under centimetres of water. Because they were not able to get going that day we were not able to see the medal presentations and the great performances by the children.

Athletics is a great thing for children to be involved in. I encourage parents to get their children involved in sport. Athletics is not necessarily about setting records or being better than anyone else; it is about self-improvement and setting personal best times.

I also support my clubs, Southwood and Heathmont, which run out of the Ringwood Little Athletics Centre, which is much smaller. Knox gets about 600 or 700 children a week, whereas Ringwood gets about half that, but it is also a wonderful centre with a wonderful group of people doing the right thing for their children. Children certainly enjoy Little Athletics. They get out there and do their running, hurdling, high-jumping and so on. It is great to see them learning and getting along.

Schools: safety zones

Mr LOCKWOOD — I will briefly talk about the 40-kilometre-an-hour safety zones outside schools, which not everybody seems to take notice of. I think the majority of people who drive into school safety zones slow down to 40 kilometres an hour, but there are still those who want to go through at excessive speed, not taking notice of the fact that children are coming to school. These 40-kilometre-an-hour zones are quite important — they are there to make life safer for children. We do not want accidents outside schools; we do not want children at risk. We want drivers to slow down and be mindful of children coming and going. Going to school — particularly to primary school — is their start to life.

We would like to see drivers behaving responsibly, taking notice of the lollipop people at crossings and the speed limit as they approach the school, and maintaining a lower speed as they go past the school at those times of the day in which safety zones operate. This is a very important initiative, aimed at making travel to and from school safer for our children. I look forward to its continued success.

Government: advertising

Mr WELLS (Scoresby) — I grieve today for the safety of the Victorian community, and in particular for the lack of police across Victoria. I still maintain that Victoria has one of the best police forces in the country — there is no question about that — and we are very proud of our police. However, I question why the Bracks government is so hell bent on spending what seems to be millions and millions of dollars on glossy magazine advertisements, TV advertisements and advertisements in newspapers instead of fixing the actual problem of a shortage of police.

It is estimated that the government has spent about \$9 million on advertisements — for example, on advertisements that say schools are so much better than they used to be or that they are the equal of or better than private schools. I am amused to see these ads running now, when kids went back to school two weeks ago. I am not sure what the point is of advertising the number of government schools and how much better they are when, for example, kids have already gone back to school. I am not sure whether the purpose is to put out propaganda for the Bracks government or to try to convince parents to send their children to a public school rather than a private school.

Police: numbers

Mr WELLS — This issue also concerns police. The ads tell us how many more police are out on the beat. They also tell us how safe we should feel in the community and claim that ours is the safest state. But I do not think this is washing with the community, because every day there is a news article somewhere in Victoria about a shortage of police — whether it is about not getting the divisional van out on the night shift or about police not being available at police stations.

The other issue that bothers me — and it is becoming more and more dominant — is who is actually running the police force at the moment. It seems that whenever there is a crisis — whether it is a leak from the law enforcement assistance program data system or a police shortage — we get a statement from the head of the media unit. That does not make any sense. We do not want to know what the spin is, and we do not want to know what the media grab is. We want to know what the Chief Commissioner of Police is doing to fix that particular problem. As I said, that issue is becoming more and more dominant.

The Bracks government is running ads on television and glossy ads in magazines that say, ‘We are a safe

state. We have more police'. But let us look at the actual facts of the matter. The Productivity Commission report that came out recently is interesting reading. It is amazing what the truth looks like outside the police media unit. For example, table 5A.11, on real recurrent expenditure — that is, the amount of money the Victorian government spends on the police force per person — shows we are spending \$256 per person, which is the second lowest in the country, only just ahead of Queensland, which is spending \$251. The Australian average is \$280 per person. So the amount of money the Bracks government is spending on police is the second lowest in the country.

Let us look at some more revealing facts. For example, we want to know how many police we have per head of population across the state. It is interesting to note that at the last census Victoria had the lowest figure of any state in this country for sworn staff per 100 000 head of population. We have 210 police per head of population. The Australian average is 224, but we remain the lowest. When you look at unsworn staff, we also have the lowest figure there. We have 52 unsworn staff per 100 000 head of population while the Australian average is 64. If you add the sworn and unsworn staff together — all those people who are supporting the police force — Victoria has a total police staff per 100 000 head of population of 262, while the Australian average is 289. With those facts people can understand why when they phone their local police or they phone 000 they are not able to get a divisional van, why they are not able to see police out on the beat, why they are not able to see police in the Geelong shopping mall or the central business district of Melbourne. When you look at the actual facts, we do not have enough police.

What is also concerning to the Liberal Party is that since the Bracks government has been in office the number of operational police — that is, those police on the front line — has fallen. Under the Bracks government more and more police are tied up performing administration roles and doing so-called special projects. We also have other projects which make us all feel cuddly and warm inside. However, the reality is when we look at getting more police in the divisional vans in 1999–2000 we had 82 per cent of our police force out on the front line and we are now down to 80.9 per cent. That is going the wrong way.

When you look at other jurisdictions you see that New South Wales, for example, has actually increased its percentage of police out on the beat. Victoria has 80.9 per cent and the Australian average is 82.5 per cent, so we are not even keeping pace with the Australian average. Something the Liberal Party will be looking at very carefully when it finalises its policies is

the need to free up more Victorian police to be out on the beat. We maintain that if you have higher police visibility and a greater police presence, especially on Friday and Saturday nights in high crime areas where there may be assaults around nightclubs, you will reduce crime. We also believe that having more police out on the roads is a great benefit in reducing the road toll.

Another shortage we see which is of great concern is that we do not have enough police prosecutors. When you look at the number of magistrates courts around Victoria, there could be nothing worse to a victim than a criminal being given a chance at bail because the police prosecutors have not had time to prepare a case against that individual. We have noticed that as a result more and more costs are being awarded against police because they are not in a position to present cases. I was looking through the Productivity Commission report. Victoria has by far the highest amount of costs awarded against police through criminal actions. It is \$1.958 million, which is far greater than any other state; the next is Western Australia at \$1.4 million. In addition, it has been increasing, which is concerning. The figures for 2000 are not available but in 2001 it was \$1.3 million, so it has increased by \$600 000. The cost is twofold. Firstly, it is costing the state and the police budget, I suspect, more and more dollars because we do not have the prosecution personnel. Secondly, there is the notion that we are letting down the victims, especially victims of minor and medium-level assaults heard in the Magistrates Court where cases have not been ready.

This goes back to the last enterprise bargaining agreement where the Police Association and the government agreed for some reason that police prosecutors should lose a certain number of benefits and allowances. As a result a lot of young police officers are wondering what the point of being in police prosecutions is because it is better for them to go back out in the van. They may be young family men and women and they are going back out in the van to get shift allowances and other allowances. I hope the situation with police prosecutors is dealt with in the next round of enterprise bargaining. That is very important.

The Bracks government tells us over and over again that this is the safest state in Australia. We question where it gets its figures from. When we look at the victims of crimes against the person statistics, we find we are at a record level — we have more victims of crime against the person than ever before. We are sitting at a smidge under 33 000 victims. In 2000 that figure was 28 500 so there has been an increase of more

than 4000 victims. The police media unit says the reason for that is we have greater expertise in reporting domestic violence. It is right to a certain point. I agree there is better recording and management of domestic violence. However, that does not account for the 33 000 victims. In the last figures that were released there was an 11.1 per cent increase in victims of violence this year over last year.

With its media unit and misleading advertising the government adds all the crime figures together and says crime has been reduced. They say theft of bicycles has fallen 31 per cent; we are very pleased about that. They say other thefts have fallen 13 per cent. Theft of a motor vehicle has fallen 11 per cent, shoplifting has fallen 10 per cent. These are all important things but let us look at the other figures, the ones which really bother the Victorian community. Homicides are up 9 per cent, rape is up 2 per cent, sex crimes are up 8.6 per cent, assault is up 13.9 per cent and abduction and kidnapping is up 12.8 per cent. The overall figure for violent crimes against the person has increased by 11.1 per cent in just one year. If we were to ask the general community where its priorities were when it comes to policing and crime statistics, people would be upset that someone's bike has been stolen but that does not ever compare to a rape, assault, murder or kidnapping. This is where the Bracks government has to be more truthful when it comes out with its crime statistics. At the moment the government is fudging figures. It is misleading the community and misrepresenting the real situation of victims of crime.

The Bracks government and the police recently came out with a new police resource allocation model. We agree as a Liberal Party with the theory of this new model. It makes more sense that you need to move police to higher crime areas and to higher growth areas in outlying cities. We do not have a problem with that. However, as we have said from day 1, you have to make sure that the first thing you do before you start allocating police elsewhere is ensure that the numbers are correct. You have to have the right balance. In the last week we have seen that, for some unknown reason, they are going to move 22 police officers away from the Kingston area. We get regular reports from the members for Sandringham and Brighton about the need to maintain police in their areas because of shortages, and now they are going to move 21 officers to the Richmond area and one to Stonnington. We do not understand how you can possibly start moving police officers out of areas which are already short if you do not have the numbers right. I suspect this will be an ongoing problem, and the problem is we are not getting enough police through the police academy.

We were interested to see a newspaper report regarding the recent dreadful murders of two sisters. The police minister was questioned about sentencing and related issues:

'If Victoria is soft on crime, why is our crime rate 16.4 per cent below the national average?', Mr Holding asked.

'And why are we the safest mainland state?'

'Throwing crooks in jail and tossing away the key does nothing to stop them breaking the law again'.

I think the community has got news for the minister: keeping violent criminals in jail does stop them from breaking the law again. These people need to be tracked, and a throwaway line like that does nothing for the Victorian community and shows the police minister is not on top of law and order issues.

Banyule: councillor

Mr LANGDON (Ivanhoe) — Today I grieve for the residents and ratepayers of the Hawdon ward of the city of Banyule. Hawdon ward, of which I am a resident, has — and I say this with a great deal of sarcasm — the privilege of being represented by Cr Dale Peters, a man known to me for over 10 years. In fact Dale Peters worked for me for about 12 months seven or eight years ago. It took me an additional six months to have him move on. I found him becoming arrogant and lazy and showing contempt for the position of a member of Parliament and the public he served. Today I can say without fear of contradiction that I believe him to be a corrupt individual, a liar, a bully and a hypocrite, not to mention his abuse of public funds, and of other funds, for his personal gain. As Cr Peters is now under independent investigation on the matter of public funds, I will not mention that any further.

I raise the issue of recent council elections where Cr Peters was re-elected on preferences by the slender margin of 267 votes on the back of his stooge candidate. It is this hypocrisy that I wish to concentrate on today, and I will detail various articles, notices of motion and comments he has made in the past on this issue. For example, I refer to the *Heidelberg Leader* of 6 April 2005. Before the event Cr Peters warned the newspapers that he was moving a motion of no confidence in me as state member. This notice of motion was based on an internal ALP document. As has been pointed out to the house, Cr Peters is an ALP member, and all members of political parties get internal documentation, newsletters and what have you. Trusted members of parties tend to keep that information to themselves, but all political parties have

members who like to exploit their party, and Dale Peters is one of those individuals.

In the *Ivanhoe Report* to ALP members of February 2005 I wrote under the heading '10 years of the City of Banyule: a state member's perspective':

December 14 and 15 —

in 2004 —

for the most part went unnoticed.

On 14 December 1994 the Kennett government disbanded the City of Heidelberg and dismissed its democratically elected councillors (myself being one of them).

The next day the City of Banyule came into existence with three Liberal-appointed commissioners: Julian Stock (chief commissioner), John Pizzey and Laurie Jonas, as well as a new chief executive officer, Doug Owens. The three commissioners had the job of creating the new council.

That was 10 years ago — December 1994. I made comment in February 2005 just as expected. Cr Peters used that internal ALP document to attack me. One of the things I said in that article as a small, throwaway line — but people like using small, throwaway lines — was that I offered my assistance in the very last week of a council campaign to an ALP member that I was supporting. That is all I said. The candidate in question said, 'Yes, you can help me. I have a running mate. Could you letterbox for that running mate?', so I undertook about 2 or 3 hours of letterboxing that night for a running mate of that candidate's.

Dr Naphthine — For a stooge candidate!

Mr LANGDON — At the request of that council candidate, as pointed out, a stooge candidate. Cr Peters took exception to that particular comment and took the matter to the council, which on 11 April 2005 moved a no-confidence motion in me for supporting a stooge candidate. You would think if Cr Peters was such a man of principle he would find stooge candidates completely and utterly abhorrent, but Cr Peters went on to move a no-confidence motion which failed by three votes to four. Amongst those supporting him were one Dean Sherriff, who has since been subject to court action which I will not comment on. Cr Peters has declared publicly that he is against stooge candidates — how dare anyone follow them!

As I said, at the last council election Cr Peters won by 267 votes on the back of a candidate's direct preferences. This candidate, Kathy Fleetwood-Hine, put out a how-to-vote card saying, 'Your local Viewbank candidate is ...', mentioning her name. It has her marked as no. 1 and Dale Peters as no. 2. There is

nothing wrong with that per se, except that Kathy Fleetwood-Hine does not live in Viewbank. You would think a person using that heading would at least live in the Viewbank area. That was a pretence. It also says, 'Stop the politics — vote Independent'. Kathy Fleetwood-Hine actually lives at 43 Sharpes Road, Watsonia North, some considerable distance — 15 minutes drive — from Viewbank. She was then campaigning as 'Your local Viewbank candidate' et cetera.

Kathy Fleetwood-Hine also put out a leaflet a week prior to that election and I will read it:

I'm Kathy Fleetwood-Hine and I'm seeking your support for Banyule council this 26 November.

I stood for election to Hawdon ward in 1997 and have lived in Banyule for more than 15 years. I'm no Johnny-come-lately to this election.

It is true that she did stand in the Hawdon ward in 1997, and everybody in Australian Labor Party circles knew that she stood as a stooge candidate, a dummy candidate for one Dale Peters. But she was doing it a second time, some considerable years later. Making matters worse, this leaflet was letterboxed by one Dale Peters. I had people seeing Dale Peters letterboxing this leaflet!

This is a man who finds stooge candidates abhorrent. He raises them in no-confidence motions and all that. How dare he do this? To make matters worse, having witnessed Dale Peters letterboxing and having had residents complain about Dale Peters doing that, I wrote to Kathy Fleetwood-Hine at her address in Watsonia North, asking for an explanation. I asked why, if she wanted to stop politics in council, an ALP member was letterboxing her leaflets. I asked why she was directing preferences to Dale Peters.

I cannot understand how this can happen. But all of a sudden those letters to her now appear on Dale Peters's web site. There seems to be a very strong relationship between Kathy Fleetwood-Hine and Dale Peters, yet she wants to be seen as voting independent.

As I said, Dale Peters came to this election seeking re-election. We do not know whose funds he was using to get himself re-elected — hopefully his own — but he went to the election after attacking me for using dummy candidates, or stooge candidates as he likes to call them. He himself was elected on the back of a stooge candidate. She received over 800 votes; he was elected by no more than 267 votes. One would say he stooged the people of Hawdon ward. It goes on and on and on.

During that council election I was very careful not to be directly involved in any of the council matters because I knew Cr Peters would love to exploit the situation. However, on 3 October 2005 I wrote to every resident of the section of Hawdon ward in which I live and which is in my electorate. I will read the letter:

Re: Trust in our elected officials.

Dear ...

I wrote to them all individually.

It goes without saying our trust in our local elected officials is often tested. As your state member for Ivanhoe I have always endeavoured to be supportive of local residents, accessible, approachable, and to deliver on my commitments.

Unfortunately, recent events indicate other elected officials may be abusing that trust.

In Parliament on 20 and 21 April 2005 the member for Templestowe Province, Bill Forwood, MP, used parliamentary privilege to accuse a Banyule councillor of corruption. The councillor has since been cleared by Victoria Police. According to Mr Forwood, the source of the allegation was our own Hawdon ward councillor, Cr Dale Peters.

Cr Peters denied these allegations in a press release of 21 April 2005, and in the *Heidelberg Leader* of 27 September 2005.

Using parliamentary privilege to falsely abuse council is wrong — that is direct political interference. As local residents we are all entitled to have our say on local matters. However, all elected officials must be accountable.

There is a fundamental issue here, and that is one of trust. Either Bill Forwood has misled Parliament on two occasions, which is the most dishonourable act a member of Parliament can do, or he is telling the truth. If that is the case the assurances from Cr Peters in his press release and in the *Heidelberg Leader* are false. The absolute fact here is that they cannot both be correct — someone is misleading the public.

I will stand here today and say there are many things about Mr Forwood I do not believe are honourable, but I do not for one moment believe Mr Forwood would break the basic trust of Parliament and mislead Parliament. I believe Mr Forwood was telling the truth when he said Dale Peters was the source of that leak. Dale Peters has since denied it — —

Dr Naphthine — And since been re-elected.

Mr LANGDON — And since been re-elected. It is an interesting comment. My letter goes on to state:

As one of your elected representatives I feel compelled to distance myself from these appalling activities — that is, abusing parliamentary privilege and making false accusations. I believe that representatives of the public must have integrity. These actions bring all elected officials into disrepute.

Finally, I went on to say:

As an elected member of Parliament I have written to you outlining my concerns and to offer my sincere apologies on behalf of all holders of public office for these individuals' breach of your trust. I commit myself to endeavour to maintain the high standard of trust that is placed upon all elected officials.

That letter went out to over 7000 people. I received not one letter of complaint and not one phone call of complaint. I received absolutely nothing. About two months later I got one back in the mail saying, 'Not known at this address'. That was the only comment I got about that entire letter.

It would be fair to say that Dale Peters's vote in the Viewbank area of the Hawdon ward went down to 33 per cent, so I can at least say Viewbank residents have some integrity, and being a Viewbank resident I share that integrity with them. But this is Dale Peters, an elected official, who used again the votes of one Kathy Fleetwood-Hine, his stooge candidate, a candidate he was letterboxing for, a candidate I believe he paid the funds for to run the campaign. I do not believe she authorised any literature.

Going back to Kathy Fleetwood-Hine's leaflet, nobody could get through to her on the phone number she had on the leaflet. No-one could contact her on the email address that was on it. She has not responded to my letters. No-one has heard from her, and in fact the letters I have sent to her have appeared in Dale Peters's web site. One could only say the one person who seems to know Kathy Fleetwood-Hine is one Dale Peters!

I bring this matter to the attention of the public to finally get some truth on the public record that Dale Peters is a hypocrite. He is a liar. As I said before he will stoop to any level to get himself re-elected — for example, I know that time and time again he will spread false rumours just to hide what he is doing himself. I condemn Cr Peters for his actions, and unfortunately the electors of Hawdon ward will have to put up with him for some time to come.

Bushfires: government response

Dr NAPHTHINE (South-West Coast) — I wish to grieve for all Victorians and particularly those affected by the recent bushfires across the state. I express my condolences to the family and friends of Trevor Day and Malcolm and Zeke Wilson who lost their lives as a result of these fires. I also place on record my thanks and the thanks of many Victorians to the volunteers from the Country Fire Authority, the Red Cross, the State Emergency Service, the Department of

Sustainability and Environment, Victoria Police, the Victorian Farmers Federation and all the thousands of people who were directly involved in the direct firefighting effort and who supported those firefighters. They did a fantastic job in difficult circumstances. I believe we need to take a big-picture view of some of these fires and make sure we learn from the experience, do it better and ensure we can make Victoria safer in the future.

In the course of my adult working life there have been four significant fires that I can well recall and was directly involved in: the 1977 Streatham–Cressy fires; the 1983 Ash Wednesday fires; the 2003 alpine fires; and the fires that were widespread throughout Victoria in 2006, particularly in the Grampians and in the Erica–Rawson area in Gippsland. The difference between the first two of those fires and the more recent various fires is significant.

Most of the 1977 and 1983 fires were started, gained momentum and did their damage on private land, and private landowners have learnt a lot from that and are now much better at managing their properties to prevent rapid wildfire spread. They also have fire plans to preserve their own safety and increase the opportunity of saving their houses. In 2003 and 2006 — and they were only three years apart — we saw significant fires start, gain momentum and cause massive damage in our Crown land national parks and areas where the state is responsible for the management of the land. There is something to be learnt from that.

I will talk mainly about the Grampians fires and the fires in western Victoria, and to a lesser extent Mount Eccles and Tyrendarra fires. There are lessons to be learnt from the Grampians that build on the lessons that should have been better learnt from the alpine fires. In the Grampians area 47 per cent of the national parks, or 85 000 hectares, was burnt. The fire involved 240 private properties, 45 000 hectares and 40 dwellings. Twenty-five woolsheds were burnt, 1880 kilometres of fencing was destroyed and 10 000 tonnes of hay was lost. A total of 62 400 sheep were destroyed, along with nearly 2600 beehives and 247 hectares of horticultural enterprises. An estimated 5000 businesses were directly affected, with a significant impact on the \$250 million a year Grampians tourism industry.

I have been out to the areas of Tyrendarra, Mount Eccles, Willaura and the Victoria Valley and met with a number of people involved in fighting the fires and in the recovery stage, and I use this opportunity to highlight what the community is telling me are the real issues and lessons that need to be learnt from the fires.

A number of them reiterate the lessons that should have been learnt from the 2003 alpine fires.

One of the significant differences in fires in Victoria over the last 40 to 50 years has been, I believe, the significant shift where the major fires are occurring and where the major damage is being done. It is happening on Crown land, in national parks and in state forests, and it causes enormous environmental damage and enormous threat and loss to adjoining land-holders. The only conclusion that can be drawn is that our Crown land and national parks management is not up to scratch. It is simply not good enough. We are doing a poor job.

The government of the day is not managing its national parks and Crown lands to provide for the proper safety of the environment in those areas and to provide for the safety of adjoining landowners, communities and businesses. The principal point that comes up time and again is the need for more fuel reduction burns. Every year over the last three to five years we have seen evidence of the Department of Sustainability and Environment and Parks Victoria continually not meeting their targets for fuel reduction burns. The fuel reduction burning program was identified by the Esplin report as being inadequate, and since then its targets still have not been met.

We need to fundamentally commit to increasing our efforts in fuel reduction burning to increase safety for the environment and for the communities that border national parks. We have only to examine some of the comments made in the press to further exemplify the problem. The *Warrnambool Standard* of 25 January states:

Macarthur farmer Graeme Addinsall said the fire that threatened \$1 million worth of hay on his property wouldn't have happened if the Mount Eccles National Park was better maintained.

Mr Addinsall said it was inevitable that a serious fire was going to break out in the park because it was so overgrown while poor access through it made it extremely difficult to fight blazes.

...

'It shouldn't have happened', Mr Addinsall said. 'The park hasn't been burnt back for 14 years, so what do you expect to happen?'

Similarly the Willaura CFA brigade members told me in my meetings with them that the programs for fuel reduction burning in the Grampians have been piecemeal, inadequate and simply not good enough to control the sorts of wildfires we can expect in these areas. They say the rate of burning would suggest that the whole park is not burnt for something like 35 or

40 years. It is simply not good enough, and there are high-risk areas of the park that are seen as sacrosanct for fuel reduction burnings. They believe that, instead of having small 1 and 2-hectare burns, they need to have properly based, significant fuel reduction burning carried out on a proper grid. The first lesson we have to learn — unfortunately it is a lesson that should have been learnt out of 2003 — is that this government is not a good manager of its Crown land and there needs to be a greater commitment to fuel reduction burning.

The second lesson is the need to have a network of fire access tracks that are properly maintained and looked after. Fire trucks were entering areas of national park and Crown land where crews were putting themselves at genuine and serious risk because they were fighting fires where, if they needed to turn around and get out quickly, there was no proper exit strategy because the fire tracks had not been properly maintained. They were unsafe for fire trucks travelling at a reasonable speed.

The first principle of safety in any national park and on Crown land is that there has to be a properly maintained grid of fire access tracks for the safety of firefighters who have to work in there. Secondly, those fire access tracks can be used as a network from which people can do back-burns. If you have a properly maintained fire track, that is the ideal place to start your back-burns within the park, so you do not have to wait until the fire gets out of the park and onto private land to do your back-burning.

I will come to that in a minute, because in trying to protect people in these fires too often the immediate reaction from the incident control centre — the Department of Sustainability and Environment (DSE) — was to come out of the park onto private land and to burn private property to provide a back-burn and a firebreak to protect against a fire inside an area of Crown land. Those same people would not think about doing a dozer line along the fence and back-burning within the park itself, where it should have been done in the first place.

The third lesson we have to learn is to look at our roadside and native vegetation policies. They have now made it much less safe in country Victoria. CFA brigades are being prevented from burning off along roadsides because of the native vegetation policy; local farmers and CFA brigades are prevented from ploughing or grading firebreaks along roadsides because of the native vegetation policy; farmers are unable to keep fence lines clear and to keep proper fire access tracks along fence lines because of native vegetation; and when I was at Willaura the other day the crowd in the hall was furious because we now have

an issue where the farmers are wanting to rebuild their fences but they are being told the following by DSE:

Trees or limbs may be removed without a permit in the following situations:

When replacing an existing fence and the tree limb is within 1 metre either side of the fence line and 3 metres above.

...

If the tree poses an immediate risk to life or property.

You are allowed to clear a metre either side to build your new fence, but no more, or you will be prosecuted for clearing native vegetation, and you can only chop down a tree, even if it is burnt, if it is an immediate risk to your life and property.

When the officers were asked what ‘immediate risk’ was, they said it meant within that day. If it is going to fall down next week or the week after and you clear it, either to build a new fence or because it will fall on your shed, you could be prosecuted, and the people at Willaura were warned they would be prosecuted. That is ridiculous in the extreme, and the rule about 1 metre either side is ridiculous in the extreme. We need proper native vegetation controls, but we need commonsense, and commonsense has gone out the window. We need tracks either side of fences for proper firebreaks and proper maintenance of the fences, and this 1-metre rule is absolutely stupid and ought to be thrown out immediately.

We need to investigate and learn from the fire itself. There are real concerns when there are initial lightning strikes, as occurred on the Thursday night, but the main fires did not occur until Sunday, four days later. That was because the weather that day was very serious. But real questions need to be investigated about what happened between Thursday and Sunday. In Mount Eccles two local brigades went in in search of the lightning strike and fire, and at about 8 or 9 o’clock at night they called for aerial assistance to obtain a global positioning system (GPS) description of where the fire was because they could not quite find it. If they had been able to identify it, they could have put it out on the ground. A plane was flying less than 10 minutes away, but the brigades were told it was not a high enough priority to send a plane over to Mount Eccles.

That fire burnt out nearly 1500 hectares of national park and burnt out private land. It caused enormous damage worth well over \$1 million. We had situations in the Grampians as a result of which the local Country Fire Authority volunteers have raised real questions about what was done between the Thursday night and the following Sunday, when the fire broke out in a serious

way, in terms of back-burning and controls. I commend the CFA volunteers and officers from the Department of Sustainability and Environment (DSE) as individuals and professionals, but we need to learn from these things.

We had the situation with Tom Napier in Mirranatwa in the Victoria Valley where on Australia Day he had 670 hectares in one paddock burnt from A to Z, simply because the CFA and the DSE would not allow him to put a grader around the outside of his property, which adjoined the national park, and do the back-burn from the national park, because one of the areas was seen as an area where you were not allowed to burn. They burnt his paddock from A to Z. His whole paddock was destroyed and his fences were destroyed, simply because they were too scared to do back-burning in the national park. I think that is totally inappropriate. They did not even consult with him about what they were doing. That could have been handled a lot more efficiently and a lot more effectively.

I want to put a couple of other things on the record that I think are positive and should be taken up. I met with people from the Red Cross, who did a fantastic job at short notice. They said they could do with a food transport vehicle rather than using State Emergency Service cars with airconditioning running to try and keep the food cool in transporting it from one area to another. It would be handy if the government provided a food transport vehicle to the Red Cross. They also said that when fire trucks are being built they should have a food storage area put into the back of them. That would make no difference to the cost of the trucks but would mean that food would be kept safe in a cool storage area. There is a need to upgrade halls across the state with power and telephone lines so they can act as communication centres.

There is also a need to have a look at the recovery process. In terms of the recovery the message from Willaura, Victoria Valley and other fire areas is that government help is appreciated but that the people there want real help. Some people want help in terms of the promotion of tourism to the Grampians, which is fantastic, but farmers need real help to rebuild their fences, not mickey mouse, feel-good programs about community development and community facilitation.

The best way to help these farmers is to help fund the building of fences so they can employ people, generate real income and rebuild their lives. The last thing they need is more facilitators, counsellors and communicators. As I said, they want real programs, not mickey mouse programs. We had the situation in Stawell where the government said it would give

\$20 000 to each householder who was burnt out. Later it came back and said, 'The fine print says you do not get it if you are insured or underinsured'. So the so-called \$20 000 absolutely disappeared! The government needs to be genuine about helping these areas to recover by providing real assistance. We need to learn from what happened in these fires.

Cleanaway: Tullamarine landfill site

Ms BEATTIE (Yuroke) — I grieve for the residents of Westmeadows, Gladstone Park, Attwood and Tullamarine, who have had to put up with the smell, the leaching and the hazards from the Cleanaway landfill in Western Avenue, Tullamarine, for over 30 years.

This landfill is on an old site which dates back to the 1970s. By way of background I take members back to the 1970s. People were complaining that the new Melbourne Airport was far too distant from the city to be viable and that Essendon Airport should remain the state's main airport. The drive-in on this site was to become the Jennings dream estate of Gladstone Park, which was regarded as the outer suburbs. In the early days of the Cleanaway Tullamarine landfill site a lack of knowledge allowed the dumping of materials that we now know should never be dumped in landfill. These included polychlorinate biphenyls, dioxins and oil, among other toxic materials. My understanding is that this practice was stopped in the mid-1980s. Although it was stopped, the plume from the oil is still leaching out under the landfill.

Local residents will remember those years, because most of them could not open their windows — depending on which way the wind was blowing — due to the dreadful gaseous stench coming from the Cleanaway Tullamarine landfill. Although, as I said, action was taken during the mid-1980s, residents are telling me that the Cleanaway landfill still stinks.

Because of the constant problems the landfill was set down for closure. I will quote from a letter dated 26 May 1986 sent to a constituent by Alan Griffiths, the then federal member for Maribyrnong. Among other things it states:

I know that your area has suffered from the obnoxious smells and periodic fires emanating from the site.

I am sure you would agree with my view that the only solution is to close the site immediately.

I am pleased to advise that this will now occur.

My colleague Jim Kennan, Minister for Planning and Environment, has announced that the site will be closed by 1990. It is impossible to close it immediately as no alternative site currently exists.

That letter was dated 26 May 1986, but we know the site did not close. Despite constant complaints to Cleanaway Tullamarine, the landfill continues to operate and continues to be a source of community concern.

I will now take a leap forward. I say to honourable members that residents continue to complain about the site and look forward to its closure sometime in the future. In the community struggle in Werribee back in 1998 and 1999 — members of the now opposition will remember it well — the former Kennett government and the proponent stated many times that a Werribee toxic waste facility was needed because of the imminent closure of Cleanaway Tullamarine.

Cleanaway Tullamarine applied for a further works approval in 2001. In layman's terms the old cap was lifted to allow better technology to be applied, and a works approval for dumping an extra 177 000 tonnes of toxic waste was granted. This was not opposed by the Hume City Council, but in correspondence to Cleanaway it asked for confirmation in writing of what had been stated verbally — that is, that this would be the last works approval sought. Unfortunately it was not followed through and council was content with verbal assurances. The estimated time for its closure was to be around 2003, and residents looked forward to that. Then Cleanaway Tullamarine threw good faith out the window.

Just before Christmas 2005 Cleanaway Tullamarine sought two extra works approvals. The timing of these applications in my view was meant to minimise any input or objections from the community. They were advertised on 30 November, with the objection period ending on 21 December. I do not know what honourable members were doing around that time, but I can tell them that around December 2005 my attention was certainly not drawn to the public notices.

However, when this came to my attention I immediately sought and was granted an extension of time until 25 January. Cleanaway did not even have the courtesy to brief the council, let alone any neighbours who live near the site. I sent out several thousand letters and was absolutely overwhelmed by the response. Due to public demand a public meeting was called, and it was estimated by the mayor, who chaired the meeting, that 200 people were in attendance. Cleanaway was invited but continued to thumb its nose at concerned residents. I shall now read the letter from Cleanaway. It thanks me for the invitation and says:

Over the operating life of the landfill, our company has consistently supported a transparent approach to its relations with the local community. In recent times the company has

maintained an active and positive relationship with the Tullamarine community consultative committee ... and we have been sharing all aspects of the current landfill operation and future plans (including the works approvals) with the group — and we will continue to do so in the future.

In addition, the EPA has confirmed that a public meeting (with an independent chair) will be held on Wednesday, 15 February, in the Westmeadows area to further discuss the works approval processes and to hear any concerns or objections to the proposals.

This letter is completely disingenuous. The community consultative committee does not report back to the community, and the 'public meeting' to which Cleanaway refers will not be a public meeting. It will be a meeting of the objectors speaking to their objections. It will not be a public meeting. Members of the public can go and attend, but they certainly cannot speak. This letter is completely disingenuous.

On the night of the public meeting it was a surprise to me that the Liberal candidate for the Western Metropolitan Region was there. He told me he fully supported the closure of the Tullamarine facility. I hope those in the Liberal Party can confirm this, because it seems at odds with statements made in this house.

A committee of concerned residents has been formed, and it is my understanding that around 80 objections have been lodged with the Environment Protection Authority. Residents are determined that the closure will take place. It will be fight — a big fight. I now wish to refer to the draft minutes of the December meeting of the Tullamarine Landfill Community Consultative Committee. In those draft minutes one member of the consultative group, Richard, asks what will happen if the works approval is not given. Matthew — that is, Matthew Whelan from Cleanaway — says that the proposal will be refined until approval is given. So there is Cleanaway's plan. It does not care what local people think; it does not care about the community. It will go on dumping at Tullamarine as long as it can. I wish the community group well. It calls itself the Close It Now group. I wish its members well in their fight against this corporate cowboy.

I do not have a great deal of time left, but I want to talk about some of the issues that were canvassed on the night. The public meeting talked about the environmental issues, including leaching into the upper Moonee Ponds Creek and the salt levels in the creek. Many people talked about health concerns in the area. I have to say — and I do not know if this is just anecdotal evidence; apparently there have been no health studies — that residents there on the night were telling me there is a greater incidence of cancer around

that Westmeadows area than in other areas in other suburbs. So that is something the community group is going to look into as one of the health issues.

I have to say that Cleanaway has been deceitful in its dealings all along. When I was a candidate for Tullamarine I went to a couple of Cleanaway's meetings. I do not go anymore, because I do not believe Cleanaway is being honest with the community. I will show you some of the plans it had for the closure. One of the plans it talked about at some stage was to have a zoo — on top of the toxic dump! Cleanaway was going to talk to the Zoological Parks and Gardens Board; it was actually going to try to save endangered species. I would think other species would become more endangered if Cleanaway went on with this. Fancy pretending to the community that you could have zoological gardens on top of a toxic dump!

Some of the things considered include a jogging/bike track, boardwalks, bird hides and a nature trail. I just hope people do not stumble on any polychlorinated biphenyls on the way when they are taking their nature walk. Others include a recreation area with barbecues, parking, a BMX track, a playground for children and vegetable gardens — I do not whether people would eat the vegetables from those gardens! They also include a conservation area where there would be planting for wildlife, butterflies, frogs, bandicoots, lizards and birds, but not large animals! They are some of Cleanaway's dishonest and disingenuous plans.

Naturally Cleanaway has a plethora of reports to which it refers. I will refer to one of its own reports by Golder Associates which talks about the landfill. I ask Cleanaway to take notice of its own reports because this report says:

Cleanaway currently owns and manages the buffer land and adjoining Cleanaway waste treatment facility —

in other words, a toxic dump —

This facility is anticipated to fill in year 2001. Cleanaway is responsible for ensuring that all commitments related to the closure of the landfill are fulfilled until about year 2030, or such a time that they can demonstrate that unacceptable environmental impacts are no longer likely to occur.

So there it is, Acting Speaker; you have it all laid out before you. You have letters from this corporate cowboy from 1986 until now ensuring that this toxic dump facility will close, but what do we have on our doorstep? We have two more works approvals that will ensure that this facility will remain even longer. They do not tell us how much longer — of course they are not going to tell us how much longer. The community and I know that it does not matter how much longer,

because if Cleanaway is given this extension of time it will then seek a further extension of time, because it has made it very clear in its own minutes that it will refine its proposals until a works approval is given.

I wish the Close It Now community group well in its fight. I will stand shoulder to shoulder with members of that group in the fight to see that this landfill closes and that further lives are not disrupted or disturbed by this corporate cowboy which has absolutely no regard for the local community. Cleanaway will not even turn up to answer the questions that the local community has about its facility, and then it masquerades as having a group — it calls it a community group, but I know some members of that group and while they are very good people they do not report back to the community, and Cleanaway does not report back to the community. There are shonky things going on down there.

Question agreed to.

STATEMENTS ON REPORTS

Family and Community Development Committee: regulation of funeral industry

Ms NEVILLE (Bellarine) — I am very pleased to have the opportunity today to speak on the Family and Community Development Committee report on the regulation of the funeral industry. This is the first time that the house has had an opportunity to consider this report as it was tabled on the last sitting day last year. The committee was asked by the minister to examine the regulations that currently exist for the industry and any problems or issues that had been raised by consumers or the industry, and to consider ways in which we may be able to strengthen the regulations that apply to that industry.

Firstly, I want to acknowledge the industry. The industry bodies and individuals gave up a lot of time and energy to help the committee understand the industry and the way in which it could be improved. Similarly I would like to acknowledge the workers and consumers, who also shared their experiences, which were sometimes relatively disturbing. The committee travelled throughout Victoria to learn about both the metropolitan and regional experiences. It is overwhelmingly clear that most players in the industry provide an outstanding service to their communities. Their dedication was absolutely evident. However, we also heard that some very disturbing practices go on in some parts of the industry. As we all know, funerals become part of all our lives when we experience the deaths of family and friends. We all have some

experience with the funeral industry at some stage, but it is not something that is discussed in our community.

One of the most extraordinary pieces of evidence that was presented to the committee was the results of some research that had been undertaken by the Australian Funeral Directors Association in 2004. It indicates that the overwhelming majority of consumers believe funeral directors and their businesses are required to be licensed and regulated. There was an assumption that an industry of such importance would be regulated, but the house may be surprised to know that there is very little regulation of this industry.

Some regulation occurs under other pieces of legislation, such as some of the occupational health and safety legislation, which obviously applies to all workers, and there is some prepaid funeral legislation, which deals specifically with managing consumers' money when they prepay funerals, but there is no specific regulation to deal with the funeral industry and set any minimum standards. Standards are set only by the industry associations, which, of course, make it voluntary, and they only apply to the members of those associations. There is also a lot of difficulty in ensuring compliance with those minimum standards.

Overall the committee found that the current system of self-regulation of the industry was unsatisfactory, particularly given the coverage of the industry associations and their inability to enforce that compliance. Certainly the committee was concerned to ensure that none of its recommendations put at risk some of the smaller players in the industry. It tried to achieve a balance between protecting consumers, ensuring that we have a viable industry and looking after both small and large players in the industry. It is an important report, and I recommend it to the house.

Public Accounts and Estimates Committee: budget estimates 2005–06

Ms ASHER (Brighton) — I also wish to make a couple of comments on the Public Accounts and Estimates Committee *Report on the 2005–06 Budget Estimates*. I can always rely on this Labor-dominated committee to report very fairly on the performance of the Minister for Major Projects and indeed on the government's abysmal performance on major projects where every single one of its major projects is either late or over budget, or both. The committee makes a very valid observation at page 314 about the minister shying away from adequate performance measures. The report states:

There are no performance measures for the other key major projects managed by Major Projects Victoria.

It goes on to say that the major projects group, which in the budget papers is called the public construction and land development output group:

... only contains performance measures for the Yarra precinct pedestrian link; Yarra lighting and the hazardous waste siting project.

Otherwise known as the toxic dump project, which I note is what the previous Labor member spoke about at some length during grievances. The committee went on to indicate that the Minister for Major Projects should subject himself to the same performance measures that other ministers are required to have in the budget papers. Recommendation 56 states:

The Department of Treasury and Finance clarify the responsibility for reporting performance measures of projects that Major Projects Victoria manages on behalf of other departments and agencies.

I think that is quite a damning comment, because this third Minister for Major Projects is very good at divesting himself of responsibility. I notice the Minister for Health is sitting at the table. There are some very rigorous performance indicators in the budget papers to assess her performance, as there are for a range of ministers. The Labor-dominated committee has drawn the Parliament's attention — and I am grateful that it is not just me talking about this, but also a respected parliamentary committee — to the fact that the Minister for Major Projects is not subjecting himself to sufficient public and parliamentary scrutiny, and, of course, we all know why. It is because the performance of three successive ministers has been particularly poor.

I note also that the committee went on to say that it questioned the Minister for Major Projects, as it should, and that the minister indicated that there is a 2004–07 corporate plan which provides more information about major projects. Some project delivery indicators are reproduced at page 315 and I want to touch on those. What the corporate plan requires in terms of scrutiny of the minister is unbelievably lax. What it asks for is a percentage of projects delivered within plus or minus 10 per cent of agreed budget, and the target for that is 80 per cent. Also, it asks for a percentage of projects delivered within plus or minus 10 per cent of agreed time with a target of 80 per cent, and a number of other indicators.

I want to make a couple of observations about the lax performance measures, even in the corporate plan. A note in the report states that that terminology is:

... endorsed or approved by government through responsible minister or cabinet.

In other words, what the minister is putting as his own performance indicator is, in many instances, a revised budget or a revised time line, not the original budget or time line. Indeed the minister has made the comment in the Parliament. I also note that in the chart the showgrounds, the synchrotron and the convention centre are all late projects, although you would not be able to pick that up from the chart provided by the minister. The second point is that plus or minus 10 per cent is in fact a very large discrepancy. It is unacceptable if something is 10 per cent over budget, and that is what is happening with a range of major projects.

My third point is that the targets of 80 per cent are 20 per cent failure targets. What other minister has a target range with 20 per cent failure? The answer is none; they are all subject to far more rigorous performance measures than this minister.

My fourth observation is that the targets are an aggregation not only of the minister's own responsibilities in major projects, but also in transport. Again, I am thankful to the Public Accounts and Estimates Committee for pointing out the inadequacies of the Minister for Major Projects.

Public Accounts and Estimates Committee: budget estimates 2005–06

Mr MERLINO (Monbulk) — I rise to speak on the Public Accounts and Estimates Committee *Report on the 2005–06 Budget Estimates*, which was the usual marathon session, as the member for Box Hill — who is also on the committee — would attest. It was 55 hours of scrutiny through May and June last year. The usual big tome of budget estimates was tabled late last year, so this is the first opportunity to speak on it.

I would like to highlight a few things. I will kick off with the Department of Justice and the trend in the crime rate. I point out the committee's key finding 9.9 that there has been a positive trend in the majority of Victorian crime statistics published by Victoria Police. I point members to exhibit 9.13 on page 438 which shows that Victoria's crime rate per 100 000 population has declined since 2000–01. The latest statistics for the 2004–05 period show that the crime rate per 100 000 population has reduced by 7.3 per cent compared to the previous year.

Exhibit 9.14 on page 440 shows Australian Bureau of Statistics national crime statistics which again indicates the decline in the crime rate in Victoria since 2001. It is

constantly below the national average, and in 2004 only Tasmania had a lower crime rate. The committee was informed by the Minister for Police and Emergency Services that this improvement is a direct result of significant investment in the police force, in infrastructure, human resources and programs. I mentioned to the house yesterday the new police station in Olinda which is just one example of that.

Another issue I want to focus on is that of family violence. The Labor Party caucus held a conference in Warburton just prior to the start of this sitting. During the conference we were given a briefing by the Shire of Yarra Ranges and other community leaders. A major issue highlighted in the conference was the extremely high incidence of family violence in the shire; it is one of the worst areas in the state. It was very pleasing for the committee that both the minister and the chief commissioner advised of initiatives to tackle unreported offences, and specifically to tackle family violence. Just to give one statistic, the Australian Bureau of Statistics found that almost 70 per cent of assault victims in Australia reported that they did not tell police about the most recent assault they had experienced. So the committee was advised of an amount of \$35 million over four years and \$5.9 million in 2005–06 which has been provided under the new output initiative of safety and justice: a new approach to family violence in Victoria. The committee made a recommendation in terms of reporting and will be keeping a close eye on it. I commend the work of my colleagues on the committee and this report.

Public Accounts and Estimates Committee: budget estimates 2005–06

Dr NAPTHINE (South-West Coast) — I wish to comment on the Public Accounts and Estimates Committee (PAEC) *Report on the 2005–06 Budget Estimates*. Before I do that, I wish to make a passing reference to what I believe is the increasing contempt of the Bracks Labor government for the Parliament and for the parliamentary committee process itself. I refer to the increasing tendency of the government to publish its responses outside parliamentary sitting times in light of the new legislation which allows it to do that, choosing the times to suit its own political purposes rather than the best interests of the Parliament, the parliamentary committees and the people of Victoria. For example, at 2.25 p.m. on 3 February we had a notification stating that the government response to the Economic Development Committee's inquiry into labour hire employment in Victoria was available in the papers office. That was at 2.25 p.m. on a Friday. Yet Parliament resumed only four days later on Tuesday, 7 February. So the government is trying to say that after

months and months it could not wait until Parliament resumed.

Mr Andrews — You knocked off early.

Dr NAPHTHINE — The member for Mulgrave says, ‘You knocked off early’. Members in country Victoria have difficulty in getting to the papers office at 2.30 p.m. on a Friday afternoon to get the document.

An honourable member interjected.

Dr NAPHTHINE — There was a huge response. On 22 November the government provided its response to the PAEC. It said it was advised ‘last Friday’, which was 18 November. Guess what! Parliament had just finished sitting for the year. It sat on 15, 16 and 17 November. The government sat on its response in contempt of Parliament and the parliamentary committee until Parliament rose. Then on the Friday it announced suddenly that it was going to table the report outside the sitting hours.

On 31 May we were notified that the government’s response to the Rural and Regional Services and Development Committee inquiry into country football was available, when Parliament had been sitting only a couple of days earlier. There is ongoing contempt for the Parliament and an ongoing manipulation of the parliamentary committee process, and those instances highlight that fact.

I refer to chapter 11 of the PAEC report on the Department of Primary Industries. This report highlights the fact that the Bracks government is clearly running down or cutting services to Victorian agriculture, despite the importance of agriculture to our economy and to employment in regional and rural Victoria. The report shows that the Minister for Agriculture is negligent, uncaring, uninterested and completely inactive when it comes to fighting for Victorian agriculture.

Finding 11.3 in the report tells us that the department is required to make savings of \$4.7 million in its budget — another budget cut for the Department of Primary Industries. Finding 11.4 tells us that staff will be cut, and indeed it reports that staff have been cut since June 2004 from 2652 to 2588 — 64 positions gone. What are those positions? Further on the report shows that there has been a 13 per cent cut in field staff and an 11 per cent cut in key scientific staff. We are not cutting out the fat cats, we are cutting out the people in the field helping farmers. But Minister Cameron does nothing about fighting for better services for agriculture.

The other issue I want to raise with respect to this report is found on page 503, which clearly demonstrates the problem we have with the plague of foxes in regional and rural Victoria at the moment. The committee found that the estimated cost of these foxes was \$39 million a year, and there are over 1 million foxes across Victoria. This is a significant problem. The committee also found that, on their own, baiting programs only produce short-term cycle reductions in baited areas, followed by a recovery to pre-baiting levels.

This highlights the need for a concerted effort to control foxes to protect our native fauna and also to protect our agricultural industries. That concerted effort involves not only fox baiting, which is an important part of the program, but also reintroducing the fox bounty. This is absolutely essential for country Victoria. The government should reintroduce the fox bounty because using a fox bounty and a baiting program will make an impact on the fox population and reduce that \$39 million a year loss.

Road Safety Committee: country road toll

Mr TREZISE (Geelong) — I take this opportunity to again examine in part the work and the recommendations of the parliamentary Road Safety Committee inquiry into the country road toll. This important report was written in the context of the government’s Arrive Alive strategy, which seeks to reduce Victoria’s country road toll by 20 per cent between the years 2002 and 2007. Although there has been a decline in the road toll in recent years, with a record low number of road deaths, the country road toll has failed to decline as significantly as the metropolitan road toll. In 2003 and 2004 the average metropolitan road toll fell by 17 per cent, whilst the country road toll declined by 13 per cent.

One significant problem that is not peculiar to country roads but is certainly predominant on them is accidents caused by fatigue. The very nature of country driving involves long hours of monotonous driving and in many instances it involves inexperience. These factors contribute to the fatigue problem on our rural roads. If we combine these factors with 100-kilometre-an-hour plus speeds on our country roads, we can see the deadly combination of fatigue and speed.

Unfortunately over the Christmas break we saw a number of accidents where fatigue may have been the major culprit, and we are quickly heading towards Easter, a period that we all know is historically perilous with fatigued drivers contributing significantly to deaths on our roads. The parliamentary Road Safety Committee addressed the issue of fatigue in its inquiry

on the country road toll. In its submission to the inquiry VicRoads informed the committee that 13 per cent of country road fatalities were associated with fatigue, and as I said, they were more prevalent on our country roads than our metropolitan roads.

The committee also heard from Professor Dawson, the director of the Centre for Sleep Research at the University of South Australia, who informed the committee that after 24 hours of sustained wakefulness performance deficit is equivalent to a blood alcohol concentration of approximately .10. It is also interesting to note that some drivers are more at risk of death due to fatigue than others. Younger drivers, shiftworkers, drivers of heavy vehicles and those who suffer from sleep disorders are more at risk of fatigue-related road deaths than other categories of drivers.

In addressing the issue of fatigue the committee made some very important recommendations, and I am pleased to say that the government has reported back on or accepted most of those recommendations. Make no mistake about it, fatigued driving is a killer, and it is therefore paramount that the government, its related road agencies and Victoria Police continue to tackle the problem to ensure that our road toll continues to decline.

Economic Development Committee: labour hire

Mr DELAHUNTY (Lowan) — I want to speak today on the government's response to the inquiry by the Economic Development Committee into labour hire in Victoria. As a little bit of background to the report — it starts with page 15 of the initial report — I want to highlight the term 'labour hire'. I do not think enough people understand what the term really means. The term 'labour hire' in this report designates a triangular work relationship between the worker, the labour hire agency and the host.

We had a lengthy time frame: we worked over 2004–05 on this. The committee received many submissions and heard from many witnesses. Hearings were held right across Victoria, including, importantly, rural and regional Victoria. Most people we met highlighted one important point: they supported the flexibility that labour hire provides for our work force.

It is interesting to note that labour hire is used not only for skill replacement but also to replace staff on holidays, sick leave, long service leave and maternity leave. We put in the report in two parts — one was the interim report in December 2004, with 16 recommendations; the other, in June 2005, was the final report, with

27 recommendations. However, I want to highlight the fact that this is important for those of us in country Victoria, because we have seasonal highs and lows. Whether it be at picking, harvesting or cropping time, we need flexibility in the work force.

In its response I am pleased to see that the government has accepted most of the recommendations. It has accepted four recommendations in principle, and there are four it has not accepted. I just want to go through a couple of those. One recommendation we talked about in the interim report involved hold-harmless clauses. We felt these were a direct contradiction of the objectives of occupational health and safety. We are disappointed that the government has only accepted this in principle, because it was one of the major concerns. Of all the information the inquiry heard and received, this was in direct contradiction to the responsibility that the host employer has — and all employers for that matter, whether it be in the labour hire industry or in other industries — in making sure that occupational health and safety is appropriate and that they have good return-to-work practices.

One of the other recommendations the government has not accepted in the final report is recommendation 3.1, which states:

That the Victorian government, directly and in conjunction with the federal government, encourage the finance industry to develop improved opportunities for non-standard workers such as labour hire workers and casual employees to obtain finance for loans, especially home loans.

Mr Pullen, a member for Higinbotham Province in the other house, would be extremely disappointed that the government — and he is a member of the government — did not accept this recommendation. From the submissions we received and the people we spoke to we heard there were difficulties in getting finance, particularly for casual workers. We thought this was a fair way for the state government, working with the federal government and the finance industry, to provide improved opportunities for getting home loans. It is part of the great Australian dream to be able to afford to buy your home.

There were many other recommendations that I will not cover. But I was pleased to see that, overall, the government has accepted our report. I quote from the beginning of the report:

While Victoria has enjoyed strong economic growth in the past decade, sustained success will in part depend on productivity growth and increased work force participation.

That summarises our feelings, and I am pleased to see the government has come to its senses and understands

that too. When we started this inquiry there was a real focus on blue-collar workers; however, during the inquiry we found that not only health service workers but also community service workers are employed under labour hire. The report covered vocational educational and training. We covered poor performing labour hire agencies and host employers. We also looked at a range of initiatives to improve return-to-work programs. We also looked at the rights and conditions of workers who are in casual and precarious employment.

In finishing, we must remember that about 30 per cent of our health and community services work force comes under the labour hire sector. The report, and importantly the response, recognises that the flexibility provided by the labour hire sector is needed by the government and importantly will influence our country's economic growth and employment creation process. Overall, I am pretty happy with the government's response to the report, but I am very concerned that it did not take up the hold-harmless clause. Something must be done to address the problem.

INTERPRETATION OF LEGISLATION (FURTHER AMENDMENT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The Interpretation of Legislation Act 1984 (the act) makes provision for the construction, operation and the shortening of language used in acts of Parliament and subordinate instruments. This bill will make a number of miscellaneous amendments to clarify and improve the operation of the act. This is a technical bill, but I will go through each clause in turn because the act is of vital importance to the drafting and interpretation of legislation in Victoria.

Clauses 1 and 2 are standard provisions dealing with the purpose and commencement of the bill.

Clause 3 of the bill deals with the numbering of acts. Section 9 of the act provides that acts passed in each calendar year shall be numbered in regular arithmetical series, beginning with the number 1 in the order in which they receive royal assent.

There is a gap in the number of the acts that received royal assent in 2005. There is no act 68 of 2005. The act does not set out the consequences of a gap in

numbering. Arguably the gap simply presents a citation issue of no legal consequence. However, in order to ensure that the gap does not leave open the possibility of a technical challenge to the acts that have been numbered following the gap, clause 3 amends section 9 to provide that a failure to number acts as provided in section 9 does not affect the validity, operation or effect of an act passed in any given year.

Clause 4 of the bill amends provisions in the act dealing with the commencement of acts. Section 11(1)(b) of the act provides that where no day is fixed for an act to come into operation, it is to come into operation 28 days after it receives royal assent. The 28 days allowed sufficient time for the publication of the act. Advances in technology now allow acts to be published online within 24 hours of passage, so the 28-day delay in commencement is no longer relevant. Furthermore, it can be difficult to calculate the 28-day period, since it is unclear whether weekends and holidays should be included in the calculation.

Clause 4 addresses this issue by amending section 10A to provide for the power to fix a day or days of commencement where an act makes no provision for the commencement of a particular provision of the act, or makes no provision for the commencement of the act or more than one provision of the act. In these circumstances, commencement will be on proclamation or on the first anniversary of the passing of the act, whichever is earlier. Clause 4 also replaces sections 11(1) and (2) to remove section 11(1)(b) and make sections 11(1) and (2) easier to read.

Clause 5 of the bill deals with the exercise of powers between the passing and commencement of an act or subordinate instrument. Section 13 of the act sets out the powers that may be exercised under an act between the passing and commencement of an act. This section is often utilised to facilitate the practical implementation of an act prior to its commencement. For example, it allows for necessary regulations to be prepared, required office space to be leased and appointments to be made.

Clause 5 substitutes a new section 13 to more clearly set out the powers that may be exercised during this interim period. The amendment clarifies that a person appointed during the interim period can exercise a power under the act and that a body may meet and exercise a power in the same manner and subject to the same conditions or limitations as if the act were in operation. The exercise of these powers does not confer a right or impose an obligation on a person before the commencement of the act except to the extent

necessary to bring the act or relevant provision into operation.

The new section 13 will also make it clear that a person or body appointed can be remunerated during the interim period. It will also provide that the duration of an appointment during the interim period is not to be taken into account in calculating the duration of an appointment after the act commences. If an act provides that a person may be appointed for a three-year term the three years will run from the date of the commencement of the act not from the date of the appointment in the interim period.

Clause 6 amends sections 14 and 28 of the act.

Section 14 provides for the effect of the repeal of an act or where it otherwise ceases to operate. For example, section 14 includes a provision that the repeal of an act does not revive the operation of any act that had been repealed by the first-mentioned act. Section 28 similarly provides for the effect of the repeal of subordinate legislation or where it otherwise ceases to operate.

Clause 6 amends sections 14 and 28 to clarify that where an act or subordinate instrument contains a provision that:

is of a saving or transitional nature, or

validates anything that would otherwise be invalid, or

requires a reference to an entity or a class of entity in an act or subordinate instrument or other instrument to be construed as a reference to another entity or class of entity,

the repeal of the provision, or where the provision otherwise ceases to operate, does not affect the operation of that provision.

It is common for provisions of this nature to be repealed after they have taken effect as part of the ongoing program of statute law revision. The repeal is done on the basis that it will not affect the operation of the provision. The amendment makes the effect of the repeal of these types of provisions absolutely clear.

Clause 7 of the bill deals with the construction of references in acts or subordinate instruments to renumbered or relocated provisions. Section 17 of the act provides for the construction of references in acts to other enactments. Section 31 of the act similarly provides for the construction of references in subordinate instruments to other enactments. It is not uncommon for acts and subordinate instruments in Victoria to refer to provisions of acts in other

jurisdictions — particularly commonwealth acts. On occasion, the federal government inserts a provision into an act that allows for the automatic renumbering of provisions in an act or the relocation of provisions within the act following significant amendments. This technique helps to avoid the awkward numbering of sections that can result from the insertion of numerous new provisions into an act.

Clause 7 inserts new sections 17(1A) and 32(1) to provide for the construction of references in Victorian acts and subordinate instruments to provisions in other enactments that are renumbered or relocated. The amendments will provide that if a provision is renumbered or relocated, the reference in the Victorian act or subordinate instrument is to be construed as a reference to the provision as renumbered or relocated unless the contrary intention appears. This will help avoid the need to make immediate amendments to Victorian legislation when another jurisdiction renumbers legislation.

Clause 8 substitutes a new section 26 into the act. Section 26 of the act makes provision for the exercise of powers between the making and commencement of a subordinate instrument. Section 26 has been replaced in line with the new section 13.

Clause 9 inserts a number of new definitions of commonly used terms to section 38 of the act. Section 38 of the act defines many terms that have application across all acts and subordinate instruments unless the contrary intention appears. This saves the need to define commonly used terms in every piece of legislation. Some of the new terms to be defined include 'Chief Justice', 'enactment', 'entity', 'Family Court', 'individual' and 'public service'.

Clause 10 inserts a new section 38AAA into the act to provide that where reference is made in an act or subordinate instrument to a particular department and the name of the department is changed under the Public Administration Act 2004 then the reference is to be taken to be a reference to the department by its new name from the date that the name is changed and so far as it relates to any period on or after that date.

Clause 11 inserts a new section 38AA(1A) into the act to recognise references to 'Australian/New Zealand Standard' or 'AS/NZS' as references to the standards published jointly by or on behalf of Standards Australia and the Standards Council of New Zealand.

Clause 12 of the bill inserts a new section 46A into the act dealing with the construction of provisions relating to bodies representing the Crown. This new section is

needed to address the recent High Court decision in *McNamara (McGrath) v. Consumer Trade and Tenancy Tribunal and Roads and Traffic Authority*. In the *McNamara* case the High Court found that a statutory body did not have the benefit of Crown immunity even though it was described in legislation as representing the Crown.

There are numerous Victorian statutes that have been drafted on the basis that describing an entity as 'representing the Crown' gives the body the benefit of Crown immunity. With the existing position now overturned by the High Court, those entities may be exposed to liabilities and obligations to which it was never intended they be exposed. New section 46A(1) provides that where a statutory entity represents the Crown then the entity is to have for all purposes the status, privileges and immunities of the Crown unless a contrary intention appears.

New section 46A(2) provides for the converse situation. Where an act or subordinate instrument provides that a statutory entity does not represent the Crown the entity does not have, for any purpose, the status, privileges and immunities of the Crown unless the contrary intention appears. New section 46A(3) ensures that no implication arises from an act or subordinate instrument not stating whether or not an entity represents or does not represent the Crown. New section 46A(4) makes it clear that a reference to 'Crown' includes the state for the purposes of this section.

Clause 13 of the bill is a transitional provision. The amendment to address the *McNamara* case will not affect any proceedings commenced before the commencement of that act.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Wednesday, 22 February.

BUSINESS OF THE HOUSE

Orders of the day

Mr HULLS (Attorney-General) — I move:

That consideration of government business, orders of the day nos 2 to 8 inclusive, be postponed until later this day.

Motion agreed to.

PUBLIC SECTOR EMPLOYMENT (AWARD ENTITLEMENTS) BILL

Second reading

Mr HULLS (Minister for Industrial Relations) — I move:

That this bill be now read a second time.

This bill enshrines the Victorian government's commitment to protect and preserve a fair safety net of award conditions for the state's public sector workers in the face of the unprecedented attacks mounted by the federal government in its so-called WorkChoices legislation.

The bill has two key elements. First, it requires public sector employers to continue to adhere to the terms and conditions of their existing, pre-WorkChoices federal awards as a minimum safety net for their award-covered employees. Second, it establishes a fairness test for all workplace agreements that are entered into by public sector employers, again based on the award safety net as it existed before the commencement of the federal WorkChoices legislation. Importantly, that safety net will include as a minimum standard the outcome of the family provisions test case decision of the Australian Industrial Relations Commission handed down on 8 August 2005 where public sector awards have not already been varied by the commission to include the provisions.

The federal government's WorkChoices legislation will undermine current award conditions in a number of ways. Award allowable matters will effectively be reduced from 20 to 13, a new list of non-allowable matters will further reduce award conditions, new workplace agreements will operate to the exclusion of an underlying award and effectively render it redundant indefinitely, a new award review task force will rationalise award classification and salary structures and in all likelihood replace them with something akin to the Kennett government's industry sector minimum rates orders, and under transitional arrangements key awards covering some public sector workers (including the main public service award) will be completely phased out after five years as a result of the federal government's new legislation being based solely on the corporations power.

I have said before, these changes represent an attack not only on public sector employees but on working people generally and will seriously impact on work and family balance. The award safety net has been developed over many years by the independent umpire, the AIRC, and

often with the consent of the industrial parties. Up until now, it had regularly been updated to reflect contemporary norms and parties were able to present arguments on the merits of changing award conditions and know that they would be given a fair hearing.

This has all changed, but the Victorian government as a fair employer will do what it can to limit the effects of this attack on our employees. The bill requires employers to continue to abide by the award safety net as it existed prior to WorkChoices for all employees who rely on awards for their terms and conditions of employment. The intention is to preserve the status quo as it existed prior to WorkChoices, so that where award conditions were modified or removed by existing agreements, that state of affairs will continue while those agreements continue to operate. But where an employer was bound to apply an award condition or entitlement, that obligation will continue despite the removal or reduction in the condition or entitlement as a result of the WorkChoices legislation.

The attack on workers' terms and conditions is even more vicious when one considers the implications of the elimination of the 'no disadvantage' test, a bulwark of the federal agreement-making system for more than 10 years. Until now workplace agreements have been tested against basic award safety net conditions to ensure that workers are not disadvantaged by the application of the new agreement compared with the award. Now, there is no test. New agreements are to be lodged with the Office of the Employment Advocate without necessarily being scrutinised for anything other than a prohibited matter, the inclusion of which, if resulting from a 'reckless' act, may cost an unfortunate employer a penalty of up to \$33 000. The agreements come into operation even if the limited process requirements are not met.

We, as an employer, are not going to sit idly by and watch public sector awards being rendered meaningless, which appears to be part of the commonwealth government's grand plan. Not only will awards continue to be utilised by Victorian public sector employers in setting their employees' minimum terms and conditions but they will also be used to test whether new public sector workplace agreements are fair, in line with the federal no disadvantage test as it existed prior to WorkChoices. We are maintaining the status quo for our public sector employers. This bill will require that all proposed new agreements pass a fairness test, with the newly established workplace rights advocate to determine whether the test is met and determine relevant awards if necessary, based on the relevant preserved award entitlements — that is, entitlements in place immediately before the

commencement of the so-called WorkChoices legislation, including the AIRC's family provisions test case and any relevant increases to pay rates awarded by the Australian Fair Pay Commission or the Australian Industrial Relations Commission. The workplace rights advocate will be bound by the rules of natural justice in exercising his or her functions, and under section 5(3) of the Workplace Rights Advocate Act 2005 can do all things necessary for the performance of his or her functions

The Victorian government strives to be an exemplary employer and to attract the highest quality applicants to jobs in the public sector. We want our workplace agreements to be tested against award entitlements that, in the days of fairness and equity, were regarded as 'community standards' so that they deliver fair and reasonable pay rates and conditions of employment. We also want our employees to enjoy the flexibilities available from the family provisions test case outcome to enable our workers, in conjunction with their employers, to properly balance work and family responsibilities — for casuals to be able to have time off to tend to sick family members or to access bereavement leave without the risk of not being further engaged. We want our employees to have the right to request increased periods of parental leave or increased periods of simultaneous leave that provide the opportunity for the mother and father to spend more time at home together at a crucial stage of their lives. Public sector employees will have the right to request a return to work on a part-time basis until their child reaches school age and we want to ensure that there is proper communication between employers and employees whilst they are on parental leave. For reasons best known to themselves, the commonwealth government has neglected to include the AIRC's new model in its new minimum standards.

This legislation seeks to ensure that public sector employers maintain a decent standard of working conditions for their employees. It also ensures that agreements in the public sector cannot, on balance, undercut award conditions, as is the commonwealth's wont. It provides for an independent arbiter to ensure agreements do not disadvantage workers, and it encapsulates the worthy family-friendly benefits resulting from the AIRC's family provisions test case.

A fair industrial relations system and fair pay and conditions for all workers continue to be a priority for the Bracks government. I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Wednesday, 22 February.

DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) (EXTENSION OF PROVISIONS) BILL

Second reading

Order of the day read.

Mr Clark — On a point of order, Acting Speaker, my understanding is that there has not been a motion passed for the postponement of item 10 on the notice paper. Accordingly, with item 9 having been dealt with, it would seem we should move to item 10 rather than item 3 on the notice paper, as has just been called.

The ACTING SPEAKER (Mr Smith) — Order! We postponed items 2 to 8, and we can go back to any items that have been postponed at any time during the day. I do not uphold the point of order.

Ms PIKE (Minister for Health) — I move:

That this bill be now read a second time.

The Bracks government is committed to protecting the health and welfare of Victoria's children and young people, who are among the most vulnerable members of our community.

In recent years a damaging practice of inhalant solvent abuse, sometimes referred to as 'chroming', has re-emerged among some young people.

While this practice is not restricted to young people, research has consistently found that abuse of volatile substances is concentrated among adolescents.

Victoria has been a national leader in initiatives to minimise the harm caused by the inhaling of volatile substances. In addition to legislation, the Victorian government has a comprehensive response to inhalant abuse which includes treatment services, guidelines for workers responding to inhalant abuse, a retailer's kit to promote responsible sale of solvents, community education materials including Koori-specific materials, and education materials for schools. Research regarding the modification of commonly abused inhalant products, with a view to deterring their abuse, is also being undertaken.

The primary purpose of this bill is to extend the provisions of the Drugs, Poisons and Controlled Substances (Volatile Substances) Act 2003 for a further

two years, and thereby continue to protect young people from the risks inherent in inhaling volatile substances.

The Drugs, Poisons and Controlled Substances (Volatile Substances) Act 2003 came into operation on 1 July 2004. It amended the Drugs, Poisons and Controlled Substances Act 1981 by creating limited civil powers under which police can apprehend and detain persons under 18 years of age whom they reasonably suspect are abusing volatile substances or are at risk of doing so. Under the legislation, police are empowered to search persons and seize volatile substances and items used to inhale, and to link the young person with an appropriate caring adult, such as a parent, caregiver, health service or drug treatment service.

The legislation's sole purpose is to protect the health and welfare of children and young people. In exercising these powers, police officers take into account the best interests of the young person who is subject to those powers.

The act does not create an offence to possess or inhale a volatile substance and it is not the intention of the legislation to bring young people into the criminal justice system.

A very important part of the response to young people abusing inhalants is provided by health and welfare agencies. These agencies play a key role in supporting the police response to volatile substance abuse by young people. There is a range of options for police to access when exercising their powers under this legislation. These include the capacity to connect young people to their families or residential care service, to a hospital emergency department if required, or an appropriate drug and alcohol service for immediate respite and care.

Since the legislation does not criminalise volatile substance abuse, any detention of the person is not in a jail or police cell. The legislation also explicitly provides that police must not interview a person being detained in relation to known or alleged offences.

As soon as practicable after a young person is apprehended, police officers must release them into the care of a person whom the officer reasonably believes is capable of taking care of the person; and who consents to taking care of the person.

Under this legislation, Victoria Police have detained young people who have been found 'chroming' and have released them into the care of a parent, guardian, or staff of a health or welfare service such as a youth

alcohol and drug service worker or an ambulance officer.

The Drugs, Poisons and Controlled Substances (Volatile Substances) Act 2003 has a built-in sunset date of 30 June 2006. This was to enable a review of its effectiveness in preventing further harms to young people abusing these products.

This current bill before the house will extend the operation of the provisions of the legislation to 30 June 2008. This extension will enable young people to continue to be protected, while allowing further evaluation of the effectiveness of the legislation. Following this evaluation, a decision about its future in the longer term can be made.

The legislation is currently being monitored and is under review.

Data on the use of the legislation and outcomes for young people is being collected via Victoria Police, child protection, alcohol and drug agencies, and relevant services.

The data to date suggests that the use of the legislation has been effective in responding to and protecting the health of young people found 'chroming'. Police are using their powers as prescribed under the legislation. Many young people engaging in dangerous inhaling behaviour have been prevented from inflicting further harm on themselves, and Victoria Police have connected young people to their families, caregivers, health services and drug treatment services.

However, the data is limited, and is insufficient to draw definite conclusions. More time is required to determine the effectiveness of the legislation, its impact on young people who abuse volatile substances and the outcomes for these young people in the longer term.

The extension to this legislation for a further two years will allow the review to be completed and recommendations made about ongoing legislation and whether amendments will be required in the future.

A Volatile Substances Abuse Protocols Advisory Committee has been overseeing the review. This committee has wide representation from relevant government departments and external stakeholders, including non-government agencies. These include representatives from Victoria Police, the Department of Justice, child protection services, youth residential care services, youth outreach services, indigenous organisations and community legal services.

This bill enables Victoria Police to continue to remove potentially dangerous substances and materials from the hands of young people who abuse them and to connect young people with appropriate services.

It represents an appropriate balance between the right to possess legal substances and the need to protect vulnerable young people from harming themselves.

This bill is a positive initiative in promoting the health and wellbeing of young people in the state of Victoria. It focuses on substance abuse prevention and on providing supportive interventions to redirect vulnerable young people away from such harmful activities.

I commend the bill to the house.

Debate adjourned on motion of Mrs SHARDEY (Caulfield).

Debate adjourned until Wednesday, 22 February.

Sitting suspended 1.04 p.m. until 2.02 p.m.

DISTINGUISHED VISITOR

The SPEAKER — Order! Prior to calling questions without notice I would like to welcome to the gallery this afternoon Cindy Ady, who is a member of the Legislative Assembly, Alberta, Canada.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Mr Honeywood — On a point of order, Speaker, will you investigate the serious allegations of fraud against the member for Ivanhoe, and how will — —

Honourable members interjecting.

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

Mr Honeywood — And how will you, Speaker, deal with the conflict of interest you face, given that the member's wife is your electorate officer?

The SPEAKER — Order! The Deputy Leader of the Opposition appears to be asking the Speaker a question. He is welcome to do so, and there are — —

Mr Honeywood interjected.

The SPEAKER — Order! It is not a point of order; the member for Warrandyte is asking me a specific

question. The member is welcome to do so. There are guidelines for asking questions of the Speaker, which I have outlined in this house before, and I invite him to follow those if he wishes to. There is no point of order in the question.

Member for Ivanhoe: conduct

Mr HONEYWOOD (Warrandyte) — My question is to the Premier. Does the Premier support the Government Whip, the member for Ivanhoe?

Mr BRACKS (Premier) — I thank the Deputy Leader of the Opposition for his question.

Honourable members interjecting.

The SPEAKER — Order! I ask government members to come to order.

Mr BRACKS — On this side of the house most members would understand that the member for Ivanhoe has been the Government Whip for the past six and a half years. Not only does he enjoy my support; he enjoys the support of every member of Parliament on this side of the house. He undertakes his duties as whip effectively, efficiently and with great professionalism.

Health: national reform initiative

Mr ANDREWS (Mulgrave) — My question is directed to the Premier. I refer the Premier to the government's national reform initiative and ask what reforms in the area of health the government is seeking from the upcoming Council of Australian Governments meeting and how they would benefit the Victorian health system.

Mr BRACKS (Premier) — I thank the member for Mulgrave for his question. As most members of this house would realise, this Thursday and Friday a very important meeting of the Council of Australian Governments (COAG) will take place at which a range of issues will be considered, including the national reform initiative, a project that has been delegated to the Victorian government but is being worked on with commonwealth officials and with officials from other jurisdictions around the country. I am pleased to say that it has received significant support right across the country, and I believe it will have support from the other jurisdictions.

One of the key issues involved is the wellbeing of the community through preventive health measures and making sure we do everything we can to have a fit and healthy work force as part of the reform agenda going forward. Preventive health is a clear focus of all

governments and is part of a comprehensive effort. To ensure that we attack diabetes and cancer and that we look at issues such as obesity we need a significant national effort.

Today I was very pleased to be at the Peter MacCallum Cancer Centre where the result of part of the proceeds of the government's \$92.5 million investment to fight cancer was on show — the new \$3.2 million Trilogy machine, which will provide greater speed and will reduce the risk of causing harm to patients during the process of cancer treatment. Not only does this equipment diagnose; it also performs curative processes for cancer treatment, which I think is of great benefit. We need to invest in more of this equipment in the future. We saw first hand the benefits of that in relation to the equipment at the Peter MacCallum Cancer Centre.

The states and territories are seeking as part of the national reform initiative something like \$1.1 billion — of which Victoria would clearly be a beneficiary — with some \$300 million to be invested in the prevention of illness, the wellbeing of the community and making preventive health a topic for consideration around the country. We have also indicated that alongside other states and territories we want more doctors and nurses trained as part of the effort to have a healthier and fitter work force. We have indicated that we are keen on having at least 240 more doctors and at least 800 more nurses trained, and that will be part of a national effort which we will push for, along with other states and territories, at the COAG meeting on Friday.

Momentum is building up around the national reform initiative, and a key part of that is health reform — looking at the wellbeing of the community and preventing illness. We face significant issues in obesity, diabetes and cancer — three of the items that will be the focus of attention on the COAG agenda on Friday.

Snowy Hydro Ltd: sale

Mr RYAN (Leader of The Nationals) — My question is to the Premier. Given the support across all Victorian political parties for the retention of water assets in public hands, why is the government proposing to sell Victoria's 29 per cent share in Snowy Hydro Ltd?

Mr BRACKS (Premier) — I thank the Leader of The Nationals for his question. It is probably the first opportunity the Leader of The Nationals has had to talk about the Snowy. That has been an agenda which the member for Gippsland East has prosecuted effectively across the state, and I congratulate him for it.

As the member would be aware, the New South Wales government is pursuing the proposal for the sale of Snowy Hydro. I understand that overnight the federal coalition government has agreed to that — so we had a reunion of the McGaurans overnight, when they both supported the privatisation of the Snowy. That was supported by Peter McGauran and by Julian McGauran — overnight! They both supported that policy.

We will have to take into account the position of the New South Wales government and the position of the federal government, and take into account the position of the federal Nationals, who have supported the sale of the Snowy, in any decisions we make in the future.

Mental health: national reform initiative

Mr LEIGHTON (Preston) — My question is to the Minister for Health. I refer the minister to the government's national reform initiative and ask her how the reforms the government is seeking from the Council of Australian Governments (COAG) would assist in the area of mental health.

Ms PIKE (Minister for Health) — I thank the member for Preston for his question. The Premier has already outlined to the house the way in which Victoria's national reform initiative will form the basis, we are hoping, of very constructive conversations in Canberra at the Council of Australian Governments (COAG) meeting, which will of course help us to assist Australia to be a much healthier country into the future.

But I have been asked specifically about the impact of the national reform initiative in the area of mental health. Over the past six years the government has invested significantly in mental health services. Most recently, in the last budget, as part of our Fairer Victoria strategy, a \$180 million package of additional funding was provided to extend early intervention services, to boost intensive care services and to provide better follow-up services to prevent relapses.

Victoria is also the major partner, with the commonwealth, in funding beyondblue, a national organisation which, among other things, has raised community awareness of mental health issues.

An honourable member — Thanks, Jeff!

Ms PIKE — This week at the COAG meeting Victoria will call upon the commonwealth — —

Mr Doyle interjected.

Mr Batchelor (to Mr Doyle) — You don't say anything nice about him.

Mr Doyle interjected.

Ms PIKE — He doesn't say anything nice about you!

Honourable members interjecting.

The SPEAKER — Order! I remind the Leader of the Opposition that when the Speaker is on her feet he is required to cease interjecting. The minister, to address her comments through the Chair.

Ms PIKE — This week at the COAG meeting Victoria will call upon the commonwealth to further expand our response to mental health, as there really is a national consensus that this is a major and growing health challenge for our nation.

The Bracks government believes that clinical psychologists should be given access to Medicare rebates similar to those for general practitioners to help broaden the community's access to mental health. I quote from Professor Stephen Leeder, the director of the Australian Health Policy Institute and a director of the Menzies Centre for Public Health Policy and Practice at the University of Sydney, who said today:

There are at least 5000 psychologists in Australia with sufficient clinical expertise to function as mental health specialists and who could provide the style of non-pharmacological interventions that many persons with less severe disorders both need and seek.

So clinical psychologists already play an important role in the treatment of mental illness. This includes treating patients experiencing anxiety, depression and issues stemming from relationship problems. Widening the access to clinical psychologists will enable more people with a mental illness to receive timely and affordable treatment. This is particularly relevant in rural areas, because we know that they have a very important role in assessing and treating people in the community. We also believe that access to this rebate would encourage more people to seek treatment; and of course it is well documented that the earlier people seek treatment, the more likely they are to fully recover from a mental health episode.

The recent report and recommendations of the Productivity Commission, which of course the Victorian government submitted to — and in fact that Productivity Commission report on the work force really took up a lot of Victoria's recommendations — outlines how we can utilise clinical psychologists to treat more patients. This is but one of a whole range of

initiatives that the Premier will be taking to the COAG meeting this week. It certainly is designed to improve access to services, particularly for the growing number of people in our community who require support with their mental health.

Member for Ivanhoe: conduct

Mr McINTOSH (Kew) — My question is to the Premier. Given that the member for Ivanhoe has admitted to illegally accepting funds, will the Premier now refer this matter to Victoria Police for investigation?

Mr BRACKS (Premier) — I thank the member for Kew for his question. I refute the imputation in his question; and the matter, quite rightly, as the deputy opposition leader raised it, is a matter which is appropriately dealt with by the Speaker.

Tertiary education and training: skill levels

Ms BARKER (Oakleigh) — My question is to the Minister for Education and Training. I refer the minister to the government's commitment to improving the skill levels of the Victorian work force, and I ask the minister to advise the house on how this could be assisted through the Council of Australian Governments process.

Ms KOSKY (Minister for Education and Training) — I thank the member for her question and indeed her strong interest in the training and skills agenda here in Victoria. As many in this house are aware, training and skills have been very high on the Bracks government's agenda. We have made major investments in this area since coming to office, and we have seen some very strong improvements compared with every other state and territory around Victoria. Training and skills are not only a critical issue for Victoria, they are a critical issue nationally. Many of the employer and employee organisations have been talking about the importance of training and skills to the future economy of Australia.

In the document that the Premier released, *A Third Wave of National Reform*, it is clearly identified that education and training are absolutely critical both to an individual's skill level but also to national prosperity. It is critical that we invest in education and training. It always has been and it always will be in terms of our economic prosperity. It is far more important than the industrial relations reforms and far more important than many of the other so-called reforms that the federal government has put through.

We know that training and skills will have a significant influence on the growth of an individual's life chances, and education and training is that critical factor. For individuals it means new and better employment opportunities, for employers it ensures a supply of skilled workers, and for the economy it means the maintenance of our living standards and continued economic growth.

In Victoria, where we have invested enormously since we came to office, vocational education and training is very much alive and well. In fact we lead the nation in terms of education and training. Members who have visited our TAFE institutions and private education and training providers will be aware that we now have more than 650 000 enrolments here in Victoria — up from 618 000 in 1999. This includes some 350 000 students in TAFE, 36 000 young people who are now undertaking vocational education and training while at school, and over 10 000 students who are now studying for the new Victorian certificate of applied learning.

But there are challenges remaining, particularly nationally. We need to address the skills shortages nationally. We need to ensure that we have a national system which strikes a balance between the time taken to complete an apprenticeship and ensuring the quality of standards within our apprenticeships and traineeships. We need to encourage existing workers to upgrade their skills, and we need to look at how we can increase the number of people completing their apprenticeships and traineeships. This government is taking these challenges very seriously. That is why last year — —

Honourable members interjecting.

The SPEAKER — Order! The member for Doncaster will cease his continual interjecting while the Minister for Education and Training is on her feet.

Ms KOSKY — That is why last year we commissioned in Victoria a high-level inquiry into the vocational education and training system, particularly focusing on what we need to do next in Victoria but also looking at those national issues. The inquiry has considered a number of key issues such as skills shortages and the requirements for the future. It has also sought very valuable input from the industry, from the union movement and from other education organisations in order to have an agreement across the board on how we can reshape our VET system in Victoria but also nationally. We have to have agreement and it is critical to have the involvement of all the key players. In Victoria we understand the

significance of training and skills to both the community and the economy.

I hope and the Bracks government hopes that the approach we have taken in Victoria will be taken up as part of the COAG agenda, that it will be a cooperative approach and that skills and training will remain on the national agenda. In any event it will certainly remain on Victoria's agenda.

Snowy Hydro Ltd: sale

Mr INGRAM (Gippsland East) — My question without notice is to the Premier. It is reported that Victoria is set to follow the New South Wales and federal governments in privatising its share of the Snowy Hydro scheme, and I ask: will the Premier guarantee that before agreeing to the privatisation of Snowy Hydro that the Mowamba aqueduct is totally decommissioned and that the three governments fully fund, from the estimated \$3 billion sale price, the full environmental flow commitments to the Snowy River of 28 per cent?

Mr BRACKS (Premier) — I thank the member for Gippsland East for his question. I also congratulate him for making sure that he put the Snowy River on the agenda for the Victorian public. The reality is that the Snowy River flows have moved from 2 or 3 per cent to 28 per cent with an historic agreement between the New South Wales, Victorian and commonwealth governments, with \$150 million going into a joint government enterprise as part of the Snowy agreement and all the environmental works to get water going down the Snowy. Of course the Snowy is now flowing better than it has ever flowed in the past, but I should point out that in this house that was opposed every step of the way by The Nationals in particular — every step of the way. Members opposite are nodding because they still oppose it. There is no commitment from the opposition parties, but particularly The Nationals, for environmental flows in the Snowy River. I also indicate to the member for Gippsland East that overnight the commonwealth government announced that it would sell its share of the Snowy Hydro scheme, so Liberal Party and Nationals members have agreed to sell the Snowy River.

Mr Honeywood — On a point of order, Speaker, on the issue of relevance. The Premier was clearly asked a question by the member for Gippsland East on what his government intended to do. All we have heard so far is ancient history and what opposition parties intend to do. I ask you to bring the Premier back to the relevance of the question.

The SPEAKER — Order! I do not uphold the point of order. The Premier, in answering the question, is entitled to give background information relating to the question.

Mr BRACKS — It is a magnificent background as a setting to what is one of the greatest achievements across Australia — that is, to return environmental flows to the Snowy River.

The member also asked me what Victoria is doing to ensure we protect environmental flows in the future and protect the rights of irrigators, which is implied in his question as well. I can indicate to the house that we will do everything we can to protect the existing rights of irrigators. We will do everything in our power to ensure that environmental flows in the Snowy River of some 28 per cent are kept and honoured and that the agreements historically made are kept in the future as well.

Our position on Mowamba is clear. We have indicated that we preferred Mowamba to remain as a river while the scientific study is undertaken. That has been rejected by Snowy Hydro and the New South Wales and commonwealth governments, but it still remains our position. We are as committed as we have ever been to environmental flows in the Snowy River. We are the only government that is committed to that. We know the position of the opposition — that is, it would close down environmental flows to the Snowy River tomorrow if it had the chance. That is the opposition's position. I can say to the member that we will ensure those existing agreements are kept in any negotiating position we have with the New South Wales and commonwealth governments.

Disability services: young persons accommodation

Mr LANGUILLER (Derrimut) — My question is to the Minister for Community Services.

Mr Smith interjected.

The SPEAKER — Order! The member for Bass will cease yelling out across the chamber. I ask him to be quiet to allow the member for Derrimut to ask his question.

Mr LANGUILLER — My question without notice is to the Minister for Community Services.

Mr Doyle interjected.

The SPEAKER — Order! The Leader of the Opposition has just heard me ask one of his members to

cease interjecting to allow the member for Derrimut to ask his question, but he has attempted to yell across the chamber as well. I ask him to show some courtesy to the member for Derrimut and allow him to ask his question.

Mr LANGUILLER — My question — —

Dr Napthine interjected.

The SPEAKER — Order! I warn the member for South-West Coast. That is a blatant abuse of the Speaker's comments. One more inappropriate word from the member and I will suspend him from the chamber.

Mr LANGUILLER — My question is to the Minister for Community Services. Can the minister advise the house what steps the government is taking to achieve a better deal for young people living in Victoria's residential aged care facilities?

Ms GARBUTT (Minister for Community Services) — I thank the member for his question and his ongoing interest in this issue. The issue of young people in nursing homes is rather complex. We all know that in most cases it is not appropriate for a young person to live in an aged care facility. This government is doing something about it.

Honourable members interjecting.

The SPEAKER — Order! There is too much audible conversation in the chamber. I ask members to be quiet to allow the minister to answer the question.

Ms GARBUTT — We believe young people in nursing homes deserve a better deal. Unfortunately for years the commonwealth government has been trying to avoid doing anything about this issue. Almost two years ago I put to the then commonwealth minister, Senator Kay Patterson, that we should make an arrangement where we pool our money for disability services with its money for nursing services, make them flexible and allow them to follow the person, so the young person in a nursing home can choose where to live and have all those services together in much more appropriate housing. The federal minister did not want to touch that issue; she refused to consider it. It has taken all this time plus a push from every Australian Premier and Chief Minister to get the commonwealth to shift, but finally it is starting to look at our proposal. At last we are working together through the Council of Australian Governments (COAG) to try and get a solution.

I would like to take the opportunity to congratulate the new federal minister, Mal Brough, on his appointment, and I look forward to working with him to try and make some advances in this area. We want the commonwealth government to agree to pool its money — the money it currently spends on young people in nursing homes on nursing care — with our money that we are prepared to make available and flexible and spend it on disability needs. In that way young people can get the support they need to choose where to live. I would expect the majority will choose to move out, but some will choose to stay. We need a decent contribution from the commonwealth government to achieve that. That is what we will be pushing for at COAG. We are ready to go, and we hope the commonwealth government is ready, too.

The Victorian government has increased disability services funding by 73 per cent since it came to office and it is very proud of that. We spend more per capita on people with disabilities than any other state or territory, and that is something we are proud of as well. There is still a lot to be done, but we are getting on and doing it, and we are leading Australia in that regard.

Minister for Health: adviser

The SPEAKER — Order! I call the Deputy Leader of the Opposition.

Mr Hulls — Ask something decent!

Mr Honeywood — You're talking!

The SPEAKER — Order! I ask the Attorney-General to be quiet, and I ask the Deputy Leader of the Opposition, if he has a question, to ask it.

Mr HONEYWOOD (Warrandyte) — My question is to the Minister for Health. Was the minister warned by her senior adviser, Anthony Carbines, before he took the extraordinary measure of emailing the chief executive officer of the Banyule City Council at 1.30 a.m. to block the council's investigation of the member for Ivanhoe's fraudulent use of council funds?

The SPEAKER — Order! Would the Deputy Leader of the Opposition repeat his question?

Mr HONEYWOOD — My question is to the Minister for Health. Was the minister warned by her senior government adviser, Anthony Carbines, before he took the extraordinary measure of emailing the chief executive officer of the Banyule City Council at 1.30 a.m. to block the council's investigation of the member for Ivanhoe's fraudulent use of council funds?

Mr Hulls — On a point of order, Speaker, this has got absolutely nothing to do with government business, and I ask you to rule it out of order.

The SPEAKER — Order! In relation to the question, the first part dealing with the minister's electorate officer is in order. The second part makes imputations, and therefore I rule that part of the question out of order.

Ms PIKE (Minister for Health) — It is no wonder that we cannot have a healthy debate in this place on what is in the best interests of the Victorian population when the opposition — —

Honourable members interjecting.

The SPEAKER — Order! That will do. The opposition asked the question, and I ask opposition members to be quiet and allow the minister to answer it.

Ms PIKE — I was really hoping that after this great new reshuffle of the opposition that was announced to us yesterday we might have the opportunity to have a genuine discussion about the thing that interests the people of Victoria the most — that is, the health and wellbeing of this community. Instead, what we have is absolutely frivolous and irrelevant questions. What happens in a city council has absolutely nothing to do with my portfolio.

Economy: performance

Mr STENSHOLT (Burwood) — My question is about state government business and is directed to the Treasurer. Can the Treasurer update the house on any recent economic news demonstrating the strength of the Victorian economy and how implementation of the government's national reform initiative would further improve the performance of the Victorian economy?

Mr BRUMBY (Treasurer) — I thank the member for Burwood for his question. Since the house has last met this book has been produced. This is the 2006 year book for Australia, which, needless to say, is produced each year. This is the 2006 edition. On the basis of the — —

Honourable members interjecting.

Mr BRUMBY — That is right; I was just making that very clear to you on that side of the house.

The SPEAKER — Order! The Treasurer, to answer the question.

Mr BRUMBY — On the basis of the statistics contained in the *2006 Australian Year Book*, the

Melbourne *Age* of Saturday, 21 January, ran this story. I think it is instructive for the house. It is headed 'Melbourne leads surge in growth: Victoria the nation's economic engine'. How true that is. What the article goes on to say is that over the last five years the state which added more in real output terms than any other state in Australia is — —

Honourable members — Victoria!

Mr BRUMBY — It is Victoria. There has been more gross domestic product (GDP) growth and more population growth as well. The article goes on, and I will add some figures on this. Over the first five years of the Bracks government Melbourne attracted 820 new residents per week, Sydney attracted 789 and Brisbane attracted 713. So not only has Victoria added more to national output growth than any other state, Melbourne has attracted more people each week and each year than any other capital city in Australia.

And there has been more good news since Parliament last met. We now have the final Australian Bureau of Statistics figures on building approvals for 2005. What they show is that in 2005 the value of building approvals in Victoria was \$15.1 billion. Again, which state had more building approvals than any other state in Australia?

Honourable members — Victoria!

Mr BRUMBY — Victoria. And there is more good news.

Mr Honeywood interjected.

Mr BRUMBY — The Deputy Leader of the Opposition interjected. The Bracks government introduced a first home buyers grant, which never existed under the Kennett government.

There is more good news. In 2005 Victoria had more first home buyers than any other state in Australia. In Victoria there were 40 214, in New South Wales there were 39 713 and in Queensland there were about 37 000. So in terms of GDP output, in terms of building approvals, in terms of Melbourne's population growth and in terms of the number of first home buyers, the state which is performing best in Australia is Victoria.

Earlier today the Minister for Education and Training responded on this. I am pleased to say too that when we look to the future we see that the most important thing for our state and for the rest of Australia is skills development and investment in education and training. I am also pleased to say that again last year there were more new and completed apprenticeships in Victoria

than in any other state in Australia. There were 80 800 new apprenticeships in Victoria, 74 000 in New South Wales and 52 300 in Queensland. Also more apprenticeships were completed in Victoria. There were 46 500 apprenticeships completed in Victoria versus 38 000 in New South Wales and 26 000 in Queensland. On top of all that, we have the highest year 12 completion rate of any state in Australia.

I was asked about the relationship of that to the national reform initiative, which is the centrepiece of the discussions which will take place at the Council of Australian Governments (COAG) meeting on Friday. These statistics, impressive as they are, will not last forever without a renewed mandate for micro-economic reform across Australia, built on our national reform initiative. The national reform initiative announced by the Premier last year, which is now crucial to the negotiations at COAG, is about investment in education and skills —

Mr Thompson — On a point of order, Speaker, the Treasurer has now been speaking for over 5 minutes. One of the obligations in question time is to be succinct. If he wishes to make a ministerial statement on a very important matter, he should do so.

The SPEAKER — Order! I uphold the point of order. I ask the Treasurer to draw to a close.

Mr BRUMBY — I will draw my answer to a close. Australia needs a new era of reform. Our plan provides for that. It is about education and skills, it is about work incentives, it is about health, it is about infrastructure and it is about reducing red tape.

Our calculations are that over the years ahead the national reform initiative will add around half of a percentage point to GDP growth each year. Over the next 10 years it will add 5 percentage points of GDP growth, and over the next 25 years it will add 13 percentage points of GDP growth. This is Victoria's plan to drive national growth and productivity reform. We want to be players, we need a share of the national benefits and we hope that out of this week's COAG meeting the commonwealth government will be able to agree with the states on a share of those economic reform benefits so that all the states and the commonwealth can embark on this next era of much-needed national reform and continue to get the sort of growth numbers I have mentioned today.

LAND (ST KILDA TRIANGLE) BILL

Second reading

Mr HULLS (Minister for Planning) — I move:

That this bill be now read a second time.

The St Kilda triangle site referred to in this bill is a key component of the St Kilda's Edge strategy prepared by the City of Port Phillip to rejuvenate the St Kilda foreshore. The project will better integrate the St Kilda triangle site with its surrounding area, enhance the Palais Theatre and attract cultural, entertainment and appropriate commercial activities.

The St Kilda triangle site is bounded by Jacka Boulevard, Cavell Street and the Upper Esplanade and is in urgent need of redevelopment. The land consists of permanent and temporary reserves established under the Crown Land (Reserves) Act 1978. The City of Port Phillip manages the reserved Crown land as committee of management. The unreserved Crown land is occupied by the Palais Theatre and the Palace Entertainment Complex under separate 50-year leases. The Department of Sustainability and Environment directly manages these leases, which both expire on 31 March 2006.

This bill enables the entire St Kilda triangle site to be temporarily reserved for public purposes and the appointment of the City of Port Phillip as committee of management. The bill also provides for an initial lease term of up to 50 years, with one or more extensions. Long-term leasing is required for the project to be financially viable and to attract suitable private investment. The eventual term of the lease will be subject to independent evaluation of the successful proposal.

It is necessary to proceed with this legislation to provide for long-term leasing and assurance to commercial investors of the government's commitment to the project. It should be noted that without privately funded redevelopment of the site, liabilities associated with restoration of the Palais Theatre would be the responsibility of government.

I now turn to the particulars of the bill.

Clause 2 provides for the act to come into operation in a timely way to allow for continued access to parts of the St Kilda triangle site prior to the commencement of proposed works.

Clauses 4 and 5 allow for the revocation of both permanent and temporary reservations on the site and

revocation of a Crown grant on a piece of land abutting the triangle site. This will have the effect of deeming the lands to be unalienated land of the Crown, which will facilitate the subsequent temporary reservation of the whole of the St Kilda triangle site as one piece of land.

Clause 6 provides for the closure of a road known as Lower Esplanade. The road is managed by the City of Port Phillip, and it is necessary that this road be closed and reserved for public purposes to enable its inclusion in the St Kilda triangle site development project.

Clause 7 of the bill provides for the reservation of the whole of the St Kilda triangle site for public purposes under the Crown Land (Reserves) Act 1978. The clause also deems the City of Port Phillip to be appointed as committee of management. Deeming the appointment of the committee under this bill provides surety for investors regarding future management of the lease.

Clause 8 allows for a stratum of land in the form of a pedestrian overpass over Jacka Boulevard to improve public access to the foreshore reserve from the triangle site.

The clause provides for selection of one of two designated areas for the overpass. This arrangement provides flexibility to determine the best siting of the proposed pedestrian overpass.

Once the successful tender proposal is approved a plan of survey will be prepared describing the overpass area. The minister, on receipt of the signed plan of survey, will recommend to the Governor in Council that the footprint on the foreshore area of land be deemed to be unalienated land of the Crown. The clause also provides for any section of road shown on the plan of survey to cease to be a road and revokes all rights associated with that section of road. This is to allow for the footprint of the overpass on the road area.

When the order made by the Governor in Council is published in the *Government Gazette* the land shown on the plan of survey will then be deemed to be temporarily reserved under the Crown Land (Reserves Act) 1978 for public purposes. The City of Port Phillip will be deemed to be the committee of management.

Mr Baillieu — On a point of order, Speaker, the minister does not seem to be himself, and I wonder whether a short break would assist him to overcome whatever is ailing him. I know members of the house are on the edge of their seats — in fact every word is passing through us like a spear — but I wonder whether the minister would like a brief break to gather himself together.

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

Mr HULLS — I thank the member for his consideration, but I think I will pull through!

Clause 9 provides for the reservation of the remaining portion of the former Crown grant not required for potential development to be reserved for public purposes. The clause also deems that the City of Port Phillip be appointed committee of management under the Crown Land (Reserves) Act 1978 for this section of land.

Clause 10 provides that a reservation of land under this bill may be dealt with in accordance with the Crown Land (Reserves) Act 1978.

Clause 11 provides for the application of this bill to apply despite anything to the contrary in section 10 of the Road Management Act 2004, or any other act.

Clause 12 sets out the powers to lease St Kilda triangle land. The committee of management may, with the prior consent of the minister, grant a lease of the land. If the lease is granted before facilities and other works are constructed, the lease must include a covenant to ensure that the works justify the term of the lease. If the lease includes a stratum of land, such as the proposed overpass, each lessee under the lease, as well as lessees of other lands, must be able to obtain reasonable access to the use of the land to be leased.

The clause allows that the lease can provide for an initial term of not more than 50 years, with one or more extensions each not exceeding 21 years. The aggregate of the initial term and any extensions is not to exceed 99 years. There is provision to allow for a lessee to remain for three months from expiry of the lease under the same terms and conditions at the discretion of the lessor. A lease granted under this clause is subject to any covenants and other conditions determined by the committee of management and approved by the minister.

The clause also provides for the leasing arrangements made under this bill to prevail over the Land Act 1958, the Crown Land (Reserves) Act 1978 and regulations made under the Crown Land (Reserves) Act.

Clause 13 requires the Registrar of Titles to make any changes to the register under the Transfer of Land Act 1958 because of the operation of this bill.

I commend this bill to the house.

Debate adjourned on motion of Mr BAILLIEU (Hawthorn).

Debate adjourned until Wednesday, 22 February.

PRAHRAN MECHANICS' INSTITUTE (AMENDMENT) BILL

Second reading

Debate resumed from 7 February; motion of Mr THWAITES (Minister for Environment).

Mr SMITH (Bass) — It is a pleasure to join the debate on the Prahran Mechanics' Institute (Amendment) Bill, and to say at the outset that members of the opposition do not oppose this legislation. It is a small but important bill that will recognise the structure of the governing committee for the institute and reorganise it to reflect changes to the rules that occurred in 1995 when the Prahran and Malvern city councils amalgamated but the act was not amended.

The number of committee members will be reduced from nine to seven, one of whom will be appointed by the Stonnington City Council. A quorum will consist of four members, and this legislation will validate any of the decisions made by the current governing committee, even though that committee was wrongly constituted at the time.

The opposition does not oppose this bill, and it is well supported by the local council and the community. In fact the Prahran Mechanics' Institute has been very well embraced by the community and is very highly regarded for the range of activities it conducts. It is the only mechanics institute in Victoria that is governed by an act of Parliament. It celebrated its 150th anniversary last year, a year ahead of the celebration by the Parliament of Victoria this year of its 150th year.

I looked up a little of the history of mechanics institutes, and I must acknowledge the Prahran Mechanics' Institute web site for this information. I found it very interesting. Mechanics institutes are the forerunners of public libraries and adult education in Australia. The mechanics institute movement began in 1799, so they go back a long way. Dr George Birkbeck conducted a series of free lectures for the working men of Glasgow. The term 'mechanic' at that time meant artisan, tradesman or working man. The definition may have become more specific during the Industrial Revolution when workers became increasingly associated with machinery.

The movement spread throughout Britain and its colonies, including Canada, South Africa, India and Australia, as well as the United States. The movement began in Victoria with the formation of the Melbourne Athenaeum in 1839. Institute libraries were regularly patronised up until the 1950s, even though they were conducted on a subscription basis. The book stock varied when the finances of the institute committee changed.

Nearly every town in Victoria had a mechanics institute, but with the passage of time and the creation of enlarged educational, welfare, recreational and library facilities, mechanics institutes gradually lost their pre-eminence, particularly after World War II. Today over 500 are still operating in Victoria as halls and homes for local organisations. A growing number of these are members of the Mechanics Institutes of Victoria, which was established in 1998. Six mechanics institutes in Victoria continue to principally offer a lending library service.

It is interesting to look back at how mechanics institutes started and how we have finished up today — there is only one in Victoria that is governed by an act of Parliament.

The Prahran Mechanics' Institute holds an important collection of Victoria's local history, family histories and genealogy. It conducts a series of lectures, holds book discussions and has now set up its own press to assist people with publishing books on history and people in that history, so it is a great community resource that is available, not only to the people of Prahran but throughout Victoria.

The institute also has a public lending library, and if it is like most libraries it will be suffering the effects of the Bracks Labor government's cruel cutbacks to library funding. Libraries are used by anything up to 90 per cent of the people in Victoria, and are one of the most frequented buildings in the state. Since 1999 this government has crippled public libraries, cutting funds so that the government is now only contributing about 22 per cent of the overall cost of running them.

The remaining 78 per cent has to come from local government. The house must understand that the government's contribution used to be 51 per cent. This is cost-shifting on a grand scale from a government that has had a massive financial windfall in the past six years. But we are not the only ones who are concerned about the cutbacks that have been made.

The Municipal Association of Victoria president, Geoff Lake, said that the MAV's governing body must send a

strong message to the state government over its negligence of library services in Victoria. This is the same Geoff Lake who, if I am not mistaken, is a good Labor man and a good supporter of the party. Although he got his position because he is a member of the ALP, he is critical of what it is doing. He has said:

Public libraries are vital community infrastructure which the state government has an undeniable responsibility to provide ...

It is true, yet the government has cut its funding from 51 per cent to 22 per cent! He goes on to say:

Local government has been propping up library services crumbling under the strain of increasing infrastructure, staffing, IT and book stock costs ...

Meanwhile the state government has decreased its real investment in public libraries from funding 51 per cent of service costs to 20 per cent ...

It is very hard to understand why the government is doing this.

The situation cannot continue. The existing level of funding is completely inadequate, and communities will ultimately be the losers.

Back in 2004 the then MAV president, Brad Matheson, another well-known Labor Party man, also commented:

The successive failure of the state government to address recurrent funding issues impacting public libraries is posing a genuine threat to the viability of services, particularly in rural Victoria.

State government funding of public libraries has slipped from a 50 per cent share to 20 per cent in recent years, leaving Victorian councils struggling to maintain the quality of book stock, information technology and buildings.

We have continually asked for a commitment from the state government to return its share of funding for public libraries to 50 per cent over time, but so far our representations have fallen on deaf ears.

At a recent summit on public libraries the Leader of the Opposition committed to increase library funding from \$5 to \$9 per capita by 2010. So we have — —

The SPEAKER — Order! In relation to the comments being made by the member for Bass, this is a fairly specific bill relating to the Prahran Mechanics' Institute.

Mr SMITH — Yes, that is correct — —

The SPEAKER — Thank you, I know it is correct. Therefore whilst it is reasonable for him to make some passing comments of a general nature, I feel the member for Bass has been straying fairly significantly for some time now from the content of this bill, which

as I said refers fairly strongly to the governing committee of the Prahran Mechanics' Institute. I ask him to return to the subject of the bill.

Mr SMITH — I would say it was a slightly extended straying from the bill, but I accept what you are saying, Speaker. We do not oppose this piece of legislation; in fact, we support it. The Prahran Mechanics' Institute is certainly an institution within Victoria, having been around for a very long period of time. We support anything that can go towards assisting it, apart from changing this legislation to legalise the decisions that have been made before. We would like to see the proper funding of its library services, as has been promised by the opposition through its leader. We would like to see the government take up the opportunity to fund the library's services properly, not only by passing this piece of legislation to help the mechanics institute but also by looking towards financing it to offer a better service to the people of the Prahran area.

Mrs POWELL (Shepparton) — I am pleased to speak on behalf of The Nationals on the Prahran Mechanics' Institute (Amendment) Bill, which The Nationals will not be opposing. The Speaker examined the bill yesterday, I believe, and was of the opinion that it was a private bill. Minister Cameron moved yesterday that it be treated as a public bill and that all fees be waived, so we will be treating it as a public bill.

It is not a very big bill; it just rectifies an anomaly that arose during amalgamation. Its main purpose is to amend the Prahran Mechanics' Institute Act 1899 to alter the composition of the governing committee of the Prahran Mechanics' Institution and Circulating Library. It also validates a number of decisions that were made by the governing committee. As the earlier speaker, the member for Bass, said, it is interesting that the Prahran Mechanics' Institute, or PMI, is now the only mechanics institute in Victoria that is governed by an act of Parliament.

After the amalgamation of the Malvern and Prahran councils in 1994, forming the City of Stonnington, the committee amended its rules by an order in council, but the act itself was not amended to reflect those changes. That is what this bill is about — making sure that those changes become law.

There is an inconsistency between the rules and the act. Currently the act provides for nine governing committee members. The act states that the president of the committee is to be the mayor of Prahran, that four members are to be councillors — one from each ward — and four members are to be elected by the

committee. However, the rules provide for seven members of the governing committee — one appointed by the Stonnington council and six elected by the incorporating body — and that they hold office for a term of four years. One of the reasons it was decided to do it that way is so that the majority of members on the committee would not be from the council. The committee has had seven members since 1995, the time of the amalgamation of the two former councils.

The act will also be amended to require a quorum of four committee members, which represents a majority. That is so that the minority of people who are there at any one time cannot make the main decisions and have them accepted by the committee and the incorporated body. I understand from Fabian Therlis, who is in the planning department of Stonnington council, that the council was the driving force behind the bill, so I believe that Stonnington council is supporting the decision.

The PMI is unique. It has books and other items about Victoria's history. It also has a small lending library, and it hosts a series of lectures and book discussions. As a former councillor and member of the Goulburn Valley library service, I understand the importance of libraries, not just to larger areas but also to smaller areas. Members of the community — particularly people who cannot always afford books, researchers and students — use libraries quite often. I know libraries are now more electronic — they have computers and so forth — but there are still some people who like to use books to get their references. The institute's small lending library would have huge support from its community.

Prahran Mechanics' Institute Press was recently established with a grant from the government. It will assist people who wish to publish books about the community and about places and organisations in Victoria. Lots of people who come into my office want to write stories about the history of a small community, perhaps, or a particular building, and they are looking for support. Given that the press will have people who have relevant experience, it will at least be able to put people on the right track as to how to ask for a submission, document a book and set it up as a historic document.

I had a look at the PMI web site and saw that there have been a number of recent acquisitions by the PMI library. My electorate would be quite interested in a couple of these books. One of the new books is a 2004 transcription by Anna Doncon entitled *Shepparton District — Small Cemeteries Headstone Transcriptions*. The headstones transcribed are from the cemeteries of

Wunghnu, Gowangardie, Dookie, Kialla West, Pine Lodge Lawn — which is in the old section — Cashel, Toolamba and Katamatite. This would be interesting for historians, particularly those from my area, who have people buried in the cemeteries. Some of them are closed cemeteries, so the historians would be able to have a look at what the inscriptions on the tombstones say, because sometimes you cannot read them. That is really interesting, and you can get it from the PMI library. There is another document, called *Mooroopna Cemetery Headstone Transcriptions 1852–2003 Addendum*, which is also by Anna Doncon, who donated it to the library. You can get a fairly lengthy history of the Mooroopna cemetery from a book at the mechanics institute.

Mechanics institutes across Victoria have been established since the 1850s. They were modelled on the British mechanics institutes, whose motto was 'For moral and mental improvement'. The PMI was established in Chapel Street in 1856, and I think it continued with that motto. The first Prahran council held its meetings in the institute's building until 1861, when the new town hall was built. So the institute has had a long history of service to the community — providing education to the community and making sure the community is able to use the building — for the community's betterment. The PMI handed over a building at High Street to the education department in 1915. It is now part of a complex that accommodates Swinburne University of Technology's Prahran campus.

I also saw on PMI's web site that around 500 mechanics institutes still operate in Victoria. There is a mechanics institute in Shepparton, which was built in 1888. It was built in the main street, Wyndham Street — just across the road from my office, actually, so I have witnessed its development over the years. It has changed its use over the years, but all in all it has always been for education, information and community use. It was the original library in Shepparton, but it has changed quite often over the years. It has had services for photography, wood-turning, philately and arts. I have watched it grow and grow as more people from the community use it.

On 24 October 2001 — —

The SPEAKER — Order! I remind the member that the bill relates specifically to the governing committee of the Prahran Mechanics' Institute, and I ask her to direct her comments to the bill.

Mrs POWELL — Thank you, Speaker. The mechanics institute in Shepparton also has a governing committee, which has trustees who have been there for

many years. The trustees, or the governing committee — —

The SPEAKER — Order! The bill relates specifically to the Prahran Mechanics' Institute. I ask the member to direct her comments to the bill before the house. It is not an opportunity for general discussion of committees of management at mechanics institutes or other institutions across the state.

Mrs POWELL — Thank you, Speaker. I note your ruling, and I will get back to the bill and talk about the committee of management. It is important that a committee of management continue at the mechanics institute. The bill changes the membership of that committee from nine to seven members. Hopefully they will continue after their four-year terms and look after the mechanics institute as it has been looked after for many years. I wish the bill a speedy passage.

Mr LUPTON (Prahran) — I am extremely pleased to be able to speak in support of the Prahran Mechanics' Institute (Amendment) Bill, not only as the member for Prahran but as a member of the Prahran Mechanics' Institute (PMI). I indicate to the house that the purpose of this bill is to alter the composition of the governing committee of the institute and to ensure the validity of certain decisions the committee may have made in recent years.

The background is important to the house understanding why this legislation is being brought forward. Mechanics institutes were originally educational institutes for working people — mechanics in the sense of artisans. The institutes remaining today operate as libraries but with an important community and historical focus, and are run by their members. The Prahran Mechanics' Institute, or, to give it its full title, the Prahran Mechanics' Institution and Circulating Library, was established in 1854, and celebrated its 150th anniversary two years ago. In 1899 the institute was constituted pursuant to an act of Parliament — the Prahran Mechanics' Institute Act 1899 — which we are amending with this bill. That act provided for the mayor of Prahran, four Prahran councillors and four members of the institute elected by the members to constitute the governing committee.

When the Prahran council was amalgamated with Malvern council by the previous government in 1994 to form the Stonnington City Council the structure of the Prahran Mechanics' Institute committee remained unchanged. As a consequence the institute was concerned that its committee was not properly constituted. At an annual general meeting (AGM) of the institute I suggested that representations be made to

the government to rectify the situation. The institute welcomed this suggestion on the evening of the AGM and those discussions led to the bill we are now debating.

The bill provides for a committee of seven members with one being appointed by Stonnington council and six members being elected by members of the institute for four-year periods. There is provision for the filling of a casual vacancy for the remainder of the term of a member being replaced.

The second part of the bill has been included in order to remove any doubt about the decisions made and actions taken by the committee since 1994. A new section will deem anything that would have been validly done had the committee been validly constituted at the time to be valid. This limited type of validation will ensure that no issue can be raised solely due to the technical validity question of the committee. This legislation will ensure the important work of the institute can continue on a sound footing. I note the legislation the government is bringing forward is supported wholeheartedly by the institute and the Stonnington City Council.

It is useful in this context to consider some of the work that the institute does, because this bill will enable that work to continue into the future. The mechanics institute has an historically significant book collection and is an integral part of the public library lending network. It also provides research and reference advice, in particular in relation to local history and genealogical matters. More recently it has expanded into assisting people with writing, editing and publishing.

The 150th anniversary of the institute in 2004 was celebrated with the establishment of the Prahran Mechanics' Institute Press, a publishing resource for writers and researchers on local and family histories, through a grant of \$10 000 from the Bracks government's community partnerships initiative. I was delighted to announce the grant at a ceremony at the institute in May 2004, when I also launched the 150th anniversary gallery, which is a collection of images and documents on the history of the institute.

I said then that the grant would assist the Prahran Mechanics' Institute Press to publish books about places, people and organisations in Victoria. These will record local and family histories. This is a popular and important undertaking which helps sustain the fabric of our communities. The way the government is reconstituting the committee of the Prahran Mechanics' Institute and putting it on a sound footing for the future will enable that to continue.

The grant I mentioned was intended to recognise and support the mechanics institute in this innovative publishing venture by providing writing and publishing resources, including advice on copyright and related areas, printing and distribution of publications and referrals to professional editors, indexers and designers. The Prahran Mechanics' Institute Press has since published its first book. Interestingly it was titled *Buildings, Books and Beyond — Mechanics' Institutes Worldwide Conference 2004*. It is a collection of papers presented at the mechanics institutes world conference held here in Melbourne that year. We launched that at another event at the institute in May 2005, which I attended along with the Minister for Local Government in another place.

On that occasion we announced the transfer of ministerial responsibility for the Prahran Mechanics' Institute Act from the Minister for Education and Training to the Minister for Local Government, who is also responsible for other libraries in Victoria. This change was made at the request of the institute and its members, and I was very pleased that the Premier agreed to my request to transfer the responsibility for this principal act to the minister who is responsible for other libraries in Victoria.

During its more than 150-year history the Prahran Mechanics' Institute has established very close working relationships with what is now the Swinburne University of Technology and the former Prahran and now Stonnington library and information service. In recognition of its educational origins the institute also makes annual awards to students in local state schools. I know our schools greatly appreciate and value that contribution.

I want to take this opportunity to congratulate all the members of the Prahran Mechanics' Institute for their dedication to this wonderful local institution. I want to pay special tribute to the staff of the institute: the promotions and publications librarian and administrator of PMI Press, Christine Worthington; the secretary-librarian, Catherine Wilward-Bason; and the reference and circulation librarian, Tim McKenna. They do a great job on behalf of the local community.

I also give my thanks and that of the local community to the members of the current Prahran Mechanics' Institute committee: the president, Alf Lazer, a retired businessman who puts in great amount of effort on behalf of the institute; the treasurer, Ben Quin, who is a certified practising accountant; Crs Chris Gahan and John Chandler from the City of Stonnington; Mrs Alison Boundy, who is a retired librarian and member of the Genealogical Society of Victoria;

Dr Judith Buckrich, a practising historian and writer who is currently working on a history of the Prahran technical school for the Prahran Mechanics' Institute; and Mr Peter Wolfendon, who is also a vice-president of the Cinema and Theatre Historical Society. All of those committee members put in a great amount of time and service on behalf of their local community. I know the members of the Prahran Mechanics' Institute all appreciate that work.

I again commend the government for bringing forward this legislation, which will make sure the Prahran Mechanics' Institute is able to prosper, flourish and continue to serve the local community in Prahran for many years to come.

Mr HONEYWOOD (Warrandyte) — I rise to make a brief contribution on this bill. I do so, while Minister for Tertiary Education and Training, having visited the Prahran Mechanics' Institute and been an inaugural member of the Swinburne University of Technology governing council. I would like to speak to the wonderful, almost unique, partnership between the Prahran Mechanics' Institute and the Prahran campus of Swinburne University.

It is important that the Victorian community respects and celebrates key contributors to our development as a civil and civic-minded society. This is particularly the case with those institutions which support and reflect our desire to advance our knowledge in the areas of culture, history and the betterment of social interaction as a whole. The member for Bass has eloquently and comprehensively covered the history and evolution of mechanics institutes — one of the better imports from that country of Scotland. We will not go into the other import, being the trade union movement, but the opposition thinks the mechanics institutes have done a great job.

It is often argued that such institutes served as focal points for their communities, offering many services such as libraries, reading rooms, free lectures, museums, concerts and a host of opportunities and services for self-education.

We know of Sir Zelman Cowen's wonderful involvement in the inauguration of the council of adult education in Victoria, which is another forum that has provided similar advancement for people, often those with little education in their background. Particularly regarding the CAE it was a case of World War II veterans — men and women — coming back, in many cases not having been able to further their education. Whether it was the Prahran Mechanics' Institute or the council of adult education that was there for them, they

both provided a chance for those who had been exposed to the world as a result of the terrible tragedy of war to be reskilled and to rebuild their lives and focus on new careers as a result of these wonderful community education facilities.

All but a few towns in Victoria had a mechanics institute and overwhelmingly the committee members of each institute were motivated by the desire to improve the cultural education and social life of the inhabitants of their local communities. As time went on, however, large, government-funded educational, welfare, recreation and library facilities have developed, and as a result mechanics institutes have adapted to other important education and community responsibilities. Today over 500 still operate proudly in Victoria as halls and centres for local organisations.

As we have heard, 1 May 2004 marked the 150th anniversary of a public meeting that resulted in the decision to establish a mechanics institute for the community of Prahran. Established in 1856, the Prahran Mechanics' Institute represents a landmark in Prahran's educational history. The PMI began as Prahran's first library service and a community meeting place for adult education. Importantly — and I mention this relationship with Swinburne University as a unique partnership model — the same PMI building was also home to the Prahran Technical School, later known as Prahran TAFE, which now forms part of Swinburne University, as both the PMI and a section of the university coexist within the original PMI building.

It behoves this place to celebrate the fact that we are the only state in Australia that has multisector institutions, the only state in Australia that has TAFE and universities combined. As I recall, five of our eight universities have significant TAFE divisions, and this is of major benefit for the education opportunities for all Victorians because it is no coincidence that Victoria has the highest transition rate of students going from TAFE diploma-level education into higher education, often within the one institution. This partnership between Swinburne University and the Prahran Mechanics' Institute is a unique model. I guess more by accident than design we have drawn the benefit of that in this co-location in one community of significant education forums and institutions.

If members of Parliament had the opportunity to replan or redesign townships in their electorates, they would love to see all the education facilities co-located so they could share significant library resources and the like. This has happened in some townships, but we are fortunate that in Prahran as a result of the historical evolution of education in that community the

mechanics institute went on to assist in the development of the Prahran Technical School, later known as Prahran TAFE and now part of Swinburne University. I am quite proud of the fact that 14 years ago I successfully campaigned for that accord while on the Swinburne University governing council, and it is great to see that we now have a piece of legislation that will ensure a win-win for the Prahran community. The member for Prahran is in a unique situation when it comes to cooperation in regard to education in his electorate. It would be the envy of many other members of Parliament.

Debate adjourned on motion of Mr STENSHOLT (Burwood).

Debate adjourned until later this day.

TERRORISM (COMMUNITY PROTECTION) (AMENDMENT) BILL

Second reading

Debate resumed from 16 November 2005; motion of Mr BRACKS (Premier).

Government amendments circulated by Mr BRACKS (Premier) pursuant to standing orders.

Mr BRACKS (Premier) (*By leave*) — I thank the opposition and The Nationals for giving me leave to make this statement.

When I introduced this bill on 15 November last year I said that it would lie over until this year to allow for further consultation and debate and to enable the issues raised in the Senate report on the commonwealth's bill and the review of the Scrutiny of Acts and Regulations Committee to be considered.

Today I am introducing a number of house amendments which have been drafted because of this further consideration over the last few months. I am tabling the house amendments today to assist members prior to the second-reading debate.

The bill strikes a balance between equipping our law enforcement agencies with the tools they need to prevent and respond to a terrorist attack and ensuring those authorities are held accountable.

There will always be differing views as to what this balance should be. However, the new security environment in Australia and around the world means

that we must now deal with legislation that would not have been thought necessary five years ago.

Issues raised by the community since the bill was introduced have been taken into account. The legislation has been amended, as far as possible, to address these concerns and still ensure that the legislation remains an effective tool to counter terrorism.

The bill contains substantial safeguards to protect these special powers being abused. Victoria has also announced that it will be implementing a charter of rights and responsibilities which will be the first legislative recognition of human rights at a state level in Australia. The charter will provide additional assurances that the new anti-terror laws will comply with our international obligations.

These amendments are of five types:

- aligning the Victorian bill with a number of changes proposed by the Senate inquiry and adopted by the federal Parliament;

- taking account of the acts passed by other state parliaments;

- taking account of the recommendations of the parliamentary committee for scrutiny of acts and regulations;

- the need to make practical amendments to the Corrections Act 1986 and the Children and Young Persons Act 1989 to allow for persons under a preventative detention order to be detained in prisons or juvenile justice facilities; and

- to make technical amendments to ensure the effective operation of the preventative detention provisions and the special police powers provisions.

These are important laws and the government has gone to great lengths to get them right.

As the commonwealth has no responsibility for corrections or juvenile detention facilities, the commonwealth act largely ignored the fact that additional provisions would be necessary to enable the detention of persons under a preventative detention order in the state prison system.

For this reason a number of these house amendments make technical amendments that are necessary to ensure that the preventative detention provisions will be administratively workable within Victoria's legal and corrections system.

It is likely that other states will need to amend their legislation to make similar changes.

Much work has been done to ensure that persons aged under 18 years will be detained in a juvenile justice facility rather than an adult prison, unless a court finds there are compelling reasons not to do so.

Requiring the detention of juveniles under a preventative detention order in a juvenile justice facility means that there need to be appropriate security arrangements for visitors to these centres. There is no existing power, for example, to search a visitor to a juvenile detention centre.

Young people detained under preventative detention orders in juvenile justice facilities potentially represent a high risk. But it would be anomalous to apply these security arrangements only to visitors of persons under a preventative detention order when the facility could potentially also accommodate persons charged with, or sentenced for, terrorist offences or other serious crimes. The house amendments apply new security measures for all visitors at juvenile justice facilities as basic security measures should be applied to all visitors at these facilities.

These measures include the power to require visitors to give their identity, the purpose of their visit and their relationship to the detainee. Searches may be conducted if there are reasonable grounds to believe that a visitor is carrying a prohibited item. Strip-searches are not allowed.

The amendments address most of the recommendations of the Senate's Legal and Constitutional Committee related to the commonwealth act of 2005 that could be adapted for the Victorian bill. These amendments will ensure a more just application of the preventative detention regime. The most significant of these amendments is the prohibition on detaining persons under the age of 18 years with adults.

Another significant change that adopts the Senate committee's recommendations is the insertion of more confined grounds for the issuing of a prohibited contact order. These grounds will ensure that such an order will be made only when it is absolutely necessary. Other amendments include requiring application documents to give the person more information on the basis for the proceedings and safeguards that require police to advise a detained person of their rights and to provide the assistance of an interpreter when necessary.

The ability of a detained person to contact family members and others has been the subject of community

concern. The house amendments address these concerns by enabling detained persons to have increased communication during their detention. That communication will include an expanded list of people the detained person can inform of their detention, such as the detained person's employer, consistent with the contact rights under the New South Wales legislation.

Another significant change introduced by the house amendments is that only the Supreme Court can issue a preventative detention order. The ability of a senior police officer to do so has been removed. This is also consistent with the legislation in New South Wales.

Concerns about police powers to search children have been addressed with amendments to the schedule to the bill. The schedule imposes strict procedures for the searching of any person and additional safeguards for cases where it is necessary to conduct a search of a child.

There has been a concern that the bill does not allow the detainee to confer confidentiality with a lawyer. The circumstances requiring the detention of the person justify close monitoring of the person's communication with any person to ensure that the purpose of the detention is not undermined. All other states allow for the monitoring of communications between detainees and lawyers and do not permit any confidential communication. The house amendments will deal with this concern by allowing the Supreme Court to prohibit monitoring on the application by the detainee.

Other minor technical amendments are made to the special police powers provision.

The Scrutiny of Acts and Regulations Committee yesterday lodged its report following a review of this bill. Many of the concerns raised by the committee have been addressed by these house amendments. In any case I will be making a response tomorrow to the chair on the concerns of the committee so that members will have this information prior to the debate.

Honourable members will note that the Terrorism (Community Protection) Act 2003 required the minister to review the operation of the act and make a report to the Parliament by 30 June 2006. This has been replaced by a robust review of the legislation of all the jurisdictions through the COAG process to be completed in 2011. Although there will be no legislative requirement to do so, I propose to lodge a report on the operation of the act to Parliament by 30 June 2006 in line with the original intention.

I commend these house amendments.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until later this day.

PRAHRAN MECHANICS' INSTITUTE (AMENDMENT) BILL

Second reading

Debate resumed from earlier this day; motion of Mr THWAITES (Minister for Environment).

Mr STENSHOLT (Burwood) — I want to speak very briefly on the Prahran Mechanics' Institute (Amendment) Bill. The Prahran Mechanics' Institute is well known to those who live in the area, and I have passed it many times. This very sensible bill has been promoted by the member for Prahran, and I commend the member for Prahran for his initiative and support of this change with the local council at Stonnington.

Obviously mechanics halls have played a marvellous role in our history. My father came to Australia as a migrant and used to live in South Yarra. When he required new qualifications he used the facilities of the Prahran Mechanics' Institute. Other people have obviously used mechanics institutes, including even Labor prime ministers in the past, in order to do well — for example, Chifley and Scullin have used mechanics institutes to get their education.

Mechanics institutes have played a role in my electorate, and I am sure there are mechanics institute halls in almost every electorate. Burwood had a mechanics hall, then it became the RSL hall, and now the plaque there shows that this is where the mechanics hall was. I do not remember this because it goes back 140 years, but when Glen Iris was first established public land was put aside for a church, for a school and for a mechanics institute, so they are very much part of the infrastructure and the way of life here in Victoria and throughout Australia and the English-speaking world.

This is the only example of a mechanics institute which is part of our legislative suite in Victoria. These amendments are very timely. With the changes to the operating committee of the institute some years ago this will update the government's arrangements. As I said, the member for Prahran has played a leading role in this regard. I commend him for that, and I commend the bill to the house.

Mr KOTSIRAS (Bulleen) — I am pleased to speak on this important bill. The purpose of the bill is to

amend the Prahran Mechanics' Institute Act 1899 to alter the composition of the governing committee of the mechanics institute and to develop certain positions of the governing committee of the Prahran Mechanics' Institute library.

Mechanics institutes were the very foundation of our public libraries and our education in Australia. The mechanics institute concept began in Glasgow in 1799 when a series of free lectures were organised. The institute represents a landmark in Prahran's educational history. Can I say it is good legislation. I support it and I wish it a speedy passage.

Dr NAPTHINE (South-West Coast) — I would like to acknowledge the member for Bulleen for his excellent contribution to this bill. It is much appreciated. As the member for Bulleen was saying, in 1799 Dr George Birkbeck in Glasgow had the idea that journeymen mechanics warranted ongoing education and cultural activities. When we talk about mechanics in 1799 we are talking about artisans, tradesmen and working men.

The first mechanics institute was established in London in 1824, and the first mechanics institute in Australia was established in Hobart in 1829 — the Van Diemen's Land Mechanics' Institute. The objective of that institute was:

... the protection of trade and the promotion of knowledge among its members.

Subsequently mechanics institutes were established in 1833 in Sydney, 1838 in Adelaide and 1839 in Melbourne; and of course the one that is subject of this bill, the Prahran Mechanics' Institute, was established in 1854 and has had a long and proud record since that time.

It is interesting to note that in the 1850s a mechanics institute was established in Sturt Street, Ballarat, which is still operating well today. There is some argument about whether it was established in 1857 or 1859. It has 27 000 books in its library, which is one of the best collections of books in western Victoria. To give an example of the sorts of things mechanics institutes did, on the first night of lectures in 1859 Dr C. J. Kenworthy spoke about how mechanics institutes operated; Reverend Cooper Searle spoke on moral culture; and J. R. Bailey, Esquire, talked about the use and study of history. When you look at the range of lectures and activities mechanics institutes offered you see that they have certainly played a significant role in our cultural, educational and social life over the last 150 years.

In my own electorate there are mechanics institutes in Port Fairy, Allansford and Narrawong, and in many areas in country Victoria the mechanics institute became the local hall and therefore the centre of community activity.

The issue I raise in relation to the Prahran Mechanics' Institute is that it also operates a small lending library. One of the things the mechanics institutes have done over the years in Victoria is operate significant lending library facilities. It highlights how important ongoing education and cultural development is for all Victorians. Libraries are an integral part of that, and that is why it is disappointing to know that since the election of the Bracks Labor government in 1999 public library funding has been crippled and slashed.

The Bracks government's total public library grant is an average of \$5 per person, which is equivalent to \$24.7 million a year, or 22 per cent of the overall cost of running libraries, whereas local councils contribute 78 per cent, or \$87.6 million, to the cost of running libraries. That represents a significant cut in the government's role in public library funding.

It used to be a fifty-fifty share — indeed the state contribution was 51 per cent — but as I said the state's contribution has been cut to 22 per cent, according to the Municipal Association of Victoria. The MAV has highlighted the need for increased funding for libraries, and in a press release on 6 May 2005 it said:

Municipal Association Victoria president Cr Geoff Lake today announced he would seek — —

The DEPUTY SPEAKER — Order! The Speaker earlier ruled that discussion of library funding generally was not germane to this bill and that any member who did so should return to the point of the bill. I just remind the member for South-West Coast of that.

Dr NAPTHINE — Thank you, Deputy Speaker. In the second-reading speech, which I bring to the attention of the Chair, there is reference to the lending library facilities of the Prahran Mechanics' Institute, and this bill goes to the heart of the ongoing operation of the Prahran institute and therefore the ongoing operation of the lending library. When we are talking about library services, whether it be through the Prahran institute or otherwise, we must see it in the context of library services across the state, and the fact of the matter is that funding has been decimated by the Bracks Labor government.

The MAV says that, and in contrast the Liberal Party has a policy to increase funding for public libraries by 80 per cent, from \$5 per head to \$9 per head, so there

will be an extra \$50 million under Liberal Party policy injected into public libraries across Victoria.

Mr Lupton — On a point of order, Deputy Speaker, having been in here and listened to the debate and having contributed to it previously, I am aware that the Speaker has made a ruling that this is a bill specifically to do with the Prahran Mechanics' Institute and that it is not appropriate with this type of bill to go into the generalities of libraries and their funding and so forth. The member for South-West Coast is ranging far and wide into areas that relate to library funding generally. He is not mentioning anything about the massive increases in funding to public libraries that this government has brought in — —

The DEPUTY SPEAKER — Order! I do not think we need to debate those aspects of the point of order. The member for Prahran knows he strayed a long way from the point of order.

I repeat that I drew the member for South-West Coast's attention to the ruling by the Speaker. I assume he was rounding off the remarks he was making and is going to return to the primary purpose of the bill.

Dr NAPHTHINE — I am returning to the importance of the Prahran Mechanics' Institute, and as it is the only mechanics institute covered by a specific piece of legislation I am making reference to mechanics institutes generally and their operation across Victoria. They have played a vital role in our communities, and many continue to do so. Some of them now play a changed role and are merely community halls and so are involved in community activities in that respect. Others play an ongoing role in offering a broad range of activities, often based on the traditional mechanics institutes focus on cultural, social and educational activities.

One of the pillars of the services offered by mechanics institutes over their 150 years of operation in Victoria has been library services. Initially there was a charge for those library services, and then we saw the development of a free library service, which has been to the enormous benefit of Victoria. But now I note in the bill — and people would be well aware of it — that the members of the governing committee will include the mayor of the City of Prahran and four persons elected by that municipal council, so it will be integrally linked to the operations of the council itself. It is therefore relevant to discuss how the council will operate while this government is continuing to cut back funding for library services and the ratepayers and councillors are left to make up the shortfall. That is the dilemma.

We have a clear alternative in the Liberal Party's policy, which is to boost library funding by 80 per cent. That has been welcomed by the Municipal Association of Victoria. The former president of the MAV, Brad Matheson, has called on the state government to match the Liberal Party's funding promise for libraries. The MAV is saying that the Liberal Party is on the right track in increasing funding for libraries — —

Mr Stensholt — On a point of order, Deputy Speaker, the Speaker has ruled that the debate should be a narrow one regarding the corporate governance of the Prahran Mechanics' Institute. I think the member for South-West Coast has strayed far from that, and as the member for Bass was brought back to order I ask that you bring the member for South-West Coast to order also.

The DEPUTY SPEAKER — Order! I think on this occasion the point of order is correct.

Dr NAPHTHINE — I will conclude with the remarks of Brad Matheson, who when he was president of the MAV said:

The state government has so far failed to — —

Mr Stensholt — On the same point of order, Deputy Speaker, you have already ruled on this, and your ruling is being flouted by the member for South-West Coast. I ask that you either sit him down or insist that he speak on the bill.

The DEPUTY SPEAKER — Order! I have asked the member to return to the bill.

Dr NAPHTHINE — I wish the bill a speedy passage, and I wish the government would take up the Liberal Party's commitment to increase funding for public libraries across Victoria.

Ms BEATTIE (Yuroke) — I am sure you are unaware of my interest in the Prahran Mechanics' Institute, Deputy Speaker, but it is well known, and I think it is the reason why my colleague the member for Prahran has stayed in here to listen.

The object of the bill is to remedy some inconsistencies between the old Prahran Mechanics' Institute Act 1899 and the 1995 rules of the Prahran Mechanics' Institute. Many people have spoken of the history of the Prahran institute and also the history of the rules. I will go over those just briefly, as my colleague the member for Sandringham is keen to speak.

The Prahran Mechanics' Institute Act was passed in 1899 to incorporate the Prahran Mechanics' Institute

and the circulating library and to transfer ownership of the assets and liabilities of the original trustees of the institution to the corporate body. Following the 1994 amalgamation of the cities of Prahran and Malvern — and I know there are some citizens who are called 'Outraged of Malvern', but we will not go into that — into the Stonnington City Council, the committee amended the rules by order in council in 1995. However, the act was not amended to reflect the changes, and as a consequence of this the act and the rules have been inconsistent since 1995. So 10 or 11 years on it is time those inconsistencies were remedied.

The mechanics' institute requested the amendments, and I know my colleague from Prahran has been closely involved in that and has had many discussions about it. Legal advice was sought from the Victorian Government Solicitor about the status of those 1995 rules which were approved by the Governor in Council and yet conflicted in many ways with the act. Subsequent to that legal advice being received it was considered appropriate to amend the 1899 act to make it consistent with those 1995 rules, which had been made following the amalgamation of the cities of Prahran and Malvern into the city of Stonnington.

The bill replaces references to the City of Prahran with references to the Stonnington City Council. It reduces the membership of the governing committee from nine to seven members. It replaces the representation of the City of Prahran with representation appointed by the Stonnington City Council and increases the quorum of the governing committee from three to four, that being a majority of members of the committee. It also provides limited validation of the actions of the governing committee, notwithstanding that it may have been wrongly constituted back in 1995. The limited valuation clause only validates the decision of the governing committee insofar as the committee was wrongly constituted. Any negligent or otherwise unlawful decisions of the governing committee will not be validated by this bill.

I know there has been broad consultation. Members of the Prahran Mechanics' Institute were consulted on the bill, and as I have said, my colleague the member for Prahran has been consulted. I will resist, as others have not, the urge to go into public library funding, notwithstanding the fact that I do not know where the money for the Liberal Party promises is coming from. The Liberals have a half-tolls promise, and they have made promises as far as the Department for Victorian Communities is concerned. It will be interesting to add up the cost of those policies. However, I am not going to talk about the funding of libraries; I promised not to, and I shall not.

This is a good bill, and I might add the pun that it is rather mechanical in nature. Mechanics' institutes have filled a need for very many years. They have become community meeting places and community halls in which citizens can gather, so they are real community hubs. In saying that I am pleased to commend this bill to the house.

Mr THOMPSON (Sandringham) — In the conclusion to the second-reading speech it is noted that the Bracks government 'demonstrates its commitment to supporting and strengthening local communities'. I would argue that reference to an area outside the immediate ambit of the bill may be germane. The object of the Prahran Mechanics' Institute (Amendment) Bill is to alter the composition of the governing committee of the Prahran Mechanics' Institution and Circulating Library and validate certain decisions of the governing committee of the Prahran Mechanics' Institution and Circulating Library. It is procedural machinery in motion, but the background of the bill is of greater interest. It warrants making brief comment on the history of mechanics institutes in Victoria.

In 1940 there were some 1000 mechanics institutes in this state, providing a very valuable learning and reference resource across Victoria. It is only in more recent times that we have seen other developments with the expansion of universities and TAFEs and access through secondary education to a range of learning resources and materials that would not have otherwise been available in the early days of the Port Phillip District and the first 100 years in the history of the state.

The Melbourne Athenaeum is the successor to the mechanics institute, and it has an astounding reference library. Recently upon special request by the Melbourne Athenaeum I took the opportunity to forward a book written by a teacher within my electorate. This particular teacher has had an aneurism. He lost an arm when he had an epileptic fit under the shower; he lost all the flesh on his arm when the hot water tank ran out on it, and he is wheelchair bound. He wrote his life story. He is a former A-grade football umpire and Victorian certificate of education physics teacher, and he wrote about how he coped with this change in his life after being a very healthy person. His book was contributed to this library, and it reflects the breadth of reading material and literature that will be of benefit to library users along with many other contributions. The mechanics institute and the Prahran Mechanics' Institute, which has its own circulating library, have performed a very valuable role in the local area.

In relation to the balance of funding — I premise my remarks here with the closing words of the second-reading speech, ‘the government demonstrates its commitment to supporting and strengthening local communities’ — there is a disparity in the percentage of funding between local and state governments on a 22:78 ratio. Originally there had been an attempt to get a 50:50 funding ratio, and the Liberal Party is committing \$50 million as part of its policy going into the next election to strengthen local libraries.

With those remarks I wish the continuing governing committee of the Prahran Mechanics’ Institute all the best in its work, noting that it fulfils a very valuable role in providing access to learning materials and resources that may not otherwise be available. The halls themselves are used for a wide variety of activities, ranging from matters close to the heart of the Deputy Speaker at election times through to being used as venues for schools, auction rooms, art galleries, theatres and other facilities.

Ms ALLAN (Minister for Education Services) — I am very pleased to sum up the Prahran Mechanics’ Institute (Amendment) Bill. A number of members have spoken on this bill, and I would like to thank all of them. I note in particular that the debate has been confined to the Prahran Mechanics’ Institute, but there were wide-ranging discussions.

I reflect on the fact that it will be difficult for the Liberal Party to meet the claims made by the member for South-West Coast about its commitments when it has to fund its leader’s half-tolls promise. It will abolish the department in which the local government office sits, so there is an interesting contradiction in what is said by the leader of the Liberal Party and the member for South-West Coast, but we are becoming used to that in this house. I would like to thank the members for Prahran, Burwood, Yuroke, Bass, Warrandyte, South-West Coast, Sandringham, Bulleen and Shepparton for their contributions, and I commend the bill to the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

LIQUOR CONTROL REFORM (AMENDMENT) BILL

Second reading

Debate resumed from 16 November 2005; motion of Mr HULLS (Attorney-General).

Mr KOTSIRAS (Bulleen) — It is a pleasure to stand and speak on the Liquor Control Reform (Amendment) Bill. The opposition will be supporting the bill, because it is important that all Victorians are able to go out and enjoy a night at a restaurant or nightclub free from violence and antisocial behaviour.

I remember many, many years ago when I went out to what were referred to back then as discos. I have to say that, while I was not part of it, I witnessed much antisocial behaviour at those nightclubs. Now I have three children, two of whom go out to nightclubs and come home at about 5 o’clock in the morning, and it is very hard to sleep until you hear them walk through the front door. So it is very important that we put legislation in place to ensure the safety of people attending restaurants and nightclubs.

The government briefed the opposition, but I am disappointed that the government refused to speak to the key stakeholders. I understand the legislation was drafted with no input from any of the key stakeholders. I will give one example. The Australian Hotels Association was called into the minister’s office for a brief. Its members were briefed by a ministerial adviser — there is nothing wrong with ministerial advisers — but you would think there would be someone there other than an adviser. They had little time to put forward their concerns, and as soon as they left the bill was introduced into the house. In a letter to the minister dated 4 January the Australian Hotels Association stated:

Whilst we appreciate the bill will lay over until the autumn 2006 session of Parliament we are disappointed that the bill was introduced with no consultation with the AHA (Vic) during its development and, to our understanding, no other liquor and licensed hospitality industry stakeholders.

It continued:

Whilst there are provisions in the bill which we support, we are concerned that as the bill has already been second-read there will be a marked reluctance on the government’s part to vary the bill —

which is true. So much for this government’s claiming that it is open and accountable. So much for this government’s claiming that it listens to stakeholders and to the community. It is all rhetoric. The government does not care. All it cares about is votes, so if it can get

a vote somewhere, then it will change its policies. But in terms of helping the community there is no consultation or caring, just vote buying. It is about arrogance. If you look up a definition of the Labor Party in a dictionary, you see it says 'arrogance', which is what it stands for.

Ms Allan interjected.

Mr KOTSIRAS — You should know, Minister! The reason why it is important to consult is to make sure we do not make any mistakes, and that is highlighted in a letter sent to me by a police officer. He said:

It must be remembered that the average police officer working on the street 24/7, 364 days a year, does not have a lot of summary powers to battle antisocial behaviour. The power to arrest for drunk or drunk and disorderly is an effective tool which police cannot afford to either lose or have made unworkable by legislative tinkering by people who do not have to work the front line dealing with these people and trying to placate annoyed members of the public affected by antisocial behaviour.

That is what was sent to me. So it is very important that we are careful and introduce good legislation, but we must make sure it is workable, and the only way it can be workable is if we consult and take on board those concerns, which is not what this government has done.

As I said, I support this legislation, but I want to know what has happened to the Inner City Entertainment Precincts Taskforce, which was chaired by the member for Prahran. I think it was established three years ago. Last year it said it would accept submissions until Friday, 22 April 2005, but nothing has been heard from it since. So the questions are: what has it been doing over the last few months, and why has a report not been tabled so we can read it in conjunction with the legislation? Again it is a sign of arrogance. This government simply wants to win votes at the expense of community safety.

The purpose of the act is to amend the Liquor Control Reform Act 1998 to define 'state of intoxication' and to:

... enable the director, with the approval of the minister, to grant a licence or BYO permit for premises in a prescribed class of premises ...

It will also:

... make provision with respect to standards for security cameras used at licensed premises ...

And:

... enable the director to impose late-hour entry declarations on licensed premises in specified areas or localities —

in other words, a lockout. I support the lockouts, but I have a number of concerns which I will outline later. There have been some events and incidents in recent years which have highlighted the need to do something about the violent behaviour at our nightclubs. The reasons are that our society is changing, licensing hours have been extended and our lifestyles have also changed. The Community Alcohol Action Network has said that:

In the name of lifestyle, convenience and competition we have extended serving hours to 24/7 and given virtually every business the right to hold a liquor licence. While it is reasonable for restaurants and cafes to serve alcohol it is not obvious why every other business should do so. Not only can florists, bookshops and hairdressers get a licence in Victoria, but laundromats and video stores too.

The case for licensing laundromats and video stores is economic, not social: it will make money for the owner and 'increase competition'. As with the suburban cinemas that now want a licence, neither has an obvious association with drinking. But they teach us that drinking is an accompaniment to every possible activity.

Two Safeway stores are selling alcohol from grocery shelves as a 'trial'. We are treating alcohol like soap or bread and turning supermarkets into licensed premises.

Our lifestyles have changed, so we need to introduce legislation to control the violence and antisocial behaviour that one finds at nightclubs. It is not just happening in Victoria; it is occurring in every other state as well, and every state has put forward different measures hoping to halt it. For example, an article in the Queensland *Sunday Mail* of 14 January states:

Police are hunting a gunman who shot a fellow nightclub patron ...

It continues:

One witness said he came out ... to hear 'what sounded like a bomb' and discovered his friend had been shot.

'I have never heard a gunshot before', he said.

'They (offender and his friends) had knives and stuff ... they were ready to kill'.

It continues by saying that a local councillor:

... said he would push for nightclub operators to install more surveillance outside the premises to improve the security.

Indeed in Victoria we all recall the Salt nightclub, which closed as a result of the murders that took place around the club in 2003. Around that time an article in the *Age* stated that:

Quang Minh Tran, 19, was stabbed in the chest and neck outside the nightclub at 2.30 a.m. on Saturday. He died —

in hospital —

where two friends — Huy Tran, 17, and Hung Nguyen, 19 — who were also injured remained in a stable condition in hospital.

In July 2002 Huy (James) Huynh, 19, was hacked to death near the Yarra River after a fight at the club. His cousins ... drowned in the river trying to escape their pursuers, who were carrying swords.

So there is a problem, and we need to do something about it.

I turn to the bill itself to outline some of the concerns we have. The first relates to clause 5, which inserts new section 3AB to include the definition of 'intoxication'. According to a medical journal a person is said to suffer alcohol intoxication when the quantity of alcohol the person consumes exceeds their tolerance for alcohol and produces behavioural or physical abnormalities. In other words, the person's mental and physical abilities are impaired.

There are three stages of intoxication. The first is excitement, which produces a sense of wellbeing and a tendency to lose emotional restraint, forget animosities, converse and be less critical. The second is confusion, slurring of speech, a loss of control over movements, a slight blurring of vision and an inability to perform coordinated acts. There is confusion over any problem which requires clear thinking. Emotional upsets become more marked. The third is referred to as a trance, the dead-drunk stage from which the subject can only be aroused in response to strong stimuli. This might lead to a coma and possibly death.

Other states have different definitions of the term. For example, in Queensland 'intoxication' is defined as a state of being in which a person's mental and physical faculties are impaired because of consumption of liquor so as to diminish the person's ability to think and act in a way in which an ordinary person in full possession of his or her faculties and using reasonable care would act in like circumstances.

In Victoria, under this bill, a person is in a state of intoxication 'if his or her speech, balance, coordination or behaviour is noticeably affected'. I ask the government to please explain what that means. Speech, coordination, behaviour — is it one or two out of the three, or is it three out of the three? This is not clear in the bill and I would like the government to tell me what is its definition of intoxication. Does a person have to satisfy all three criteria, any one, or any two.

New section 3AB goes on to state:

- (2) The Director must issue guidelines containing information about how to determine whether a person is in a state of intoxication for the purposes of this Act.

I would have hoped the guidelines had already been prepared for us to have a look at. It is very difficult to debate a bill if you do not have the guidelines in front of you. While I am sure the director of liquor licensing will come up with some great guidelines, it would have been helpful to have them before we debated this bill. I hope by the time this bill goes to the upper house the guidelines are available to opposition members so that they can have a chance to go through them and respond accordingly.

The term 'intoxication' in this bill is ambiguous. It does not make sense and needs some tightening up, and I think it will be amended in months to come.

The Australian Hotels Association asked why *Bourke's Liquor Laws* cannot be used. If we have a look at the liquor laws there we see that:

A person is intoxicated within the meaning of the section when either his or her mental or bodily faculties are so far disturbed by the influence of liquor that an average person who is neither a licensee ... would say that it was improper for that person to be supplied with more liquor.

Why can we not use the 'reasonable person test' in the bill itself? Why is the definition so open and vague that it will cause problems in time to come?

Clause 7 of the bill inserts new section 18B relating to security cameras. I support the need to install security cameras. It is a good idea, but it is also important that we have some standards; there is no point having security cameras if you cannot identify individuals. I support this clause of the bill and I hope at some point all of the 1000 late-night venues in Victoria will install these cameras. I understand that at present about 571 venues have installed them, but we need the other 500 to do the same. The cost could be up to \$20 000, but this is a small price to pay for the safety of people at these nightclubs.

It is interesting to see what Western Australia has done. It has introduced similar legislation which states that:

A video surveillance system, able to identify individuals and showing the times and dates, must be in place and operational within three (3) months of this condition being imposed. It is expected that this system should provide and record continuous images of the entrances to the premises, bars and ... areas, from 8.00 p.m. ... until one (1) hour after trading ceases.

Images recorded by the video ... system must be retained for fourteen (14) days ... and must be made available for viewing by the police or other persons authorised by the director.

The Northern Territory also has similar requirements as to the types of video cameras that can be installed. I think this a wise move, and I congratulate the government for putting this in the bill.

Clause 8 of the bill inserts section 22(4) which states that the minister will decide whether a licence is to be granted. It reads:

The regulations referred to in sub-section (1)(d) may permit the Director to grant a licence or BYO permit in respect of premises prescribed for the purposes of this section if the Director has the approval of the Minister to do so.

I ask: what criteria will the minister use? I hope the government will outline the criteria because if we look at the current Liquor Control Reform Act we see that it contains some guidelines. If the minister decides not to approve a licence, at least people can follow the guidelines and understand why the minister has decided not to approve it.

In this legislation there are no guidelines. I hope they are given to opposition members before the bill goes to the upper house so that we can have a look at them. While there is no problem with this provision, I would just like to see the guidelines.

Mr Stensholt interjected.

Mr KOTSIRAS — The member for Burwood tells me that consultations are occurring at the moment. That should have been done before the bill was introduced. It would have been nice if we could have had a look at the guidelines. It is a bit hard to debate legislation when you do not have the full story.

Clause 9 inserts new section 58B as part of new division 7A of part 2. It concerns lockouts and is very relevant to the portfolio of the minister at the table, the Minister for Employment and Youth Affairs. I must say that I support lockouts. I have spoken to many people, including my children, and they say that while they dislike the system, for obvious reasons it works. Lockouts do work, but only if key industry stakeholders are consulted so that we can come to an agreement on how to go about doing this. Lockouts do limit the incidence of violent behaviour. Again, I am disappointed that the government has not consulted with key stakeholders in respect of lockouts. I know that the minister at the table has not done so, and I understand the Premier, whilst speaking on radio station 3AW on 5 August 2003, made it clear that he would not support the concept of a lockout in venues

across the state. At the time I disagreed with the Premier; I thought he was jumping to conclusions, and I thought lockouts were good. But for whatever reason the Premier has changed his mind, and I support the government for introducing lockouts. However, the government must talk to the industry.

What are lockouts? Consumer Affairs Victoria used to put out an weekly internal newsletter, and someone sent me copies of it. CAV then stopped giving out these newsletters. I think it was in November 2003 that it put out an article entitled 'It's a lockout'. The article states:

Pubs and nightclubs with late-night trading and amplified music can continue to trade early into the morning, but if you are not in by 2.00 a.m., you won't get in.

Ballarat has introduced a lockout for 11 of its late-night venues. A voluntary agreement between the police and licensees in Ballarat is in place to address the levels of alcohol-related crime, disorder and nuisance within the Ballarat CBD area.

An action plan involving local licensees, council and the community has enabled police to address the problem for the longer term.

A strong police presence will be seen on the streets and improved lighting/infrastructure will be provided by council and traders. The plan has been implemented for a trial period of six months.

Since this operation commenced on 1 July 2003 the following impact has been made on local crime and safety issues compared to the same period last year:

CBD assaults have decreased by 65 per cent.

Assaults on licensed premises have reduced by 33.33 per cent.

Property damage across the city has decreased by 10.6 per cent.

Total public place assaults across the city of Ballarat have decreased by 20.6 per cent.

Lockouts have worked in Ballarat and Warrnambool. I understand they were also trialled in Echuca, where unfortunately they failed because the stakeholders were not able to come to an agreement, which is unfortunate. That is why we have been saying from the start that this will not work unless it has the cooperation of the nightclubs, the police and the community. It is important that everyone works together to make sure things work out.

I understand on the Gold Coast and in Cairns they have also introduced lockouts, but recently a tribunal in Cairns lifted the lockout, to the dismay of local MPs, councillors and the police. In actual fact they want the decision to be reversed and the lockouts to be reintroduced. The local newspaper said:

City leaders fear the CBD will be overrun by 'out of control' drunks on weekend mornings now the 3.00 a.m. nightclub lockdown has been lifted.

The member of Cairns was livid about the decision and vowed to investigate the tribunal's move. She said:

'How dare they? The police have worked very hard to clean up the streets' ... 'The crime rate is tremendously low compared to what it used to be. This is like a slap in the face for them'.

The police said the lockdown concept had been successful and branded the tribunal's decision as ridiculous:

'Our (police) resources are stretched enough, and heaven help any member of the public who needs the help of police at that time of the morning. We will not be able to guarantee any level of service ...

'They'll spill out in the streets very drunk and out of control, causing all sorts of disturbances and mayhem'.

It has been proven in every state that lockdowns have worked. They have failed in a few places only because there has been no cooperation between the key stakeholders. It is important that people work together.

The opposition supports the legislation and supports the concept of what the government is trying to do. However, there are some problems with the legislation. One problem is that the definition of 'intoxication' must be clearer — I am sure the member for Burwood will explain what is meant by the term — because the bill is vague. In regard to lockdowns, there has been no consultation with the key stakeholders. While I support the concept, the government needs to sit down and discuss it with the key stakeholders to come to an agreement that is workable. If one group does not work, then the other one is not going to want it. Stakeholders need to come together on an agreeable decision.

The only other concern is the guidelines. I hope the government introduces those guidelines and gives us a copy of them. I know consultation is taking place, but it would be nice if we had those guidelines before the bill is debated in the upper house, just so we can have the full picture. Sometimes it is not difficult to say, 'Look, it is a good bill — —

Mr Stensholt — You are welcome to provide the minister with your suggestions.

Mr KOTSIRAS — You are the government. Stop being lazy. You are the government, and you have to do some work.

Can I also say that, unlike the government, which likes to ask others to write its policies for it and then claims them as its own — —

Mr Nardella interjected.

Mr KOTSIRAS — The member for Melton has never written a policy in his life! Not one single policy, but they still accept him because he has the numbers in his seat.

Mr Stensholt interjected.

Mr KOTSIRAS — I was going to. The bill is a good first step. I just hope the government takes those recommendations on board before the bill is debated in the other house. As I said, the opposition supports the bill, supports the objectives and supports what the bill sets out to do.

Mr DELAHUNTY (Lowan) — I rise on behalf of The Nationals to speak on this important bill, the Liquor Control Reform (Amendment) Bill. We know there are many parts to the purposes of the bill. It will reform the Liquor Control Reform Act 1988 to define a 'state of intoxication'. It will enable the director, with the approval of the minister, to grant a licence or bring-your-own permit for premises in a prescribed class of premises. It will set standards for security cameras at licensed premises, and enable the director to impose late-hour entry declarations on licensed premises in specified areas or localities. There are other things in relation to that.

We are all keen to make sure there is reasonable access to alcohol while at the same time minimising the adverse amenity and social impacts which flow from its misuse. Being a former footballer I have seen many such experiences.

Mr Kotsiras — Where?

Mr DELAHUNTY — The member for Bulleen asks where. I can say that when I was playing for Essendon there was a bit of that, although at that elite level we tried to keep away from it. However, I have been fortunate enough to be able to stay away from it all my life. It is a bit ironic that I am speaking on liquor when I do not partake of it. However, it is important that we get the balance right, because it is legal. In some areas they say a good red wine is good for your health, but, as we know, whether it is red wine, beer or whatever it may be, overuse can have an enormous impact on communities and families and can be very costly to people, their families and the state.

The major amendments in this bill are designed to address antisocial and violent behaviour in and around licensed premises. It is interesting that we are taking a different approach here to the one we take to the use of cars. When we use cars the government loves to put its

hand in our pockets. Whether it is speed cameras, parking fines, parking meters or any of those things, if you get caught, it hits you pretty hard. I do not see the same approach being taken to people who are being antisocial in relation to the amount of alcohol they consume. I have even seen it happen when women, in particular, have been assaulted and the excuse taken into court is they are under the influence of alcohol. I do not think that is any excuse: if you do the crime, you should do the time. In all of those things we are seeing a different approach being taken in relation to antisocial behaviour, especially by people under the influence of alcohol.

The Nationals are very keen to make sure that we have the right framework in place. I have a letter here from the Australian Hotels Association (AHA) outlining its concerns about this bill. I want to refer to the first couple of paragraphs of this letter. The Nationals have consulted about this legislation but it is interesting that the AHA was very concerned before this legislation was presented. The AHA says it was not involved with the bill before it was introduced, as the letter states there was:

... no consultation with the AHA (Vic) during its development and, to our understanding, no other liquor and licensed hospitality industry stakeholders.

This government brags about its consultation, but it has not discussed this bill with the AHA or consulted others involved in the industry. That is a different approach to that taken in relation to other liquor bills which have come in here, particularly the Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Bill in 2004 where even the draft bill was discussed with the AHA and others. There was opportunity for ample input into that bill. The Liquor Control Reform (Packaged Liquor Licences) Bill in 2002 was discussed with the then Minister for Consumer Affairs in another place at that time, the Honourable Marsha Thomson, and it is my understanding that there was good consultation on the underage drinking bill with the then Minister for Consumer Affairs in another place, Mr Lenders. It is very disappointing that there has not been any consultation with the stakeholders about this legislation.

The AHA has identified some shortcomings with the bill, which I will come back to a little bit later. I again voice a concern of many in the industry that the government did not consult with them. A lot of money goes through this big industry. A little card that was given to me by the AHA many years ago highlights that there are 1921 hotels in Victoria. They employ over 80 000 people. Since gaming came in 12 000 jobs have

been created. Their contribution to the Community Support Fund is \$600 million, and the capital and commercial value of the properties in the hotels and hospitality industry is over \$6.3 billion. Each year these hotels serve over 80 million meals. They serve more than 230 million litres of beer, more than 36 million litres of wine — —

Mr Stensholt — A bit of lemonade too.

Mr DELAHUNTY — A bit of lemonade too, as the member says, and 20 million cups of coffee. This is about trying to get the balance right. They also serve 15 million litres of soft drink. It is interesting that the government did not consult with the industry, particularly when its participants pay over \$630 million in gaming tax, \$1.2 billion in payroll tax, over \$100 million in electricity, and local government rates of \$30 million. This is an important industry to the Victorian community and it is really disappointing that not only did the government not consult with the stakeholders but it did not conduct any consultation with the AHA.

I turn now to some parts of the bill which I want to cover. Clause 5 of the bill inserts proposed section 3AB to define what intoxication is for the purposes of the act. Proposed section 3AB(2) states:

The Director must issue guidelines containing information about how to determine whether a person is in a state of intoxication for the purposes of this Act ...

I can understand the government wanting to do that but, again, the AHA's position is very important. The AHA letter states in relation to clause 5:

To the best of our knowledge since Victoria's liquor laws were first enacted in 1852 they have included neither a definition of 'state of intoxication' nor 'drunk'. It is useful to consider the relevant commentary in *Bourke's Liquor Laws — Victoria* ...

The Leader of The Nationals may comment on this a bit later. The AHA continues:

Historically the question of being in 'a state of intoxication' has been determined by the courts based on the evidence.

The definition of 'state of intoxication' proposed in the bill does not assist in identifying when a person ceases to be sober and enters a state of intoxication. The use of the term 'noticeably affected' adds minimal value for if the effect was not noticeable there would be no issue; however, if the effect was noticeable but marginal it would still be a matter to be determined by the evidence.

The concept of the director of liquor licensing issuing guidelines regarding how to determine if a person is in a state of intoxication appears problematic.

As the member for Bulleen said, we are yet to see the definition of a state of intoxication. We need to have that definition. The AHA letter states:

As Bourke's notes: 'the decision must rest on the evidence'. It is also uncertain as to the standing of such guidelines in any court proceedings.

The AHA has identified a concern we all have. We want to get it right. If we do not get the process right, we will not get the right outcome at the other end. We all want to make sure that people who are intoxicated or drunk are dealt with appropriately — that is, they are not served alcohol but are looked after. However, a lot of members in this place would know intoxication can hit pretty quickly.

Mr Maughan interjected.

Mr DELAHUNTY — The member for Rodney says he has no knowledge of that. Good on him. I think that is a fantastic thing to be able to say.

I want to talk about the licence conditions, particularly the security cameras issue. Clause 7 inserts a new section 18B to provide that the director:

... imposes a condition on a licence requiring the licensed premises to be fitted with security cameras ...

Most places have security cameras and, like the member for Bulleen, I think that is very appropriate. But concerns have been raised by others in the community about such things as what standard they are going to be and how long the recordings are going to be held for. Importantly the Australian Hotels Association has also raised an issue in relation to that matter. Security cameras are very important for collecting information about damage that has been done to premises and around the community. These are things that need to be resolved, and we need to make sure that the cost implications in setting these minimum standards are taken into account. At the moment the holding time is 14 days but can go longer, and with regard to the required hard disk space we need to make sure cost implications are taken into account.

Clause 9 deals with the power to make a late-hour entry declaration for an area or locality. The Nationals represent a fair bit of country Victoria, and we have got some fantastic — —

Mr Stensholt — Not as much as the Labor Party, of course.

Mr DELAHUNTY — More than the Labor Party. One example is the many local accords that have been set up, and my understanding is they are working well.

There have been examples at Ballarat, and the member for Shepparton will speak about attempts to develop one in her electorate. In my home town of Horsham a liquor accord was developed on 6 April 2004. Looking through the information I collected today the aims of the accord are:

To contribute to the safety and wellbeing of Horsham and the local community by promoting the responsible service of alcohol and maintaining high standards of behaviour in and around licensed premises.

But there are still problems. Right across country Victoria and in Melbourne some people going home from these places cannot drive safely but walk instead and in doing so may damage letterboxes and other facilities. The council, police and licensed premises are trying to minimise that with the development of this accord. Its objectives are:

To promote Horsham and its licensed premises as safe and enjoyable locations.

Work cooperatively to protect the welfare of the community.

To monitor and discourage antisocial behaviour in and around licensed premises.

I visit many of these licensed premises, and I think they do a fantastic job. They are great facilities, provide good service and excellent meals, and are to be congratulated on the work they do. It is only a minority that causes problems. The objectives of the accord include their commitment to:

... best practice for the responsible serving of alcohol.

Actively support and implement strategies developed by the —

accord —

... to enhance the safe wellbeing of the Horsham people and the community.

Those accords are happening across country Victoria and are working well, but there are concerns, particularly in the metropolitan area. If you were going to develop an accord, say, for the central business district, what would happen? They would jump across the river and go to another place. If you developed it in the Bulleen area, for instance, they would move to another area of the city. The implications are not easily defined when we look at the central business district and other larger metropolitan areas.

This legislation could have an enormous impact on these premises. They have very large capital and staff investments, and we have got to make sure the director understands the implications of what this legislation could do. It could be appealed at the Victorian Civil and

Administrative Tribunal, but the reality is the implications would be enormous if it is not implemented properly, particularly in the metropolitan area because, as I highlighted before, people will go to another area of the city.

Whether it happens in Horsham or in my other city of Hamilton, they have to go a long distance to get to some other late-night licensed premises. In Ballarat there was an agreement for an accord, but they all wanted the same closing time. My personal opinion is that we should not have a closing time. During my younger son's teenage days he would go home after cricket or football, go to bed for 4 or 5 hours and at 12 o'clock get up, go out and not come home until 4 o'clock or 5 o'clock in the morning.

An honourable member — Where were his parents?

Mr DELAHUNTY — We were very responsible parents living 300 kilometres away! We tried to advocate that he did not do it, but we did not know of any trouble he may have been in.

Honourable members interjecting.

Mr DELAHUNTY — Members of the chamber are saying I did not stop him. He was 18 years of age and quite entitled to go out at any time he liked. A lot of people do that because places close at 4 o'clock or 5 o'clock or whatever.

When I was on the council at Horsham a premises put in for a late-night liquor licence outlet to open until 7.00 a.m. I consulted with over 200 people in the age group of 18 to 25, and one person said they would like it to go to 7 o'clock on the March long weekend when the great Horsham fishing competition was on. This person said to me, 'I could go through until 7.00 a.m., walk out of the hotel down to the river and throw my line in and hopefully catch a fish'. He was only joking, of course. Yet when the council objected it was appealed at court and the licence was given until 5.00 a.m.

In my area a lot of hotels close at 1 o'clock or 2 o'clock, and people go there until that time and then go home. Others who have probably had too much to drink tend to go to places licensed to 5 o'clock, and that is when trouble occurs. There are concerns in the community about the director's power, particularly amongst licensees who have spent a lot of money on developments and have licences that go until 5.00 a.m. or 7.00 a.m. This bill could have enormous implications for their businesses. I do not see any compensation

provision in here to assist in covering some of that impact on their businesses.

The other clause I want to talk about in the short time I have is clause 8, where the bill requires the premises within a class of a prescribed premises to require the approval of the minister before it can be licensed to supply liquor.

This came about because we know of a video outlet that obtained a liquor licence, but in a lot of country areas we have stores that are not only video outlets, they might be supermarkets, they might be paper shops, they might be dry cleaning businesses and they might also sell packaged liquor, because they provide a service to the community. I know that the people in my community of Dartmoor — a great little community down there — made an application to the government to try and get a packaged liquor outlet at the Dartmoor general store. They received a letter back from the Liquor Licensing Commission on 16 February 2005, which said that when you make an application you need to provide evidence of the police response, the planning permission and a depiction of the premises — that is, photographs of the proposed licensed premises. They must advertise and give a description of their business.

When they provided all that information to the government, and everyone was given the impression they were going to get a licence, they received a letter dated 12 April 2005 advising that the Minister for Consumer Affairs had informed the director of liquor licensing that the minister was not satisfied that the application met the criteria under section 22(2) of the Liquor Control Act and that although the proposed premises were located in a tourist area there were adequate facilities for the supply of liquor within the area. Under the ruling they could not go to the Victorian Civil and Administrative Tribunal. I took it up with the Minister for Consumer Affairs back in April 2005, and I still have not received a response to that letter.

The issue was that the hotel in Dartmoor provides meals, but it is only open late in the day. Dartmoor has a large logging factory; shiftworkers come out of there at 3 o'clock or 4 o'clock in the afternoon and they want to be able to purchase alcohol. I know that in the township of Balmoral the hotel is open for much longer hours, but the town has a permit to sell liquor through the supermarket. We could see no difference with the Dartmoor store, yet it was knocked back on its application. I do not think that was equitable for the community of Dartmoor, and it definitely did not provide the services the people needed. It was very disappointing.

There are some concerns with this legislation. We all support minimising the adverse amenity and social impacts that can flow from the misuse of alcohol. Other members of The Nationals will speak on this, and I have no doubt that they will cover some of the points that their communities are concerned about in connection with this bill.

Mr STENSHOLT (Burwood) — I rise to support the Liquor Control Reform (Amendment) Bill, which makes a range of amendments to the act, particularly in terms of enabling the director of liquor licensing to make, vary or revoke late-hour entry declarations for particular areas or localities. There is also a range of other amendments in the bill that include defining ‘intoxication’, making provision regarding the process of rating of licence-prescribed classes of premises and meeting the approval of the minister, the power to make regulations prescribing minimum standards for security cameras and provisions in respect of dry areas.

The member for Bulleen and the member for Lowan made some comments about consultation, and I wish to address them. First, I want to say that the state government is very much committed to making sure that liquor and the liquor industry are regulated in a balanced and fair manner. The industry is a great employer of people and a great provider of general amenity for the public. I was down at my local pub last Sunday at a meeting of one of our local community groups, and some of us had a beer and some of us had iced coffee. It is obviously very much the centre of some of our general community affairs and actions. The community should have reasonable access to liquor and entertainment, but we also need to minimise the harm that can flow from alcohol misuse. If a minority is misusing it, we want to make sure that that is controlled and dealt with.

The changes in this bill aim to enhance community safety. After all, this is the government that is taking community safety to such a high standard in Victoria. I could go into this for some time, but I will not. This is another example of enhancing community safety and amenity in and around licensed premises, benefiting both the industry and ordinary people in our community, unlike members of the opposition, who cannot make up their minds on the liquor issue or indeed on too many issues at all. They are like drunken sailors; they do not know which line to walk, quite frankly. Do they want anyone to open a liquor store and serve alcohol to whomever they like, or do they want to stop liquor licences from being granted? The Bracks government is in the process of implementing balanced policies in this area.

With regard to consultation, I am advised that the director of liquor licensing and Consumer Affairs Victoria have consulted on the bill with industry stakeholders on a number of occasions, including meeting with the Australian Hotels Association (AHA) last year and at regional licensing seminars and licensee forums throughout November and December last year. The director of liquor licensing is continuing to consult closely with the industry on the various proposals that would flow from this bill and the impact they might have on the industry. For example, industry and other stakeholder input is being sought on developing minimum standards for security cameras in licensed premises. Also, as has already been alluded to, there has been the development of guidelines on how to determine for the purposes of the act whether a person is intoxicated.

If the Liberal Party or The Nationals — I know they are separate these days, although a bit of crossover is happening — wish to put their proposals in to the minister and to the government, we would be more than happy to receive whatever views they might have and they can contribute to the development of the guidelines. So I ask them to please provide them and to contribute to the policy development of the state. It is a great state in which to live and raise a family, as we all know, and this is the opposition parties’ opportunity to contribute.

On the security cameras issue, consultation has already been had with the AHA, the privacy commissioner, the security industry, Victoria Police, and nightclub and bar owners to determine elements to be contained in the regulations, so there are quite a number of provisions here. Even if you had a hypothetical Premier, for example, who wished to sell liquor for \$1000 a case, you would need a liquor licence and it would be very important to get that. This bill will allow far more definite provisions covering the hours for which you might want to close off the sale of such liquor or put security cameras in licensed premises — if the director of liquor licensing saw fit — and ensure there are clear images for those cameras.

The improved provisions in the bill will help the industry to gain a balance as well as assist the public by defining ‘intoxication’, which has already been mentioned, and ensuring that it can be dealt with. It is a matter of providing a bit more clarity in order to make sure that this is easier to deal with. It can be very difficult to deal with persons who are intoxicated. Defining ‘intoxication’ will also assist Victoria Police in their duties of monitoring compliance with the act.

There is another provision in this bill which is an important change, and the member for Bulleen might want to listen to this, because it shows that we actually do listen to small business. It is with regard to the dry area. I have been an advocate for small business in my area because the former city of Camberwell area is a dry area. There was a change in 2004, and applicants had to pay reasonable costs associated with applying for a liquor licence for their premises, usually restaurants.

You find this in schedule 3 of the Liquor Control Reform Act, which goes back some 80 years. There are dry areas such as Box Hill, but the Whitehorse council voted some years ago that restaurants should be able to be licensed. The City of Boroondara still remains a dry area with BYOs, and an application for a liquor licence requires a plebiscite. Until recently most of these have been unsuccessful. There have now been a couple of successes, such as Caffe Invidia in Ashburton, a well-known restaurant in my area in the Ashwood group of shops.

The Mayflower in Canterbury, a delightful restaurant, was also successful in getting a liquor licence through a plebiscite. Others have been unsuccessful. We go out and listen to small business people, and I listen to them all the time. They say they should not bear the cost of any plebiscite, which could be up to \$15 000. We made a change in 2004 so there could be postal votes, which would help to reduce the cost. We have listened to them and we are removing this provision before it is enacted.

I should say as a local member that I have been very much involved in discussions on this with the City of Boroondara, because it has asked in the past whether the state government would pay for an area-wide plebiscite for restaurants to be licensed. This has been rejected by the government in the past, which has preferred to allow the current arrangements to stand, as they have for the last 80 years. It has been suggested to me that the state government ought to legislate away the dry area rules for restaurants. As the local member for Burwood I disagree with that strongly. Residents should be allowed a say, as they have for the last 80 years.

It is not my policy, and it should not be the policy of the Labor Party, to legislate away such longstanding voting rights. I have personally said to the Boroondara council and councillors that if they wish to support an area-wide plebiscite for a dry zone I would be happy to ask the government to consider such a proposal. I stand ready to hear what proposals they may have to progress this issue. I know a large number of businesses would like to have licensed premises only for restaurants and

not for clubs and pubs in our dry area. We are willing to listen to what the city might bring forward.

There are a range of other proposals in the legislation which have been dealt with, including a minimum standard for security cameras on licensed premises. That is important if you have issues with high-risk conditions. I know that security cameras are currently installed in some 500 licensed premises throughout the state and that most have been voluntarily installed for security reasons. Often they are not much use because the quality is so poor that incidents cannot be seen clearly and so they cannot be used in investigations. We want a safer environment for those attending such venues, and minimum standards will help in this regard. I recommend the bill to the house as balanced legislation that provides support for industry and the general community.

Mr WELLS (Scoresby) — I rise to join the debate on the Liquor Control Reform (Amendment) Bill and in doing so point out that I support the comments of the member for Bulleen, who indicated his support for the bill. There is one area I want to talk about, and that is the amendment to the Liquor Control Reform Act 1998 to enable the director of liquor licensing to impose late-hour entry declarations on licensed premises in specified areas or localities, subject to a right of review by the Victorian Civil and Administrative Tribunal.

When you look at areas such as Ballarat and Bendigo, which have had trial runs of the lockout situation, it seems to have been well accepted by the local communities and the Victoria Police. The member for Bulleen made the point that part of that success relates to getting the cooperation of the nightclub owners or managers. If you are able to get cooperation between the community, the police and the industry, the lockout process will work so much better.

The bill will insert a new division 7A in the act to provide for the director to make a late-hour entry declaration for an area or locality. It sets out what the declaration must specify and who the declaration will apply to. It says that a licensee to which the declaration applies must not permit patrons to enter the premises during the hours in which the declaration applies, and it also outlines the procedure for making late-hour entry declarations and the revoking or varying of the declarations.

I refer to how the Ballarat community dealt with its problem some years ago and what it did to fix the problem. In November 2004 it set up an Operation Link: Be Safe Late program prepared by the Centre for Health Research and Practice at the University of

Ballarat. This was a very good way to address the problem. The report that followed focused on a number of issues — reducing public drunkenness, reducing the problems associated with under-age drinking, preventing alcohol-related violence and unruly behaviour, reducing property damage and improving amenities. The major stakeholders in this included the Victoria Police, the City of Ballarat council, the central business district (CBD) late night venue licensees and retail traders. There was a good mix of people.

The three key strategies they looked at included a 3.00 a.m. lockout for all late-night entertainment venues. The report went on to talk about other things such as lighting in the precinct. Obviously you need to get the entire industry to agree, because if one or two people break away competitors would see that as taking advantage and the process would fall over. Having all the late-night entertainment venue operators agreeing to a 3.00 a.m. lockout meant that everyone was on an even keel and no-one was getting a competitive advantage. That was obviously very important.

The findings showed that when they brought in a range of strategies, including the lockout, there was a 39 per cent reduction in assaults, falling from 133 down to 80. There was an examination of the exact location at which the offences had occurred, which showed there was a 47 per cent decrease in assaults on licensed premises. That was a positive result. Property damage offences showed an overall decrease of 17 per cent, down from 254 in 2002–03. An examination of the exact locations at which these offences occurred identified an 8 per cent decrease in property damage for retail stores, a 49 per cent decrease for residential premises and an 8 per cent decrease in the damage done to public places. Property damage to licensed premises in the same period increased by 25 per cent. I am not sure how they would explain that.

Recommendation 9 of the Operation Link: Be Safe Late program states:

Discussions regarding bringing venues' closing times back to 4.00 a.m. should be undertaken to determine its viability for reducing the current financial losses reported by licensees.

Recommendation 10 states:

The police presence outside late-night venues at the time the lockout comes into force and again when venues close to assist in the disbursement of patrons from the area should be increased.

There were two separate issues. Firstly, with lockouts there was a recommended lockout time of 3.00 a.m. That is, once pub crawlers went into a hotel and left they could not go into another hotel after 3.00 a.m.

because that other hotel could not accept new patrons. There was a further recommendation that they try and bring all the closing times back to 4.00 a.m. Once again you would need proper consultation with the industry to ensure that everyone did it, because as soon as you had one or two breaking away there would be a competitive advantage. The discussions were interesting. The group took into consideration the financial losses of some of the nightclubs, and that is an important point. They are there to make money to reinvest in their hotels and nightclubs. If you bring in a 3.00 a.m. lockout, you are going to lose trade; so at least the group was looking at working with the nightclub owners to try and make up their financial losses.

The reason that the group was put together in the first place was that Ballarat had experienced an unacceptable number of assaults associated with late-night entertainment venues in the CBD, and the majority of these offences were seen to occur on or adjacent to licensed venues. There was also strong evidence that many assaults were not being reported — that is, there was a punch-up outside one particular nightclub and police were not involved. It was fairly clear that a number of these were occurring and were not being reported. Therefore the crime statistics in this particular study would have been somewhat skewed.

There were also complaints from tourists, traders and the community about unruly behaviour, and public drunkenness was also a big issue, along with lack of amenity, antisocial behaviour and general public disorder problems, which seemed to be an ongoing issue. It was good that the police had the power to move these people away from the area when they were partaking in unruly behaviour, public drunkenness and antisocial behaviour.

One of the main concerns was the migration of patrons from one venue to another. This often resulted in incidents and assaults occurring between groups of individuals as they moved from one venue to another. In other words, one group would be inside having a couple of beers when another group — it might be an opposing football team — would come in, pushing and shoving, and then it would get out of hand. With the 3.00 a.m. lockout a second group cannot come in, everyone inside can have a good time, and once they leave they either go home or to a friend's place — but they cannot go into another venue.

The other problem that the group saw was the arrival in the CBD of intoxicated people from licensed venues in outlying areas of Ballarat, and that also caused a number of problems. On that note the Operation Link: Be Safe Late program that the Ballarat community put

together — and the community worked with the industry, police and retail traders — has been a success. The lockouts, from the information we are getting, also seem to have been a success, and it is an important point and one of the reasons that we are supporting the bill.

Mr MERLINO (Monbulk) — I am pleased to join the debate and support the Liquor Control Reform (Amendment) Bill. It seeks to provide a safer environment for people enjoying nightclubs and late-night venues. While going out to a club is often a great night out for Victorians, antisocial behaviour due to excessive alcohol consumption, such as violence, vandalism, property damage and the like can not only spoil an evening but lead to quite tragic outcomes.

We are all aware of the high-profile incidents such as the Salt nightclub murders, and high-profile entertainment precincts such as King Street. But I am also interested in the impact of this bill on outer suburban entertainment precincts such as the main street of Ringwood and the Knox Ozone entertainment precinct, which is close to my electorate and which many of my constituents enjoy.

The bill provides a balance between access to alcohol and the amenity and safety of patrons in the general community. The bill incorporates a number of amendments to tackle the problem of antisocial behaviour. These include: providing the director of liquor licensing with the power to make, vary or revoke late-hour entry declarations. Essentially, this is in response to antisocial behaviour in and around a licensed venue. The director has the ability to declare, in an area or locality, that after a specified time patrons cannot enter that premises.

People enjoying themselves inside can stay, but if they leave they cannot come back. I mentioned the outer suburban entertainment precincts in Ringwood and Knox, and the member for Scoresby talked about the outlying areas in Bendigo. What can happen in outer suburban entertainment precincts is that people travelling home from a big night in the city will stop off in the suburbs to continue their revelry, often in an extremely inebriated state, ruining the night of other patrons with antisocial behaviour. If there is a problem in a particular locality, by enforcing a late-hour entry declaration you can tackle the problem efficiently, returning to normal circumstances as quickly as possible.

Importantly, any decision made is subject to review by the Victorian Civil and Administrative Tribunal. Another change is the provision that minimum

standards must apply for security arrangements at licensed premises. At the moment there is no guidance about the quality of camera images, for example. Improvements in both the quality and cost of digital technology have been significant, and currently discussions are under way with traders in Upwey who are looking to install such cameras in and around Upwey railway station, and that has also been done with quite terrific results at Lilydale station.

In discussing the technology with the traders I was pretty surprised at both the compact design and also the relatively low cost of this type of equipment. The community and our police force should not have to put up with substandard evidence following an incident. Unfortunately that is what happens. You may have cameras installed, but they are of such a low quality that it is quite difficult to assist the police in any prosecutions that may follow. The director of liquor licensing will work with the industry to develop these standards, and I look forward to seeing those.

The bill also defines intoxication for the purposes of the act, and requires the director to issue guidelines on how to determine whether someone is intoxicated. The supplying of liquor to a person who is intoxicated is already an offence under the act, but defining 'intoxication' will help licensees adhere to the act, further help protect the community and, in particular, help Victoria Police to ensure that licensees are doing the right thing. Again, there will be further and extensive consultation on these guidelines.

The definition proposed by the Australian Hotels Association is pretty much the same as the current definition. What this bill is about is improving the safety and enjoyment of people wanting a great night out without being subject to drunk and aggressive behaviour. I commend the bill to the house.

Mr COOPER (Mornington) — Like other members of the Liberal Party I do not oppose the bill, but I indicate that I have feelings of disappointment about some aspects of it. In particular I will address two of those matters, although there are others that I believe could have been handled better.

Firstly, I share the concerns of both the Australian Hotels Association and members of Victoria Police with regard to the provisions in the bill about the definition of the state of intoxication. The AHA considers the present case law in regard to that issue to be adequate. It believes the government's approach to this matter is inadequate and ill-informed. Victoria Police are concerned that the definition proposed in the bill may be so narrowly defined as to make it easy for

lawyers to charge through the law and create some problems there.

This is an issue that I have examined, and I believe those concerns by both the AHA and members of the Victoria Police are well founded and should be taken into account by the government. To simply ignore the concerns of those two bodies, whose members are involved in this area on a day-to-day basis, would be a matter of arrogance on the part of the government, and it might well end up seeing the need for the government at some future stage to be introducing some amendments to this act to deal with the issue once again.

Therefore I urge the government to pay full and proper attention to the concerns expressed by the AHA and members of the Victoria Police before this bill is passed by both houses of Parliament because to put into law something that has the potential for problems would be ridiculous in the extreme.

The other matter I want to draw attention to as an area of some disappointment is the fact that this bill is another opportunity lost by the government for dealing with the issue of drunkenness and the problems it brings into the public area. The members for Burwood and Monbulk both spoke about the public safety issues arising from people being drunk in public places. You do not have to be a genius to know that there are significant public safety issues with drunkenness, and they do need to be addressed.

In my role as deputy chairman of the Drugs and Crime Prevention Committee of this Parliament I seem to have spent an awful lot of time — along with the member for Scoresby and others — dealing with this issue. In 2001, during the 54th Parliament, the Drugs and Crime Prevention Committee presented a report to Parliament after an inquiry into public drunkenness. It was an inquiry that was certainly in depth, and it came up with a lot of recommendations to deal with the issue. Some of those recommendations may well be revisited during the current inquiry by the committee into the issue of the inappropriate consumption of alcohol. That report will be voluminous, and I understand it will probably be presented to Parliament in the next sitting week.

I am not going to deal with anything the committee is currently considering as part of that inquiry, but I do want to go over some of the ground in regard to the ability to deal with people who are drunk in a public place that was covered in the report into public drunkenness presented to the Parliament in 2001. That report made serious recommendations to the government. They were that if we were to proceed with

taking away public drunkenness as a criminal offence — decriminalising public drunkenness — then that should be supported, but only if certain things were put into place.

I emphasise that we are talking about a report that came in nearly five years ago. The government has had these recommendations before it for five years, and it has done nothing about them. The committee said at the time that the decriminalisation of public drunkenness should not go ahead unless certain requirements were met. The first was that:

Legislation with regard to civil apprehension and detention of intoxicated persons is enacted ...

That would be to enable police to take drunk people away for their own safety and the safety of the community so that they can sober up before they are allowed to walk the streets again. The second requirement was that:

Adequate numbers of sobering-up centres and associated services are established ...

By an 'adequate number' we meant sobering-up centres established not only throughout the metropolitan area but right throughout the state. The last requirement was that:

Comprehensive training for police officers and sobering-up centre staff with regard to the new legislation and any protocols and guidelines associated with it is undertaken ...

This was a serious and decent attempt by the committee to address this issue of the law. This bill is another opportunity for those issues to be addressed and taken up by the government, but what has the government done? In the five years or so that government members have had this report sitting in front of them they have sat on their hands and done exactly nothing.

Here we have another piece of legislation to deal with liquor control. We have another piece of activity by the government, yet when it comes to the serious matters that were addressed this afternoon by the members for Burwood and Monbulk in regard to public safety issues arising from public drunkenness, the government has done nothing. Not a single thing. How important does the government regard this issue to be? It seems that it does not regard it as important at all. It is important enough for members of the government party to stand up and let go with the rhetoric, but when it comes to taking real action — actually doing something — this government again fails the test.

I do not know what it will take for this government to address this issue seriously, but clearly it needs to be

continually reminded of the importance of public safety to the general community, which is afflicted by people who are drunk in public places, and the need to do something along the lines that we on the committee recommended back in 2001. I emphasise that if the government intends to go ahead with decriminalising public drunkenness, it should understand that it cannot do that in isolation. If it intends to deal with the public safety issues that seem to be on the lips of some government members — and no doubt other government members who speak on this bill will repeat the mantra — it must understand that we need more than rhetoric.

Public drunkenness is a problem in the community, and if we are going to deal with it properly, we need to do the things which I have mentioned and which the committee so strongly recommended. We need to ensure that police have the power to take away people who are drunk and a danger to themselves and other people in the community, and we also need to ensure that they are sober before they are allowed to walk the streets again. Importantly we need to provide adequate numbers of sobering-up centres and associated services throughout the state so that people are dealt with properly.

While I do not oppose this bill I am disappointed that this is yet another opportunity lost by this government. Rhetoric is not good enough; we need action from this government. The fact that it had five years to look at a report that recommended these steps yet failed to take them condemns it.

Mr HUDSON (Bentleigh) — It is a great pleasure to speak in support of the Liquor Control Reform (Amendment) Bill. What this bill essentially does is build on the impressive record of the Bracks government in promoting the responsible use of alcohol. It also demonstrates the government's continuing commitment to ensuring that the liquor industry is regulated in a proper way. It builds on the rather impressive reform record of the Cain Labor government, which liberalised liquor laws in this state while at the same time promoting the responsible use of alcohol. It is good to be part of a government that is continuing in that tradition.

This bill will make a number of important changes. Firstly, it will introduce a new definition of 'intoxication'. I refer the house to new section 3AB, which will insert the new definition into the principal act. It states:

- (1) For the purposes of this Act, a person is in a state of intoxication if his or her speech, balance, co-ordination or behaviour is noticeably affected and there are

reasonable grounds for believing that this is the result of the consumption of liquor.

- (2) The Director must issue guidelines containing information about how to determine whether a person is in a state of intoxication for the purposes of this Act.

I understand that the Australian Hotels Association has indicated that there are some problems with this definition of 'intoxication' and has put forward a different definition. The problem is that the definition being put forward by the AHA is essentially similar to the current one. What we have found with the current definition is that it is full of uncertainty and other problems. The bill will rectify that. What it is trying to do is codify a definition of 'intoxication' which can be readily understood by your average police officer.

When the member for Bulleen was speaking in the house he asked, 'How do you know what this definition of "intoxication" means?'. My challenge to the member for Bulleen is this: how would the average police officer know what the definition of 'intoxication' is, based on current case law? Is a police officer expected to go and consult all the relevant case law on the definition of 'intoxication' in order to apply the law? The answer, of course, is that that would be an incredibly difficult thing for a police officer to do. The position being taken by the government is a sensible one. When the case law is uncertain or complex it is much easier and more sensible to codify the law so there is a ready reference for any police officer who is called upon to monitor and ensure compliance with it. Not only that, the bill guarantees that there will be guidelines associated with the definition outlined in the bill.

The member for Bulleen came into the house and said there has not been consultation with the AHA. That is not true; there has been consultation with the AHA. The director of liquor licensing and Consumer Affairs Victoria consulted on the bill with industry stakeholders on a number of occasions. There was a meeting with the AHA last year, and regional licensing seminars and licensee forums were held in November and December last year to discuss the bill.

The government has not dreamt up this definition of 'intoxication'. There seems to be a view on the other side of the house that it is something new that the government has just come up with. The fact of the matter is that this definition of 'intoxication' is broadly based on definitions which have been tried and tested in other states. What the government is basically doing is aligning this definition of 'intoxication' with the definitions which have been tried and tested in other states and shown to be effective. As I indicated, the

definition in the bill will be supplemented by guidelines developed by the director of liquor licensing.

The member for Lowan questioned the legal enforceability of the guidelines. Quite frankly I think that misses the point. The guidelines are essentially designed to assist a member of the police force to ensure compliance according to the definition in the act. If ultimately any evidence is led in a court case, it will be tested against the definition in the act and not the guidelines, which in my opinion is far more preferable than police officers having to consult the *Victorian Law Reports* or any other court reports in order to find out what the court decisions are in relation to the definition of 'intoxication'.

The second important aspect of the bill is that it will set and enforce a minimum recording standard for security cameras. A number of issues have been raised about this and we need to point out that in the current act the director of liquor licensing already has the power to impose conditions on liquor licenses. One of those conditions can be, particularly in a case where premises are open beyond 1.00 a.m. and where they are providing live or amplified music, that there is a requirement that security cameras be fitted. About 500 licensed premises around the state are currently required to have security cameras as a condition of their licence.

One of the issues that has arisen is that in many instances those security cameras are of such poor quality that they do not record good quality images of what is going on in and around a premises. The fact of the matter is that if those pictures are defective or inadequate in any way they compromise not only the safety of patrons but also the capacity of police to undertake successful investigations in relation to any offences which might occur in and around those licensed premises. That was an issue in the Salt nightclub murders in South Yarra.

We are establishing minimum standards for the quality and operation of security cameras which will ensure they protect the safety of patrons, and in the event of an incident they can be utilised effectively in the prosecution of any case or investigations which the police may want to undertake. Again, I think they are sensible measures. This provision in the bill has already been consulted upon by the director of liquor licensing, and there will be further consultations with the Australian Hotels Association, the privacy commissioner, the security industry, Victoria Police and nightclub and bar owners on the regulations and how they will be applied.

The regulatory impact statement process will essentially give licensees and the public a further opportunity to comment on the proposed changes before they are implemented. Based on briefings we have received, I understand that the average cost of upgrading security cameras will be of the order of \$5000 to \$6000. Frankly with respect to the number of incidents that occur around licensed premises I think that is a reasonable cost in view of the enormous amount of money made out of licensed venues. It is reasonable to expect that the industry would be prepared to spend that amount of money in order —

Mr Ryan interjected.

Mr HUDSON — The member for Lowan was in here talking about the hundreds of millions of dollars that are contributed by the industry in taxation. Presumably that is done, as the Leader of The Nationals well knows, because they are generating a very large amount of revenue. It does not mean that security cameras will be required on all licensed premises. What it does mean is that those minimum standards will be applied in circumstances where the director of liquor licensing requires that those premises fit security cameras.

Finally, the bill gives the director of liquor licensing an explicit power to impose late-hour entry declarations for specific areas or localities. The basic purpose of these late-hour entry declarations is to prohibit entry to licensed premises by patrons after a designated time. I think we are all pretty familiar — I certainly am in my electorate — with problems that arise when groups of patrons move between licensed premises in the early hours of the morning. Often they are looking for trouble and generally they go out and find it. There are often altercations which lead to violence and antisocial behaviour. They are one of the common causes of complaints in relation to the operations of licensed premises. The bill will reduce the amount of time it takes for the director of liquor licensing and Victoria Police to put these measures in place where they are needed. Decisions will still be made on the basis of the operation and intelligence of police. They are sensible measures, and I commend the bill to the house.

Mr RYAN (Leader of The Nationals) — I am not sure who is telling porkies around here, but I have a letter from the Australian Hotels Association dated 4 January. It is a copy of correspondence directed to the Minister for Consumer Affairs, and the letter begins by saying:

Whilst we appreciate the bill will lay over until the autumn 2006 session of Parliament we are disappointed that the bill was introduced with no consultation with the AHA

(Vic) during its development and, to our understanding, no other liquor and licensed hospitality industry stakeholders.

So somewhere along the line something has gone way off the tracks. The answer may be that there were discussions with the organisation in the general notion of the issues being talked about, but what the association says in this correspondence is that the bill which reflects whatever those discussions may have been was not provided to it for consideration before it was introduced into the house.

Mr Hudson interjected.

Mr RYAN — Of course the difference between the two concepts is absolutely enormous. I will accept the view put by the association.

I want to talk about just one clause, and that is clause 5, which inserts new section 3AB and the definition of 'intoxication'. It is a very important provision. I understand the commentary from the member for Bentleigh, who has just spoken on the bill. He made various comments about this provision in the context of the police force. The police do a great job; it is an invidious task which is difficult to carry out, particularly when people are under the influence of alcohol. I readily concede all of that. But the person he did not mention in his speech was the licensee. The person who did not get a mention is the hotelier; the person who is potentially going to be very badly affected by this.

Mr Hudson interjected.

Mr RYAN — Of course it relates to that person.

Mr Hudson interjected.

Mr RYAN — The member seems to think this definition of 'intoxication' does not have any effect upon licensees. That is what I understand him to be saying. If you go back to the Liquor Control Reform Act, which is being amended, you see that section 108 sets out offences by licensee and permittee. Subsection (1)(c) states that a licensee or permittee:

must not supply liquor to a person in a state of intoxication ...

It is very relevant to those people because it draws a penalty of 20 penalty units, which used to be \$100, but under this government it goes up by the consumer price index each year — so heaven knows what it is now! But a licensee is faced with paying at least a couple of thousand dollars. Although it is different to a degree, a similar situation arises in section 114(b)(ii), which deals with offences by persons other than a licensee or permittee. It states that a person must not:

aid or abet a person in a state of intoxication ...

or in b(i):

procure liquor for a person in a state of intoxication ...

This provision has very significant effects upon people who are associated with the provision of alcohol and for those who are acquiring alcohol for those who might want it, as well as for the police to whom the member quite rightly refers. What is the issue with all of this? Essentially the problem is that the Parliament is being asked to pass legislation the import of which it does not know, and it does not know it because these guidelines very obviously are going to form an important part of the way this particular provision is carried out, because they are in the statute. If it were otherwise — if we were going to have some sort of regulatory flow-on from what the statutes say — it would be a different thing, but that is not the case. What we have are the guidelines being specified in the provision so they are an integral aspect of the way in which this provision is supposed to operate, and we do not have them.

Clause 2 covers the commencement provisions and states that section 5 will not come into effect before 1 December, although there may be an earlier date. But why should not the industry, and people at large, including the police, have the opportunity to look at those guidelines and see the way in which they influence the provisions that are contained within new section 3AB(1)?

Mr Hudson — They will.

Mr RYAN — The member says they will. I say that this Parliament is supposed to be the forum in which the totality of the legislation which is to be effected is to be debated. We are supposed to do that here. That is why we turn up! You do not do it on the basis that later on the government, through the director, will come up with a set of guidelines that the Parliament has no control over and will present them as being an integral part of this legislation. You do the whole thing together: that is called passing laws! We come here, we debate them and the Parliament eventually votes on them and makes a decision. To be here talking about this when we do not have the guidelines is an absolutely ridiculous state of affairs.

I notice also that there is no attempt in the legislation to define other things like the expression 'drunken and disorderly' in section 108(1)(e) of the act. That is another situation where hoteliers face the problem of a substantial fine. The government did not try to leap into a definition of that expression. It is not trying to define the terms 'drunk', 'violent' or 'quarrelsome'. It is

sensibly not doing that because it knows that the common law looks after these things.

I have Brian Bourke's book *Liquor Laws of Victoria* with me. Members will know that Brian Bourke is renowned in this area of the law. I suggest Brian Bourke has forgotten more about this aspect of the law than all of us collectively will ever learn. He wrote a terrific series of works. On page 178 there is a definition of 'state of intoxication'. Time is against my going through the whole definition, but in part it says:

A person is intoxicated within the meaning of the section when either his mental or his bodily faculties are so far disturbed by the influence of liquor that an average man who is neither a publican nor a prohibitionist would say that it was improper for him to be supplied with more liquor.

That is the common-law version of the issue. Why interfere with it? As far as it goes, it is fine the way it is set out. The government need not interfere with it. I particularly feel for the hoteliers and the people in the industry who are now going to have to face problems associated with this matter before they can take a step. We will have all this uncertainty. We have seven aspects contained within this new definition. The hoteliers are going to have to have regard to the speech, balance, coordination and behaviour of the person concerned and make a decision about whether the person is noticeably affected and whether there are reasonable grounds for believing this is the result of the consumption of liquor. What a position to put people in!

I will tell members this: in this age of litigation what is going to happen is that someone, somewhere, is going to get thrown out of a pub, and they are going to have a go. They are going to say, 'As it turns out, I happen to suffer a speech impediment. There was no reason at all to throw me out of that hotel, and I got chucked out'. There is no section 85 provision to protect a hotelier who might honestly go and do what he or she thinks is appropriate. The government is picking and choosing. As I have said, it has not tried to do that on the other terms. It very sensibly has not entered into the other terms, but in relation to this particular term it has.

As I said a moment ago, passing legislation without knowing its full content is a bad principle. We have had to repair it here before. The prospect is that we will have to do it again. Not knowing the guidelines is also a terrible flaw. We should know what they are and, more particularly, the industry should know what they are. For example, we do not know if they equate to the common-law provisions. This is a serious flaw in the content of this legislation, which I acknowledge is

intended by the government to do the proverbial right thing by the public of Victoria.

As I have said, these relative terms have been abandoned in other contexts. For example, with drink-driving the law used the phrase 'driving under the influence'. The reason we got away from that term and the reason we tried to use language with absolute precision was that decisions about matters have to be made on a balanced judgment, and that is the way it should be insofar as this element of the law is concerned. We used the phrase '.05 blood alcohol reading' which is an absolute and precise definition. There can be no doubt that you may or may not be intoxicated at the .05 level depending on given circumstances. You may or may not be drunk, but the law now says that if you are .05, then you are guilty of an offence.

When you look at this provision in its totality, you see that what it is more likely to do is to make it far harder for the law of the land to be interpreted, particularly on behalf of the people in the industry who have the invidious task of having to comply with the legislation — otherwise they face hefty fines. The government has not thought out this element of the bill properly. That is why it should have consulted the industry.

Mr HARDMAN (Seymour) — I rise to briefly contribute to the debate on the Liquor Control Reform (Amendment) Bill. I am pleased to see, from listening to earlier speeches, that the opposition is supporting this bill; but after listening to the last speech I am a little bit confused about whether The Nationals are supporting the bill or not — but I am assuming they are.

This bill is about providing the Bracks government with another tool to achieve its desire to ensure that our communities are as safe as they can be, making Victoria the place to live, work and raise a family. It aims to achieve a safer community by providing additional powers to the director of liquor licensing to vary and revoke late-hour entry declarations for a particular area. These declarations will prevent entry to licensed premises by patrons after a designated time.

Many members have spoken eloquently about their own experiences while walking around at night — perhaps whilst intoxicated themselves, I am not too sure — and watching other people who are intoxicated. Those people are often a risk to themselves and to others and can cause a lot of trouble in the streets, for example, through violent assaults. Of course people do not like the damage that might be done to shop fronts or

their homes as intoxicated people wander past. The provisions that address that are a good part of the bill.

This legislation also defines 'intoxication' so that licensees are able to comply with the act and serve alcohol responsibly. It will also assist the police in ensuring that licensees comply with the act. Another important aspect of the bill, which the Leader of the Opposition forgot to mention, is that it aligns the definition of 'intoxication' with the definitions in other states. It is always great to have a consistent approach across all the states of Australia so that everybody knows where they are, because we are a very mobile community.

The bill also sets minimum standards for the use of security cameras in licensed premises. It is great that it particularly sets out that the images need to be of a quality that can be used for investigations. If a licensed premises is required to have a camera, it is sensible that that camera is capable of providing police with evidence of, perhaps, any inappropriate behaviour that might have occurred. I support this bill, and I wish it a speedy passage.

Mr BAILLIEU (Hawthorn) — I rise briefly to speak on the Liquor Control Reform (Amendment) Bill. The sentiment expressed about the fundamental purpose of this bill is one that is shared by all members of the house and probably more broadly. That is, where there are concerns about the adverse behaviour of patrons or those who might be hanging around hospitality areas, there is a desire in the community to avoid that behaviour and ensure the offenders can be adequately dispersed at the appropriate time. This bill is a response to that desire. It is my view, and I think the view of others, that it is probably a heavy-handed response and may lead to as many problems as it solves, but the opposition is prepared to give it a go in good faith.

The issue here is the amenity of hospitality areas and the behaviour of patrons. The response is one of detail, definition, law, controls and making it harder to do business, all of which are problematic in their application. As I said, this legislation raises as many issues as it resolves. The definition of 'intoxication', as the member for Gippsland South has just said, is vague and will lead to issues for those who are required to enforce it, whether that be the police or those who run the venues.

In addition, the bill deals with late-hour entry declarations. You have to wonder how they are going to apply, where they are going to apply, who will be locked out and who will not, whether a venue that has

otherwise demonstrated the good behaviour of its patrons and those who manage the facility is to be included in the late-hour declarations, and whether that will become a problem for them in an inequitable way. It is all the subject of reasonable conjecture. It is to be hoped this does not turn out to be more of a problem in reality than might be supposed here, but it is one we have to test and one we have to see as the bill operates.

I guess late-hour declarations could happily apply in here. Indeed, there have been some very prominent late-hour entry declarations for some political parties of recent times, and they might be a useful application of what is otherwise going to be a complex proposal.

We in the Liberal Party are prepared to give this a go on the basis that the community is looking for a response to the issues which this bill seeks to tackle. I am of a mind to think that where there is an issue in the locality, those running those establishments ought to be brought together; they ought to be working on a program of dealing with particular issues as they arise, and dealing with situations as they arise in a way which is consistent across the venues and in a way which suits the particular locality and suits the particular types of venues.

Declarations from on high can lead to the contrary position and may exacerbate some of the ill behaviour and the rush to enter before a late-hour declaration closure. The question with regard to whether someone is intoxicated with liquor or whether their behaviour is caused not by liquor but by other so-called recreational drugs — I hate that term and have spoken in the Parliament previously about the use of that term, because it is not a term which the community supports now, either — is such that there is the potential here to do good, but there is also the potential to create problems for those who are required to enforce the provision. I trust that the management of it will be mindful of that and that those seeking to implement this will have a capacity to interact with the government in terms of the definition in the guidelines which, as the member for South Gippsland has reminded us, are not here to be looked at.

I note that purposes clause 1(a) says the bill will:

define "state of intoxication" for the purposes of that Act.

That is the lead purpose of this bill and that is the one thing that this bill does not do. It does not define the state of intoxication, but it refers to it as a liquor-based intoxication. I think there are some problems but we are prepared to give it a go and support it in good faith,

but it could be very messy for those who are required to enforce it.

Mr LANGUILLER (Derrimut) — I happily rise in support of the Liquor Control Reform (Amendment) Bill. The bill amends the Liquor Control Act 1998 to provide additional powers to the director of liquor licensing to make, vary and revoke late-hour entry declarations for a particular area or locality. The bill provides that this new power will be subject to review by the Victorian Civil and Administrative Tribunal.

In addition, amongst other reforms that the government is bringing about in this piece of legislation there are provisions defining ‘intoxication’ for the purpose of the act; requiring the director of liquor licensing to issue guidelines containing information about how to determine whether a person is in a state of intoxication; providing that the director of liquor licensing cannot approve the granting of a licence for a prescribed class of premises unless the director has the approval of the minister; and providing the power to make regulations prescribing minimum standards for the security cameras used at a licensed premises.

Much debate has happened in relation to what would be required by way of definition of ‘intoxication’. It is important to note that, as I understand it, the opposition will be supporting this legislation.

As I understand it and as I am advised, currently we have no definition of ‘intoxication’ in the act. In fact, the bill inserts in section 3(1) of the principal act, for the first time, a specific definition of ‘intoxication’. It will read:

For the purposes of this Act, a person is in a state of intoxication if his or her speech, balance, co-ordination or behaviour is noticeably affected and there are reasonable grounds for believing that this is the result of the consumption of liquor.

I stress that there are to be ‘reasonable grounds’, primarily because the intention of the bill is to make it as simple as possible for individuals who are on the front line — namely, licensees, police officers and staff — to be able to very quickly grapple with what decisions they may need to make about patrons who may well fit this criteria.

Likewise, proposed section 3AB(2), to be inserted by clause 5, states:

The Director must issue guidelines containing information about how to determine whether a person is in a state of intoxication for the purposes of this Act.

I quote from a March 1997 report of the advisory committee under the heading ‘Liquor review’. It states:

The term ‘in a state of intoxication’ —

which is what we currently have in the act, undefined as it is —

in common law has been defined as ‘to signify some degree less than absolute incapacity from drunkenness’. A person in a state of intoxication is one who an ordinary sober person who is neither the publican nor an ardent teetotaler would describe as a ‘person who has had enough’.

That is a very commonsense type of definition. The review also states:

It has been held that whether an individual is ‘intoxicated’ should be the decision of impartial persons of common sense who are themselves sober ... There has been no more assistance from the Courts in arriving at a definition over the past 95 years.

In other words, what we are now doing is further clarifying in very simple, plain English terms what ‘state of intoxication’ means. In addition to that, I am advised that this bill will introduce provisions and give powers to the government and the director of licensing to develop the guidelines, which otherwise could not happen. Those guidelines will be developed in consultation with the industry, the Australian Hotels Association, the director of licensing, Victoria Police and other interested parties.

This is a very good step in the right direction. It is a further step that clarifies, in simple terms, what ‘state of intoxication’ means, which we did not have in legislation until now, but which will now be set down in very simple terms. Incidentally, it will be used for the purpose of training police at the appropriate level and at workshops for training staff. I am very confident that the industry will welcome these reforms when they are brought about.

But I underline the fact that the bill introduces and further clarifies what is meant by the ‘state of intoxication’ definition, which is now clear — for good or bad, but I say that it is good. From the law, it appears — and there are plenty of very good lawyers in this chamber, but I am not one of them — that we have not had much contribution made in the courts in relation to this.

Dr Napthine interjected.

Mr LANGUILLER — I am sure the member for South-West Coast will further enlighten us in relation to those definitions in the courts. However, I say sincerely that this is a good contribution. It is one that I am confident will be welcomed by the industry and one that will make the jobs of licensees and Victoria Police,

amongst other stakeholders, much easier once the guidelines have been introduced.

The guidelines will be developed in consultation with all the interested parties. The legislation makes provisions for those guidelines to be developed, which could not have been developed otherwise.

This is good reform. It is in line with the intentions of the government to continue to make Victoria a safer state. I wish this legislation a speedy passage.

Dr NAPHTHINE (South-West Coast) — I wish to address several issues in this bill, particularly the late-hour entry declarations in clause 9. The reason I wish to address that is based on my experience as the member for South-West Coast, which includes the city of Warrnambool. As people would know, it is a wonderful city that provides services for its rapidly growing population of over 30 000. It also services a significant tourist area. Tourism is not just confined to the summer months, when Warrnambool attracts people to its wonderful beaches, but also continues throughout the year, with major events such as the May racing carnival, Fun 4 Kids, the economic benefits from the appearance of the whales off Logans Beach, and associated events in Port Fairy, with the folk festival and the Koroit Irish festival. They all bring enormous numbers of tourists to Warrnambool. They also bring a lot of activity associated with the restaurant and hospitality trade and, of course, the liquor industry.

The idea of the late-hour entry declaration was, we argue, invented by Warrnambool. There is some discussion about that, because I understand the people of Ballarat claim they developed this concept and introduced it first. But it is my clear understanding that it was first trialled in Warrnambool, and it has been operating there with the agreement of the operators of licensed premises for some years now. I can report to the house, and this is why I am speaking on clause 9 in support of this legislative change, that it has been highly effective in the Warrnambool area in reducing problems in the street, vandalism, hoonish behaviour, late-night assaults and crime. It has also been very effective in improving the amenity of Warrnambool as a city after hours as a result of the so-called lockout or late-hour entry declarations by local nightclubs and pubs.

The way it has worked in Warrnambool is that it has had the cooperation of the licensees, because they see the benefits for themselves in running their establishments. For example, the operators of the Gallery Nightclub can say, if there is a declaration, that nobody can enter their premises after, say, 11.00 p.m.

or midnight, but the trading hours can go to 3.00 a.m. or 4.00 a.m. They can then actually have greater control over the crowd. The licensees say time and time again that the main cause of any problems are the people who often consume alcohol to excess outside their establishments and then seek to enter the premises in the early hours of the morning. Not only do they cause problems inside, but if they are then ejected they cause problems outside.

If people have to enter the premises before the lockout time, they enter in a more sober state and then have their liquor intake determined by the responsible serving of alcohol, which all the people working in these premises are trained in. The atmosphere within those pubs or clubs is usually much better and safer: the amenity is much better, and there are greater opportunities for all patrons to enjoy themselves in a safe environment without being hassled by drunks and inappropriate behaviour. Similarly, when the patrons leave they are in a better condition to travel home safely, and they are not likely to cause problems around the streets through assaults, graffiti, vandalism and criminal damage.

The idea of the lockout has been highly successful in Warrnambool. I am pleased to see that it is now in the legislation. I pay particular credit to Chief Inspector John Robinson of Warrnambool police. Chief Inspector Robinson and Superintendent Gordon McLeod have been at the forefront of developing and implementing this system in Warrnambool. They have sought the cooperation of the licensees, the community and the city council. It has worked very effectively. It is of benefit to the people who run the establishments, the people who patronise the establishments, the people who live around the establishments and the business operators in the central business district in Warrnambool. The lockout has been very effective. I wish clause 9 well, because I think there is an opportunity to apply the principles which have been effective in Warrnambool and were copied by Ballarat in other parts of the state.

I again place on the record my appreciation and that of the Warrnambool community to Chief Inspector John Robinson for his initiative in this area. We do not often recognise the work the licensees do in a combined way — I have met with a group of licensees on several occasions — but they are doing a very positive thing to try and ensure there is responsible serving of alcohol. They are prepared to continue to monitor and improve how their businesses operate so they can provide facilities which meet the community's needs, which meet the needs of their patrons and are positives in the community rather than a source of problems.

I now want to refer very briefly to two other areas of the bill. There is a list of prescribed premises where alcohol cannot normally be sold. Clause 8 provides that the director of liquor licensing can allow alcohol to be sold from these premises if that is approved by the minister. The examples given include milk bars, 7-Eleven stores and video shops, and in certain circumstances they may wish to have a liquor licence. Some areas of regional and rural Victoria are very remote and have no licensed hotels. Unfortunately a number of hotels in country Victoria have been handing back their licences because of the economics of the trade. In those areas there may be a reason for the local milk bar or another store to be involved in the sale of alcohol. I think there should be flexibility in the system; I do not disagree with flexibility in the system. However, I think that flexibility should stop with the director of liquor licensing. I think that stopping with the director of liquor licensing, with appeals to the Victorian Civil and Administrative Tribunal (VCAT), should be the way it goes.

I think it is fraught with danger when the minister becomes personally involved in these decisions. In terms of the minister there is a chance that there may be inappropriate behaviour, or what may be seen to be inappropriate behaviour. I think these things should be kept out of the political sphere. The minister should not have a role where, virtually of their own volition, they can approve liquor licences. I know that has happened under previous governments of both Liberal and Labor persuasion, but I do not think it is a position the minister should be put in. I do not think it is a position the community would want the minister to be in, and I do not think it is in the interests of the community for the minister to be put in that potentially compromising situation. I think it is best left to the expert in the director of liquor licensing, with appropriate appeals to VCAT if needed.

Finally I would like to say a brief word on the issue of intoxication. We do not want people who are intoxicated being served more alcohol. That is not in the interests of the community, of the person themselves or of the licensee of a licensed premises. I am sure licensees will appreciate assistance in this matter. However, I am equally sure that we should not have legislation which makes it too hard for licensees to run their businesses fairly and appropriately. We have to get the balance right and I hope in this process we can do that. With those words, I wish the bill a speedy passage.

Mr TREZISE (Geelong) — I am also very pleased to be able to speak briefly in support of the Liquor Control Reform (Amendment) Bill. I am pleased to be

supporting this bill, because it again highlights the Bracks government's commitment to community safety and ensuring that our streets are secure for all to use. It reflects the government's commitment to ensuring that we have responsible but reasonable liquor laws operating in our state — and with this bill especially as they relate to young people who enjoy a drink and enjoy going out on a Friday and Saturday night to the nightclubs in their communities.

In passing this legislation to control the operation of nightclubs, it must be said that these laws are of paramount importance to protect our young people who are out to enjoy their night from the minority louts who, with a few drinks under their belt, want to spoil it for the rest of the crowd through their antisocial behaviour. I am well aware that where local communities have implemented their own late-hour entry declarations, as the bill describes them, this has had a significant effect in decreasing antisocial behaviour. I am aware of the accord in Ballarat, and I take note of what the member for South-West Coast said about his community of Warrnambool where it was apparently initiated.

In Ballarat, where lockout hours were introduced in, I think, 2002, the amount of antisocial behaviour on the city's streets has decreased by something like 45 per cent in the first 12 months of the accord operating. I know that in Geelong there has been much public debate about the antisocial behaviour of young drinkers, especially on a Friday and Saturday night, who walk around the central business district from one club venue to the next. We are all aware of behaviour such as assaults, smashing and scratching shop windows, general vandalising of street furniture and so the list goes on.

It is unfortunate that the industry in Geelong has been unable to reach an accord such as the ones we have seen operating in other centres like Ballarat, Bendigo and Warrnambool. However, in saying that, it would appear that most venues in Geelong have lifted their game in recent months because we have seen less of the unacceptable behaviour that really dogged our central activities area for a number of years.

I am therefore pleased to note that the legislation before us tonight will more effectively enable the director of liquor licensing to make, vary or revoke late-hour declarations for an area or location. The director is also provided with the power to put conditions on late-night entry declarations for an area, taking into account the particular circumstances of that area. This is good legislation; it will be welcomed by my community of Geelong, and I therefore wish it a speedy passage.

Mrs POWELL (Shepparton) — I am pleased to speak on the Liquor Control Reform (Amendment) Bill and to say that this is a very topical issue in Shepparton at the moment, because our community is trying to deal with some strongly antisocial and violent behaviour. I hope the provisions in this bill will assist the police in Shepparton, who are doing a great job, to control the antisocial and violent behaviour of some people — not many — who move between the licensed nightclubs and the pubs. Sadly over the years I believe the antisocial behaviour has been increasing in Shepparton. The community is now saying that enough is enough. The police, the City of Greater Shepparton, community leaders including myself and support organisations as well as now the media are sick to death of the behaviour of some and are lobbying to have this bad behaviour stamped out.

There is support in my community for the lockout controls that are provided for in this bill, which gives the director of liquor licensing the power to make, vary or revoke late-hour entry declarations for an area or locality, but I hope that when the director is making that decision he speaks to the police and also the council in that area.

I also believe the director could vary conditions on a licensed premises that has a good reputation, a safe record and is not linked to antisocial behaviour. We need to reward those businesses that act responsibly and are trying to work with the police and other organisations to make sure they also stamp out this sort of behaviour in their premises. It is important that the licensed premises or area that has a late-hour entry or lockout declared on it has the opportunity to put in an objection to the director and to defend any conditional provisions that are declared on their licensed premises and that it can do that at the Victorian Civil and Administrative Tribunal.

The late-entry — or, as we all know it, the lockout — provisions mean that any licensed premises that has received a declaration must not permit any patrons to enter the premises during the hours declared. For example, if a premises closes its doors at 1.00 a.m. it means patrons already present in that licensed premises can spend time there until the trading time expires or leave any time they like but cannot enter another premise, because those doors should be locked. It is interesting that we are debating this bill today because an article by Bianca Hall appears under the heading 'Pub lockout put up as possible solution' in today's *Shepparton News*:

The rate of violent crime in Shepparton could be vastly reduced if a 'lockout' system was introduced, a Shepparton councillor believes.

Goulburn Valley Community Health drug and alcohol clinician Rebecca Lorains said the success of lockouts, which have been successful in reducing alcohol-related crime in Ballarat and Warrnambool, is used as a case study by drug and alcohol workers.

'Lockdowns would reduce the amount of street time', Ms Lorains said.

'It would make licensees be forced to look at the way they're serving alcohol and lead to a greater level of accountability'.

...

While she said the problem was getting worse in Shepparton, Ms Lorains said it was not only up to the authorities and licensees to stop the flow of street violence.

'At the end of the day, people need to take responsibility for their behaviour'.

I think that is an important issue. People must drink alcohol in a responsible manner. Most people go to a licensed premises and have a good social night out, but unfortunately there is a minority that drink to excess and cause trouble. Not all licensed premises are doing the wrong thing. As I said earlier, they act responsibly with regard to safety and security measures, responsible serving of alcohol and prohibiting under-age drinkers from their premises. Many patrons also act responsibly, have a good time and do not cause problems, so we do not say that everyone is causing trouble.

Shepparton has trialled a lockout control time. Some licensed premises complied and worked with police to be part of the solution, but unfortunately some did not. This legislation will make it law that all licensed premises with a late-hour declaration must comply. It will not be voluntary or up to the discretion of the licensee. Under the heading 'Crime is rife on our city's streets and here's the proof', yesterday's *Shepparton News* states:

Serious crime has plagued our streets in recent weeks with the stabbing murder of 38-year-old Sebastiano 'Sam' Formica in Wyndham Street on 21 January the most shocking of all.

This gentleman was stabbed in or around a Shepparton nightclub, the Fontana Bar and Lounge, and died on the street shortly after the attack. Police said the fight broke out at 1.15 a.m. and involved several people. The police placed a van outside the Fontana bar to try to get witnesses to come forward to give evidence, and that has been happening. The article continues:

Other serious offences recorded by the *News* include:

28 January: Mooroopna resident Steven Newman is taken to Melbourne's Royal Victorian Eye and Ear Hospital after a

fight, and a 34-year-old Shepparton man is taken by ambulance to Goulburn Valley Base Hospital in a serious condition after a fight in the Maude Street Mall.

20 January: A 65-year-old Shepparton man is charged after rushing at his neighbour with a tomahawk.

19 January: A 30-year-old wheelchair-bound Shepparton man is found dazed and confused on the corner of St George's Road and Macintosh Street in Shepparton after an assault and robbery.

15 January: Two good Samaritans end up in hospital when they are set upon by thugs as they try to stop a vicious assault in Queen's Gardens.

Queen's Gardens is a hot spot around the nightclub area and some of the restaurants and pubs. It is next to my office in Wyndham Street, and I see some of the goings-on. The City of Greater Shepparton is now providing extra funds for more lighting to try to alleviate some of those issues. The article continues:

7 January: Two taxidrivers are attacked and assaulted in Wyndham Street, Shepparton.

31 December: a 37-year-old Shepparton man was admitted to hospital after being stabbed with a pair of scissors following a verbal altercation in Wyndham Street.

That was on the footpath between the ANZ bank and the Fontana Bar and Lounge at 4.30 a.m.

It is one of those issues we have to deal with from time to time. I will not read all of it, but an article in the *Shepparton News* is headed 'Death, stabbings, assaults, robberies, attacks on good Samaritans — and all on Shepparton's streets in just eight weeks'. The *News* is undertaking a campaign to make the streets and the city safer. Again the city is saying we need to look at all other issues. If one of those issues is a lockout issue, we need to make sure that it will be part of the legislation and that those publicans will not be able to just do it as a trial.

One of the last issues I would like to speak about is an issue that the Leader of The Nationals raised — the concerns about the definition of intoxication. The bill says under the heading 'What is intoxication?':

For the purposes of this Act, a person is in a state of intoxication if his or her speech, balance, co-ordination or behaviour is noticeably affected and there are reasonable grounds for believing that this is the result of the consumption of liquor.

People suffering some ailments — one I can think of is acquired brain injury — may show similar characteristics when it comes to behaviour, balance, coordination or slurring of speech. We need to give clear direction about what to look for to the police, to workers who are selling alcohol and to licensees. My

own son, who is a police officer, once arrested someone and put them into a divvy van only to find that the person had an ailment. He had to make a profuse apology, but luckily the family did not take it further.

Because some people in our community may have those symptoms, but may not be intoxicated at all, we have to make sure that before it is decided that a person is intoxicated, all those issues are gone through. We have to make sure that hotel workers and licensees are trained in this — police have had that training. It is important that we do not assume that someone is drunk just because there is a lack of balance, slurred speech or they have a manner that makes them look like they are drunk, as they may have some sort of affliction or illness that has similar characteristics.

We are also concerned about the guidelines a director might put forward. While they might be the right guidelines, there should be strong consultation with the hotel industry to make sure that the guidelines put forward are appropriate and manageable. It is all very well to put guidelines in place, but they should be guidelines the industry supports and says will work. At the end of the day whatever we do to curb violence and keep people safe on the streets is a good thing. I wish this bill a speedy passage.

Mr LONEY (Lara) — I will make a few brief remarks about the bill and its relevance to my community in Geelong. I am particularly supportive of the changes this bill makes to late-hour entry declarations. This has been an issue in the Geelong community for quite some time. Members of the house may recall that at one stage Geelong was a pioneer in this state for its voluntary liquor code of conduct, which was significant in modifying some behaviours locally. Since that time Geelong has seen a fair growth in its nightclub industry. Unfortunately, along with that growth we have seen a growth in violence that can be related to nightclub premises. The violence does not necessarily take place within the premises; indeed, the feature of it is that it generally takes place in the streets.

Its relevance — and why the provisions of this bill will be useful in our community — is because the violence essentially stems from large groups of people who have been attending nightclubs changing venue. At times on a Friday or Saturday night you have literally thousands of people on the Geelong streets moving from one venue to another. Violence — indeed, very serious violence — has been associated with this movement to and from nightclubs. Unfortunately there seems to be a growing trend in our society of no-one wanting to take responsibility. Indeed many of the proprietors of the nightclubs say, 'They are out in the street; it is a police

responsibility. We simply need more police to deal with this'. That is not necessarily the answer on all occasions; there are responsibilities on the proprietors as well.

For some time Victoria Police in Geelong, particularly Shane Cole and Colin Farnsworth, have worked very hard on these issues and tried to address violence associated with nightclubs in Geelong — and with some success, I might add. The picture is not necessarily always bleak.

One of the proposals was about the voluntary code of conduct around lock-ins, for want of a better word, at nightclubs in the style of that which has operated quite successfully in Ballarat for some years and also along the lines of what happens at Warrnambool, which the member for South-West Coast spoke about at length earlier, both of which have been quite successful. There have been attempts through the nightclub industry, Victoria Police in Geelong and community consultative committees and others to try to get a similar situation on a voluntary basis in Geelong.

The problem with voluntary codes of conduct is that if you get one proprietor who decides not to be in the voluntary code, you may as well not have any, and this is the big problem. The voluntary code breaks down because someone decides they will not be in it.

This bill, as I understand it, will allow the police where they deem it appropriate to make applications to the director of liquor licensing for late-hour entry declarations, either on a single premises or a group of premises. We may say that this is not necessarily the best way to go — by compulsion, if you like — but if you have a situation as we have where you cannot get up a voluntary code because one or two do not want to be in it, what are the alternatives? Community safety must be paramount.

It is not an issue of whether somebody at 6.30 a.m. has the right to change from one venue to another. I have reached the age now where going home at 6.30 a.m. is a distant memory, let alone changing venues! But that should not be the primary consideration, in my view: the safety of the general community in a city such as Geelong should be the primary consideration.

If the provisions of this bill go to assist the police and the community in dealing more effectively with the sorts of problems we have been seeing in Geelong, that is a very good thing. As I said at the outset, I strongly support the provisions of this bill, and I hope that its application will lead to some very good outcomes in my community.

Mrs SHARDEY (Caulfield) — I would like to make a few comments in relation to the Liquor Control Reform (Amendment) Bill. Liquor laws are very important in relation to the health of our community, and it is from this perspective that I rise on this occasion. I think all members would be very much aware that alcohol abuse is affecting the state and cost of health services in Victoria. What is of great concern is that younger and younger people are learning to abuse alcohol, which of course is going to affect their life cycles, their disease patterns and the cost to the community.

There are a few things in this bill that I would like to draw attention to. The Liberal Party has given broad support to the legislation but there are some areas where we still have some concern. The first issue concerns the main provisions of this bill and its insertion by clause 5 of proposed section 3AB, which tries to define 'intoxication'. The concern that has been raised is that in doing so there was a lack of consultation with the Australian Hotels Association, which considers the definition to be inadequate and even considers it to be ill informed due to the government's failure to consult the industry. It would have preferred case law to provide that definition, and it is quite concerned that it puts a huge onus on the licensee to interpret the meaning of new section 3AB.

The other issue in relation to this is that the director of liquor licensing is to issue guidelines, and it would have been preferable if those guidelines had been included in the legislation itself for the Parliament to look at and for the Parliament to give its view on whether the guidelines are reasonable and appropriate.

The second area covers insertion of a new section 18B which requires the fitting of security cameras to comply with a certain standard, and this is important because often security cameras are available in premises but are not of a standard that means anything can actually be seen when the tape is viewed. It is important therefore that proper standards are required, and I support these provisions of the bill.

The third area relates to the insertion in the principal act of new section 22(4), which provides that the director may grant a licence or BYO permit to a business, even though it may be a class of business prescribed as not to be licensed, if the director has the minister's approval to do so. There is some concern in relation to this because there are no criteria set out for this exemption, even though there is support for flexibility in relation to it. The member for South-West Coast gave his view that it probably should not be in the domain of the minister to make a decision because it makes the decision quite

political. The member's view was that it should be in the hands of the director of liquor licensing. It is something to consider and something to monitor. Let us see how often this exemption is granted and if it is appropriate in all instances.

There has been a lot of discussion during this debate about late-hour entry declarations, and this bill now makes some very specific provisions. There has been general support for late-hour entry declarations, which mean that people cannot enter particular premises after a certain time, and I think this is done very sensibly for the protection of the community.

One other area to make comment about is the repeal of section 37(b) of the Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Act, which relates to applications for new licences in dry areas. In the past the cost of conducting a poll has been undertaken by the applicant. The government has now decided that, although this provision was not previously proclaimed, it is not necessary for the applicant to bear the cost. This is a little bit contentious in that it means taxpayers are going to have to bear the cost of applicants applying for licences in dry areas. Having lived in a dry area myself and seen that some restaurants would very much like to have licences, I can imagine that there might be a large number of applications in existing dry areas and taxpayers are going to have to foot the bill for all of those. Again, that is something that needs proper monitoring.

By and large the Liberal Party is supporting this legislation, although it has raised some concerns. I think it is an important bill, and I think it is important as a health issue.

Mr LUPTON (Pahran) — I am pleased to be able to make a contribution to the debate on the Liquor Control Reform (Amendment) Bill, which deals with important community safety and amenity issues in Melbourne and around Victoria. The police minister appointed me to chair the Inner City Entertainment Precincts Taskforce, which is required to report to the minister about a range of community safety and amenity issues in the inner suburbs of Melbourne. For that reason, among others, I have taken a particular interest in these types of issues. The task force has monitored the operation and effectiveness of the late-night entry programs that have been undertaken so far in Ballarat and in Warrnambool. We have taken a close interest in those matters and have monitored them during their progress. I am pleased to see that the government has seen fit to introduce this legislation now.

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

Mr LUPTON — As I said, I am pleased to be making this contribution to the Liquor Control Reform (Amendment) Bill, which deals with community safety and amenity issues, which are very important to me and to my community in Prahran. As the chair of the Inner City Entertainment Precincts Taskforce I have taken a particular interest in some of the licensing and liquor-related issues referred to in the bill. The task force has been keeping a close eye on developments around the late-night entry trials that have been carried out in Ballarat and Warrnambool over the last couple of years.

One of the issues that arise in areas where there are relatively large numbers of licensed venues is that the actions of people moving from one venue to another or between venues late at night can create very serious and difficult behavioural and antisocial problems for those living around those areas. There are also public order issues. This bill deals with a number of those matters and as a result will improve the quality of life and the amenity of people living not only in the inner city areas of Melbourne but also all around Victoria.

The bill gives licensees a clearer definition of 'intoxication', which is important in the responsible service of alcohol. It will clarify the responsibilities of licensees and others who are in charge of licensed premises when they have to make decisions about whether they should continue to serve people who may be intoxicated. Clarifying the law in relation to that is a good and important thing.

The bill also allows conditions to be set requiring minimum standards of quality and operation of security cameras in licensed venues. This is a very important initiative, because it means that from now on the operators of licensed venues are going to be able to have enforced systems of security cameras so that the type of security camera, the standard of recording and the methods and hours of operation of those security cameras will be able to be set in licensing conditions. That will mean that if any difficulties arise in licensed premises in future, there will be better evidence about what those matters were, and the appropriate legal processes will be assisted by having that material available.

The bill also allows the director of liquor licensing to make decisions in concert with the minister that certain premises not be licensed. We regard this part of the bill as a very significant element of this legislation. It means that we will not have a proliferation of licensed venues such as video stores and milk bars and other

sorts of places that are not appropriate for the selling of alcohol. We believe we would have been faced with a number of applications for liquor licences for such inappropriate venues in the future, and this part of the bill will enable that to be well and truly controlled, which is a very positive thing.

The bill also allows the director of liquor licensing to make late-hour entry declarations. This is probably the most significant element in the bill. It means that where such a declaration is made, people will be able to stay in licensed premises if they are already in them, but if they leave those licensed premises after a certain hour they will not be able to enter other licensed premises in a designated area. That will effectively deal with the behavioural and antisocial issues that can sometimes occur when people who have been at licensed venues are moving, often in large numbers, between one venue and another. The trials that have taken place in Ballarat and in Warrnambool have given us some very useful evidence and statistics in that regard, and the bill takes that into account.

In conclusion, I commend the Minister for Consumer Affairs in the other place for a great job in putting this legislation together, and also the director of liquor licensing, Sue Maclellan, who is a member of the Inner City Entertainment Precincts Taskforce that I chair. I have been able to work closely with Sue since she was appointed director of liquor licensing, and a number of the initiatives in this bill are evidence of the close cooperation and working relationship between the government and people such as the director of liquor licensing in making sure that we continue to drive down crime in this state and continue to advance community safety and residential amenity in inner city Melbourne, but also all around Victoria. I commend the government for introducing this legislation.

Mr MAUGHAN (Rodney) — I wish to make a brief contribution to the Liquor Control Reform (Amendment) Bill. At the start I say that I agree with the sentiments expressed by the minister in his second-reading speech when he said:

The liquor industry in Victoria generates substantial economic and social benefits to the state and the number and diversity of licensed outlets enhances Victoria's reputation as a lively and cosmopolitan place to live.

We need to acknowledge that the responsible use of alcohol is an important part of this very cosmopolitan society that we all enjoy. In his contribution, the member for Lowan clearly spelled out the importance of the liquor industry, the employment it generates, the taxes that are paid, the contribution to the community

and the social amenity that it provides. It is a very important industry, and we need to acknowledge that.

It is interesting to note in our lifetimes the huge growth in the wine industry in this state. I heard the Treasurer less than 12 months ago explain to this house that Victoria now exports more wine in dollar terms than it does wheat. If you had said that 20 years ago, most people would have laughed at you. But it indicates the way in which the wine industry has taken off. In my electorate, Heathcote is one of the best wine regions in the whole state.

Dr Napthine interjected.

Mr MAUGHAN — The region produces a particularly beautiful shiraz, as the member for South-West Coast is well aware. In the Mount Camel range some of the shiraz is bringing up to \$95 a bottle. The wine industry really has made an enormous contribution to the economy, with over 5000 acres of vineyards, established wineries and, following on from that, the restaurants. This year about 4000 people turned up to the third food and wine exhibition at Heathcote, so the industry is generating real employment and economic activity, and improving the general amenity of the area.

This has happened right around the state. A large proportion of the community would now have a glass of wine with the evening meal, which is something we did not even contemplate until the postwar years and the tremendous influx of migrants into Australia. Most people in the community enjoy alcohol in moderation, and it certainly helps with our social interaction, but there is always an irresponsible minority that causes problems for themselves and for the community with the misuse of alcohol.

I pay tribute to those who assist people to deal with the misuse of alcohol, particularly the Alcoholics Anonymous organisation. I open an annual mini-conference in Kyabram each year for Alcoholics Anonymous, and I am always humbled by the tremendous work it does in assisting people who have problems with alcohol. Likewise the whole range of organisations such as Teen Challenge, which is also in Kyabram, the Salvation Army and Odyssey House, which has a great rehabilitation centre.

This week I am part of Odyssey House's 'On the wagon' campaign which means that you forego drinking alcohol for this week and make a donation to Odyssey House, which is a terrific organisation. Odyssey is looking to raise a mere or modest \$8000 out of this statewide campaign, yet to put that into context,

the average family of four spends \$4000 per year on alcohol. I am pleased to be able to be part of that campaign, as are my office staff who are also contributing to the Odyssey campaign.

I spoke about some people being irresponsible with their use of alcohol. A similar situation applies to hotels in that the vast majority of patrons are responsible drinkers and the vast majority of hotel proprietors are responsible people. But a small minority, both patrons and hoteliers, cause problems in the community. This small but significant minority who are grossly irresponsible drink to excess, engage in antisocial behaviour and cause enormous problems in the community.

Unfortunately we are going to see examples of that in Echuca this coming weekend. It is the Southern 80 weekend, which is a huge weekend for Echuca. It is great for those who are interested in water sports, but there is always a minority that comes along simply to get a skinful of alcohol and cause problems for the rest of the community. This legislation is essentially about dealing with some of those irresponsible people.

Echuca, like other areas various members have spoken on today and this evening, has people who have an ongoing problem with antisocial behaviour. The member for South-West Coast talked about Warrnambool, and we have heard about Ballarat, Shepparton and other areas of the state. Echuca has a similar problem with people leaving hotels in the early hours of the morning, going home after consuming too much alcohol, causing vandalism and damage to shopfronts, breaking windows and the like.

There has been a voluntary lockout, and I pay tribute to the police inspector, Neil Thomas, and the chief executive officer of the Shire of Campaspe, Wayne Harvey, who have been responsible for getting together a voluntary code of practice. But as other members have indicated, when a code of practice is voluntary there is always somebody it does not suit, and that code then falls down and you need something a bit firmer — and this legislation will do that.

An accord has been negotiated with hotels and licensed premises regarding late-hour entry declarations, disallowing patrons to wander around the town on their way to other licensed premises, causing damage to premises and inconvenience to residents and guests in the town for the weekend. After a designated hour, once a person leaves a licensed premise, they are unable to return to those premises, and others are unable to enter. This legislation — I think it is clause 9 if I remember rightly — inserts a new division in the act that provides

the director of liquor licensing with the power to make a late-hour entry declaration for an area or locality. As the explanatory notes explain:

the licensee of premises to which the late-hour entry declaration applies must not permit any patrons to enter the premises during the hours during which the late-hour entry declaration applies.

This is a very sensible measure, which I fully support. It is a deterrent for that antisocial behaviour I talked about and I think it is important and helpful to prosecutors.

The bill also provides for regulations to be made setting minimum recording standards for surveillance equipment, and this again is a very important provision that does provide a greater degree of security and does assist prosecutors in their cases. All too often you have witnesses who do not want to give evidence against somebody who is being charged with an offence. The surveillance equipment, provided that it is up to an acceptable standard, provides that evidence.

The bill also provides the definition of intoxication in clause 5 on page 3. The Leader of The Nationals in his contribution earlier today clearly spelt out the current common-law definition of intoxication. We would argue that the definition proposed in this bill makes it more rather than less difficult to interpret the law. We in The Nationals do not think that is a very sensible provision, but the thrust of the bill is good.

There has been a lack of consultation with the industry; and, of course, the Australian Hotels Association would prefer to rely on the existing case law. This is important legislation. I certainly support the provisions of the bill. I have real concerns with the definition of intoxication, but The Nationals will not be opposing this legislation.

Ms DELAHUNTY (Minister for the Arts) — I thank the members of this house who have spoken on the Liquor Control Reform (Amendment) Bill, a bill which amends the Liquor Control Reform Act 1998 to provide additional powers to the director of liquor licensing to make, vary and revoke late-hour entry declarations for a particular area or locality. This bill provides that this new power will be subject to review by the Victorian Civil and Administrative Tribunal.

It is fair to say that this government is absolutely committed to making sure that liquor and the liquor industry are regulated in a balanced and fair manner, for many of the reasons outlined on both sides of the house. We believe the community should have reasonable access to liquor, but we also need to be cognisant of the harm that it can cause and cognisant that we should try to minimise that harm if abuse of alcohol occurs. This

bill will provide changes so that community safety is enhanced and that amenity in and around licensed premises is improved, something we believe will be of assistance both to the community and the industry.

There were many contributions from both sides of the house, but I think it is fair to say that some on the opposition side are vacillating about what they really want from these changes and what they expect the changes to do. It appears that some on the opposition side want everybody to be able to open a liquor store, should they want to, and serve alcohol to whomever they like. On the other side, sometimes the same opposition seems to want us to stop liquor licences being granted.

Our approach in government to liquor control is that it is about having a fair and balanced policy which tries to look after the amenity of the community while providing opportunities for those who like to consume their liquor in a respectable way.

There have also been claims that there has not been enough consultation. I am informed that the director of liquor licensing and Consumer Affairs Victoria have consulted on the bill with industry stakeholders on a number of occasions, including at meetings with the Australian Hotels Association last year and at the regional licensing seminars and licensee forums which were held throughout November and December last year. Indeed the director of liquor licensing continues to consult closely with the industry on these proposals. I understand the director has already begun further consultations with the AHA, the privacy commissioner, the security industry, Victoria Police, which of course has a very direct interest in this, and nightclub and bar owners.

In summing up, this change will create a more transparent process. It is a timely response to this problem and will make public places safer for the entire community by minimising violent and antisocial behaviour. I would like to acknowledge the contribution of the member for Bulleen, the very good contribution of the member for Lowan, and the contributions of the members for Burwood, Scoresby, Monbulk, Mornington and Bentleigh, the Leader of The Nationals, and the members for Seymour, Hawthorn, Derrimut, South-West Coast, Geelong, Shepparton, Lara, Caulfield, Prahran and Rodney. They were all important and valuable contributions. We wish this bill a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

CRIMES (FAMILY VIOLENCE) (HOLDING POWERS) BILL

Second reading

Debate resumed from 7 February; motion of Mr HULLS (Attorney-General).

Ms BEARD (Kilsyth) — It is a great privilege to speak on the Crimes (Family Violence) (Holding Powers) Bill. The Bracks government is committed to introducing legislation which will reduce the incidence of family violence. Domestic violence is a tragic crime that often leaves families divided and in critical need of support. It affects 20 per cent of Australian women and is the leading cause of death, disability and illness among women aged between 15 and 44. This bill creates holding powers for use by police where a person has allegedly used violence towards family members. Police will be allowed to direct a perpetrator to move from a house, leaving the victim or victims to remain in their home.

The bill aims to allow police to apply for intervention orders and to ensure that victims of domestic violence are able to make proper arrangements for their safety. It is designed to bridge a gap in the time between when police first attend an incident and the time an intervention order is granted. The Bracks government believes every Victorian has a right to feel safe in their homes, in the streets and in the community.

Last year the Victorian government announced it would provide \$35.1 million over four years to reform family violence services in Victoria. The funding will mean increased outreach support for women who may not be able to attend a refuge, more intensive case management for women with multiple needs, more assistance for women needing accommodation in the private rental market, more funding for men's behaviour change programs and more crisis accommodation for women and men.

The agencies in the eastern suburbs that are to be the recipients of this funding are Relationships Australia, Anglicare, Eastern Domestic Violence Outreach Service and Mitcham community house. The bill represents an immediate and effective change to improve protection for all Victorians, especially women. I congratulate the Attorney-General and his

government on continuing the campaign to protect the community from domestic violence.

In October last year I was privileged to be one of the speakers at a family violence conference organised by the Manningham family violence reference group. Other speakers included representatives from Doncaster police, the Eastern Domestic Violence Outreach Service, the Heidelberg family violence court and Anglicare in Lilydale among others. The conference was aimed at raising awareness about family violence services and to highlight the demonstration family violence courts at Heidelberg and Ballarat. I commend the work of Doncare and its family violence prevention program.

Last year Anglicare in Lilydale received a \$580 000 Victorian community support grant for a new family services centre to continue its work in supporting victims of family violence. I would like to pay tribute to the Victorian Law Reform Commission for the work it did to produce its interim report, which was tabled in Parliament on 15 September 2005. I would like to place on record my appreciation of Phil Cleary and Anglicare in Lilydale for working with men who have violent tendencies and making Victoria safer. I commend the bill to the house.

Mr WYNNE (Richmond) — I rise to support the Crimes (Family Violence) (Holding Powers) Bill and in doing so acknowledge that it is supported by both sides of the house. As we know, violence in the home is often an unspoken aspect of our society, but it is an insidious form of criminal aggression that is almost exclusively perpetrated by men. It is rarely visible outside the home, and it is often unreported, yet, as we know, its impact is extensive and traumatic.

Family violence is often a forgotten crime, but not by this government. This government will not stand by while violence continues to menace Victorian families. In that respect this government has a proud record and has taken strong action to reduce the incidence of family violence and protect the victims of crime.

In 2004 we introduced specialist family violence divisions of the Magistrates Court at Heidelberg and Ballarat. We also introduced court-ordered counselling for men who use violence towards their families. We have changed the legislation governing intervention orders to improve protection for children and the court processes for families generally. Of course, with the new code of practice for family violence, Victoria Police, led by our Chief Commissioner of Police, Christine Nixon, will play much more of an interventionist role, and we have seen significant

increases in the number of both offenders being charged and intervention orders being obtained.

As indicated in speeches made earlier this week, we owe a great deal of credit to the Victorian Law Reform Commission. We should not forget that it was this government under the leadership of the Attorney-General that saw the Victorian Law Reform Commission reinstated, which, may I say, was opposed by the opposition. The then shadow Attorney-General felt that all the Victorian Law Reform Commission would be was a politicised body. The proof has been in the actions of the Victorian Law Reform Commission, which has recommended an extraordinary suite of reforms, which this government has taken up in every instance.

I turn to the bill itself. The new holding power created by the bill is important. It will be used when it is alleged that a person has committed violence toward their family and when the police intend to seek an intervention order. While the intervention order is being obtained the police will have the power to direct the perpetrator of violence to stay at a particular place, and if the perpetrator does not comply, the police will be entitled to apprehend and detain that person.

I know we are only making limited contributions tonight. Victoria Police will have the power to say to the perpetrator, 'Either you go to another space or, if you refuse to do so, the police will be able to detain you', while the rest of the family seek an alternative and safe place to stay for a time or to change the locks or in some circumstances to gather together their belongings and depart from the family home. This is simple but incredibly important legislation that is a further signal of this government's commitment to providing a comprehensive package of reforms in the area of family violence. In this very practical way we are showing that we are committed to providing real and tangible change for victims of crime.

It is important to say that the bill provides important safeguards to protect the rights of people held under this power. It is an important power, because you are potentially taking away a person's liberty. A person held under this power cannot be interviewed or questioned for a criminal offence; and a person held under this power is entitled to communicate with a friend, relative or lawyer. The application of this power is limited to 6 hours in the first instance or 10 hours in exceptional circumstances — of course, with judicial permission. The bill is an important signal of this government's continued commitment to stamp out family violence in this community. I commend the bill to the house.

Ms GILLETT (Tarneit) — It is a great privilege to be able to stand tonight and make a brief contribution on the Crimes (Family Violence) (Holding Powers) Bill. As all members of this house know, one of the most insidious and shadowy issues we have to deal with as parliamentarians and leaders in our community is family violence. This government has made a commitment, both policy wise and financially, to make sure that the shadows that surround family violence are eradicated.

We have worked long and hard on this issue, and the Minister for Women's Affairs has led the field, as have my colleagues, the co-convenors of the women's caucus. The members for Macedon and Bellarine have done an outstanding job in making sure that the changes being made are utterly comprehensive. We have dealt with and had the benefit of the wisdom of a wonderful Chief Commissioner of Police, Christine Nixon. In many ways she has led the charge, because as we all know police are on the front line in dealing with issues of family violence. If the police are not capable or responsive or do not understand how to deal with issues of family violence, not just a domestic, then we lose important, initial ground.

Now that we have this fantastic police code on family violence we have the first line of response that we have always needed. We will forever be in Christine Nixon's debt, and she will be forever remembered as leading the charge. She is a wonderful woman and a sensational police officer. Along with my colleagues it has been my privilege to do small bits and pieces to assist in bringing about some change in this area. I am so pleased and proud that we now have managed to bring the problem of family violence into the open and to give our tackling of it oxygen. I am also pleased and proud to have a wonderful police commissioner who has helped us to help her wonderful police officers better understand the issues surrounding family violence and to respond to them more adequately, and to have a government, a Premier and a Treasurer who understand that if we apply the necessary funds and resources to tackling family violence at the primary, secondary and tertiary levels then we have a chance not only as a Parliament or as a police force but as a community to stamp it out over a generation. That is exactly what we are on about, and I am so proud to be part of a team that understands what the agenda is and embraces it, funds it and does it. I wish the bill a speedy passage.

Ms DUNCAN (Macedon) — It gives me great pleasure to speak on the Crimes (Family Violence) (Holding Powers) Bill. As previous speakers have said, this is a piece of legislation that builds on previous reforms of this government, which has established a

proud record in this area since the day it was elected. It has put its money and legislation where its mouth is.

I believe this bill recognises the reality of family violence. It does not occur neatly between the hours of 9 to 5 when people have access to courts. We know there are currently gaps in the protection of people. The Chief Commissioner of Police has introduced a code of practice that police are now operating under. It has made significant improvements for police and in the community response to family violence, but there is still this gap in protection. In the Victorian Law Reform Commission report we see a number of case studies indicating the difficulties that occur when police arrive at a scene and are then forced to leave. The perpetrator may then return or may not leave it in the first place.

This bill is not about excessive intervention by the state. It is the intention of the bill that the perpetrator simply follows police directions without the need to use these holding powers. They are only used when a perpetrator refuses to follow those directions. The period of time for holding perpetrators or demanding they stay in a particular place is very short — 6 hours, with an extension of 10 hours after application to a court. These are not excessive powers. The powers are very proactive, appropriate and recognise, as I said, the reality of family violence.

It is a terrific bill. I am very proud to be a part of the team that has accepted the recommendations of the Victorian Law Reform Commission, and I commend the bill to the house.

Ms MUNT (Mordialloc) — I, too, would like to join my colleagues and speak in support of the Crimes (Family Violence) (Holding Powers) Bill 2005. As my colleagues have said, I am very proud to be part of a caucus where the women and men are so supportive of the measures we have been putting in place for a great raft of legislation to support women, children and victims of crime and to work out strategies to deal with family violence, which has been passed by this Parliament over the past three years.

Family violence has been a great focus of the women's caucus over the past three years. I commend the Minister for Women's Affairs for her efforts to work on behalf of victims of family violence. A \$35 million family violence package was announced last year in support of these measures. I commend the Attorney-General, who has established three specialist family violence court services at Melbourne, Sunshine and Frankston and is funding training for the staff of the courts and the magistrates on dealing with family violence matters.

This particular piece of legislation creates a holding power for the police. They will be able to hold a person who has allegedly used violence towards family members. If there is a 6-hour cooling-off period, the perpetrator can be taken away to cool down or to be moved to a different place. That provides breathing space for family members who may have experienced this type of violence.

Close to my electorate is a very large refuge for women and children who have been victims of family violence and who need to leave the family home. Hopefully this will provide another way for family violence to be dealt with so that women and children do not have to leave their home during this cooling-off period. I recall meeting some of these women and children. Family violence is a dreadful crime against families.

It has been interesting in my electorate that the police have adopted a zero tolerance towards family violence, which has led to an increase in the number of crimes that have been reported and dealt with. I think that stand has been a very firm measure in dealing with family violence as a crime and in trying to take a firm stance against family violence. As my colleagues have said, this is another wonderful bill. I am very proud to be able to speak about it. I commend the bill to the house.

Ms NEVILLE (Bellarine) — I am very pleased to rise in support of this bill, which is all about providing another level of protection and support for victims of domestic violence. I am sure we do not, but we should not underestimate what a significant and serious community issue it is.

I was privileged at the end of last year to fill in for the parliamentary secretary and accompany the Minister for Women's Affairs, who is at the table, to the Women's Round Table at the community cabinet in Hobsons Bay. The women who participated in that forum attended as individuals and as representatives of groups, and it was amazing to see how many women in the room admitted to having at some point been victims of domestic violence. I think that is the story out there.

If you look at the seriousness of this issue and at some of the figures, you see that domestic violence is the most common cause of death, disability and illness for women under the age of 45. You see that it contributes to truancy rates, and you see that somewhere around 10 per cent — I think that is the figure — of the total disease burden for Victoria is related to domestic violence.

It is amazing to think that this is still very much a hidden problem. Given that this is a such a serious

issue, we really need as a community to open up debate and discussion around it, as we do with a whole lot of other health promotion campaigns. This government has moved forward in doing that. It has done so by developing a much more integrated, supportive system for women that is funded with an additional \$35.1 million.

There are some extraordinary figures on domestic violence. Those I saw related to 2002 when the callout figure for police attending domestic violence incidents was over 21 000, and we know that figure is growing. On one level it is good that it is growing, in that people are reporting it. On another level obviously it continues to be a major problem. The other victims of this crime, which it is, are children, and in most of those callouts children were involved.

The government is taking this issue seriously. It is not just running advertising campaigns, it is actually putting dollars behind supporting women and children who are victims of domestic violence and backing that up with legislation, as in the case of this bill. It is looking at ways in which we can better support women, better support children, keep them in their homes and make sure that perpetrators of domestic violence are aware that they will immediately suffer the consequences of their actions. This legislation is about changing the culture and changing the way we support people who are victims of domestic violence. It is about making sure that the perpetrators are aware that they cannot get away with it, that it is a crime and that they will suffer.

I really do commend this bill to the house. It deserves the support of this Parliament and the support of the community.

Mr SEITZ (Keilor) — I rise to support the bill and to congratulate the Attorney-General for bringing it in. Family violence is one of those insidious crimes that too often goes unreported in our community, and people suffer too long from its effects. I am also pleased that the bill will support the police. Many times in my term as a member of Parliament I have been called upon to assist families in a situation where the police are reluctant to intervene in a domestic dispute. Now the police will have the power to act, and I welcome that.

Perpetrators of family violence will know there and then that action can be taken by the police, and the police will know that the Parliament has backed them and empowered them to take action that will prevent the violence and give perpetrators the message that they cannot get away. The police will not have to wait 24 hours, or whatever, to get an intervention order. In

many cases there is a cooling-off period and then the family member upon whom the violence has been perpetrated is reluctant to go and ask for a restraining order to be issued against a husband, a boyfriend, a de facto or whoever may have instigated the family violence.

I welcome this bill because there are so many cases, in my electorate in particular, where women have taken out restraining orders against their ex-husbands or whoever has committed the family violence, but the police are still reluctant to come out and take action. I hope this legislation will promote an instant response by the police in those sorts of situations, particularly for children who are traumatised. When adults have fights in the family, the children in many cases are the ones who suffer and live with that memory forever and a day, even as adults.

I hope that with this legislation the police will be empowered and have enough resources to be able to act out of hours, in particular, because family violence does not just occur between the hours of 9.00 a.m. and 5.00 p.m., it occurs late at night and on weekends. We need the police force to be trained to take the necessary action so that they will have restraining orders and the women and children will not have to be grabbed, put in a police car and taken to the nearest refuge they can find — sometimes on the other side of Melbourne from my area in the western suburbs — which displaces and dislocates these women and children totally from their family networks and supports and further traumatises the whole family.

The perpetrator in most cases, as members have heard speakers say before, is the male partner in the relationship. He is the one who should be removed and restrained until there is legal action and the police or the person herself can take out a restraining order and the police enforce it. If a restraining order is issued the police should then enforce that restraining order. That will help our society have a far better future. We can see with this legislation the intent of the Attorney-General and this Parliament. I commend the bill and wish it a fast passage through the house.

Mr JENKINS (Morwell) — I rise to support the Crimes (Family Violence) (Holding Powers) Bill. In doing so, I recognise, as many other speakers have, that family violence is predominantly a crime by men against women and also against their families. It is with that background that I speak about the more recent history — the history that I have been able to witness in my lifetime, which has not been all that long.

There was a time when women felt that they had little, if any, options when there was violence being perpetrated in the home — one of the reasons being that society for some reason that may seem reasonably bizarre nowadays paid less regard to family violence than it did to other forms of societal violence. It was a completely inappropriate way of thinking, and hopefully future generations will have more and more difficulty understanding how we let it go for so long. It is not too long ago that women, in particular, were advised in violent situations to go back and do what they could to keep the family together. The focus was on keeping the family together at any cost and too often it became a case that keeping the family together was continuing a violent situation year after year.

What we have seen as a society is a change of attitude. No longer must women and families stay in violent relationships; no longer must they continue to remain in violent situations. There has been a whole range of changes by successive governments, not just this government, to ensure that women and families feel safer in those sorts of relationships and are more capable of addressing those sorts of relationships. They no longer have to stay.

One of the big issues when a violent situation and incident occurred — and I know this from direct involvement — involved women being able to have an immediate, measured response. Rather than having the option of perhaps sponsoring a long-term criminal charge against their spouse or remaining in a violent relationship, they often chose to stay in that long-term relationship and save their spouse. Again, society encouraged them to do so.

What has also been important is to be able to have a measured response at the immediate time. This bill talks about the immediate post-incident situation, the 6 or 10 hours after the response takes place, which is so important. Women in that situation, in particular with families, have historically been able to say, 'We need to be able to get past that. Before we get into the full swing of the legal realm and those other remedies that may be due to us, we need to get over that night. We need to be in a situation where our families are safe and where we can more measured in our response', and where they can actually think more clearly about what responses are available to them.

I congratulate the people who contributed to formulating this bill. I commend the hard work done by officers of the Department of Justice, because the bill addresses the very real issue of what happens immediately after an incident of family violence, how we can ensure that women and their families remain

safe, and how their spouses or those who have perpetrated such incidents can have some form of timely and appropriate judicial intervention. I commend the bill to the house.

Ms MORAND (Mount Waverley) — I want briefly to make a contribution to the Crimes (Family Violence) (Holding Powers) Bill. This bill gives effect to part of the whole-of-government strategy to give improved justice and protection for women who experience domestic violence. As other members have said, the amendments in the bill are based on the recommendations of the Victorian Law Reform Commission's (VLRC) family violence police holding powers interim report, which was tabled in September last year.

I take the opportunity to commend the Victorian Law Reform Commission for this work and the other significant work it has done, including its report on the defences to homicide. I also want to congratulate the Attorney-General and the Minister for Women's Affairs for their continued commitment to improving the justice system for victims of family violence.

Police response to family violence is essential to improving the safety and protection of victims of violence. Most family violence happens after 5.00 p.m. on weeknights and on weekends. Currently police officers can only apply for an interim order by phone or fax to an on-duty magistrate. The VLRC report states that under the current system it can be difficult for police to respond effectively and provide the level of safety to women who are suffering from domestic violence under those current conditions.

A good example is provided on page 11 of the report. It says police officers were called to a domestic violence incident and had to go back there four times during the night, in between trying to do the paperwork so that they could get an intervention order. Police did not have a clear authority to hold or remove the violent male from that household in that particular example.

This bill will support the police in their attempts to respond to family violence by giving police the power they need to detain the perpetrators of family violence and to give protection to the victims — the women and often the children involved, as well. In summary, I am sure that this bill will improve the protection of victims of violence. I commend the bill to the house.

Ms LINDELL (Carrum) — It gives me great pleasure to rise to speak on the Crimes (Family Violence) (Holding Powers) Bill. In 1990 I worked for former police minister Mal Sandon, who conducted a

Violence is Ugly campaign. It was an amazing campaign which actually was one of the forerunners in putting domestic violence fairly and squarely in people's faces and saying that for too long we had allowed this scourge to be perpetrated in the homes of men, women and children. Homes are supposed to be where we are safe. We talk about the safety and security of a home, yet society was condemning women and children to lives of misery and, as a community as a whole, we were turning our backs on them.

The Violence is Ugly campaign was one of the very first campaigns to raise community awareness. I remember a gentleman who came to see the former police minister and challenge him on the state's right to interfere with his right, as the head of the family and the head of the household, to do as he wanted in the confines of his home. That happened only 16 years ago. We have made amazing progress, certainly in the last six years, in making sure that the community rejects violence against women and violence against children, that the community outs and condemns violent partners, be they male or female, and condemns the whole notion of violence, particularly domestic violence and family violence.

Police officers now have a different attitude. They do not scurry around saying it is only a domestic and can wait; they do not need to go there. Then they are quite impotent when they do attend. Guidelines now set strict regulations for police to follow. We are finally accepting that perhaps we can allow women and children not to be guilty partners or players in family violence. We can say to them that they can stay in their home and we will remove the violent member of the family. Children can be raised to think that perhaps it is not their fault they had to go away from home, to change schools and live in strange surroundings.

Perhaps the ultimate result of the changes we make tonight is that we will have a generation of children who are firm in their belief that they do not have to submit to family violence or accept violence from a partner as something that is just a way of life. They will have the courage, self-motivation, self-preservation and self-standing to accept that violence is not a part of family and that it has no place in a family situation. As a society we will all be much better off.

I commend this bill to the house and I congratulate both the Minister for Women's Affairs and the Attorney-General for the continued, constant and progressive reforms in this area. I know that Victoria is a much better place for these reforms.

Mr BATCHELOR (Minister for Transport) — I seek to sum up this bill and in doing so thank the members of this Parliament who have spoken thus far. According to my recollection there have been some 25 members who have spoken. In particular I would like to thank the members for Kew, Rodney, Bentleigh, Scoresby, Northcote, Brighton, Derrimut, Box Hill, Gembrook, Sandringham, Oakleigh, Ferntree Gully, Hastings, Narre Warren North, Yuroke, Kilsyth, Richmond, Tarneit, Macedon, Mordialloc, Bellarine, Keilor, Morwell, Mount Waverley and Carrum. I would like to thank those members and the opposition parties for their expressed support for this bill.

This bill has a number of quite laudable objectives. In the appropriate language that is gender neutral it seeks to provide a much safer environment for families. In the cultural context in which we find ourselves in Australia that means looking after the mother and children in a relationship in the more normal set of circumstances. I suppose in a sense it is really challenging the old-fashioned, violent patriarchy that some people thought was the norm in the Australian community and which in my view has not been the norm for quite some time. In legislative terms the Victorian Parliament is making a very clear statement today that it believes that is not the case.

The bill amends the Crimes (Family Violence) Act to create a holding power for police where a person has allegedly used violence towards a family member and where the police intend to apply for an intervention order on the behalf of the aggrieved family member and believe on reasonable grounds the holding power is necessary to ensure the safety of the aggrieved family member or to preserve their property. In those gender-neutral terms it explains and sets out the objectives, but the stark reality is it is there to try to protect the interests of women in relationships that are deteriorating and breaking down, and of course to protect the interests of any children who form part of that relationship.

The purpose of the bill is really to ensure the safety of the aggrieved family member but protections are provided for the person who is held, especially as the holding power is a civil form of detention without criminal charge. There are a number of protections in the bill, including that the holding power will not be able to be used to interview or question a person in regard to any criminal offence, persons who are detained will have the usual rights of communication with a friend or relative or legal practitioner, and the holding power will not prevent the court from hearing from the defendant in an intervention order complaint. Police will be obliged to notify detained persons when

they are held under a holding power and the consequences of failing to comply with that power, and the holding power is limited to 6 hours, and 10 hours in exceptional circumstances, after the application of the court.

As many members from both sides of this chamber have articulated in the debate, on which the Parliament is in agreement, this is a bill which will bring some sense of safety and security back into family circumstances that are in a very delicate and fragile state of disintegration and provide some protection. I thank all the members of this chamber who have supported the bill.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Remaining business postponed on motion of Mr BATCHELOR (Minister for Transport).

ADJOURNMENT

The ACTING SPEAKER (Mr Ingram) — Order! The question is:

That the house do now adjourn.

Cardinia: inquiry

Mr HONEYWOOD (Warrandyte) — The matter I wish to raise is for the attention of the Minister for Local Government in another place, Ms Broad. I specifically request the minister take action to inform the Parliament, and myself directly, as to why an inquiry by Local Government Victoria which was initiated in July 2004 has yet to be finalised or acted upon.

In July 2004 an official complaint, including a statutory declaration, was provided to Local Government Victoria regarding interference by Cr Ronald, the current mayor of the Cardinia Shire Council, in the tendering process for construction of approximately 730 metres of road and drainage in Henry Road, Pakenham. As the minister is well aware, Cr Ronald has a direct but undeclared pecuniary interest in this project and is a principal beneficiary of the road construction. Official minutes of a council meeting held at the time this project was decided on indicate that Cr Ronald did not declare his interest and proceeded to vote on the relevant motion.

Initially Local Government Victoria gave the appearance of acting upon the genuine concerns raised with it. I understand it initiated legal proceedings before the Supreme Court to require Cr Ronald to attend an interview with its investigators and produce documents, which he had previously refused to do. As part of her response I specifically request the Minister for Local Government to inform me of how much her department had expended on legal costs for this investigation up to 31 December 2005. I understand it is upwards of \$100 000. Given how intriguingly slow this inquiry has become — we are going back to 2004 here — the public surely has a right to know how much it has spent so far and why the minister is content to let this matter drag on without resolution.

As part of her response to my concerns the minister might also like to inform me and the Parliament why her department has taken no action in response to the alleged failure of Cr Ronald to provide his pecuniary interest declarations in the trust that is the direct beneficiary of this road project for 2004 and 2005.

It seems the Minister for Local Government has a habit of giving different investigations the go-slow or the fast track according to political imperatives. This is a blatant case, we believe, of a situation where the minister's political imperative is such that she does not want this inquiry to come to an end. She is quite content to waste hundreds of thousands of dollars of taxpayers money in Supreme Court costs and other legal costs while keeping this inquiry into Cr Ronald petering along at its own pace in order not to have a resolution that would be against this government's political interests.

Macclesfield Primary School: redevelopment

Mr MERLINO (Monbulk) — I would like to raise a matter for the Minister for Education and Training. The action I am seeking is that the minister ensure that full planning for the stage 2 redevelopment of Macclesfield Primary School be approved as soon as possible. Macclesfield Primary School is a terrific school in my electorate with an energetic principal in John Chiswell, along with his staff, school council, students and the local community. However, it has been a school in need of major capital improvement.

With the support of the community I advocated for stage 1 improvements during 2003 and early 2004, and in the 2004–05 budget the Bracks government responded with funding of \$1.254 million for the construction of a new multipurpose facility, an art and craft room, staff and administration space and a new canteen. Construction of stage 1 is now almost complete. In my visits to the school I have been struck

by the terrific design of these new facilities. The new buildings have been very welcome to the community, to the staff at the school and, most importantly, to the students. The school has taken the opportunity provided by the redevelopment of building an additional mezzanine floor in the multipurpose room and negotiating with the Shire of Yarra Ranges to construct a sporting oval on the shire's property next door.

It is now time to shift our focus to stage 2 of the school's redevelopment. Stage 2 entails the construction of eight general purpose classrooms and a library. I again ask the minister to grant approval for full planning of stage 2 to allow detailed design and costing of this vital project to get under way as soon as possible. The redevelopment of Macclesfield Primary School is an excellent example of the Bracks government's commitment to education in Victoria. I would also like to take this opportunity to acknowledge the hard work of the Macclesfield Primary School community in what it has achieved to date in the transformation of the school.

Insurance: fire services levy

Mr DELAHUNTY (Lowan) — I raise a matter for the attention of the Treasurer. It concerns a fire services levy which is collected by the insurance companies to pay for nearly 80 per cent of the cost of running the Country Fire Authority and the Metropolitan Fire and Emergency Services Board. The action I seek from the Treasurer is that he develop a stable, adequate and equitable funding mechanism to pay for our important fire services. This is a hot issue in western Victoria with the many bushfires impacting on many communities. Following the fires, grants were offered by the government of up to \$21 900 to people who lost their houses and were uninsured or underinsured.

It is interesting to note that those who are paying the bulk of the insurance levy are those who are insured. The fire services levy, which is charged on top of insurance premiums, increased from 40 per cent to 50 per cent from 2004 to 2005. In other words, for every \$100 spent on insurance cover, a business in rural Victoria pays an additional \$50 fire services levy, GST of \$15 and 10 per cent stamp duty, making it \$16.50, increasing the total cost of insurance by a massive 81.5 per cent. It is estimated that in 2005–06 the government will collect \$204 million, but I have also gained further information from the budget papers which shows it is planning to collect \$1 billion on insurance premiums. Again, I say that a person paying a \$100 premium will pay \$181 when they include their taxes. We think that is unfair because a message is being given to people that if they insure they will not be

given help. It is the wrong message. We are saying, 'If you insure and pay the fire services levy to fund our vital fire services, we will not give you government help'.

Victoria has the highest taxes on insurance premiums in the world. As I said, this government has budgeted to raise nearly \$1 billion in insurance taxes in 2005–06. It is interesting to note that Queensland, South Australia, Western Australia and the Australian Capital Territory governments have all tried premium-based systems but have abandoned them because they allowed taxpayers to escape their obligations by way of underinsurance or non-insurance.

A lot of people have complained that the government is double-dipping and should not be collecting stamp duty on top of the levy when GST proceeds are also coming to the state. The Nationals have put in a submission saying that we believe it should be done on property assets. We think that is a more equitable system. I call again on the Treasurer to develop a more equitable funding system for the fire services levy.

Great Ocean Road International Marathon

Mr TREZISE (Geelong) — I raise an issue for action with the Minister for Transport. It relates to the safe and effective running of the Great Ocean Road International Marathon to be held from 20 to 21 May this year. The marathon is essentially run between Lorne and Apollo Bay, a distance of 43 kilometres, on the magnificent Great Ocean Road. Staging this event along a very busy tourist route requires much planning, and operational arrangements must be put in place and enacted. Most of that work falls back on VicRoads in conjunction with event managers and other organisations such as Victoria Police, local councils and, significantly, the Colac Otway Shire Council. The action I seek is that the minister ensure that VicRoads provides the necessary operational support to the event to protect the safety of runners whilst traffic disruption is kept to a minimum.

The Great Ocean Road International Marathon was first conducted in 2005 and proved a magnificent success. It attracted a large field of both national and international elite marathon runners and allowed amateur runners to compete against elite athletes including the likes of Steve Moneghetti, who is also the patron of the event. Staged over two days, it consists of not only the full marathon between Lorne and Apollo Bay but also a half marathon run between Kennett River and Apollo Bay, and two other events are held on the Saturday: a 14-kilometre run between Apollo Bay and Paradise, which sounds pretty good to me; and a torture run, a

6.5-kilometre run from Apollo Bay to Mariners Lookout and back. The elite event is a full marathon that is run against a magnificent backdrop, the Great Ocean Road.

Last year Channel 7 aired a 1-hour documentary on the marathon, which I happened to see on the Sunday afternoon. The program was superb and great publicity not only for the event but also for the region as a tourist destination. The state government's recent \$14 million upgrade of the Great Ocean Road surface was much appreciated by the runners and support crews alike. I congratulate Caribou Promotions and its director, John Craven, on their ongoing efforts to ensure that this event will continue to thrive. I am sure the event will achieve international recognition with the assistance of VicRoads ensuring runners are safe and traffic is effectively managed. I look forward to the minister's action.

Police: Brighton

Ms ASHER (Brighton) — I raise an issue for the Minister for Police and Emergency Services in relation to an outrageous plan to reduce police numbers in Brighton. The action I am seeking from the minister is to stop Labor's plan to reduce police numbers in Brighton and to restore full staffing. If the minister needs a suggestion as to where the money could come from, I can suggest the government cuts its \$80 million advertising budget this year.

A report on 31 January in the *Bayside Leader* disclosed the existence of an internal police memo which moots cutting 22 police from Bayside and Kingston. More disturbing is a quote attributed to Superintendent Ian Winn saying that Brighton could cease being a 24-hour police station and become a part-time, 16-hour police station, which is completely unacceptable to me and my constituents. I have raised the issue of the Brighton police station being a stand-alone, 24-hour police station many times in this chamber, and I received an assurance from the former minister on 20 May 2003 that:

Brighton is and shall remain a 24-hour station.

I received a further letter dated 11 July 2005 from the current Minister for Police and Emergency Services reiterating the previous minister's assurance that the police station would remain a 24-hour police station, almost admonished me for raising it, and then went on to say:

... no further consideration has been given to any options which would result in the closure of Brighton police station.

The police in Brighton do a particularly good job. Again there is statistical evidence of crime rates that show that there have been some improvements in the area. However, alarmingly, we have had a couple of very high-profile deaths in the electorate — one outside the Mint nightclub and one of course this week, with Mario Condello being gunned down in East Brighton.

I have a very simple request of this Minister for Police and Emergency Services — that is, that he not tamper with police numbers in Brighton. We have an entitlement — just as everyone else does — to basic services, basic community safety, a 24-hour stand-alone police station and current police numbers. I have received two assurances — one in the Parliament and one in writing — from two Labor police ministers in this term of government, and I am appalled to see Superintendent Ian Winn now floating something completely different from what both ministers assured me of in Parliament and in writing.

I call on the minister to quash these plans, to assure me again that this is merely speculation and to restore to my community — the electorate of Brighton — the basic policing rights for which we have a justified expectation.

Seymour Technical High School: performing arts complex

Mr HARDMAN (Seymour) — I wish to raise a matter with the Minister for Education Services. The action I seek is that she approve Seymour Technical High School's community facilities funding application for a performing arts complex. This funding would assist the school to finish the project, which is a very major one. The project has received a great deal of community input through fundraising efforts. Many dedicated teachers and community members have provided countless hours and expertise to develop this facility, which the community will be able to utilise in the future.

The complex will provide some facilities that do not exist in the Seymour area at the moment. The facilities will provide quality of life and opportunities for young people in the performing arts. At the moment these facilities are lacking in our town. The problem is that significant funds are required to finish the project. That is why I am seeking the minister's action to provide the funding as soon as possible for the performing arts complex. It will consist of a tiered auditorium, some general purpose classrooms and music and drama classrooms, the storage you need for performing arts purposes, meeting rooms, amenities and 23 car parking spaces.

This facility has already been utilised for community events. The town of Seymour does not actually have a shire office anymore, as it was sold off with the amalgamation of local governments, which I will not go into at the moment. This project is important to the Seymour community. Many people have shown this by contributing through the purchase-a-seat program for the auditorium. They do not actually own the seats; they just pay a bit of money, and I think they get invited to an event once a year — that was the idea at the time.

The former principal, Bill Brearley, and the school's teachers have designed, planned and sourced and collected second-hand materials to make this project possible. It is a real credit to them that it has got to this stage. The Royal Antediluvian Order of Buffaloes has also donated a significant grant to this project. I am pleased to have advised it about this important project and to have put it in contact with Bill Brearley when he was principal, as it was looking for a worthy project in Seymour and it has really helped this project along.

The project began a long time ago. The Kennett government issued the first seed funding of \$500 000 many years ago, so the community has been waiting for a long time. However, if members saw the value that taxpayers and the community have got for their money — and the sorts of facilities this will offer into the future — they would be astounded. I urge the minister to please fund this project as soon as possible.

Mildura Specialist School: bus service

Mr SAVAGE (Mildura) — I raise an issue for the attention of the Minister for Education Services. The Mildura Christie Centre is a not-for-profit organisation that provides day-care activities for adults and young persons with disabilities. I think it has about 38 clients currently. It is an excellent organisation that has a long history of serving the community. One of its big fundraisers for the year is the police and firemen's golf day.

This centre also provides a door-to-door service for the Mildura Specialist School. This year the Christie Centre bus service is conveying 81 students to the special school, which is an increase of 14 from 2005. The service is highly valued by parents, clients and the students of the special school. Unfortunately the Christie Centre's contract is for only six months more and could be cancelled at one month's notice. The centre needs to purchase a new coaster bus, which costs in the region of \$150 000. With such a short contractual arrangement there is no ability for forward financial planning to buy another bus, so the bus that is on order will be cancelled, which I think is a tragedy.

The Department of Education and Training is now suggesting that it will purchase second-hand buses after the Commonwealth Games and run the service from the Mildura Specialist School. I have some fears on behalf of the community that this will be no match for the Christie Centre-run operation and will disadvantage parents and students. I think the problems will be profound if it goes ahead. The action I seek is for the minister to issue a tender that has some certainty for the Christie Centre. I am not suggesting that it be in a monopoly situation; a tender would allow the best and most competent agency to do this work.

At the moment some of the children are on the bus for 1½ hours because of the nature of the door-to-door service and because there are 81 students, a significant increase. The current arrangements could be much improved, and if there were any change it would be sorely missed. I do not believe the Mildura Specialist School would want to run a bus service for 81 students, because it has enough issues to deal with at the moment without adding another dimension. The Christie Centre is a not-for-profit organisation. There is no funding for the bus services; it is taken out of revenue and comes also from the proceeds of public fundraising.

This is a unique situation. These are parents of children with disabilities who do not need any added dimensions of difficulty. I call on the minister to give some certainty for the future and put out a tender that is longer than six months.

Yarrambat Primary School: upgrade

Ms GREEN (Yan Yean) — The matter I raise is for the Minister for Education and Training, and the action I seek is for funding to be provided for a major capital upgrade at Yarrambat Primary School. Yarrambat primary offers a great education for students from families living in Yarrambat, Plenty and Doreen, and in particular the growing new housing estates to the north of the school. I have had the privilege of visiting Yarrambat Primary School on many occasions — for the annual quality art show, to promote the Premier's reading challenge last year, to hand over a Commonwealth Games flag or just for a cuppa. There is always a warm welcome at Yarrambat primary.

The school is situated in a beautiful bush environment at the rural and suburban interface. One of my duties on one visit was to assist the principal, Lorraine Shannon, to chase a large kangaroo out of the school grounds just prior to the students' lunch break. I pay tribute to my predecessors in representing the area, the current Minister for Community Services and Minister for Children and the late member for Greensborough,

Pauline Toner, for their role in ensuring that the current school is a bright, modern one.

However, the demand in the area for places at this great school has meant it is bursting at the seams. Four hundred and ninety-six students are enrolled this year in only five permanent classrooms. There has been a 15 per cent increase in students since 2000. This year's enrolments include 80 preps, with the demand next year looking like the number will be even higher.

Both the school and I are grateful for the master plan funding provided by the minister in last year's state budget, and the school has great plans for that funding. It is proposing to build five classrooms, a library, indoor sports facilities, which are currently not available at the school and which creates a large problem during wet weather, and a new staff room, because the staff are currently accommodated in what was a classroom, which they moved into when they outgrew the previous staff room. The plans propose the building of a futuristic middle years learning centre to cater for the needs of students in the years 5 and 6 age group, and the design has respect for environmental sustainability values, which are important to families in the area.

The government has looked after this great school with funding for sewerage connections, the reinstatement of the school crossing supervisor and the cost of traffic lights at the front of the school. However, due to the increased demand to attend this great school, funding for the proposed capital upgrade is needed in this year's state budget in order not to have overcrowding in the playgrounds. I urge the minister to deliver the funding for these great new facilities and give the Yarrambat community what it deserves this year.

Roads: footbridges

Mr COOPER (Mornington) — I have a matter for the attention of the Minister for Transport. I ask him to take immediate action to prevent death and injury to motorists from the impact of objects thrown at vehicles from bridges across major highways and freeways.

In January this year a shopping trolley was dropped on a car from a bridge over the Mornington Peninsula Freeway at Dromana. In October 2005 rocks were thrown from a bridge over the Hume Freeway extension at Whittlesea. In July 2005 concrete was dropped on a car on the Western Freeway at Bungaree. In January 2005 a bottle was hurled from a bridge over the Eastern Freeway at Blackburn. In November 2000 a rock was thrown at a car, again on the Eastern Freeway at Blackburn.

In June 1994 there were two incidents on the one night almost within minutes of each other. In one a 12-year-old boy passenger was hit by a rock which was thrown from a bridge over the Eastern Freeway at Yarra Bend; and a few minutes later a great lump of concrete was dropped on a car at the same location, the result being the death of a 36-year-old man. In 1998 in an incident south-west of Sydney at Menangle Park a truck driver was killed when concrete was dropped on his vehicle.

The incidents are occurring regularly, and it is a surprise, I think probably to everyone, that only one death from such incidents has been caused in Victoria in recent times. But there is no doubt that this will continue and that severe injury and probably deaths will occur. I am asking the minister to address this issue immediately. It cannot wait. It is one of those issues that possibly should have been addressed years ago but certainly it must be addressed right now. The way to tackle the problem is to erect barriers on all bridges over highways and freeways to prevent such objects from being dropped or thrown onto cars.

I again emphasise that the history of events in this state shows that action is needed. Certainly the fact that a shopping trolley can be dropped on a car — and it was from a great height as the bridge over the Mornington Peninsula Freeway is well above the road at Dromana — but that a death did not occur is a miracle, but those miracles can only occur so often and then somebody will die. I am asking the minister to look at this as a matter of urgency and take the action that I believe should be taken — that is, to erect barriers to prevent these objects from being thrown or dropped on motor vehicles.

Country Fire Authority: Yaringa boat harbour

Ms BUCHANAN (Hastings) — I raise a matter for the Minister for Police and Emergency Services. The action I seek is for the minister to investigate any available funding opportunities to support the Tyabb Country Fire Authority (CFA) in implementing a comprehensive fire response plan to service the Yaringa boat harbour precinct in the Hastings electorate.

Yaringa is a coastal hamlet on Western Port Bay and accommodates the privately managed Yaringa boat harbour, boasting over 50 berths of which over 20 craft are home to their owners. It is also the site of the Western Port Harbour Caravan Park, which has been well managed for the past four years by Peter and Robyn Axton, who focus on providing quality sites for senior Victorians, and the hamlet has about 30 private houses in a setting of coastal scrub and bushland.

Yaringa boat harbour is a booming recreational and commercial boat maintenance site reflecting the high growth in recreational boating that is attracted to the Western Port region. The restaurant and kiosk based there attract hundreds of visitors each weekend to this picturesque location.

Tyabb CFA approached me last Friday with a wish to address the high fire danger risk to businesses and residents in this area. On Sunday morning, along with Cr Aldona Martin, I conducted a site visit with them. For the past few years Tyabb CFA has responded to numerous grass fires that have threatened to engulf this isolated precinct. Tyabb captain John Morris, brigade secretary Brad Lemon and brigade members are keen to have installed on land pledged by the boat harbour manager a large-litre capacity water tank that will replace the current situation, which involves the filling of the tank by a generous donation of dam water from a neighbouring private farm property some kilometres away.

As this house would know, in the event of a fire the best form of minimising its spread is to lay down a blanket of foam. This fire retardation method is much more effective when using fresh water, and Yaringa is well placed, with access to salt water from Western Port Bay, but a freshwater holding tank for the CFA's use at this location would mean that the local brigades could be much more responsive and therefore much more effective in bringing any fires under control and extinguishing them in a shorter time frame. It also means that the threat of evacuation of the permanent residents, the seniors from the caravan park and any tourists is also greatly reduced, as is the potential loss of property for residents, the caravan park and boating-related businesses.

Tyabb CFA is a well-respected and much-loved institution in the Tyabb district, and it has gathered a large support base of community groups, local businesses and individuals keen to support its proactive community fire prevention and protection projects. It has a great team of volunteers who work hard and productively across the district for their community. They are a great bunch of champions, and I ask that the minister investigate thoroughly all opportunities to support Tyabb CFA in the provision of a freshwater storage tank for the Yaringa boat harbour precinct.

Responses

Ms ALLAN (Minister for Education Services) — I am very pleased to respond to the member for Mildura, who raised an issue on behalf of the Mildura Specialist School and the Christie Centre, which operates the bus

service to provide transportation for students to Mildura Specialist School.

I understand the concern of the member for Mildura, which is to ensure that the best possible service is provided to these students. I understand that in the past the Christie Centre has provided that service very well and that it is currently providing that service, although it is on a six-month contract, which I do acknowledge is different from what has operated in previous years. In previous years the Christie Centre has been offered a year-to-year contract for the service, and for 2006 the arrangements have been altered and will be evaluated after the Commonwealth Games. I acknowledge the concern of the member for Mildura about what this means in terms of the ongoing operation of the service and particularly the concern of parents in the community wanting to know what is going on with the service beyond the six-month contract provided for this year.

I will be pursuing immediately with the department a further examination of the contract, and I will have further discussions with both the department and the member for Mildura when that information becomes available.

The member for Seymour raised an issue, and in his typical style he made very strong representations on behalf of the Seymour community. Again it is on a matter very close to the heart of the member for Seymour — that is, the investment in school facilities. The member for Seymour has been an outstanding advocate for the Seymour electorate, particularly on matters concerning education, considering his previous occupation as a teacher. The vast number of projects going on in the electorate is indicative of the representations of the member for Seymour. He made representations this evening for funding for the Seymour Technical High School performing arts complex. He is looking for funding from the Community Facilities Fund, which is a terrific example of the way the Bracks government goes about funding its projects. We work in partnership with the community.

We want to invest in infrastructure, particularly in schools, which is great for students, but we also understand that these are assets that the whole community can use. The \$22.3 million worth of funding allocated to date has realised more than \$60 million worth of new shared community facilities right across Victoria — but I go back to the member for Seymour and the Seymour Technical High School. This project has been a little while not in the making but in the concluding, and certainly I understand that this is a

facility that will be well used by the community, particularly when one considers the vexed past that Seymour has had in losing its performing arts space.

It will be shared between the school and the community, and I want to acknowledge the partnership with the Royal Antediluvian Order of Buffaloes and the local community, particularly the local community members who bought a seat at the complex as part of the fundraising for the school. Those partners have contributed \$150 000 to this \$1.9 million project, and I am very pleased to be able to announce tonight that the Bracks government is going to be able to contribute \$520 000 to see the completion of this project.

I am very grateful, and I am sure the community of Seymour will also be very grateful, for the strong representations that have been made by the member for Seymour. I am very pleased to advise him of this funding tonight.

Mr PANDAZOPOULOS (Minister for Gaming) — The member for Warrandyte raised a matter for the Minister for Local Government in the other place relating to the current mayor of Cardinia Shire Council. I will pass that on to her.

The member for Monbulk raised a matter for the Minister for Education about stage 2 of the Macclesfield Primary School and having the planning stage approved for that process and for the project. I thank the member for Monbulk for his support for education and for Macclesfield Primary School.

The member for Lowan raised a matter for the Treasurer in relation to the fire services levy. I will pass that on to him.

The member for Geelong raised a matter for the Minister for Transport about the Great Ocean Road International Marathon. I encourage him to put his name up and participate in it. I know it is very popular in the tourism community in that area. It has huge international significance, and any support that we can give on an ongoing basis is good for the region.

The member for Brighton raised a matter for the Minister for Police and Emergency Services about Brighton police station and some reported information from a local police officer in her local papers. I will pass that on to the minister.

The member for Yan Yean raised a matter for the Minister for Education and Training about a capital works upgrade for Yarrambat Primary School in order to continue the work that predecessor MPs for the area have done and to keep supporting the school

community. I thank her for that support, and I will pass it on to the minister.

The member for Mornington raised a matter for the Minister for Transport about safety issues relating to items thrown off bridges and reported a number of incidents over recent years. It is a very serious and complex issue to resolve, and I will pass it on to the minister.

The member for Hastings raised a matter for the Minister for Police and Emergency Services about a fire plan for the Yaringa boat harbour, and I will pass that on to the minister as well.

House adjourned 9.37 p.m.

