PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Thursday, 22 November 2007

(Extract from book 16)

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

By authority of the Victorian Government Printer

The Governor

Professor DAVID de KRETSER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

Premier, Minister for Veterans' Affairs and Minister for Multicultural Affairs	The Hon. J. M. Brumby, MP
Deputy Premier, Attorney-General, Minister for Industrial Relations and Minister for Racing	The Hon. R. J. Hulls, MP
Treasurer	The Hon. J. Lenders, MLC
Minister for Regional and Rural Development, and Minister for Skills and Workforce Participation	The Hon. J. M. Allan, MP
Minister for Health	The Hon. D. M. Andrews, MP
Minister for Community Development and Minister for Energy and Resources	The Hon. P. Batchelor, MP
Minister for Police and Emergency Services, and Minister for Corrections	The Hon. R. G. Cameron, MP
Minister for Agriculture and Minister for Small Business	The Hon. J. Helper, MP
Minister for Finance, WorkCover and the Transport Accident Commission, Minister for Water and Minister for Tourism and Major Events	The Hon. T. J. Holding, MP
Minister for Environment and Climate Change, and Minister for Innovation	The Hon. G. W. Jennings, MLC
Minister for Public Transport and Minister for the Arts	The Hon. L. J. Kosky, MP
Minister for Planning	The Hon. J. M. Madden, MLC
Minister for Sport, Recreation and Youth Affairs, and Minister Assisting the Premier on Multicultural Affairs	The Hon. J. A. Merlino, MP
Minister for Children and Early Childhood Development, and Minister for Women's Affairs	The Hon. M. V. Morand, MP
Minister for Mental Health, Minister for Community Services and Minister for Senior Victorians	The Hon. L. M. Neville, MP
Minister for Roads and Ports	The Hon. T. H. Pallas, MP
Minister for Education	The Hon. B. J. Pike, MP
Minister for Gaming, Minister for Consumer Affairs and Minister Assisting the Premier on Veterans' Affairs	The Hon. A. G. Robinson, MP
Minister for Industry and Trade, Minister for Information and Communication Technology, and Minister for Major Projects	The Hon. T. C. Theophanous, MLC
Minister for Housing, Minister for Local Government and Minister for Aboriginal Affairs	The Hon. R. W. Wynne, MP
Cabinet Secretary	Mr A. G. Lupton, MP

Legislative Council committees

Legislation Committee — Mr Atkinson, Ms Broad, Mrs Coote, Mr Drum, Ms Mikakos, Ms Pennicuik and Ms Pulford.

Privileges Committee — Ms Darveniza, Mr D. Davis, Mr Drum, Mr Jennings, Ms Mikakos, Ms Pennicuik and Mr Rich-Phillips.

Select Committee on Gaming Licensing — Mr Barber, Mr Drum, Mr Guy, Mr Kavanagh, Mr Pakula, Mr Rich-Phillips and Mr Viney.

Select Committee on Public Land Development — Mr D. Davis, Mr Hall, Mr Kavanagh, Mr O'Donohue, Ms Pennicuik, Mr Tee and Mr Thornley.

Standing Orders Committee — The President, Mr Dalla-Riva, Mr P. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney.

Joint committees

Dispute Resolution Committee — (*Council*): Mr P. Davis, Mr Hall, Mr Jennings, Mr Lenders and Ms Pennicuik. (*Assembly)*: Mr Batchelor, Mr Cameron, Mr Clark, Mr Holding, Mr McIntosh, Mr Robinson and Mr Walsh.

Drugs and Crime Prevention Committee — (*Council*): Mr Leane and Ms Mikakos. (*Assembly)*: Mr Delahunty, Mr Haermeyer, Mr McIntosh, Mrs Maddigan and Mr Morris.

Economic Development and Infrastructure Committee — (*Council*) Mr Atkinson, Mr D. M. Davis, Mr Tee and Mr Thornley. (*Assembly*) Ms Campbell, Mr Crisp and Ms Thomson (Footscray)

Education and Training Committee — (*Council*): Mr Elasmar and Mr Hall. (*Assembly*): Mr Dixon, Dr Harkness, Mr Herbert, Mr Howard and Mr Kotsiras.

Electoral Matters Committee — (*Council*): Ms Broad, Mr Hall and Mr Somyurek. (*Assembly*): Ms Campbell, Mr O'Brien, Mr Scott and Mr Thompson.

Environment and Natural Resources Committee — (*Council*): Mrs Petrovich and Mr Viney. (*Assembly*): Ms Duncan, Mrs Fyffe, Mr Ingram, Ms Lobato, Mr Pandazopoulos and Mr Walsh.

Family and Community Development Committee — (*Council*): Mr Finn, Mr Scheffer and Mr Somyurek. (*Assembly*): Ms Beattie, Mr Perera, Mrs Powell and Ms Wooldridge.

House Committee — (*Council*): The President (*ex officio*), Mr Atkinson, Ms Darveniza, Mr Drum, Mr Eideh and Ms Hartland. (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Delahunty, Mr Howard, Mr Kotsiras, Mr Scott and Mr K. Smith.

Law Reform Committee — (*Council*): Mrs Kronberg, Mr O'Donohue and Mr Scheffer. (*Assembly*): Mr Brooks, Mr Clark, Mr Donnellan and Mrs Maddigan.

Outer Suburban/Interface Services and Development Committee — (*Council*): Mr Elasmar, Mr Guy and Ms Hartland. (*Assembly*): Ms Green, Mr Hodgett, Mr Nardella, Mr Seitz and Mr K. Smith.

Public Accounts and Estimates Committee — (*Council*): Mr Barber, Mr Dalla-Riva, Mr Pakula and Mr Rich-Phillips. (*Assembly*): Ms Graley, Ms Munt, Mr Scott, Mr Stensholt, Dr Sykes and Mr Wells.

Road Safety Committee — (*Council*): Mr Koch and Mr Leane. (*Assembly*): Mr Eren, Mr Langdon, Mr Mulder, Mr Trezise and Mr Weller.

Rural and Regional Committee — (*Council*) Ms Darveniza, Mr Drum, Ms Lovell, Ms Tierney and Mr Vogels. (*Assembly*) Ms Marshall and Mr Northe.

Scrutiny of Acts and Regulations Committee — (*Council*): Mr Eideh, Mr O'Donohue, Mrs Peulich and Ms Pulford. (*Assembly*): Mr Brooks, Mr Carli, Mr Jasper, Mr Languiller and Mr R. Smith.

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 COUNCIL

FIFTY-SIXTH PARLIAMENT — FIRST SESSION

President: The Hon. R. F. SMITH

Deputy President: Mr BRUCE ATKINSON

Acting Presidents: Mr Elasmar, Mr Finn, Mr Leane, Mr Pakula, Ms Pennicuik, Mrs Peulich, Mr Somyurek and Mr Vogels

Leader of the Government:
Mr JOHN LENDERS

Deputy Leader of the Government:
Mr GAVIN JENNINGS

Leader of the Opposition:
Mr PHILIP DAVIS

Deputy Leader of the Opposition:
Mrs ANDREA COOTE

Leader of The Nationals:
Mr PETER HALL

Deputy Leader of The Nationals:
Mr DAMIAN DRUM

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Lenders, Mr John	Southern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Lovell, Ms Wendy Ann	Northern Victoria	LP
Broad, Ms Candy Celeste	Northern Victoria	ALP	Madden, Hon. Justin Mark	Western Metropolitan	ALP
Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	Pakula, Mr Martin Philip	Western Metropolitan	ALP
Davis, Mr David McLean	Southern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Davis, Mr Philip Rivers	Eastern Victoria	LP	Petrovich, Mrs Donna-Lee	Northern Victoria	LP
Drum, Mr Damian Kevin	Northern Victoria	Nats	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Eideh, Khalil M.	Western Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Guy, Mr Matthew Jason	Northern Metropolitan	LP	Smith, Hon. Robert Frederick	South Eastern Metropolitan	ALP
Hall, Mr Peter Ronald	Eastern Victoria	Nats	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Theophanous, Hon. Theo Charles	Northern Metropolitan	ALP
Kavanagh, Mr Peter Damian	Western Victoria	DLP	Thornley, Mr Evan William	Southern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vogels, Mr John Adrian	Western Victoria	LP

CONTENTS

THURSDAY, 22 NOVEMBER 2007

Thursday, 22 November 2007

The SPEAKER (Hon. Jenny Lindell) took the chair at 9.34 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 62 to 73 inclusive will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 2.00 p.m. today.

PRIVILEGES COMMITTEE

Right of reply

Mr LUPTON (Prahran) presented report on right of reply of Mrs Belinda Clarkson, together with appendix and extract from proceedings.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Alexandra District Ambulance Service — Report 2006–07 together with an explanation for the delay

Calvary Health Care Bethlehem Ltd — Report 2006–07 together with an explanation for the delay (two documents)

Gambling Regulation Act 2003:

Category 1 Public Lottery Licence

Category 1 Public Lottery Ancillary Agreement

Category 2 Public Lottery Licence

Category 2 Public Lottery Ancillary Agreement

Category 2 Public Lottery Transition Agreement

Goulburn Valley Health — Report 2006–07 together with an explanation for the delay

Health Purchasing Victoria — Report 2006–07 together with an explanation for the delay

Kooweerup Regional Health Service — Report 2006–07 together with an explanation for the delay (two documents)

Lilydale Cemeteries Trust — Report 2006–07 together with an explanation for the delay

Mallee Track Health and Community Service — Report 2006–07 together with an explanation for the delay (two documents)

Manangatang District Hospital — Report 2006–07 together with an explanation for the delay

Metropolitan Waste Management Group — Report 2006–07

Ombudsman — Report on the investigation into the use of excessive force at the Melbourne Custody Centre, together with a DVD — Report ordered to be printed

Portland District Health — Report 2006–07 together with an explanation for the delay

Robinvale District Health Services — Report 2006–07 together with an explanation for the delay

Victorian Health Promotion Foundation — Report 2006–07 together with an explanation for the delay (two documents)

Victorian Industry Participation Policy — Report 2006–07

West Wimmera Health Service — Report 2006–07 together with an explanation for the delay.

HEALTH (FLUORIDATION) AMENDMENT BILL

Introduction

Received from Council.

The SPEAKER — Order! I have received the following message from the Legislative Council:

> The Legislative Council transmit to the Legislative Assembly a bill for an act relating to the addition of fluoride to a public water supply, to amend the Health (Fluoridation) Act 1973 and for other purposes, with which they request the agreement of the Legislative Assembly.

The bill will be listed on the notice paper for first reading tomorrow.

BUSINESS OF THE HOUSE

Adjournment

Mr BATCHELOR (Minister for Community Development) — I move:

> That the house, at its rising, adjourn until Tuesday, 4 December 2007.

Motion agreed to.

MEMBERS STATEMENTS

Box Hill Hospital: redevelopment

Mr CLARK (Box Hill) — The recently tabled annual report for 2006–07 of Eastern Health highlights the government's delay in committing to the long-awaited redevelopment of Box Hill Hospital and the uncertainty being created for the hospital and the community. Page 35 of the report reveals that a final business case for the new hospital was endorsed by the Eastern Health board and the Department of Human Services as far back as December last year.

Despite this, and despite the government's election promises, the redevelopment was not funded in the state budget. Now almost a year has passed and there has still been no funding commitment. The annual report also makes it clear that Eastern Health has not even been told by the government when a decision on a funding commitment will be made and that in the absence of a commitment only limited further work is proceeding.

The continued delay in the redevelopment is forcing hardworking doctors and staff to struggle with rising patient numbers in an ageing and inadequate facility. This is the reason that Box Hill Hospital now has some of the worst patient treatment figures in Melbourne. The number of patients on the waiting list for urgent or semi-urgent surgery reached 1417 as at June this year, according to the June 2007 *Your Hospitals* report, compared to 507 as at June 1999. That amounts to a massive 180 per cent increase under the Bracks and Brumby governments.

Only 40 per cent of semi-urgent patients are treated within the recommended 90 days compared with the government's own benchmark of 75 per cent; only 58 per cent of urgent emergency patients are treated within the benchmark of 30 minutes; 39 per cent of non-admitted emergency patients are forced to wait for more than 4 hours for treatment. The redevelopment of Box Hill Hospital needs to proceed urgently.

Mr Stensholt interjected.

The SPEAKER — Order! I ask the member for Burwood not to interject in that manner during the making of a members statement.

White Ribbon Day

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I rise in support of White Ribbon Day this Sunday, 25 November, which is the International Day for the Elimination of Violence Against Women. Wearing a white ribbon is a visible sign that the wearer does not support violence against women, and it obliges the wearer to make the community aware that violence against women is totally unacceptable. In the city of Knox, under the leadership of Knox Community Health, we are developing an accord to eliminate violence against women. I was pleased to speak at the accord's inaugural community forum on 7 November. The accord signifies that the Knox community opposes all forms of violence against women, supports existing services that respond to violence when it occurs and is committed to developing local strategies and policies to prevent violence. I will be joining players from the Hawthorn Football Club and the Melbourne Victory next week at Knox shopping centre to further promote the accord, and I urge all members of the house to wear white ribbons this Sunday as we work to eliminate violence against women.

Menzies Creek Primary School: 125th anniversary

Mr MERLINO — On Saturday, 17 November, I had the pleasure of attending the 125th anniversary of Menzies Creek Primary School. The school began in 1892 with just 30 students and one teacher whom it shared with another local school. Now it has 155 students and is set to grow even further over the coming years. This special event saw past teachers and students from across Australia come together to celebrate with current students. Throughout its 125 years Menzies Creek Primary School has been a wonderful institution focused on excellence in education and being an essential part of the local community. Congratulations to principal Tanya Cook, who is a wonderful and energetic educator, school council president Debra Brown, school captains Shakira Fletcher and Andrew Ritchie, and everyone from the school community who worked on this excellent community celebration.

Odyssey House: funding

Mrs POWELL (Shepparton) — On Friday, 16 November, I had the honour of officially opening the Odyssey House Golf Day and Auction Dinner at the Mooroopna Golf Club. The day was organised by John Dowling, manager of Odyssey House, and Jacki Mirtschin and their team to raise much-needed funds for Odyssey House, and about $15 000 was raised. The Nationals member for Northern Victoria Region in another place, Damian Drum, the mayor of the City of Greater Shepparton, Cr Jenny Houlihan, and Cr Eric Bott, were also there to support Odyssey House, as was Mr Nigel Dick, the founder of Odyssey House. The

guest speaker was Mr Chris Connolly, football manager of Melbourne Football Club. I would like to thank Mooroopna Golf Club for its support of Odyssey House over many years and also Mooroopna Rotary Club, a great service club of which I am an honorary member, for its longstanding support and commitment to Odyssey House. I also thank the buyers at the auction and the golfers.

While the centre at Shepparton continues to help people get over their addiction to drugs and alcohol, sadly the Odyssey House rehabilitation centre at Molyullah near Benalla closed on 5 September due to lack of funding, even though there was a long waiting list for its services. My colleagues the member for Benalla and Damian Drum and I visited Molyullah with John Dowling, where we met the management and spoke to the residents, who told us of the importance of the program and the support they received, which is vital to their ongoing health. The Nationals asked for state government funding to assist this centre to stay open. Sadly the government refused. Shepparton magistrate Reg Marron said that the closure deprives magistrates of the opportunity of putting offenders through this program rather than a jail term. I urge the government to fund this centre to allow people to be rehabilitated in country Victoria.

Ted Chidzey

Ms NEVILLE (Minister for Mental Health) — I, and many people in Bellarine, are saddened by the recent death of Ted Chidzey, who was a well-known and much-loved local identity.

Ted was born in Dimboola, and as a young man served in New Guinea during World War II. He was awarded a series of medals, including the Pacific Star and the Australian Service Medal and became a proud and involved member of the Returned and Services League. After the war Ted met and married Peg. They were life partners and celebrated their 60th anniversary earlier this year. They lived in Geelong for over 30 years. Ted was an engine driver and worked for Shell, the State Electricity Commission and Phosphate Co-op in North Shore. He and Peg retired to Drysdale 21 years ago and became very involved in the local community. Ted drove the bus for the SpringDale neighbourhood centre. He was on the committee of management for 11 years and was vice-president for the last 2 years.

I had the pleasure to work with Ted when I was the coordinator of SpringDale neighbourhood centre. He was a regular visitor and looked out for staff and volunteers and made us all laugh. I will miss him enormously. He and Peg were also involved with Cottage by the Sea and Glastonbury Children's Services. Ted was a wonderful person who made a real impact on all who knew him. He loved life and he will be greatly missed. I offer my condolences to his wife, Peg, his son, Glenn, his daughter-in-law, Annette, and his grandchildren, Lyndel and Andrew.

Ambulance services: vehicle fleet

Mrs SHARDEY (Caulfield) — It is claimed that the Metropolitan Ambulance Service (MAS) and Rural Ambulance Victoria (RAV) expect paramedics to drive ambulances which have odometer readings in excess of 230 000 kilometres. Previously ambulances were retired at 150 000 kilometres. Paramedics have contacted my office and expressed concern that they are putting their patients' lives in danger as well as their own if they have to respond to code 1 emergencies in these vehicles. It is also claimed that both the MAS and the RAV, in a cost-cutting exercise, intend to run their fleets of ambulances indefinitely — that is, with no maximum age or kilometre requirement before replacement. It is also claimed that many ambulances do not make it to their code 1 emergency patients. They break down along the way and another vehicle has to be found to attend the emergency.

Recently two paramedics were stood down for allegedly refusing to attend a code 1 emergency because the ambulance they were given had done excessive kilometres and they were concerned for their safety. During the past month a 56-year-old heart attack patient died after an ambulance that had done more than 150 000 kilometres broke down on its way to attend him. A Sunbury crew racing to a code 1 emergency had to turn back when the vehicle could not accelerate past 80 kilometres an hour on the flat and 40 kilometres an hour uphill. Independent safety checks carried out this month on six ambulances found that five were unroadworthy. Faults included loose steering tie rods, et cetera.

Victorian School of Languages: Galvin Park centre

Mr PALLAS (Minister for Roads and Ports) — I recently had the pleasure of launching the new Victorian School of Languages centre at Galvin Park Secondary College in my electorate of Tarneit. With 15 000 students enrolled in the VSL and over 350 000 students studying languages in Victorian government schools, I was proud to support the VSL opening at Galvin Park Secondary College as a vital part of local students' education.

The first language the school is offering is the Karen language of Burma. This is, I believe, the first time that the language will be taught anywhere outside of Burma and Thailand. In 2008 additional languages like Sinhala and Chinese will be offered at the centre. The VSL offers 40 different languages, while 22 languages are taught in government primary schools and 19 in secondary schools. Within Werribee we have a vibrant Karen community, and through the VSL students are enabled to study the language in an accredited language program.

The Victorian School of Languages received $8.7 million in 2007 through the student resource package, and the Victorian government provides a further $50 million annually to Victorian government schools for languages other than English. This is a continuation of the Victorian government's strong commitment to providing outstanding and innovative language programs to all Victorian students. I would like to thank Frank Merlino, the principal at VSL, Peter Newland, the principal of Galvin Park Secondary College, Ganemy Kunoo, the national president of the Australia Karen Organisation, and Mrs Nan Shwe Yi Myar Kyaw, the Karen community coordinator, for making this initiative happen.

Gaming: Intralot contract

Mr O'BRIEN (Malvern) — I raise yet another example of the Brumby government's dishonesty in the gaming portfolio. Specifically the Minister for Gaming recently emailed Ian Urquhart, who had complained that the government's awarding of the licence for scratchies to Intralot was going to have a detrimental impact on many Tattersall's agents. In his email reply to Mr Urquhart of 30 October 2007 the minister wrote:

> I don't believe you are correct in asserting that the Intralot rollout will be completely separate to Tattersall's. It would certainly be the intention of many small businesses that currently provide the full range of Tattersall's products that they will from 1 July 2008 be able to offer both Tattersall's and Intralot products.

He goes on to say:

> Agents will secure commission agreements from both operators in coming months.

Here we have the minister assuring Tatts agents that the introduction of competition will mean agencies can sell both Tattersall's and Intralot products. So what was the reaction of Tattersall' s agents in receipt of a letter dated 13 November 2007 from Bill Thorburn, chief executive of Tatts Lotteries, which states:

> … a number of outlets … have been defined and listed in the new licence as … Tattersall' s only outlets …
>
> …
>
> For Tattersall' s only outlets, of which you are one of approximately 130 across the Victorian retail network … it is an ongoing requirement … that only Tattersall's lottery products be displayed and sold.

The reaction of these agents was that the gaming minister had either been deliberately duplicitous or just did not know what was happening. Either way, the minister must explain what the government will do to ensure that his guarantee that agents will be able to sell both Tattersall's and Intralot products is not just another Brumby government gaming lie.

John Kennedy

Mr BROOKS (Bundoora) — I rise to pay tribute to Mr John Kennedy, who is retiring after serving as principal of Loyola College since its founding in September 1979. Loyola is a highly regarded coeducational Catholic secondary school in the Ignatian tradition. The college is located on 26 acres in Watsonia, in the heart of the Bundoora electorate, and it serves much of north-eastern Melbourne with the motto 'Justice, mercy, faith'.

Prior to his role at Loyola College, Mr Kennedy had worked in a number of leadership roles in schools in Victoria and New South Wales. Mr Kennedy has represented Victoria on the executive of the Association of Principals of Catholic Secondary Schools of Australia. He has twice been elected president of the Principals Association of Victorian Catholic Secondary Schools and has served as committee member of the Catholic Education Commission of Victoria, the Grants Allocation Committee (Secondary) and the Victorian Catholic Schools Association. In 2000 he became a member of the Association of Heads of Independent Schools of Australia.

Through his leadership and stewardship of the Loyola school community Mr Kennedy has helped to create a fine educational institution in Melbourne's north-east. I would imagine that one of Mr Kennedy's highlights from his time at the school would have been the re-securing of the beautiful Jesuit seminary building in 2001, which had been sold by the state government in 1994. The seminary is now used for many purposes, but some of my colleagues will be familiar with it from its use for the Loyola art show, which was first held in 1982.

I commend Mr John Kennedy for his contribution as principal at Loyola College, spanning some 30 years. It is a record of fine achievement, and the legacy he has created at Loyola College will be enjoyed by students who attend the college well into the future.

Lowan electorate: community events

Mr DELAHUNTY (Lowan) — The Lowan electorate is a very exciting place to live and visit. Western Victorians have been under the influence of drought, which has impacted heavily on their health and wellbeing, but they are resilient and innovative, and last weekend's events highlighted that they have much to be proud of.

Last Saturday, along with my wife, Judie, I was privileged to attend the Back to Sandford event to celebrate the sesquicentenary of Sandford from 1857 to 2007. The first activity was the opening by the mayor, Cr Gilbert Wilson, of the new Sandford stock bridge, funded by the federal government. About 300 people walked over the bridge to the recreation reserve, and while having a barbecue they shared stories about their school, which was closed in 1980; their football, netball and tennis teams; their fire brigade; and many old buildings such as the hotels and Sandford House, the home of the Hentys.

On Sunday we attended the Vectis Lutheran Church, about 18 kilometres from Horsham, for a service to celebrate 100 years of worship in that brick church, which had been restored following many hours of working bees. Over 100 people returned to view the photos and other memorabilia. What a great event!

We then attended the opening of the new community centre and independent living units of the Horsham Sunnyside Lutheran Retirement Village. Congratulations to the board and the chief executive, David Grimmett, for what is a tremendous asset catering for our seniors in their retirement. Also over the weekend the Dunkeld races were held — the event to be at in western Victoria!

All these activities and others highlight that the Lowan electorate is an exciting place to live and visit, and they show that Victoria is much bigger than Melbourne.

Water: goldfields super-pipe

Mr HOWARD (Ballarat East) — On Tuesday of this week I spoke about my concern about the super-pipe project, which is vital for Ballarat. This $180 million project, which is very important, is under construction at the moment. I also spoke about my disappointment that despite hearing from the federal Opposition leader, Kevin Rudd, that he will, if he comes to government, contribute 50 per cent of the cost of this project, and despite regular deputations from the community of Ballarat to the Howard federal government, we are yet to see a promise of any federal capital contribution to this project.

Imagine how I felt when, after having said this on Tuesday, I learnt that the Prime Minister was in Tasmania on that very day and had offered $450 million to the people of Tasmania to secure their water supplies — at the same time as we are seeing the super-pipe under way with no money for capital works coming from the federal government for this vital project for the Ballarat community.

Clearly the Howard federal government has no interest in Ballarat. It is only interested in offering money, in a last-ditch attempt to stay in government, to people in those seats and those areas which are marginal to the government. The people of Ballarat can quite rightly be again outraged by the position of the Howard federal government. We look forward to seeing the Rudd government elected on Saturday and to seeing Ballarat getting its fair share of funding — as it should, like other communities of Australia — to ensure that our water security is in place.

Remembrance Day: Croydon

Mr HODGETT (Kilsyth) — Like many of my colleagues in this house I joined in a Remembrance Day service held by the local RSL club in my constituency on 11 November. The Croydon sub-branch service was attended by many members of the community and included involvement from local schools and air cadet corps. A simple but moving service in Croydon can remind us all in this house of the great cost involved in protecting the freedom of nations around the world. As time has scarred the minds of humanity with many wars and even more lethal methods of destruction, we should never lose sight of the sacrifices in the fields of Europe and the sacrifices of those who serve us bravely in conflicts overseas today. Lest we forget.

Croydon Stroke Support Group

Mr HODGETT — The Croydon Stroke Support Group provides an enormous number of opportunities to those in our community who have suffered from this life-altering and potentially debilitating illness. In February of this year I was approached by the association's president, Gillian Simons, about some resistance she had encountered when trying to hire from one of the bus fleets a low-rider bus with a low-floor kneeling capability and push-down seats near the front to allow between four and six of the group's members in wheelchairs to take part in some of the day tours put on by the group.

Following telephone calls, questions and even some negative press, we heard nothing from the public transport minister's office. Finally, mid-morning yesterday I received confirmation of the acceptance of my 21 October letter to the minister. I am pleased to announce to this house that by lunchtime I was advised that the Ventura bus company is more than pleased to provide a low-rider bus to this fantastic community organisation. It is disappointing to think that by prolonging her direct intervention in a community group's efforts in an opposition-held seat the minister has only hurt the lives of some of our community's most vulnerable.

Helen and Merv Baker

Mr LANGDON (Ivanhoe) — Today I pay tribute to Helen and Merv Baker, who recently retired from Haig Street Primary School after dedicating a combined 30 years service to our local community.

Helen was first employed as the school bursar in 1989 and Merv followed six years later after retiring as a bank manager. Helen and Merv endeared themselves to the community not only for their work ethic but also for their willingness to listen, help and support families at the school. As a result they received many invitations to join families at birthdays, christenings and family celebrations. Helen worked long hours managing the office and the financial affairs of the school. She also tended to sick children, sold uniforms to parents and was generally a good sounding board to the many mothers who needed to talk to someone. Helen knew all the students and their families by first names and was instrumental in introducing new Somali families to more established Somali families. She was an integral part of the school.

Merv was Haig Street's Mr Fix It and our bus driver. In many recent times he worked with extension maths groups and showed great aptitude. Each week the children were challenged to solve a mathematical problem and as the weeks went on they rose to the challenge. After being such an integral part of our school and school community it will be hard to replace their contribution. They have worked tirelessly for the students, parents and staff and have made Haig Street a very special place for the community of West Heidelberg. I commend them and their work for the community.

Crime: homicide victims support group

Mr TILLEY (Benambra) — On 27 February 1998 Warren Forbes was convicted of armed robbery, robbery with assault with intent to rob and theft-associated charges. He was sentenced to seven years imprisonment with a non-parole period of five years. He already had an extensive criminal history.

On 6 January 2002 Ross Kimball suffered a fatal stab wound outside an Albury hotel. On 29 May 2002 Warren Forbes was charged with his murder and remanded in custody. Ross's parents, Mr and Mrs Bruce Kimball, have suffered the enormous loss of their son and are continually faced with the fact that if Mr Forbes had not received early release their son would still be alive today. As this was a matter in New South Wales, Mr and Mrs Kimball received assistance during the whole process from the New South Wales homicide victims support group.

This group was founded by victims and partially funded by the New South Wales government approximately 14 years ago. The group now receives increasing funding and has an office, administrative support and six full-time support counsellors. We can learn about the best things and bring those to Victoria, but ultimately the goal is having a victim of crime advocate on the Adult Parole Board of Victoria. Victoria does not have such an organisation, and Mr and Mrs Kimball, as are many other victims in Victoria, are strongly supportive of one being set up to ensure that victims are cared for in Victoria.

Balibo Five

Mr HUDSON (Bentleigh) — Last Friday New South Wales Deputy State Coroner Dorelle Pinch handed down her findings in relation to the inquest into the death of Brian Peters, one of the five Australian-based journalists killed at Balibo in East Timor on 16 October 1975. Coroner Pinch found that the Balibo Five were not armed; they were dressed in civilian clothes; they were not with any Fretilin soldiers; they had clearly identified themselves as Australians and as journalists; they had their hands raised in the universally recognised gesture of surrender; they were not killed in the heat of battle or caught in crossfire. Instead they were killed deliberately by members of the Indonesian special forces on orders given by Captain Yunus Yosfiah to prevent them from revealing that Indonesian armed forces had participated in attacks on then Portuguese Timor.

The coroner recommended that prosecutions be commenced by the Attorney-General under the Commonwealth Criminal Code for war crimes. After 32 years of whitewash and denial, Coroner Pinch has had the courage to expose the truth. Whoever forms government after Saturday must now have the courage to seek the extradition of those responsible. For too

long scant respect has been paid by Australian governments to the dedication of the journalists and subsequently their families by failing to rigorously pursue these criminal acts. Now there is an opportunity to honour them by demanding that the killers be brought to justice. Australia's relationship with Indonesia can never be sound unless it is based on mutual respect for human life, the rights of citizens and the rule of law.

Dental services: Gippsland

Mr BLACKWOOD (Narracan) — The Minister for Health continues to ignore the crisis in access to public dental health services in Gippsland. To get into a public dentist in Moe you will have to wait an appalling six years. The integrated area-based planning undertaken as part of the Care in Your Community program has identified that 22 public dental health chairs are required in Central West Gippsland to address the huge unmet need. There are only two chairs available in Warragul, and they are specifically for the school dental program. There is no access to public dental health services for adults in Warragul, which has a population of over 13 000 and growing.

Also to the Minister for Health I express my grave concern about the recent allocation of rural patient WEIS (weighted equivalent inlier separation) payments to the West Gippsland Health Care Group. The group applied for 174 rural patient WEIS payments but received only 70. Why is it that the West Gippsland Health Care Group has to continue to struggle with unprecedented growth and demand whilst always taking second place to other Gippsland health care providers on funding distributions on the advice of senior Department of Human Services bureaucrats?

I also call on the Minister for Health to assist the West Gippsland Health Care Group by funding the development of a new master plan for the hospital site at Warragul. The old plan was drawn up in 2001 and had a use-by date of 2005. It is critical that a new plan be developed as soon as possible.

Australian Labor Party: Corangamite federal candidate

Mr CRUTCHFIELD (South Barwon) — I would like to congratulate the Labor candidate for Corangamite, Darren Cheeseman, on running a fantastic campaign. 'The Cheese' has made extensive commitments for Corangamite, and I contend that his commitments in one election campaign certainly far outweigh those of the current sitting Liberal member, Stewart McArthur, over his 25 years of representing that electorate.

Darren has committed to a recycling project at Black Rock, community facilities at Waurn Ponds and Torquay and lights at the South Barwon Football and Netball Club, as well as some significant road commitments, which I am sure even The Nationals would support. Darren has also committed to funding stages 4A and 4B of the Geelong ring-road. Close to $110 million of federal funding has been allocated to that worthwhile project. Just yesterday in this house the minister announced that Darren had committed $110 million of federal funding to the duplication of the Princes Highway through to Winchelsea. This has been exceptionally well received in Corangamite, particularly in the rural towns of Winchelsea and Colac. I note that the mayor of Colac Otway shire, Warren Riches, was on 3LO yesterday espousing the Labor Party's commitment for his town of Colac.

Tourism: Echuca-Moama

Mr WELLER (Rodney) — I draw attention to the very serious issue affecting the tourism sector in Echuca-Moama. As a result of the ongoing drought, tourist bookings for the coming holiday season are at an all-time low. Echuca Moama Tourism has reported a decline in occupancy rates of between 20 per cent and 30 per cent during the past three months, and the trend looks set to continue through December, January and February. Echuca Moama Tourism has attributed the downturn to the prolonged drought and the fallout that has occurred as a result of the negative publicity surrounding the water level of the Murray River.

I would like to set things straight. The Murray River is still flowing at Echuca-Moama and is well and truly open for business. The paddle-steamers and houseboats are still operating; the speed boats are still towing skiers; the fish are still biting; and as always, the sun is shining. Echuca's historic port and High Street precinct offer a truly unique and memorable tourism experience, as do the many award-winning wineries, shops, restaurants and cafes.

It is fast becoming the home of festivals. Visitors to Echuca-Moama can enjoy the delights of the Riverboats Jazz, Food and Wine Festival, the Southern 80 ski race in February, the Echuca Cup carnival in March, the Echuca Rotary Steam, Horse and Vintage Rally in June, the Winter Blues Festival in July, and the Heritage Steam Festival in October. Echuca Moama Tourism is mounting a publicity campaign to convey the message to regular visitors that the river is still

flowing and that the usual river-based, fun-in-the-sun holiday is still very possible.

Len Crabbe

Ms MUNT (Mordialloc) — Today in this place I wish to pay tribute to the life of Len Crabbe, who was born in 1922 and passed away on 18 July 2007.

Mr Crabbe started work at 15 in Western Australia as a telegram boy to help support his parents. During World War II he served on HMAS *Sydney* as a radio operator, transferring just before its sinking and the loss of many of his friends to HMAS *Deloraine* when it sailed to Darwin Harbour at the time of the Japanese attack on Darwin. Len spoke to me often of his interest in HMAS *Sydney*, and I have mentioned it in the house on occasion on his behalf. He also spoke of his grief at its loss and the loss of all his comrades. He was part of the unveiling ceremony at Geraldton for the memorial to HMAS *Sydney* and to all those whose lives were lost. He was very proud to be included in that particular event.

Len often dropped into my office, and my staff and I looked forward to his visits very much. We miss him. He was a family man who loved his family and his lovely wife. He was a favourite of mine and also a favourite of the staff of my office. Len was an accountant, a named member of the Fremantle Legends footy team of the century and fine teller of tales — a born raconteur. He had an inquiring mind and a sharp intelligence, and he was a man of honour and loyalty. Condolences go to his family.

Crib Point: bitumen plant

Mr BURGESS (Hastings) — Three days before the last state election the former member for Hastings provided the Crib Point community with a written promise on behalf of the state government that it had ruled out allowing a bitumen facility at Crib Point. Shortly after the election, the government supported Boral's application.

I have already raised this matter in this house on five separate occasions: on 20 December 2006 and on 15 February, 23 May, 6 June and 1 November this year, and I have written to a variety of people within the government, including the Premier. I have also met with literally thousands of constituents on the matter, and the message is always the same — the community does not want this plant. The Mornington Peninsula Shire Council wrote to the planning minister some time ago, asking him to call the project in. In answer to a question in the other place earlier this week, planning minister Justin Madden gave a response revealing of the Brumby government's attitude to promises it makes to the community. The minister's approach was that because the Labor member was not re-elected, the promise magically no longer counted.

My question is: if the community, council, chamber of commerce and the majority of local members of Parliament have all said no to this project, who exactly is it that the government is listening to when it supports the project?

Crib Point: HMAS *Otama*

Mr BURGESS — After five years of inaction by the Bracks and now Brumby governments the Otama submarine project at Crib Point is going to be scuttled to make way for the Brumby Boral bitumen facility. Time is running out. The Brumby government must act now to save this project on behalf of the local community.

Movember 2007

Mr BURGESS — Movember is about to end, and people can donate at www.movember.com.

Geelong: Bay FM Christmas appeal

Mr TREZISE (Geelong) — Last Friday night, 16 November, I had the pleasure to attend the sixth annual Bay FM Bethany Giving Tree Appeal. This magnificent community-based appeal allows and encourages people, organisations and businesses from all over the Geelong region to donate gifts to the giving tree appeal. In turn these presents will be distributed by locally based community welfare organisations to needy families throughout Geelong just prior to Christmas.

Organisations that distribute these gifts are numerous and include Bethany Community Support, the Zena Collective, Barwon Youth, the Barwon Youth Accommodation Service, MacKillop Family Services, Glastonbury Child and Family Services, the Salvos, the St Laurence, the Wathaurong Aboriginal Cooperative — and the list goes on.

Christmas, of course, is a wonderful time of year for most of us, but as members of this house are well aware, it can also be a source of great hardship for many families in need. The giving tree appeal is a great Geelong community initiative that ensures many families throughout the region do not go without. The appeal enjoys the support of a wide range of businesses and service clubs throughout the Geelong region, and they are to be congratulated for their efforts. This year

the launch was held on the foreshore, with many people in attendance, including Santa and the Geelong East school choir.

I take this opportunity to congratulate all the people involved, including Bryce Neilsen, Bay FM, Aileen Ashford and her team at Bethany Community Support. This is a great initiative, a great appeal, and one that will bring much happiness to many families in Geelong at Christmas.

Bulleen electorate: funding

Mr KOTSIRAS (Bulleen) — I stand to condemn this lazy, inept and incompetent Labor government for providing no funds for the electorate of Bulleen. I have called on many occasions for this government to supply some money for the upgrade — —

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

GAMBLING LEGISLATION AMENDMENT (PROBLEM GAMBLING AND OTHER MEASURES) BILL

Second reading

Debate resumed from 21 November; motion of Mr ROBINSON (Minister for Gaming).

Mrs SHARDEY (Caulfield) — I rise to speak on the Gambling Legislation Amendment (Problem Gambling and Other Measures) Bill 2007. As has already been stated by the member for Malvern, the Liberal Party does not oppose this legislation. In fact we have been very much at the forefront of supporting measures to address problem gambling in our community, which affects a very large number of people. There are some different views as to what proportion of people are affected, but suffice it to say it is a very large number of people. The measures in this legislation at least bring Victoria more into line with the Australian Capital Territory and South Australia, the two jurisdictions that have the strongest responsible-gambling codes.

I will just very briefly mention the things this legislation does. In relation to the Gambling Regulation Act it requires venue operators to conduct self-exclusion programs, requires various licence-holders and others to have responsible gambling codes of conduct, and makes it an offence for a venue operator to knowingly allow an intoxicated person to gamble, although I understand there are some issues around that. It further limits the availability of automatic teller machines in gaming venues; imposes further limits on venue operators with respect to the cashing of cheques by customers; ensures that the Victorian Commission for Gambling Regulation does not specify gaming machines that are located outdoors; amends the requirements relating to the orders the minister makes in respect of community benefits statements; and improves the operation and effectiveness of the restrictions on the use of Victorian race fields by wagering service providers.

In relation to the Casino Control Act it requires a casino operator to have a responsible gambling code of conduct. It further limits the availability of automatic teller machines in a casino; makes it an offence for a casino operator to provide gaming machines outdoors; and makes it an offence for a casino operator to knowingly allow an intoxicated person to gamble at the casino.

This bill does a wide range of things, and the Liberal Party has expressed its concerns about some of those initiatives. I believe it needs to be recognised that problem gambling is also a public health issue. I refer particularly to a document put together by the Australian Medical Association (AMA) on problem gambling and public health. The authors of the survey looked at a number of areas of problem gambling and came to the conclusion that there is empirical evidence in Australia and overseas to suggest that problem gambling is a public health issue. They noted that over the past 25 years the net amount lost on gambling in this country has increased per capita from an average of $308.60 to an average of $736.32.

The AMA looked at a number of areas that it believed affected individuals, and it noted that:

> moderate to high levels of depression and anxiety have been found in problem gamblers;
>
> substance abuse and dependency is known to coexist with problem gambling;
>
> the majority of known problem gamblers are men, but the number of women who are known to be problem gamblers is escalating …

It also noted that:

> … females report boredom and loneliness as their primary reasons for gambling while males report non-emotional motivators or positive emotional motivators such as excitement as their primary reasons for gambling …

So there are very different reasons as between men and women. It also noted that:

> … problem gambling is often frequently found in individuals from a lower socioeconomic spectrum, including the unemployed and retired people —

which means that people who can least afford to gamble are probably participating.

> problem gamblers have been known to turn to illegal activities, particularly white-collar crime, to alleviate their gambling-related financial burdens;
>
> problem gambling is associated with marital disruption, family breakdown and domestic violence;
>
> problem gamblers often have one or both parents who are also problem gamblers —

so it is often within a particular family. Further:

> … a high proportion of children gamble illegally with evidence showing that 90 per cent of adult problem gamblers started to gamble before the age of 14 years.

I think that demonstrates that problem gambling affects our community in a wide number of ways and therefore impacts very much on the health of individuals. I looked at a research document called *Best Practice in Problem Gambling Services*. This document notes a number of deficiencies in the Victorian service area. I would like to turn to this document, which is a reflection of research done in 2003. It notes that:

> In the Australian context, community-based problem gambling service provision is the dominant model, but it is also the model least likely to have demonstrated with rigour the effectiveness of its interventions.

It notes that there are a number of problems that need to be looked at in relation to key methodological issues in addressing the definition and measurement of the treatment outcomes of problem gambling programs. The research document therefore makes suggestions to those who are delivering community-based programs.

The methodological issues include: poorly delineated selection criteria and procedures for the inclusion of gamblers into treatment programs; failure to take into account improvement in other areas of functioning in programs where criteria for success are based on whether or not the client abstained from gambling; lack of distinction between treatment effects in relation to different forms of gambling; varying levels of motivation to change in treatment populations, making generalisation of results problematical; lack of reporting of data on client intervention, rejection or attrition; difficulty in identifying the impacts of primary interventions when a number of interventions are used simultaneously; lack of clarity about whether reliable and valid measures of change are being used or how concepts such as improvement are measured; and lack of a clear-cut definition of what constitutes lapse or relapse in terms of gambling behaviour. The implications of the reviewers for service design were that services may be treatment specific or multimodal in orientation, but that interventions should be theory driven, evidence based and targeted.

In relation to Gambler's Help counselling practice, the research document notes that Gambler's Help problem resolution and post-counselling gambling behaviour outcomes compare very favourably with those attained by similar statewide services, notwithstanding Gambler's Help lacking well-developed outcome measurements for quality assurance purposes. The research suggests that this lack of standards for performance monitoring be addressed in the forthcoming review of practice standards in Gambler's Help that was commissioned by the Department of Human Services.

What this document is saying is that although these community-based programs and Gambler's Help line can achieve good results, there are problems in the measurement of how this is occurring, particularly in relation to the outcomes. It makes some recommendations, the main one being:

> In order to establish a better evidence base to inform service design and funding decisions, better outcome measures need to be developed and incorporated into routine outcome reporting by funded agencies.

It also says:

> … there is a need for the program to determine outcomes for those not completing the recommended intervention program.

People who are starting these programs but not completing them are not being followed up, so we really do not know what is happening to them in terms of their problem gambling.

The research makes a number of observations, and I have only a very short time to make some further observations about this legislation. The bill requires gaming venues to have in place approved self-exclusion programs, but it is noted that licensees already have self-exclusion programs, so the question is: what will the difference be? The bill gives the minister the ability to give direction in relation to self-exclusion programs, but it contains no detail as to what that will entail. I think people would like to understand what the detail will be. Also of concern is the fact that there is little evidence about how effective self-exclusion — —

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

Mr HULLS (Attorney-General) — This bill does recommend a number of amendments to the Gambling Regulation Act. I wish to speak in particular to those aspects dealing with amendments to the Victorian race fields legislation, which was introduced by this government in 2005. The current race fields legislation was the first of its kind introduced anywhere in the world and has actually been lauded by the local racing industry and by national and international racing authorities.

The race fields legislation was introduced primarily to protect the integrity of Victorian racing but also to ensure that wagering activities of non-Victorian bookmakers on Victorian races could be appropriately monitored by racing stewards. The legislation was also designed to put an end to what I described as free riding on Victorian racing by interstate and overseas wagering service providers. Since the introduction of that legislation, it has been intended that all interstate and overseas wagering service providers make a fair and reasonable economic contribution back to the racing industry on which their businesses are obviously based.

Previously the wagering activities of interstate and overseas bookies had been invisible really to Victorian race regulators. This meant that ordinary TAB punters were actually vulnerable to predatory practices, especially given the volume of turnover transacted by corporate bookmakers located in places like the Northern Territory, whose businesses are for the most part based on the racing programs of Victoria and New South Wales. We know, of course, that in Victoria we have the best programs of anywhere in Australia. In addition, all money wagers outside Victoria on Victorian racing product remain with those interstate and international wagering service providers. In 2005 this was estimated by the racing industry as being around $340 million worth of betting activity annually.

The current legislation requires that all non-Victorian bookies must seek formal approval from Victoria's race controlling bodies in order to operate on their respective racing product. Approval can be granted having regard to information-sharing agreements about betting transactions and the payment of an appropriate product fee. Bookmakers to whom a approval has been issued may then continue to publish race fields information for that particular code, whether it be thoroughbred, harness or greyhound racing.

As well as being lauded internationally as a positive step to address the issue of free riding by betting service providers, the legislation provided for the first time a mechanism through which state bookmakers, especially the corporate bookies located in the Northern Territory and in the Australian Capital Territory, could negotiate directly with Victoria's racing industry for access to its product. For many years prior to the introduction of this groundbreaking legislation in Victoria these bookies were professing their willingness to pay their way, but bemoaned the fact that there was no structural arrangement through which they could work with our local racing industry. Following the lead set by Victoria in this regard a number of other states, most notably Western Australia and New South Wales, passed similar legislation to require formal approval prior to publishing race fields information for racing in those states. As is often the case with groundbreaking legislation, those jurisdictions were certainly able to learn much from the Victorian experience.

Following representations from the Victorian racing industry, we have agreed to introduce amendments to the original legislation to further strengthen the intent of that legislation and also to clarify the powers that are provided to our racing controlling bodies. In addition the need for approval has been broadened to encompass the use of race fields information and will no longer restrict only its publication. This step has been necessary due to an assertion by some corporate bookies that bets taken via the telephone do not require them to publish race fields information and should therefore not be subject to the legislation. So despite the fact that previously they maintained they were very keen to contribute to the industry, some have now argued that the legislation does not apply to bets taken via the telephone.

This matter, along with a range of others, should now be 100 per cent crystal clear. The proposed amendments will provide controlling bodies with express permission to request more detailed information from wagering service providers and impose conditions when they apply to use Victorian race fields information. The proposed amendments will provide express permission for controlling bodies to impose a charge for the use of Victorian race fields information, it will provide an authorisation under the Trade Practices Act for controlling bodies to enter into agreements with one another for the purpose of collecting race field publication fees, and finally it will ensure a fair system of approvals by permitting a wagering service provider to apply to the Victorian Civil and Administrative Tribunal (VCAT) for a review if they feel aggrieved about a decision or condition which a controlling body imposes.

I summarise the race fields aspect of the legislation as follows: the amended bill will make it absolutely clear that the intention of the government's original legislation was to further protect the integrity of

Victorian racing by ensuring that betting activities on Victorian racing can take place only in an environment in which they can be effectively monitored by our racing regulators.

It also makes it absolutely clear that the days of free riding on Victorian racing by interstate and overseas bookies are finished. We have also ensured that our racing authorities take their responsibilities seriously by providing for a review by VCAT of any decision of the controlling body, to deny or revoke an approval or to impose a condition on an approval. This will ensure that the processes are fair for all involved. That is why I certainly support the bill before the house, and in particular the race fields legislation.

Talking about racing, in the very short time I have left it would be appropriate in this forum in relation to this legislation to congratulate all those who did such a magnificent job over a substantial period of time to keep equine influenza (EI) out of this state. We, as a government, put in place a whole range of measures, but we also worked very closely with the industry.

At a racing ministers conference that I attended in Sydney last week, the praise for people like Dr Hugh Miller, the chief veterinary surgeon in this state, was well received. Hugh Miller certainly took a lead on a national basis on the issue of equine influenza. At that meeting not only did I congratulate all those involved, including Racing Victoria Ltd and all those stakeholders who indeed worked so vigilantly to keep EI out of this state and ensure that we had a great Spring Racing Carnival, but I also renewed the calls that I have made to the federal Minister for Agriculture, Fisheries and Forestry, Peter McGauran.

I called on Peter McGauran, particularly as a Victorian, to ensure that part of the compensation package that has gone to New South Wales and Queensland comes to Victoria. Whilst our horses raced here in Victoria, it has to be remembered that we were putting on the show! We were putting in place the biosecurity measures, we were putting on a great spring carnival — and all the costs involved. If you are an interstate punter and you are betting on the Victorian product, the money actually goes back to the state from which you placed the bet. Therefore Victoria, whilst we were putting on the product, was actually losing money. As I said at the conference, to date it is estimated that some $15 million has been lost by the Victorian racing industry as a result of EI.

I continue to urge the federal government and Mr McGauran, who has a couple of days left in that portfolio, to understand that he is a Victorian. He ought to get fair dinkum and ensure that appropriate compensation comes back to Victoria as a result of EI. He has two days left!

Mrs FYFFE (Evelyn) — It is always a pleasure to follow the Deputy Premier, who is also the Attorney-General and Minister for Racing. The minister's passion for racing has always been very evident. In fact there have been many occasions when I have sat in this house and enjoyed his humour and his comments about racing. I well remember one instance when he used the names of the opposition leadership team and did a phantom race call of the Melbourne Cup, I think it was. It was very funny.

I have often thought that, if he was not in here, he probably could have a role in the theatre in stand-up comedy. Now of course he has taken on more weighty responsibilities and tells us that he has mellowed, although I have noticed that in the last few weeks, particularly at question time, he is actually training for another arena within the theatrical world, as a puppeteer.

The ACTING SPEAKER (Mr Ingram) — Order! The member for Evelyn, on the bill.

Mrs FYFFE — I am coming to the bill. The minister could probably be called a master puppeteer given the way he has managed ministers and the Premier at question time, but his passion for racing cannot be discounted.

I am pleased to say that, along with other members of my party, I do not oppose this bill. In fact there are two special parts of the bill that I most sincerely support. They are two direct copies of promises from the Liberal policy before the last election: imposing daily limits on withdrawals from automatic teller machines located near gaming venues, and extending self-exclusion programs to all hotels and clubs, not just to members of the Australian Hotels Association.

The bill does not cover the publication of reports about disciplinary action taken against venues for repeated failure to comply with the responsible gambling code of conduct. I think that is something that the minister should look at in order to make it fair, open and clearly transparent.

The bill does not in any way reduce the number of poker machines in Victoria. That is one of our policies that I sincerely wish the government had taken on board. We desperately need the number of poker machines to be reduced. I would have liked the promise of a reduction to have been even more than the 5000 which the Liberal Party promised. Instead what

this government has done amounts to a greedy grabbing for revenue — moving machines from perceived problem areas into other areas, thereby increasing the number of machines that those local residents can gamble from. Fewer machines would reduce the amount of money coming in.

The vending machine limitations will take effect in 2010. It is a good move, but I question the holding of multiple cards. How will that impose a limit? Most of us have more than one card in our wallets. This does not limit the individual, it only limits a card for a maximum withdrawal of $400 in any one day. The holder of two or three cards can very quickly withdraw $1200.

The gambling provisions for intoxicated persons are not extended to bookies on the track. I think that is something that should be done. I am not a gambler myself — I am one of those who has a bet on the Melbourne Cup and buys the occasional Tatts ticket — but having been to a few race meetings purely for the social experience, it is very obvious that alcohol and betting are very freely mixed and that people can bet far more than they can afford when they are intoxicated.

Previously the minister had very strong opinions. He actually made a submission to the gaming licensing review; his submission was jointly authored by the former member for Evelyn. They argued that having electronic cards would allow players to be monitored, that the introduction of player electronic cards would help to control problem gambling and that some players have the need to rely on self-exclusion.

Problem gambling is a very serious issue. If you do an internet search and type in the words ‘problem gambling’, over 36 million results from international sites are generated. In Australia alone there are 5.4 million problem gambling sites on the internet. I know that many of them are rubbish, but those figures show the seriousness of the worldwide gambling problem. This problem is not new in this century or even in the last century. However, we are making problem gambling easier by not limiting the access to vending machines.

Problem gambling can be defined as regular excessive gambling when typically the amount gambled is more than a person can afford and when more than a reasonable amount is being spent on gambling given an individual’s personal circumstances. Senior citizens on very limited incomes go into venues which offer very cheap meals, warm and comfortable surroundings, bright lights, people and company. Senior citizens are gambling money they cannot afford. People with gambling problems find it hard to control the amount they gamble and the frequency of their gambling. Some will gamble any money they have; others need to have a certain amount of money available to them before they feel the impulse to gamble. Problem gambling has serious negative impacts on everyday life. A problem gambler can have personal distress, which includes stress, anxiety, loneliness, depression, suicidal thoughts, feelings of hopelessness, helplessness and worthlessness, and relationship difficulties.

Gabriella Byrne is a well-known anti-gambling advocate. She is a reformed gambler, and she has talked passionately about the damaging effect that gambling had on her family. I have listened to her on several occasions. She speaks about how she stole from her children and her husband to fund her gambling habit. Her habit reached the point where her little daughter said, ‘Daddy, why don’t we buy a machine for Mummy to have at home so that she won’t take all our money and go to pubs all the time and gamble?’. The distress that gambling addiction can cause needs to be more seriously recognised. The submission on electronic gaming cards by the Minister for Gaming, which was made before he became the minister, must be given more serious consideration. The financial difficulties of problem gambling include unpaid bills, excessive debts, repayments in arrears, loss of valuable assets and others.

There are other issues regarding the bill. The member for Malvern raised the issue of TAB agencies. He highlighted the fact that while many are Pubtabs, the actual TAB agencies themselves are not licensed, yet staff are expected to be able to identify intoxicated people within the meaning of the principal act. The character of the drunk is not the one that is typically in comedy shows. Drunk people do not necessarily stumble, stagger or have slurred speech. Often people who are intoxicated cannot be easily identified as being intoxicated; some drunken people can be quite in control of their physical movements without showing the visible physical disability attributed to consuming too much alcohol.

Telephone betting was also highlighted by the member for Malvern. There is no suggestion in this bill that telephone operators will be exempt from these provisions. How can telephone operators tell that someone is drunk? There are many people who have speech impediments. I had a speech impediment for many years, and there are some words with certain syllables which I have to avoid. When I am tired, as I am today, my speech will often slur. That does not mean that I am drunk; it means that I am experiencing an occasional difficulty. I am sure that no member

would say that I was drunk at 20 minutes to 11 in the morning, although often in this house one feels the need for a drink a little earlier!

In those moving and fantastic advertisements for Scope, people are singing the Essendon Football Club song. If one of those people were placing a bet, how could the telephone operator know why they were slurring? At the TAB terminals no human contact is required to place a bet. How can the intoxication requirements be policed?

Before I finish I want to highlight the amount of money that is lost in the shire of Yarra Ranges in my electorate. According to a *Herald Sun* article of Monday, 13 August 2007, $33.3 million was lost on pokie machines. There are wide pockets of poverty in that shire, yet that amount of money was lost on pokie machines. Out of that $33.3 million, $8.7 million goes to this government. Gambling is an insidious disease. The majority of gamblers tell me they can control their habit. I do not know about that because I am not a gambler; I have worked too hard for what I have. I have never felt the urge to gamble except to have a Melbourne Cup flutter. I think this government has an opportunity to do far more to limit the opportunities for people to lose all of their funds.

Mr SCOTT (Preston) — It gives me great pleasure to rise to speak on the Gambling Legislation Amendment (Problem Gambling and Other Measures) Bill 2007. In my speech today I would like to focus on the aspects of the bill which deal with the protection of problem gamblers, which I think is an important issue in our community.

This issue is difficult, because there has to be a balance struck between the needs of ordinary community members to have their rights protected to participate in gambling activities and the need to protect those who cannot control their own behaviour and are often defined as problem gamblers. Historically there has been a slow shift from a position of outright prohibition to a more regulatory framework and approach. This bill fits into the latter part of that tradition. I am sure that in the future there will be more bills introduced along these lines because a perfect balance will never be struck. But I think this bill is a significant advance and measure for the future. It is worthwhile in this debate touching upon action which has already been taken by this government to protect problem gamblers and to deal with this complex issue.

This has included the introduction of caps on gaming machines in vulnerable areas; the elimination of 24-hour gaming venues outside the casino; a ban on smoking in gaming machine areas; changes to the configurations of gaming machines; limiting autoplay facilities and a freeze on spin rates; limiting access to cash from automatic teller machine and EFTPOS facilities — and this bill has further provisions to toughen up that approach — restrictions on gaming venue signage and a ban on gaming machine advertising; social and economic impact assessments of applications for more machines and new gaming venues; and fixing maximum density limits on the number of gaming machines in local government areas.

This bill should very much be seen as the continuation of a strong commitment from the Labor government to protect those in our community who are most vulnerable and who are unable to control their behaviour in gaming venues. I would like to highlight a couple of aspects of the bill in particular. As I mentioned earlier, this bill reduces the availability of cash at gaming venues and builds on previous action taken by this government.

The bill provides for a prohibition on locating at gaming venues ATMs (automatic teller machines) which allow withdrawals of more than a total of $400 in any 24-hour period. It also prohibits ATMs which do not comply with this $400 withdrawal limit from being located within 50 metres of the entrance to the gaming areas of a casino and within 50 metres of the entrance to a gaming machine area at a racecourse. It also limits the cashing of cheques at gaming venues to one cheque per day, with a limit of $400. I think these are sensible measures which will restrict access to cash and limit the behaviour of binge gambling, where individuals withdraw large amounts of money and are unable to control their behaviour. This is an important aspect of the bill which will limit the damaging effects of problem gambling in our community.

I would also like to touch on the aspect of the bill which limits the placement of gaming machines in outdoor areas. This correlates to a previous policy of banning smoking in gaming areas. I understand that in New South Wales gaming machines are allowed to be placed in outdoor areas, which allows people to smoke. I think there is a link between smoking and gambling. Importantly smoking creates breaks from gambling. If people who gamble wish to smoke, they have to go outside, have a break and reflect upon their behaviour and whether they wish to continue gaming. That is an important step, and it is important to make sure that the provision preventing smoking in gaming areas is protected within this legislation. I think this bill does that adequately.

Another issue which has been touched on by previous speakers is the ban on gambling by those who are intoxicated. Conceptually this is an important issue, because those who are intoxicated are often unable to make free choices and judgements about the decisions they are making as they gamble, including the money they spend in a gambling venue. This is an important measure to protect those who have problems and to make sure that gaming and gambling activities are choices that people make when they are able to make them, because losses can have significant impacts on families and other persons. It is important for the community to protect those who are unable to protect themselves because of their intoxicated state.

I know others wish to speak on the bill, so I will wind up my comments. This bill represents a continuation of the proud tradition of this government to protect those who are problem gamblers and to build a viable industry which looks after those who are unable to look after themselves. I commend the bill to the house.

Mr BLACKWOOD (Narracan) — It is with pleasure that I rise to speak on the Gambling Legislation Amendment (Problem Gambling and Other Measures) Bill. I will not be opposing the bill, but I do have some concerns about various elements of the proposed amendments.

The bill requires gaming venue operators — that is, pubs, clubs and the casino — to have an approved self-exclusion programs as a condition of their licences. The establishment and observance of an approved responsible code of gambling conduct is also to be a licence requirement for various forms of gambling licences, covering electronic gaming machines, wagering, lotteries, bingo and the casino. Self-exclusion programs and codes of gambling conduct are positive steps. Whilst their introduction will impose an extra cost on gaming venue operators, it will provide a much-needed safeguard for those who struggle to restrict their gambling to a responsible and affordable level.

The Victorian Commission for Gambling Regulation is prohibited from approving any gaming machines in outdoors areas. The prohibition on gaming machines being located outdoors also is essential. It would be almost impossible to supervise the operation of machines outdoors. It could open up the opportunity for under-age access to gaming machines and add more pressures to those who battle with a gambling addiction.

The bill makes it an offence for a gaming venue, casino or wagering operator to knowingly allow an intoxicated person to gamble. The definition of 'intoxication' is imported from the liquor laws. I certainly agree with the sentiment of this provision, but I have a real difficulty with the way it may be policed. Under the current liquor laws those serving alcohol are trained to identify those who are too intoxicated to be served and also trained in the correct procedure for dealing with the individuals or the circumstances.

This provision also raises some issues with regard to inconsistency, in that it does not apply to on-course bookmakers. Therefore it would be an offence to place a bet with the TAB while intoxicated but not with a bookie. This seems to suggest that the government did not consult with the industry prior to or during the drafting of the legislation and its introduction. From 1 January 2010 any automatic teller machine that does not limit withdrawals to $400 per debit/credit card in any 24-hour period will be banned from being located within 50 metres of the entrance to a gaming venue or the casino. The cashing of a cheque for more than $400, or of more than one cheque in any 24-hour period, is prohibited at a hotel or club gaming venue. These provisions do not apply to the casino.

The daily limit on withdrawals and the cashing of cheques is just another example of this government picking up and introducing policies that were developed and announced by the Liberal Party prior to the last state election. Of course it is a good move, but maybe there should be a similar restriction on the cashing of cheques in the casino.

The minister may issue ministerial directions relating to community benefit statements that refer to the kinds of activities or purposes that constitute or do not constitute community purposes. Also, it permits the minister to specify limits as to the maximum amount of gaming revenue that can be claimed under a category, whether by reference to a dollar amount, a percentage amount or other method.

A draft order was released in June 2007 to alter the requirements of the community benefit statement for community clubs. This caused major concern to those clubs, in particular to some clubs in my electorate of Narracan. It is pleasing to see that the government noted this concern and has consulted with these clubs and their associations more extensively. Whilst we still do not know the exact detail of what will be contained in any ministerial order, it appears that the community clubs are reasonably happy with the direction the minister is taking at this stage. We should not underestimate the contribution that these community-based clubs make. Wages paid by these clubs and the goods and services provided by local

businesses all enhance the economy of rural communities. The facilities play a major role in the social interaction and engagement of individuals and groups within our country towns.

I congratulate all the gaming venues right through my electorate — both clubs and pubs — for the very responsible and professional manner in which they conduct their operations and for the contribution they make to the local economy. I encourage them to continue to support the measures being introduced to reduce problem gambling. Acting Speaker, thank you for the opportunity to make this contribution to the debate. I will not be opposing the bill.

Ms DUNCAN (Macedon) — I am pleased to speak in support of the Gambling Legislation Amendment (Problem Gambling and Other Measures) Bill. I will start with the definition of 'problem gambling'. The government uses the definition developed by Gambling Research Australia, a definition which is also endorsed by the Australian Ministerial Council on Gambling. Gambling Research Australia says:

> Problem gambling is characterised by difficulties in limiting money and/or time spent on gambling, which leads to adverse consequences for the gambler, others or for the community.

This bill further implements the undertakings given by this government in its five-year Taking Action on Problem Gambling strategy for combating problem gambling in Victoria, and it does a number of things to meet those strategy objectives.

By way of a bit of background, gaming in Victoria grew quite dramatically in the second half of the 1990s, which in turn gave rise to significant concerns about problem gambling and the harm that it causes. Between 1996 and 1999 gaming machine expenditure grew in Victoria at an average of 16 per cent per annum, and by 1999 it was estimated that more than 2 per cent of the Victorian adult population were experiencing problems with gambling. That meant that more than 75 000 Victorians were estimated to be problem gamblers.

We have the lowest density of gaming machines of any state, apart from Western Australia, which does not have any machines other than at its casino. We have almost one-third of the density of machines of New South Wales and half that of Queensland and South Australia. We have implemented, and continue to implement, some of the most stringent regulations controlling betting and gaming. This bill goes further towards implementing those strategies.

It is important that we continue to do this. As we improve our understanding of the research we can continue to develop strategies that recognise and try to find the balance between protecting people who have a problem and allowing those who enjoy gambling to continue to do so.

One of the main features of the bill is the further clarification of what is meant by 'community benefits' when it comes to venues preparing community benefit statements. This bill seeks to clarify and strengthen the requirements for community benefit statements. The new ministerial order, which is implemented, sets out three types of community benefits. Class A is direct community benefits. It includes things like direct donations and gifts to the community for a whole range of purposes and activities; providing and maintaining sporting facilities; subsidising goods and services provided to club members and to the community; and voluntary services provided by club members and staff to the broader community. Things like direct sponsorship of a local sporting club would be considered a direct benefit. Clubs can claim the full value of amounts they spend on class A purposes and activities.

Class B is indirect community benefits. It includes indirect contributions such as those towards capital expenditure, financing costs, operating costs or retained earnings. Costs associated with gaming equipment or the approved gaming machine area of a venue cannot be claimed. Class B expenditure can only be claimed in proportion to the club's ratio of non-gaming revenue to total revenue.

Class C covers miscellaneous expenditure. It includes costs associated with responsible gambling measures, the reimbursement of reasonable volunteer expenses and the cost of repairing a community benefit statement up to a maximum of $3000. I remind the house that the community benefit requirements are to ensure that these venues spend, I think, just over 8 per cent of their revenue to provide benefits to their community. The bill further clarifies that, because over a couple of years there has been some confusion about what constitutes community benefit.

The other features of this bill include the introduction of further problem gambling measures. They include limiting the availability of cash at gaming venues, requiring gaming venue operators to have self-exclusion programs — many have voluntary self-exclusion programs, but the bill tightens this up — and requiring a range of industry participants to have responsible gambling codes of conduct, again making this a requirement. It also prohibits the outdoor placement of gaming machines and requires venue operators, waging operators and the casino operator to

prevent intoxicated persons from gambling. These are just some of the features of the bill.

I will speak about the prohibition on the outdoor placement of gaming machines. This follows the banning of smoking in gaming venues, which has helped to reduce both the increase in problem gambling and the growth in gambling revenue. A number of applications have been made in New South Wales for machines to be taken outside to follow the smokers, if you like. Where there are outdoor smoking areas, some venue operators are seeking to take machines out to those areas, which would mean that it would be possible to continue to gamble while smoking. That is at odds with the purposes of banning smoking in gaming venues, which, as well as being a broader health measure, is seen as a way of limiting problem gambling by creating a break in gaming activities. This is one of a number of measures in the bill.

This is the next step in taking action on problem gambling. This is not the end of the story; it is a work in progress, if you like. The strategy outlines the areas we need to continue to address and puts in measures to tackle the problem, while recognising that gambling is still a legal activity. I commend the bill to the house and wish it a speedy passage.

Mrs POWELL (Shepparton) — The Nationals do not oppose the legislation. We understand the terrible impact problem gambling has on families, gamblers themselves and the broader community. We also understand the impact of problem gambling in country areas, because there are limited resources — whether they be financial or counselling — for problem gamblers to access. We will support anything that will help people with a gambling problem. However, we should not lose sight of the fact that the large majority of the people who enjoy going into venues and playing gaming machines do gamble responsibly.

The bill has three main objectives. The first, which the government says is taking action on problem gambling, introduces new gaming measures regarding the location of and access to automatic teller machines and the requirement on licence-holders to have responsible gambling codes of conduct and to have, or strengthen, self-exclusion programs. Operators are now doing this voluntarily.

I have met a large number of gaming venue proprietors in discussing gambling legislation over the years that I have been a member of Parliament. Many of those people tell me they already try very hard to make sure that people with a gambling problem are not in their venue. That cannot always be done, because obviously problem gamblers are able to keep ahead of the game, and they move from one gaming venue to another. But I do know that those operators say it is not in their interests to have people with a gambling problem in their venues and that they and their staff try to do whatever they can to identify people who have a problem and to see if they can get them some help and let them know that help is available.

In the toilet facilities of most gaming venues generally you will see information posted there about where you can go for assistance if you have a gambling problem, and it will also identify some of the key points of what to check for to work out whether you have a problem with gambling or if you are actually just enjoying a gamble. The bill also makes it an offence for a gaming venue operator or the holder of a gaming licence to knowingly allow an intoxicated person to gamble.

The second objective of the provisions is to improve the operation and effectiveness of the restrictions on the use of Victorian race fields by wagering service providers. This will allow the minister to monitor all overseas and state wagering providers.

The third objective is to make amendments to the provisions in the legislation regarding the requirement that clubs make an annual community benefit contribution. The bill specifies the activities that constitute a community purpose and those that do not. The bill also imposes a maximum amount for what can be claimed as a community benefit.

I have met with the Shepparton Club, the Hilltop Golf and Country Club in Tatura, and the Mooroopna Golf Club regarding the impact on their clubs of the community benefit contributions that came in following the enactment of the last gambling bill we debated in this house. The Nationals lobbied for more time to allow those clubs and others in rural and regional Victoria to comply with the statements and with their contribution requirements. There is a lot of confusion around what is and what is not allowed and what has been allowed in the past, so we thank the government for allowing some time and leeway. These venues will now know what will or will not constitute a contribution, and they will be able to handle their money and their budgets accordingly.

The clubs in country areas tell me that a lot of clubs would have had to retrench staff because of the impositions of that last bill, so hopefully now that they have been able to have a look at the legislation, their budgets will be a bit easier to handle, and they will be able to comply with the arrangements. I understand that

there are a number of classes of contributions; I hope that will be of assistance to them.

This government has brought in a number of initiatives over the years, supposedly to help problem gamblers, but we have had no research or very little research in Victoria into whether those initiatives have actually helped and supported problem gamblers. I met with a number of clubs in my electorate right across the north-east of Victoria when I was in the upper house, and they again said they wanted to comply and make sure that problem gamblers were recognised and were assisted, but they did not believe that the issues brought forward by the government and the initiatives required of them would actually help problem gamblers.

I am not going to go through all of the initiatives, but they included being told to darken all of their windows. Then another resolution came in and they were told, 'No, we now require open light, so you have to remove whatever you put on the windows to darken them'. It was then decided that they had to put clocks on machines so that people had an idea of how long they were gambling for, and they had to put in air retractors to remove the cigarette smoke, and in some venues that has cost them hundreds of thousands of dollars. Of course, smoking is now banned in gaming venues, but again the impost was on the gaming venues. I am not saying that these issues are not important in making sure that those who are in the clubs are protected, but it is also important to understand that we still do not have any research into whether these restrictions have helped problem gamblers.

The Nationals at the last election had a number of policies that we thought would be able to assist in this regard. I will not go through all of them, but the Leader of The Nationals put on record in his contribution to the debate some of the policy directions that we thought would have assisted. One was to establish an independent academic research body based at a university in Melbourne to study, in particular, problem gambling and problem gamblers, similar to the work that has been done at Sydney University by Professor Blaszczynski. I know that many of us spoke about that research in our contributions to debate on a number of the gambling bills that have been before this house.

No research has been done on what will assist problem gamblers. If we are really serious about what we think will help, we have to stop imposing these hit-and-miss provisos on the gaming venues as a social experiment. We have to be realistic and try to understand what will and will not help problem gamblers. The Nationals also wanted to see the Victorian Commission for Gambling Regulation oversee and monitor the programs for people with gambling problems to make sure that those programs that do assist people with a problem with gambling are actually funded, supported and promoted, and that those that are not are removed, so that we are not putting money into gambling programs that do not work.

The Nationals policy also included dedicating one-third of the Community Support Fund's annual income to the support of problem gamblers. That would be about $40 million, and we think that if that sort of money were put into this area, then hopefully it would be able to let those people who have a problem with gambling identify that they do have a problem.

Just as an alcoholic has to identify and acknowledge that they have a problem, so should a person with a gambling problem have to acknowledge that their gambling has gone beyond just having a light flutter on the machines — in other words, that they have gone beyond being able to manage the money they spend on the machines and that it is hurting not just them but also their family, their friends and the whole community, because of the cost of supporting people with problem gambling. That cost even extends into the crime area, where people with a gambling problem are stealing from other people, whether it be their friends or their family, and there is also a huge cost to marriages. Problem gambling places a huge burden on the community.

What The Nationals are saying is that we do not oppose this legislation, but we are also calling for research so that we understand what it is that makes a person gamble and we understand what it is that will help those people get past their problem with gambling. We hope some of the measures in this bill will help, and that is why we do not oppose it, but again we urge the government to put funding into supporting and helping people with problem gambling, particularly in country Victoria, where, if somebody wants to stop their gambling, there need to be programs and people who can help them through the mess they have got themselves into, including financial planners who can help them deal with some of the issues they are facing when they spend all of their money on their problem.

It did not help when the government said in relation to a recent piece of legislation that wages could be given to employees in cash. That just means people will now have a disposable income in their pockets, and that when they are on their way home they can literally go into a casino or into a gaming venue and spend all of that money — which is not from an automatic teller machine, it is actually in their hand — and I know the

government is looking at that issue. I urge the government to bring in more research. We do not oppose the bill.

Mr LIM (Clayton) — It is so pleasing to hear that the opposition is now very supportive of this bill. You will recall, Acting Speaker, that when I first came into Parliament in 1996, my first intern did a study on gambling, particularly on the effect that the casino had on the Asian community. I will never recover from the fact that just 1 hour before I went into the media conference to release my findings with my intern, at 2 o'clock during question time the then Premier attacked me ferociously in this chamber. But we have turned full circle now and a lot of things have gone by, and it seems that now as community leaders and as legislators we all agree that there are a lot of things we have to do to address this problem, which is a scourge on our community.

Problem gambling is a social issue that I have had a concern about all this time, particularly about how it affects my community. The Asian community has been notoriously — and probably unfairly — branded as being or believed to be quite addicted to gambling, more than any other community. That would probably appear to be true if you just occasionally went into Crown Casino and saw that a high proportion of the people there were from an Asian background. That probably says a lot about perceptions. Problem gambling affects people from all walks of life, irrespective of their gender, ethnicity or occupation. I have seen the impact it has had on members of various Asian communities. As I mentioned I have seen how businesses can change hands overnight and how problem gambling has devastated the poorer sections of the community.

I came from a community where the womenfolk value their precious tradition of keeping everything in gold. They have everything in gold. The house has probably heard stories about people who transferred or changed everything into gold so they could escape from Vietnam and Cambodia when they fled from the communist victory at the time. To see them having to part with this gold when they came here, or after building up their meagre valuables and transferring them to gold, or being forced by their menfolk to gamble, was really heartbreaking. It goes to the core of what their being Asian — Cambodian, Vietnamese or Chinese — is all about. It is very hurtful to see this happening in the community. Having said that, we have come a long way as a result of a lot of the measures that the government has put in place to address this problem.

Psychologically, pathological gaming is an addiction similar in nature to other addictions such as alcoholism. One of the insidious things about poker machine addicts compared to other forms of problem gambling is that it affects men and women roughly 50 per cent for each gender. This compares to, say, horseracing where somewhere between 80 per cent and 90 per cent of pathological gamblers are male. The implications of 50 per cent of poker machine addicts being women is that this has a direct effect on the household budget with money for essentials, such as food and gas and electricity, being gambled away.

The bill adds to the measures previously taken to address problem gambling. The measures include limiting the availability of cash at gaming venues, and cash withdrawals from automatic teller machines (ATMs) will be restricted to $400. ATMs which do not comply will not be allowed. Likewise, the cashing of cheques will be restricted to $400, and I welcome the indication of the minister that he may consider scrapping this altogether.

Gaming venue operators will be required to have self-exclusion programs by law rather than voluntarily. I think this is a marked improvement. Further, I support mandating a range of industry participants to have responsible gambling codes of conduct, prohibiting the outdoor placement of gaming machines, and prohibiting venue operators, the wagering operator and the casino operator from permitting intoxicated persons to gamble. The majority of gamblers participate responsibly and view the activity as a recreation. However, some have a pathological addiction as serious as other people have an alcohol or drug addiction. The consequences can be devastating, not only for the individual but for their families and communities. I welcome this bill as part of the government's continuing commitment to tackle problem gambling. I commend the bill to the house.

Mr WAKELING (Ferntree Gully) — It gives me pleasure to rise to speak on the Gambling Legislation Amendment (Problem Gambling and Other Measures) Bill 2007. The bill seeks to make a number of changes with respect to gambling in this state. I must preface my comments by saying, firstly, that whilst the Liberal Party will be supporting the bill, there is certainly a lot more that the government needs to be doing on this important issue. We believe that the government and the minister, particularly, has dropped the ball on this important issue because of its dire effect on Victorian communities.

I have seen firsthand the impact of gambling within the community. In my former place of employment I saw

many people who suffered from gambling addictions. I recall one person in a finance role who embezzled up to $40 000. I saw the impact not only on our organisation but also the impact it had on that person as an individual who was well respected in the organisation and the impact that had on her family. I know firsthand the impact of gambling and the problems it has in our communities.

The bill seeks to require gaming venue operators to have an approved self-exclusion program as a condition of their licence and an observance of an approved responsible gambling code of conduct. In addition, the bill will be seeking to prohibit the approval of any gaming machines being located in outdoor areas. I am unaware of this occurring up until now, but that is a move that will be supported.

The bill will make it an offence for a gaming venue operator, casino operator or wagering operator to knowingly allow an intoxicated person to gamble. The definition of 'intoxication' is imported from relevant liquor legislation, and I will be dealing with that in a moment. Whilst on the surface that may seem to be appropriate, the way the bill is worded — its sloppy drafting — certainly makes it fraught with danger and open to abuse.

From 1 January 2010 any automatic teller machine that does not limit withdrawals to $400 per 24 hours per debit or credit card will be banned within 50 metres of the entrance to a gaming venue or the casino, and the cashing of any cheque for $400 or more than one cheque in any 24-hour period is prohibited at a hotel or club gaming venue. But this provision will not apply at the casino.

There are provisions in this bill that are similar to the government's handling of graffiti, desalination and zone 3, because again this is an example of the Labor Party picking up Liberal Party policy, enacting it and making it law. As somebody who lives, works and operates in an area which was in zone 3, I remember the comments made years ago by this government with regard to zone 3. We were castigated for proposing the abolition of zone 3, but obviously that is now in place.

As for desalination, I remember the comments of this government on desalination just 12 months ago, but now look where we are on that issue just 12 months later.

The government has picked up on good Liberal Party policy with respect to limiting the withdrawal of money up to $400. The Liberal Party has a number of concerns about this bill. Firstly, with respect to the requirement for gaming operators such as Tabcorp and Tattersall's to have a responsible gambling code of conduct (RGCC), there is some confusion as to why this has not taken place. Tabcorp supports voluntary RGCCs, for example, and has queried why such a provision has not been extended to cover them as well.

One is a little concerned as to why there is a restriction on cashing a cheque in a licensed club or hotel but not at the casino. It is unclear why you would limit it to one and not the other. One can only assume, from the community's perspective, that the casino is being unfairly favoured at the expense of other gaming operators. There needs to be a clear explanation as to why that is occurring.

The other point we have found to be a little bemusing has been the prohibition of knowingly allowing an intoxicated person to gamble. Whilst on the surface that would appear to be fair and appropriate, the way it is actually going to be managed is completely unworkable. The provision has been criticised by Tabcorp, for example, because at Flemington Racecourse there will be a ban on people employed by Tabcorp allowing punters to bet through their betting agency — yet punters can walk just 2 metres to a bookie where the same provision will not apply. I cannot understand the logic. An intoxicated person can be turned away by one organisation, under this piece of legislation, yet can walk straight to a bookie and put down the same amount of money — but no offence will have occurred.

Secondly, Tabcorp staff are going to be required to determine whether or not somebody is intoxicated. Certainly people who work in a licensed club, casino or hotel are required to undertake necessary training to determine whether or not people are under the influence of drugs or alcohol. However, a person who works at Flemington Racecourse administering the wagering of bets that are put on during the day does not undertake the same level of training. All of sudden they will now be required to determine whether or not somebody is intoxicated.

Then there will be the ludicrous situation where, in TAB outlets, people can actually place bets without having to face the person behind the counter. They can walk in and use an electronic betting machine, or more importantly they can make phone bets, but technically there will have been a breach of the legislation. Staff will be required to determine over the phone whether or not somebody is intoxicated even though they cannot see the person face to face.

I have raised just a few examples. The government has been unable or unwilling to provide any clear explanation as to how that is going to work, but it will create more problems than it will solve. I can only assume that the minister will bring this legislation back to the house to put in place a number of amendments to try to fix up the mess caused by this provision.

Problem gambling is a massive issue in my community, and one only has to look at figures from August of this year which were printed in the *Herald Sun*. The Knox community has spent in excess of $86 million on gaming, which is an extraordinary amount of money. One can only think of what that could have done to help struggling families living in my community. We have areas within Knox where people are suffering under this government; many are struggling to pay rents because there is a lack of appropriate social housing. That is simply a greater impost that my community has had to suffer.

I call upon this government to go further. I call upon this government to take action, following the Liberal Party lead, to reduce the number of poker machines in this state instead of sitting on their hands and doing nothing about the total numbers. My concern is that, as we are well aware, the government is not willing to remove poker machines. Certain caps have been put in place in a total of 6 municipalities, and in a further 13 municipalities numbers are deemed to be frozen, resulting in 543 machines being redistributed throughout the state.

That means that under the government's current policy of 10 poker machines allocated per 1000 adults in the city of Knox where we currently have an estimated 7.49 poker machines per 1000 adults, to reach that 10 person limit Knox can receive an additional 288 machines. We have already seen $86 million extracted from my community; now we could be facing an increase of upwards of 288 gaming machines. This government does not know where it is going on this issue. Whilst portions of this legislation are supported by the Liberal Party, this government has a lot more to do. It is insidious. The government needs to face up to reality and the importance of this issue, and take action.

Ms MUNT (Mordialloc) — I am very pleased to rise today to speak in support of the Gambling Legislation Amendment (Problem Gambling and Other Measures) Bill 2007. In particular I want to concentrate on the measures that are going to be put in place to assist those with a gambling problem and talk a little about how other measures that have been put in place in the past have had a good effect.

I realise that a small section of the gambling community basically becomes addicted to gambling; it is to them that a lot of these measures will be applied. For the vast majority — almost 99 per cent — of people gambling is a leisure activity that they enjoy, and I have occasionally enjoyed it myself. My father was a mad punter and one of the things that he enjoyed most on a Saturday was going down to the TAB to put a few dollars on the horses.

We must always be mindful that for the vast majority of people gambling is an occasional pleasure, something to spend their $50 on while enjoying their recreation with friends. For them it is not a problem. That is the way they choose to spend their $50 rather than spending it in other ways. But as I said, there is a small percentage who do have a problem with gambling.

This bill is going to put in place some extra measures to try to reduce that percentage further and to help them while they are gambling. In particular the bill limits the availability of cash at gaming venues. There are clauses that limit the amount of cash that is available from automatic teller machines (ATMs) to $400 a day and require them to be located in places that are not accessible to gamblers while they are gambling in the room.

It will also not be possible to put ATMs outdoors. That is because people have had to go outside to have a smoke since the rules that were put in place to prohibit smoking indoors. The bill will prohibit ATMs being put in those places so that there is a disconnect between the gaming room, the gaming and ATMs and the availability of further cash. That is good, because it will act as a circuit-breaker to prevent people getting more cash when they are in the gaming room. It will give them time to consider whether it is the best course of action to take.

I do not gamble — it is not something that I do as a recreational pastime — but I can understand how it happens. I remember on my honeymoon in Noumea going to the casino. I had absolutely no money at all, and there was a complimentary bus from the hotel to the casino and back, so I did not need to have bus money.

Mr K. Smith interjected.

Ms MUNT — That is none of your business, member for Bass! I went to the casino and had my flutter. I think I had $50 or so in Noumea, and that went in no time at all because I did not know what I was doing. Then I was really eager to continue and get more money. My new husband pulled me away from the

cash window and told me to get on the bus and go home. It is probably the only time I have done as I was told in my whole married life, but I did so on that occasion. So I can understand the instinct that says, 'Look, if I just put in another dollar, I might win that $10 back. Gee, I am having a good time'. That is where this bill is designed to create a disconnect between gambling and the ATM.

The bill also requires gaming venue operators to have self-exclusion programs, to be responsible operators and to look after the people who frequent their establishments. It requires a range of industry participants to have responsible gambling codes of conduct and prohibits venue operators, wagering operators and the casino operator from permitting an intoxicated person to gamble, which is also important. It is important to put these barriers in the way of making a bad decision — whether you simply want to continue gambling, as I did, or whether you have had one or two too many to drink and want to go further than you intended to. That is not to say, as I said before, that responsible gamblers who just want to have a bit of a flutter or a nice afternoon on the pokies will not be able to do so in a responsible way at responsible gaming venues.

As I said when I first started speaking, a number of initiatives have already been put in place to lessen the incidence of problem gambling in Victoria. I have the figures here: it fell from 2.14 per cent of the adult population in 1999 to 1.12 per cent of the adult population in 2003. That small percentage of people who have problems with their gambling has almost halved in that period of time, and I will be interested to look at further figures for 2007 and the figures for next year, once the legislation comes into operation, to see whether it has had a further impact on those people who do have a problem with their gambling.

It is important to address these issues. It is also important that the government has introduced this legislation to address them, because as other people have said, when there is a problem it affects not only the individual but also the family unit, including the children. We are very aware of that, and that is why all these measures have been put in place. In fact $132 million has been committed over the last few years to address the issues involved in problem gambling.

A lot of conversation and a lot of airspace are given to discussing problem gambling. For those who are affected, it is a severe imposition on their families, their communities and their lives. But as I said, for the vast majority — almost 99 per cent of the population — gambling is an enjoyable pastime. You have to be aware of that and not put in place legislation that is too draconian or prohibitive for those people so they can still go down to the local RSL club or hotel and have a bite of lunch and a flutter on the pokies.

This is another good and thoughtful piece of legislation. There is a lot more contained in it than I have addressed this morning, but for me, the most important part is the provisions relating to responsible gambling. This legislation also contains provisions relating to the community benefits from non-hotel gaming venues. It is good to see funds being invested back into the community in a range of responsible ways that will benefit the community. It is about venues being good citizens and doing what they can to help out the community. I know a lot of people are very appreciative of that, particularly if they get cheaper lunches and bonuses like that. I am sure that is very welcome.

I have spoken to people who before gaming was legalised in Victoria used to go up to Moama and enjoy a bit of holiday, play golf at the courses up there, get a good, cheap lunch and have a flutter on the pokies. They support this legislation. It is also good that the legislation addresses the community benefit issues. This is a good piece of legislation. I support it and commend it to the house.

Mr K. SMITH (Bass) — We do not oppose the Gambling Legislation Amendment (Problem Gambling and Other Measures) Bill 2007. I would like to say that we will go ahead and support it, but unfortunately there are a number of anomalies in the bill, as there always are in gambling bills that are put forward by this government. The government is not prepared to address the real issue of problem gambling in order to try to overcome it. The government is always very keen to say it cares about problem gamblers, but the truth of the matter is that it really does not.

The member for Bentleigh and a couple of other government backbenchers wandered around Victoria for some time considering whether to put caps on or reduce the number of machines, as well as other measures to try to overcome some of the problems. It is my understanding that when they came back their recommendations included greatly reducing the approved number of machines, but the then Treasurer, who is now the Premier said, 'No way, José. We are not going to lose that amount of money by cutting back on the number of poker machines'.

Members of this house will recall that before the last election the Liberals put forward a very good gambling

policy which included removing 20 per cent of gaming machines from Victoria by 2012. That would have been a very positive step in trying to reduce the number of machines available to people who have a gambling problem.

But this government, as it normally does, is only just scratching the surface, although it has pinched a couple of policy ideas we raised as part of our gaming policy before the last election. One of those was restricting the amount of money obtainable from ATMs (automatic teller machines). We had always seen there was a problem with ATM withdrawals. We called for a $400-a-day restriction on withdrawals from those machines, because we thought that was a reasonable level for people who wanted to pay cash. Most of the venues have not only poker machines but food and beverages, and a lot of them also have entertainment — and all of that may need to be paid for in cash. As ATMs were available, we believed the amount of money that could be withdrawn should be cut back. It is good to see that the government has at least done something positive from that point of view.

The government has also restricted the cashing of cheques, once again to $400 and only once a day. That is positive, but of course as anybody would be aware, you do not just walk into any sort of venue and say you want to cash a cheque; you have to have some sort of arrangement in place. There has been some criticism of the fact that that restriction is not being applied to the casino. Far be it from me to say anything positive about what the government has done, but I can understand why the restriction does not apply to the casino, given that on average it gets something like 40 000 people a day walking through its doors, including interstate and international visitors. It is slightly isolated, in terms of opportunities for people to go and cash cheques. Also some of the international visitors would not be concerned with cashing cheques of $400; they would be looking at cashing $40 000 or $400 000 cheques, and they would have made arrangements with the casino. So it would be very difficult to bring in that type of restriction.

As to the provision concerning intoxicated persons, this is a strange measure for the government to bring in. However, I can understand why it has done so. We do not want people who are half full of grog playing the pokies or going into and betting at a TAB. They would be staggering into the place boozed and would get as much money out of their pockets as they could, because they would be thinking they were going to pick a winner — and I am not sure that everybody can pick the winners!

In terms of intoxicated people in gambling venues, I concede that it is easier for venue operators and staff, who can see that somebody might have been sitting around drinking a fair bit during the day, but it is a bit odd that while the restriction applies to somebody trying to gamble over the counter in a TAB it does not apply to somebody wandering in, as boozed as they like, and using an automatic TAB betting machine. However, as was said by one of my colleagues, you would have to be pretty sober to be able to operate one of those automatic machines, so maybe that is a restriction in itself. Still the fact is that someone can stagger up to a bookie at the races, nicely boozed, and as long as they manage to get out what horse they want to put their dollars on, the bookie will usually be able to translate their drunken best wishes and intentions into a bet. So it does seem rather strange that the restriction does not extend to bookies and TAB telephone operators who get rung up by people who can hardly speak, wanting to put a bet on.

In that situation the operator has to try to decipher what they are saying. If they cannot look at the person to see whether they are drunk, which they can certainly do at a counter, they have to try to distinguish whether they have had enough or whether they may be a person with a disability or a problem with speaking properly and with saying what they want to say. We have in this society good ways of helping people with disabilities, and it would be a shame if somebody with a disability went up to a bookie and was not able to place a bet or, while sitting at home watching an event on TV, could not place a bet over the telephone because it was considered that they may be intoxicated.

There is a bit of a problem there, and I think the government probably should have looked at it a little closer. People also stagger into Tattslotto agencies, open up their wallets or pay packets, decide that they have the numbers this week to win Tattslotto, pull out a heap of money, put it on the counter and take out a system — whatever it may be — —

Dr Napthine — System 15.

Mr K. SMITH — System 15? It is nice to see that the member for South-West Coast is into that. I reckon system 7 is pretty good — but I never get the numbers up anyhow! That is also an anomaly in this bill.

With regard to the responsible gambling code of conduct, Tattersall's and Tabcorp already have a code of conduct, but they are not tied into this piece of legislation. Tabcorp is a bit concerned that it has been ignored. It has gone to a fair bit of trouble to bring its code of conduct into being, and is very strong on

promoting responsible gambling. I think it is to be congratulated. Tattersall's is very much the same.

The government is also bringing in the self-exclusion program. It has been run by the Australian Hotels Association and Clubs Victoria and has been working reasonably well. Under the previous minister the government was critical of it, yet Labor was never able or prepared to put anything together itself. At the last election our policy talked about putting in place a self-exclusion program that we believed was going to work. It would certainly have addressed problem gambling far better than this government has been prepared to do with the piece of legislation it has put forward. I am sorry to say that we will not come out and openly support it, because of the anomalies that it contains.

We will not be opposing the bill. We believe anything that is going to do something positive to try and overcome the gambling problem we have in our community, particularly related to poker machines, is probably good, but this bill has flaws.

Mr DELAHUNTY (Lowan) — I rise on behalf of the Lowan electorate to make a small contribution to the Gaming Legislation Amendment (Problem Gambling and Other Measures) Bill of 2007. I have to say first up that I have an interest in this. My son works for Tattersall's so I declare that up front.

This bill has three principal purposes: firstly, to address some of the new responsible gaming measures; secondly, to amend the existing race fields legislation to strengthen the capacity of the minister to effectively monitor all interstate and overseas wagering services — and knowing the minister, I am sure he will monitor that very closely; and thirdly, it makes some further changes to the community benefits statement, which there was a lot of controversy about a couple of months ago.

I have to say that gambling, wagering, gaming, lotteries, Keno and other forms of sports betting are legitimate recreational activities. Australians have been notorious for betting on anything — even two flies crawling up a wall. We know, though, that a small proportion of the population does not gamble responsibly, which causes harm not only to themselves but to their families and, importantly, to the community. Problem gambling brings an array of associated social problems, including the excessive loss of money, marital disharmony, family breakdowns and employment disruption, and worst of all, there could be criminal activity to feed their habit.

As we know, in 1999 the Productivity Commission concluded that about 1 per cent of the adult population of Australia experienced severe problems from gambling and a further 1.1 per cent had significant problems. So developing a public policy to deal with these issues facing problem gamblers, particularly those involved with electronic gaming machines, which are the most popular form of gambling in Victoria, is something we need to do, and do properly. There are about 30 000 gaming machines in Victoria: about 2500 of them are located at Crown Casino and the remaining 27 500 are in hotels and clubs around the state. We know by regulation that 80 per cent of these are in metropolitan areas and the remaining 20 per cent are in country areas. As I said earlier, the casino has the majority of these and the rest are operated by Tattersall's and also Tabcorp.

I have to say, though, that hotels and clubs have made a huge investment to establish these facilities. I heard the member for Shepparton speak about the many changes we have had since I have been in this place, including blacking out rooms and then opening up rooms, changing the lights and removing smoking — all those types of things. There have been an enormous number of changes in the last few years which I do not believe have really addressed the issue we have with the so-called problem gamblers. But we have top facilities, particularly in my electorate. In the country setting, particularly the Lowan electorate that I represent, often the hotels and clubs present very vibrant social and also entertainment venues. I want to mention a couple of those in my presentation. Among the clubs in my area are the Horsham Sports and Community Club, the Horsham RSL, the Horsham Tabaret and Hamilton's Alexandra House. We also have hotels in that area.

I will focus particularly on the Horsham Sports and Community Club, which I think is a great model that was set up by some people with unsecured loans. Now all the profits go back into the community, whether it be kindergartens, sporting groups, welfare agencies and the like. It is an excellent venue for activities. A lot of clubs have their meetings there, particularly the sporting clubs, and I think it is a model across the state. I was pleased that the Minister for Gaming called in there on his visit to Horsham, particularly as he was interested in the community benefits statements. There were changes foreshadowed at that stage that I thought were going to have a major impact on not only the running of these clubs but also their future viability. I am pleased to see that a bit of common sense has prevailed and the minister has backed off in relation to that. In this bill we have amendments which further empower the minister to make orders regarding the community benefits statements. I believe they are going

to be implemented over the next 12 months, and I think that is a common-sense long-term vision which I think we all, particularly in The Nationals, support.

When we are talking about problem gambling, The Nationals took to the last election a policy in relation to responsible gambling. For the sake of time I will not go through all of them because it is a fairly lengthy document, but the Leader of The Nationals spoke about this in detail yesterday in a good presentation, as he always does. Firstly, we believe there needs to be an independent academic research group which could be based at Victoria University dedicated to the study of problem gambling. I do not think it has ever been done, or done properly. As the health spokesman for The Nationals I believe, along with my colleagues, that problem gambling is a health issue. We believe that treating it as a health issue is the way to go about it. We also need to develop a specific division with the Department of Human Services to coordinate the delivery of all these programs that may be developed to treat problem gamblers. Until we get to that stage, I do not think we will have really addressed what is known as a problem gambler.

We also need to develop intervention programs applicable to these problem gamblers and modelled on the schemes that we know are working very well at Crown Casino. I know that in my electorate Grampians Community Health runs very good programs to support our problem gamblers. I make particular mention of Carol Henwood, but all the clubs and hotels across the Wimmera region need to get together and work on developing a strategy to deal with what is a problem gambler. I commend the work that has been done.

I want to finish by saying that I note there are some restrictions on the location and access to automatic teller machines. I hear about the issues of people under the influence of alcohol not being able to gamble, and I wonder how that is going to be implemented. There are also concerns with the amending legislation regarding the changes to race fields, but as time is short I will not go through all of those. Like the Leader of The Nationals, I will not be opposing this legislation, but I think it is important for the government, if it really wants to address this issue, to look at The Nationals policy on problem gambling, as I believe it would help it in the future.

Debate adjourned on motion of Mr CAMERON (Minister for Police and Emergency Services).

Debate adjourned until later this day.

LIQUOR CONTROL REFORM AMENDMENT BILL

Second reading

Debate resumed from 21 November; motion of Mr ROBINSON (Minister for Consumer Affairs).

Dr NAPTHINE (South-West Coast) — I rise to speak on the Liquor Control Reform Amendment Bill. I want to raise a number of issues which I think need to be addressed in this legislation. Tragically, alcohol-related violence and antisocial behaviour seem to be on the increase and are a major problem in our society. I am disappointed to advise the house that it is a very real problem in my own electorate, especially among our young people.

I want to highlight that with a few quotations and a few bits of information. I am advised that alcohol-related assaults in the under 18 group are at the rate of 16 per 10 000 in Warrnambool, whereas the state average is only 6 per 10 000. The situation is far worse in the 18 to 24 age bracket, where there were 73 alcohol-related assaults per 10 000, while the state average for this age bracket is only 29. So we have a serious problem in the south-west with regard to alcohol and poor behaviour.

Recently we have had some incidents relating to alcohol and FReeZA events, and I quote from the *Portland Observer* of 19 November:

> Seven Portland men were arrested for being drunk in a public place early Saturday morning following a number of alcohol-fuelled brawls in Portland's CBD —

central business district. The article continues:

> Acting Sergeant Jason Von Tunk, of Portland police, said the police were called to diffuse the brawls that happened between midnight and 3.00 a.m., mostly on the foreshore after the SURGE FReeZA Breakfest.

An article in the Warrnambool *Standard* of 19 October says:

> A night of violence, verbal abuse, vandalism, brawls and drunkenness at a recent all-ages alcohol-free concert in the south-west has been revealed by a security firm.
>
> The Mortlake concert, run by the Moyne shire, was part of the state government's FReeZA program which aims to promote youth activities in a smoke, drug and alcohol-free environment.

The article also says:

> The mix of adult drinkers with under-age youth is unworkable and should not be allowed …

I am concerned particularly about alcohol linked to FReeZA events. When I was Minister for Youth and Community Services my department introduced the FReeZA program, and it operated under the supervision of the now member for Scoresby. It is an excellent program that provides drug-free, alcohol-free and tobacco-free or smoke-free entertainment for young people.

It is disappointing to learn that the standard of security at these events is deteriorating so that we have alcohol-related incidents associated with them. I urge the minister to ensure that security is improved so that young people can benefit from the great program that FReeZA is — but in an alcohol-free environment. Similarly we had lots of problems with alcohol and young people at the recent Warrnambool Show, where gangs of drunken teenagers were running amok.

I welcome some of the provisions in this bill, particularly the exclusion powers for troublemakers and the issue of lock-ins or lockouts, whichever you want to call them, which started in Warrnambool. That was an initiative of police inspector John Robinson. This process of lock-ins or lockouts has reduced violence, criminal damage and antisocial behaviour associated with alcohol in Warrnambool over the past five years. This program is now being repeated in other communities, and I welcome the provisions in this legislation. But I also recognise and welcome the amendments introduced by the honourable member for Malvern, which will improve those provisions.

I am concerned particularly about clause 22 of the bill, which says:

> A person must not permit or allow any liquor to be consumed or supplied on a bus unless a licence or BYO —

bring your own —

> permit is in force in respect of the bus.

The penalty is 50 penalty units, which is $5500. I am really concerned about that, because we have made a lot of effort particularly in country Victoria to encourage people to use buses rather than drinking and driving when they are going to events like the Dunkeld races, Christmas parties or taking a bus trip to Melbourne for the theatre or for sporting or other events. You can have situations where football or netball teams are travelling from Portland across to Mount Gambier and back, and on the way back they have a couple of beers in the bus. While the bus is in South Australia, having those couple of beers on the bus is quite legal, but as soon as they cross the Victorian border at Nelson, it will become illegal. That provision is very impractical, and it will become an administrative nightmare. If these groups have to apply for a BYO liquor permit every time they want to take a bus somewhere, and have a beer in that bus, Consumer Affairs Victoria, which issues these permits, will be inundated or flooded with permits.

Not only that, it is another case of red tape gone mad. To make a liquor licence application you have to fill out an eight-page form, and not only that, a BYO permit/licence fee is $124.90. So every time a footy or netball club wants to take a bus to play an away game and have a beer or two on the way back, it has to pay $125. Groups will have to pay $125 to take a bus to the Dunkeld races!

Mr Wells — That's stupid. What a stupid idea!

Dr NAPTHINE — It is absolutely ridiculous. Also, they will have to fill out an extremely complex form, with details of applicants and business premises; they have to draw a map of the premises and fill out a Victoria Police questionnaire on a liquor application. Talk about red tape and bureaucracy gone mad!

I say, yes, deal with the party bus issue — which the amendments from the member for Malvern do — but do not kill what is an appropriate behaviour in country Victoria, where we encourage people to use buses for social events so that they do not drink and then drive. This is a stupid idea; I hope the government listens to common sense and responds.

I also wish to speak about what I think the bill fails to do. If we are talking about dealing with alcohol, alcohol abuse and alcohol-related antisocial behaviour, this bill fails to take the opportunity to make a real difference in reducing the abuse of alcohol and the risk of alcohol-related violence among our young people. Let me refer to an article in the *Herald Sun* of 16 November:

> The father of a 15-year-old boy who died after being punched in the head at a Brisbane party has appealed for so-called alcopops to be banned.
>
> …
>
> 'You start drinking them and they get you blind off your face before you realise you've had a drink,' Mr Stanley said outside a Brisbane court.

Justice Roslyn Atkinson is quoted as saying:

> … the combination of 'sweet' alcoholic drinks and large groups of young men was 'a terrible mix'.

I have quotes from the *Age* of 15 September on this whole issue of premixed drinks. One article states:

> … new figures prove that teenagers at high risk of injury or death through binge drinking prefer premixed 'alcopops' over other drinks.

That is very clear.

An article in the *Age* of 6 August, under the heading 'Insider tells of young drinkers being targeted', says:

> An alcohol company insider admits the industry deliberately targets young people by sweetening ready-to-drink 'alcopops' to mask the taste of alcohol.

An article in the *Age* of 26 June includes the subheading 'Alcopops "designed for binge drinker"' and says:

> Community Alcohol Action Network director Geoff Munro said the products were popular with under-age drinkers because 'they look and taste like soft drinks and they make drinking very, very easy'.
>
> He said there was growing alarm about the availability of 'super-strength' ready-mixed spirits that offer multiple drinks …'

I say to this government it is about time it took this matter seriously and did something serious about dealing with alcopops. I suggest and strongly advise the government that it should enact legislation to limit the alcohol content of these premixed ready-to-drink drinks, these alcopops, to 2.5 per cent — the same as light beer. The popular brands of these products — the Ruskies, cruisers and breezers — contain 5 per cent alcohol. But there is a new marketing push: the Cougar XS, the Smirnoff Ice double black and the Bundaberg OP contain 7 per cent alcohol; and Wild Turkey is at 8 per cent. Some of these premixed drinks — sweet alcopop drinks — that are now being heavily marketed towards young people contain 9 per cent alcohol. That is absolutely outrageous; it is a recipe for disaster.

If this legislation is meant to be genuine and this government is genuine in doing something about binge drinking, abuse of alcohol by young people and about the violence associated with the abuse of alcohol, then there is a simple solution: through this legislation the government can make sure the alcohol content of those premixed drinks is limited to 2.5 per cent.

Mr LUPTON (Prahran) — I am very pleased to speak today in support of the Liquor Control Reform Amendment Bill and to congratulate those responsible in government for bringing this legislation before the Parliament. At the last election the Labor Party went to the people of Victoria with a very strong community safety policy, and of course since 1999, when we came to government, we have made community safety a hallmark of this government. This legislation is particularly positive in continuing to promote community safety in Victoria by improving enforcement mechanisms around entertainment precincts and licensed venues.

I go back to the time when in the 55th Parliament I was appointed by the government to chair the Inner City Entertainment Precincts Taskforce. Again I commend those people from the police, local government, liquor licensing and a range of other organisations who worked so diligently on that task force. The legislation before the house picks up many of the recommendations and results of the other ancillary work carried out by the task force. I am very pleased to see that the work of that inner city precincts task force has come to fruition in such a positive way in this legislation.

The overall objective of this legislation is to give police more appropriate and effective powers in relation to areas where there are high numbers of licensed venues and to strengthen the liquor licensing powers applying to licensed venues here in Victoria. The provisions in the bill include the ability to declare a designated area, and as a result they bring in the ability for banning orders or exclusion orders to apply in that designated area. The bill also gives courts the ability to make exclusion orders banning people from particular areas for up to 12 months. It also strengthens the enforcement measures available under Victorian law whereby the director of liquor licensing will be able to impose temporary late-hour-entry declarations, which are generally known as lockouts.

There is also a more streamlined process, increasing penalties for offences under the act and allowing the director of liquor licensing to issue breach notices against licensees in broader circumstances. It also addresses the situation where restaurants or cafes transform themselves into nightclubs late at night. It provides an effective remedy for that sort of behaviour. It also deals with the inappropriate consumption of alcohol on party buses and gives a statutory foundation to the voluntary liquor accords that have been operating in many municipalities around Victoria.

It is important that we appreciate the breadth and the scope of this legislation, because what we have seen emerging in society over a period of years has been an increase in the number of licensed venues and operating hours, and an increase in alcohol-related violence as a result of those developments. This is not something that is restricted to Melbourne or Victoria as a whole; these are social changes that really have taken place across many countries. But here in Victoria we are addressing the issues strongly and effectively. This government is very proud of the fact that we have the safest state in

Australia, and we want to continue to make sure that is the case. These effective and appropriate laws, which will deal with inappropriate behaviour resulting from alcohol consumption, strike the right balance and will bring about the best social outcomes.

To provide a bit more detail, the legislation we are debating today includes giving the director of liquor licensing, in consultation with the Chief Commissioner of Police, the ability to declare an area to be an entertainment precinct. If that declaration is made, it gives police the power to ban troublemakers from a designated area for up to 24 hours at a time. It also enables courts to issue repeat offenders with orders excluding them from entertainment precincts for up to 12 months. In a situation where a particular problem may be occurring and there is a requirement for immediate action, this legislation gives the police the ability to take that action. If people are recalcitrant and become repeat offenders, they can be brought before the courts for exclusion orders to be made for up to 12 months.

The strengthening of the licensing laws under this legislation is also appropriate and proper. An assistant commissioner of Victoria Police will be given the power to suspend a liquor licence for up to 24 hours, enabling police to respond immediately to threats to public safety. Where a threat to safety occurs, it is appropriate that police have the ability to take immediate steps to overcome that problem, and this legislation will enable them to do that.

The bill also gives the director of liquor licensing the power to vary the trading hours of liquor licences and to put varied conditions on liquor licences in a more streamlined fashion. This will enable the director to effectively respond to emerging circumstances and promote public safety. It will also empower the director of liquor licensing to suspend a liquor licence and will streamline the director's ability to make late-hour-entry declarations to enable lockouts from licensed premises, as has been mentioned.

It also expands the definition of 'an associate' of a licensee, and this means it will include any individual who has a significant influence over the conduct of licensed venues. For the proper and safe conduct of licensed venues, and taking into account the social effects these things can have, it is very important that we make sure that those who are involved in the operation of licensed venues are appropriate persons. This will strengthen that ability.

It is also important in my electorate of Prahran to deal with the situation where a cafe or a restaurant late at night turns into a nightclub without having or being able to obtain a nightclub licence and without having to go through all the approval processes — even though to date they have been able to operate as a nightclub in those circumstances. This legislation will effectively stop that by stopping anything other than background music being played if the establishment has only a cafe or a restaurant-type licence.

The other issue that is important in my electorate is the effective regulation of what are known as party buses. This legislation brings these party buses into the same sort of regime as things like party boats, which are well known on the waterways of Melbourne. That means that these party buses will not be able to serve alcohol without having an appropriate licence. That will be an effective way of ensuring that people on these buses do not become overly intoxicated as they are driving around streets and causing difficulties for local residents.

Overall this legislation is a broad package of powers both for police and for the director of liquor licensing. These powers will ensure that we have an effective and workable response to the issues of alcohol and antisocial behaviour. By virtue of the proposed amendments the Liberal Party has flagged, it seems that the opposition does not know where it stands on the issue of community safety. This government is doing the right thing for the people of Victoria.

Mr NORTHE (Morwell) — It gives me great pleasure to contribute to the debate on the Liquor Control Reform Amendment Bill 2007. The purpose of the bill, as described in the explanatory memorandum, is to amend the Liquor Control Reform Act 1998 for the following purposes:

> to allow for the exclusion of persons from certain premises or areas in certain circumstances;
>
> to strengthen both penalties for liquor licensing offences and enforcement powers;
>
> to facilitate and provide support for voluntary liquor accords;
>
> to allow for bans of the inappropriate advertising or promotion of liquor sales and licensed premises.

The bill will obviously address the rise of violence and assaults around licensed venues.

The amendments in this bill follow on from the recent amendments to the Control of Weapons Act which were previously debated in this house. Those provisions doubled the penalties for those in possession of prohibited or controlled weapons. We have seen a rise in violent incidents around entertainment precincts not

only in the metropolitan areas but also, unfortunately, in country Victoria. I think the intent of this bill is good.

In part this bill will also deter violence in and around licensed venues. The bill will enable police to ban troublemakers from either all licensed premises in a designated entertainment area or from a designated entertainment area for a period of 24 hours when police reasonably suspect that a person has committed a specified offence involving violence or disorderly behaviour. This raises a couple of issues. The Melbourne media recently highlighted the fact that perpetrators of antisocial behaviour often leave a particular area and then return within a couple of hours to cause further incidents. One aspect to consider is how these new regulations will be policed. In regional Victoria police resources are working at full capacity at the moment. It will be interesting to see how these new regulations will be determined. I will deal with that issue later during my contribution.

The bill also creates a number of new offences to support the police issuing ban notices, including penalties for entering or attempting to re-enter designated areas of licensed premises from which the person who is the subject of an order is banned and who has failed to comply with the police direction to leave the designated area of the licensed premises. Again, this raises the issue of police resources. In my electorate of Morwell the police have publicly stated that they lack resources — for example, the number of police in the Traralgon police station has stagnated over many years, despite the quite significant increase in population over recent times. In Morwell the police have also publicly stated that they are in need of at least eight additional police force members to assist the local community. The enforcement of the regulations is certainly something we have concerns about.

The bill will also allow the issue of exclusion orders from specific entertainment areas, which will last up to 12 months, to repeat offenders. That is a very important aspect of the bill. Over time it has been acknowledged that people have been misbehaving in entertainment precincts on a regular basis. It will be good to see repeat offenders being excluded from specific areas for up to 12 months. The court may make such an order if the court finds the offender guilty of a specified offence committed in the designated area, does not sentence the offender to a term of imprisonment of 12 months or more in respect of the specified offence and is satisfied that the order may be an effective and reasonable means of preventing the commission of further specified offences.

In general, and I have alluded to this, community safety is an important aspect of this issue. Earlier this year I conducted a survey of my electorate and I found that community safety was a very high priority for constituents of the Morwell electorate. New schedule 2, which will be inserted into the act, lists a number of specified offences which include violent and disorderly behaviour such as destroying or damaging property, offences against a person such as assault, a range of sexual offences, other offences, obscene behaviour and carrying a prohibited weapon in and around a licensed premises.

In the central business district of Traralgon there is quite a large entertainment precinct in which a number of visitors, who are not only from Traralgon but from neighbouring towns, like to enjoy a night out on the town. Unfortunately there has been trouble previously that have involved incidents including assaults. The local entertainment venue operators, the local council, taxi operators, local businesses and the police got together and employed some security guards to frequent the area outside the entertainment venues to alleviate any trouble. They made sure that patrons got home in an orderly fashion from the taxi rank where there appeared to be significant trouble over a period of time. Unfortunately after a period of time that particular initiative was forced to stop due to a lack of funding. The federal government was good enough to contribute $150 000 to that project to ensure its continuity.

That project is now up and running; security guards are now at the local taxi rank between 1.00 a.m. and 4.00 a.m. on Saturdays and Sundays. That has really resolved and alleviated the issues and incidences of assaults in the local area, which is fantastic. It would be good for the state government to take note of that particular program and also for other jurisdictions to have a look at similar types of programs that could be implemented. It does not impose additional impediments on the police officers and makes sure that they can continue their duties without having to worry about nightclub patrons, so that is an important aspect.

The federal government has also committed $250 000 to a safety program in and around the Morwell central business district. In that respect we have a couple of good programs in the Latrobe Valley, and I reiterate that the state government should have a serious look at those programs to see how they can assist other areas which have an incidence of nightclub trouble.

One important aspect of the bill is that it ensures the Chief Commissioner of Police provides an annual report in relation to the banning notices and exclusion orders. There is no doubt that this will help in

determining the efficacy of these particular programs. I will read that annual report with much interest to see how many of these particular banning notices and exclusion orders have been imposed, and what effect they will have.

Part of the second-reading speech refers to the inappropriate advertising and promoting of liquor supply. An example was given of a nightclub where women could receive free drinks if they wore bikinis. That it is very interesting, but it begs the question as to what is inappropriate. I like nothing more than to go with my brother and couple of friends to the local and have a beer, but will the happy hour there be determined as inappropriate? This also begs that question in this debate. We hope that would not be the case — and I had better not forget my wife as well!

We have also seen the doubling of penalties for offences such as supplying liquor to an intoxicated person and allowing drunk and disorderly persons to remain on licensed premises. That goes to the core of the issue that we have with assaults and violence that occur in and around these licensed premises. Curtailing that particular aspect of serving alcohol responsibly will go a long way to ensuring that we reduce assaults and violence in and around licensed premises. It is an important aspect, and I hope we can enforce these regulations more strictly so as to reduce assaults.

As the father of a couple of teenage boys, I have concerns about the availability of alcohol and the promotions that are put in front of them. The responsible serving of alcohol is important, not only in reducing and curbing violence but in improving the health of our local communities. People have concerns when they see such events as schoolies week in the media. On the whole, the intent of this piece of legislation is noble, but The Nationals have concerns about how it will be enforced.

Ms THOMSON (Footscray) — I am pleased to rise in support of the Liquor Control Reform Amendment Bill. The Brumby government is committed to reducing the levels of abuse in the community by informing and educating people that alcohol can cause serious harm to drinkers, their families and the community. We also recognise that the levels of abuse around the inappropriate use of alcohol are increasing in and around some licensed venues, and we need to act on that. Yes, we have to act in a balanced way. Probably most members in this chamber enjoy the occasional social drink, but hopefully they do so very responsibly, and we need to get that attitude out into the wider community and ensure that people are consuming alcohol in a responsible way.

Unfortunately for some in the community, that is not the case, and we have taken a very balanced view to how we legislate. When we have a problem, we address the problem. We are not trying to be a wowser state or trying to ensure that people cannot enjoy the occasional drink, but we want to ensure that people are safe and not fearful of abuse when they go to licensed premises; that is what this legislation is about — it is about minimising abuse in and around the consumption of alcohol.

The government is opposed to the amendments that have been put before the house, and I will go through some of the reasons for that. Other people have explained the provisions of the bill and why they are there, but I want to talk a little bit about the amendments in case I run out of time, because I could speak on this piece of legislation for quite a long time.

If we have a look at the issue around banning notices, the idea of banning someone from a licensed premises for 24 hours is pretty much removing them from the problem. It is a very good tool that does not affect people who might want to use the premises, but does ensure that those people who are using the premises are not affected by a potential abuser. This is a great tool for the police to be able to take immediate action if there is that potential for things to get out of hand or if one person is threatening others with violence or abuse.

This is a good provision, and it seems foolhardy to suggest that a person should be able to appeal it, which is why we oppose that amendment. It is not recorded as a conviction; it is just a precautionary measure to allow police to control an area. To appeal the matter to a court makes absolutely no sense at all. A banning notice can also be revoked by a police sergeant, so there are provisions in the bill to deal with the issue. Is a 24-hour ban such a bad thing? One would suggest that if someone is so concerned about it, maybe they should have been banned for 24 hours.

I want to spend a bit of time on the amendment that relates to party buses, because this is an important issue. Already party boats and aircraft must be licensed to provide alcohol to passengers. At present the only party vehicles that are not required to be licensed are buses. All we are doing is making the requirement consistent with existing legislation. The reason for doing so is that a number of incidents have been occurring on buses where alcohol has been served irresponsibly and abuse has been hurled from buses towards passers-by and pedestrians. People feel threatened and in these circumstances bus drivers must feel threatened, so there is a need to ensure that proper and responsible serving

of alcohol is included as part of the process of obtaining the licence.

Let us talk about an occasional bus company. They may not provide a party bus scenario, but they might take a football team to and from a playing venue, and the club might have won. Then, its members feeling exuberant, the team might decide they are going to have a few drinks on the way home. Those clubs generally have a licence themselves and can obtain a limited licence for the purposes of travelling to and from the field where they play. They have to pay $26 for that licence and $56 for a limited licence if they do not already have a licence for their premises. That provision does not all fall on a bus company that does not normally provide for the consumption of alcohol on its vehicles. However, it is important to realise that a lot of incidents occur when people travel on country roads, and we need to ensure that we protect not only the people on those buses, including the bus drivers, but also other vehicles that are on those roads at any given time — so the government is opposed to that amendment as well.

Moving on to the issue of late-entry lockouts, power will now be given to the director of liquor licensing to impose late-hour entry limits to areas for a period of three months. Occasionally areas blow up, with ongoing incidents occurring at licensed premises. At this point in time the hands of the director of liquor licensing are tied behind her back — she cannot act, and that is not appropriate. In a number of cases the majority of licensees, members of the community and the police have wanted lockout provisions, but there has been difficulty obtaining agreement to impose them. This provision will arm the director with the ability to get the community together to make sure that that happens. It will also make sure that the majority can be heard and dealt with when an immediate issue arises. There is no point in having to wait 12 months to act when there are immediate issues of abuse. This gives the director the power to determine, together with the community and the police, whether to act or, where there have been real incidents of major violent attacks, to act immediately. That is also important.

In summing up, the government opposes the amendments. We believe this bill is a balanced response to what is occurring in and around licensed premises. It strengthens the ability of the director of liquor licensing to take action. It gives police the ability to take immediate action to avoid abusive situations occurring. It is a balanced approach to how we deal with what is an increasing problem on buses. We need to be able to be confident that when people are drinking on buses, whether they be from football clubs, cricket clubs or netball clubs — to be non-gender-specific — someone is taking responsibility for the way that alcohol is being consumed. Someone must ensure that everyone can stay safe, that we do not see an argument on the bus that ends in blows, that the driver does not feel threatened or intimidated by drunken activity and that people in vehicles in and around the bus as it travels feel safe and secure knowing that the bus driver is able to drive safely and they are not at risk of abuse or of having things thrown at them from the bus, damaging vehicles or, at worst, causing an accident or hurting a passer-by.

These are important and balanced provisions. They are about ensuring that people can enjoy a venue and enjoy a drink, but do so responsibly. Those who enjoy a drink and enjoy having a bit of fun while out and about need not fear anything in this legislation. However, there are those who run the risk of drinking too much and becoming abusive. This legislation is targeted at them, and rightfully so. I commend the bill to the house.

Ms WOOLDRIDGE (Doncaster) — It gives me great pleasure to speak on the Liquor Control Reform Amendment Bill 2007. I welcome some of the initiatives in the bill, but I have a number of concerns that I wish to raise. I support the amendments of the member for Malvern in relation to a range of issues as well.

Alcohol is something that the majority of us enjoy. It is part of Australian life: celebrations, birthdays, Christmas, achievements and many rites of passage. But it also has a massive impact on our community, and especially on young people. In the city we are currently seeing alcohol-fuelled assaults almost weekly. In fact research shows that the growth in alcohol-related hospital admissions in Victoria is the highest of any state and triple the national average. This is very concerning data.

Part 2 of the bill seeks to introduce banning notices to curb some of this violence. Part 3 amends the principal act to increase penalties on licensed premises for serving drunk customers and allowing disorderly customers to be on the premises. These amendments are welcome, but if the government were really serious it would be taking a much more comprehensive approach.

Let us look at the aspects of this legislation. Firstly, it will police the responsible service of alcohol (RSA) regulations in addition to introducing these measures. Last year only 13 out of 17 519 licensed venues were

taken to the Victorian Civil and Administrative Tribunal (VCAT) for not sticking to the RSA guidelines.

The Premier's Drug Prevention Council has told the Labor government that it must adequately resource the police to monitor licensees, and the Australian Drug Foundation has also said that monitoring of compliance of liquor license requirements is extremely patchy across Victoria. International studies show that with proper enforcement of regulations the refusal to serve drunk patrons jumps from 16 per cent to 54 per cent. Last year the Drugs and Crime Prevention Committee made five separate recommendations to the government regarding the responsible service of alcohol, but none were supported. Simply increasing penalties will not work unless the government monitors premises and enforces the RSA requirements.

There is an opportunity for innovation in policing licensed venues. The Alcohol Linking program is an intelligence-based program that runs in New South Wales. Because it has been so successful it is also being implemented in New Zealand. It provides police with accurate data on premises where the most trouble occurs and enables them to take corrective action. The program has been extensively and successfully tested over a decade in New South Wales, and the evidence suggests it leads to impressive reductions in alcohol-related incidents, assaults and single-vehicle accidents. Victoria Police has rejected this program despite a number of efforts to have it introduced.

A major problem with the banning notices and suspension of licences is that there is no mechanism for review. Recipients of banning notices should be given the opportunity to argue their case in court and decisions to suspend licenses should be reviewable at VCAT. The Member for Malvern has moved amendments covering these oversights, and I will be supporting those amendments.

Another amendment that the member for Malvern will move relates to part 3, which amends the principal act to give the director of liquor licensing the power to ban promotions that encourage the irresponsible consumption of alcohol. While advertising that blatantly promotes binge drinking should be clamped down on, the bill goes further than that. The director of liquor licensing is given the power to ban promotions that are not in the public interest. However, we believe the banning of promotions should be clearly linked to excessive drinking and should not have this catch-all at the end.

In his second-reading speech the minister cited a venue's promotion of free alcohol to women prepared to wear bikinis. It is difficult to ascertain from the minister's speech whether he has a problem with the free alcohol or whether he has a problem with the bikinis. I have been fortunate enough to receive a copy of the flyer that was referred to in the second-reading speech. We believe the issue is not about a bikini party and not about the free supply of Christmas hats to the girls who wear bikinis; the issue is about access to free and unlimited alcohol all night. The point is that the not-in-the-public-interest clause allows far too much latitude for promotions to be banned on grounds that are not linked to the excessive consumption of alcohol. Free and unlimited alcohol is the issue and is something we should legislate on; the wearing of bikinis and free Christmas hats are not.

With the addition of opposition amendments I support the broad thrust of this legislation. The government is taking its first baby steps in the area of addressing alcohol abuse, but much more needs to be done. A broad approach needs to be taken that embraces better treatment services, education and cultural change, but the government is refusing to take the comprehensive approach that is needed. It needs a plan that addresses excessive drinking in the city, which this bill is trying to do, but it needs to be much broader.

Both international and domestic research shows that higher levels of alcohol outlet density are geographically associated with higher levels of assaultive violence. In Victoria the number of licensed premises has jumped from 4000 in 1984 to over 17 000 today — an increase of almost two every day. We also know that 7 per cent of under-age drinkers purchased their own last drink and that almost 50 per cent of them did so from a bottle shop. We know that even children as young as 12 purchased their own last drink. We need a serious review of our licensing regulations, not just the tinkering we see in part 3 of this legislation. We also need to realise that when it comes to young people, the majority of their drinking does not happen in city clubs. Young people overwhelmingly drink at house parties and are given their alcohol mostly by friends aged over 18. Licensees should not be targeted for special treatment while other sources of providing alcohol to young people are ignored.

These are the issues that the government does not want to face. The Drugs and Crime Prevention Committee told the government to introduce laws to stop the secondary supply of alcohol to under-18s, restricting anyone other than a parent from serving or authorising the service of alcohol to a minor. That is also the case in New South Wales. But the government has refused to

adopt this proposal. A comprehensive alcohol plan also needs to focus on treatment, but last year the government decreased its alcohol and drug funding by 3 per cent. The Salvos say that the treatment sector is 50 per cent under capacity, and revelations just this week have shown that people are dying on waiting lists because there is a four-year wait to get treatment.

Recently the Premier said that alcohol was the major social issue for young people in Victoria. If he wants us to take his recent statement seriously and not see it as a cynical attempt to get the Office of Police Integrity hearings off the front page of the newspapers, then he needs to back up his words with some substance. Labor promised a comprehensive alcohol plan in 2003 and has promised it again and again, even as recently as last week. Every week, while this government dithers and procrastinates, another young Victorian dies because of alcohol abuse. We need a comprehensive approach; otherwise, the measures proposed in this bill will only scratch the surface.

Mr HOWARD (Ballarat East) — I am very pleased to support this piece of legislation, which is about community safety and about enabling people to feel confident that they will be safe when they go out to public places during the day and more particularly at night. The bill clearly puts in place significant changes with regard to liquor licensing and policing, which will increase our confidence about people being out at night and continuing to feel safe. In many cases it is not about us; it might be about our children — or our grandchildren, even — who we know might be out at night. Our community wants to know that our children are able to be out at night and to feel confident that they will come home safe and well, and this bill increases that sense of confidence.

The Brumby government, as we know, is committed to reducing the level of alcohol abuse in the community by informing and educating people. It is a significant approach that we want to take and we must continue to implement while recognising that we might need to take action if people are doing the wrong thing with regard to drinking and being violent as a result of that drinking.

I know that in Ballarat — the largest city in my electorate — we have a significant nightclub district. Periodically there are reports in the papers of violence of various kinds, sometimes serious, occurring in these areas in the early hours of the morning, and we know that these incidents are generally alcohol related. This government is concerned to ensure that people continue to have the opportunity to go out and enjoy themselves at these venues at night — or in the early hours of the morning, as it tends to be — while putting in place controls to reduce the levels of any violence which may be taking place.

It is very pleasing to see that, overall, this government through its actions is ensuring that Victoria is the safest place in which to live and that levels of crime continue to come down. But we know that associated with the consumption of alcohol and these nightlife venues there is an ongoing problem that this government is determined to act on. What are the sorts of things we are doing in acting on that? We are allowing the director of liquor licensing to designate areas to be entertainment precincts, which will then be treated differently in a policing sense. As a first step anybody who is identified within that area as being a troublemaker or as somebody who is clearly out to cause violence either against people or against property can be ordered not to re-enter that area for 24 hours. There are a series of steps in place. If the offender abuses that order and continues to act inappropriately and cause problems in that designated entertainment precinct, they can then be excluded for 12 months.

While we want to educate people, we need to follow up and identify individuals who continue to do the wrong thing. We are also putting the responsibility back onto venues and venue operators, and we are saying that, if violent activities are taking place within those venues, then police can come in and immediately close them down for 24 hours. The legislation certainly puts a significant degree of responsibility back onto those venues and venue operators.

In saying that, I am very pleased that in Ballarat our entertainment venue operators have generally been cooperative with police in attempting to deal with some of those issues of violence in the Ballarat entertainment precinct area. They have recognised the benefit of closing earlier, and that is something they are prepared to do. They do not allow people to re-enter venues after 3 o'clock in the morning, and they are taking several other steps to ensure that people who are doing the wrong thing are being restricted in one way or another. But this action by the government provides a clear message to the community, to venue operators and to people doing the wrong thing that we will not allow this to continue to happen and that action will be taken to ensure that the legislation gives greater confidence to anybody who is out there in the community.

With regard to venue operations, penalties have been increased for any venues selling liquor without a licence, the maximum penalty now being $26 000 or two years imprisonment. We are trying to control the way liquor is sold and to ensure that people selling

liquor must also be licensed. A range of procedures is being put in place, and I am very pleased that this government is being very clear about the message it is sending. It is not just delivering that message but also following it up with a series of well-determined actions which will address some of those issues which people come to my electorate office about and which I identify through reading the papers both in Ballarat and more broadly around the state. I am very pleased that this action has been taken. I want to allow time for other members to speak in this debate, so I am pleased to leave my comments at that.

Mr WELLS (Scoresby) — I rise to make a few comments on the Liquor Control Reform Amendment Bill and remind the house of a couple of points that the member for South-West Coast made in regard to the FReeZA program.

The FReeZA program, introduced by the Kennett government in 1997, has been outstanding because it addressed a number of the issues we are discussing today — for example, under-age drinking. The problem we as a society then faced was that 15, 16 and 17-year-olds could not go to a decent so-called nightclub because the premises were licensed, and they were missing out on an enormous amount of entertainment. The FReeZA program was set up; it allowed top-class DJs and bands to perform at events for young people. They were able to have lemonade et cetera and the events were extremely well organised. A focus of them was the security, which ensured that alcohol and cigarettes were not brought in. The security was incredibly strict.

It is disappointing today to read media reports of these events — and the member for South-West Coast has sent another press clipping to me — and to find that security at them has now broken down. I am not sure why this has happened; perhaps the government can explain why. It is obvious that people are smuggling alcohol into the events or that intoxicated people are being allowed entry, because fights are occurring; there is evidence of assaults at some events. Either way, the government has to tighten security and get back to basics to ensure that the events are first class. The program, supported by both sides of Parliament, has been going for 10 or 11 years, and it should continue.

The other point I want to make is about the lockouts. I am pleased that the government is doing something about it, because it is something that the Liberal Party put forward as a policy at the last election. It was listed under *A Liberal Government Plan for Victoria Police: Our Streets, Our Homes, Our Force*. At point 10 the Liberals' policy document states, under the heading 'Introduce entertainment area lockdowns and venue lockouts across Victoria':

> A Liberal government will introduce entertainment area lockdowns and venue lockouts across metropolitan Melbourne and country Victoria to reduce alcohol-related crime and violence resulting from venue hopping.
>
> The exact timing of lockdowns/venue lockouts, currently 3.00 a.m. in trial areas, will become mandatory following consultation with all relevant stakeholders.

The reason why this policy was adopted by the Liberal Party was that people living in the surrounding areas of these nightclubs and pubs were fed up with the antisocial behaviour taking place at 3, 4, 5 or 6 o'clock in the morning. I am pleased that the government has at last picked up this part of Liberal Party policy and introduced it in legislation even though it is somewhat late. I appreciate the briefing I was given, because it better explains the provision.

In the case of Geelong — and this was the case when I visited last year — there may be a number of nightclubs and pubs which are keen to sign up to a voluntary code. However, it could be that one operator does not want to adopt that code because they want to establish a competitive edge; they may want to remain open until 6 o'clock in the morning. If the others have agreed to shut at 3 o'clock, then there is a direct, unfair disadvantage to them, and they would miss out on business. As a result, the whole system breaks down. We understand that the introduction of this provision through the legislation will mean everyone will have to toe the line if there has been an issue of resultant violence. Geelong is a very good example, and I put out a press release about 18 months to two years ago calling for the government to make sure something is done about it.

The next issue I want to discuss is party buses. I have a good friend who travelled into the city on one of these party buses recently. Apparently they are good fun. I understand they were going to see *Priscilla, Queen of the Desert* and had lots of alcohol on the way there and lots on the way back, and that is fine. It would have been licensed and well patrolled, and they would have been well behaved — to a certain point, I suppose.

What concerns me are country football trips. I played football for 20 years, a number of those in country football. If the team went to Orbost, for example, to play a match we would catch a bus there; once the footy was finished, we would have a couple of beers on the way back. It meant that there were not 20 or 40 cars on the roads after people had had a couple of beers. I thought it was a responsible way for the football club to handle the issue. We were able to get a bus to the

ground, play our match — the firsts and seconds on the one bus or maybe on one and a half buses — and then come back to the clubrooms. The day was controlled and using the bus was responsible.

I hope the government looks carefully at the opposition amendments and tries to differentiate the party bus industry from the sporting clubs that are trying to do the right thing by responsibly looking after their 18 to 30-year-olds. We do not want a situation — and it would not make sense to me — where the club has to get a licence. I am not sure if they would have to get a licence every time they used the bus or what would happen. In the country it might be a particular bus one week but then a second or third bus at other times depending on what is available. I am not sure whether the company would have to get a licence for just one bus, and a particular bus has to be nominated. I hope the government can look at that provision in the legislation.

I hope the government accepts the amendments circulated by the opposition. We think they are reasonable. I will conclude my comments on that point.

Mr FOLEY (Albert Park) — I rise to support the Liquor Control Reform Amendment Bill and, in so doing, to oppose the amendments circulated by the Liberal Party. I note that some of the contributions from our friends in the Liberal and National parties have been quite constructive and sensible in that they have raised what is a very difficult, complex issue as to how the conflicting demands between alcohol abuse and the proper management and facilitation of a vibrant entertainment culture in Victoria should be managed. Perhaps it is a dilemma best summed up by the most accurate of postmodern philosophers, Homer Simpson, when he said, 'Here's to alcohol, the cause and solution of all of life's problems'. To my mind Homer has neatly summed up the problems that we are facing with this issue and this bill.

I will go on a brief trip down memory lane on this issue. Successive governments of both sides of politics have fundamentally liberalised the licensing of liquor over the last 20 years. In the 1980s we saw the Cain government go significantly down the road of deregulation and the liberalisation of these laws to begin the process of an overwhelmingly sensible regime of responsible liquor consumption, which has contributed to the figures of growth that some of the friends from the other side have referred to in this debate. We have seen the number of venues grow, and we have seen the whole sector develop in a vibrant and overwhelmingly responsible way. But sadly we have also seen a change of culture, particularly among young males in particular areas, which has involved alcohol being abused and alcohol violence being on a significant rise, a rise that goes against the trend of the overall reduction in violence and crime that we have seen in this state to make this state what it is now — the safest state in Australia.

We have also seen that same trend being contributed to by the former Liberal government, which the member for Kilsyth made reference to earlier. Recently the Premier referred to the fact that the whole approach to alcohol abuse is the largest health issue currently facing the state. But it is not just a health issue, it is also an education issue and an enforcement issue. This bill needs to be seen in that broader context of an overall government response and an overall community response to the difficult issue of how to manage the conflicting demands of having a vibrant entertainment culture at the same time as a responsible alcohol consumption policy that deals with community safety and health.

What does this bill seek to do to address that fundamental conflict? Essentially it seeks to make our streets safer and our entertainment areas more responsible by doing three things. Firstly, it allows for designated areas for entertainment precincts to be declared in consultation with Victoria Police and the director of liquor licensing. Secondly, once such an area is declared it gives Victoria Police at its operational discretion the ability to seek exclusion orders. Finally, in strengthening the enforcement provisions it seeks to give both Victoria Police and the director of liquor licensing substantially increased powers to address that sad but growing element of reckless alcohol-induced violence.

Before addressing the general provisions I might turn to how these issues play out in my electorate of Albert Park. Albert Park, in particular St Kilda, has been an entertainment area for over 100 years. It has been the playground of Melbourne and the rest of Victoria. It has sought to manage those difficult issues as they have come into conflict over many years, and I am sure it will, as it is doing now, seek to manage those in consultation with Victoria Police, licensing authorities, responsible traders and venues, the city council and the community. In that regard I think it is a real opportunity for my local community to deal with the fact that, while the vast majority of people who visit St Kilda behave in a responsible manner, unfortunately the consumption of alcohol can sometimes lead to violence. Venues and patrons in St Kilda, as do those across all of the state, need to take a more responsible position to combat this problem, and these new laws will make them do that if they do not choose to do it voluntarily.

Sitting suspended 1.00 p.m. until 2.04 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Public sector: investments

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. Has the Premier now sought or received advice regarding the exposure of any government investments or agencies to the United States subprime market; if so, will the Premier now report to the house on that advice?

Mr BRUMBY (Premier) — I have made it very clear to the Leader of the Opposition previously that there are a whole range of steps, processes and requirements in place for the VFMC (Victorian Funds Management Corporation) and other agencies to report to the government and to report to the Auditor-General in relation to their investments. Generally too, as I think I have advised the Leader of the Opposition, the fiduciary guidelines which are in place under our government are tighter than the fiduciary guidelines that were in place under the former government.

Mr Baillieu — On a point of order, Speaker, this is a straightforward question.

Honourable members interjecting.

The SPEAKER — Order! I remind government members that I wish to hear points of order in silence.

Mr Baillieu — On 31 October the Premier told the Parliament he had not received any advice on this subject. He has had four weeks. It is a simple question: has he received advice or has he been negligent?

The SPEAKER — Order! I do not uphold the point of order. I believe the Premier was being relevant to the question.

Mr BRUMBY — Again, as I have indicated to the Leader of the Opposition, the exposure of the Victorian investment agencies — the VFMC and others — in relation to the subprime market is extremely limited.

Child care: government initiatives

Mr BROOKS (Bundoora) — My question is to the Premier. Can the Premier outline to the house what the Victorian Labor government is doing to address the child-care crisis in Victoria?

Mr BRUMBY (Premier) — When you have an economy that is growing as strongly as Victoria's, and when you are generating more new jobs than any other state in Australia, then one of the biggest issues for Victorian families is the affordability and quality of child care.

A *Herald Sun* headline today says 'Child-care rebate, free kinder seal it', highlighting that this issue of child care is close to the hearts not just of Victorians but of all Australians. I am happy to inform the house that our government has already invested in significant new infrastructure in terms of child-care facilities. We have commissioned 55 integrated children's centres across the state since we have been in government. We have a further 40 planned over the next four years across metropolitan Melbourne and regional Victoria. The centres that we have put in place as a government are already generating more than 700 new child-care places and 650 new kindergarten places. These are good things for Victorians and good things for Victorian families.

I want to make the point that in a sense we are having to go it alone. We are not getting the support that Victorian families want from the federal government. The federal minister who is responsible for these issues, the Honourable Mal Brough, has declared that there is no child-care shortage in Victoria. He thinks there is no child-care crisis.

The Australian Bureau of Statistics released data in March this year that shows that 20 000 Victorians are not working. They are not in the labour force; they would like to be, but they are not able to be because of issues of cost, quality and accessibility of child care. This is despite the fact that in Victoria more than 40 per cent of all primary caregivers looking for child care cannot find an appropriate place, and it is also despite the fact that the cost of child care has risen by 12.8 per cent in the last year. That is almost six times the rate of inflation. For the federal government to say that there are no extra needs in relation to child care and there is no crisis in relation to child care shows it is just completely out of touch with the interests of our state and with the needs of working families.

I am pleased to say, though, that there are views which are being expressed publicly by a certain political party which are in keeping with the needs and aspirations of the people of our state. I refer in particular to a commitment which has been made to build 260 new child-care centres across Australia, and let us just say that we got 25 per cent of those. There is a commitment out there to increase child-care rebates by 50 per cent,

and there is a commitment to support working parents when they re-enter the workforce.

Honourable members interjecting.

The SPEAKER — Order! I ask the Premier to refer his comments to state government business.

Mr BRUMBY — As I said earlier, we are busy building children's centres, but we are being held back by the lack of action at the federal level. With all these commitments in relation to child care and in relation to new child-care centres, there is only one person who is making those commitments in Australia, and that is Kevin Rudd — and the Labor Party. If you are a working family, wherever you are across the state, looking for a fair go in terms of child care, it is only the Labor Party and Kevin Rudd who will provide it.

Princes Highway: upgrade

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Roads and Ports. Will the minister confirm that the state government will make the appropriate financial commitment to support the very welcome recent announcement by the federal Leader of The Nationals, Mark Vaile, that $250 million of federal funding is available for the first stage of duplication works between Traralgon and Sale on Princes Highway east?

Mr PALLAS (Minister for Roads and Ports) — I thank the Leader of The Nationals for his question. I note that before the last election The Nationals had a policy position that they would advocate for greater funding for Victorian roads from the commonwealth, and they identified two particular roads that they believed needed specific attention. One, of course, was Princes Highway east, and the other was Princes Highway west. Whilst I have heard a query about Princes Highway east, I have heard nothing but a deafening silence from the other side about Princes Highway west.

The SPEAKER — Order! I remind the minister that the question was clearly about Princes Highway east.

Honourable members interjecting.

The SPEAKER — Order! The member for Benalla!

Mr PALLAS — One cannot look exclusively at the contributions that are being made in respect of one specific area of Victoria, because this government governs for all Victorians. When we identified 30 priority projects that were necessary for not only Victoria's good but the nation's good, we did it because it was about building the national economy. Let us not forget that of those 30 projects, 17 have been committed to by federal Labor and only 11 by the conservatives.

Mr Ryan — On a point of order, Speaker, the minister is clearly debating the question. With respect, the Speaker has clearly defined that this is a specific question about a specific area, and I ask the minister to respond to that specific question.

Honourable members interjecting.

Mr Batchelor — On the point of order, Speaker, the question from the Leader of The Nationals invited the minister to engage in a wide-ranging debate about federal Nationals or coalition policy. In fact he was quite explicit in his question. He made reference to the Leader of The Nationals, the Deputy Prime Minister, and he made reference to The Nationals policy commitment on Princes Highway east. We all know that the national highway, the Princes Highway, travels all the way around Australia, but the nature and tenor of this specific question invites the minister to respond in an absolutely political way.

The SPEAKER — Order! I uphold the point of order that was raised by the Leader of The Nationals. I remind government members that for me to rule on points of order I need to be able to hear them, and to be able to interpret a question I need to be able to hear the question also, so some cooperation from the government benches would assist me in hearing the question. I uphold the Leader of The Nationals' point of order. I rule that the minister has been debating the question, and I bring him back to answering it.

Honourable members interjecting.

The SPEAKER — Order! I do not need a cheer squad from the opposition.

Mr PALLAS — As for Princes Highway east, the state government has been in discussions with the federal government and, of course, the federal opposition for the purpose of identifying the cost to conclude this road. Those figures vary between $918 million for completion of the project to $1.1 billion, depending upon cost contingencies. It is a critically important piece of infrastructure for the state, there is no doubt, but it must be considered in the context of many other pieces of critically important infrastructure — not just one road, but indeed a freight infrastructure for the good of the Australian community. I note that both sides of politics have

committed at the federal level in terms of the building of this important project.

Mr Ryan — On a point of order, Speaker, the question was in relation to the first stage of the duplication of the road.

Mr Batchelor — You didn't say that.

Mr Ryan — I did say that. Do you want to read it — —

The SPEAKER — Order! We will not have a discussion across the table.

Mr Ryan — It was in relation to the first stage of duplication works, and I ask that the minister answer that question.

The SPEAKER — Order! I do not uphold the point of order. I believe the minister is being relevant to the question.

Mr PALLAS — As a government we welcome contributions from either side of politics in terms of the critical pieces of infrastructure that the state has identified as priority projects. Princes Highway east is in fact a priority project, as indeed is Princes Highway west, on which I have heard nothing from The Nationals — and let me be clear, there will be no tolls on Princes Highway west.

So that it is clear, as I understand the position of both sides of politics at a federal level, the commitment varies depending on the stage and the timing of the payments under AusLink 2. That of course is a matter for them and ultimately for the electorate to decide. As a government we are committed to working with whomever is elected federally for the purposes of making sure that Victorians are well served. But unlike any other state government, this government is committed to ensuring that 25 per cent of the total contribution is made to Victoria, providing that Victoria gets a fair share. Quite frankly the conservative offering so far — 11 out of 30 projects — is pretty paltry.

Aged care: funding

Ms CAMPBELL (Pascoe Vale) — My question is to the Minister for Senior Victorians, and I ask: could the minister update the house on the state of commonwealth and state funding arrangements for vulnerable Victorians?

Ms NEVILLE (Minister for Senior Victorians) — I thank the member for Pascoe Vale for her question, which really goes to the heart of how we as a community and as a nation assist and care for some of our most vulnerable citizens. Some of our most vulnerable citizens are older Victorians, people whom the Brumby government is working hard to support. Unfortunately this is not something that can be said of the current coalition government in Canberra.

Victorian seniors deserve a decent place to live, and for many people this means a place in an aged-care facility. The commonwealth government has shown a disregard for the needs of seniors in our state. This is demonstrated in the levels of funding being allocated for aged care here in Victoria. In fact the level of commonwealth funding and the provision of aged-care services to senior Victorians are well below the national averages. Indeed looked at against its own benchmarks, the commonwealth is failing Victorian seniors. The commonwealth's planning guidelines clearly demonstrate the extent of its failure of senior Victorians.

Honourable members interjecting.

The SPEAKER — Order! The level of interjection is too high. I ask the member for Warrandyte to contain himself.

Dr Napthine interjected.

The SPEAKER — And the member for South-West Coast!

Ms NEVILLE — As I was saying, against the commonwealth's own benchmarks we have a shortfall of 994 residential places and over 2400 community care places in Victoria. Despite the enormous shortfall the commonwealth has failed to address this in the 2007 budget or in fact in the recent announcements it has made.

The commonwealth allocated only 22 per cent of the national residential aged-care places to Victoria this year. This is despite our having a 25 per cent share of the national population of people aged 70 and over. There are more than 930 000 Victorians aged 70 and over, and this number will reach 1.6 million over the next 20 years. We all know we have an ageing population, and we need to be smart today to plan fairly for our future. The commonwealth is not planning for the future.

And another demonstration of the commonwealth's failing Victorian seniors is in the allocation of high-care places. Victoria currently has only 39 high-care places per 1000 people aged over 70. This is well below the national average. This is where Victoria experiences the greatest level of unmet demand. The member for

Pascoe Vale would be interested to know that those shortages are in places like Moreland, in her own community, and also in Manningham, Monash, Mornington, Frankston and Dandenong. Those are just some of the communities being dudded by the commonwealth's aged-care funding shortfall.

Unlike the Howard government, the Victorian government understands the importance of our seniors, and we are investing in them. In this year's state budget we committed $165 million to fund community care services, redevelopments in residential aged-care facilities, a boost to our aged-care land bank, and dementia services, as well as 6000 sets of dentures and 3000 pairs of spectacles. Because the Howard government has underinvested in home and community care (HACC) services the Brumby government has this year topped up that program to the tune of $57 million.

Honourable members interjecting.

The SPEAKER — Order! The minister is being directly relevant to the question and is discussing government business. The minister, to continue.

Ms NEVILLE — Just in case those opposite did not hear, we have topped up this program by $57 million this year alone. This is over and above our requirements under the commonwealth HACC agreement. We are investing because we understand we have to plan for the future. But the commonwealth government has no plans for the future. It is a stale government that is out of touch.

The SPEAKER — Order! The minister, to confine her comments to state government business.

Ms NEVILLE — As I said, this government is planning for the future. We are focused on protecting and supporting vulnerable Victorians, particularly those in our community over 70. It is only the future Rudd federal government that is committed to a true partnership with us to deliver for senior Victorians.

Honourable members interjecting.

The SPEAKER — Order! The minister, to come back to state government business.

Ms NEVILLE — The Victorian Brumby government has committed substantial resources to — —

Dr Napthine interjected.

The SPEAKER — Order! The member for South-West Coast will stop interjecting in that manner.

Ms Marshall interjected.

The SPEAKER — Order! The comments of the member for Forest Hill are not welcome.

Ms NEVILLE — The Brumby government has committed substantial resources to provide first-class care and assistance to Victorian seniors, and we will continue to ensure that Victoria remains a great place for Victorian seniors to live.

Police: telephone tapping

Mr BAILLIEU (Leader of the Opposition) — My question is to the Minister for Police and Emergency Services. Has the minister had telephone conversations with the secretary of the Police Association, former Assistant Commissioner Noel Ashby or former Victoria Police media director Stephen Linnell since he was advised of the interception warrants on their telephones?

Mr CAMERON (Minister for Police and Emergency Services) — This week I have not confirmed that I knew any details on a warrant. I have made that explicitly clear. What I have told the house is that under the legislation I receive warrants and I forward them to the federal Attorney-General. That is required by the law. To in any way provide any detail which confirms the existence of any warrant or any detail of the warrant — —

An honourable member interjected.

Mr CAMERON — No, I didn't. It is wrong, and I will not do it.

Honourable members interjecting.

The SPEAKER — Order! When the member for Bass is finished we can continue with question time.

Energy: efficiency and renewable target schemes

Mr LUPTON (Prahran) — My question is to the Minister for Energy and Resources. Can the minister update the house on the implementation of the Victorian energy efficiency target and the Victorian renewable energy target and how these two schemes will interact with current and future federal energy policies?

Mr BATCHELOR (Minister for Energy and Resources) — I thank the member for his question. He is a member of this Parliament who is concerned about protecting the environment. The cheapest and cleanest power station is the power station you do not have to build. With this government taking up energy

efficiency as a policy priority through VEET (Victorian energy efficiency target), it plans to make sure that power use is more efficient, costs less and at the same time reduces greenhouse gas emissions. We want to make it cleaner and we want to make it cheaper.

VEET is a key part of the Brumby government's comprehensive plan to respond to the climate change challenge. In the spirit of cooperative federalism we hope to be working with a new federal government that is committed to energy efficiency, clean coal, emissions trading and renewable energy, just as we are here in Victoria. We would like to do this rather than be cleaning up the mess of nuclear reactors around Victoria under the Liberal Party plan.

The second part of the question today is about the Victorian renewable energy target, which is the government's renewable energy scheme. As we have said many times, we will use renewable energy to power our planned desalination plant. In a leaflet today the Victorian Greens said that renewable energy is carbon emitting and that is how we would be powering the desalination plant. This is absolutely wrong. You would think that the Greens here in Victoria would understand and know what renewable energy is. On the environment in Victoria, you cannot trust the Greens or the Liberals.

VEET is our world-leading, market-based scheme which will provide incentives to Victorian households for undertaking energy efficiency improvements such as energy efficient lighting, the use of energy efficient appliances and the increased use of insulation. VEET, which will start in 2009, we expect, based on modelling that we have undertaken to date, will reduce the power bills of those households participating in the scheme by around $45 per year. We know that over one-third of Victoria's energy is used in the home, so reducing home energy through increasing energy efficiency is really the quickest and cheapest way of reducing our greenhouse gas emissions in Victoria in the short term.

Office of Police Integrity: investigation

Mr McINTOSH (Kew) — My question is to the Premier. I refer the Premier to revelations from the former police media chief, Mr Stephen Linnell, that following discussions with the Premier's senior staff member, Ms Sharon McCrohan, about Office of Police Integrity confidential investigations, Ms McCrohan told him, 'We need to have coffee', and I ask: did Ms McCrohan have any further discussions with Mr Linnell, and if so, what was discussed?

Mr K. Smith interjected.

The SPEAKER — Order! The member for Bass!

Mr Donnellan interjected.

The SPEAKER — Order! I ask the member for Narre Warren North to withdraw that statement.

Mr Donnellan — I withdraw.

Mr BRUMBY (Premier) — At the conclusion of the public hearings undertaken by the Office of Police Integrity, the OPI's delegate, Mr Wilcox, made a very clear statement which I should read to the house. It was in relation to aspersions about those who were named in proceedings, and he said this:

> … some conversations were lengthy and deal with matters that are totally irrelevant to this inquiry …

He said they:

> … involve talk about people, which is scuttlebutt …

He went on to say:

> There is no person who is under scrutiny who has not given evidence.

In other words, the person referred to in the member's question has absolutely nothing to answer.

Honourable members interjecting.

The SPEAKER — Order! When the Minister for Energy and Resources and the member for Kew have finished their conversation, I will call the member for Yan Yean.

Water: food bowl modernisation project

Ms GREEN (Yan Yean) — My question is to the Minister for Water, and I ask: can the minister advise the house how much irrigators will pay for water savings under the food bowl modernisation project compared with the commonwealth's plan and also how he plans to continue to engage with local communities?

Mr HOLDING (Minister for Water) — I thank the member for Yan Yean for her question, because it gives us an opportunity to remind irrigators in affected areas who might be considering supporting the commonwealth government's plan — its national plan for water security — that in fact far better value for water savings is represented by the food bowl modernisation program that is being supported and proposed by the Brumby Labor government in Victoria.

Let us look at the facts behind this issue, because it is very important. Under the $1 billion food bowl

modernisation plan, supported by this government, irrigators in the Goulburn Murray area are expected to contribute $100 million — in other words, 10 per cent of the total cost of the modernisation. That nets out at $1333 per megalitre of savings that will be delivered to irrigators — that is, $1333 for those irrigators.

What is promised to those same irrigators under the commonwealth plan if the same modernisation plan were to be approved under its funding scheme? Under the commonwealth's national plan for water security, the documentation behind it and the letter which the commonwealth government provided to the member for Swan Hill, the commonwealth says that for $1 billion worth of investment in irrigation infrastructure, they would be expected to meet 25 per cent of the cost of the delivery systems and 50 per cent of the cost of all new metering. This equates to $275 million, for which they can keep half of the savings.

What is the cost per megalitre under the commonwealth's plan? The cost under our plan is $1333 per megalitre, while the cost under the commonwealth's plan is $2444 a megalitre.

Honourable members interjecting.

The SPEAKER — Order! The barracking by the government members is not acceptable.

Mr HOLDING — Irrigators right throughout the food bowl modernisation region now know that the cost of new water, the cost of water for irrigators under the Victorian plan, is $1333 per megalitre compared to $2444 per megalitre. If irrigators want to pay $1100 more per megalitre of water, they need only support the commonwealth government. What else are irrigators required to do under the commonwealth plan? We are required, and they are required, to give up control and to give up the security of high-reliability water that Victorians now enjoy.

The member for Yan Yean also asked how we can continue to engage with communities in the affected area who may be concerned about this project. This is very important.

Honourable members interjecting.

The SPEAKER — Order! I ask for some cooperation from the member for Rodney and the member for Murray Valley.

Mr HOLDING — Last week we were in Bright so we had the opportunity to meet a small number of protesters who came out to greet the community cabinet. I took the opportunity to go and have a chat with them and listen to their concerns. There were the three of them: Mike Dalmau; Wendy Lovell from the other place; and Sophie Mirabella. There is a photo of them in the *Bright Observer* today. They are the three wise monkeys: see no evil; speak no evil; Sophie Mirabella, evil as well! All three of them are there in the paper.

I give this commitment to those in the affected area: we will continue to meet with residents who have genuine concerns about our food bowl modernisation project. We will continue the process of constructive engagement that we have engaged in so far. But we will not be distracted by people whose protests, objections and concerns about this plan are expressed in the most virulent and inappropriate way.

We will not be engaging with those people who have put forward proposals which encourage people to engage in dangerous inflammatory acts. Instead we will engage with people who express their concerns constructively. We will continue our commitment to progress what is a vitally important project for all Victorians.

Ms Green — On a point of order, Speaker, the minister referred to a document, and I ask him to table it.

The SPEAKER — Order! Is the minister happy to provide the document?

Mr HOLDING — I am happy to make the photo from the *Bright Observer* available for the benefit of honourable members.

Office of Police Integrity: investigation

Mr McINTOSH (Kew) — My question is to the Premier. I refer to the Premier's guarantee to the house yesterday that persons employed by the government in a ministerial advisory role have at all times acted in strict compliance with the Police Regulation Act, and I ask: how can the Premier give this guarantee when he told 3AW radio that he had not even asked Ms McCrohan whether she had had further discussions with Mr Linnell?

Mr BRUMBY (Premier) — It is no wonder, is it, after that question! The opposition has had seven different policy positions in relation to this issue in the last year. Before the last election its policy was a royal commission, then it was a police probity auditor, and now it is all over the place — —

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

Mr BRUMBY — The director, police integrity, has specific powers under the act. The director and the Queen's counsel undertaking the inquiry, Murray Wilcox, have made it absolutely clear — —

Honourable members interjecting.

Mr BRUMBY — Here is Mr McCarthy. Here is a bit of McCarthyism!

Mr Baillieu — On a point of order, Speaker, the Premier is debating the question. It is a straightforward question. He refers to — —

Honourable members interjecting.

Mr Baillieu — Seven times on Melbourne radio this week the Premier said there was no question to answer. There is a question to answer. It is a simple question. Mr Wilcox also said that he did not propose to investigate these matters. That does not exclude the Premier from answering simple questions.

The SPEAKER — Order! I had asked the Premier to not debate the question, and he had just commenced his answer. There needs to be some opportunity for a minister to provide some background to and some framing of his answer before points of order are taken about debating, especially after I have actually asked him not to debate.

Mr BRUMBY — The Office of Police Integrity and Mr Wilcox have made it absolutely clear that in relation to any persons who are named incidentally in any of the tapes, they have nothing to answer.

WorkChoices: effects

Ms MUNT (Mordialloc) — My question is for the Minister for Industrial Relations. Can the minister inform the house about any recent research or findings on the impact of the federal government's WorkChoices on Victorian workers and what the Victorian government is doing to protect Victorian working families?

Mr HULLS (Minister for Industrial Relations) — I thank the honourable member for her question. This week I received a copy of the workplace rights advocate's report into the impact of WorkChoices on Victoria's retail and hospitality industries, and it demonstrates what an absolute shambles WorkChoices has been. When one looks at the conclusion in the report, the report makes it quite clear that WorkChoices has eroded the bargaining power of many employees in these industries, particularly vulnerable workers, by undermining job security and creating a climate of fear in the workplace.

Mr Clark — On a point of order, Speaker, the minister is quoting from a document, and I do ask him to make it available to the house.

The SPEAKER — Order! Will the minister make the document available to the house?

Mr HULLS — Absolutely. I am more than happy to, and I recommend it to the honourable member as very important reading. This report, as he will find when he reads it, is a damning indictment of Australian workplace agreements (AWAs).

Honourable members interjecting.

The SPEAKER — Order! I ask all members of the house for their cooperation so that we can conclude question time.

Mr HULLS — It is a damning indictment of the Howard government's AWAs. It actually shows that many employees have suffered substantial cuts to their pay and conditions due to the uses of AWAs, which have also stripped away things like overtime rates, penalty rates and allowances. This comes on top of research that shows that a typical Victorian worker on an AWA earns a devastating 23 per cent less than Victorian workers on collective agreements.

Yesterday Professor Stewart from Flinders University confirmed that employers are actually using AWAs to remove employee entitlements to long service leave without any compensation. That is why I have no doubt that the Prime Minister and Minister Hockey this week refused to release further reports in relation to AWAs. That was, as we know, reported in the *Australian Financial Review* this week, where it was made quite clear that the federal minister had refused to release this important information.

Honourable members interjecting.

The SPEAKER — Order! I ask the member for Scoresby for just a skerrick of cooperation so that we can conclude question time today.

Mr Clark — On a point of order, Speaker, the minister is now debating the question, and I ask you to bring him back to answering it and to Victorian government administration.

The SPEAKER — Order! I believe the minister was being relevant to the question.

Honourable members interjecting.

The SPEAKER — Order! Those comments are quite unnecessary.

Mr HULLS — As this house would be aware, the Brumby government has actively opposed WorkChoices. We have introduced over one dozen pieces of legislation to shield Victorians from the worst aspects of this draconian legislation — protections, I might say, that have all been opposed by those opposite. We now learn that Victorian workers — this was the point of the question — will be even worse off under any future changes to WorkChoices that have been proposed by the federal coalition. In fact secret modelling shows that it will take WorkChoices even further, forcing all public sector workers onto — —

The SPEAKER — Order! I believe the minister is going down the track of the hypothetical. I ask him to come back to the question.

Mr HULLS — I conclude with a reality, Speaker — —

Honourable members interjecting.

The SPEAKER — Order! This is not a football match! The cheering and barracking is absolutely unacceptable — —

Mr Mulder interjected.

The SPEAKER — Order! The member for Polwarth knows better than to try to interrupt the Speaker.

Mr HULLS — I will conclude with a reality: the fact is that in Victoria we have introduced, as I said, more than a dozen pieces of legislation to ameliorate the worst aspects of WorkChoices. But there is only one way to get rid of unfair Australian workplace agreements, and there is only one party that is prepared to actually rip up WorkChoices, and that is the Rudd Labor Party.

SUSPENSION OF MEMBER

The SPEAKER — Order! The use of props at question time has on two other occasions drawn suspensions. Under standing order 124 I suspend the Minister for Industrial Relations from the chamber for half an hour.

Minister for Industrial Relations withdrew from chamber.

Mr Wells — Can we cheer now?

The SPEAKER — Order! This chamber is not a football field. I should not have to remind the member for Scoresby of that.

The time set aside for questions has expired.

LIQUOR CONTROL REFORM AMENDMENT BILL

Second reading

Debate resumed.

Mr FOLEY (Albert Park) — In concluding my comments on the Liquor Control Reform Amendment Bill, I point out that this is a bill that we support, of course, and in doing so we do not support the amendments proposed by the member for Malvern on behalf of the Liberal Party. I will not go back over the contribution to the debate on alcohol abuse by that most famous of postmodern philosophers, Homer Simpson, but will continue where I left off. I was discussing in particular the issues affecting areas that should be designated as entertainment precincts in my electorate of Albert Park, and in particular the St Kilda area.

There is an increased focus on St Kilda as a premier entertainment area within the state, and certainly in Melbourne, as it brings together the beach, the foreshore and nearby venues. This legislation will require venues in that area — together with the community, Victoria Police and the City of Port Phillip — to lift their standards. If they do not lift their standards in this respect, there will be an opportunity for Victoria Police and the director of liquor licensing to make them do so. Accordingly I will be working with traders, venue operators, local residents, the City of Port Phillip and the community to achieve this lift in standards.

This Labor government's package of measures is essentially designed to crack down on that small number of licensed venues that bring the rest of the industry into disrepute. It is specifically meant to deal with alcohol-fuelled violence. I will briefly refer to the major points again to show how this legislation will achieve that in those designated entertainment precincts. Police will, of course, have the ability to ban troublemakers on the spot for up to 24 hours. Repeat offenders will be taken to court and could be banned for up to a year. The director of liquor licensing will have

the ability to suspend or vary a liquor licence or a venue's trading hours when that venue is a poor performer. The director will also have greater powers to enforce lockouts from particular venues. I draw those powers to the attention of that small number of miscreant venue operators in my electorate.

The venue licensee requirements will also be made tougher in respect of the ability of the director of liquor licensing to step behind some of the corporate veil arrangements that are currently in place. Reputable venue operators will have nothing to fear from this, but some of the more shonky, fly-by-night venues will need to seriously lift their governance as well as their performance. The bill also increases the penalties for serving alcohol to intoxicated persons or allowing them to remain on the premises. These fines will be doubled to a maximum of $13 200.

These new laws strike the right balance between maintaining a vibrant entertainment culture and keeping our streets and community safe. As the Premier has already outlined, these measures form part of a broader move to develop a whole-of-community campaign to combat the mounting health, committee safety and other problems associated with the rising levels of alcohol abuse in our community.

Ms ASHER (Brighton) — I also wish to contribute to the Liquor Control Reform Amendment Bill debate. As has been said by previous speakers, there are many worthwhile aspects to the bill before the house, but there are also other aspects that need improvement, which is why I strongly support the amendments proposed by the member for Malvern.

The aim of the bill is laudable; the opposition is happy to make that comment. The aim is to clean up areas where alcohol-related violence has occurred on a regular basis and give the police and others the power to deal with that. However, we have a number of concerns in relation to judicial review and civil liberties. Most importantly from my perspective there are a number of concerns about the way this bill could adversely affect business.

The bill gives the director of liquor licensing the power to designate an area, and people can then be excluded from the area in two ways. My concerns relate to one method of exclusion — that is, the banning notice. Police can issue a banning notice for up to 24 hours. The banning notice can be varied only by another police officer with a rank above that of sergeant. There are no court appeals. So we have a situation where a police officer can issue a banning notice that is reviewable only by another police officer.

We think, given that we have been advised that this offence will appear on a person's record and go onto the law enforcement assistance program database — that is the information the shadow minister received at the briefing — that the banning notice should be able to be reviewed by the Victorian Civil and Administrative Tribunal. In fact I would draw the government's attention to its own exclusion orders, which of course must be made by a court and which can apply for up to 12 months. We think that is not quite the right way to go and that these should be subject to review.

A second area of concern for us is that the director of liquor licensing is given power under the bill before the house to issue what is called a late-hour entry declaration — that is, a lockout, if you want to call it that. Again, this can apply for up to three months and there can be no appeal on this. The amendments proposed by the member for Malvern clearly indicate that, at a minimum, these declarations should be subject to consultation with the Chief Commissioner of Police. In his presentation to the house the member for Malvern has said that the designation of an area as an entertainment precinct is subject to consultation with the Chief Commissioner of Police and that that should equally apply in the case of the power of the director of liquor licensing to declare a lockout.

I now want to refer to my main concerns about the bill before the house, and these are expressed in my capacity as Minister for Small Business.

Mr Robinson — Shadow minister!

Ms ASHER — Indeed, as shadow Minister for Small Business and as a former Minister for Small Business. I make the observation — and I am happy to give advice to the current Minister for Small Business, who is very new to his job — that one of the really important roles of a minister for small business is to sit around the cabinet table and make sure that bills like this are amended. He clearly either did not have the self-confidence or did not have the knowledge to contribute around the cabinet table.

Dr Napthine — Or the ability.

Ms ASHER — Or the capacity. I just wish to point out two areas where I am concerned for business operators. I make the observation that there may be many legitimate uses of these powers, but business must have protections. Under clause 18 of the bill a senior police officer may suspend a liquor licence for up to 24 hours. There may be many good reasons for these suspensions to occur, and I also have complaints made in my electorate from time to time about licensed

venues or, more importantly, the behaviour of patrons in those venues. However, if a senior police officer suspends a business's licence — there is no doubt about it — it is damaging to the business. Again, there is no judicial oversight of this. We are arguing that that should be open to Victorian Civil and Administrative Tribunal review, not prior to the issue of the suspension but subsequently. There are basic rights of businesses here. A police officer could in fact make a mistake, and we think there should be some oversight of that.

The second area I am concerned about in relation to the operations of small business is that the bill gives the power to the director of liquor licensing to suspend or vary a liquor licence. The suspension or variation can be in force for up to seven days, and that would be prompted by the fact that the director thinks there has been a suspected breach of the liquor licence. Again, this is a broad power. I make the observation that in certain circumstances it may be appropriate to use that power, but my question is: what if the director is wrong? This could be enormously damaging for a particular business, and it is that area that I am most concerned about.

The bill additionally provides for the fact that there will be no compensation paid to a business as a consequence of the director of liquor licensing suspending or varying a liquor licence, even if the director has not acted in accordance with the law. It is possible that a director may have acted unreasonably or that the grounds may not have existed. However, the amendments to be moved by the member for Malvern propose that if the director acts in accordance with the law, compensation will not be payable. The amendment is a very sensible and narrow amendment, and it simply says that, given these vastly increased powers that are going to be given to the police and to the director of liquor licensing, if there were a circumstance where the director had not acted in accordance with the law, compensation to businesses should be payable. That is a very reasonable amendment, given the substantial change that this bill is bringing to the way in which liquor licensing is conducted.

I also want to make a comment on the proposed amendment in relation to party buses, which is amendment 13 as circulated by the member for Malvern. This again is an example of where the Labor Party actually wants to do something but ends up doing something far broader, possibly at significant extra cost. Labor's aim is to license party buses. This is a new area for me. I have never been on a bus where you pay to be taken around — I have been on a bus, but not on what is called a party bus. The Labor Party wishes to license this so-called industry, and these buses should be licensed — if they are business premises and liquor is available, they should be licensed — but my main concern about this is that this is an example of Labor's heavy-handed regulation impacting on community members who, in my opinion, are doing the right thing.

We on this side of the house have given the example of social groups or clubs that have hired a bus and, obviously, a bus driver, as a non-commercial operation. It happens all over the suburbs and all over country Victoria constantly, where a private group of people are doing the right thing — that is, not drink driving. They hire a bus, they get a driver and they go to wherever — the races, a winery or an event. All sorts of clubs do it: bowls clubs do it, Probus clubs do it, and may I suggest that even political parties do it from time to time. Those people are being responsible by making a bus available, and under this proposal the Labor Party is saying, 'You must have a licence to do this'.

That licence will cost, if they are going for a bring-your-own permit, $125 to actually do the right thing, hire a bus and stay off the roads. In other words, these people are being socially responsible citizens, and this bill is hitting those people. I emphasise that it is completely legitimate to require a liquor licence for a commercial operation — that is the nature of liquor licensing — but to require a liquor licence for a private activity, I think, is the Labor Party gone mad and way too much red tape.

In conclusion, we have specific areas of concern. Police do need powers, but there are key areas where I think the government has gone too far and has failed to protect businesses. I have outlined those areas and the member for Malvern has moved amendments to address those, and I would urge the minister at the table to accept those amendments. I gave the example of requiring a liquor licence for private buses being used by people who are being socially responsible by not drink driving, and I would again urge the minister to evaluate that. Let us say he has just made a mistake, and let us say it is an oversight. I urge him to adopt the amendments put forward by the member for Malvern.

Debate adjourned on motion of Mr LANGDON (Ivanhoe).

Debate adjourned until later this day.

TRANSPORT LEGISLATION AMENDMENT BILL

Council's amendment

Returned from Council with message relating to amendment.

Ordered to be considered later this day.

POLICE REGULATION AMENDMENT BILL

Second reading

Debate resumed from 21 November; motion of Mr CAMERON (Minister for Police and Emergency Services); and Mr McINTOSH's amendment:

> That all the words after 'That' be omitted with the view of inserting in their place the words:
>
> '(1) the house refuses to read this bill a second time until the Office of Police Integrity has reported on the November 2007 public hearing and the Parliament has had an opportunity to ascertain the operational effectiveness of the OPI as an anticorruption body as compared to similar bodies in other Australian jurisdictions; and
>
> (2) this bill be withdrawn and redrafted to provide for the immediate introduction of random drug and alcohol testing for all Victoria Police members.'

Mr WELLS (Scoresby) — I rise to join the debate on the Police Regulation Amendment Bill and strongly support the reasoned amendment moved by the member for Kew. As the Leader of the Opposition and the shadow Minister for Police and Emergency Services have said over and over again, it is time this state had a broadbased anticorruption commission; we should be supporting that and moving forward as quickly as possible.

We saw in question time today the concerns that the opposition has and the great efforts that the government is taking to not answer any of the questions — —

Honourable members interjecting.

Mr WELLS — Isn't it funny that the two ministers interject and are so keen to say, 'We answered them, we answered them!', but when it comes to just straightforward questions, if the Premier were concerned about a breach of the Police Regulation Act, would he not ask a question of his staffer? He would ask a simple question, 'Did she have a meeting with Stephen Linnell and what was discussed?'. But when it comes to a straightforward, simple question, we cannot get an answer.

The part of the bill that I particularly want to speak on is the separation of the roles of Ombudsman and the Office of Police Integrity (OPI). I do not understand how it has taken over three years for this to take place. When the existing process was first mooted in this house, we said it was a stupid, irresponsible idea. We could not understand why the government would have the same person as the Ombudsman and the director of the Office of Police Integrity. It simply did not make any sense, that if you were going to have an investigation, how could each office be separate and independent of each other? This is not casting any aspersions on the personalities involved, it is about the actual positions of Ombudsman and director of the Office of Police Integrity.

On 8 April 2004 the Bracks government came out with a blazing headline 'Greater powers and resources for the Ombudsman'. Because of all the killings and the concerns about police corruption, the government was going to fix the situation. It came out and said it was going to boost the budget of the Ombudsman by $1 million and tried to convince Victorians that that was going to fix the problem. That lasted a couple of months, then another press release came out on 3 June 2004:

> The Premier, Steve Bracks, today said the office of the state Ombudsman George Brouwer would receive a massive boost, following a request for more funds …

Only a couple of months after it had announced extra funding of $1 million, the government announced funding of a further $10 million — instead of having one bandaid, we had two bandaids!

The government thought about it for a while and said, 'No, this is still not right; we are going to increase the Ombudsman's budget not by $10 million but by $15 million and give him 100 extra staff and special investigators'. The government kept moving things around and putting bandaids on top of bandaids. After all the pressure the opposition applied to the government, saying the system could not possibly work, that neither office could be independent of the other, the government has finally relented and introduced this bill.

The issue I want to emphasise is the important one of Jenny's case. Jenny was a woman in country Victoria who was quite rightly concerned about her files being checked. She wrote to the OPI — it was actually the Ombudsman in those days, then it changed to the OPI — and asked for an explanation about who were

the people that she claimed were checking her law enforcement assistance program (LEAP) file.

The OPI wrote back and said to Jenny that it was all under control, that her LEAP files had not been checked and that everything was in order. At that time they sent all the backup documentation to Jenny, which was unfortunate. Jenny received the files of about 450 people — private details, including mobile phone numbers and addresses — associated with an investigation into her case. She found that the OPI had misled her. It said there had been no breach of privacy, but there had been a significant breach of privacy. Her LEAP file and that of her husband at the time had been accessed on a number of occasions. Another concern was that she asked for an investigation over a lengthy period and, unbeknown to her, that period had been cut back. She had not been told about that and was even told otherwise in a letter.

The concern was that the opposition was given the documents, including personal details, associated with the 450 files. Our dilemma was what should we as an opposition do with those files? We could not go to the chief commissioner at that point in time because the files had obviously been leaked from the police; we could not go to the OPI because the director of the OPI was also the Ombudsman; and obviously we could not go to the Ombudsman. We had a very difficult situation. In the end we met with the OPI and were given assurances that the investigation into why the leak took place would commence, and that such a leak would never happen again.

I was concerned that on the day after the story broke, the director of the OPI came out and said that no-one would lose their job over that before an investigation had even started. It concerned us that if you were going to be thorough and independent, you would make sure that you conducted that investigation first before making any commitment that no-one would lose their job.

We have watched with great interest the journey, the bandaids, the foul-ups and the misconstrued information with the model that the government put forward. As I said, this is about the model; it has nothing to do with the personalities involved. We have never supported having the two offices as one, headed up by the one person. As we have said, it did not make any sense. If the offices were going to be independent and at arm's length, that needed to be clearly evident, and the Victorian community needed to be told that they were to be independent.

With those few words I will conclude. I hope that the government will support the member for Kew's reasoned amendment and that we can move forward to make sure Victoria does have a broadbased anticorruption commission.

Mr LUPTON (Prahran) — I am pleased to be able to make some comments in support of this legislation. The Police Regulation Amendment Bill is a very important piece of legislation that is designed to give the regulating agencies in this state the most appropriate powers, responsibilities and procedures to deal with matters involving integrity in police and associated inquiries.

The background to this legislation is that the Office of Police Integrity (OPI) was established some three years ago in circumstances where there were numerous reports in relation to what were known as the gangland killings. The government acted swiftly and appropriately at that time to ensure that we set up a robust investigating process in this state that could speedily start dealing with inquiries, investigations and the collection of evidence in relation to those matters. The compelling evidence, some three years or so down the track, is that the government acted properly, appropriately and effectively in proceeding to establish that process.

The objectives of the amending legislation we are dealing with include providing the Chief Commissioner of Police with the legislative power to direct the drug and alcohol testing of Victoria Police members in certain circumstances. The bill separates the offices of the Ombudsman and the director, police integrity, and it also repeals a provision that would have sunsetted the contempt powers relating to the director, police integrity. The context of the original legislation is as I have mentioned previously, and the objectives of the bill are related to those three particular topics.

Firstly, I will deal with the drug and alcohol testing of police. This has been a somewhat contentious issue for some time, and I am delighted that the government and the chief commissioner have been able to bring about an agreement in relation to establishing the appropriate drug and alcohol testing of police members in certain defined circumstances. This broadly brings Victoria into line with most other Australian jurisdictions and will provide the chief commissioner with a broad generic power to direct police members to undergo testing for alcohol or drugs of dependence.

The testing that will be established under this legislation will be applicable where a member reports for duty and the chief commissioner or her delegate

believes that the member is affected by alcohol or a drug of dependence and is incapable of performing their duties. It will also apply where a member is involved in a critical incident. A critical incident, in general terms, involves an incident where a police member discharges a firearm, a person is seriously injured, the incident involves the use of a motor vehicle and so forth. 'A critical incident' is appropriately defined. It will also apply in any circumstances where the chief commissioner believes it is necessary to direct a member to submit to testing for the good order or discipline of Victoria Police.

In order to establish a proper process for this new regime to be followed the legislation provides that failure to comply with such a direction to submit to testing may be a breach of discipline. That is essentially the sanction for non-compliance with such a request. There are, of course, appropriate safeguards built into the legislation so that particular information relating to treatment and testing for alcohol and drugs of dependence can be used in discipline proceedings and in managing the police member's performance. The bill protects against information relating to treatment and testing being used in certain legal proceedings, which is entirely proper and in accordance with the general law applying to other individuals in Victoria. In addition this legislation continues to support a welfare-based testing and treatment regime. We believe this will be a proper and effective way for police command in Victoria to more effectively provide for the welfare and good management of Victoria Police.

The second objective of the legislation is to remove the requirement that the Ombudsman and the director, police integrity, (DPI) be the same person. This bill will remove that requirement and provides that the director, police integrity, shall be appointed by the Governor in Council for a period of up to five years with eligibility for reappointment and that the DPI hold legal qualifications of the same level as is appropriate for the appointment of a County or Supreme Court judge.

After the Office of Police Integrity was established in 2004, a review of the processes was undertaken by the director in 2006–07. That involved recommendations being made by the director in his 2006–07 annual report. After also taking into account a statutory review undertaken by the special investigations monitor into the DPI's powers under the Police Regulation Act, which also recommended earlier this month that the two offices be separated, the government has properly decided that those two offices will be filled by different people. It is important to acknowledge that, in order to quickly and effectively deal with the emerging issues back in 2004, it was necessary to make sure that we had in place somebody with the experience, knowledge and wherewithal to effectively commence investigations, and they were carried out by the director, police integrity, without delay. The government took the right course at that time to ensure that the appropriate powers were given to the relevant person, who was already well set up and in a position to start undertaking obligations. Now we have moved to the position where we are able to make the transition to these new arrangements. I think they will be effective and that it is the proper course to adopt.

The third of the objectives I mentioned earlier relates to contempt powers, which the director, police integrity, currently has under the Police Regulation Act. Conduct such as failing to comply with a summons to appear or produce evidence or refusing to be sworn or provide answer to questions from the director, police integrity, would currently amount to contempt in the face of the Supreme Court and also contempt of the Office of Police Integrity. The DPI in this instance can issue a certificate or warrant so the person can be brought before the Supreme Court and dealt with for contempt. That current provision is due to sunset — that is, cease to operate — on 16 May 2008. This would have created a limitation on the powers to ensure witnesses comply with the orders and directions of the director, police integrity. It is not appropriate that those powers cease to operate, and, accordingly, the amending legislation before the house today removes that sunset provision and will enable those contempt powers to continue to be exercised in the future. Considering all of those matters, this is good legislation that will be for the benefit of the people of Victoria, and I commend it to the house.

Ms WOOLDRIDGE (Doncaster) — It gives me great pleasure to speak on the Police Regulation Amendment Bill 2007. The bill seeks to introduce a drug and alcohol testing regime for Victoria Police and to separate the Office of the Ombudsman and the Office of Police Integrity. I will be supporting the reasoned amendment moved by the member for Kew regarding ascertaining the effectiveness of the OPI as an anticorruption body and also the introduction of random drug and alcohol testing.

In my remarks I wish to focus in particular on my portfolio area of drug abuse. The bill allows for the Chief Commissioner of Police to determine that police may be tested for the good order and discipline of the force, which could allow for random testing, but she and the minister have both indicated that that will not be implemented at this stage. Alcohol and drug abuse touches every part of our society. About 400 000 Victorians use cannabis every year, 114 000 use ice and

over 12 000 use heroin. Illicit drugs kill 800 Victorians every year and many thousands die from alcohol abuse. We cannot bury our heads in the sand as if there is not a problem.

New South Wales has had a random drug-testing regime for a decade now. It carries out 2200 random tests every year. Some research done there under Operation Abelia has clearly shown that drug use by police is just as prevalent as it is among the rest of the community. The *Victorian Drug Statistics Handbook* shows that 50 per cent of young people under the age of 24 have used illicit drugs. If this is consistent with use throughout the police force, as the research would suggest, then we definitely need significant action. It is becoming a widely held view that random drug testing is necessary in safety-sensitive workplaces. Testing currently occurs in the mining, construction, aviation and trucking industries and other police forces, as I have mentioned. Reviews in these industries have shown the need for testing.

A 2006 survey of Australian pilots shows that 22 per cent reported that flight safety was compromised at least once in the previous 12 months due to alcohol or drugs. Studies also show that random testing can be effective. A United States of America study of Southern Pacific Rail's drug-testing program shows train accidents dropped from 22.2 accidents per 1 million train miles to 2.2 accidents as a result of the introduction of random drug testing.

We also know that random drug testing can have a deterrent effect. A 2007 study by the Department of Health and Human Services in the United States found that 29 per cent of workers who use drugs monthly would be less likely to work for an employer who randomly tests. If this approach reduces the use of illicit drugs in our police force, then it is a good thing. Community safety and the maintenance of the integrity of the force are critical reasons for random drug testing of police being introduced. They carry guns, batons and have powers to detain that other members of society do not. Even the disgraced former assistant commissioner, Noel Ashby, has said:

> Particularly if you are confronted by a critical incident, you don't want someone whose motor skills are out or someone who is showing a little more bravado than they ought to.

In this context of community safety everything must be done to discourage drug and alcohol abuse by police. In fact even the government's head of the beloved OPI, George Brouwer, has called for random testing. In his annual report tabled just last month he said:

> With the implementation of random drug testing in sports and for drivers, arguments against random drug testing of police reflect unacceptable double standards.

Rather than leaving this to the discretion of the chief commissioner, a random drug-testing regime should be clearly spelt out in legislation. Police have powers and responsibilities that others in society do not, which warrants this approach.

I also want to note that this legislation seems to have been quite rushed, with scant detail. It does say a lot of the detail will be held in the regulations, but that does not give me or the drug and alcohol sector confidence. Some questions need to be resolved. What level will the testing be conducted at? Cannabis can stay in your system for over two weeks, so will the tests be so finely tuned as to pick up use that was not recent? What about pharmaceutical drugs? Some are listed as drugs of dependence in the Drugs, Poisons and Controlled Substances Act, but what level will be deemed inappropriate?

The bill is also unclear about when an officer who has been involved in a critical incident will be tested. Proposed section 85B(3)(b) says that the direction to test must be issued within 3 hours of an incident, but the bill does not specify when the actual testing is to be carried out, and this could influence the results.

What level of alcohol is acceptable? How do you define 'fit for duty'? Is it a zero level or 0.5 or something else? Alcohol abuse is the major drug problem in our society, causing almost seven times the number of deaths each year that illicit drugs cause. I am glad to see that alcohol testing has been included, but as the minister hardly dwelt on alcohol in his second-reading speech, I fear that the government's primary intention is to focus on illicit drugs. Illegal drug use may make better press stories than alcohol abuse, but I urge the government to ensure that this testing regime focuses appropriately on combating alcohol abuse.

How treatment will be provided for officers who test positive is also far from clear. Departmental officials have advised that treatment and rehabilitation will be offered, but there has been no mention of extra funding to support this. The treatment sector is under strain, and we hear from the Salvation Army that the sector is 50 per cent under the needed capacity. The drug and alcohol budget was cut by 3.5 per cent this year, and we have heard reports of waiting lists of four years and over for some services.

I support an approach that offers genuine rehabilitation, but funds are needed to support that approach. Some of these details may be included in the regulations, but the

feedback I have received from the drug and alcohol sector is that the bill contains insufficient detail to allow an informed decision on its quality. This absence of any clarity or transparency suggests to me that the government is simply bowing to media pressure and reacting to the headlines, not putting in place a well-thought-through piece of legislation.

In my view this bill also does not go far enough. Drug abuse and alcohol abuse are issues in every workplace — not just in the police force — but because of the power police officers wield, in order to keep the community safe the police force must be drug free. There should be no double standards from this government. A system of both targeted and random testing, coupled with an extensive rehabilitation program, is needed to ensure that the community is safe. For these reasons, I support the reasoned amendment.

Ms D'AMBROSIO (Mill Park) — I wish to lend my support to the Police Regulation Amendment Bill. In doing so I will make some preliminary comments about the commitment of this government, and especially the current police minister, to ensuring that we have a highly responsive police force that is fully equipped, fully capable and ready to tackle all manner of crimes and issues around public safety.

Part of achieving good outcomes in that regard is ensuring that the community has the fullest level of confidence in the capability of the police force to enforce laws for the community's greater good. In terms of that, drug and alcohol dependence in the community is an issue that has received great attention and focus. There is a greater expectation across the community that public servants — in this case police members, who perform high-risk tasks and often very critical tasks in the community — work without any undue hindrance from drug or alcohol abuse. That is very important. This bill adds to the commitment this government has to giving confidence to the community that it has a police force that is ready and prepared to deal with the critical situations that often arise in law enforcement.

The bill specifically gives broad power to the chief commissioner to require a police officer to undergo drug or alcohol testing. To do so the chief commissioner must believe that the particular police officer is somehow affected by drugs or alcohol and is incapable of performing their duty. The relationship between those two aspects is very important. The chief commissioner would also need to be confident that in that situation the inability to perform duties would bear on the police officer's involvement in a critical incident or in any other situation where the good order and discipline of the force may be at risk. It is very important for us to ensure that the provisions of this bill are fairly contained so there is no willy-nilly application of drug and alcohol testing. The testing has to relate to the high-risk work undertaken by police members in critical incidents or in areas where high-order discipline and good behaviour are fundamental.

The bill provides consequences for the failure of a member of the police force to comply with the requirement of the chief commissioner to undergo drug or alcohol-related testing. It may be deemed, for example, a breach of discipline to fail to comply with the requirement of the chief commissioner. Obviously there is a responsibility to ensure that members who are tested are prevented from being individually identified in public reports. That is very important. Police morale is critical to ensuring the success of this type of drug and alcohol testing regime. Part of that is about ensuring that there is a health and safety or welfare focus on the drug and alcohol testing. That is obviously in the public interest, for the public good and for the protection of the community.

We also need to balance that with what is in the best health and safety interests of an individual police officer who may be adversely under the effects of drugs or alcohol in the performance of their high-risk functions. It is very important, therefore, that members of the police force feel, in instances where there may be some positive testing outcomes, that there is a measure of protection or prevention for an individual member in being named or somehow personally identified in any public way that they have failed a drug or alcohol-testing process.

It is also very important for police morale that we protect information from use in any legal proceedings that may arise unless there are exceptions such as proceedings related to accident compensation or occupational health and safety proceedings, criminal, civil or coronial proceedings that may arise from a critical incident involving a police officer.

The set of provisions here reflect similar regimes that exist in other states where they have been demonstrated to be functioning well. Most other Australian police jurisdictions have testing regimes. We have New South Wales, Queensland, and the Australian federal police at the commonwealth level, and Tasmania has legislative provisions that support drug and alcohol testing of police officers. We can see there is clearly an increased expectation across the broader community that this is the way to go, that this goes hand in hand with good policing and good law enforcement, and that the way

these provisions are contained sits comfortably with the notion of maintaining police morale. That all goes to ensuring that there is public confidence and that public confidence in the police force is maintained in terms of public security. They are a very good thing, and they have broad support.

We are very keen that the proposed provisions will also be run within the existing police resources, which is very important in terms of police morale, and, as I said earlier, that the drug and alcohol testing system will be confined to members of Victoria Police other than those who do not carry out high-risk functions. Squarely in the relationship between critical matters of police high-risk functioning and any impediments to good solid performance by police officers there is a very clear and tight correlation between the two, and that is as expected by members of the police force and the broader community.

This will also assist in ensuring that we have the highest ethics operating right across the police force. Community confidence cannot be understated. It is a modern response to drug and alcohol dependence. They should obviously have been dealt with a long time ago but such issues get swept under the carpet, are ignored or are dealt with in a very ad hoc manner. They are very much health and safety issues, ones of personal as well as community welfare, and I think it is to be commended that, broadly speaking, Australian jurisdictions are moving to squarely confront the problems that may exist between drug or alcohol-affected police officers in the performance of their high-risk duties. This is very good policy.

The bill will also cause the functions of the Office of Police Integrity and the Ombudsman to be held simultaneously by different people, so the two functions, if you like, are to be split. This arises as a consequence of the recommendation of the director of police integrity in the 2006–07 annual report. It also follows the statutory review undertaken by the special investigations monitor, so both these policy shifts have been thoroughly examined. There has been broad consultation, and both have been welcomed by many stakeholders throughout our community and have the support, I understand, of the broad community, and I recommend the bill wholeheartedly to the house.

Dr SYKES (Benalla) — I rise to speak on behalf of The Nationals on the Police Regulation Amendment Bill 2007. I would like to commence by thanking Marisa De Cicco and departmental staff for their briefing and guidance. As usual, it was conducted in a helpful and professional manner, and I reiterate my thanks. The purpose of the bill is twofold. The first is to enable the testing of members of the police force and associated entities for alcohol and drugs of dependence in certain specified circumstances; and the second is to separate the offices of the Ombudsman and the director, police integrity.

If we look, first of all, at the testing for alcohol and drugs of dependence, we see that this bill will bring our legislation into line with legislation in other jurisdictions, such as New South Wales, Queensland, Tasmania and the commonwealth, and it defines the circumstances under which the testing can be carried out. Having sought comment from local, grassroots officers on this bill, one particular concern that was raised with me by local officers was new section 85D, which relates to a member who has been involved in a critical incident other than a motor vehicle incident, who has received a life-threatening injury in that incident and who may require emergency medical treatment — and there could then be a direction from the chief commissioner to the treating medical practitioner to obtain a blood sample.

The concern of one officer is that such action could be prejudicial to the proper care and treatment of the member and that there appears to be no allowance made for the medical practitioner refusing or declining. He went on to say that the bill is silent on the foremost consideration of the medical practitioner — that is, the welfare of his patient. In the briefing provided to me I was assured that, as is the case with the Road Safety Act, where there is a subsection relating to the taking of samples, it does not apply if, in the opinion of the doctor first responsible for the examination or treatment of a person, the taking of a blood sample would be prejudicial to his or her proper care and treatment.

Whilst that is spelt out in relation to the Road Safety Act, there is an uncertainty in the mind of the officer who spoke with me about whether the same principle applies to a life-threatening injury which is incurred in a critical incident other than a motor vehicle incident. Therefore I ask the minister, in summing up, to assure the officer that, as was advised to me in the briefing, this officer's concerns have in fact been covered by the intent of the bill and to ensure that the intent of the bill is able to be carried out by the wording of the bill.

Continuing the focus on the welfare of the officers involved, it is clear, again from the briefing, that the intention of this legislation in relation to the empowering of the taking of samples for testing for alcohol and drugs of dependence is that the primary focus is on the welfare of the officer. I am very aware of the many stresses that local police officers experience in their day-to-day duties, and certainly in

our area those stresses have been heightened in recent times because of the drought. I have raised in Parliament what I considered to be a very graphic example of the impact on police of their involvement in dealing with drought-related suicides.

Another stress on officers that needs to be addressed by the minister and the minister's parliamentary secretary is a continuance of the program to upgrade police stations and police accommodation. I acknowledge that there has been work done throughout the state, but I would remind the minister that there are still totally unsatisfactory accommodation arrangements at Benalla, Euroa and Mount Buller. I ask that those stations be put high on the priority list for upgrading so that, just as we are concerned about the welfare of the officers in relation to drugs of dependence and alcohol, we ensure that their accommodation does not result in additional stress.

Another specific clause that I want to touch on briefly is clause 5, and particularly the definition of 'serious injury'. It is defined as an injury that:

> (a) is life threatening; or
>
> (b) is likely to result in permanent impairment; or
>
> (c) is likely to require long-term rehabilitation …

As a veterinarian I can certainly see that each one of those constitutes serious injury. I find paragraph (d) interesting. It says a serious injury includes an injury that:

> is, in the opinion of the Chief Commissioner, of such nature, or occurred in such circumstances, that the infliction of it is likely to bring the force into disrepute or diminish public confidence in it.

From the briefing I received I know what the government is trying to achieve, but I find that a fascinating way of defining a 'serious injury'. It highlights to me the sensitivity of the government to public perception about the way the police conduct their activities. I should say it is a pity that it does not have the same sensitivity to the public's perception of the Minister for Water's attitude to people exercising their democratic right to protest against the pipeline, when yesterday he described them as quasi-terrorists and a sorry bunch of people.

The other part of the bill on which I would like to comment is the very significant provision for the separation of the offices of Ombudsman and director, police integrity. As the Leader of The Nationals said, it has been The Nationals policy for a number of years that there should be a stand-alone, fully independent standing commission on corruption with the power to investigate police and others suspected of involvement in corruption. It is pleasing that the Labor Party has started to see the light, after starting with non-separation and internal investigation mechanisms.

The member for Scoresby described it so well in his contribution when he talked about the government's bandaid approach. A bandaid was put on the initial problem, then a bandaid was put on the bandaid, and then another bandaid was put on the bandaid on the bandaid — and I think the member for Scoresby got up to seven bandaids. That highlights the government's inadequate approach to the problem and its failure to recognise that what is required is what is working in other states — that is, along with substantial funding and resources, a separate, stand-alone commission on corruption with the power to investigate police and others suspected of involvement in corruption.

It is therefore my intention, along with my colleagues in The Nationals, to support the reasoned amendment moved by the member for Kew, which is:

> That all the words after 'That' be omitted with the view of inserting in their place the words:
>
> '(1) the house refuses to read this bill a second time until the Office of Police Integrity has reported on the November 2007 public hearing and the Parliament has had an opportunity to ascertain the operational effectiveness of the OPI as an anticorruption body as compared to similar bodies in other Australian jurisdictions; and —

so as not to interfere with the passage of the other component of this bill, the provision for the testing of members of the force and related entities for alcohol and drugs of dependence —

> (2) this bill be withdrawn and redrafted to provide for the immediate introduction of random drug and alcohol testing for all Victoria Police members.'

Clearly what that amendment is saying is there is a need to make the move, rather than going through with some bill to which, in light of the findings and the outcome of the current hearing, there may be a need — heaven forbid! — to apply yet another bandaid. This reasoned amendment is saying, 'Let us get it right this time. Let us have a look at the situation'. Clearly the current hearing that is being undertaken is revealing some very disturbing information about corruption within the force which, based on the information aired in this Parliament, appears to be at a very high level. That is a great pity for the vast majority of the members of the force, men and women who are honest coppers trying to do the right thing. With that in mind and the revelation of this disturbing information, it is critical

that we support the reasoned amendment so that we can have one final fix of this problem.

Mr LIM (Clayton) — I am pleased to support what, given current events, is a very important bill. The bill has two key components. It makes provision, firstly, for the alcohol and drug testing of police officers in certain circumstances and, secondly, for the separation of the offices of Ombudsman and the director, police integrity.

The bill provides for alcohol and drug testing of police officers in situations including when an officer is involved in a critical incident such as discharge of a firearm or use of force and also where the officer is incapable of performing their duties. In my view these are reasonable provisions. With the prevalence of alcohol and drug abuse in our modern society, no occupational category can be considered immune to substance abuse. At its most positive, this bill will enable those officers with an addiction to be treated on a health model and to receive appropriate counselling, treatment and rehabilitation which will enable them to continue to perform their duties into the future.

Substance abuse is also a workplace safety issue. Employees whose capacity is impaired by drugs or alcohol can be a hazard to their fellow workers as well as to members of the public. This is a critical point in regard to police officers who are vested with powers such as the authority to apprehend and detain. A civilised society which through its Parliament vests such powers in its police force must have absolute confidence that its officers are not impaired in the performance of their duties.

The bill also provides for alcohol and drug testing where the Chief Commissioner of Police reasonably believes it is necessary for the good order and discipline of the force. The Police Association secretary, Paul Mullett, is quoted in the online edition of the *Age* on 31 October 2007 as saying industrial action was a possibility if evidence-based targeted or random testing was to go ahead. I hope Mr Mullet does not view the discretion given to the chief commissioner in this light. Police officers are not above the law, and in our Westminster system it is ultimately for the Parliament to determine the law.

We all know that what underpins organised crime and the gangland killings is trafficking in drugs. While the vast majority of police officers are dedicated, honest and hardworking, unfortunately we now know that several officers have been corrupted by organised crime. In this context a tough drugs policy, including testing for drugs, is justified and should be supported.

The bill also separates the offices of Ombudsman and the director, police integrity. This is a sensible arrangement and is supported by the Ombudsman. The current Office of Police Integrity hearing shows that the OPI is indeed working. Without prejudging its findings, when its investigations touched an assistant commissioner of police, a senior public servant and a police union secretary, then it clearly has the necessary powers and resources and nobody can be considered beyond its reach.

Unlike the opposition, which would jeopardise the effectiveness of the OPI, I favour maintaining a dedicated body focused on the police. To broaden its role into a more general crime commission would be to water down its oversight and investigation of police. This view is supported by expert commentators. This is a very reasonable bill that should be supported, and I commend it to the house.

Mr CLARK (Box Hill) — This bill takes some small steps in the right direction, but it by no means goes far enough. The bill deals with the issue of testing of police for drug and alcohol problems. It also creates a separation of the office of the director, police integrity, and the state Ombudsman. However, it fails to institute random drug testing of police for alcohol or drug problems and it fails to establish a broadbased anticorruption commission for Victoria. Both of these are very important measures which the opposition believes we should — —

Business interrupted pursuant to standing orders.

The DEPUTY SPEAKER — Order! The time set down for consideration of items on the government business program has arrived and I am required to put the following questions. The minister has moved that the bill be now read a second time. To this motion the member for Kew has moved a reasoned amendment. He has proposed to omit all the words after 'That' with the view of inserting in their place the words which appear on the notice paper. The question is:

> That the words proposed to be omitted stand part of the question.

Those supporting the reasoned amendment should vote no. All those in favour say aye. All those against say no. I think the ayes have it.

A division is required. I ask the Clerk to ring the bells.

Bells rung.

Dr Napthine — On a point of order, Deputy Speaker, I was here in the chamber listening intently

and I did not hear any voice for the ayes. There were distinct voices for the noes.

The DEPUTY SPEAKER — Order! There is no point of order. I called for a division.

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

Ayes, 49

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

Noes, 32

Asher, Ms	Napthine, Dr
Baillieu, Mr	Northe, Mr
Blackwood, Mr	Powell, Mrs
Burgess, Mr	Ryan, Mr
Clark, Mr	Shardey, Mrs
Crisp, Mr	Smith, Mr K.
Delahunty, Mr	Smith, Mr R.
Dixon, Mr	Sykes, Dr
Fyffe, Mrs	Thompson, Mr
Hodgett, Mr	Tilley, Mr
Ingram, Mr	Victoria, Mrs
Jasper, Mr	Wakeling, Mr
Kotsiras, Mr	Walsh, Mr
McIntosh, Mr	Weller, Mr
Morris, Mr	Wells, Mr
Mulder, Mr	Wooldridge, Ms

Amendment defeated.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

ROAD LEGISLATION FURTHER AMENDMENT BILL

Second reading

Debate resumed from 21 November; motion of Mr PALLAS (Minister for Roads and Ports); and Mr MULDER's amendment:

That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until the minister —

(a) has advised the house that he has sought assurances from other jurisdictions that the removal, from the national transport council model bill, of the reasonable steps defence for operators and drivers is consistent with the approach taken by those jurisdictions; and

(b) provides the house with details of which organisations will be approved to access personal information under the proposed changes to section 92 of the Road Safety Act 1986; and

(c) explains to the house what guidelines will be put in place to protect the privacy of individuals and the type of information that may be disclosed under the proposed changes to section 92 of the Road Safety Act 1986.'

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

Ayes, 50

Allan, Ms	Ingram, Mr
Andrews, Mr	Langdon, Mr
Barker, Ms	Languiller, Mr
Batchelor, Mr	Lim, Mr
Beattie, Ms	Lobato, Ms
Brooks, Mr	Lupton, Mr
Brumby, Mr	Maddigan, Mrs
Cameron, Mr	Marshall, Ms
Campbell, Ms	Merlino, Mr
Carli, Mr	Morand, Ms
Crutchfield, Mr	Munt, Ms
D'Ambrosio, Ms	Nardella, Mr
Donnellan, Mr	Neville, Ms
Duncan, Ms	Noonan, Mr
Foley, Mr	Overington, Ms
Graley, Ms	Pallas, Mr
Green, Ms	Pandazopoulos, Mr
Hardman, Mr	Pike, Ms
Harkness, Dr	Richardson, Ms
Helper, Mr	Robinson, Mr
Herbert, Mr	Scott, Mr
Holding, Mr	Seitz, Mr
Howard, Mr	Stensholt, Mr

Hudson, Mr	Trezise, Mr
Hulls, Mr	Wynne, Mr

Noes, 32

Asher, Ms	Northe, Mr
Baillieu, Mr	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Burgess, Mr	Ryan, Mr
Clark, Mr	Shardey, Mrs
Crisp, Mr	Smith, Mr K.
Delahunty, Mr	Smith, Mr R.
Dixon, Mr	Sykes, Dr
Fyffe, Mrs	Thompson, Mr
Hodgett, Mr	Tilley, Mr
Jasper, Mr	Victoria, Mrs
Kotsiras, Mr	Wakeling, Mr
McIntosh, Mr	Walsh, Mr
Morris, Mr	Weller, Mr
Mulder, Mr	Wells, Mr
Napthine, Dr	Wooldridge, Ms

Amendment defeated.

Motion agreed to.

Read second time.

Third reading.

Motion agreed to.

Read third time.

GAMBLING LEGISLATION AMENDMENT (PROBLEM GAMBLING AND OTHER MEASURES) BILL

Second reading

Debate resumed from earlier this day; motion of Mr ROBINSON (Minister for Gaming).

Motion agreed to.

Read second time.

Third reading.

Motion agreed to.

Read third time.

LIQUOR CONTROL REFORM AMENDMENT BILL

Second reading

Debate resumed from earlier this day; motion of Mr ROBINSON (Minister for Consumer Affairs).

Motion agreed to.

Read second time.

Third reading.

Motion agreed to.

Read third time.

ROAD LEGISLATION FURTHER AMENDMENT BILL

Clerk's amendments

The SPEAKER — Order! Under standing order 81, I have received a report from the Clerk informing the house that he has made corrections to the Road Legislation Further Amendment Bill 2007. The report is as follows:

> In clause 17, page 26, line 11, I have deleted '16' and inserted '15'.
>
> In clause 17, page 26, line 13, I have deleted '16' and inserted '15'.
>
> In clause 17, page 26, line 17, I have deleted '16' and inserted '15'.
>
> So that the clause now has the correct cross-references to clause 15 of the bill.

The document is signed by the Clerk of the Parliaments.

CRIMINAL PROCEDURE LEGISLATION AMENDMENT BILL

Statement of compatibility

Mr HULLS (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

> In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Criminal Procedure Legislation Amendment Bill.
>
> In my opinion, the Criminal Procedure Legislation Amendment Bill, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.
>
> **Overview of bill**
>
> The objective of the bill is to make a number of discrete reforms to criminal procedure and offences in accordance with the principles outlined in the government's justice statement. The justice statement, released in May 2004, set

the agenda for significant reform of the justice system. Justice statement initiatives include reviewing and replacing key legislation on criminal law and procedure.

This bill includes reforms to implement most of the Sentencing Advisory Council's recommendations from their final report: *Sentence Indications and Specified Sentence Discounts.*

This bill also makes a number of smaller reforms to criminal procedure and offences, including:

abolishing reserved pleas;

amending the obligation to strike out a charge for a summary offence when the charge sheet and summons have not been filed within time;

providing a maximum penalty for the common-law offence of exposure;

amending the summary offence of wilful damage.

Human rights issues

The provisions of the bill raise a number of human rights issues.

1. Section 24(3): fair hearing

Section 24 protects the right to a fair hearing.

Sentence discounts and indications

The bill provides that the decision to give or not to give a sentence indication is final, limiting the right of appeal in regards to that decision. This may engage the right to a fair hearing.

The purpose of this right is to ensure the proper administration of justice and focuses on the extent to which procedures protect the rights of the parties and the reasonable opportunity to present his or her case to the court. The decision to grant or not grant a sentence indication does not infringe this right because it in no way limits the information that may be presented to the court. If a decision not to grant an indication has been made, the hearing or trial proceeds as normal and the accused may produce any material that was already available to them to produce before the indication was requested. The bill also provides that the application for, and determination of, a sentencing indication are inadmissible in evidence against the accused. Furthermore, the bill does not limit the accused's right to appeal the final sentence imposed.

The bill may also enhance this right. Sentence indications are aimed at helping an accused to make their plea decision at an earlier stage, by having more knowledge and certainty about what sentence he or she is likely to receive. Further, the bill provides that if the accused does not wish to plead guilty after receiving an indication, the case must be listed before a different magistrate or judge.

Section 24(3) of the charter provides a right to the public pronouncement of judgements and decisions by a court or tribunal. Amendments in the bill that oblige the court to identify the amount of a sentence discount, for certain types of sentence orders, may enhance this right by making sentencing decisions more transparent.

Reserve pleas

Requiring an accused to choose whether to plead guilty or not guilty at the end of a committal proceeding (where the court has decided to commit the accused for trial) does not limit the accused's right to a fair trial because an accused may plead not guilty. That is, any accused who is undecided and may have reserved their plea under current laws can instead plead not guilty. A plea may also be changed to guilty at any time up to and during the trial.

2. Section 25(1): right to be presumed innocent; and Section 25(2)(k): right not to be compelled to confess guilt

Sentence discounts and indications

Section 25(1) protects the right to be presumed innocent until proven guilty according to law and section 25(2)(k) states that a person is not to be compelled to testify against him or herself or confess guilt. This right would be engaged if accused persons were being induced to plead guilty.

The amendments in the bill that provide for sentence discounts and indications would infringe this right if they induced accused persons to plead guilty. The scheme provided by the bill does not induce or compel accused persons to plead guilty. While sentence discounts may be seen as permitting a risk of an inducement, discounts have been available in statute since 1991. The sentence discounts reforms are focused on making the current operation of the law more explicit and transparent.

If an accused seeks a sentence indication and then decides not to accept the indication and does not plead guilty thereafter, the matter is then listed to be heard before a different magistrate or judge.

3. Section 25(2)(a): right to be informed promptly and in detail of the charge

Section 25(2) provides for minimum guarantees in criminal proceedings including the right in section 25(2)(a) to be informed promptly and in detail of the nature and reason for the charge.

The bill amends section 30 of the Magistrates' Court Act 1989 to give magistrates discretion as to whether or not to strike out a charge when the informant cannot prove that he or she has filed the charge and summons in the court within seven days of issuing a charge sheet. Currently, if the informant cannot prove that he or she has complied with this requirement, the magistrate must strike out the charge.

This amendment does not alter the notice that the accused receives when they are charged with an offence. This is because the accused gets notice of the charge when they are issued with a summons to attend court. Therefore the filing requirement will have minimal impact on the accused as it is only following service of the charge and summons that they become aware of the matter and have notice of the date to attend court (i.e. from the summons). Therefore, the right is not limited.

4. Section 25(3): rights of children in criminal proceedings

Section 25(3) protects the rights of children in criminal proceedings including the right of a child charged with a

criminal offence to a procedure that takes account of his or her age.

Clause 14 of the bill amends the Children, Youth and Families Act 2005 to oblige the Children's Court to identify the amount of a sentence discount, for certain types of sentencing orders. This amendment will not infringe the right of children to be treated according to their age. It is a part of the Children's Court procedures, which have been put in place to protect the rights of children.

5. Section 27: right not to be found guilty of an offence due to conduct that was not an offence when it was engaged in, and right to a lesser penalty

Common law exposure

Sections 27(2) and 27(3) provide that a penalty must not be imposed that is higher than the penalty that applied when the offence was committed, and protect the right to benefit from a lesser penalty when penalties change.

The common-law offence of exposure does not currently have a penalty. If a person is sentenced for this offence after the commencement of this bill, he or she will be sentenced in accordance with this new reduced maximum penalty, irrespective of when the offence was committed. Further, if proceedings have not been concluded, the accused may benefit from the ability to have the offence heard summarily in the Magistrates Court and the lesser penalty that may be applied in that court.

Wilful damage

Conduct amounting to the offence of wilful damage may also constitute the indictable offence of damage or destruction of property in section 197(1) of the Crimes Act 1958. Currently a person who causes damage worth more than $500 must be charged with the indictable offence, which has a maximum penalty of 10 years imprisonment. After the commencement of the amendment, a person who causes damage of under $5000 will benefit from the reduced penalty that applies to the offence of wilful damage (6 months imprisonment).

Statute law revision

Section 27(1) ensures that people may not be found guilty of an offence if it was not criminal when it was engaged in. The bill includes amendments to the Crimes Act, which substitute 'youth training centre' for 'youth justice centre', subsequently covering people who have been working at a youth justice centre.

These amendments do not engage this right because they commence in accordance with the transitional provisions found in schedule 4 of the Children, Youth and Families Act 2005. Clause 24 of schedule 4 to that act indicates that a reference to a youth training centre is to be read as a reference to a youth justice centre from the commencement date of the provision. Schedule 4 to that act commenced on 23 April 2007. Accordingly, clause 2 of this bill provides that this statute law revision is deemed to have come into operation on 23 April 2007.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because to the extent that some provisions do raise human rights issues, these provisions do not limit human rights.

ROB HULLS, MP
Attorney-General

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The release of the government's justice statement in May 2004 set the agenda for significant reform to modernise the justice system. Justice statement initiatives include reviewing and replacing key legislation on criminal law and procedure.

This bill will implement recommendations made by the Sentencing Advisory Council on sentence indications and discounts. These reforms will complement improvements made to the committal process by the Courts Legislation Jurisdiction (Amendment) Act 2006.

The bill will also make a series of small amendments to the Crimes Act, the Magistrates' Court Act, and the Summary Offences Act to improve the efficiency and fairness of the criminal justice system.

I now turn firstly to the implementation of the Sentencing Advisory Council's recommendations.

Sentence indications and discounts

In mid-2005 the government asked the Sentencing Advisory Council to consider whether Victoria should introduce sentence indications and discounts. In particular, the council was asked to consider the potential impact of introducing such schemes on victims of crime, the efficiency of the criminal justice system and the Victorian community.

The council found that there is a very high incidence of matters resolving as pleas of guilty at a late stage in proceedings. Many of these matters could be resolved 6–12 months earlier. Both sentence indications and sentence discounts are designed to place defendants who may ultimately plead guilty in a better position to make this decision early in the proceedings.

The council's final report made a number of recommendations. This bill implements the majority of the legislative recommendations put forward by the council.

Under Victoria's Sentencing Act 1991, when sentencing an offender the court must take into account whether the offender pleaded guilty, and if so, the stage in the proceedings at which the offender pleaded guilty.

This bill does not make any changes to this aspect of the law. A court may reduce the sentence it would otherwise have imposed because the accused has pleaded guilty.

Because the court does not normally identify the amount of any discount, the extent to which a plea of guilty changed the sentence that would otherwise have been imposed is often not clear. This lack of transparency can reduce the confidence of the victim and the community in the sentencing process and can fuel scepticism among defendants about whether an early plea of guilty will make any difference to the sentence imposed on them.

This bill implements the council's recommendations to make this part of the sentencing decision-making process more transparent. Transparency can be achieved by the court simply stating the sentence that it would have imposed 'but for the plea of guilty'. The council recommended that in every sentence in which the court decides to provide a discount for a plea of guilty, it should identify and state the amount of that discount. This recommendation has been refined following further consultation on the council's recommendation.

The bill will require the court to state the amount of a discount given for a plea of guilty where the sentence is of a custodial nature or involves a fine of over 10 penalty units, or an aggregate fine of more than 20 penalty units. For less severe sentences, including any fine imposed in the Children's Court, the court may, but is not required to, identify the amount of a discount.

This approach recognises that a discount is sometimes difficult to identify with lower level sentences — for example, an accountable undertaking given in the Children's Court. Further, the value in identifying the amount of any discount increases where higher sentences are imposed.

Where an offender pleads guilty to a number of offences, it may be appropriate for the court to impose a sentence of imprisonment for each offence and a total effective sentence, which takes into account any orders for concurrency or cumulation of the sentences. If the court considers that a discount is appropriate for some or all of the offences, the bill requires the court to identify the discount in relation to the total effective sentence, including any non-parole period, which is imposed, rather than in relation to each individual sentence. The more offences a person is sentenced for, the more important the total effective sentence becomes in comparison with the individual sentence.

While there are some differences in sentencing laws applicable in the Children's Court, the bill adopts a similar approach in the Children's Court by providing that the court may identify the discount in relation to the aggregate term of detention for more than one offence, rather than each period of detention.

The approach to be employed in each court appropriately balances the competing interests in identifying the amount of discount in relation to the sentence for each offence and the complexity of doing so where a person is sentenced for a large number of offences.

The Sentencing Advisory Council also found that sentence indications could sometimes be helpful in resolving matters at an earlier stage of proceedings. Having an indication of a likely sentence can help some defendants to decide whether or not to plead guilty to an offence. The council found that sentence indication schemes are very effective in resolving contested summary matters. For defendants whose primary concern is the possibility of a conviction or an immediately servable sentence of imprisonment, an indication that rules out one or both of these possibilities may remove the impediments that are causing them to defer their plea decision.

This process already occurs informally in the Magistrates Court and the Sentencing Advisory Council recommended that this be formalised. The bill provides that the Magistrates Court may provide an indication as to the sentence type that the court is considering imposing (for example, a fine, a community-based order, or whether a conviction will be imposed) or whether the court is likely to impose an immediately servable term of imprisonment or detention. This procedure also applies in the Children's Court.

The Sentencing Advisory Council also recommended that this process be extended so that it is available in the County and Supreme courts. The council recognised that the flexible approach that works well in the Magistrates Court needed to be adapted to address more complex sentencing issues that can arise in the County and Supreme courts. The council recommended that a sentence indication in the higher courts be limited to an indication of whether the defendant might or might not be subject to an immediately servable term of imprisonment. The bill implements this recommendation.

An indication can be provided upon application by the defendant but can only be heard by the court if the prosecution consents, following consultation with the

victim. Unlike in the Magistrates Court, the bill provides that an indication may only be provided once in the County and Supreme courts unless the prosecution consents to another application being heard. The court will have unfettered discretion to refuse to provide a sentence indication. If an indication is given and the defendant pleads guilty, the court may not impose a more severe sentence.

To ensure that defendants are not disadvantaged by a sentence indication, if the defendant does not plead guilty after an indication is given, a trial must be conducted before a different judicial officer, unless the parties consent otherwise. Further, the bill provides that evidence of an application for an indication, the sentence indication hearing and the sentence indication itself, is inadmissible against the defendant in any proceeding.

Clause 6 of the bill provides that it is the intention of section 50A(5) of the Magistrates' Court Act 1989 to alter or vary section 85 of the Constitution Act 1975.

Clause 8 of the bill provides that it is the intention of section 23A(9) of the Crimes (Criminal Trials) Act 1999 to alter or vary section 85 of the Constitution Act 1975.

I make the following statement under section 85(5) of the Constitution Act 1975 of the reasons why it is the intention of clauses 6 and 8 of the bill to alter or vary section 85 of the Constitution Act 1975.

Section 50A(5) of the Magistrates' Court Act 1989 and section 23A of the Crimes (Criminal Trials) Act 1999 will provide the Magistrates, Children's, County and Supreme courts with the capacity to provide a sentencing indication to a defendant who is considering pleading guilty. In accordance with a recommendation from the Sentencing Advisory Council, these sections provide that a decision to give or not to give a sentence indication is final and conclusive.

A sentence indication should only be given where it is likely to be of benefit in concluding proceedings. The reason for restricting review and appeal rights against a decision to give or not to give a sentence indication is to ensure that this decision is final and the substantive proceedings, whether a trial or a plea hearing, can proceed without delay. If review and appeal rights were not restricted, they could defeat the purpose for the introduction of this reform. Importantly, when a sentence is imposed, each party has rights of appeal against the sentence imposed.

The government wants to ensure that appropriate measures are in place to protect the community and enable just punishment for those who commit offences. The scheme has been carefully designed to ensure that it does not improperly induce guilty pleas, engender disproportionate and unduly lenient sentencing, or limit sentencing discretion.

These reforms help to provide a better justice system. Guilty pleas bring earlier closure to victims and their families and assist the victim to begin the process of recovery. A guilty plea also signifies a defendant's willingness to accept responsibility for his or her conduct, and frees up the resources of the justice system for other matters. To ensure that these reforms work effectively, the Sentencing Advisory Council will monitor the effectiveness of these reforms.

These reforms will also complement the government's reforms to committal proceedings contained in the Courts Legislation Jurisdiction (Amendment) Act 2006 and the 2007 budget initiatives to reduce delay, particularly through the establishment of an early resolution unit at the Office of Public Prosecutions.

I would like to thank the Sentencing Advisory Council for its extensive consultation with the courts, the legal profession and the community and its excellent work in preparing its report.

I now turn to the other reforms in the bill.

Other amendments

The bill also makes a number of amendments aimed at promoting fairness and greater efficiency in the criminal justice system, including:

providing magistrates with a discretion concerning whether to strike out charges where the informant has issued a summons and the informant cannot prove that he or she has filed the charge and summons in the court within seven days of signing the charge sheet;

abolishing reserve pleas — as a result, at the conclusion of committal proceedings the defendant will need to either plead guilty or not guilty. This will improve the accountability of decisions made by defendants, particularly given that sentencing discounts benefit those who make decisions at the earliest opportunity;

introducing a maximum penalty of five years imprisonment for the common-law offence of wilful exposure. Currently, the maximum penalty for this offence is at large. Fixing a maximum penalty will also enable this offence to be determined summarily

where the Magistrates Court considers this to be appropriate;

enabling the summary offence of wilful damage to be used where the amount of damage caused to property is less then $5000. This offence is currently restricted to damage valued at less than $500. This change will assist in the efficient disposition of lower level offences involving damage to property.

The bill will promote consistency, transparency, fairness and certainty in the criminal law, all of which are key principles of the government's justice statement. Sentence indications and discounts complement this government's priority to reduce delays in the criminal justice system, and to reduce the stress and trauma experienced by victims of crime. The reforms in the bill will perform an important role in modernising and improving Victoria's laws and criminal justice system.

I commend the bill to the house.

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

Debate adjourned until Thursday, 6 December.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL

Statement of compatibility

Mr HULLS (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter), I make this statement of compatibility with respect to the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2007 (the bill).

In my opinion, the bill, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The objective of the Victorian Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 is to give effect to the cooperative commonwealth, state and territory scheme for the classification of publications, films and computer games set out in the commonwealth Classification (Publications, Films and Computer Games) Act 1995. The Victorian act provides for the enforcement of classification decisions made under the commonwealth act, prohibits the publishing of certain publications, films and computer games and prohibits certain material on online information services.

The bill amends the Victorian Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 to implement amendments consequential upon the commonwealth Classification (Publications, Films and Computer Games) Amendment Act 2007.

Human rights issues

1. Human rights protected by the charter that are relevant to the bill

Section 15(2) of the charter provides that every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Victoria and whether this information be imparted orally, in writing, in print, by way of art or in another medium chosen by him or her.

The national classification scheme (established before the charter commenced) limits freedom of expression. The purpose of the scheme is to establish a regulatory regime for certain categories of publications, films and computer games. The scheme imposes restrictions on an individual's ability to access and to use certain types of films, publications and computer games. As such, it restricts an individual's ability to seek, receive and impart information.

However, section 15(3) of the charter recognises that the right to freedom of expression may be subject to lawful restrictions reasonably necessary —

to respect the rights and reputation of other persons; or

for the protection of national security, public order, public health or public morality.

This bill does not impose further limitations on the right. The majority of the bill's clauses implement consequential technical amendments which do not impose further restrictions in relation to an individual's ability to access information contained in publications, films and/or computer games. Accordingly, they do not limit the right set out in section 15 of the charter.

The substantive amendments in the bill which implement amendments to offence provisions in the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 in relation to the exhibition and sale of a compilation of classified films under a different title from the titles under which the classified films were originally classified arguably enhance the right to freedom of expression. The amendments to the relevant Victorian offences are consequential upon amendments to the commonwealth act, which provide that a compilation of two or more classified films on the one device does not require the compilation to be classified (i.e., the compilation is not to be deemed a new 'film' which would require it to be classified under the commonwealth act). These amendments reduce the classification obligations imposed on industry and distributors and are likely to enhance consumers' access to film 'information'.

2. Consideration of reasonable limitations — section 7(2)

The bill does not limit any human right and therefore it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with, and does not limit, the human rights protected by the charter.

ROB HULLS, MP

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The Victorian government is committed to ensuring that the regulation and enforcement of classification decisions in relation to publications, films and computer games complies with the cooperative commonwealth, state and territory regime for the classification and enforcement of these materials, the national classification scheme.

Under the national classification scheme, the commonwealth Classification (Publications, Films and Computer Games) Act 1995 ('the commonwealth act') establishes the Classification Board and the Classification Review Board, which are responsible for providing a classification rating and consumer information for certain publications, films (including videos and DVDs), and computer games. This information assists consumers in making appropriate choices with regard to consumption of this type of material.

The states and territories are responsible for the enforcement of the classification decisions. The Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 ('Victoria's act') provides for the enforcement of classification decisions made by the Classification Board and the Classification Review Board, prohibits the publishing of certain publications, films and computer games and prohibits certain material on online services.

The bill implements consequential amendments to Victoria's act to ensure that the enforcement provisions are consistent with recent amendments made to the commonwealth act by the Commonwealth Classification (Publications, Films and Computer Games) Amendment Act 2007 ('the commonwealth amendment act'). These amendments were agreed to by censorship ministers through the Standing Committee of Attorneys-General (censorship) forum.

In broad terms, the policy objectives of the commonwealth amendment act are to:

clarify that additions to already classified films of descriptions or translations such as subtitling or captioning are not considered a modification to the film which would require it to be reclassified;

allow authorised industry assessors to make classification recommendations and consumer advice to the classification board about films containing 'additional content', such as subtitling or captioning, released with an already classified or exempt film;

confer responsibility for determining classification markings and the manner of their display on the commonwealth minister after consultation with participating ministers. This power was previously conferred on the director of the Classification Board. The amendments are required due to the commonwealth's decision to abolish the Office of Film and Literature Classification and fold the policy and administrative functions into the commonwealth Attorney-General's Department.

To ensure that Victoria's act is consistent with the commonwealth act specifically, and the national classification scheme overall, this bill implements the following consequential amendments:

inserts a new provision which provides that a film that is contained on one device and consists only of two or more classified films is to be treated as if each film is contained on a separate device. This definition implements the classification requirements in the commonwealth act, which provide that a new application and classification of a compilation of already classified films on a single storage device is not required;

amends offence provisions which require a film to be exhibited in a public place and to be sold under the same title as that under which it is classified, and without modification. This is to make the relevant offences consistent with the new provisions in the commonwealth act which provide that certain modifications to a film are not modifications requiring the film to be reclassified;

makes technical amendments to ensure that the requirements for the display of determined markings and consumer advice for classified films, publications and computer games are consistent with the commonwealth act;

makes technical amendments consequential upon, and ancillary to, the commonwealth's decision to abolish the Office of Film and Literature Classification consistent with the convenor of the review board having new statutory powers to

manage the administrative functions of the review board independently of the board.

The main focus of the bill is to improve the operation of the national classification scheme and respond to the changing technological environment for entertainment media.

I commend the bill to the house.

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

Debate adjourned until Thursday, 6 December.

FREEDOM OF INFORMATION AMENDMENT BILL

Statement of compatibility

Mr HULLS (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Freedom of Information Amendment Bill 2007.

In my opinion, the Freedom of Information Amendment Bill 2007, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

The bill amends the Freedom of Information Act 1982 (FOI act), primarily to implement recommendations by the Ombudsman in his report, *Review of the Freedom of Information Act*, tabled in Parliament on 1 June 2006.

The bill promotes access to government information by removing application fees on all FOI requests and encouraging publication of more information on the internet. It simplifies the current provisions of part 2 of the FOI act by requiring agencies to publish information about their structure and functions in accordance with standards issued by the Attorney-General. It establishes a mechanism to have an FOI applicant declared as vexatious in certain circumstances. It also removes the ability for the issue of a conclusive certificate in relation to cabinet documents under the FOI act and makes a number of other changes to clarify aspects of the operation of the FOI act and the jurisdiction of the Ombudsman and the Victorian Civil and Administrative Tribunal (VCAT) in relation to FOI matters.

Human rights issues

1. Human rights protected by the charter that are relevant to the bill

Right to privacy

Discretion to consult

The proposed amendment to the FOI act which provides agencies and ministers with a discretion to consult with third parties whose privacy might be affected by the release of documents raises the right to privacy under section 13 of the charter, but does not limit the right.

Section 13 provides that a person must not have his or her privacy unlawfully or arbitrarily interfered with.

The proposed amendment gives an agency or minister the discretion to consult with a person (or in the case of deceased person, their next of kin) before deciding whether the disclosure of a document would involve the unreasonable disclosure of their personal information. The bill also provides an additional 30 days to respond to the FOI application to allow for such consultation. This provision enhances privacy as it provides the person who may be affected by the release of the document with an opportunity to express their view about the release. If the person consents to the release, then he/she loses the right to seek review by VCAT of that decision. Before providing consent, the person must be informed that he or she will lose that right. These provisions are neither unlawful nor arbitrary as they are sufficiently circumscribed and reasonable and provide an appropriate mechanism for balancing the rights of third parties with the rights of FOI applicants.

Vexatious applicants

The right to privacy is also raised, but not limited, by the vexatious applicant provisions (described below). The right is raised because if a person is declared as a vexatious applicant, they may have their right to seek access to their own personal information removed without the leave of VCAT. The provisions are neither unlawful nor arbitrary as they are sufficiently circumscribed and reasonable because they contain a number of safeguards as set out below. In particular, in making an order declaring an applicant as vexatious, VCAT may impose any terms and conditions it thinks fit. This would enable VCAT to take into consideration any relevant circumstances relating to the person's ability to seek access to their personal information.

Right to fair hearing

The right to fair hearing under the vexatious applicant provisions in the bill is raised, but not limited. Under these provisions, a person becomes a party to proceedings before VCAT once an agency or minister makes an application to VCAT to have the person declared as a vexatious applicant. However, the provisions do not restrict the person's right to a fair hearing before VCAT because they provide a number of safeguards (as described below) to ensure that the person is guaranteed a fair hearing in relation to challenging the order. The restriction on the person making FOI applications does not engage the right because this does not involve the person being a party to civil proceedings.

Right to freedom of expression

Section 15 provides that every person has the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds. However, there are special responsibilities attached to this right and the right may be subject to lawful restrictions reasonably necessary to

respect the rights and reputation of others or the protection of public order.

Removing application fees on all FOI requests

Removing the application fee on all FOI requests promotes the right to freedom of expression by making FOI more affordable. This also promotes the right to privacy by making it more affordable for individuals to seek access to their own personal information held by government.

Consultation with third parties

The FOI act currently requires agencies and ministers to consult with businesses where the disclosure of business, financial or commercial information would unreasonably expose the undertaking to disadvantage. As stated above, the bill provides agencies and ministers with a discretion to consult with a person whose privacy may be affected by the release of documents. The bill also provides a discretion to consult with persons or governments before deciding whether the disclosure would divulge information provided in confidence and would be contrary to the public interest. In each case, the bill allows for an extra 30 days to respond to the FOI application where consultation is undertaken.

The consultation process may in some cases delay the processing of an FOI request, and therefore engages the right because it may delay a person's ability to receive information. However, the consultation process is important because it enables agencies and ministers to seek the views of affected third parties so that those views may be taken into account in deciding whether to release the documents. This allows for an appropriate balancing of the rights of third parties and the rights of the FOI applicant.

Accordingly the right to freedom of expression is not limited as the consultation process is a means of ensuring that the rights and reputations of others are respected.

Vexatious applicants

The proposed amendments to the FOI act in relation to vexatious applicants also raise the right to freedom of expression under section 15 of the charter.

The provisions in the bill which relate to vexatious applicants limit this right because a person who is declared as a vexatious applicant will have their right to seek and receive information through the FOI system restricted.

2. Consideration of reasonable limitations — section 7(2)

(a) The nature of the right being limited

The right to freedom of expression is often described as essential to the operation of a democracy. In particular, the right of freedom of expression enables people to participate in political debate, to share information and ideas which inform that debate and to expose errors in governance and the administration of justice. It is an important right in international law and an important component of open, transparent and accountable government.

(b) The importance of the purpose of the limitation

The purpose of the limitation in the bill is to prevent the wasteful use of government resources in processing unmeritorious FOI applications.

FOI is an important aspect of open, transparent and accountable government. However, applications which have the effect of disrupting the operation of government bodies are outside the letter and the spirit of the FOI scheme.

(c) The nature and extent of the limitation

The bill restricts the right of a person who is declared as vexatious to seek and receive information through the FOI system without the leave of VCAT. However, the bill allows for the particular circumstances of each case to be taken into account by providing the president of VCAT with the power to include any terms in the order which they think fit.

The provisions in the bill also allow for the person to seek permission of the president of VCAT to submit further FOI applications and to apply to have the order varied, revoked or set aside.

(d) The relationship between the limitation and the purpose

The provisions are reasonable and proportionate to the purpose of the limitation for the following reasons:

the bill enables agencies and ministers to apply to the president of VCAT to have a person declared as a vexatious applicant; an agency or minister wishing to pursue an application must first satisfy the Attorney-General that this is an appropriate course of action

the application is considered and decided by the president of VCAT, who is a judge of the Supreme Court of Victoria

in making an order declaring a person as a vexatious applicant, the president of VCAT must be satisfied that the person has made repeated applications to agencies or ministers that involve an abuse of the right of access, amendment or review under the FOI Act. This is a high benchmark

the person has an opportunity to put their case to VCAT before the president makes an order declaring them as a vexatious applicant

the person may apply to have an order declaring them as vexatious set aside, varied or revoked, and an order must not exclude a person's right to do this

even if declared as vexatious, the applicant may seek permission from VCAT to make further FOI applications, which will be determined by VCAT on a case-by-case basis with regard to the merit of the application.

Thus, the provisions contain a number of safeguards to ensure that the rights of the person are adequately protected during the process.

(e) Any less restrictive means available to achieve this purpose

Another way in which this situation might be handled might be to allow an agency to refuse to process FOI applications on a case-by-case basis. However, under this approach the decisions about the merits of the application would remain with the agency and would not receive the independent

scrutiny of VCAT. Nor would it be practical for VCAT to consider applications on a case-by-case basis as this would unnecessarily tie up VCAT resources.

(f) Any other relevant factors

The bill enacts the Ombudsman's recommendation to include a mechanism in the FOI act to enable an FOI applicant to be declared as vexatious.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because the limitations imposed on the right of freedom of expression are reasonable.

HON. ROB HULLS, MP
Attorney-General

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

Open and accountable government is essential in a representative democracy. It is essential to enable citizens to be well informed in relation to government activities and decisions, to exercise their democratic rights and responsibilities and to contribute to government decision making in a meaningful way. It is essential to build confidence in agencies, government departments and the institution of government.

The Premier has already announced a number of further initiatives to increase the accessibility of government information to the Victorian public. These include releasing quarterly reports about ministerial overseas travel, releasing an annual statement of legislative intent from 2008 and publicising the remuneration band and identity of members of government boards and advisory committees.

This bill will make access to information held by government departments and agencies easier and even more affordable for ordinary citizens.

The freedom of information (FOI) scheme in Victoria was first introduced by the Cain government in the early 1980s, leading the way for Australian states.

This government has a strong record of commitment to open and accountable government and this bill builds on this record by further enhancing Victoria's FOI scheme.

The initiatives in this bill are another important step in putting the bad old days of erosion and abuse of FOI laws by the Kennett government behind us.

This bill will abolish application fees introduced by the Kennett government, putting the 'free' back into freedom of information. It will implement recommendations made by the Ombudsman as well as additional reforms to improve freedom of information laws.

We have set about restoring FOI rights to Victorians which were taken away by the previous Kennett government. We are reversing the damage done by the Kennett government to Victoria's FOI scheme, making sure that Victoria's scheme is restored and that we once again lead the country in FOI.

Key reforms made over the last seven years include that documents cannot be attached to cabinet submissions merely for the purpose of avoiding release; documents concerning commercial, business or financial information will only be exempted from release where disclosure would expose a business organisation unreasonably to disadvantage; and decisions by agencies to appeal decisions by the Victorian Civil and Administrative Tribunal (VCAT) must be explained publicly and such reasons must also be published in the *Government Gazette* or laid before Parliament.

Over 1000 government agencies are now subject to FOI, receiving in excess of 20 000 FOI requests per year.

This government has also been responsive to the need to ensure that the object of the Freedom of Information Act 1982 to extend as far as possible the right of the community to access information in the possession of government is respected. In his *Review of the Freedom of Information Act*, which was tabled in 2006, the Ombudsman found that FOI officers generally handle requests promptly and diligently, respecting the spirit of the act. He made some recommendations about improving the administration of the act, and I commend agencies for the work they have done to implement these recommendations.

It is important to note that complaints to the Ombudsman about FOI requests have reduced by 30 per cent in the past year. In the Ombudsman's recent annual report, he commented that he believed that this is largely due to the work that departments and agencies have undertaken following his review.

The Department of Justice has further strengthened its FOI leadership role to provide support and assistance to agencies in applying FOI laws. This leadership is important to maintaining the community's ability to gain access to information held by government. Practice notes have been published to assist agencies to

understand FOI laws and procedures, a whole range of seminars have been conducted in Melbourne and regional Victoria for FOI officers, and the 'FOI online' website now includes information to assist new and inexperienced FOI practitioners by providing them with an overview of the FOI process and their responsibilities.

The bill will make the FOI scheme more accessible and affordable by removing FOI application fees, and by encouraging more agencies to accept FOI applications online. It will require agencies to make greater use of the internet to publish information.

I now turn to the key aspects of the bill.

The bill significantly changes part 2 of the FOI act. When the FOI act came into being in 1982, the operation of government was very much smaller and simpler than it is now. Government produced much less information and the internet did not exist. The original intention of part 2 was for each agency to publish an annual part 2 statement, containing information about the agency's functions, structure and activities.

Now government publishes this type of information on government internet sites as a matter of course. The internet gives people the ability to easily search for information, so the need for a separate part 2 statement has become obsolete. Both the Ombudsman and the Scrutiny of Acts and Regulations Committee (SARC) recognised that the current requirements of part 2 are out of step with modern publication practices.

The bill repeals the current provisions and replaces them with a new and simpler part 2, which places greater emphasis on publishing information on the internet. The bill will require agencies to publish information on a government website, be it their own website, or that of another agency. The new part 2 removes the requirement for agencies to publish a separate part 2 statement and instead requires them to publish information in accordance with standards issued by the Attorney-General. The new part 2 will commence after the rest of the bill to allow time for the standards to be developed and then to allow time for agencies to comply with the standards.

One of the aims of the standards will be to encourage agencies to make as much information as is reasonably possible available to the public. The standards will be developed to recognise the differing nature, size and technological capacity of agencies that are subject to FOI, from small organisations such as cemetery trusts, through to large government departments. They will provide for the regular update and review of the information published on the internet. At the same time, they will facilitate a consistent approach to the publication of information and will recognise other responsibilities of agencies, such as their record-keeping requirements for public records.

The bill makes it clear that where a person requests a publicly available document from an agency, the agency does not have to process the request as a formal FOI request. This is provided that the person is given a copy of the document, or advised where they can obtain it, either on the internet or by some other means. The intention of this provision is to encourage agencies to make more information publicly available thereby obviating the need for applicants to request it through FOI.

The changes to part 2 will ensure that individuals have the information to assist them to understand government, so that consequently they are able to frame their FOI request appropriately. At the same time, the revised provisions will control the administrative burden on agencies by promoting publication practices that use modern communication technology.

At present, the application fee for an initial FOI request is two fee units (or $22). The application fee was originally introduced by the Kennett government in 1993 and coincided with a significant reduction in applications. The bill will serve to support and encourage FOI applications and make it more affordable for ordinary Victorians to submit FOI applications by removing FOI application fees.

The bill will also include a discretion to allow agencies to waive access charges to cover the cost of processing the application of less than one fee unit ($11).

'FOI online' is a central website through which people may lodge their initial FOI applications. Currently, government departments and Victoria Police participate in 'FOI online'. Agencies which collectively handle at least 80 per cent of FOI applications will be encouraged to voluntarily participate in 'FOI online'. This goal extends beyond SARC's recommendation for participation by agencies handling 75 per cent of applications. As a last resort, the bill will provide for the Attorney-General to direct agencies to participate in 'FOI online'.

Section 33 of the FOI act allows for a deceased person's next of kin to be notified about release of documents which may affect the personal privacy of the deceased. However, 'next of kin' is not defined.

The bill adopts a definition of next of kin which includes, in the case of a deceased child, a parent, adult

sibling or guardian, and in the case of other deceased persons, a spouse, domestic partner, parent or adult child or sibling.

Both the FOI act and the Information Privacy Act 2000 (IPA) provide a regime for access to documents containing personal information. However, these acts use different terminology. The term 'personal information' which is used in the IPA is now very familiar to agencies. The bill incorporates this definition into the FOI act, while making it clear that the definition still applies to identifying information about location or address.

The FOI act aims to balance the right of access to documents by FOI applicants, with the rights of third parties who may have an interest in personal, commercial or confidential information contained in a document. It does so by exempting documents containing information of this kind.

Often the FOI decision-maker will need to consult with the third party to seek their view on whether a document containing information which may affect them should be released. Indeed, the FOI act requires that there be consultation when the document contains commercial, business or financial information whose release may unreasonably disadvantage the business. The Ombudsman recognised the importance of consultation in balancing the rights of third parties with the rights of FOI applicants. He thought that it was important for the agency to have sufficient time to consult and properly take the views of third parties into account. The bill implements the Ombudsman's recommendations by allowing an extra 30 days for consultation and providing FOI decision-makers with discretion to consult in relation to documents containing personal information and documents containing confidential information.

The bill further provides that if a person consents to the release of a document containing personal information or commercial information, that person has no right of recourse to the VCAT to try to later prevent the release of the document. This will give FOI decision-makers the certainty to release the documents to the FOI applicant in a timely fashion. The person must be told this at the time they agree to the release, so that they are fully aware of the consequences of their consent to release the documents.

At present, the FOI act allows for the Secretary of the Department of Premier and Cabinet to issue a certificate stating that a document is subject to the cabinet exemption under the FOI act. If a certificate is issued in these circumstances, it has the potential to restrict VCAT's ability to review decisions involving the release of cabinet documents. By removing these conclusive certificates, the bill will clarify VCAT's role in reviewing such decisions.

This government has not relied on conclusive certificates in relation to cabinet documents and we want to make sure that no future government can use these certificates to get out of being open and accountable.

In his report, the Ombudsman indicated that there are rare instances when FOI applicants may not be acting in good faith. Such cases have the potential to waste a great deal of agency time and resources, but there are no provisions in the FOI Act to adequately deal with these cases. The bill inserts a new regime for handling vexatious applicants.

The new provisions allow agencies and ministers to apply to the president of VCAT to have an applicant declared as vexatious. Before applying to VCAT, the agency or minister will need to satisfy the Attorney-General that this is an appropriate course of action. Requiring the approval of the first law officer is an important safeguard.

Upon application, the president of VCAT will be able to make an order declaring someone as vexatious if satisfied that over a period of time, the person has made repeated FOI requests or applications which abuse the right of access, amendment or review under the FOI act.

The president's orders may set out the terms under which an individual can make further applications. For example, the order may set out that further applications can only be made with the permission of the president of VCAT. The president will also have the power to vary, set aside or revoke orders upon application of the person to whom the order relates or the agency or minister who applied for the order.

The bill also clarifies some aspects of the Ombudsman's jurisdiction.

Generally, FOI applicants may seek external review of FOI decisions through the Ombudsman and VCAT. There has been a lack of clarity about which of these is the appropriate avenue if an FOI applicant wishes to challenge an agency's determination that there are no documents to satisfy the applicant's request. The bill clarifies that in these circumstances the applicant may complain to the Ombudsman, rather than to VCAT. This is because the Ombudsman is in a better position than VCAT to investigate such complaints as he has the

capacity to go to the agency and look at their systems and documents.

The Ombudsman has been concerned that he cannot investigate FOI complaints in relation to some agencies that are subject to FOI. This anomaly is due to a difference in definitions in the FOI act and the Ombudsman act. The FOI act applies to 'prescribed authorities', which include a number of bodies which are subject to FOI because they are supported by government funding and are prescribed in the Freedom of Information Regulations 1998. It is unclear whether the Ombudsman has jurisdiction over these bodies because they do not fall within the definition of 'public statutory body' in the Ombudsman Act 1973. The bill amends the Ombudsman act to make it clear that the Ombudsman has jurisdiction over authorities prescribed in the FOI Regulations for the purposes of investigating complaints about FOI processes. It has also been amended to give him jurisdiction over administrative actions taken by Victoria Police under the FOI act.

This bill will enhance the accessibility of government information to the Victorian public by making more information available on the internet as a matter of course and by making FOI applications cheaper and easier to submit. It will also make procedural improvements to the FOI scheme by implementing the Ombudsman's recommendations on FOI.

I commend the bill to the house.

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

Mr HULLS (Attorney-General) — I move:

That the debate be adjourned for two weeks.

Mr CLARK (Box Hill) — I move:

That the words 'for two weeks' be omitted with the view of inserting in place thereof the words and expression 'until Tuesday, 4 December 2007'.

The reason I take the somewhat unusual course of moving that the bill be adjourned for two days less than the normal period is that the opposition believes this bill will merit extensive scrutiny when it comes on for debate before the Parliament. The second-reading notes on the bill run for about 11 pages, and the Attorney-General in moving the second reading has informed the house of a long list of detailed and complex amendments. Obviously I do not want to canvass the merits of them at this time, but they involve matters such as increased powers in the FOI process for the Attorney-General, extended periods of time for responses on FOI applications in some circumstances, changed arrangements for the publication of — —

The DEPUTY SPEAKER — Order! The member for Box Hill should speak on the time that he wishes the bill to be held over for, not the content or the amendments that he may wish to propose when the bill is debated.

Mr CLARK — Thank you for your guidance, Deputy Speaker. I mentioned those examples for the purpose of illustrating that there are complex and detailed matters that will require consideration by all members — and in particular, of course, by non-government members, who have not yet had an opportunity to have input on the bill. The reason the opposition is moving for the adjournment of the debate until the Tuesday of the next sitting week, rather than for two weeks, which would take it through to the Thursday, is that it wants to minimise the potential for this bill to be brought on for debate on the Thursday of the final sitting week of the Parliament for this year and bundled through by the government without the opportunity for all members, and in particular non-government members, to have their say on the bill and to move any amendments they may consider desirable after examining the bill over the next few days.

It is obviously a big step for the opposition to propose that the adjournment be for less than the normal period of time, but the reasons I have referred to justify that in this instance — that we do need to make sure that there is enough time set aside in the final week of sittings for this bill to be exposed to detailed and extensive scrutiny by all members of Parliament.

If it is adjourned until the Tuesday of that week, it will then be open for the bill to come on for debate at any stage. Of course the government may still use its numbers to constrain debate on the bill, but there will be far less excuse for the government not to bring on the bill at a time that allows for adequate debate, given that it would be able to be brought on for debate on the Tuesday or the Wednesday as well as on the Thursday of the next sitting week.

This is obviously a bill of which the Attorney-General is very proud, and, given that, I would have thought there would be every good reason why he would be happy to have the bill subjected to full and extensive scrutiny, so he and those who agree with him can stand up and expound to Victorians the merits of the bill as they see them. Indeed the Attorney-General may consider it to be of assistance to him within the

counsels of government to have some greater flexibility for time to be set aside for this bill next sitting week.

Given all of those reasons, the opposition proposes — and we certainly hope the government will accept the proposal and respond to it in good faith — that the debate be adjourned until Tuesday, 4 December, to allow that flexibility so there can be plenty of time for debate. We put that amendment forward genuinely and sincerely for that purpose, and I hope the Attorney-General will respond accordingly and agree to the amendment I have moved.

Mr INGRAM (Gippsland East) — I rise to speak on the matter of time. I would normally find it difficult to support a reduction in time for the adjournment of a bill for the simple reason that it is in the interests of better democracy that we have an extension of time and delay the debate until the new year. That would be a better course of action. I understand the reasons for the amendment. It is important that this house ensures there is adequate time for members of Parliament to consider this piece of legislation, which has just been read a second time. I know there will be a lot of interest in it when it comes before the house, and it will take more than one day of Parliament to get through the level of debate and interest that this bill will generate.

It is important when government members speak on this motion on the question of time that they indicate what their intentions are. The opposition, in moving this amendment, is expressing its view that if the bill is listed on the notice paper for 4 December, that will allow an amount of time to debate it. In my view a bill such as this will generate a lot of debate and should not be subject to the guillotine.

There is another way of dealing with it. We could bring it on that day but not have it on the government business program so that it could not be guillotined at 4 o'clock at the end of the sitting week. As it will be the last sitting week before Christmas, there will be a number of other matters to debate, and as most people would like to get home towards the end of that week, it will not necessarily be the best time to debate it fully on the one day.

It is important that the government acknowledges what its intention is with this bill. Unless it can confirm that the bill will not be subject to the guillotine and will be held over to the new year, I will be supporting the opposition amendment that has been moved.

Mr HULLS (Attorney-General) — On the question of time, I can foreshorten this debate by saying that it is true what the shadow minister said — that is, I am passionate about this legislation. The government is passionate about open and transparent government, the government is passionate about FOI reforms, and the government is passionate about ensuring that FOI applications are free. We are passionate about reversing the damage done to FOI by the Kennett government.

The DEPUTY SPEAKER — Order! As I indicated to the member for Box Hill, we are debating the question of the time for which debate on the bill will be adjourned, not any of the content. That will occur when the bill comes before the house for debate.

Mr HULLS — What is being proposed by the opposition is quite unusual. I take more heed of what the last speaker had to say than what the shadow minister had to say, because he knows, I know and all his colleagues know that this is nothing more than grandstanding on the part of the member for Box Hill.

On the question of time, what normally happens is that the opposition is so lazy when it comes to consulting on matters that it wants more than two weeks. But in relation to this matter, I will have further discussions with the last speaker. I understand the point that is being made by the shadow minister. He wants to foreshorten the consultation period in relation to this bill. I expect that means he welcomes and is going to support these reforms. On that basis, the government will not be opposing his amendment.

Mr DELAHUNTY (Lowan) — I thought the Attorney-General was just stalling for time with his lengthy speech. The reality is that this is a common-sense amendment. We are not going to have a full two-week period to consult, because The Nationals are usually down here either on Sunday night or Monday, which really only gives us a week to consult in our local electorates. The reality is we need a lengthy period of time to debate this very important issue.

I find what the Attorney-General said amazing. The government has been in office for eight years, and it has taken it that long to introduce this bill. If it is so passionate about FOI, it has taken a long time for it to get that passionate. This is a common-sense amendment, and we will be supporting it.

Amendment agreed to.

Amended motion agreed to and debate adjourned until Tuesday, 4 December.

Remaining business postponed on motion of Mr WYNNE (Minister for Housing).

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Consumer affairs: toys

Mr O'BRIEN (Malvern) — I wish to raise a matter for the attention of the Minister for Consumer Affairs. The action I seek from the minister is to investigate the safety of a number of toys that have been found by the Australian Consumers Association to contravene safety standards, and also to investigate toys more generally in the lead-up to Christmas.

We are very fast approaching the festive season, and now, more than at any other time of the year, it is very important that toy safety is recognised and acted upon, because a lot of Victorian consumers, a lot of Victorian parents, and a lot of Victorian families rely on the observance of safety standards for toys to protect their families.

This has been a pretty bad year when it comes to safety standards for toys. A number of products from various companies have been found to be contaminated with lead paint or have constituted potential choking hazards. Very recently we have seen the scandal in relation to the Bindeez beads, which were found to contain an additive which turned into a very toxic and harmful drug, colloquially known as fantasy, upon ingestion. The scandal was not only that such an unsafe product could get onto the shelves but also the failure of the Victorian Minister for Consumer Affairs to act properly and take these beads off the shelf.

Mr Robinson interjected.

Mr O'BRIEN — The minister was far too busy following the form guide and attending Cup Day barbecues to act, when every other state in the country had taken action to remove these products. It was very embarrassing for the minister, because the minister was contradicted — slapped down — by his own Premier in a terrible start for a very new minister who has made a lot of blues. The Premier said the Minister for Consumer Affairs had:

> … made the announcement yesterday and in hindsight we may have been a little slower to respond than we should have been.

In relation to these toys identified by the Australian Consumers Association, 14 toys out of 30 surveyed were found to breach safety standards. It is not the time for the minister to be standing on his digs and defending his pretty shoddy record. Now is the time for the minister to be proactive, to get these dodgy toys out of the shops, get them out of family homes and make sure that our children are protected in the lead-up to Christmas.

A lot of the work has already been done by the Australian Consumers Association, and I seek the minister's agreement to urgently investigate these particular toys and also toys generally to ensure that our children can all have a happy and a safe Christmas.

Western suburbs: family services

Mr LANGUILLER (Derrimut) — I raise a matter for the attention of the Minister for Community Services. The action I seek is for the minister to provide additional resources to further strengthen and develop services for vulnerable families in Melbourne's west. There are some excellent community service organisations in the west providing much-needed family support for children and parents who need help — organisations like Good Shepherd Services, Mackillop Family Services, Abercare, Centacare and the Victorian Aboriginal Child Care Agency. These services are working together in partnership to help strengthen at-risk families before they hit crisis point. Keeping families together where possible is always the best option for children, and that is what makes the work these agencies do so important.

As the house would know, this government is in the process of implementing the biggest reform and overhaul of the child protection and care system in Victoria in a generation. There is new legislation, new ideas and record new investment. I remember the vast amounts of work that went into developing the new legislation last term — the work done with the sector, with the experts and with the stakeholders to get it right. It was important work, and I think we did get it right. I use this opportunity to commend the terrific work done by the former community services minister, Sherryl Garbutt.

At the heart of this reform, and what underpins this whole reform process, is the best interests principle — always doing what is in the best interests of the child. This means moving beyond the old episodic approach of child protection — of lurching from one crisis to another — towards a new approach that understands the need to protect children from cumulative harm, to ensure stability and security in care arrangements and to have a greater emphasis on prevention and intervention.

To achieve this goal we knew we had to bolster our family service sector capacity. Victoria is already

blessed with a very strong, robust community sector, but we knew that, if we wanted to deliver on our ambitious reform agenda, we needed to invest in the sector. We have done that in record amounts — the results are there for all to see. The work that the Brimbank and Melton innovations projects are doing is fantastic. The agencies that comprise these partnerships are trusted and respected. I take this opportunity also to commend the work of the member for Melton in actively supporting these projects.

Right across the state these innovations projects are providing support to vulnerable families, helping them before problems arise. When it comes to looking after vulnerable children, things can always be improved. As part of the reform process the government has undertaken, funding has also been provided for community organisations to build on their existing partnerships to develop Child FIRST sites. These are good initiatives, and these issues that families are experiencing across Melbourne, including families in my electorate in Melbourne's west, mean they need support.

Water: Big Buffalo dam

Mr JASPER (Murray Valley) — I raise a matter for the attention of the Minister for Water, and in his absence the Minister for Housing, who is at the table. The action I seek from the minister is quite clear: to immediately implement a full feasibility study of and costing investigations into the building of Big Buffalo dam. I will refer to some history so that members can understand the critical issue of water and the criticality of water to north-eastern Victoria. I can go back over 40 years. The Premier at the time, Henry Bolte, bought land to build Big Buffalo dam. The first dam, Little Buffalo, was built, and its capacity is approximately 24 000 megalitres. If we built Big Buffalo dam, we would find that it would have a capacity of about 1 million megalitres. However, the history is that no dams have been built in Victoria since the completion of Dartmouth Dam in 1983.

Dartmouth Dam holds nearly 4 million megalitres of water; it is a massive dam that supplies the Murray system and of course underpins the Murray–Darling system with water. As I said, it is that dam that has underpinned the supply of water down through the Murray system. People who understand the system would know that at the turn of the last century, when there were hardly any dams in Victoria, people in Mildura and Swan Hill would have picnics in the bed of the Murray because of the lack of water supply down through the Murray system. The key is that dams have underpinned the supply of water into the Murray system and the Murray–Darling Basin since 1983, and this has been critical for the state of Victoria. Dartmouth Dam underpins the system. As I said, Big Buffalo dam, if it were built, would hold approximately 1 million megalitres of water.

Early last year Wangaratta almost ran out of water, because Little Buffalo Dam did not have the required capacity. I have written to the Premier and the Minister for Water — in fact, to successive water ministers — and I have taken it up with the authorities, but none of them at this stage supports the building of Big Buffalo dam or extending Lake William Hovell. It must be understood that we need to have dams to underpin the supply of water down through the system. The excuse that is being used is that there is a cap on water in the Murray–Darling Basin and that we cannot build any more dams because of that cap in the system. We believe that cap is not an issue and that all the authorities and the government are using this as an excuse not to build this dam.

It is critical that we go forward and build this dam — the feasibility study will, I believe, indicate that it can be built, and it should be built — so we get a further underpinning of the supply of water down through the system. It is not the cap that is the critical issue; the critical issue here is underpinning the system. That is what I want the minister to investigate immediately and let us see what figures he comes up with.

Schoolies week: Surf Coast

Mr TREZISE (Geelong) — I raise an issue for action by the Minister for Police and Emergency Services. The issue I raise relates to the annual schoolies week that is about to get into full swing, specifically down along the Surf Coast in resort towns such as Torquay and Lorne. The action I seek is for the minister to ensure that adequate and appropriate policing resources are provided in these areas to ensure a safe and happy schoolies week for not only young school leavers but also local residents and local businesses.

Deputy Speaker, as you are well aware, schoolies week, or, as it seems to be run now, schoolies month, has become a very big annual event over recent years. As I said, the Surf Coast towns such as Lorne see an influx of thousands of young revellers flock into the area for a week of celebrations. The vast majority of those young people are well-behaved, law-abiding young citizens, simply looking to kick up their heels after a hard year at school completing year 12. But as with any other crowd, there are always a few who deliberately go along and look for trouble, or others who, with plenty

of grog in their stomachs, finish up in trouble, and hence the importance of at least a very visual police presence in areas such as Torquay, Lorne and along the Surf Coast.

In raising this issue I fully understand that policing is not the only answer to some of this thuggish or drunken behaviour. For example, responsible serving of alcohol by all of the alcoholic outlets, such as the pubs, is another key aspect of ensuring that our schoolies or our young people in these towns have a safe and good time.

I would also like to note that over the last number of years the police have done a magnificent job in working with and controlling these sometimes volatile crowds. Police during schoolies week have a difficult job to do in difficult circumstances, and I know they perform their role very well indeed. I know in talking to the local police in Geelong and along the Surf Coast that, although they do look forward to the week, they know they will be under the pump when it comes to trouble, especially late at night or in the early hours of the morning. But they have built relationships with those young schoolies. That is part of the strategy, and they do their job very well.

This is an important issue. I know the minister is well aware of the issue, and I therefore look forward to his action in ensuring that our schoolies in 2007 have a safe schoolies week.

Ambulance services: Bonnie Doon

Mrs SHARDEY (Caulfield) — The issue I wish to raise is with the Minister for Health. It concerns the provision of ambulance services to a child in Victoria. I would ask that the minister investigate this case and perhaps it may lead to him coming back to this house and explaining what is going on with our ambulance service, but in particular I believe this family deserves an explanation for what has occurred.

This particular case concerns a family. The mother's name is Monique Clift. Her family was visiting Bonnie Doon last weekend when her seven-year-old son had an epileptic fit. It was the first one he had ever had, and as you can imagine, the family found this a fairly frightening and concerning situation. They rang 000, but they were told that an ambulance could not be made available for 2 hours. Mrs Clift was most unhappy about this situation, so, as her child had been an outpatient at the Royal Children's Hospital, she put in a call to the Royal Children's Hospital. Subsequently it was the Royal Children's Hospital that organised for an ambulance from Mansfield to attend to this case and the little boy was taken to hospital. The ambulance in the end really only took 10 minutes once the Royal Children's Hospital rang and said that this little boy should be taken to hospital. The ambulance service itself told the family that they had had no call out from 000, so one has to try to find out what on earth is occurring with 000.

Some of these matters have been brought to the attention of the government before, and particularly the minister. There was a 000 case where a patient was told they should consult a GP. There was another case where 000 refused to attend a diver who had the bends and he finished up driving himself to hospital. We have got situations now where ambulances are not being replaced when they are literally worn out and they are breaking down on their way to pick up people who are in a code 1 emergency situation.

I believe this is a very serious issue, and I ask not just that the minister investigate this case and provide an explanation. I think it is important that he now look at the provision of ambulance services across the board, because there are considerable problems. We have paramedics going out on strike and all sorts of things because the service is not being resourced appropriately and there are enormous problems.

The DEPUTY SPEAKER — Order! Unfortunately, the member can ask for only one action. The member's original request for action was about a very serious matter, and that will be the matter that is taken up.

Pound–Hallam roads, Hampton Park: safety barriers

Ms GRALEY (Narre Warren South) — I would like to raise an issue with the Minister for Roads and Ports. I request that the minister take action to reinstate the safety barriers near the intersection of Pound Road and Hallam Road, Hampton Park, particularly outside the home of Mr Eric Bleile at 126 Pound Road, Hampton Park. Both Hallam Road and Pound Road are very busy carriageways at any time of the day, and they provide thoroughfares for large numbers of cars and trucks to access expanding residential areas, many industry and manufacturing businesses, lots of schools, active retail centres and the South Gippsland Highway. The government installed lights at the intersection with turning arrows, with the aim of controlling traffic flow and to slow down traffic.

Many residents continue to raise with me the issue of speeding and indeed hoon driving in the area. The local residents have also indicated that the area has a high number of near misses and accidents at the intersection.

Unfortunately, accidents are continuing to happen, especially outside the home of Mr Bleile. I have visited his home and seen the skid marks of fast-driving cars. He, along with his neighbour, Mr Donald Gardner, at 88 Pound Road, Hampton Park, has given me reports of the damage done to his house and garden. The fact is Mr Bleile is very concerned that he will continue to have speeding cars invading his property and would like some protective barriers installed. The barriers would not only protect his property but would give him and his neighbours a lot more peace of mind.

I would like to take this opportunity to commend Mr Donald Gardner, Mr Bleile's neighbour, for his concern and commitment in continuing to raise these issues on behalf of his fellow community member. It is great to see someone taking up issues with their local MP, not only for his own benefit but especially in this case to assist a neighbour who has been suffering a little bit under the strain of it all. Both men are good men who deserve a good night's sleep and to feel safe in their homes. The safety barriers would be a step in this direction, so I ask the minister to speak to VicRoads urgently about the real need to install the safety barriers outside Mr Bleile's home.

Adoption: intercountry

Mr TILLEY (Benambra) — I wish to raise for the attention and action of the Minister for Community Services an issue relating to the approval process in place in Victoria for intercountry adoptions. The action I seek is for the minister to investigate the process involved in the application by Mr Jerry and Mrs Julie Neidlinger of Yackandandah and, if necessary, expedite a determination one way or the other. Julie and Jerry Neidlinger have two African-American sons, Jackson and Jesse, who were both adopted when Jerry and Julie were American residents. Following their move back to Australia, they purchased a lovely property in Yackandandah and created dream surroundings for the boys — a couple of acres with chooks, ducks, alpacas and a dog.

Mr and Mrs Neidlinger felt that they had enough love, money and energy to adopt another overseas orphan, and on 4 April 2006 a registration of interest was lodged with Intercountry Adoption Services (ICAS). This expression of interest outlined the family structure and circumstances, along with information on their regional surroundings. A $101.80 fee was also included. Advice was received that the process should take about nine months. On 10 May 2006, further requested information was sent, along with a cheque for $1229.40.

On 21 October ICAS requested completed life stories and a further payment of $2773.50. On 21 November 2006 a letter was received from ICAS assigning a social worker and advising that assessments would commence on 28 November and take approximately four months. The final assessment was conducted on 23 January 2007. In July this year Mr and Mrs Neidlinger received a non-approval for adoption — some 15 months and over $4000 after the process began. A subsequent appeal through the Department of Human Services upheld the decision.

The non-approval reasons given included facts that were the case at the time of the initial registration of interest, such as the fact that Mrs Neidlinger had had a previous marriage, the ages of the adopted children and the area of residency. Why were these concerns not raised prior to the payment of over $4000? Surely such basic matters should have been raised at the point of the initial expression of interest. Clinical psychological assessments and the application process done in America found no issue and approved this couple for the adoption of two children.

Mr and Mrs Neidlinger were supported in this application by Mrs Neidlinger's adult children, their extended family, their local community and members of their adoptive family support group. Mr and Mrs Neidlinger are still very interested in providing a loving home for another orphan but believe they were misrepresented by the social worker and that the interpretations made by the social worker were at times incorrect, detrimentally affecting their application. They have asked for a separate, independent psychological — —

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

St Georges Road, Northcote: roundabout

Ms RICHARDSON (Northcote) — The matter I wish to raise is for the Minister for Roads and Ports. I call on the minister to take action to improve safety at the St Georges Road roundabout. This is a particularly busy intersection in my electorate of Northcote. It is complicated by the constant convergence of trams and the high bicycle usage of the roundabout and surrounding roads.

The roundabout is actually at the intersection of St Georges Road, Charles Street, Elizabeth Street and Merri Parade, so it is very complicated indeed. It has actually been identified as a black spot intersection. In the five-year period up until December 2006 there were 13 crashes where people were hurt, and 4 of those

people were seriously injured. But many more minor crashes happen at this intersection. In fact locals often report to me that they have lost count of the number of minor crashes that occur at this intersection. As I said earlier, St Georges Road is a major north–south bike route, but cyclists will go to great lengths to avoid this intersection of roads and the roundabout in particular.

The key problem with the roundabout is that, compared with other roundabouts in Melbourne, it has a bit of an engineering flaw, in that it is actually smaller. When you approach most intersections that have a roundabout you find that the roundabout is bigger than the intersection of the roads. In this instance the roundabout is actually smaller, so you come upon it very quickly, suddenly realising you are in a roundabout. Often mistakes arise as a consequence of that sudden realisation.

I would like to take this opportunity to congratulate the Minister for Roads and Ports. He took swift action when I first raised this matter with him in the Parliament. He immediately commissioned from VicRoads a study of the intersection and how we could improve safety. That report has now been concluded. Next week, in fact on 28 and 29 November, we are having a community forum to look at the options that have been raised through that investigative process. The first option is replacing the roundabout and installing a set of traffic lights. The second option is replacing the roundabout and putting in place a T intersection. The third option, which is my least preferred option, is leaving the roundabout as it is.

The community will get an opportunity to provide feedback on this. Given the interest in it — over 1500 residents of Northcote have signed a petition in support of making improvements to the roundabout — I expect we will get a very good turnout. Stakeholders have been consulted on the roundabout, and I imagine that will be ongoing as the options are explored further. I must emphasise that this is a great example of community consultation and of dealing with community concerns. I congratulate the minister in particular on his actions to date. However, I call on him to take action to improve the safety — —

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

Mount Eliza: Daveys Bay Beach

Mr MORRIS (Mornington) — The matter I raise is for the Minister for Environment and Climate Change in the other place. The action I seek is that the minister require his department to resolve the present problems at Daveys Bay, Mount Eliza, by undertaking works to stabilise the landslip for the long term and to restore adequate and permanent pedestrian access to the beach as a matter of urgency.

For some years there has been a difficulty with pedestrian access to Daveys Bay Beach as a result of a landslip. To quote from the 2004–05 annual report of the Mornington Peninsula Shire Council:

> Temporary scaffolding has now been constructed for pedestrian access to the beach and the timber stairs closed past the scaffolding. There is ongoing discussion with the Department of Sustainability and Environment (DSE) regarding the engineering solution and funding to stabilise the landslip.

Moving forward to September of this year, the shire's most recent monthly report to the community referred to the matter again:

> The Department of Sustainability and Environment are continuing development of the favoured option for further discussion.

I realise this is a complicated matter. I realise it is not the sort of matter that one can resolve in 2 or 3 minutes or even 10 minutes and that it takes a fair bit of time to work through, but I would have thought that three years would have been a more than adequate opportunity for ongoing discussion, even for the Brumby government.

Not only have the discussions gone on for a considerable period of time, but I am told that each week the department hands over a large sum of money to pay for the temporary structure that provides the very limited access to the beach. It is an ugly steel structure that has been dubbed by locals 'the siege machine' — the sort of thing you would use to run up and attack the walls of a castle. In this case it is providing access to the cliff. It is not only costly and unattractive, but most importantly it does not solve the problem. That is the real issue so far as I am concerned.

The necessary remedial works have not been undertaken. I am not a geotechnical engineer, but I am certain that urgent action is required. I understand a number of potential solutions have been explored, ranging from various types of retaining walls through to a stabilised slope. The extent of the works, and in particular the form of works, depends very largely on a risk assessment. My assessment is that unless we get some action the risk of further failure becomes greater by the day.

We have had lots of talk. It is now time for the department and the minister to make their decision, put their hands in their pockets, find the money and get this

problem fixed before a much more serious, and potentially fatal, landslip occurs.

Country Fire Authority: Wollert brigade

Ms GREEN (Yan Yean) — I wish to raise a matter for the attention of the Minister for Police and Emergency Services. The action I seek is that he support a funding application from the Wollert Country Fire Authority (CFA) brigade to acquire a new heavy tanker — with full cabin, to offer optimum firefighter protection and comfort — to replace a tanker that is now old and beyond its use-by date. The application has come in under the community safety emergency support program.

The Wollert CFA brigade is ably led by Captain Malcolm Campbell, whom I have got to know very well. It is an excellent brigade that serves its local area very well. It provides support to the large and growing North Epping area, which is full of lots of new housing and new and existing industries, so good emergency services are needed to protect that community. The Wollert CFA members have also made a great contribution to strike teams in the north-east and at other locations all over the state on many occasions over this last decade, and I am sure they will do so again if required this season. In fact I have accompanied and been part of a number of those strike teams with the Wollert CFA members, and I have always been impressed with their capacity as firefighters and how well trained they are. They are just great team members and a good mob.

I am proud of the support that we as a government have provided to the Wollert CFA. We extended the fire station a couple of years back and also provided the brigade with a new tanker, which I was pleased to hand over a couple of years ago. By all accounts, with the continued dry weather we have had for a long period of time, we could be looking at another very dangerous fire season, so it is important that all fire brigades have at their disposal the resources they need.

I am pleased that the government has continued its support for the community safety emergency support program. As part of the 2007–08 budget the government committed an additional $11 million to extend this highly successful program for a further four years. My electorate has done very well over past years and been successful in getting applications through this program, including funding for a new tanker for the Strathewen part of the Arthurs Creek brigade last year and a command vehicle for the Kangaroo Ground CFA brigade. I urge the minister in this case to support the application of the Wollert CFA brigade, as it is a worthy application.

Responses

Mr ROBINSON (Minister for Consumer Affairs) — The member for Malvern raised a very important issue of product safety, in particular toy product safety, for my attention. The member sought an assurance from me that we will continue to work with other jurisdictions and organisations such as *Choice* to ensure that the product safety standards that operate in Victoria are of the highest possible standard.

That is not an unreasonable request from the member for Malvern, and I can assure him that at all times Consumer Affairs Victoria (CAV), which is the relevant agency, works with similar agencies interstate and with industry organisations to ensure just that. It does not, however, follow that at all times they agree on safety standards or methodologies for determining what is the appropriate standard. I am sure that in coming weeks, following the publication of the magazine or the report to which the member refers, there will be some ongoing dialogue, as there often is, between the agencies around the country and *Choice* as to what should constitute the proper and appropriate standard. On that much I agree with the member for Malvern.

The member then went on to detail the well-reported case of the Bindeez beads. It is at this point that I must start to disagree with the member for Malvern. For the benefit of the house, the Bindeez beads are an extremely popular toy. They have not been on the market all that long, but as I say they have proved to be very popular. Bindeez beads consist of a large number of small beads which children are encouraged to put together and then apply water to, and the toys then form a solid and coherent whole which they can paint and do all sorts of things with.

Mr Burgess — Then get high when you eat them!

Mr ROBINSON — That is the point: the member for Hastings suggests that you can get into strife if you ingest them. What has happened in a number of cases interstate, it would appear, is that children have ingested different numbers of these beads and have suffered quite serious health impacts.

As far as I know, because tests are still continuing, the best description I can give is that the compound known as 1.4 butanediol metabolises when ingested, in some cases in large quantities — and I think one of the reports was of approximately 60 beads being ingested by a small child. When it rehydrates in the stomach it metabolises into a type of liquid ecstasy. It is probably not technically correct to say that it is liquid ecstasy, but

that would appear to be the effect. Tests are continuing, but it may be some time before it is possible to ascertain whether what appears to be product substitution in the supply chain in China is quite widespread or narrow. There will have to be a lot more work done on that, but I will turn to the points put by the member for Malvern.

The member suggested that the Victorian agency, Consumer Affairs Victoria, lagged well behind the rest of the country. Let us just analyse this point in some detail. The New South Wales government, late on the Monday evening, announced that it was going to introduce an interim ban order. That ban, although it was announced on the Monday night, came into effect on the Tuesday. Normally what would happen is that, under the protocol that has been worked out, New South Wales, as the agency which had first detected it due to those hospitalisations, would notify other agencies around the country.

That appears not to have happened in this case. Nevertheless Consumer Affairs Victoria officers became aware through media reports on the Tuesday that there was a problem, and they started to investigate and collect information. Section 35 of the Fair Trading Act — and I encourage the member for Malvern to look at the act, because he is a former lawyer and he should know something about acts — allows for the director to make recommendations to the minister on interim ban orders. That process started on the Tuesday and was put into effect on the Wednesday.

The member alleges that Victoria was the last state to introduce a prohibition order. This is not correct. I think there were two other states whose orders came into effect on the Wednesday, as indeed it came into effect in Victoria. The Australian Capital Territory did not have its prohibition order take effect until several days later.

Mr O'Brien interjected.

Mr ROBINSON — They have the capacity to introduce a ban order. Between the states — —

Mr O'Brien — Was I right or was I wrong?

Mr ROBINSON — No, you are wrong. He is definitely wrong, Speaker — —

The DEPUTY SPEAKER — Order! The member for Malvern, in raising the issue of looking at toys for Christmas, introduced this matter. I ask the member to let the minister conclude his answer in reference to that matter.

Mr ROBINSON — There is one jurisdiction which my research suggests has yet to do anything in terms of exercising its power in terms of an interim prohibition order. It is not Victoria, and it is not New South Wales, Tasmania, the Australian Capital Territory, South Australia or Western Australia; it is in fact the commonwealth government. If I understand correctly — —

Mr O'Brien interjected.

Mr ROBINSON — What? It is funny, because the commonwealth made prohibition orders in relation to the lead paint issue, which the member referred to in his contribution. When you go back some weeks and look at the advice on this you find that it was the Victorian agency which did a lot of the work on the lead paint issue. The commonwealth did not initially believe there was a problem with the lead paint; it was the work that was done by Victoria.

When you analyse the comments of the member for Malvern, what do you find? What he is really driving at is not the fact that I had to wait for the director to give me a recommendation on this pursuant to the act. The member for Malvern — because he is ideologically kith and kin with the federal Treasurer — does not like public servants in Victoria having a day off. He is opposed to workers getting a day off. If the member for Malvern, who is the alternative minister, had his way — —

Mr O'Brien — On a point of order, Speaker, the minister is misrepresenting my contribution. I object to kids being placed in danger while the minister does not do his job.

The DEPUTY SPEAKER — Order! There is no point of order, but I ask the minister to conclude his response to the member for Malvern.

Mr ROBINSON — I am happy to. Consumer Affairs Victoria has a well-deserved reputation for acting efficiently and effectively in these matters. The member referred to the Premier. I have no disagreement with the Premier, nor he with me, about where we need to move regarding this issue. The Premier has posed the question: 'Can we do things better?'. I believe that we can always attempt to do things better — for example, we can look at working with other jurisdictions and implementing some sort of template system, whereby a ban introduced in any other state would have an automatic effect in Victoria. We could do that, but I am sure that if we proposed what might be theoretically feasible, but something that would have obvious practical impediments, the member for Malvern would be the first to jump up and down and say, 'You can't do that'.

Mr Wynne — Why?

Mr ROBINSON — He would say, 'You can't do that', because how can someone in Western Australia know about product availability and other technical matters associated with Victoria? That is one option which could be pursued, but it is not as straightforward as the member for Malvern would think. Alternatively, or at the same time — —

Mr O'Brien — On a point of order, Speaker, the minister is not even addressing the matter I have raised in the adjournment debate. The minister is entering into a wide-ranging policy debate; if he was actually right, it might be informative for the house. But because he is wrong, could you, Speaker, return him to the relevant adjournment topic?

The DEPUTY SPEAKER — Order! I do not uphold the point of order. During his contribution the member for Malvern introduced other matters. However, I have on a couple of occasions asked the minister to conclude his response. I ask him to do so again. I would really like to learn more about the investigation of toys, because we are in the lead-up to Christmas.

Mr ROBINSON — I can assure the house of one of the things we will continue to do with our inspectors. During the early morning of the day the ban came into effect they were out visiting 190 stores to check compliance. There were only two cases where they found stores which had not taken action to remove Bindeez beads. That action was supplemented by lots of other things that Consumer Affairs Victoria continues to do.

I can assure the member that in the lead-up to Christmas and beyond this government will work through CAV with other jurisdictions to see whether we can further improve the product safety arrangements that we have in place and the media notifications. I can advise the member that it would be much easier if the state government were able to work with a commonwealth government which, on all occasions, exercised the interim ban order powers that it has. In this case the commonwealth government has yet to do it, and that is most regrettable.

Mr WYNNE (Minister for Housing) — The member for Derrimut raised a matter for the Minister for Community Services in relation to services for vulnerable people in the western suburbs of Melbourne. I will refer that matter to the minister.

The member for Murray Valley raised a matter for the Minister for Water in relation to a study of the further viability of the construction of the Big Buffalo dam. I will refer that matter to the minister.

The member the Geelong raised an important matter for the Minister for Police and Emergency Services in relation to resourcing for dealing with young people celebrating schoolies week on the coast after school examinations.

Mr Kotsiras interjected.

Mr WYNNE — Schoolies week! That matter will be addressed by the Minister for Police and Emergency Services.

Mr Kotsiras interjected.

Mr WYNNE — No, I never participated in schoolies week.

The member for Caulfield raised a matter for the attention of the Minister for Health in relation to the adequacy of ambulance services for Mrs Monique Clift whose child experienced difficulties in the Bonnie Doon area.

The member for Narre Warren South raised a matter for the Minister for Roads and Ports in relation to safety barriers and the need to erect them in the Pound Road area in Hampton Park. I will refer that matter.

The member for Benambra raised a matter for the Minister for Community Services in relation to the approval processes for intercountry adoptions; he raised some issues pertaining to that matter. The Minister for Community Services will address those questions.

The member for Northcote raised a matter for the Minister for Roads and Ports in relation to a dangerous intersection at a St Georges Road roundabout.

The member for Mornington raised a matter for the Minister for Environment and Climate Change in the other place vis-a-vis the reclamation of land at Daveys Bay in Mount Eliza to further consolidate pedestrian access in that area. I will direct that matter to the attention of the minister.

Finally, the member for Yan Yean raised a matter for the attention of the Minister for Police and Emergency Services in relation to the need for a heavy tanker for the Wollert Country Fire Authority brigade. I will raise that matter for the attention of the Minister for Police and Emergency Services.

May democracy reach its full bloom on Saturday!

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 5.41 p.m. until Tuesday, 4 December.